



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 22, 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, AZ
 Continuation of National Historic Preservation Act Section 106 Consultation

Dear Ms. Leonard:

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 approximately 6.0 miles of new rail line in Maricopa County, Arizona (the Pecos Industrial Rail Access and Train Extension [PIRATE]) (see Attachment 1). Before making its decision on whether to grant such authority, 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 (54 U.S.C. § 306108), the Board's environmental rules (49 C.F.R. Part 1105), and related environmental laws.

The Board's Office of Environmental Analysis (OEA) initiated consultation pursuant to Section 106 of the National Historic Preservation Act (dated April 6, 2022) with a letter that outlined the project scope, notified potential consulting parties of the project's alternatives analysis, and requested concurrence on the project's Area of Potential Effects (APE). OEA continued Section 106 consultation with a letter to all consulting parties dated September 1, 2022. The September 1, 2022 letter addressed revisions to the APE, the adequacy of the project's cultural resources Class III survey report, OEA's National Register of Historic Places (NRHP) eligibility determinations and treatment recommendations, finding of adverse effect, and development of a Section 106 agreement document for the project.

OEA is continuing Section 106 consultation with your office to solicit comments regarding a project scope change, the adequacy of the final Class III survey report, the NRHP eligibility reevaluation of AZ U:10:69(ASM) and AZ U:10:275(ASM), a boundary change to and NRHP reevaluation of AZ U:10:152(ASM), and the treatment of unsurveyed areas.

Project Scope Change

Initial build-out of the project now includes a 5,100-foot-long run-around track that would be constructed within the APE between Crismon Road and Signal Butte Road, south of the PIRATE industrial lead track. The run-around track would allow UP to change directions by shifting a train off the PIRATE industrial lead track and moving the locomotive from one end of the train to the other. UP previously proposed to construct the run-around track in the future but now plans to construct the run-around track as part of its initial build-out with the industrial lead track. This project scope change is entirely contained within the APE and would not change the potential impacts to NRHP-eligible cultural resources.

Concurrence on Final Class III Survey Report

Comments on the draft Class III survey report (Rainey and Stubing 2022) were received from the Gila River Indian Community (GRIC) Tribal Historic Preservation Office (THPO), the Salt River Pima-Maricopa Indian Community (SRPMIC) THPO, and the Arizona State Land Department. These comments and OEA's responses are included in the comment matrix (Attachment 2). All comments have been completely addressed in the final report, and OEA requests concurrence on the adequacy of the Class III survey report (Attachment 3) as a final document.

Reevaluation of NRHP Eligibility Determinations for AZ U:10:69(ASM) and AZ U:10:275(ASM)

The GRIC and SRPMIC THPOs disagreed with OEA's previous determinations of the portions of AZ U:10:69(ASM) and AZ U:10:275(ASM) within the APE as unevaluated for NRHP eligibility. GRIC and SRPMIC THPOs believe these two sites are eligible for NRHP under Criterion D in their entirety.

OEA agrees with the GRIC and SRPMIC THPOs that these two sites are eligible for the NRHP under Criterion D. The reevaluated NRHP eligibility determinations for both sites are reflected in the attached final Class III survey report. OEA requests your concurrence that AZ U:10:69(ASM) and AZ U:10:275(ASM) are eligible for the NRHP under Criterion D in their entirety for their potential to provide information on important themes relative to the Hohokam occupation of the Queen Creek Delta area.

Boundary Change and Reevaluation of NRHP Eligibility for AZ U:10:152(ASM)

The GRIC and SRPMIC THPOs also disagreed with the boundary delineation of AZ U:10:152(ASM) as outside of, but adjacent to, the APE. GRIC and SRPMIC THPOs believe that artifacts identified within the APE by the Class III survey are associated with the site and should be incorporated into an expanded site boundary. In keeping with their position that cultural resources sites should reflect NRHP eligibility in their entirety, the GRIC and SRPMIC THPOs consider AZ U:10:152(ASM), including the expanded boundary of the site within the APE, eligible for the NRHP under Criterion D.

OEA agrees with the GRIC and SRPMIC THPOs that the boundary of this site should be expanded. The revised site boundary and the reevaluation of NRHP eligibility for AZ U:10:152(ASM) is reflected in the enclosed final Class III survey report. The site boundary is now within the APE. OEA requests your concurrence with the revised site boundary of AZ U:10:152(ASM), the finding that the site is now within the APE, and the determination of AZ U:10:152(AS) as eligible for the NRHP under Criterion D for its potential to provide information on important themes relative to the Hohokam occupation of the Queen Creek Delta area.

Treatment of Unsurveyed Areas

Two areas in the APE were unsurveyed by the Class III fieldwork due to a lack of right of entry and a lack of surface visibility. OEA will require an additional cultural resources investigation of the unsurveyed areas prior to construction in the project's memorandum of agreement, which will be developed in consultation with the Section 106 consulting parties.

Maps Depicting APE Revisions

As described in the continuing Section 106 consultation letter dated September 1, 2022, slight revisions were made to the project APE. These revisions consist of the following items:

- The removal of grading extensions located in a portion of Township 1 South, Range 7 East, Section 36 (Gila and Salt River Baseline and Meridian).
- A 500-foot extension to the northeastern terminus of the APE south of Pecos Road and east of the approach to the Commercial Metals Company, located in a portion of Township 2 South, Range 7 East, Section 1 (Gila and Salt River Baseline and Meridian).

The GRIC and SRPMIC THPOS requested maps depicting the locations of the APE changes during Section 106 consultation. OEA is including these maps for your review as attachments to this letter (Attachment 4).

Request for Input

Thank you for your continued cooperation during the Section 106 historic review process for this project. OEA requests your concurrence regarding the above topics by **Tuesday, December 21, 2022**. If you have any additional questions, please reach out to Alan Tabachnick, at 202-245-0367.

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

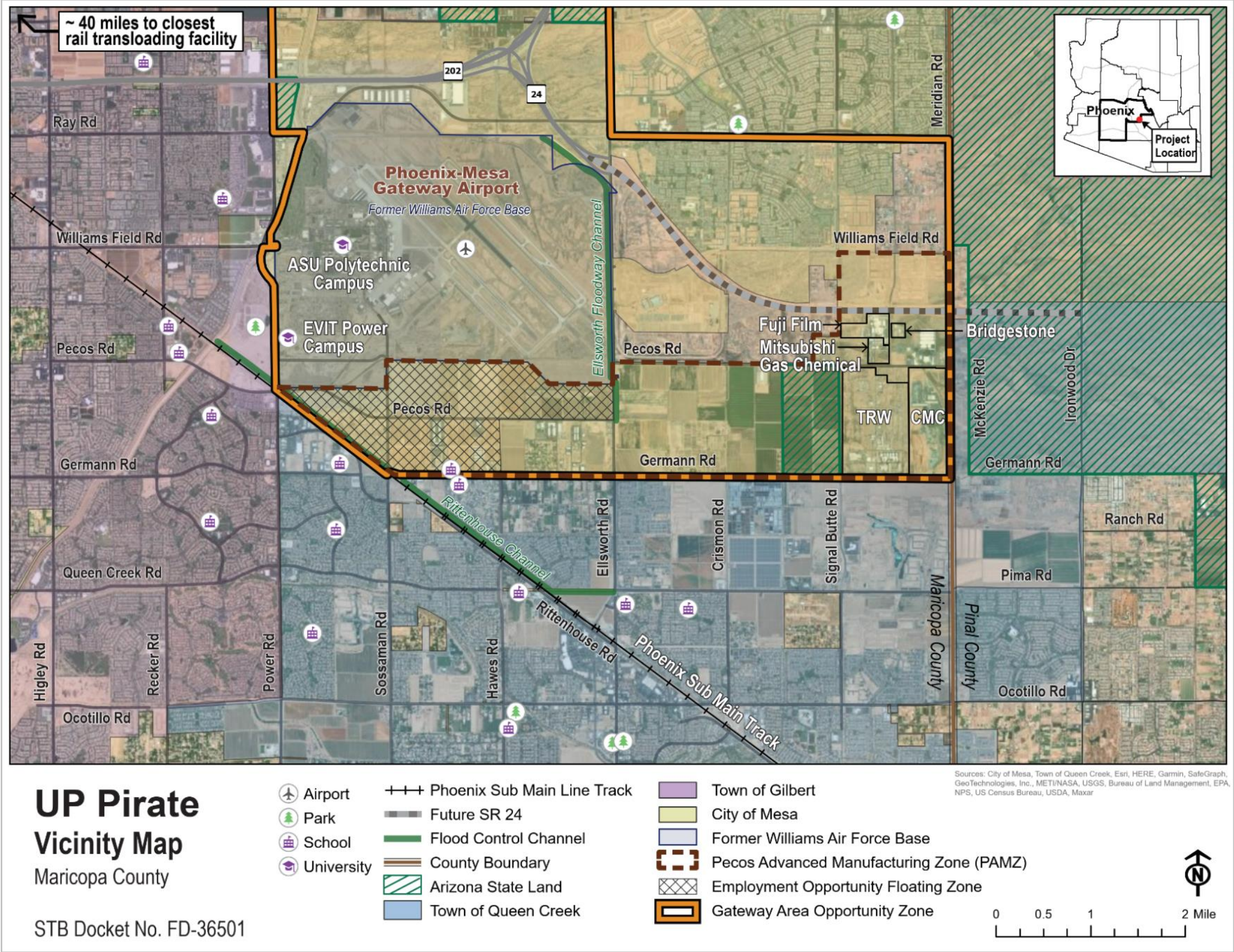
Attachment 1 - Vicinity Map
Attachment 2 - Comment Matrix
Attachment 3 - Final Class III Survey Report
Attachment 4 - Revised APE Maps (two sheets)

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

References Cited:

Rainey, Pamela J., and Michael Stubing
2022 *A Class III Cultural Resources Survey for the Union Pacific Railroad Company Pecos Industrial Rail Access and Train Extensions (PIRATE) Project, Mesa and Queen Creek, Maricopa County, Arizona*. Jacobs Project Report No. 2022-006. Jacobs Engineering Group Inc., Tempe, Arizona.

ATTACHMENT 1 - VICINITY MAP

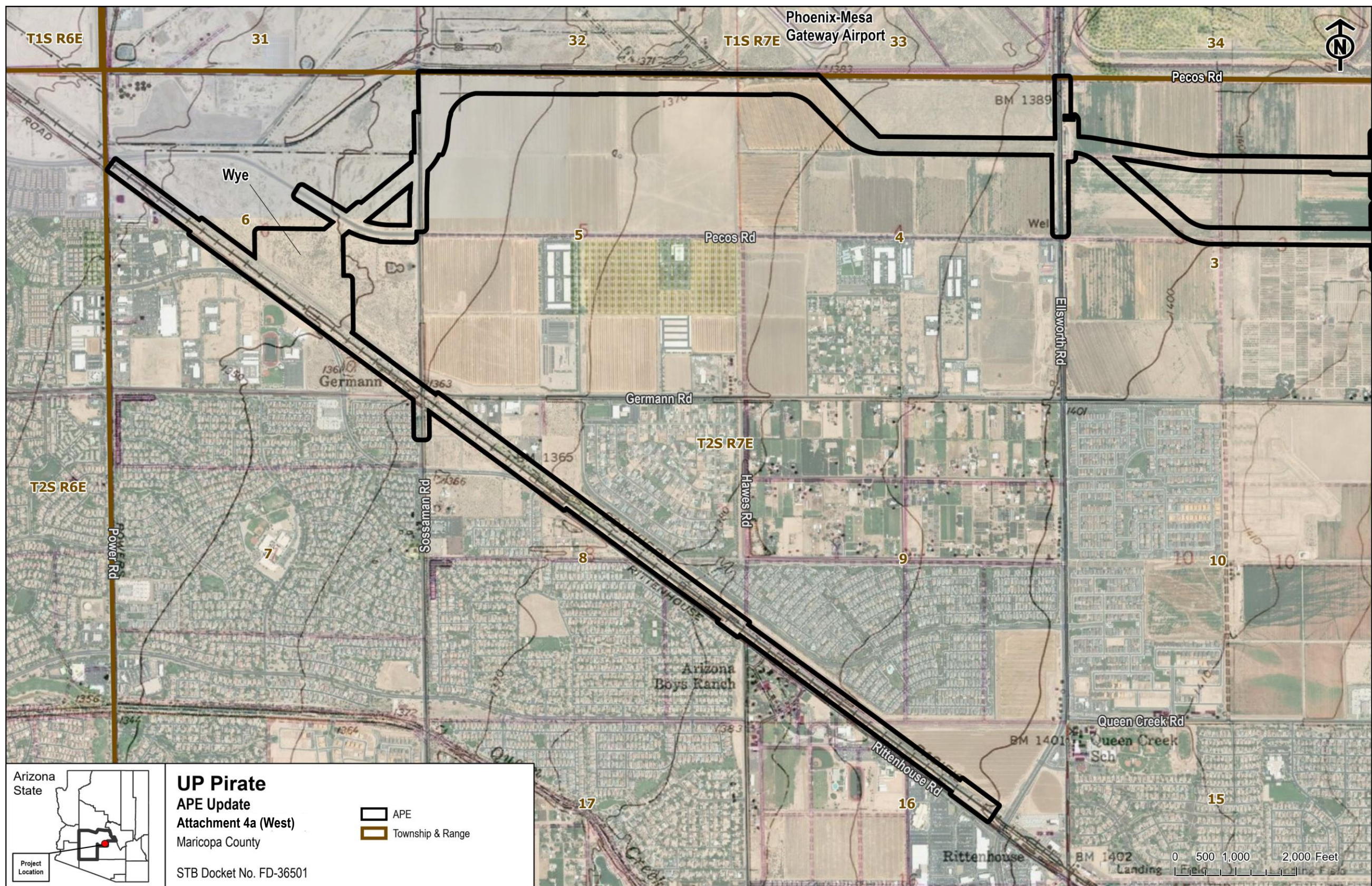


ATTACHMENT 2 - COMMENT MATRIX

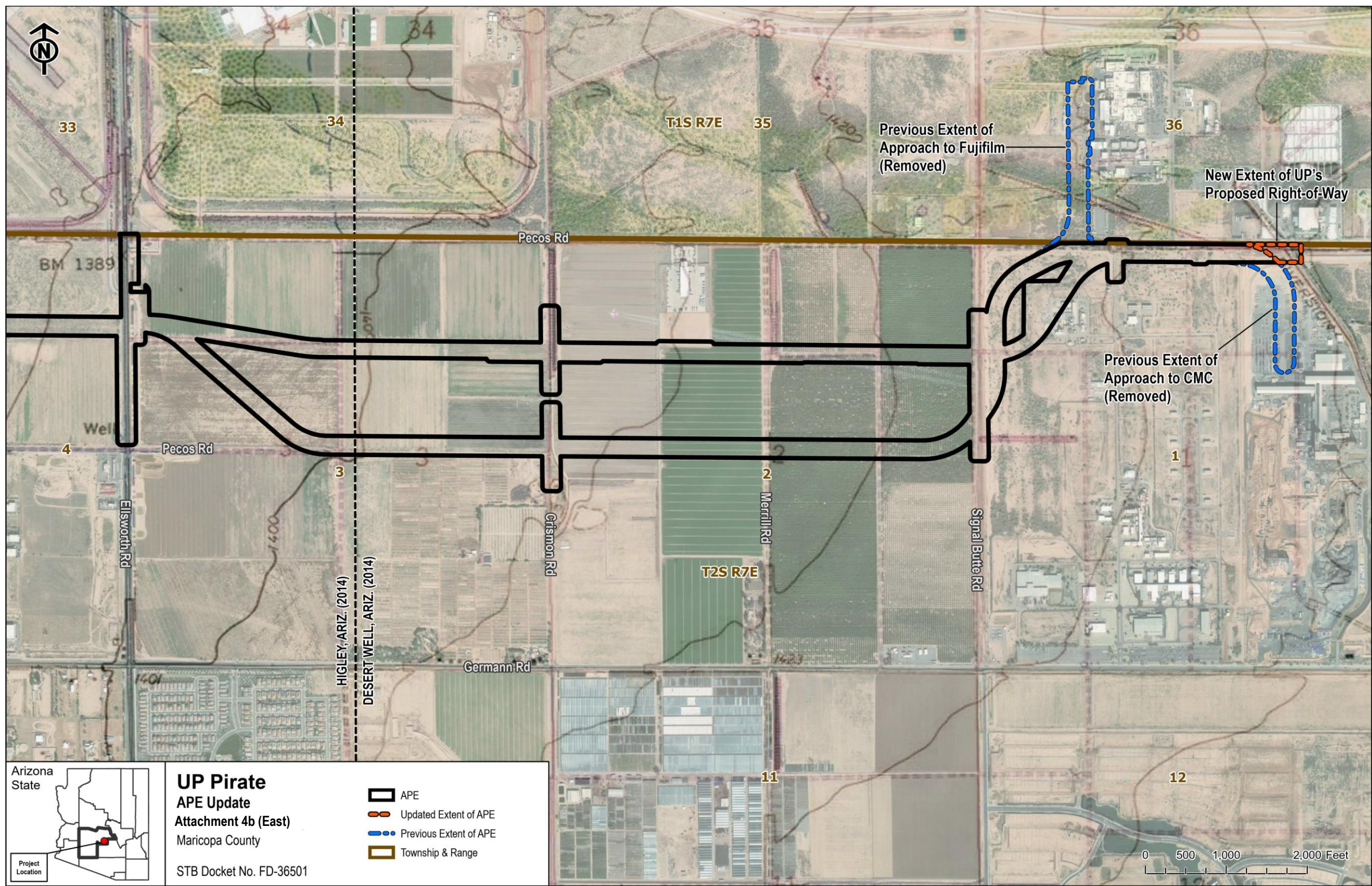
Comment Originator(s)	Comments	OEA's Proposed Resolution
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	Sites AZ U:10:69, 152, and 275(ASM) – the newly recorded portions of these sites should be considered eligible for the NRHP.	Eligibility has been changed from unevaluated to eligible under Criterion D.
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	Boundary for AZ U:10:152(ASM) should be expanded to include the new artifacts.	Boundary has been extended to include the new artifacts.
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	Language concerning agricultural disturbance at site AZ U:10:69 and 275(ASM).	OEA did not intend to imply that no cultural resources would be present under areas with agricultural disturbance, only that it was not possible to confirm based on the survey results alone. OEA acknowledged that despite the disturbances, potential for intact subsurface deposits may exist. For clarification, the language has thus been changed from: <i>The area has been subject to extensive agricultural disturbance; however, there may be potential for intact subsurface deposits to exist, although this could not be confidently assessed based on the Class III survey results. Therefore, OEA recommends that the newly recorded portion of AZ U:10:69(ASM within the APE is unevaluated for NRHP eligibility.</i> – TO – <i>The area has been subject to extensive agricultural disturbance; however, there is potential for intact subsurface deposits to exist. Therefore, OEA recommends that the newly recorded portion of AZ U:10:69(ASM) within the APE is eligible for the NRHP under Criterion D.</i> This statement will apply to AZ U:10:69(ASM) and AZ U:10:275(ASM) as well as AZ U:10:152(ASM).

Comment Originator(s)	Comments	OEA's Proposed Resolution
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	APE changes are unclear.	The APE changes were described in the previous consultation letter (dated 9/1/2022) and a figure showing the new APE. A revised figure of the APE is included with this continuing Section 106 consultation letter that depicts the changes.
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	Will unsurveyed portions be surveyed in the future?	Provisions for conducting additional survey of unsurveyed areas will be contained in the memorandum of agreement.
ASLD	Include only one project UTM in Abstract	Revised as requested.

ATTACHMENT 4a - REVISED APE MAP (1 of 2)



ATTACHMENT 4b - REVISED APE MAP (2 of 2)



3 - Final Survey Report, Revised NRHP Eligibility (November 22, 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	William Jabjiniak	Economic Development Director
Mesa Historical Museum	Susan Ricci	Executive Director
Mesa Historic Preservation Office	Michelle Dahlke	Historic Preservation Supervisor
Mesa Historic Preservation Office	Mary Kopaskie-Brown	Historic Preservation Officer
Mesa Historic Preservation Office	Maura Jackson	Historic Preservation Advisor
Mescalero Apache Tribe	Eddie Martinez	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
Phoenix-Mesa Gateway Airport	Tony Bianchi	Airport Planner
Town of Queen Creek	Heather Wilkey	Intergovernmental Relations Director
Salt River Pima Maricopa Indian Community	Martin Harvier	President
Salt River Pima Maricopa Indian Community	Shane Anton	THPO
Salt River Pima Maricopa Indian	Martha Martinez	NAGPRA Coordinator

3 - Final Survey Report, Revised NRHP Eligibility (November 22, 2022) Distribution List		
Agency/Tribe	Contact Name	Position
Community		
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
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
Union Pacific Railroad	Kevin Rice	Senior Manager, E/W Environmental
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