



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

EO-1288
(JEA Chron)

Office of Economics, Environmental Analysis and Administration

February 18, 2009

Charlene Dwin Vaughn, AICP
Assistant Director, Office of Federal Agency Programs
Federal Permitting, Licensing and Assistance Section
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 809
Washington, D.C. 20004

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for Exemption to Construct and Operate a Rail Line Between North Pole and Delta Junction, Alaska

Dear Ms. Vaughn:

The Board's Section of Environmental Analysis (SEA) acknowledges and appreciates the Advisory Council on Historic Preservation's (ACHP) November 24, 2008 decision to participate in the development of a Programmatic Agreement (PA) for a proposed rail line between North Pole and Delta Junction, Alaska (Northern Rail Extension). We understand that you have decided to participate because the project "may present important questions of policy or interpretation." Moreover, we also understand your interest and involvement in the Federal Railroad Safety Improvement Act (Public Law 110-432), which directs the ACHP to work with the Secretary of Transportation, the Alaska State Historic Preservation Officer (SHPO), and the Alaska Railroad Corporation to expedite historic preservation reviews for safety-related projects.

In your November 24, 2008 letter, you request additional information in five subject areas. I have provided the information you request below:

1. "Correspondence provided by the Alaska SHPO about the Board's determinations related to the identification and evaluation of historic properties"

Project correspondence between the Alaska SHPO and the Board, and the ACHP and the Board is enclosed with Attachment 1 to this letter. A brief description of the content of letters from the Alaska SHPO follows.

Letter from Alaska SHPO to the Board, dated May 9, 2006: [In response to Board letter dated April 5, 2006.] The Alaska SHPO acknowledges receipt and acceptance of the Site

location model and survey strategy for cultural resources in the Alaska Railroad Northern Rail Extension Project area by Northern Land Use Research, Inc. (December 2005).

Letter from Alaska SHPO to the Board, dated September 5, 2006: [In response to Board letter dated August 18, 2006.] The Alaska SHPO acknowledges receipt of the revised survey and testing strategy in accordance with Section 106 of the National Historic Preservation Act, and agrees that the type of survey employed in investigating the ancillary facilities will be guided by the predictive model; and that all newly reported archaeological sites will continue to be evaluated for eligibility for the National Register of Historic Places (NRHP). The SHPO clarifies that site boundaries would be delineated once the final alternative has been selected. The SHPO will concur on an assessment of effect of the project once the site boundaries for all eligible sites within the area of potential effect are established.

Letter from Alaska SHPO to the Board, dated September 24, 2007: [In response to Board letter dated August 20, 2007.] The Alaska SHPO acknowledges receipt of the reports titled, *Results of the 2006 Cultural Resources Survey of Proposed Alaska Railroad Northern Rail Extension Routes and Ancillary Facilities, Alaska, Volumes I and II* by Northern Land Use Research, Inc. (December 2006) and concurs that the reports meet the requirements of the State of Alaska Field Archaeology Permit. The SHPO concurred that the ten prehistoric sites are eligible for the National Register under criterion D. The SHPO offered comments on the report with respect to identifying other historic properties in the Area of Potential Effects.

Letter from Alaska SHPO to the Board, dated July 16, 2008: [In response to Board letter dated January 16, 2008.] The Alaska SHPO acknowledges receipt of the report titled, *Results of the 2007 Cultural Resources Survey of Proposed Alaska Railroad Northern Rail Extension Routes, Alaska* by Northern Land Use Research, Inc. (November 2007), informally agrees with the recommendations regarding eligibility of the NRHP listed in Appendix B of the report, and concurs that the reports meet the requirements of the State of Alaska Field Archaeology Permit. The SHPO requested a recommendation from the Board, as the lead Federal agency, that they agree with the findings in the report (along with sites identified in 2006).

Letter from Alaska SHPO to the Board, dated November 21, 2008: [In response to Board letter dated October 10, 2008, which made formal determinations of eligibility and notified SHPO that a working draft Programmatic Agreement (PA) would be submitted in the near future for review and comment. The working draft PA was submitted to SHPO on October 31, 2008.] The Alaska SHPO acknowledges receipt of the Board's letter with formal determination of eligibility recommendations. The SHPO concurs that seven of the ten sites determined eligible by the Board and identified in the cultural resources survey reports are eligible for the NRHP under criterion D. However, the SHPO indicates consideration of an archaeological district is needed before they can concur that the remaining three sites are eligible as contributing properties, and reiterates that their records show eligibility determinations for the cabins and other historic features in the project area are still pending. The SHPO asks the Board to consider indirect effects to cultural landscapes, such as the agricultural landscapes of Delta Junction and Eielson Air Force Base, as well as the Trans Alaska Pipeline System. The SHPO looks forward to working with the Board in developing a PA [but did not acknowledge receipt of the working draft PA sent by the Board on October 31, 2008].

2. "The procedure and schedule through which the Board will solicit the views of Native Alaskans about properties of religious and cultural significance to them"

SEA consulted with Federally recognized tribes and other tribal organizations throughout the preparation of the Northern Rail Extension (NRE) Environmental Impact Statement (EIS). Prior to the issuance of the Notice of Intent to Prepare an EIS, SEA informed tribal organizations of the proposed NRE and requested comments on the project. SEA also prepared a Government-to-Government Consultation and Coordination Plan, which listed the Federally recognized tribes, tribal groups, and Alaska Native Regional Corporations included in SEA's consultation efforts (see the table, below). The plan describes the objectives, approach to the consultation process, and provided an opportunity for the recipients to indicate how they wanted to participate further in the government-to-government coordination for the proposed NRE.

After mailing the government-to-government plan and following up with phone calls, SEA received nine questionnaires from Federally recognized tribes, tribal groups, and Alaska Native Regional Corporations. Of the nine questionnaires received, three stated that the organizations involved had no interest in the project and indicated that further consultation would not be required. Six organizations requested to continue to receive project information by mail and to participate in the public involvement process. The Tanana Chiefs Conference requested a meeting with the Board.

SEA met with the Tanana Chiefs Conference in November 2006 and continues to brief the Tanana Chiefs Conference on the results of cultural and archeological fieldwork and findings. The table below lists all of the tribal entities with which SEA has corresponded and their dates of correspondence.

Dates of Correspondence with Tribal Entities Consulted	
Tribal Entity	Dates of Correspondence
Federally Recognized Tribes	
Circle Native Community	11/23/2005; 6/28/2006
Dot Lake Village Council	9/28/2005; 11/7/2005; 6/28/2006; 7/5/2006
Healy Lake Village (Tribal Council)	9/28/2005; 11/7/2005; 6/28/2006
Manley Hot Springs Village	11/23/2005; 6/28/2006; 8/7/2006
Mentasta Traditional Council Office	9/28/2005; 11/7/2005; 6/28/2006
Native Village of Cantwell	11/23/2005; 6/28/2006
Native Village of Chistochina	11/23/2005; 6/28/2006; 8/8/2006
Native Village of Eagle	11/23/2005; 7/14/2006; 6/28/2006
Native Village of Minto	11/23/2005; 6/28/2006; 9/27/2006
Native Village of Stevens	11/23/2005; 6/28/2006
Nenana Native Association (Nenana Native Council)	9/28/2005; 11/7/2005; 6/28/2006; 7/21/2006
Northway Village (Northway Tribal Council)	9/28/2005; 11/7/2005; 6/28/2006
Native Village of Tanacross (Tanacross Village Council)	9/28/2005; 11/7/2005; 6/28/2006

Dates of Correspondence with Tribal Entities Consulted	
Tribal Entity	Dates of Correspondence
Native Village of Tanana	6/28/2006
Native Village of Tetlin (Tetlin Village Council)	9/28/2005; 11/7/2005; 6/28/2006
Rampart Village	11/23/2005; 6/28/2006
Tribal Groups	
Alaska Federation of Natives	11/23/2005; 6/28/2006
Council of Athabascan Tribal Governments	9/28/2005; 11/7/2005; 6/28/2006
Tanana Chiefs Conference	9/28/2005; 11/7/2005; 2/2/2006; 6/28/2006; 8/18/2006
Tok Native Association	9/28/2005; 11/7/2005; 6/28/2006
Yukon River Inter-Tribal Watershed Council	9/28/2005; 11/7/2005; 6/28/2006
Alaska Native Regional Corporations	
Ahtna, Inc.	9/28/2005; 11/7/2005; 6/28/2006; 7/26/2006
Doyon Limited	9/28/2005; 11/7/2005; 6/28/2006; 7/20/2006

3. "A summary of other consulting parties identified and invited to participate in the Section 106 review"

In addition to the invitation extended to your office and the consultation to date with the Alaska SHPO, the Section 106 process involved consultation with the Federal Railroad Administration; the United States Department of the Interior - Bureau of Land Management, Alaska State Office; the United States Army Corps of Engineers, Alaska District; U.S. Department of Defense, Alaskan Command; U.S. Air Force, 354th Fighter Wing, Eielson Air Force Base; and the U.S. Coast Guard, Seventeenth Coast Guard District, pursuant to Section 800.14(b) of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, 16 U.S.C. 470f. All of these parties are included as signatories on the draft PA. Concurring parties to the draft PA include the State of Alaska, Department of Natural Resources; and Healy Lake Village, Village of Dot Lake, Northway Village, Native Village of Tetlin, Native Village of Tanacross, Native Village of Eagle, Nenana Native Association, Native Village of Minto, the Tok Native Association, the Tanana Chiefs Conference, Inc., Doyon, Ltd., and the Upper Tanana Inter-Tribal Coalition (which consists of six previously-mentioned federally recognized tribes).

4. "Measures proposed by the Board to involve the public in the development of a PA for this undertaking"

On November 1, 2005, SEA published the Notice of Intent to Prepare an EIS, Draft Scope of Study, Notice of Scoping Meetings, and Request for Comments in the *Federal Register* (70 FR 65976). The notice also appeared on the Board's Web site. SEA prepared and distributed a newsletter that introduced the NRE; announced SEA's intent to prepare an EIS; requested comments; and gave notice of three public scoping meetings to over 400 citizens; elected officials; Federal, State of Alaska, and local agencies; tribal organizations; and other potentially

interested organizations. SEA considered the agency and public input to the scoping process and on April 3, 2008, issued the final scope of study for the EIS (73 FR 18323). SEA placed the final scope of study on the Board's Web site, and mailed it to approximately 700 individuals, agencies, and other interested parties on SEA's project mailing list. The distribution grew to over 1,400 individuals, groups, or organizations from the communities surrounding the proposed action and alternatives and groups outside the project area that may have an interest in the project by the time the Draft EIS was issued on December 12, 2008. All 1,400 parties on the mailing list received the Draft EIS, which also included the draft PA as an appendix. The Draft EIS was also been posted on the Board's Web site.

SEA posted meeting notices in public locations (e.g., post offices, grocery stores, and restaurants) in the project area and maintains a toll-free project hotline. Notices of public meetings were published in the *Fairbanks Daily News Miner* and the *Anchorage Daily News*.

Public scoping meetings were held in North Pole, Delta Junction, and Anchorage on December 6, 7, and 8, 2005, respectively. The scoping comment period closed on January 13, 2006. Public meetings on the Draft EIS were held in Fairbanks, North Pole, Salcha, and Delta Junction on January 12, 13, 14, and 15, 2009, respectively. The Draft EIS public comment period ended February 2, 2009. SEA also held meetings with Federal and state agency representatives in Fairbanks and Anchorage during both sets of public meetings.

5. "The status of drafting stipulations in the PA to complete identification and evaluation, assess effects, and develop treatment and/or mitigation measures"

We have enclosed a copy of the draft PA for your review (see Attachment 2). The PA includes a process to complete identification of historic properties and assessment of effect, develop treatment, and monitoring. Our office sent a copy of the draft PA to the Alaska SHPO on October 31, 2008; however, we have not received comments on the document to date. We intend to set up a meeting/teleconference with the Alaska SHPO to discuss the draft PA and other cultural resources concerns and we would like to invite you to participate when scheduled.

In addition to the items requested in your November 24, 2008 letter, we have also enclosed for your files a second set of the cultural resources survey reports that were completed in 2006 and 2007 for this project (see Attachment 3).

Thank you for your participation in this project. If you have any further questions, please do not hesitate to contact Dave Navecky, SEA's Project Manager, at 202-245-0294.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure(s)

Attachment 1 - Copies of correspondence among the Board, the Alaska SHPO, and the ACHP

Attachment 2 - Draft PA

Attachment 3 - Cultural Resources Survey Reports for NRE



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 6, 2005

Judy Bittner
State Historic Preservation Officer
Alaska Department of Natural Resources
550 W. 7th Ave., Suite 1310
Anchorage, AK 99501-3565

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation -- Petition for Exemption to Construct and Operate a Rail Line Between Eielson Air Force Base (North Pole) and Fort Greely (Delta Junction), Alaska

Dear Ms. Bittner:

The Alaska Railroad Corporation intends to file a petition with the Surface Transportation Board (Board), pursuant to 49 U.S.C. 10502, requesting authority to construct and operate a new rail line from Eielson Air Force Base to Fort Greely, Alaska. The Board would be the Federal agency responsible for granting authority for the construction and operation of the proposed new rail line. The Section of Environmental Analysis (SEA) is the office within the Board responsible for preparing the appropriate National Environmental Policy Act (NEPA) documentation for railroad construction and operation cases that come before the Board.

While SEA plans to initiate the scoping process for the preparation of an Environmental Impact Statement later this summer or fall, we would like to meet with representatives of interested Federal, state and local agencies as early as possible. At these meetings, Mr. David Navecky, the Project Manager for SEA for this environmental review, would like to discuss the project in general terms and provide an overview of SEA's forthcoming environmental review process. We are hoping that you are available sometime during mid June to meet with Mr. Navecky and his team. The team includes ICF Consulting, which is serving as the independent third-party consultant to assist SEA with the NEPA review process. A member of ICF's team will contact you to determine whether your agency has an interest in meeting during that time. I have provided some information about the project below.

Project Description

The proposed Northern Rail Extension Project would involve the construction of approximately 80 miles of new rail line connecting the existing rail line near Eielson Air Force Base near North Pole, Alaska to Fort Greely and the Donnelly Training Area near Delta Junction, Alaska (see attached map). The proposed rail line would cross the Tanana River, possibly near Flag Hill, allowing the U.S. Army year-round access to the Tanana Flats and Donnelly training areas. The proposed project would include the construction of a 15-mile spur line from the vicinity of Flag Hill to the Blair Lakes Military Training Area. Construction of the proposed rail line would also provide all the major military installations in Alaska with rail access to the Port of Anchorage.

If you have any questions please do not hesitate to contact Alan Summerville, ICF Consulting Project Manager, at (703) 934-3616 or Dave Navecky, SEA Project Manager, at (202) 565-1593.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Rutson".

Victoria Rutson
Chief
Section of Environmental Analysis

Attachment



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

EO-303

Office of Economics, Environmental Analysis and Administration

April 5, 2006

Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 West 7th Ave., Suite 1310
Anchorage, AK 99501-3565

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for Exemption to Construct and Operate a Rail Line Between Eielson Air Force Base (North Pole) and Fort Greely (Delta Junction), Alaska

Dear Ms. Bittner:

I am writing to ask for your approval of a site location model and survey strategy described in detail below and enclosed. I have also provided some background information about the proposed project, which I understand you are acquainted with, as well as an explanation of how we anticipate implementing the model and survey, subject to your review and approval.

Background

The Alaska Railroad Corporation intends to file a petition with the Surface Transportation Board (Board), pursuant to 49 U.S.C. 10502, requesting authority to construct and operate a new rail line from North Pole to Delta Junction, Alaska. The Board would be the Federal agency responsible for granting authority for the construction and operation of the proposed new rail line. The Section of Environmental Analysis (SEA) is the office within the Board responsible for preparing the appropriate National Environmental Policy Act (NEPA) documentation for railroad construction and operation cases that come before the Board.

As previously communicated to you, SEA is preparing an Environmental Impact Statement (EIS) to evaluate the potential environmental impacts of the Northern Rail Extension Project, including consideration of cultural resources. ICF Consulting is serving as the independent third-party consultant to assist SEA with the EIS. Northern Land Use Research, Inc. (NLUR) is the cultural resources subcontractor to ICF Consulting.

Description of the Site Location Model and Survey Strategy

Following consultation with your office, NLUR has prepared the enclosed site location model and survey strategy in order to provide the SHPO and other regulatory agencies with the data and information necessary to permit a cultural resource survey of the proposed railroad alignments. The site location model -- developed within a Geographic Information System (GIS) framework -- is used to demarcate high-moderate and low probability areas for the location of cultural materials within the project area. Using the site location model, we believe that we will be able to maximize the discovery of cultural resources and to optimize survey strategies (level of intensity and efficiency of different survey types).

Based on our research, high-moderate probability areas for site location would be ground surveyed (119.7 linear km, 28% of total proposed alignments), and low probability areas would be surveyed through low-altitude, low-speed helicopter overflight and spot ground testing (304.7 km, the remaining 72% of the total proposed alignments). Verification measures for the model have been built in by incorporating these alternative field survey strategies. Since all of the alignments will be surveyed to some level, a more refined model can be constructed on the basis of data gathered during the course of the proposed 2006 fieldwork.

The results of the 2006 field survey will be incorporated into the EIS. The ground survey is defined as the minimum level of effort to meet Level II (Evaluation Phase) survey requirements by the SHPO (i.e., gathering sufficient data for a determination of eligibility to the National Register of Historic Places). Future cultural resource work will depend on the evaluations (and SHPO concurrence) and predicted adverse impacts due to the Northern Rail Extension Project.

We request your approval of this site location model and associated survey strategy for the proposed Northern Rail Extension Project.

If you have any questions about the project please do not hesitate to contact Dave Navecky, SEA Project Manager, at 202-565-1593 or Alan Summerville, ICF Consulting Project Manager, at 703-934-3616.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure

E1-2469

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY

550 W 7th Ave, SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 269-8721
FAX: (907) 269-8908

May 9, 2006

File No.: 3130-1R Surface Transportation Board

SUBJECT: Construct and operate rail line between Eielson Air Force Base (North Pole) and Fort Greely (Delta Junction), Alaska

Victoria Rutson
Surface Transportation Board
Office of Economics, Environmental Analysis and Administration
Washington, DC 20423

Dear Ms. Rutson,

The State Historic Preservation Office received on April 6, 2006, your letter regarding the referenced project and the attached report titled *Site location model and survey strategy for cultural resources in the Alaska Railroad Northern Rail Extension Project area* by Northern Land Use Research, Inc. (December 2005). We also met/teleconferenced with Dave Navecky (SEA Project Manager), Alan Summerville (ICF Consulting), Bob King (BLM) and Peter Bowers and Ben Potter (NLUR) on April 19, 2006 regarding this project. Based on the meeting and our review of the report, we find the proposed site location model and survey strategy acceptable.

Please contact Stefanie Ludwig at 269-8720 if you have any questions or if we can be of further assistance.

Sincerely,



Judith E. Bittner
State Historic Preservation Officer

JEB:sll

Cc: Alan Summerville, ICF Consulting Service, LLC



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

August 18, 2006

Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 West 7th Ave., Suite 1310
Anchorage, AK 99501-3565

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition
for Exemption to Construct and Operate a Rail Line Between North Pole and
Delta Junction, Alaska

Dear Ms. Bittner:

This letter serves to formally delineate the minor deviations from the originally submitted and agreed-upon survey strategy (Potter 2005), and to formalize the verbal agreements reached in the July 28, 2006 meeting and teleconference attended by representatives of your office, the Board's Section of Environmental Analysis (SEA), and SEA's third-party contractor team, including ICF International and Northern Land Use Research, Inc. (NLUR).

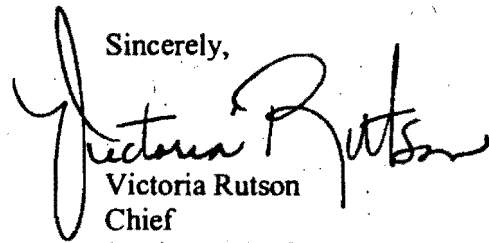
NLUR is now working from the "Revision 4" version of alignment alternatives and associated ancillary facilities information provided by the Alaska Railroad Corporation (ARRC) in July 2006, which supersedes the previously reported Revision 3a alignment alternates series. With the addition of about 54 miles of alignment (by Revision 4 as compared to Revision 3a), NLUR has altered the survey strategy somewhat. Here are the specific changes in the survey strategy:

- All ancillary facilities are being analyzed with respect to the predictive model (Potter 2005), rather than being ground surveyed 100 percent. Most of these ancillary facilities are in areas with relatively low site potential, and are being surveyed through Type A surveys (helicopter-based surveys with localized areas of testing). Others are in higher potential locations and are being surveyed through Type B surveys (ground-based transects and localized areas of testing).
- A full Phase 2 (Evaluation Phase) level-of-effort was described in the survey strategy/predictive model document (Potter 2005). NLUR is testing discovered sites to obtain necessary information to complete a Determination of Eligibility (DOE) to the National Register of Historic Places. However, given the number of sites and the

fact that most of them were discovered in subsurface contexts, NLUR is analyzing the sites in a less intensive manner, as agreed in principle during the July 28, 2005 meeting. Enough information is being gathered to assess context, integrity, stratigraphic position, age (if possible), diagnostics, and overall technology. Site extent (identifying the borders of located sites) is not being addressed in our field effort, given the limited helicopter availability, limited field season, and depth/complexity of the buried sites.

All other aspects of the survey are following the Predictive Model and Survey Plan document (Potter 2005). If you have any questions or comments please do not hesitate to contact Dave Navecky, SEA Project Manager, at 202-565-1593 or Alan Summerville, ICF Consulting Project Manager, at 703-934-3616.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson
Chief

Section of Environmental Analysis

REFERENCES CITED:

Potter, Ben A. 2005. *Site Location Model and Survey Strategy for Cultural Resources in the Alaska Railroad Northern Rail Extension Project Area*. Prepared for ICF Consulting Services, LLC, by Northern Land Use Research, Inc., Fairbanks.

EI-2704

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

**DIVISION OF PARKS AND OUTDOOR RECREATION
OFFICE OF HISTORY AND ARCHAEOLOGY**

550 W 7th Ave. SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 269-8721
FAX: (907) 269-8908

September 5, 2006

File No.: 3130-1R Surface Transportation Board

SUBJECT: Construct and operate rail line between Eielson Air Force Base (North Pole) and Fort Greely (Delta Junction), Alaska

Victoria Rutson
Surface Transportation Board
Office of Economics, Environmental Analysis and Administration
Washington, DC 20423

Dear Ms. Rutson,

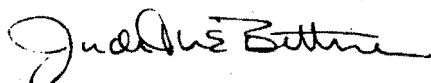
The State Historic Preservation Office (SHPO) received on August 18, 2006, your letter regarding the referenced project. We have reviewed your revised survey and testing strategy in accordance with Section 106 of the National Historic Preservation Act.

We agree with the following:

- The type of survey employed in investigating the ancillary facilitates will be guided by the predictive model: (A) helicopter based survey and localized testing in low potential areas; and (B) ground based survey and localized testing in high potential areas.
- All newly reported archaeological sites will continue to be evaluated for eligibility for the National Register of Historic Places. Site boundaries however, do not need to be delineated for this phase of the project. Once the final alternative has been selected, site boundaries must be established of all eligible sites within the area of potential effect. Only then will the SHPO be able to concur on an assessment of effect of this project.

Please contact Stefanie Ludwig at 269-8720 if you have any questions or if we can be of further assistance.

Sincerely,



Judith E. Birtner
State Historic Preservation Officer

JEB:sl

Cc: Alan Summerville, ICF Consulting Service, LLC



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

EO-1056

Office of Economics, Environmental Analysis and Administration

August 20, 2007

Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 West 7th Ave., Suite 1310
Anchorage, Alaska 99501-3565

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for Exemption to Construct and Operate a Rail Line Between North Pole and Delta Junction, Alaska

Dear Ms. Bittner:

Please find enclosed the 2006 cultural resources survey and evaluation for the above-referenced project for your review pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C § 470f). This report was prepared for the Board's Section of Environmental Analysis (SEA) by our third-party contracting team including ICF International and Northern Land Use Research, Inc. (NLUR). The *Results of the 2006 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes and Ancillary Facilities; Alaska*, in 2 volumes, includes all cultural resource survey results, site forms, and determination of eligibility recommendations for the above undertaking for 2006. This report meets the stipulations under State of Alaska Field Archaeology Permit 2006-08 (as well as BLM Fieldwork Authorization/USDOI Cultural Resource Use Permit AA86535).

Please note that the enclosed report does not include the results from the 2007 cultural resources investigation. The 2007 field work was recently completed and a separate report is currently being prepared and will be provided to you as soon as it's available.

If you have any questions about the project please do not hesitate to contact Dave Navecky, SEA Project Manager, at (202) 245-0294 or Alan Summerville, ICF Project Manager, at (703) 934-3616. Specific technical questions may be directed to our cultural resources third-party subcontractor (NLUR), Peter Bowers or Dr. Ben Potter at (907) 474-9684.

Sincerely,

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure

cc: Bob King, BLM

SARAH PALIN, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

OFFICE OF HISTORY AND ARCHAEOLOGY

550 W. 7TH AVENUE, SUITE 1310
ANCHORAGE, ALASKA 99501-3565
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FAX: (907) 269-8908

September 24, 2007

File No.: 3130-1R Surface Transportation Board

SUBJECT: Northern Rail Extension, Eielson Air Force Base (North Pole) to Fort Greely
(Delta Junction), Alaska; State of Alaska Field Archaeology Permit 2006-08

Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
Office of Economics, Environmental Analysis and Administration
Washington, DC 20423

Dear Ms. Rutson,

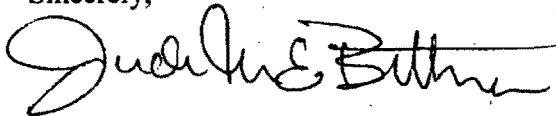
The State Historic Preservation Office (SHPO) received your letter and the attached report titled *Results of the 2006 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes and Ancillary Facilities, Alaska, Volumes I and II* by Northern land Use Research, Inc. (December 2006) on August 23, 2006. We have reviewed the report and find that it meets the requirements of the State of Alaska Field Archaeology Permit.

We also reviewed the report in accordance with Section 106 of the National Historic Preservation Act and offer the following comments in regard to identifying historic properties in the area of potential effect:

1. We agree that the prehistoric sites are eligible for the National Register under criterion D.
2. We need more information on the cabins and other historic features before we can concur that they are not eligible for the National Register. They should be evaluated under their historic context (for example, 20th century trapping in interior Alaska). If a cabin has lost historic integrity due to recent modifications, then these changes should be described. Also, keep in mind that a collapsed cabin may still be eligible under criterion D.
3. Be sure to evaluate properties that may be indirectly affected by this project. Examples include the agricultural landscape near Delta Junction and Eielson Air Force Base as well as the Trans Alaska Pipeline System. Both features are in close proximity to the rail corridor and must be evaluated for eligibility prior to an assessment of effects.
4. The photographs in the report appear to be black and white photo copies and are difficult to decipher. Future report submissions should have higher quality figure reproductions.

Please consider these comments when requesting our concurrence on the Surface Transportation Board's findings of eligibility and effect (*36 CFR 800.4 and 800.5*). You may contact Stefanie Ludwig (269-8720) or Doug Gasek (269-8726) if you have any questions or if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Judith E. Bittner". The signature is fluid and cursive, with the first name "Judith" being the most prominent part.

Judith E. Bittner
State Historic Preservation Officer

JEB:sl



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

January 16, 2008

Judith Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 West 7th Ave., Suite 1310
Anchorage, Alaska 99501-3565

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for Exemption to Construct and Operate a Rail Line Between North Pole and Delta Junction, Alaska

Dear Ms. Bittner:

Please find enclosed the 2007 cultural resources survey and evaluation for the above-referenced project for your review pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C § 470f). This report was prepared for the Board's Section of Environmental Analysis (SEA) by our third-party contracting team including ICF International and Northern Land Use Research, Inc. (NLUR). The *Results of the 2007 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes, Alaska* includes all cultural resource survey results, site forms, and determination of eligibility recommendations for the above undertaking for 2007. This report meets the stipulations under State of Alaska Field Archaeology Permit 2007-12 (as well as BLM Fieldwork Authorization/USDOI Cultural Resource Use Permit AA-87527).

Please note that the enclosed report serves as a supplement to the 2006 Level 2 survey report (*Results of the 2006 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes and Ancillary Facilities, Alaska*), which was prepared by the same third-party contracting team and submitted for your review in August, 2007. In response to your comments on the 2006 report, the graphics in the 2007 report are provided in color. In addition to the hard copy of the 2007 report, we have also enclosed a CD containing the 2006 and 2007 reports in color. Please let us know if you would like a hard copy of the 2006 report in color as well.

If you have any questions about the project please contact Dave Navecky, SEA Project Manager, at (202) 245-0294 or Alan Summerville, ICF Project Manager, at (703) 934-3616. Specific technical questions may be directed to our cultural resources third-party subcontractor (NLUR), Peter Bowers or Dr. Ben Potter at (907) 474-9684.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure

cc: Bob King, BLM

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

OFFICE OF HISTORY AND ARCHAEOLOGY

SARAH PALIN, GOVERNOR

550 W. 7TH AVENUE, SUITE 1310
ANCHORAGE, ALASKA 99501-3565
PHONE: (907) 269-8721
FAX: (907) 269-8908

July 16, 2008

File No.: 3130-1R Surface Transportation Board

SUBJECT: Northern Rail Extension, Eielson Air Force Base (North Pole) to Fort Greely (Delta Junction), Alaska

Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
Office of Economics, Environmental Analysis and Administration
Washington, DC 20423

Dear Ms. Rutson,

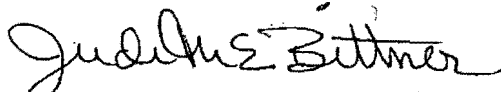
The State Historic Preservation Office (SHPO) received your letter and the attached report titled *Results of the 2007 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes, Alaska* by Northern Land Use Research, Inc. (November 2007) on January 17, 2008. We have reviewed the report in accordance with Section 106 of the National Historic Preservation Act. The excavation results of XBD-298 (Chapter 5) are impressive and confirm the potential for very deeply buried and very early, multi-component archaeological sites in the project area.

We informally agree with the recommendations regarding eligibility for the National Register of Historic Places listed in Appendix B of the report. To formally concur however, we need to know whether the Surface Transportation Board, as the lead Federal agency, agrees with the findings in the report (as with the sites reported in 2006). As you are aware, 36 CFR 800.2(a)(3) allows Federal agencies to use the services of consultants to prepare information, analysis and recommendations, however the Federal official remains responsible for all findings of eligibility and effect.

We have also reviewed the report in accordance with *Alaska Statutes 41.35.080* and find that it meets the requirements of the State of Alaska Field Archaeology Permit issued to the contractor.

We look forward to continued consultation with you regarding this undertaking. Please contact Stefanie Ludwig (269-8720) if you have any questions or if we can be of further assistance.

Sincerely,



Judith E. Bittner
State Historic Preservation Officer

JEB:sl

Cc: Peter Bowers, Northern Land Use Research, Inc.



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

October 10, 2008

Judith E. Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 West 7th Ave., Suite 1310
Anchorage, Alaska 99501-3565

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for Exemption to Construct and Operate a Rail Line Between North Pole and Delta Junction, Alaska

Dear Ms. Bittner:

In January 2008, I sent you a copy of the 2007 cultural resources survey and evaluation report for the proposed Northern Rail Extension (NRE) for your review and comment, pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C § 470f). The report, *Results of the 2007 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes, Alaska* (November 2007) was prepared for the Surface Transportation Board's Section of Environmental Analysis (SEA) by our third-party contracting team including ICF International and Northern Land Use Research, Inc. (NLUR).

Thank you for your response letter of July 16th in which you informally agreed with the report's recommendations regarding resource eligibility. As the lead agency for the Section 106 process on the Northern Rail Extension, SEA concurs with the findings of the report with regard to site eligibility. At this time we would like your concurrence on the site eligibility discussed in the report, which will assist us in preparation of the Environmental Impact Statement (EIS) comparing the potential environmental impacts associated with the project.

SEA is developing a Programmatic Agreement (PA), in accordance with Section 800.14(b) of the regulations (36 CFR Part 800) implementing Section 106. The PA will govern implementation of the remainder of the Section 106 process. If the proposed project is approved and an alignment for the new rail is chosen, Level 2 cultural resource surveys would be completed and SEA would issue a formal determination of effects.

I will forward a working draft of the PA to you in the near future for your review and comment. A draft of the PA will also be included in the Draft EIS for all interested parties to

review and comment upon. SEA anticipates issuing the Draft EIS ready later this Fall. I will provide you with a copy of this document separately.

If you have questions please contact Dave Navecky, SEA Project Manager, at (202) 245-0294 or Alan Summerville, ICF Project Manager, at (703) 934-3616. Specific technical questions may be directed to our cultural resources third-party subcontractor (NLUR), Peter Bowers or Dr. Ben Potter at (907) 474-9684.

Sincerely,

A handwritten signature in cursive script, appearing to read "Victoria Rutson".

Victoria Rutson
Chief
Section of Environmental Analysis



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

October 31, 2008

Judith E. Bittner
State Historic Preservation Officer
Alaska Office of History and Archaeology
550 West 7th Ave., Suite 1310
Anchorage, Alaska 99501-3565

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for
Exemption to Construct and Operate a Rail Line Between North Pole and Delta
Junction, Alaska

Dear Ms. Bittner:

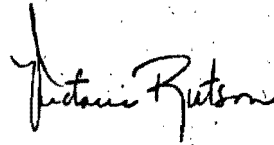
For your review and comment, please find attached a draft Programmatic Agreement (PA) for the proposed Northern Rail Extension project (NRE or Undertaking). The Board's Section of Environmental Analysis (SEA) developed the PA in accordance with Section 800.14(b) of the regulations (36 CFR Part 800) implementing Section 106. Once executed, the PA would govern implementation of the remainder of the Section 106 process for the Undertaking. If the Board authorizes construction and operation of the NRE, Level 2 cultural resource surveys would be completed on the approved alignment and SEA would issue a formal determination of effects.

This draft of the PA will also be included in the Draft Environmental Impact Statement (EIS) that SEA and several cooperating agencies are preparing for the proposed NRE. The Draft EIS will identify potential environmental impacts associated with the project, and will be distributed to government agencies, tribal organizations and other interested parties for review and comment. SEA anticipates issuing the Draft EIS later this Fall and will provide a copy to you when it becomes available.

If you have questions please contact Dave Navecky, SEA Project Manager, at 202-245-0294 or Alan Summerville, ICF Project Manager, at 703-934-3616. Please feel free to direct and specific technical questions to our cultural resources third-party subcontractor (NLUR), Peter Bowers or Dr. Ben Potter at 907-474-9684.

Thank you for your ongoing assistance and cooperation on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure

**PROGRAMMATIC AGREEMENT
AMONG**

**SURFACE TRANSPORTATION BOARD,
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
ALASKA STATE HISTORIC PRESERVATION OFFICER,
U.S. BUREAU OF LAND MANAGEMENT, ALASKA STATE OFFICE,
U.S. ARMY CORPS OF ENGINEERS, ALASKA DISTRICT,
U.S. DEPARTMENT OF DEFENSE, ALASKAN COMMAND,
U.S. AIR FORCE 354th FIGHTER WING, EIELSON AIR FORCE BASE,
FEDERAL TRANSIT ADMINISTRATION,
FEDERAL RAILROAD ADMINISTRATION,
AND U.S. COAST GUARD, SEVENTEENTH COAST GUARD DISTRICT**

REGARDING

**THE ALASKA RAILROAD CORPORATION, NORTHERN RAIL EXTENSION
BETWEEN NORTH POLE AND DELTA JUNCTION, ALASKA**

STB Finance Docket No. 34658

WHEREAS, the Surface Transportation Board (STB)¹, the lead Federal agency, has received an application for the construction and operation of a rail line by the Alaska Railroad Corporation (ARRC or applicant), extending its existing system between North Pole and Delta Junction, Alaska (Undertaking); and,

WHEREAS, the STB has determined that the proposed project is an Undertaking which may have an effect upon historic properties included on or eligible for inclusion on the National Register of Historic Places (NRHP), the full extent of which is unknown, and is in consultation with the Advisory Council on Historic Preservation (ACHP); Federal Transit Administration (FTA); Federal Railroad Administration (FRA); the United States Department of the Interior - Bureau of Land Management, Alaska State Office (BLM); the United States Army Corps of Engineers, Alaska District (USACE); U.S. Department of Defense, Alaskan Command (ALCOM); U.S. Air Force, 354th Fighter Wing, Eielson Air Force Base (354th Fighter Wing); U.S. Coast Guard (USCG), Seventeenth Coast Guard District; and the Alaska State Historic Preservation Officer (SHPO), pursuant to Section 800.14(b) of the regulations (36 CFR Part 800) implementing Section 106 of the

¹ The Surface Transportation Board (STB) was created with the passage of the ICC Termination Act of 1995 (Pub. L. No. 104-88). The STB, an independent agency administratively housed within the U.S. Department of Transportation, is responsible for administering rail, pipeline, and certain adjudicatory functions involving motor and water carriers. These responsibilities are similar to those duties formerly administered by the Interstate Commerce Commission. The STB is the lead agency under the National Environmental Policy Act (NEPA) for the Northern Rail Extension Project.

National Historic Preservation Act, 16 U.S.C. 470f (NHPA); and,

WHEREAS, the STB, ACHP and SHPO are Signatories pursuant to 36 CFR 800.6(c)(1) and have authority to execute, amend or terminate this Programmatic Agreement (Agreement); and,

WHEREAS, the FTA, FRA, BLM, USACE, ALCOM, 354th Fighter Wing, USCG and ARRC are Invited Signatories pursuant to 36 CFR 800.6(c)(2) and have authority to amend or terminate this Agreement; and,

WHEREAS, the State of Alaska's Department of Natural Resources (ADNR) and invited Tribes and Indian Organizations are Concurring Parties pursuant to 36 CFR 800.6(c)(3). The refusal of any party invited to concur with this Agreement does not invalidate the Agreement; and,

WHEREAS, STB has consulted with and continues to consult with the Indian Tribes and Alaska native corporations outlined in Appendix A.3 of this Agreement who may attach a religious and/or cultural significance to properties that may be affected by the Undertaking and these Tribes have been invited to participate in this Agreement as Concurring Parties; and

WHEREAS, the STB, as lead Federal agency, in conjunction with the FTA, FRA, BLM, USACE, ALCOM, 354th Fighter Wing, Alaska DNR, and USCG (i.e., cooperating agencies) has prepared an Environmental Impact Statement (EIS) in accordance with the requirements of the National Environmental Policy Act (NEPA) to address the potential impacts of the Undertaking on a variety of human and natural resources; and,

WHEREAS, the STB, in consultation with the Signatories and Invited Signatories, developed an Identification Plan (ID Plan) for inventory of cultural resources prior to construction, and has conducted cultural resource inventories for a range of alternatives, which were subsequently narrowed down for inclusion in the EIS. Efforts thus far have included 949 shovel test pits across 5,382 acres of track alignment and 2,339 acres of ancillary facility locations, and have identified a total of 63 cultural resource sites in this largely unstudied area of interior Alaska (see Potter 2006, *Site Location Model and Survey Strategy for Cultural Resources in the Alaska Railroad Northern Rail Extension Project Area*; Potter et al. 2007a, *Results of the 2006 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes and Ancillary Facilities, Alaska*, and Potter et al. 2007b, *Results of the 2007 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes, Alaska*); and,

WHEREAS, the STB has made determinations of resource eligibility for the National Register of Historic Places (NRHP) for certain historic properties within the project area and SHPO has concurred with those findings; and,

WHEREAS, the applicable requirements of the NHPA, the American Indian Religious Freedom Act, 42 U.S.C. 1996 et. seq. (AIRFA), and the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 et. seq. and 43 CFR 10 (NAGPRA), have been considered in the development of the ID plan and this agreement does not waive the responsibilities of the Signatories and Invited Signatories under these acts and regulations; and,

WHEREAS, the STB has determined that this Undertaking may affect historic properties eligible for the NRHP during the life span of this Undertaking; and has consulted with the ACHP and the SHPO pursuant to Section 800.14(b) of the regulations (36 CFR 800) implementing Section 106 of the NHPA; and

WHEREAS, the STB has deferred final identification and evaluation of historic properties that may be effected by this Undertaking through the establishment of this Agreement; and,

WHEREAS, the ACHP has been invited to participate in this Agreement.

NOW, THEREFORE, the Signatories and Invited Signatories to this Agreement consent that the proposed Undertaking shall be implemented in accordance with the following stipulations in order to consider the effect of the Undertaking on historic properties and to satisfy all Section 106 NHPA responsibilities for all aspects of the Undertaking.

STIPULATIONS

The STB shall ensure that the following measures are carried out:

I. Administrative Considerations:

- A. The STB and Invited Signatories shall attach this Agreement or the measures (stipulations) called for in this Agreement to any Record(s) of Decision (ROD), approved permit(s), or other condition(s) issued for this Undertaking so that this Agreement and its requirements become legally enforceable and binding on those actions.
- B. This Agreement and all of its requirements shall be binding on ARRC, as the current applicant for STB authorization, and on its heirs, successors, and assignees.
- C. Because of both singular and overlapping legal authorities and purviews among the Signatories and Invited Signatories regarding individual Undertaking components or activities, any or all of these agencies may be responsible to carry out the terms of this Agreement for a given Undertaking component or activity. That agency or agencies that has/have purview over a given Undertaking component or activity is referred to in this Agreement as the "responsible agency(ies)," hereinafter. To promote coordination among the agencies and to expedite the conduct of tasks pursuant to this Agreement, the responsible agency(ies) can make informal arrangements among themselves regarding the implementation of this Agreement so long as the substance of this Agreement is followed. However, if there is more than one agency with purview over a given Undertaking component or activity, all involved agencies shall remain aware of the substance, progress, and any problems with implementing this Agreement for that Undertaking component or activity and remain involved to prevent and

resolve problems. For certain larger Undertaking components and activities, it may be advisable for all involved agencies to carry out the terms of this Agreement jointly.

- D. No later than 30 days after issuance of any STB Final Decision granting ARRC the authority to construct and operate the Undertaking, the STB and the SHPO shall consult and develop an Agency Consultation and Coordination Plan (ACCP) that outlines how the agencies shall coordinate with each other in carrying out the terms of this Agreement. The ACCP shall include a list of anticipated Undertaking components and activities and which agency will be the "responsible agency(ies)" for each. The ACCP should also include procedures for review and approval of resource determinations, treatment plans, any preliminary field reports, and final technical reports, according to the reporting structure described in Stipulation IX(C) of this Agreement. This ACCP may be amended as needed by these parties.
- E. The Signatories and Invited Signatories shall enforce the terms of this Agreement, approvals, and other conditions that incorporate this Agreement and its terms. Each shall notify the others if any of them becomes aware of an instance of possible non-compliance with the terms and conditions of this Agreement or permit or conditions as they relate to this Agreement. In such case, the "responsible agency(ies)" shall ensure compliance consistent with its/their legal authorities and consult with the other agencies, as needed.

II. Historic Properties, Areas of Potential Effect, and the Applicability of this Agreement:

- A. This Agreement shall apply to the Undertaking and all components of it, including actions specified in the EIS, permits and approvals, or other documents so long as they are within the jurisdiction of the STB and Invited Signatories.
- B. The STB has made a reasonable and good faith effort to identify and evaluate historic properties eligible for the NRHP for the purposes of comparing impacts in the EIS. A total of 63 cultural resource sites were discovered during the 2006 and 2007 surveys, including 51 prehistoric/subsurface sites and 12 historic sites. Forty seven sites (75% of total) were considered eligible to the NRHP, 7 (11%) were considered not eligible, and 4 (6%) require more data (Potter et al. 2007a and 2007b; and letters from SHPO to STB dated 9/24/07 and 7/16/08 documenting consensus agreement with these findings).
- C. This Programmatic Agreement is being implemented because the impacts of the proposed Undertaking can not be completely known at this time. The STB and SHPO have reached consensus agreement on historic properties identified in the 2006 and 2007 surveys. STB will provide final determinations of eligibility for the National Register and findings of effect to the SHPO for concurrence for those sites that are identified within the APE. It is further anticipated that such agency

action shall occur after execution of this Agreement, the APE is further refined (as may be needed) based on final design of the Undertaking, and after such time as the STB issues a decision on the application to construct and operate a new rail line by ARRC. Any future refinements to an APE in conjunction with this Undertaking shall be made in consultation with the SHPO, consistent with 36 CFR 800.4. All determinations of APE and of the effects of the Undertaking shall take into account the professional standards, guidance, and research of both the cultural resources and railroad design professions. Consistent with 36 C.F.R. § 800.4(d)(1), the STB may determine that there are historic properties within the APE, but that the Undertaking will have no effect on them.

III. Tribal Consultation:

STB initiated consultation with the tribal organizations outlined in Appendix A.3 of this Agreement regarding the Section 106 process, in conjunction with the preparation of the EIS. Consultation will continue as the terms of this Agreement are carried out. No later than 30 days after issuance of any STB Final Decision granting ARRC the authority to construct and operate the Undertaking, and prior to the initiation of construction in an area previously identified through the section 106 process as being eligible to the NRHP, STB, in consultation with the SHPO and tribal organizations, shall develop a Tribal Consultation Plan (TCP) that outlines procedures for agencies to consult with tribal organizations in carrying out the terms of this Agreement. This TCP shall be acceptable to the tribal organizations and describe when and how these organizations shall be consulted, the contact names and information for each organization, procedures for review of treatment plans (as appropriate), and other matters. This TCP may be amended as needed. The procedures in the TCP will be integrated into the ACCP and the agencies' implementation of this Agreement as necessary.

IV. Identification Plan for Historic Properties and Assessment of Effects:

- A. Additional identification and evaluation efforts for cultural resources may be required as the activities related to this Undertaking progress, including (but not limited to):
 - 1. Any areas of surface/subsurface disturbance related to this Undertaking and within the jurisdiction of the STB authority, including rail alignments as well as ancillary facilities, staging areas, and borrow areas, which are outside the 200-foot-wide APE surveyed in 2006-2007.
 - 2. Portions of any alternative or alignment for which ARRC has received authority from the STB to construct and operate that were not surveyed during the 2006-2007 investigations, such as portions of the Salchaket Village that were not surveyed due to the presence of private property and native allotments.
 - 3. Previously identified sites within the surveyed APE, and along the alignments

that may receive authorization from the STB to construct and operate, which require additional evaluation to establish boundaries and/or to determine the effects of the Undertaking.

- B. Additional identification and evaluation efforts shall follow the administrative and consultation procedures established in the ACCP and TCP, as described in Stipulations I(D) and III. Additional identification and evaluation shall conform with Federal and state guidelines for fieldwork in Alaska, be compatible with previous investigations for this Undertaking, and may include a phased approach to testing and evaluation, as described in 36 CFR 800.4b2 and 800.5a3.
- C. The STB, as the lead agency, shall review identification and evaluation efforts and prepare final determinations of site eligibility and assessment of effect for concurrence by the SHPO.

V. Treatment of Historic Properties:

- A. Any design changes, modifications, and refinements of the Undertaking shall endeavor to avoid impacts to cultural resources.
- B. For historic properties determined by the STB as eligible for the NRHP that cannot be avoided by the Undertaking, ARRC shall develop a treatment plan to minimize or mitigate the effects. Treatment plans shall be developed in consultation with STB, SHPO, the Invited Signatories, and tribal organizations that may attach religious and/or cultural significance to the identified property. During the preparation of treatment plans, the STB shall consider the views of these parties and the public. All treatment plans must be approved by STB, SHPO, any land managing agencies (as appropriate to their jurisdiction), and any tribes (as appropriate) prior to implementation. Under 43 CFR 7.7(a) "Protection of Archaeological Resources," tribes that consider any sites on public lands within the APE as having sacred or cultural importance have 30 days within which to comment on the treatment plans.
 - 1. *Most historic properties identified through the 2006 and 2007 surveys are archaeological sites. For historic properties that are archaeological in nature and significant for their research data potential (criterion D), the treatment measures may follow standard mitigation through data recovery. Treatment plans for data recovery shall include, at a minimum, a research design with provisions for data recovery and recordation, analysis, reporting, and curation of resulting collection and records, and shall be consistent with the Secretary of Interior's Standards and Guidelines (48 FR 44734-44737). Treatment plans must be consistent with easement and permit requirements of other agencies, when applicable. To the extent possible, treatment plans should group related sites or areas, so that the treatment of related resources can be considered in context, and to minimize the burden of review and approval by agencies.*

2. A number of the resources identified during the 2006 and 2007 surveys were sites relating to the historic period, or were significant for values other than their potential research value (e.g., eligible under criteria A, B, or C), including those related to the Salchaket Village site. Treatment plans for such resources, if warranted, shall specify approaches for treatment or mitigation of the property in accordance with the principles, standards, and guidelines appropriate to the resource. This may include, but not be limited to, use of such approaches as relocating a historic property, re-landscaping to reduce effects, public interpretation, ethnographic recordation, oral history, archival research, or prescribing use of a component or activity of this Undertaking in such a way as to minimize effects to historic properties or to those concerned about the effects of that component or activity. Methods of recordation and documentation described in the treatment plan shall conform with the *Secretary of the Interior's Standards for Architectural and Engineering Documentation* (48 FR 44730-44734) or other standards specified by SHPO.
- C. In lieu of standard mitigation approaches described above, treatment plans may adopt other alternative approaches to minimize or mitigate effects to historic properties, including assisting in the development of tribal historic preservation plans, developing detailed historic contexts for the region, developing educational materials, purchasing properties containing historic resources, or developing historic property management plans. Such alternative options must be approved in writing by all Signatories and Invited Signatories to the Agreement.
- D. Treatment plans shall be reviewed according to the procedures established in the ACCP and TCP. Disputes or objections to treatment plans shall be resolved in accordance with stipulation XIII below.

VI. Treatment of Human Remains:

It is the intent of this Undertaking to avoid the disturbance or removal of any human remains. No activity will knowingly disturb human graves or human remains. If human remains, sacred objects, or mortuary objects are inadvertently discovered during the course of construction or operation, all activities in the vicinity shall immediately cease and the Plan of Action (POA) for the treatment of human remains (Appendix A) shall be implemented. The STB and ARRC shall ensure that any and all human remains, sacred objects, and objects of cultural patrimony discovered as a result of the Undertaking shall at all times be treated with dignity and respect.

VII. Monitoring:

- A. If stipulated as part of a treatment plan, when the probability to uncover unidentified archaeological or historic materials is determined likely by the consulting archaeologist or SHPO, ARRC shall ensure that an archaeologist meeting the qualifications of the Standards and Guidelines is present to monitor specific ground-disturbing activities.

- B. The results of monitoring shall be included in a report to the STB and SHPO. This report shall be developed, within 3 months of fieldwork and be acceptable to both the "responsible agency(ies)" and the SHPO.
- C. If sites are discovered during monitoring, ARRC shall follow the procedures outlined in Stipulation X of this Agreement.
- D. If human remains are discovered during monitoring, ARRC shall follow the procedures outlined in the Plan of Action (Appendix A).

VIII. Curation:

- A. ARRC shall ensure that all artifacts, faunal remains, samples, records and field notes, and related materials collected during activities covered by this Agreement are deposited in the University of Alaska Museum of the North in Fairbanks, or another repository or institution approved by the SHPO. The curatorial facility shall meet requirements found in 36 CFR 79, *Curation of Federally Owned and Administered Archaeological Collections*.
- B. Curation arrangements between ARRC, or their cultural resources consultant, and an approved institution must be part of any treatment plan.
- C. ARRC shall incur all reasonable costs charged by the approved institution for curation of materials collected in conjunction with recovery actions under this Agreement. "Reasonable costs" shall be determined by the curatorial facility and approved by SHPO, and be consistent with professionally acceptable curatorial standards.
- D. Consistent with 36 CFR 79, collections shall be packaged in archival quality materials and in a manner appropriate to the material type. Collection preparation and packaging shall be acceptable to SHPO and receiving institution, and consultation in advance is recommended.
- E. Materials collected in conjunction with recovery actions under this Agreement will remain the property of the landowner unless a gift or purchase agreement is negotiated.

IX. Annual Meeting and Reports:

A. Meetings

Annual Meeting: A meeting of the STB, SHPO, and Invited Signatories, as well as the Concurring Parties if they so wish, shall be held each year to discuss the previous year's activities, and activities scheduled for the upcoming year. ARRC or their designated consultant shall prepare an annual report on the progress of cultural resources activities as they relate to compliance with the stipulations of this Agreement, and shall distribute it to all parties to this Agreement at least 45

days prior to the Annual Meeting. The meeting shall be held in Anchorage at the Alaska Office of History and Archaeology, or at another location by consensus of the Signatories and Invited Signatories. The parties may participate by telephone if they so desire, and minutes of the meetings will be distributed as soon as possible afterwards. The annual report shall include the following:

- (a) A description of the past year's effort and anticipated upcoming efforts for identification, evaluation, mitigation, and protection of historic properties. This can include descriptions of sites, artifacts encountered, or other archaeological or historic materials encountered, including representative photographs and illustrations;
- (b) A description of the progress of the Undertaking and any known or expected changes to the Undertaking;
- (c) An evaluation of the effectiveness of this Agreement and whether any amendments or changes are needed based on deficiencies or project modifications.

B. Additional Meetings

The ACCP may establish an additional meeting schedule among all or some of the parties to this Agreement. If any party deems a meeting necessary in addition to the annual meeting described above their request shall be considered in consultation with the other parties.

C. Reporting

Implementation of this Agreement shall include administrative reporting as well as the preparation of technical reports on resource investigations. The reporting shall use the following procedures unless modifications to this reporting structure are agreed to by the STB, SHPO, and Invited Signatories and reflected in the ACCP.

- (a) **Progress reports.** Progress reports shall be submitted quarterly by ARRC to the STB for the duration of the construction portion of the Undertaking following execution of this Agreement. Progress reports may be in letter format and shall describe fieldwork activities for cultural resources as well as relevant construction progress that was initiated, underway, or completed for the most recent performance period, and identify steps to be initiated, continued, or completed in the next quarter. These reports may be combined with other STB reporting requirements.

- (b) Progress summaries. Progress summaries shall be submitted by the STB to the SHPO and Invited Signatories every six months for the duration of the construction portion of the Project. The first progress summary shall be distributed six months following execution of this Agreement, with subsequent summaries following each six months thereafter until the construction portion of the Undertaking is completed. The progress summaries shall identify steps initiated, underway, or completed for the most recent performance period and identify steps to be initiated, continued, or completed in the next six-month period.
- (c) Preliminary field reports. Preliminary reports on the progress of cultural resource fieldwork shall be prepared by ARRC that demonstrate the completion of data recovery, or other procedures, investigations and site treatments approved in the treatment plans. The use of preliminary field reports is designed to facilitate a phased approach to resource evaluation and mitigation, as provided for in 36 CFR 800, and to facilitate reasonable construction planning and progress. ARRC shall distribute preliminary reports to the STB, SHPO, and the appropriate land managing agency(ies), and those parties will have twenty (20) business days to review the report and either concur or request additional fieldwork, after which concurrence will be presumed. Construction may proceed, in the area of the completed fieldwork, after the STB, SHPO, and appropriate land managing agency(ies) concur with the preliminary field report. If additional work is deemed necessary the parties will consult with ARRC to determine the nature and scope of that work.
- (d) Technical reports. Technical reports describing the results of background research, fieldwork activities, and laboratory analyses shall be prepared according to the standards and permit guidelines appropriate to the resource, including final report standards for archaeological excavation. The extent of report distribution as well as procedures for review of draft and final technical reports shall be established in the ACCP. ARRC shall issue final technical reports no later than two years from the completion of fieldwork activities and, in consultation with the SHPO, shall prepare sufficient copies for dissemination to the Concurring Parties, appropriate public libraries, educational institutions, and other repositories.

X. Procedures for Inadvertent or Unanticipated Discoveries:

- A. Upon the inadvertent discovery of a potential historic property in any activity's APE, all work in the vicinity shall immediately cease and ARRC shall protect the discovery site against further disturbance.

- B. Upon the inadvertent discovery of human remains, sacred objects, or mortuary objects in any activity's APE, all work in the vicinity shall immediately cease and a plan of action for the treatment of human remains (Appendix A) shall be implemented. ARRC shall ensure that any and all human remains, sacred objects, and objects of cultural patrimony discovered as a result of activities related to the Undertaking will be treated with dignity and respect.
- C. Upon the unanticipated discovery of cultural resources during construction that are not human remains, the Unanticipated Discoveries Plan shall be followed (Appendix A.2).

XI. Training:

- A. On an annual basis, ARRC ensure that on-site supervisory-level employees and contractors are trained in procedures for identifying and reporting historic properties that may potentially be discovered during the course of their work. Minimally, the training shall include guidelines for identification of cultural resources, and notification procedures when archaeological materials, human remains, and historic period sites are discovered.
- B. ARRC shall also ensure that its supervisory-level contractors and employees are advised against the illegal collection of historic and prehistoric materials, including human remains, and are familiarized with the scope of applicable laws and regulations.
- C. Prior to the implementation of training, the curriculum shall be reviewed and approved by the STB and SHPO.
- D. Training shall be conducted by an archaeologist meeting the qualifications of the Standards and Guidelines. However, ARRC's supervisory level employees and contractors may attend the above training and convey the information to staff unable to attend.
- E. On an annual basis, ARRC shall supply to the STB and SHPO a list of employees and contractors who attended the annual training, and procedures through which the information was conveyed to employees and contractors who did not attend.

XII. Procedures for Consultation:

Consultation shall be an ongoing process throughout the construction phase of the Undertaking. The STB, SHPO, Indian tribes and Native Alaska Corporations, Invited Signatories and the ACHP may consult at any time in writing, including e-mail, or telephone. Formal contacts and reviews will be established in the ACCP and TCP.

XIII. Dispute Resolution:

Should any party to this agreement object within 30 days of any treatment plan or report

provided for review or actions proposed pursuant to this Agreement, STB and the SHPO shall consult with the objecting party to resolve the objection.

- A. If the STB and/or SHPO determine that the objection cannot be resolved, the STB shall forward all documentation relevant to the dispute to the ACHP. Within 30 days after receipt of all pertinent documentation, the ACHP will either:
- (1) Provide the STB with recommendations, which the agency will take into account in reaching a final decision regarding the dispute; or
 - (2) Notify the STB that it will comment pursuant to 36 CFR 800.6(b), and proceed to comment. Any ACHP comment provided in response to such a request shall be taken into account by the STB in accordance with 36 CFR 800.7 with reference to the subject of the dispute.
 - (3) Any recommendation or comment provided by the ACHP shall be understood to pertain to the subject of the dispute; the STB's responsibility to carry out all actions under this Agreement that are not the subjects of the dispute shall remain the same.
- B. At any time during implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, the STB shall take the objection into account and consult as needed with the objecting party, SHPO, or the ACHP to resolve the objection.

XIV. Amendments:

Any Signatory or Invited Signatory to this Agreement may request that the other Signatories consider amending it, whereupon the parties shall consult to consider the amendment(s). Amendments will be executed in the same manner as the original Agreement. Concurring Parties may suggest proposed amendments to the Signatories and Invited Signatories, who shall consult to consider them.

XV. Termination:

Any Signatory or Invited Signatory to this agreement may terminate it by providing thirty (30) days notice to the other parties explaining the reasons for the termination. The Signatory or Invited Signatory shall consult during this period to seek agreement on amendments or other actions that will avoid termination. In the event of termination, the STB will comply with 36 CFR 800.1 through 800.7 on remaining Undertaking components, activities, or outstanding issues.

XVI. Failure to Carry Out Agreement:

If the STB does not ensure that the terms of this Agreement are carried out, or if the ACHP determines that the terms of this Agreement are not carried out, the STB shall comply with 36 CFR Part 800.1 through 800.7 with regard to individual Undertakings covered by this Agreement.

XVII. Duration:

This Agreement shall become effective upon execution by the STB, the ACHP and SHPO, and shall remain in effect for a term of five years from its date of execution, at which point the Agreement may be renewed.

XVIII. Execution and Implementation:

Execution and implementation of this Agreement evidences that the STB has satisfied responsibilities under Section 106 of the National Historic Preservation Act pursuant to 36 CFR 800, and that SHPO has satisfied responsibilities under the Alaska Historic Preservation Act pursuant to AS 41.35.

A. SIGNATORIES

Surface Transportation Board

By: _____ Date: _____
(Victoria Rutson, Chief, Section of Environmental Analysis)

Advisory Council on Historic Preservation

By: _____ Date: _____
(Name, Title)

Alaska State Historic Preservation Officer

By: _____ Date: _____
Judith E. Bittner,
State Historic Preservation Officer

B. INVITED SIGNATORIES

Cooperating Agencies and Applicant

Cooperating Federal Agencies

U. S. Department of Interior - Bureau of Land Management, Alaska State Office

By: _____ Date: _____
(Name, Title)

U. S. Army Corps of Engineers

By: _____ Date: _____
(Name, Title)

U.S. Air Force 354th Fighter Wing, Eielson Air Force Base

By: _____ Date: _____
(Name, Title)

Administratively Confidential

U.S. Department of Defense, Alaska Command

By: _____
(Name, Title)

Date: _____

Federal Transit Administration

By: _____
(Name, Title)

Date: _____

Federal Railroad Administration

By: _____
(Name, Title)

Date: _____

United States Coast Guard, Seventeenth Coast Guard District

By: _____
(Name, Title)

Date: _____

Applicant

Alaska Railroad Corporation

By: _____
(Name, Title)

Date: _____

C. Concurring Parties

Agencies

State of Alaska, Department of Natural Resources

By: _____
Director, Division of Mining, Land, and Water

Date: _____

Tribes

Healy Lake Village

By: _____
(Name, Title)

Date: _____

Village of Dot Lake

By: _____
(Name, Title)

Date: _____

Northway Village

By: _____
(Name, Title)

Date: _____

Native Village of Tetlin

By: _____
(Name, Title)

Date: _____

Native Village of Tanacross

By: _____
(Name, Title)

Date: _____

Native Village of Eagle

By: _____
(Name, Title)

Date: _____

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Nenana Native Association

By: _____
(Name, Title)

Date: _____

Native Village of Minto

By: _____
(Name, Title)

Date: _____

Tok Native Association

By: _____
(Name, Title)

Date: _____

Indian Organizations
Tanana Chiefs Conference, Inc.

By: _____
(Name, Title)

Date: _____

Doyon, Ltd.

By: _____
(Name, Title)

Date: _____

Upper Tanana Inter-Tribal Coalition

By: _____
(Name, Title)

Date: _____

Glossary of Terms/Acronyms

Adverse Effect: When an undertaking may alter, directly or indirectly, the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

Area of Potential Effect: The Area of Potential Effect (APE) is the geographic area within which the project may cause physical, visual or audible effects to the character or use of historic properties. It includes all areas of construction, such as rights-of-way (ROW), staging areas, extra work spaces, yards, access roads, borrow areas, and other ancillary facilities. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. Determination of the APE may take into account the professional standards, guidance, and research of both the cultural resources and railroad design professions.

Borrow Area(s): An excavated area where material has been or will be dug for use as fill at another location.

Consulting Parties: Consulting parties include SHPO, Indian tribes, representatives of local governments, applicants for Federal assistance, permits, licenses and other approvals, and certain individuals and organizations with a demonstrated interest in the undertaking.

Cultural Resource: A cultural resource is any prehistoric or historic district, site, building, structure or object in American history, architecture, engineering, archeology, or culture. This term includes artifacts, records, and remains that are related to and located within such properties. The term also includes properties of traditional religious and cultural importance to an Indian Tribe that may meet the National Register criteria.

Curation: The preservation of material remains that are excavated or removed during a survey, excavation, or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation or other study.

Days: Calendar days.

Eligible for the National Register of Historic Places: The term eligible for the National Register includes both properties formally determined as such in accordance with the regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

Federal Agency(s): Any Federal entity with a statutory obligation to fulfill the requirements of Section 106 who has jurisdiction over an undertaking and takes legal

and financial responsibility for Section 106 compliance in accordance with Subpart B 36 CFR 800. The Federal Agency(s) has approval authority for the undertaking and can commit the Federal agency to take appropriate action for a specific undertaking as a result of Section 106 compliance.

Historic Property: Any prehistoric or historic district, site, building structure, or object included in or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe that meet the National Register criteria.

Human Remains: The physical remains of a human body.

ID Plan: Identification Plan.

Indian Tribe: An Indian Tribe, band, nation, or other organized group or community, including a Federally-recognized Native Village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act (43 T.I. S. C 1602) which is recognized eligible for the special programs and serviced provided by the United States to Indians because of their status as Indians.

Keeper of the National Register: The Keeper is the individual who has been delegated the authority by the National Park Service (NPS) to list properties and determine their eligibility for the National Register. The Keeper may further delegate this authority as he or she deems appropriate.

NAGPRA: Native American Graves Protection and Repatriation Act.

National Register: The National Register lists properties formally determined eligible for the National Register of Historic Places.

National Register Criteria: National Register criteria are criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR 60). The National Register of Historic Places criteria are listed below:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship and feeling and:

- a. that are associated with the events that have made a significant contribution to the broad patterns of our history; or
- b. that are associated with the lives of persons significant in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of

construction, or that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- d. that yielded, or may be likely to yield, information on prehistory or history.

Criteria considerations: ordinarily cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations, commemorative in nature; and properties that have achieved their significance within the past 50 years shall not be considered eligible for the National Register of Historic Places (36 CFR 60.4).

NRHP: National Register of Historic Places.

PA: Programmatic Agreement.

SHPO: State Historic Preservation Officer.

Site: Site definition is different for each state but is generally defined by Willey and Phillips (1958:18), as any reasonably definable spatial unit that contains features or is fairly continuously covered with artifacts that are indicative of an occupation 50 years or older. A site may be defined as "a spatial cluster of cultural features, or items, or both" (Binford 1972:46). These definitions apply to both prehistoric and historic sites. Archaeological context may be defined by the inclusion of any of the following: soil staining, associated fire-cracked rock, ceramics, features, or a concentration of materials within a reasonably defined spatial boundary.

STB: Surface Transportation Board.

Traditional Cultural Properties: A Traditional Cultural Property can be defined generally as an object, site, landscape feature, or other form of feature that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that communities' history, and (b) are important in maintaining the continuing cultural identity of the community. For additional information, reference Parker and King 1995.

Treatment Plan: A proposal for the mitigation of effects upon any historic property that a project would affect. It can include data recovery, documentation, restoration or other measures.

Undertaking: An undertaking is a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit; license or approval; and those subject to state or local regulation pursuant to a delegation or approval by a Federal agency.

Appendix A.

**Plan of Action for the Treatment of Unanticipated Discovery of Human Remains, Graves
and Historic Properties**

A.1. Human Remains and Graves

As set forth in Native American Graves Protection and Repatriation Act (NAGPRA) regulations, a specific plan of action is required in the event that human remains are uncovered during survey or construction of the Alaska Railroad Corporation (ARRC) proposed Northern Rail Extension (i.e., Undertaking). The following steps must be taken if human remains, or suspected human remains, are discovered:

- (1) Stop all work in the immediate vicinity of the remains.
- (2) Mark the area in which the remains are located, as well as a minimum buffer area with a radius of 20 meters surrounding the remains. This buffer area may be larger if there is the possibility of more remains in the area or in the case of slopes or cut banks where work located nearby may impact the site of the remains. Make sure that the remains are protected from possible impacts while contacting the appropriate parties².
- (3) If remains are found that are not clearly human, but are suspected to be so, a specialist must be called in for identification.³
- (4) The ARRC Project Manager should contact the following people or agencies within 24 hours of uncovering the remains.
 - (a) The State Historic Preservation Officer (SHPO):
Judith Bittner
Alaska Department of Natural Resources
Office of History and Archaeology
550 West 7th Avenue
Anchorage, AK 99501-3561
Phone: (907) 269-8715
Fax: (907) 269-8908
 - (b) Federal agency official in charge:

² Ways of protecting the remains include: covering with a tarp or other protection from the elements; shoring up cut banks or trench walls so that no further exposure occurs; making sure that no water will collect on or around the remains.

³ The specialist must meet the professional qualifications for the NHPA as set forth in 36 CFR 61, section 112 (a)(1).

Administratively Confidential

Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423
Phone: (202) 245-0295
Fax: (202) 245-0454

(c) The appropriate land managing agency contact for the relevant parcel.

(d) The responsible Native representative for the area of discovery.

Gary Lee
Doyon Ltd.
1 Doyon Place, Suite 300
Fairbanks, AK 99701
Phone: (907) 459-2037
Fax: (907) 459-2062

and

Robert Sattler
Tanana Chiefs Conference, Inc.
122 1st Avenue, Suite 600
Fairbanks, AK 99701
Phone: (907) 452-8251, ext. 3343
Fax: (907) 459-3936

and

(d) The Alaska State Troopers
Alaska State Troopers
Communications Center Manager
Phone: (907) 451-5100
Fax: (907) 451-5165

Notification should include available information regarding the nature and extent of the remains and an accurate and precise location including GPS coordinates.

NAGPRA dictates that work in the immediate vicinity of the remains cannot proceed until 30 days after the reply from the Federal agency in charge or appropriate Native group that the documents regarding the finding were received, unless a written and binding agreement is issued from the Federal agency in charge and the affiliated Native American group(s) (NAGPRA 25 U.S.C. 3002 Sec 3(d)).

The remains will then be assessed and treated based on the guidance of the Federal agency in charge and the appropriate Native group as defined by NAGPRA.

A.2 Plan for Unanticipated Discoveries

Cultural resources may be encountered above ground and below ground during work on the Undertaking, and might include historic and prehistoric materials as well as Traditional Cultural Properties. In the event that cultural materials are discovered, this plan shall be followed, and implemented in compliance with both NAGPRA and the National Historic Preservation Act (NHPA) of 1966, as amended (16 U.S.C. § 470) as well as implementing regulations (36 CFR 800).

If archaeological or historic materials are encountered the following series of steps must be followed:

- (1) Stop all work in the immediate vicinity of any cultural resources or suspected cultural resources.
- (2) Mark the area in which the resources are located, as well as a minimum buffer area with a radius of 20 meters surrounding them. This buffer area may be larger if there is the possibility of more resources in the area or in the case of slopes or cut banks where ongoing work may impact the site. Make sure that all cultural materials are protected from possible impacts while contacting the appropriate parties⁴.
- (3) ARRC's Project Manager should contact the following people or agencies within 24 hours of discovering the resources.
 - (a) See previous list at A.1(4).

Notification of unanticipated discoveries should include available information regarding the nature and extent of the cultural resources and an accurate and precise location including GPS coordinates.

The discovery shall be investigated by a professional meeting the appropriate qualification standards, such as a consulting archaeologist, no longer than seventy-two (72) hours from discovery. The STB, SHPO, ARRC and land managing agency (as appropriate) shall consult, by telephone or other means, on the nature of the discovery and whether any additional investigation is warranted. The STB shall contact the appropriate Tribal representative if necessary. A decision shall be provided to ARRC within five (5) working days. If the parties agree that the discovery is not significant, verbal

⁴ Options for protecting the cultural resources include: covering with a tarp or other protection from the elements; shoring up cut banks or trench walls so that no further exposure occurs; making sure that no water will collect on or around the site.

authorization to proceed may be given by the SHPO, and SHPO shall provide written confirmation to the parties within five (5) working days. A report of the investigation shall be provided by the investigator, following the guidelines for Monitoring described in Stipulation VII. If additional investigation is agreed to, the guidelines for Additional Investigations described in Stipulations IV(B) shall be followed, unless modified evaluation and reporting are agreed to.

A.3 List of contacts for Native Alaskan representatives

Common Name: Dot Lake
President, William Miller
Village of Dot Lake
P.O. Box 2279
Dot Lake, Alaska 99737
Voice: (907)-882-2695 Fax: (907)-882-5558

Common Name: Healy Lake
President, Fred Kirsteatter
Healy Lake Village
P.O. Box 60300
Fairbanks, Alaska 99706
Voice: (907)-876-5018 Fax: (907)-876-5013

Common Name: Minto
Chief, Roy Charles
Native Village of Minto
P.O. Box 26
Minto, Alaska 99758
Voice: (907)-789-7112 Fax: (907)-798-7627

Common Name: Nenana
Chief, Mitch Demientieff
Nenana Native Association
P.O. Box 356
Nenana, Alaska 99760
Voice: (907)-832-5461 Fax: (907)-832-1077

Common Name: Northway
President, Gerald Albert
Northway Village
P.O. Box 516
Northway, Alaska 99764
Voice: (907)-778-2311 Fax: (907)-778-2220

Common Name: Tanacross

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Executive Director, Jerry Isaac
Native Village of Tanacross
P.O. Box 76009
Tanacross, Alaska 99776
Voice: (907)-883-4496 Fax: (907)-883-4497

Common Name: Tetlin
President, Bently Mark, Sr.
Native Village of Tetlin
P.O. Box TTI
Tetlin, Alaska 99780
Voice: (907)-324-2130 Fax: (907)-324-2131

Common Name: Eagle Village
President, David Howard
Native Village of Eagle
P.O. Box 19
Eagle, Alaska 99738
907-547-2271

The Upper Tanana Inter-Tribal Coalition (UTIC) consists of six Federally-recognized tribes:

Tribe: Village of Dot Lake
ANSCA Corporation: Dot Lake Native Corporation
Phone: 907-882-2695

Tribe: Native Village of Eagle
ANSCA Corporation: Hungwitchin Corporation
Phone: 907-547-2271

Tribe: Healy Lake Village
ANSCA Corporation: Mandas Chaag Native Corporation
Phone: 907-876-5055, 907-876-5018

Tribe: Northway Village
ANSCA Corporation: Northway Natives Incorporated
Phone: 907-778-2311

Tribe: Native Village of Tanacross
ANSCA Corporation: Tanacross Incorporated
Phone: 907-883-5024

Administratively Confidential

Tribe: Native Village of Tetlin
ANSCA Corporation: Tetlin Native Corporation
Phone: 907-324-2130



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

November 12, 2008

Charlene Dwin Vaughn
Assistant Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

Re: STB Finance Docket No. 34658, The Alaska Railroad Corporation – Petition for Exemption to Construct and Operate a Rail Line Between North Pole and Delta Junction, Alaska: Notification of Possible Adverse Effects and Invitation to Participate

Dear Ms. Vaughn:

The Surface Transportation Board (STB), acting as the lead Federal agency, invites the Advisory Council on Historic Preservation (ACHP) to join in consultations with the STB, Alaska Railroad Corporation (ARRC) and the Alaska State Historic Preservation Officer (SHPO) regarding mitigation or minimization of possible adverse effects resulting from the proposed Northern Rail Extension (project) in Interior Alaska. The other Federal agencies that have been invited to participate include the U.S. Bureau of Land Management, Alaska State Office; U.S. Army Corps of Engineers, Alaska District; U.S. Department of Defense, Alaskan Command; U.S. Air Force 354th Fighter Wing, Eielson Air Force Base; Federal Transit Administration, Region X; Federal Railroad Administration; and U.S. Coast Guard, Seventeenth Coast Guard District. The Alaska Department of Natural Resources and a number of Native Alaskan tribes and tribal organizations have also been invited to participate.

Description of the Undertaking

The STB is evaluating a petition from ARRC, pursuant to 49 U.S.C. 10502, for the authority to construct and operate the project, which would consist of approximately 80 miles of new rail line from North Pole, Alaska to Delta Junction, Alaska. The proposed rail line would extend ARRC's existing freight and passenger rail service in the region. The project area is located in the Fairbanks North Star Borough and the unincorporated Southeast Fairbanks Census Area. A vicinity map illustrating the project location is provided in Exhibit 1.

The STB's Section of Environmental Analysis (SEA) is preparing an Environmental Impact Statement (EIS) under the National Environmental Policy Act to evaluate potential

environmental impacts associated with the project. SEA anticipates issuing the Draft EIS later this year. The Draft EIS will consider the potential impacts of a number of alternative routes for the proposed rail line.

The STB's decision on whether to issue the license to construct and operate the new rail line meets the definition of an "undertaking" under the National Historic Preservation Act (NHPA). SEA has initiated the consultation process, pursuant to Section 800.14(b) of the regulations (36 CFR Part 800) implementing Section 106 of NHPA (16 U.S.C. 470f), with the SHPO and the Federal agencies cooperating in the preparation of the EIS. SEA has also initiated consultations with the Native Alaskan tribes and corporations listed in Exhibit 2.

The Area of Potential Effects (APE) is 328 feet (100 meters) on either side of the track centerline. This APE accounts for the proposed mainline track as well as ancillary support facilities and the potential indirect impacts that could result from construction and operation of the rail line.

Steps Taken to Identify Historic Properties

A complete field survey of the entire APE, including alternative segments, was not feasible because of the remote, rugged and expansive territory involved. Rather, the survey was conducted as a systematic sampling survey, which included the development of a predictive model for the project area followed by strategic field sampling of certain moderate and high probability locations. This model and survey strategy were submitted to and approved by the SHPO. A copy of the model and survey strategy document is enclosed for your information.

To develop this predictive model for cultural resources, a range of values from low potential to high potential were assigned to the landscape. Factors considered important in predicting prehistoric archeological site locations in Interior Alaska include local microtopography and slope; geomorphology and sediments; distance to and type of water source; percentage of surface cover; exposed stratigraphy; mineral licks; spawning sites in clearwater tributaries of larger rivers; lakeshores; margins of swampy lowlands; caribou migration routes; habitats favorable to large mammals and waterfowl; and lithic resource localities.

The predictive model was applied to areas with proposed rail alternative segments and ancillary facilities, which were then surveyed by Type A or Type B surveys. The Type A surveys consisted of low-altitude, low-speed helicopter fly-over supplemented by ground survey in sample locations. Type B surveys, conducted in high probability areas, consisted of pedestrian walkover transects, combined with subsurface excavations. Testing was discretionary and based on over flights of the areas, aerial photographs, archeological literature of the area, and previous experience conducting surveys, reviews and excavations in Interior Alaska. Areas determined to have high and moderate potential were more intensely tested and included riverbanks, alluvial terrace edges, lakeshores with positive relief, bedrock ridges and other elevated terrain features. The overall strategy was designed to meet Phase II survey requirements of the SHPO and intended to gather sufficient data for a determination of eligibility to the National Register of Historic Places (NRHP).

Description of APE's Historic Properties and the Undertaking's Effects on Them

The field surveys to identify cultural resources within the project area were conducted in the summers of 2006 and 2007. Surveys of the alternative segments totaled 239.3 miles, which included 149.9 miles of Type A survey and 89.4 miles of Type B survey. About 70 percent of the build alternative segments were surveyed. The surveys identified and tested 198 high potential areas for subsurface cultural remains, resulting in the excavation of 949 test pits and the discovery of 61 historic properties including archeological sites and standing structures.

Summary data on all 61 historic properties discovered during the 2006 and 2007 surveys are provided in Exhibit 3. Of the 61 historic properties evaluated for this project, seven are considered not eligible for listing on the NRHP since they are less than 50 years old. A total of 51 properties are considered eligible under Criterion D of the Department of Interior's guidelines for assessing site significance. Three historic properties need further information before eligibility can be adequately determined. All three properties (XBD-293, 294 and 295) are historic archeological deposits associated with Salchaket Village. These sites are likely eligible for the NRHP but more research is needed to fully determine their significance. The STB and SHPO have reached consensus agreement on the historic properties identified in the 2006 and 2007 surveys, as well as NHRP eligibility.

Copies of the 2006 and 2007 field survey reports are enclosed for your information.

Programmatic Agreement

The regulations implementing Section 106 allow for the development of a Programmatic Agreement (PA) when the effects on historic properties cannot be fully determined prior to approval of an undertaking (36 CFR 800.14.). SEA is developing a PA for this undertaking because the potential impacts are not completely known at this time. The nature and extent of potential impacts depend on the alternative that ARRC receives the authority to construct and operate (if any), additional field survey to identify the areal extent of certain eligible properties, ability of ARRC to adjust track centerline to minimize or avoid impacts to eligible properties, and other final design considerations. The PA would govern the completion of the Section 106 process.

Implementation of the PA would enable the STB to make final determinations of eligibility for the NRHP and findings of effect to the SHPO for concurrence for those sites that are identified within the APE. The APE could also be further refined based on final design of the undertaking. Any future refinements to the APE would be made in consultation with the SHPO, consistent with 36 CFR 800.4. All determinations of the APE and of the effects of the undertaking would take into account the professional standards, guidance, and research of both the cultural resources and railroad design professions. Consistent with 36 CFR 800.4(d)(1), the STB could determine that there are historic properties within the APE, but that the undertaking would have no effect on them.

Tribal Consultations

Consultation with Native American tribes in the project area vicinity, required under 36 CFR 800, is ongoing. Consultation was initiated as part of the government-to-government consultation and coordination for the EIS process. A total of 23 federally-recognized tribes, tribal groups and Alaska Native Regional Corporations were contacted as part of the government-to-government consultation and coordination. Several agency meetings specifically addressing Section 106 consultation and cultural resources issues were held at the Alaska SHPO in Anchorage, and SEA's cultural resources subcontractor, Northern Land Use Research, Inc. (NLUR), met with Tanana Chiefs Conference (TCC) in Fairbanks to present the results of each season's fieldwork. These meetings occurred on November 20, 2006 and October 26, 2007 and were attended by cultural resource specialists from NLUR, TCC, BLM, and the U.S. Army. Additional consultation will take place throughout this project, as described in the government-to-government consultation and coordination plan.

Please advise the STB as to whether the ACHP wishes to join in this consultation. If you have questions, please contact Dave Navecky, SEA Project Manager, at (202) 245-0294 by email at naveckyd@stb.dot.gov.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures

1. "Site Location Model and Survey Strategy for Cultural Resources in the Alaska Railroad Northern Rail Extension Project Area"
2. "Results of the 2006 Cultural Resources Survey of Proposed Alaska Railroad Northern Rail Extension Project and Ancillary Facilities, Alaska" (2 volumes)
3. "Results of the 2007 Cultural Resources Survey of Proposed Alaska Railroad Northern Rail Extension Routes, Alaska"

cc: Judith Bittner, SHPO (w/o enclosures)

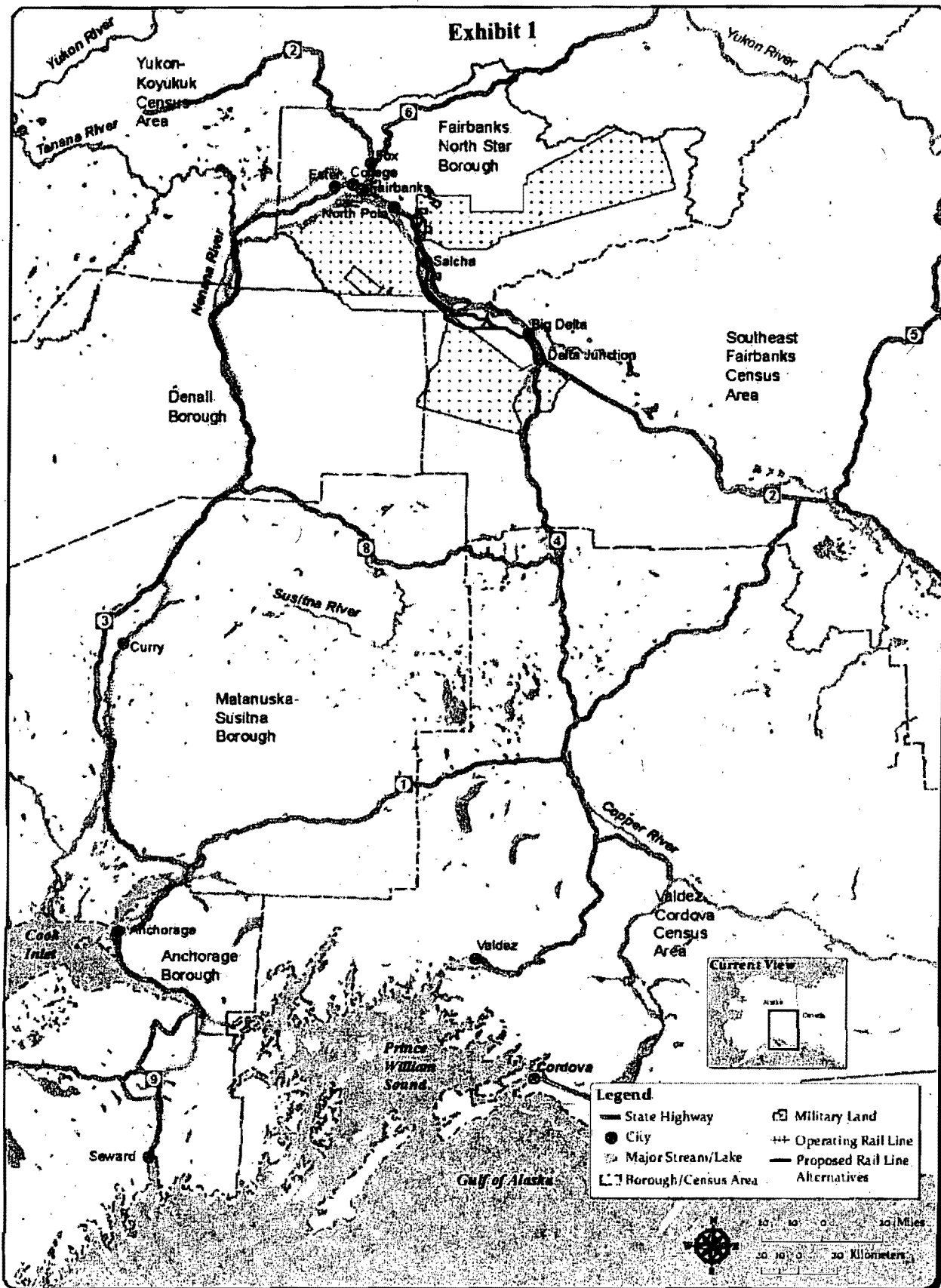


Exhibit 2

MAILING LIST OF TRIBAL CONTACTS

FEDERALLY RECOGNIZED TRIBES

Gordon Cantwell, Acting President
Native Village of Cantwell
P.O. Box 94
Cantwell, AK 99729
(907) 768-2591
Fax: (907) 768-1111

Joeneal Hicks, Environmental Contact
Native Village of Chistochina
P.O. Box 241
Gakona, AK. 99586
(907) 822-3503
Fax: (907) 822-5179

Larry Nathaniel, First Chief
Circle Native Community (IRA)
P.O. Box 89
Circle, AK. 99733
(907) 773-2822
Fax: (907) 773-2823

Mr. William Miller, President
Dot Lake Village Council
Box 2279
Dot Lake, AK 99737
PH: (907) 882-2695
FAX: (907) 882-2122

Joanne Beck, First Chief
Native Village of Eagle (IRA)
P.O. Box 19
Eagle, AK. 99738
(907) 547-2271
Fax: (907) 547-2318

Ben Saylor, First Chief
Healy Lake Tribal Council
P.O. Box 60300
Fairbanks, AK 99706
PH: (907) 876-5018
FAX: (907) 876-5013

Jack Wright, President
Manley Hot Springs Village
Box 105
Manley Hot Springs, AK 99756
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Exhibit 3
Archaeological Site Summary Data

Site^a	Nearest Alternative	Description	Age^b	Eligibility for NRHP Listing
FAI-1750	North Common Segment	Cabin	Recent	Not Eligible
FAI-1751	Salcha 2	Buried lithic site	250±40 BP	Eligible (D)
FAI-1607	Salcha 1	Cabin	Recent	Not Eligible
XBD-281	Delta 2, MT5*	Buried lithic site	2760±40 BP	Eligible (D)
XBD-282	Delta 2, MT5*	Buried lithic site	5920±50 BP	Eligible (D)
XBD-283	Delta 1	Buried lithic site	5000±50 BP	Eligible (D)
XBD-284	Delta 2	Cabin and land use area	Recent	Not Eligible
XBD-285	Delta 1	Cabin	Recent	Not Eligible
XBD-286	Donnelly 2	Buried lithic site	1860±50 BP	Eligible (D)
XBD-287	Donnelly 2	Buried lithic site	4490±50 BP	Eligible (D)
XBD-288	Donnelly 2	Buried lithic site	6060±60 BP	Eligible (D)
XBD-289	Donnelly 2	Buried lithic site	7960±70 BP	Eligible (D)
XBD-290	Donnelly 2	Buried lithic site	1170±40 BP	Eligible (D)
XBD-291	Donnelly 2	Buried lithic site	7350±60 BP	Eligible (D)
XBD-292	Salcha 2	Axe-cut stumps	Recent	Not Eligible
XBD-293	Salcha 2	Associated with Salchaket	19 th -20 th cent.	Data needed
XBD-294	Salcha 2	Associated with Salchaket	19 th -20 th cent.	Data needed
XBD-295	Salcha 2	Associated with Salchaket?	AD 1940s	Data needed
XBD-296	Salcha 2	Buried lithic site	2010±40 BP	Eligible (D)

Exhibit 3
Archaeological Site Summary Data

Site^a	Nearest Alternative	Description	Age^b	Eligibility for NRHP Listing
XBD-297	Donnelly 1	Buried lithic site	3620±50 BP	Eligible (D)
XBD-298	Donnelly 1	Buried lithic site	Component 1: 11,300±40 BP Component 2: 9670±40 BP Component 3: 9650±60 BP Component 4: 8880±40 BP	Eligible (D)
XBD-299	Donnelly 1	Buried lithic site	4500-8900 BP	Eligible (D)
XBD-300	Donnelly 1	Buried lithic site	4500-8900 BP	Eligible (D)
XBD-301	Donnelly 1	Buried lithic site	4360±50 BP	Eligible (D)
XBD-302	Donnelly 1	Buried lithic site	4500-8900 BP	Eligible (D)
XBD-303	Donnelly 1	Buried lithic site	9340±80 BP	Eligible (D)
XBD-304	Donnelly 1	Buried lithic site	4500-8900 BP	Eligible (D)
XBD-305	Donnelly 1	Buried lithic site	9300-10000 BP	Eligible (D)
XBD-306	Donnelly 1	Buried lithic site	8930±90 BP	Eligible (D)
XBD-307	Donnelly 1	Buried lithic site	8070±60 BP	Eligible (D)
XBD-308	Donnelly 1	Buried lithic site	10050±70 BP	Eligible (D)
XBD-309	Donnelly 1	Buried lithic site	9300-10000 BP	Eligible (D)
XBD-311	Donnelly 1	Buried lithic site	6490±50 BP	Eligible (D)
XBD-312	Donnelly 1	Buried lithic site	9290±50 BP	Eligible (D)
XBD-313	Donnelly 2	Buried lithic site	6750±60 BP	Eligible (D)
XBD-314	Donnelly 2	Buried lithic site	1000-4000 BP	Eligible (D)

Exhibit 3
Archaeological Site Summary Data

Site^a	Nearest Alternative	Description	Age^b	Eligibility for NRHP Listing
XBD-315	Donnelly 2	Buried lithic site	4100-6800 BP	Eligible (D)
XBD-316	Donnelly 2	Buried lithic site	4050±50 BP	Eligible (D)
XBD-317	Donnelly 2	Buried lithic site	5610±50 BP	Eligible (D)
XBD-318	Donnelly 2	Buried lithic site	4100-6800 BP	Eligible (D)
XBD-319	Donnelly 2	Buried lithic site	4100-6800 BP	Eligible (D)
XBD-320	Donnelly 2	Buried lithic site	4100-6800 BP	Eligible (D)
XBD-321	Donnelly 2	Buried lithic site	4100-6800 BP	Eligible (D)
XBD-322	South Common Segment	Buried lithic site	1000-2700 BP	Eligible (D)
XBD-323	MT3*	Buried lithic site	1000-2700 BP	Eligible (D)
XBD-324	MT3*	Buried lithic site	2070±50 BP	Eligible (D)
XBD-325	DCMPS*	Buried lithic site	7360±40 BP	Eligible (D)
XBD-326	DCMPS*	Buried lithic site	7740±60 BP	Eligible (D)
XBD-327	DCMPS*	Buried lithic site	5200-7700 BP	Eligible (D)
XBD-328	DCMPS*	Buried lithic site	5170±50 BP	Eligible (D)
XBD-329	Donnelly 2	Cabin	Recent	Not Eligible
XBD-330	Donnelly 1	Cabin	Recent	Not Eligible
XBD-335	Donnelly 1	Buried lithic site	Component 1: 5400±40 BP Component 2: 1000-2700 BP	Eligible (D)
XBD-336	Donnelly 1	Buried lithic site	3040±40 BP	Eligible (D)
XBD-337	Donnelly 1	Buried lithic site	2180±40 BP	Eligible (D)

Exhibit 3
Archaeological Site Summary Data

Site^a	Nearest Alternative	Description	Age^b	Eligibility for NRHP Listing
XBD-338	Donnelly 1	Buried lithic site	Component 1: 12,000-11,000 BP Component 2: 10,000±80 BP	Eligible (D)
XBD-339	Donnelly 1	Buried lithic site	8000-3600 BP estimated	Eligible (D)
XBD-340	Donnelly 1	Buried lithic site	8000±50 BP	Eligible (D)
XBD-341	Donnelly 1	Buried lithic site	10000-8000 BP estimated	Eligible (D)
XBD-342	Donnelly 1	Buried lithic site	4670±40 BP	Eligible (D)
XBD-343	Donnelly 1	Buried lithic site	4160±40 BP	Eligible (D)

^a The sites listed in this table are identified by their site identifier codes.

^b Age is the uncalibrated radiocarbon date associated with the site or site component.

* DCMPS = Delta Creek Material Processing Site Location, MT = Microwave Tower Location. These are possible sites identified by ARRC for ancillary facilities associated with the proposed NRE.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF PARKS AND OUTDOOR RECREATION

OFFICE OF HISTORY AND ARCHAEOLOGY

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November 21, 2008

File No.: 3130-1R Surface Transportation Board/Northern Rail Extension
3330-6 XBD-298, XBD-335, XBD-337, XBD-338, XBD-339, XBD-341 and
XBD-343
3330-6P XBD-336, XBD-340 and XBD-342

SUBJECT: Northern Rail Extension, Eielson Air Force Base (North Pole) to Fort Greely
(Delta Junction), Alaska

Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
Office of Economics, Environmental Analysis and Administration
Washington, DC 20423

Dear Ms. Rutson,

The State Historic Preservation Office (SHPO) has reviewed your latest letter (received October 13, 2008) regarding the referenced project in accordance with Section 106 of the National Historic Preservation Act. We understand that the Surface Transportation Board agrees with the determination of eligibility recommendations in the previously submitted report titled *Results of the 2007 Cultural Resource Survey of Proposed Alaska Railroad Northern Rail Extension Routes, Alaska* by Northern Land Use Research (November 2007). According to the report the following ten prehistoric lithic sites are eligible for the National Register of Historic Places (NRHP) under criterion D: XBD-298 and XBD-335 through XBD-343.

We agree that seven of the sites (XBD-298, XBD-335, XBD-337, XBD-338, XBD-339, XBD-341 and XBD-343) are clearly eligible for the NRHP under criterion D. The sole cultural remain at the remaining three sites (XBD-336, XBD-340 and XBD-342) however, consists of only one piece of debitage, suggesting that these sites may not be eligible as individual properties. We do understand however, that these sites may add to the understanding of site distribution and prehistoric land use patterns. Furthermore, the flakes at all three sites are in a buried context; analysis of the stratigraphy may provide information on the paleoenvironment. We recommend therefore, that the archaeological sites within the project area be evaluated as an archaeological

district and a determination be made whether XBD-336, XBD-340 and XBD-342 are eligible as contributing properties.

In conclusion, we concur with your finding that seven of the sites are eligible for the NRHP under criterion D: XBD-298, XBD-335, XBD-337, XBD-338, XBD-339, XBD-341 and XBD-343. Consideration of an archaeological district is needed before we can concur that XBD-336, XBD-340 and XBD-342 are eligible as contributing properties.

As you continue in your identification of historic properties efforts, remember to consider properties that may be indirectly affected by this project. Examples include the agricultural landscape near Delta Junction and Eielson Air Force Base as well as the Trans Alaska Pipeline System. Both features are in close proximity to the rail corridor and must be evaluated for eligibility prior to an assessment of effects. Also our records indicate that the eligibility determinations for the cabins and other historic features in the project area are still pending (see our letter dated September 24, 2007).

We look forward to working with you in developing a programmatic agreement. Please contact Stefanie Ludwig (Archaeologist) at 907-269-8720 or Doug Gasek (Architectural Historian) at 907-269-8726 if you have any questions or if we can be of further assistance.

Sincerely,



Deputy Judith E. Bittner
State Historic Preservation Officer

JEB:sll