



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 2, 2023

Chairman Robert Miguel
Ak-Chin Indian Community
42507 West Peters and Nall Road
Maricopa, AZ 85138

Re: Docket No. FD 36501, Union Pacific Railroad Company – Construction and Operation Exemption – in Maricopa County, Ariz., Continuation of National Historic Preservation Act Section 106 Consultation and Request for Ongoing Government-to-Government Consultation on Traditional Cultural Places Identification and National Register of Historic Places Evaluation Study and Cultural Landscape Study

Dear Chairman Miguel:

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) (see attached map). Before making its decision on whether to grant such authority, the Board must consider the potential environmental and historic 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, outlined the project and requested concurrence on the project's area of potential effects (APE). OEA continued Section 106 consultation through the Fall of 2022 and requested concurrence on the adequacy of a final Class III survey report, the National Register of Historic Places (NRHP) eligibility determinations for in-use historic structures and archaeological sites, an adverse effect finding, and the future investigation of unsurveyed areas in the APE. Based on OEA's determination of a finding of adverse effect to historic properties, OEA conducted a series of virtual meetings to develop a Memorandum of Agreement (MOA) in 2023.

OEA is currently conducting Government-to-Government consultation to identify any NRHP eligible properties of traditional religious and cultural importance to Native American Tribes in the APE and its vicinity. OEA recognizes that Native American Tribes have traditional ties to the landscape and that Tribes possess special expertise in assessing the eligibility of historic properties that may hold religious and cultural significance to them.

Accordingly, OEA is including Stipulations in the MOA to identify and evaluate specific historic properties or places within the project APE and vicinity that may have special importance to your Tribe. If you have concerns about the project and areas of traditional importance, OEA respectfully requests a Government-to-Government meeting to discuss these concerns so that these areas may be properly and

thoughtfully addressed. Any information you choose to share in Government-to-Government meetings will be protected and treated as confidential based on your directives.

OEA appreciates your consideration and requests your response by July 1, 2023. However, we will continue to follow up with you after that date. We appreciate your continued involvement and input in the environmental and historic review of this project. Please feel free to contact Alan Tabachnick, the Board's Federal Preservation Officer, at Alan.Tabachnick@stb.gov or by phone at 202-934-8469 with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Danielle Gosselin', written in a cursive style.

Danielle Gosselin
Director
Office of Environmental Analysis

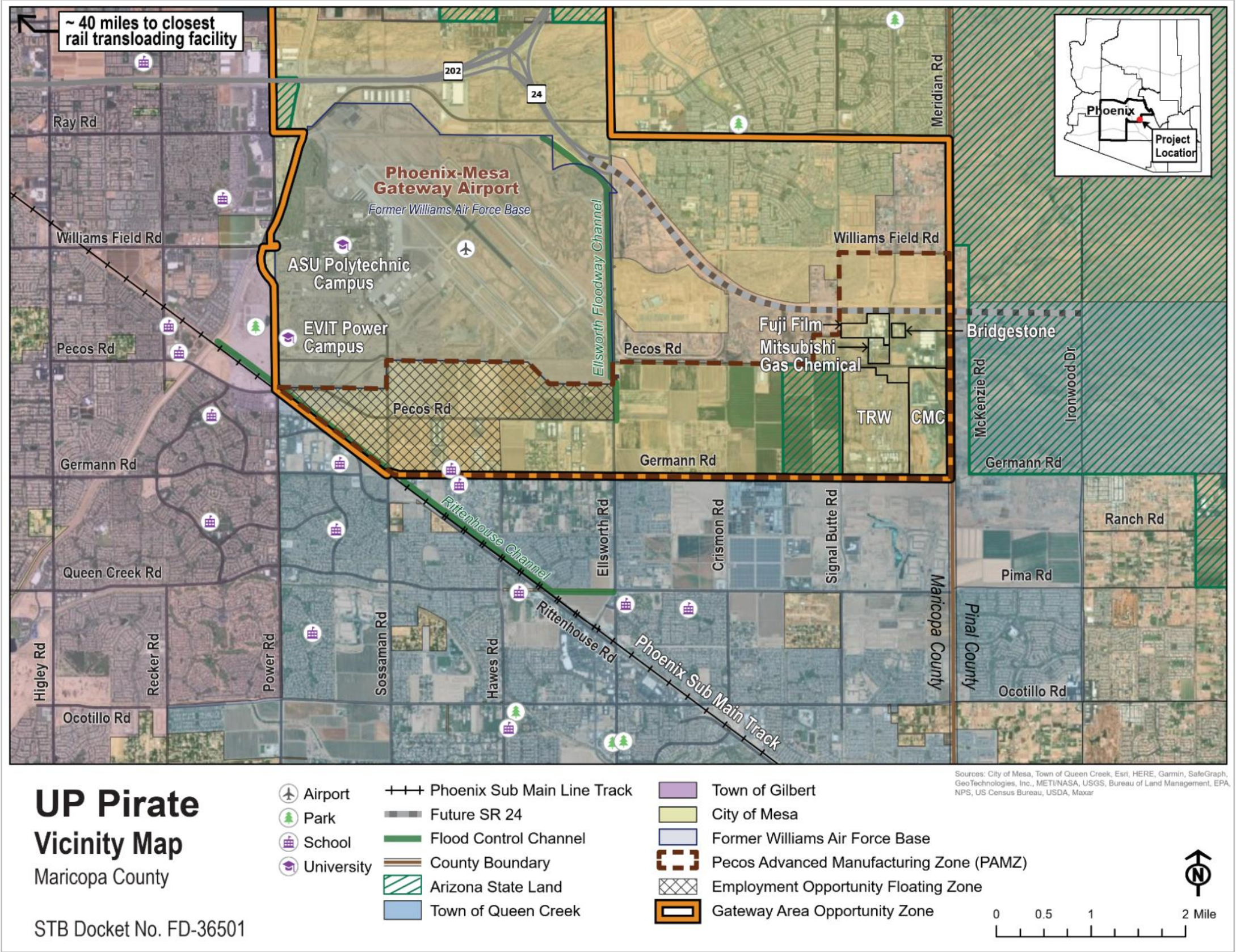
Enclosures:

Attachment A – Vicinity Map

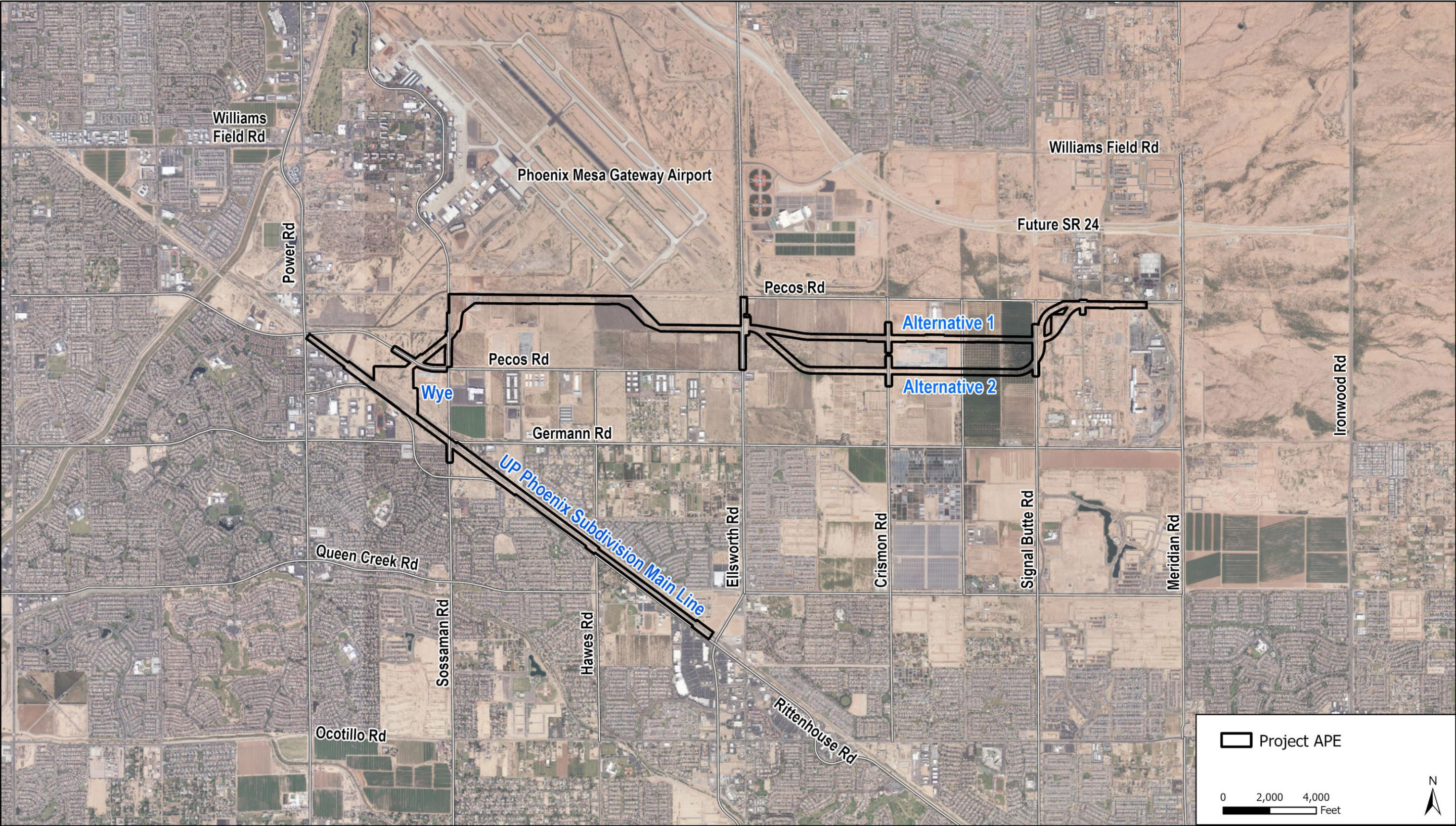
Attachment B – Project Location Map

Cc: Adam Assenza, Environmental Protection Specialist, Adam.Assenza@stb.gov
Alan Tabachnick, Federal Preservation Officer, Alan.Tabachnick@stb.gov
Maggie Buckley, Jacobs Project Manager, Maggie.Buckley@jacobs.com
Elaine Peters, Him-Dak Eco-Museum Director, epeters@ak-chin-nsn.gov

ATTACHMENT A – VICINITY MAP



ATTACHMENT B- PROJECT LOCATION MAP



9 - G2G Consultation Letter (June 2, 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
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. Koyiyumtewa	THPO
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
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
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	Tanya Lewis	Chairwoman
Yavapai-Apache Nation	Chris Coder	Tribal Archaeologist
Pueblo of Zuni	Arden Kucate	Chairman
Pueblo of Zuni	Kurt Dongoske	THPO