



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

May 19, 2023

Ms. Kathryn Leonard
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 on Unsurveyed Areas within the Area of Potential Effects, Class III Addendum Survey Report Adequacy, and Continued Project Finding of Adverse Effect

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] project) (Attachment A). 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 at 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 on April 6, 2022. OEA continued Section 106 consultation through the fall of 2022 addressing the project Area of Potential Effects (APE), the Class III survey report, unsurveyed areas in the APE, National Register of Historic Places (NRHP) eligibility determinations, and treatment recommendations. Beginning in January and continuing through the spring of 2023, OEA completed a series of consultation letters and virtual meetings for developing a Memorandum of Agreement (MOA).

OEA is continuing Section 106 consultation with your office and soliciting comments regarding unsurveyed areas within the project APE that will not be acquired for project construction, the adequacy of a Class III addendum survey report, and a continued project finding of "adverse effect."

Unsurveyed Areas Within the APE

On behalf of the OEA, Jacobs Engineering Group Inc. (Jacobs), OEA's third-party contractor, conducted a Class III cultural resources survey of the project's APE in May and June of 2022 (Rainey and Stubing 2022). The APE averages between 200 and 300 feet wide but is variable depending upon the proposed construction footprint and any construction-related activities (staging, drainage structures, and crossings). As defined, the APE includes a buffer of 100 feet (approximately 50 feet on either side of the

construction footprint) around the proposed rail line and associated road crossing designs. In areas where known constraints exist, the buffer extends 100 feet on a single side of the construction footprint.

The Class III survey identified 4 previously recorded cultural resources sites (AZ U:10:2[ASM], AZ U:10:69[ASM], AZ U:10:152[ASM] and AZ U:10:275[ASM]), 2 in-use historic structures, and 53 isolated occurrences (IOs) and isolated features (IFs) within the APE (Rainey and Stubing 2022). At the time of the Class III survey, two discontinuous areas totaling 15.39 acres in the project APE could not be investigated due to access issues and poor ground visibility.

A total of 4.91 acres of the previously surveyed areas are within the APE buffer and will not be acquired by UP or be subject to project ground disturbance. Given that these areas will not be acquired for project construction, access to these areas has not been granted to conduct a Class III survey. These areas are depicted on Attachment B. UP has provided a letter confirming that these areas will not be acquired, nor would they be subject to any temporary or permanent project ground disturbance (Attachment C). OEA requests your concurrence that no further cultural resources investigations are required for the areas depicted on Attachment B.

Class III Addendum Survey

On behalf of OEA, Jacobs recently conducted a Class III addendum survey of previously unsurveyed areas within the APE that have been acquired by UP and will be subject to project ground disturbance if the project is approved by the Board. This Class III survey investigated a total of 10.48 additional acres within the project APE. The Class III addendum survey resulted in the new recording of portions of previously documented sites AZ U:10:2(ASM) and AZ U:10:275(ASM). Based on the results of the Class III addendum survey, previously defined adverse effects to these sites will remain the same. The treatment of the adverse effect is addressed in the MOA and the upcoming Historic Properties Treatment Plan (HPTP). A copy of the Class III addendum survey report (Powell 2023) is attached for your review and comment (Attachment D).

Request for Input

Please review the information contained in this letter and the Class III addendum survey report and provide OEA with any comments by June 19, 2023. Thank you very much for your continued involvement and input on this project. Please feel free to contact Alan Tabachnick, OEA's Federal Preservation Officer, Alan.Tabachnick@stb.gov with any questions about the APE or the Class III addendum survey report.

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

Attachment A – Vicinity Map

Attachment B – Project Location Maps depicting Previously Unsurveyed Areas and Class III Addendum Survey Areas

Attachment C – Letter from UP Regarding Unsurveyed Areas within the Project Buffer

Attachment D – *A Class III Addendum 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.* (Powell 2023)

Cc: Adam Assenza, OEA Environmental Protection Specialist, Adam.Assenza@stb.gov

Alan Tabachnick, OEA Federal Preservation Officer, Alan.Tabachnick@stb.gov

Maggie Buckley, Jacobs Project Manager, Maggie.Buckley@jacobs.com

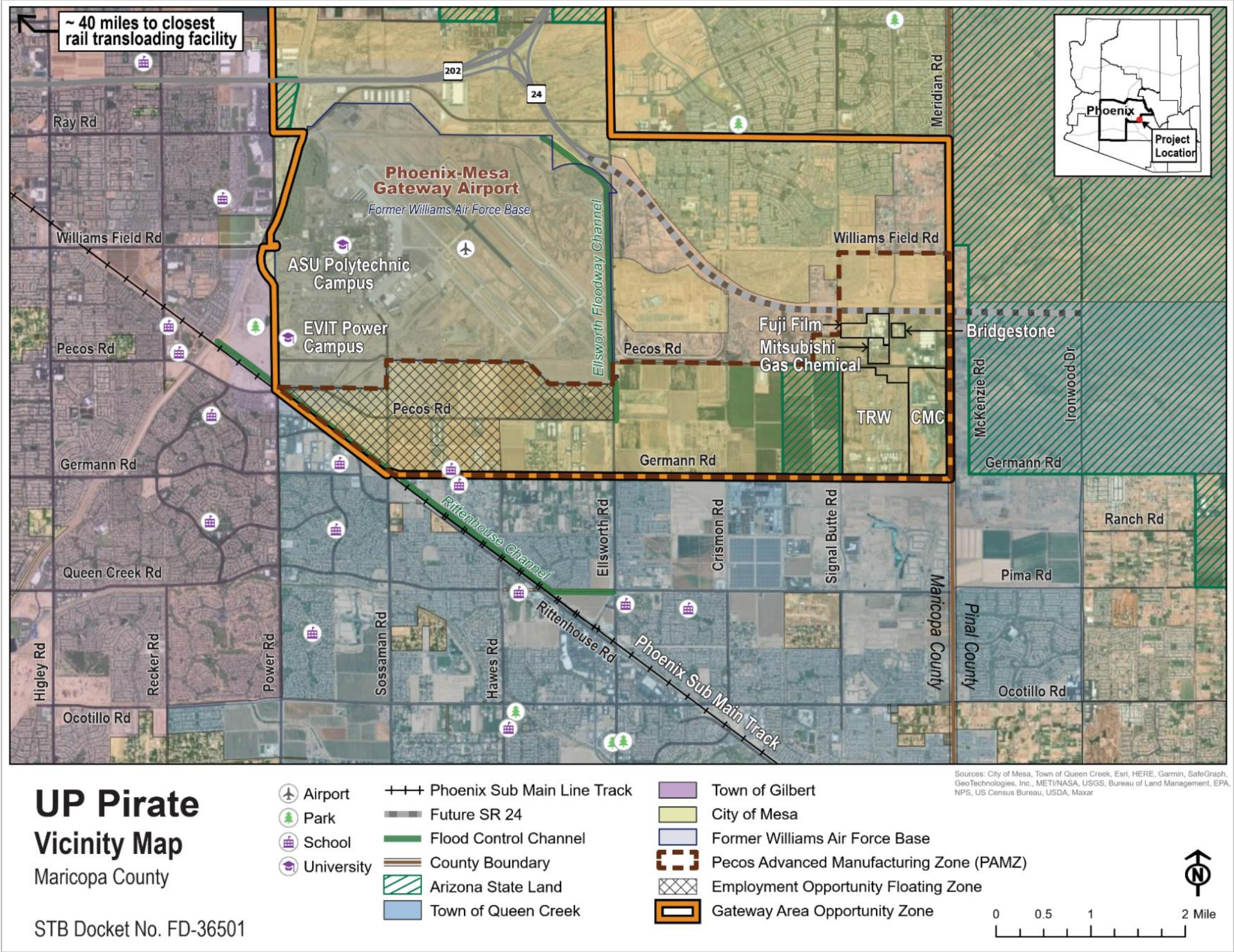
Caroline Klebacha, Archaeological Compliance Specialist, cklebacha@azstateparks.gov

References Cited:

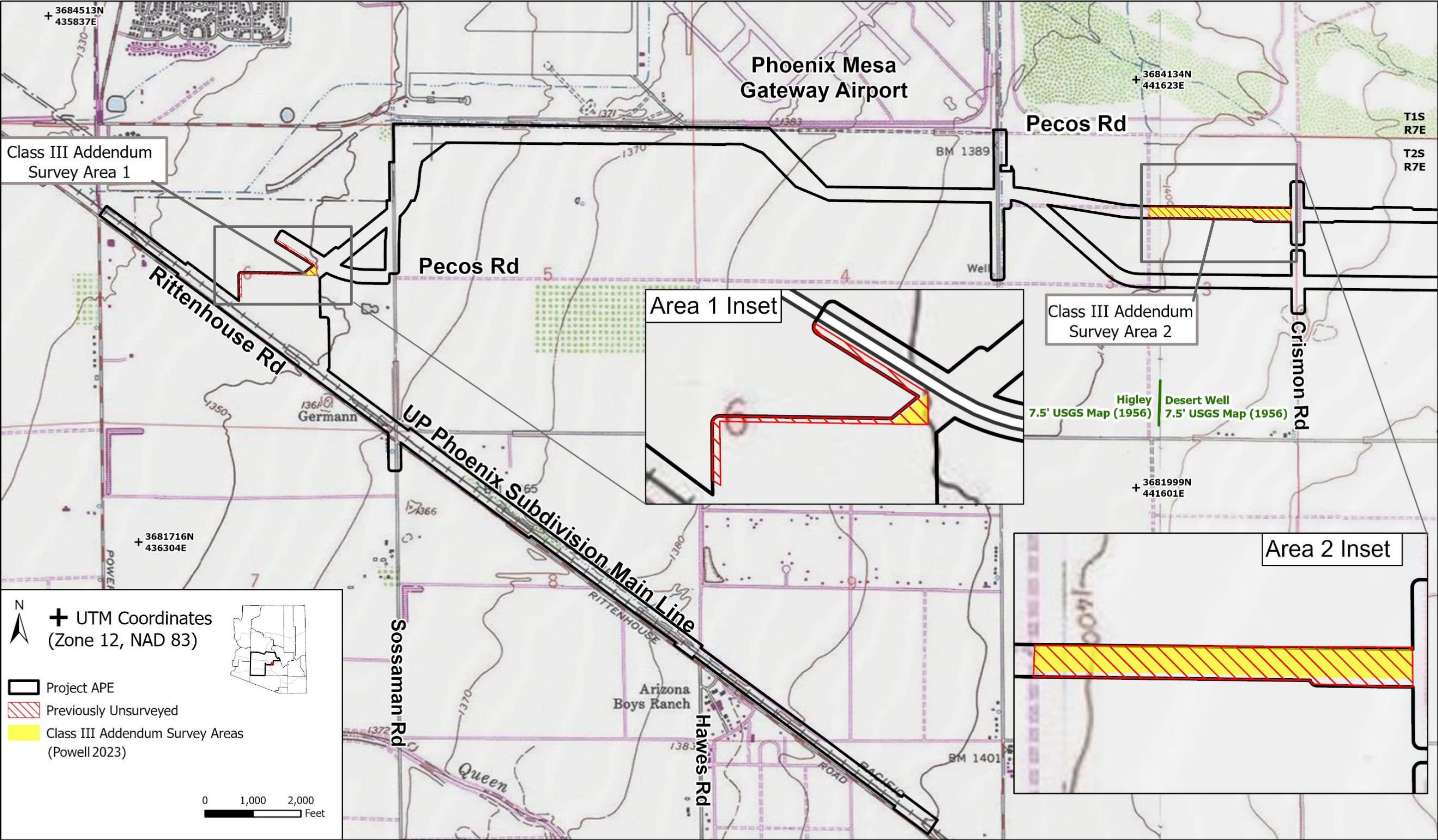
Rainey, Pamela J., and Michael Stubing

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.

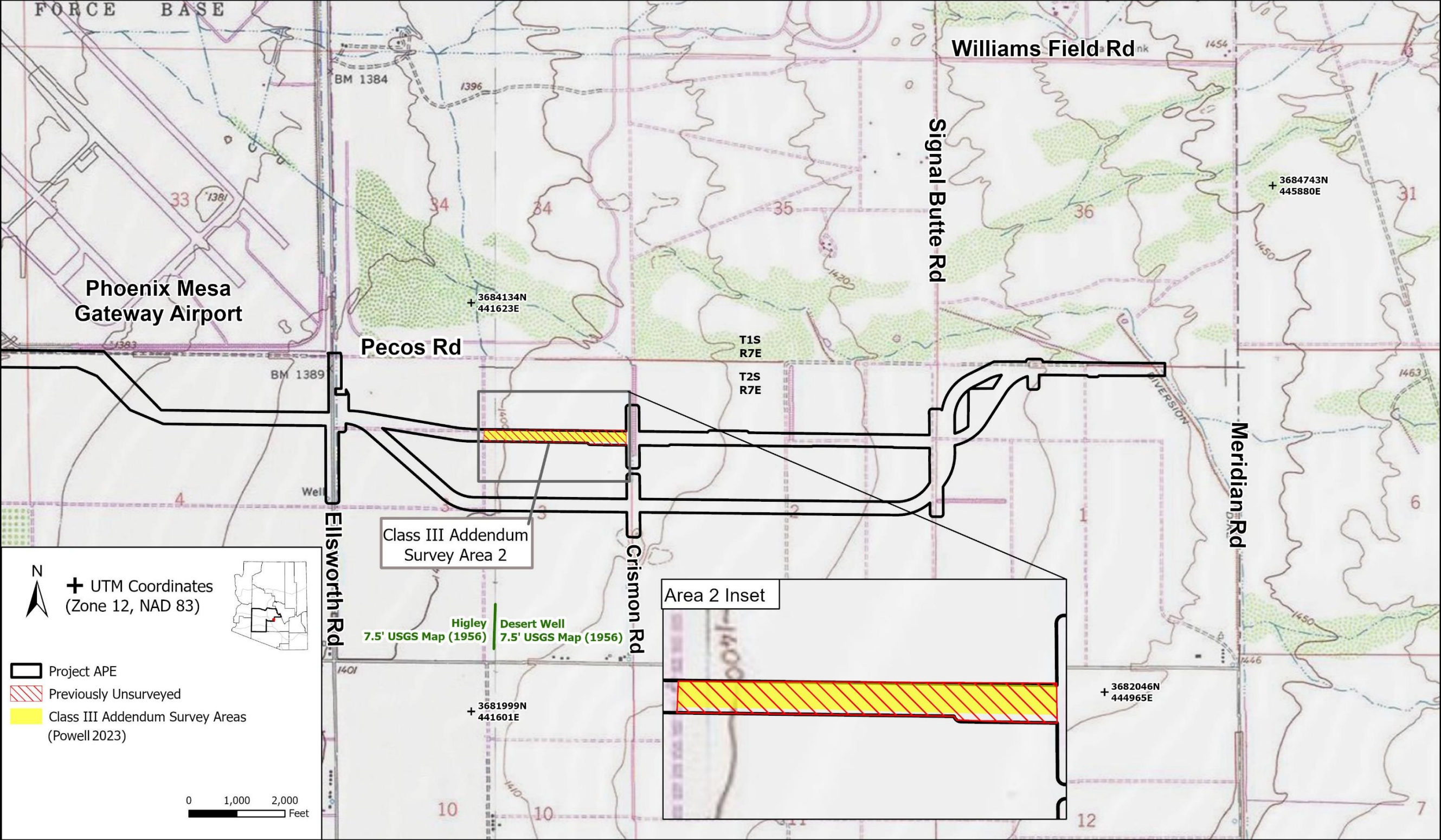
ATTACHMENT A – VICINITY MAP



ATTACHMENT B1- PROJECT LOCATION MAPS DEPICTING PREVIOUSLY UNSURVEYED AREAS AND CLASS III ADDENDUM SURVEY AREAS



ATTACHMENT B2- PROJECT LOCATION MAPS DEPICTING PREVIOUSLY UNSURVEYED AREAS AND THE CLASS III ADDENDUM SURVEY AREA



**ATTACHMENT C - LETTER FROM UP REGARDING UNSURVEYED AREAS WITHIN
THE PROJECT BUFFER**



BUILDING AMERICA®

May 17, 2023

Mr. Adam Assenza
Environmental Protection Specialist
Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: STB Docket No. FD 36501, Union Pacific Railroad –Two Un-surveyed Portions of APE

Dear Mr. Assenza:

As it relates to the PIRATE Industrial Lead project, with regards to the two un-surveyed areas depicted in the enclosed documents (titled Unsurveyed Not Acquired East v5.jpg & Unsurveyed Not Acquired West v5.jpg), “buffer areas”, shown as highlighted in yellow and are not currently owned by Union Pacific Railroad (UPRR), UPRR will not:

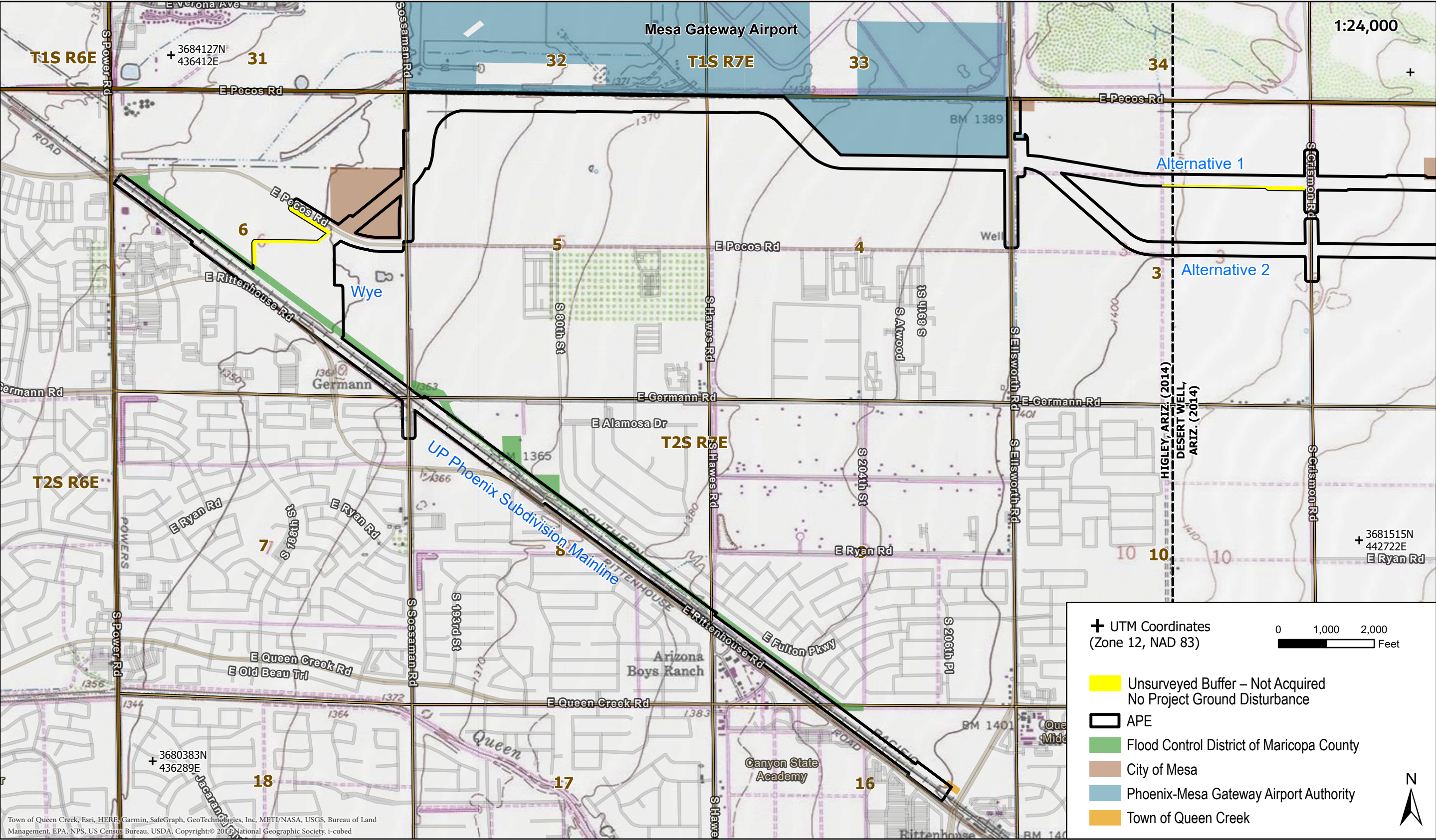
- Acquire or attempt to acquire the buffer areas
- Acquire temporary construction easements on the buffer areas
- Perform any work in the buffer areas

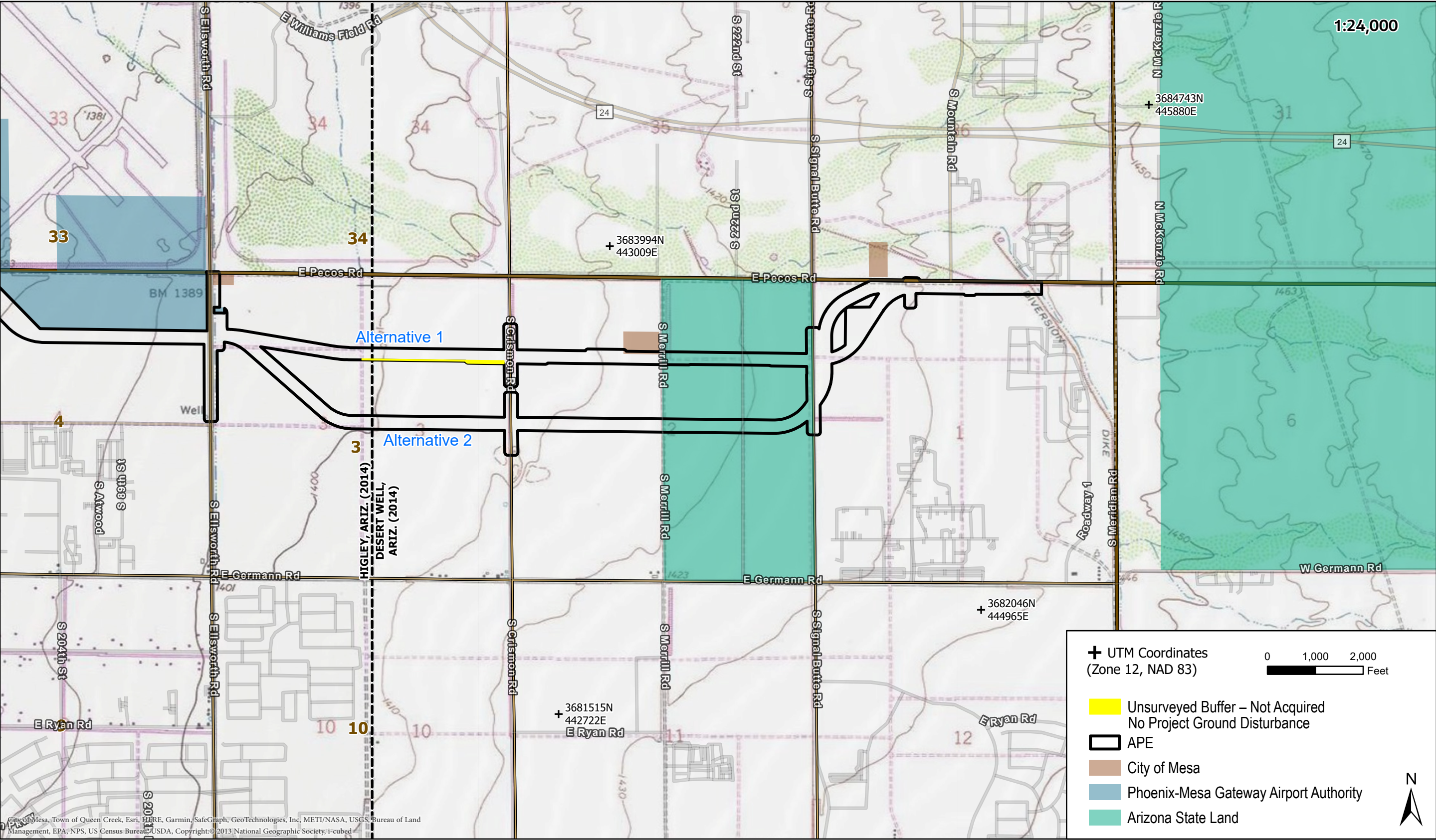
If there is any additional information or clarification needed with regards to the buffer areas, please don't hesitate to contact me.

Sincerely,

Kevin Rice

Senior Manager M/W Environmental
Union Pacific Railroad





7 - Addendum Survey (May 19, 2023) 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	Michael Romero	Right of Way Project Leader
Arizona State Museum	Shannon Plummer	Arizona Antiquities Act Administrator
Arizona State Museum	Patrick Lyons	Director
U.S. Army Corps of Engineers	Sallie Diebolt	Arizona Branch Chief
U.S. Army Corps of Engineers	Alexandra Ryan	Project Manager
Federal Aviation Administration	Mike Williams	Manager
Flood Control District of Maricopa County	Michael Fulton	Director
Flood Control District of Maricopa County	Ed Raleigh	Senior Engineering Advisor
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
Gila River Indian Community	Reylynne Williams	Cultural Resources Specialist
Gila River Indian Community	Darius Enos	Cultural Resources 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
Pascua Yaqui Tribe	Peter Yucupicio	Chairman
Pascua Yaqui Tribe	Dr. Karl Hoerig	THPO
Phoenix-Mesa Gateway Airport	Tony Bianchi	Airport Planner
Phoenix-Mesa Gateway Airport	Carl D'Agosta	Environmental Coordinator
Town of Queen Creek	Heather Wilkey	Intergovernmental Relations Director
Town of Queen Creek	David Lipinski	Capital Improvements Director
Salt River Pima Maricopa Indian Community	Martin Harvier	President
Salt River Pima Maricopa Indian	Shane Anton	THPO

7 - Addendum Survey (May 19, 2023) Distribution List		
Agency/Tribe	Contact Name	Position
Community		
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
SHPO	Caroline Klebacha	Archaeological Compliance Specialist
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
Desert Archaeology, Inc.	Sarah Herr	President
Yavapai-Apache Nation	Tanya Lewis	Chairwoman
Yavapai-Apache Nation	Chris Coder	Tribal Archaeologist
Pueblo of Zuni	Arden Kucate	Chairman
Pueblo of Zuni	Kurt Dongoske	THPO