



GILA RIVER INDIAN COMMUNITY

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TRIBAL HISTORIC PRESERVATION OFFICE

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September 7, 2022

Danielle Gosselin, Director
Surface Transportation Board
Office of Environmental Analysis
RE: Docket No. FD 36501
395 E Street SW
Washington, DC 20423

RE: Docket No. FD 36501, Union Pacific Railroad Company, Construction and Operation Exemption, Mesa, Maricopa County, Arizona, Section 106 Consultation Area of Potential Effects (APE), Class III Survey Report, Determinations of Register Eligibility, Treatment Recommendations, Memorandum of Agreement (MOA), Adverse Effect

Dear Director Gosselin,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received your consultation documents dated September 1, 2022. The Union Pacific Railroad Company (UPRC) has filed a petition with the Surface Transportation Board (Board) requesting to construct and operate a 6 mile long rail line, the Pecos Industrial Rail Access and Train Extension (PIRATE), east and south of the Phoenix-Mesa Gateway Airport, Mesa, Maricopa County, Arizona. Two alternatives (Alternative 1 and 2) for construction have been archaeologically surveyed. Which alternative will be used for rail line construction has yet to be determined. Nonetheless, the Board advises that the APE has been modified by removing proposed grading extensions the project area.

The project area has been archaeologically surveyed. Four previously recorded sites and two in-use structures have been identified within the project area: 1) AZ U:10:2(ASM) is identified as the Germann Site, an extensive Hohokam habitation which extends across both proposed construction alternatives. The site is considered a Register eligible property which cannot be avoided. The OEA is recommending the development of an MOA and a Historic Property Treatment Plan (HPTP) to address the adverse effects of this undertaking; 2) AZ U:10:69(ASM) is identified as a large Hohokam habitation site which is considered Register eligible. The portion of the site that is located within the build alternatives has been disturbed by agricultural activities. The OEA advises that this disturbed portion of the site will be considered as unevaluated regarding Register eligibility. If the site cannot be avoided through project redesign, the OEA is recommending the development of an MOA and a HPTP to address the adverse effects of this undertaking; 3) AZ U:10:152(ASM) is identified as a large Hohokam artifact scatter that is located adjacent to the PIRATE project area and within the Phoenix-Mesa Gateway property. The site is considered a Register eligible property. Due to the sparse scatter of artifacts located within

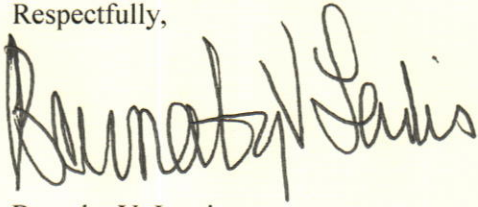
the PIRATE project area (newly identified and documented), the OEA is advising that the site boundary of AZ U:10:152(ASM) will not be expanded and that archaeological site monitoring during ground disturbing activities is recommended; 4) AZ U:10:275(ASM) is identified as the Sand Dune Site, an extensive Hohokam artifact scatter which is located within the Alternative 1 project alignment. The site is considered a Register eligible property. The portion of the site that is located within the Alternative 1 project area has been disturbed by agricultural activities. The OEA advises that this disturbed portion of the site will be considered as unevaluated regarding Register eligibility. If the site cannot be avoided through project redesign, the OEA is recommending the development of an MOA and a HPTP to address the adverse effects of this undertaking; 5) AZ U:10:154(ASM) is identified as the Old Rittenhouse Road. The road is currently in-use and is not considered a Register eligible property; and 6) AZ U:16:299(ASM) is identified as the Mesa to Winkelman Spur of the Southern Pacific Railroad. The rail road is considered a Register eligible property which will not be affected by this undertaking. The Board and the OEA are seeking concurrence with recommendations for determinations of site Register eligibility, the preparation of a MOA, and with the preparation of a HPTP to address the adverse effects of this undertaking. The Board has made a project finding of adverse effect.

The GRIC-THPO does not agree with determinations of site Register eligibility. Sites AZ U:10:69(ASM) AZ U:10:152(ASM), and AZ U:10:275(ASM) have previously been determined to be Register eligible properties. The portions of these sites that are located within the project area are therefore considered Register eligible too. A determination of "unevaluated" is not acceptable. The GRIC-THPO does not support the splitting up of sites to determine which parts of the sites are Register eligible and which parts of the sites are not Register eligible. The entire site is Register eligible. We also recommend that the site boundary be expanded to include the newly documented portion of site AZ U:10:152(ASM). The Board and the OEA have also included language regarding site disturbance from agricultural activities at sites AZ U:10:69(ASM) and AZ U:10:275(ASM). Experience has demonstrated to us all that discoveries can still occur, regardless of the extent of disturbance. Assuming or underestimating the possibilities of discoveries is misguided and wrong. The agencies and archaeologists need to conduct this undertaking expecting discoveries in the disturbed areas. The changes to the APE are understood, but it is unclear from the report, maps, and consultation letter just what parts of the APE have been modified. Please clarify. There are also parts of the project area that have been marked as unsurveyed. Will those portions of the project area be archaeologically surveyed?

The GRIC-THPO concurs with a finding adverse effect for this undertaking. We also agree with recommendations for preparation of a Section 106 MOA, a HPTP, and with recommendations for archaeological site monitoring (if necessary). We look forward to reviewing and commenting on the MOA and HPTP, which include suggested changes, when they become available. The GRIC-THPO will continue to participate in the Section 106 process of this undertaking. The proposed project area is within the ancestral lands of the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation).

Thank you for consulting with the GRIC-THPO about this undertaking. If you have any questions please do not hesitate to contact our office at 520-562-7162.

Respectfully,

A handwritten signature in black ink, appearing to read "Barnaby V. Lewis". The signature is fluid and cursive, with the first name "Barnaby" being more prominent than the last name "Lewis".

Barnaby V. Lewis
Tribal Historic Preservation Officer
Gila River Indian Community