

EO-1686



RE: Section 106 consultation
David Navecky to: Charlene Vaughn
Cc: ngabriel, Vicki Rutson

01/20/2011 03:31 PM

From: David Navecky/STB
To: "Charlene Vaughn" <cvaughn@achp.gov>
Cc: ngabriel@achp.gov, Vicki Rutson/STB@STB

Charlene -

I just had a pleasant conversation with Tracie Krauthoefer of the Alaska SHPO's office regarding how we proceed from this point on and we appear to be on the same page.

Although the STB's interpretation of the 106 regulations regarding third-party contractor use differs from yours, I'll be happy to take the lead in working with the ACHP and other parties in finalizing the PA. Accordingly, I request that you and Najah direct ALL emails and calls to me directly on ALL matters concerning this project.

Thank you,

Dave Navecky

"Charlene Vaughn"

Dear Mr. Navecky,

01/20/2011 12:49:00 PM



"Charlene Vaughn"
<cvaughn@achp.gov>
01/20/2011 12:48 PM

To "Dave Navecky" <david.navecky@stb.dot.gov>,
"Krauthoefer, Tracie A (DNR)"
<tracie.krauthoefer@alaska.gov>
cc "Najah Duvall-Gabriel" <ngabriel@achp.gov>, "Valerie
Hauser" <vhauser@achp.gov>,
<ASummerville@icfconsulting.com>, "David Bauer"
<DBauer@icfconsulting.com>, <rstarzak@jsanet.com>
Subject RE: Section 106 consultation

Dear Mr. Navecky,

The ACHP appreciates the contractual relationship STB has with ICF, nonetheless, for the purposes of negotiating a PA, we need STB to be actively involved and documenting all findings, determinations, and positions. If this was an undertaking where we were in the first three steps of the four step Section 106 process, STB could utilize the contractor more. However, we are negotiating a PA to resolve adverse effects that requires agency involvement and commitment. I do not think e-mails and findings at this juncture need to come from a contractor speaking on behalf of STB.

If STB needs to speak with the ACHP with regard to the role of contractors versus agency, we are glad to do so. I need to be clear about this matter, particularly if it is STB's intent to try to finalize a PA in the foreseeable future.

Regards,

Charlene Vaughn

-----Original Message-----

From: David.Navecky@stb.dot.gov [mailto:David.Navecky@stb.dot.gov]
Sent: Thursday, January 20, 2011 12:40 PM
To: Krauthoefer, Tracie A (DNR)
Cc: Charlene Vaughn; Najah Duvall-Gabriel; Valerie Hauser;
ASummerville@icfconsulting.com; David Bauer; rstarzak@jsanet.com
Subject: RE: Section 106 consultation

All -

I would like to review a few points.

First, I would like to clarify that ICF is working for the STB as a third-party contractor. As such, they are working under the sole direction, supervision and control of the STB. Although ICF cannot execute documents on the STB's behalf, for most other purposes, they are working as an extension of the STB's staff. Therefore, an email or phone call from ICF is essentially an email or phone call from the STB. Furthermore, any PA-related document sent by ICF to the ACHP, SHPO or any other party for review has been first submitted to me for review, comment and approval. ICF also copies the STB on incoming and outgoing emails and any other written correspondence to and from the parties, and informs the STB of the content and outcome of any substantive telephone conversations. Additionally, to ensure an open process, all correspondence sent to or received from the parties by STB or ICF is posted on the STB's Web site for public review.

During and since the October 21, 2010 Section 106 meeting of the signatories and concurring parties (collectively "parties"), the parties voiced general positions regarding the Undertaking and general comments on the draft PA. However, the SHPO has been the only party during and since the meeting to provide substantive comments on the Draft PA. During a debriefing between the SHPO and STB immediately following the October 21 meeting, the SHPO's preliminary concepts for a revised PA were vocalized. During this debriefing, the STB agreed that it would first prepare an outline of the revised Draft PA and submit it for SHPO review. This draft outline was submitted to the SHPO for review and comment on November 12, 2010, and was followed on November 29, 2010 by a copy of the meeting minutes for the October 21, 2010 meeting of the parties. Subsequently, in discussions with ICF, the SHPO agreed to review and comment on the revised Draft PA section-by-section instead of getting the entire document at once.

Although this revised Draft PA review cycle with the SHPO has not yet been completed, it has always been the STB's intent to distribute the revised Draft PA to all parties once it had gone through a single review cycle with the SHPO. Because of the absence of any specific Draft PA comments from any other party (during and since the October 21, 2010 meeting), getting a first cut of a revised Draft PA that first satisfied the SHPO was the most logical and efficient means of getting to a revised Draft PA, which would then be sent to ALL the parties for review and comment. The STB readily acknowledges the need to fold all of the parties into the revised Draft PA review process, but it was the STB's impression that the SHPO did not disagree with the approach of initially developing the revised Draft PA with SHPO input only.

Once we have completed the single review cycle with the SHPO, the STB will send the revised Draft PA to all the parties, and the STB will schedule a

conference call with all the parties to (1) introduce the revised Draft PA, (2) point out and discuss changes that were made based on consulting party comments, and (3) set up a timeline for review, comment and signature.

Please let me know if you have any questions.

Thanks,

Dave Navecky
202-245-0294

"Krauthoefer,
Tracie A (DNR)"
<tracie.krauthoefer@alaska.gov>

01/19/2011 01:59
PM

Najah Duvall-Gabriel
<ngabriel@achp.gov>

To

cc

Charlene Vaughn <cvaughn@achp.gov>,
Valerie Hauser <vhauser@achp.gov>,
Dave Navecky
<david.navecky@stb.dot.gov>

Subject

RE: Section 106 consultation

Hi Najah,

I don't think we ever discussed a preference for working strictly with STB in that light, we were asked to provide comments on a very draft agreement document and so were trying to provide those to ICF as expeditiously as possible. We've suggested on more than one occasion that the other parties be involved. I've excerpted a portion of an email sent in mid-December to the ICF consultant we have been working with:

"Also, remember that you'll need to involve the ACHP and other signatories at some point for input/review. We are happy to help get it to a certain point and beyond the rough/outline phase, but then the other parties should be consulted, particularly the ARRC and Knik TC (and you may already be doing this individually, I don't know). I was in a meeting with ARRC on Monday and they did inquire as to the status of the PA and consultation so you may want to check back in with the invited signatories and let them know where the project is and what the timeline is for review and ultimately signature."

Also, to date, our communication has been with STB's consultant at ICF, we have not worked directly with STB other than when they were up here for the consultation meeting.

Let me know if you have any other questions or would like to talk further.
Thank you
Tracie

T r a c i e K r a u t h o e f e r
Archaeologist, Review and Compliance
Alaska State Historic Preservation Office / Office of History and
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907-269-8722 Phone 907-269-8908 Fax
tracie.krauthoefer@alaska.gov

From: Najah Duvall-Gabriel [mailto:ngabriel@achp.gov]
Sent: Wednesday, January 19, 2011 8:41 AM
To: Krauthoefer, Tracie A (DNR)
Cc: Charlene Vaughn; Valerie Hauser; Dave Navecky
Subject: Section 106 consultation

Hi Tracie,

I would like to ask you a question about the Section 106 consultation for the Alaska Railroad extension. I understand that SHPO has expressed the preference to work with STB on developing the PA prior to STB submitting it to consulting parties for review. Is this correct?

Thanks,
Najah

Najah Duvall-Gabriel
Historic Preservation Specialist
Advisory Council on Historic Preservation
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ngabriel@achp.gov