



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

October 18, 2022

Ms. Kathryn Leonard
 State Historic Preservation Officer
 Arizona State Parks, State Historic Preservation Office
 1110 West Washington Street, Suite 100
 Phoenix, AZ 85007

Re: Docket No. FD 36501, Union Pacific Railroad Company – Construction and Operation Exemption – in Maricopa County, Ariz.; Informational Letter Regarding Memorandum of Agreement (MOA) Development, Meetings, and Schedule

Dear Ms. Leonard:

The purpose of this letter is to provide you with information on the historic review process for the proposed construction and operation of approximately 6.0 miles of new rail line in Maricopa County, Arizona (the Pecos Industrial Rail Access and Train Extension [PIRATE] rail line). On June 30, 2022, the Union Pacific Railroad Company (UP) filed a petition with the Surface Transportation Board (Board) pursuant to 49 U.S.C. § 10502 requesting authority to construct and operate the PIRATE rail line (See attached map). Before deciding whether to approve the proposed rail line, deny it, or approve it with conditions, the Board must consider the potential environmental impacts of the construction and operation of UP's proposed rail line, pursuant to the National Environmental Policy Act (42 U.S.C. §§ 4321-4370m-12), Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), the Board's environmental rules at 49 C.F.R. Part 1105, and related environmental laws. Accordingly, the Board's Office of Environmental Analysis (OEA) is preparing an Environmental Assessment (EA) to assess the potential environmental and historic impacts of the proposed PIRATE rail line.

Section 106 Process to Date

On April 6, 2022, OEA initiated the Section 106 process through consultation pursuant to Section 106 of the NHPA. OEA outlined the project scope, notified potential consulting parties of the project's alternatives analysis, and requested concurrence on the Area of Potential Effects (APE). On September 1, 2022, OEA distributed a draft Class III survey report, disclosed changes to the APE, and requested concurrence from consulting parties on OEA's National Register of Historic Places (NRHP) eligibility determinations, treatment recommendations, finding of adverse effect, and development of a Section 106 Memorandum of Agreement (MOA) for the project. OEA is revising the Class III survey report based on

comments received from consulting parties and will distribute the revised report shortly. However, the Arizona State Historic Preservation Office and many of the consulting parties have already concurred on the adverse effect finding, necessitating the development of an MOA.

The next step in the Section 106 process will be to develop the MOA as well as a Historic Properties Treatment Plan (HPTP), in consultation with the consulting parties. OEA will be scheduling regular consultation meetings to discuss the MOA and the HPTP, and we hope to use these regular meetings to work together towards a successful resolution of the proposed project's adverse effect. Your input and participation are critically important to this process.

Proposed MOA Meeting Format

OEA proposes to conduct the consultation meetings virtually via Microsoft Teams to accommodate non-local consulting parties. All consulting parties will be invited to attend and encouraged to participate in the development of the MOA. At the initial meeting, we will outline the MOA schedule and document format, discuss review timelines, establish a schedule for future meetings, discuss the roles of Signatories, Invited Signatories, and Concurring Parties, and introduce the initial clauses and stipulations that will be included in the draft MOA.

OEA anticipates that the format of the MOA will generally follow the guidelines outlined in the State Historic Preservation Office's Guidance Point 12, *Drafting Section 106 Agreement Documents for Undertakings in the State of Arizona* (Arizona State Parks, 2018). A copy of this document is available online at <https://azstateparks.com/shpo-guidance-points>.

Proposed Dates and Times for the Initial MOA Meeting

OEA proposes three possible dates and times for the initial MOA meeting. Please review the dates and times listed below and rank them in order of convenience. Every effort will be made to accommodate all parties, but the date and time selected will be based on the preference of the majority of attendees.

- ____ Tuesday, November 1, 2022, between 9:00–11:00 am
- ____ Wednesday, November 2, 2022, between 10:30 am–12:30 pm
- ____ Thursday, November 3, 2022, between 1:00–3:00 pm

Please email your ranked dates to Alan.Tabachnick@stb.gov. If email is not convenient or feasible, you can also call 202-245-0367 with your preferences.

Proposed Meeting Schedule for Subsequent MOA Meetings

OEA proposes subsequent monthly Microsoft Teams meetings to outline and discuss the MOA comments and responses. Within two weeks of the initial MOA meeting, OEA will provide a draft MOA to the consulting parties for initial review and comment. OEA will circulate review copies of subsequent revisions every two weeks.

Schedule for the Development and Execution of the MOA

The target timing for MOA execution is late February 2023. The executed MOA will be appended to the Final EA when it is issued.

Contact Information

If you have any questions or comments about the proposed meeting schedule or format, or the proposed schedule for MOA development and execution, please reach out to Alan Tabachnick either via email (Alan.Tabachnick@stb.gov) or by phone (202-245-0367). We look forward to continuing consultation with you on the historic review of this project.

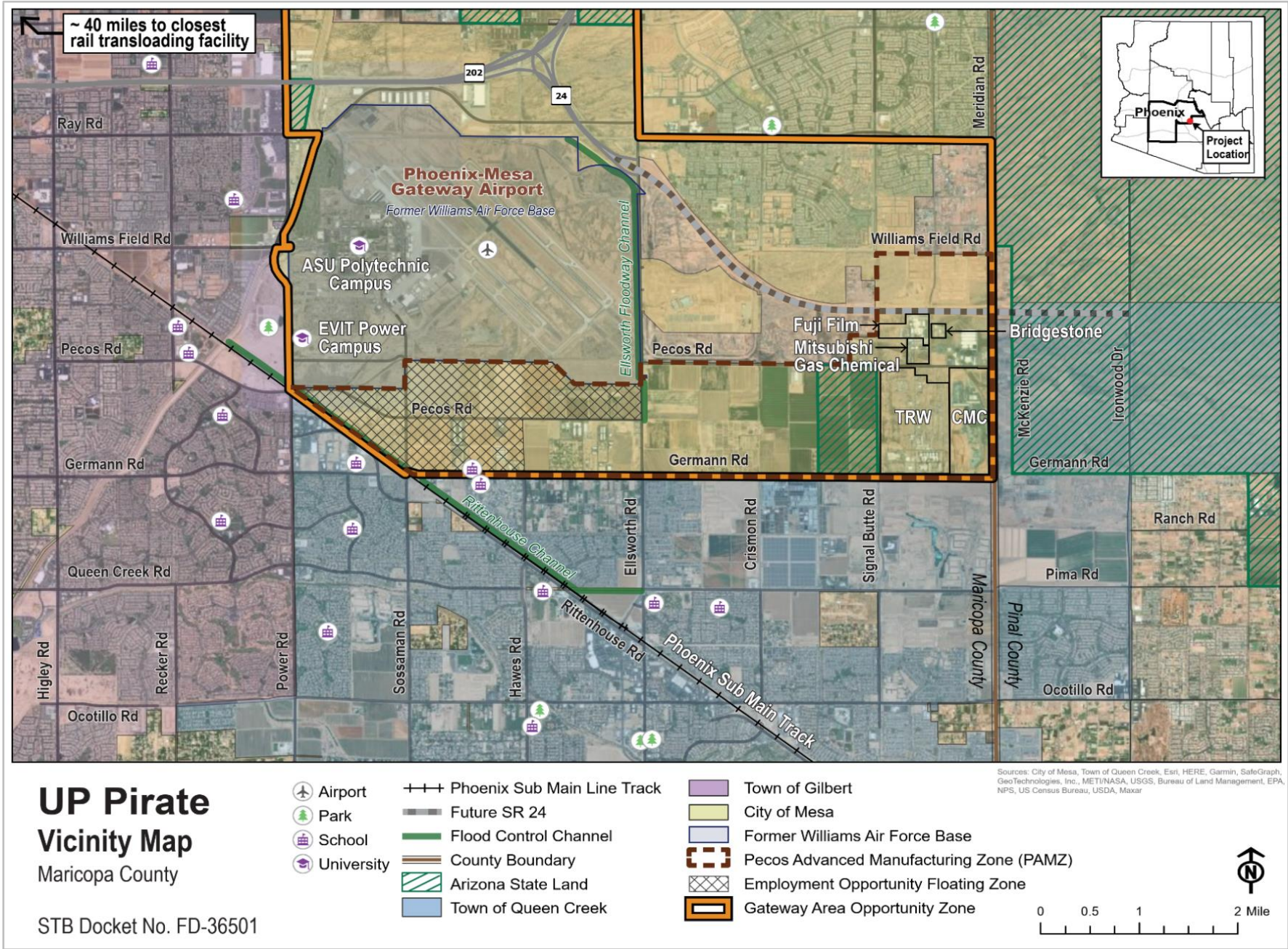
Sincerely,

Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure: Vicinity Map

cc: Adam Assenza, OEA Environmental Protection Specialist, Adam.Assenza@stb.gov
Alan Tabachnick, OEA Historic Preservation Specialist, alan.tabachnick@stb.gov
Maggie Buckley, Jacobs Project Manager, Maggie.Buckley@jacobs.com

ATTACHMENT 1 – VICINITY MAP



2b - MOA Meetings (October 18, 2022) Distribution List		
Agency/Tribe	Contact Name	Position
Ak-Chin Indian Community	Robert Miguel	Chairman
Ak-Chin Indian Community	Elaine Peters	Him-Dak Museum Director
Arizona Museum of Natural History	Emily Early	Archaeology, Ethnology, and Art Collections
Arizona Museum of Natural History	Alison Stoltman	Director
Arizona State Land Department	Mark Edelman	Director, Planning and Engineering
Arizona State Land Department	David Schroeder	Archaeological Project Specialist
Arizona State Land Department	Michael Romero	Right of Way Project Leader
Arizona State Museum	Shannon Plummer	Arizona Antiquities Act Administrator
Arizona State Museum	Patrick Lyons	Director
Bureau of Indian Affairs	Tamera Dawes	Realty Specialist
Bureau of Indian Affairs	Garry Cantley	Archaeologist
U.S. Army Corps of Engineers	Sallie Diebolt	Arizona Branch Chief
U.S. Army Corps of Engineers	Lisa Robinson	Regulatory Assistant
Federal Aviation Administration	Mike Williams	Manager
Flood Control District of Maricopa County	Michael Fulton	Director
Gila River Indian Community	Stephen Roe Lewis	Governor
Gila River Indian Community	Barnaby Lewis	THPO
Gila River Indian Community	Larry Benallie, Jr.	Archaeological Compliance Specialist
Hopi Tribe	Timothy L. Nuvangyaoma	Chairman
Hopi Tribe	Stewart B. Koyiyumptewa	THPO
City of Mesa	J.D. Beatty	Senior Economic Development Project Manager
Mesa Historical Museum	Susan Ricci	Executive Director
Mesa Historic Preservation Office	Michelle Dahlke	Historic Preservation Supervisor
Mescalero Apache Tribe	Gabe Aguilar	President
Mescalero Apache Tribe	Holly Houghten	THPO
Queen Creek Irrigation District	Maaiké Hough	George Cairo Engineering, Inc.
Pascua Yaqui Tribe	Peter Yucupicio	Chairman
Pascua Yaqui Tribe	Dr. Karl Hoerig	THPO
Salt River Pima Maricopa Indian Community	Martin Harvier	President
Salt River Pima Maricopa Indian Community	Shane Anton	THPO
Salt River Pima Maricopa Indian Community	Martha Martinez	NAGPRA Coordinator
Salt River Pima Maricopa Indian Community	Angela D. Garcia-Lewis	Cultural Preservation Supervisor
Salt River Pima Maricopa Indian Community	Sunday Eiselt	THPO Archaeologist
San Tan Historical Society	Keith Johanson	President

2b - MOA Meetings (October 18, 2022) Distribution List		
Agency/Tribe	Contact Name	Position
SHPO	Kathryn Leonard	SHPO
SRP	David Rousseau	President
SRP	Dan Garcia	Senior Cultural Resources Specialist
Tohono O'odham Nation	Jefford Francisco	Cultural Resources Specialist
Tohono O'odham Nation	Peter Steere	THPO
Tohono O'odham Nation	Ned Norris, Jr.	Chairman
Tonto Apache Tribe	Calvin Johnson	Chairman
Tonto Apache Tribe	Jeri DeCola	Cultural and NAGPRA Representative
Yavapai-Apache Nation	Jon Huey	Chairman
Yavapai-Apache Nation	Chris Coder	Tribal Archaeologist
Pueblo of Zuni	Val R Panteah	Chairman
Pueblo of Zuni	Kurt Dongoske	THPO