

From: Charlene Vaughn [<mailto:cvaughn@achp.gov>]

Sent: Monday, June 09, 2014 3:22 PM

To: Elizabeth Merritt

Cc: Najah Duvall-Gabriel; Starzak, Richard; catherine.nadals@stb.dot.gov; vicki.rutson@stb.dot.gov; Reid Nelson; Amy Cole

Subject: Re: Tongue River Railroad PA - draft whereas clauses

All,

I'd like to review these comments and others with Najah when I return to the office next week, and before the ACHP submits our final comments to STB on the Whereas clauses section. I'm currently on vacation.

Charlene

Sent from my iPhone

From: "Betsy Merritt" <emerritt@savingplaces.org>:

Sent: June 9, 2014, at 11:56 AM,

Najah,

Here's a good way to fix that first Whereas Clause at the top of p.2:

"WHEREAS, the effects on historic properties and tribal sites of significance cannot be fully determined prior to the approval of the TRRC project by the STB, **and therefore a programmatic agreement (PA) is appropriate pursuant to 36 CFR 800.14(b)(1)(ii);**"

This will make it explicitly clear what the connection is to Section 106, because it parrots this part of the regulations verbatim.

I know that this regulation is also cited in the second Whereas Clause on p.2, so you may want to combine them, or you could eliminate the cite from the second Whereas Clause.

I'm not sure who all should be copied on this message, so please share with any others who are also directly involved in the process of editing the Whereas Clauses.

Thanks,

Betsy Merritt

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