

From: [Tabachnick, Alan](#)
To: [JERRY SPANGLER](#); [Rust, Jeffrey A -FS](#)
Cc: [Groves, Kristy L -FS](#); [Davis, Colleen](#); [Wolff, Mikenna](#); [Rogers, Debra](#); [Wayland, Joshua](#)
Subject: RE: Comments on the Draft APE for the Uintah Basin Railway
Date: Monday, March 30, 2020 12:03:48 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Thanks for the input Jerry. I also thought that Jeff provide really good insight and we will definitely be incorporating those ideas, and clarifications, in the next iteration of the APE.

Alan Tabachnick

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From: JERRY SPANGLER <jerry_cpaa@comcast.net>
Sent: Monday, March 30, 2020 1:43 PM
To: Rust, Jeffrey A -FS <jeffrey.rust@usda.gov>; Tabachnick, Alan <alan.tabachnick@stb.gov>
Cc: Groves, Kristy L -FS <kristy.groves@usda.gov>
Subject: Re: Comments on the Draft APE for the Uintah Basin Railway

Alan:

Jeff beat me to the punch with his articulate response to the last consulting party meeting, and he touched on all of my concerns and probably did it more concisely than I would have. I therefore echo Jeff's points, especially regarding direct-indirect effects.

I look forward to reviewing the archaeological reports in greater detail

Best,

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On March 26, 2020 at 12:23 PM "Rust, Jeffrey A -FS" <jeffrey.rust@usda.gov> wrote:

Alan

I would like to provide the following comments on the Draft APE for the Uintah Basin Railway.

1. Briefly describe the types of planned activities that may “directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” 36 CFR 800.16(d). If you don’t want to describe all of the potential activities or their potential effects, at least briefly describe them and then refer to another document that describes planned activities.
2. The APE should have a delineation of “direct” effects and “indirect” effects, based on the definition in c6 CFR 800.16(d). I would use the terms direct effects and indirect effects, rather than “archaeological APE” and “historic architecture APE.”
 - a. The direct effects APE should be the construction easement (or limits of disturbance) plus an appropriate buffer. Your document only refers to an average 240 foot average distance from the center line. It would be more helpful to describe the average distance of the construction easement from center line and then describe the proposed buffer beyond the construction easement.
 - i. The buffer would be added to the actual construction easement regardless of the actual width of the construction easement. The buffer isn’t just arbitrary, it provides for mistakes, emergencies, or minor changes during construction activities. Whereas, if the APE is simply defined by the construction easement, there is no wiggle room for anything. I recommend having a buffer be about 100 feet because that gives room for a vehicle, such as the a semi, to turn around in an emergency and still be in the APE.
 - b. The indirect effect should consider visible, audible, atmospheric, vibration, and other impacts that may not have measurable or immediate effects.
 - i. A 1500 foot indirect effect boundary outside the construction easement may be a good option. Whatever boundary you use, it should be justified rather than arbitrary. You need to answer the question, why 1500 feet? Why not 1,000 feet? Why not 2,000 feet?

1. The Nine Mile Canyon coalition has great information on how dust and particulates affect rock art and what level of buffer may be appropriate to reduce those impacts.
 - ii. Regardless of the length of the indirect effects, it should not be limited to historic architecture, as stated in the current document. Instead, I recommend that the effects should be tied to how the “undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register.” 36 CFR 800.5(a)(1)
 1. For example, historic properties that meet NRHP criteria A and C usually have integrity of location, setting, feeling, etc. which could be affected by visible, audible, vibration, or atmospheric effects. Whereas, “historic properties” that are solely eligible under criterion D, are usually only affected by direct effects. So instead of grouping the APE by archaeological sites and historic architecture, group the APE on potential effects on National Register eligibility characteristics.
 - iii. Rock art, TCP’s, sacred sites, prehistoric architecture, and historic architecture should all be evaluated for indirect effects even if they are outside the direct effects APE. Buried archaeological sites that are only eligible under criterion D probably only need to consider direct effects within the direct effects APE unless the National Register justification specifies otherwise.
3. The APE will also inform future identification efforts. We assume that identification efforts within the direct effect APE will be intensive. Whereas the identification efforts within the indirect APE may be reconnaissance level survey or sample survey.

I hope these thoughts help improve the APE discussion.

We would also love to have the GIS for the APE so we can see how it looks on the ground.

Thanks

Jeff Rust



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