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Arizona State Land Department

1616 West Adams, Phoenix, Arizona 85007
(602) 542-4631

October 18, 2022

Michael Romero
Land Disp. Project Leader
Arizona State Land Department
1616 W. Adams
Phoenix, Arizona 85007

RE: Cultural Review for Application 16-123021-00-100 (Union Pacific Railroad Company)

Dear Mr. Romero:

Union Pacific Railroad Company filed a Right of Way (ROW) application (16-123021-00-100) with the Arizona State Land Department (ASLD) for the installation and maintenance of Pecos Industrial Rail Access and Train Extension (PIRATE) on State Trust Land (STL) in Maricopa County (T2S, R7E, Section 2), encompassing 7.257 acres. The project is seeking authority from the Surface Transportation Board (Board). Therefore, this review is solely for ASLD's compliance with the Arizona State Historic Preservation Act (A.R.S. § 41-861 et seq.) in the issuance of the requested ROW and does not fulfill either other agency's potential responsibilities under Section 106 of the National Historic Preservation Act (36 CFR Part 800).

The Boards Office of Environmental Analysis (OEA) on behalf of Union Pacific Railroad Company arranged for Jacobs Engineering Group, Inc. (Jacobs) to inspect the subject area for cultural resources. That inspection was conducted under Arizona Antiquities Act Permit No. 2022-018bl and is documented in the report titled *A Class III Cultural Resources Survey for the Union Pacific Railroad Company Pecos Industrial Rail Access and Train Extension (PIRATE) Project, Mesa and Queen Creek, Maricopa County, Arizona.* (2022). Therefore, per the 2016 Interagency Service Agreement (ISA) between the ASLD, the State Historic Preservation Office (SHPO), and the Arizona State Museum (ASM), ASLD has reviewed the report and has the following comments and recommendations.

The report indicates that Jacobs inspected 31.45 acres of State Trust land and identified six isolated features (IF) consisting of a historic utility line, two in-use dirt roads, and three canal/irrigation ditches on State Trust land. The Class III survey inspected two alternative areas. The Ifs are not considered significant. They do not meet ASM site definition, and mapping and recording have exhausted their data potential. No further cultural resource work is recommended for the IOs. Therefore, the ASLD Cultural Resources Section recommends that ASLD ROW Section grant ROW application 16-123021-00-100 with the following conditions:

Prior to any ground disturbance in areas not previously subject to a cultural resources survey, Grantee shall arrange for a permittee of the Arizona State Museum to inspect the area for cultural, historical, and paleontological remains and submit two copies and a PDF copy of the inspection report to the Arizona State Land Department Cultural Resources Section for review and approval.

If, following receipt of ASLD Cultural Resources Section approval to proceed, any additional archaeological, paleontological, or historical site or object, or Human remains or funerary object that is at least fifty years old is discovered during the course of ground disturbing activities, all work shall cease and the grantee shall notify the Director of the Arizona State Museum pursuant to A.R.S. §41-844, and Arizona State Land Department Cultural Resources Section Manager.

By copy of this letter to Jacobs Engineering Group, Inc., I have the following technical comments:

- Abstract: Project Locator UTM – only use one project UTM locator as the official project UTM locator (used by SHPO and ASM to track projects with AZSITE).

Your continued cooperation with this office in considering the potential for impacts to Arizona's cultural resources is appreciated. If you have any comments or concerns, please contact the ASLD Cultural Resources Section at arch@azland.gov.

Sincerely,



Tiffany L. Grew
Archaeological Compliance Specialist
As agent of Arizona State Land Department

CC: Erin Davis, SHPO
Adam Assenza, OEA
Alan Tabachnick, OEA
Kris Anderson, Union Pacific Railroad Company
Glennnda Gene Luhnnow, Jacobs Engineering Group, Inc.
Shannon Plummer, ASM

Enclosure: Tribal Consultation List

Arizona State Land Department Cultural Resources Section

Tribal Consultation List

If you have any comments or concerns, please provide them at this time. If there are none, this document may be retained for your records. Should you require additional documentation, i.e. maps or reports, please request via email for digital copies.

Application No.: 16-123021-00-100

Date: October 18, 2022

Tribes:

- ☐ Ak-Chin Indian Community
- ☐ Chemehuevi Indian Tribe
- ☐ Cocopah Indian Tribe
- ☐ Colorado River Indian Tribes
- ☐ Fort McDowell Yavapai Nation
- ☐ Fort Mojave Indian Tribe
- ☐ Fort Sill Apache Tribe
- ☐ Fort Yuma-Quechan Tribe
- ☒ Gila River Indian Community
- ☐ Havasupai Tribe
- ☒ Hopi Tribe
- ☐ Hualapai Tribe
- ☐ Kaibab Band of Paiute Indians
- ☒ Mescalero Apache Tribe
- ☐ Moapa Band of Paiute Indians
- ☐ Navajo Nation
- ☐ Paiute Indian Tribe of Utah
- ☒ Pascua Yaqui Tribe
- ☒ Pueblo of Zuni
- ☒ Salt River Pima-Maricopa Indian Community
- ☐ San Carlos Apache Tribe
- ☐ San Juan Southern Paiute
- ☐ Tohono O'odham Nation
- ☒ Tonto Apache Tribe
- ☐ Ute Mountain Ute
- ☒ White Mountain Apache Tribe
- ☒ Yavapai-Apache Nation
- ☐ Yavapai-Prescott Indian Tribe
- ☐ Pueblo of Acoma