



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

September 1, 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 on Area of Potential Effects Revision, Class III Survey Report Adequacy, National Register of Historic Places Eligibility, Treatment Recommendations, Finding of Adverse Effect, and Section 106 Agreement Document

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] rail line) (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 at 49 C.F.R. Part 1105, and related environmental laws. Previous consultation pursuant to Section 106 of the National Historic Preservation Act (dated April 6, 2022) initiated the Section 106 process, outlined the project scope, notified potential consulting parties of the project's alternatives analysis, and requested concurrence on the project Area of Potential Effects (APE).

The Board's Office of Environmental Analysis (OEA) is continuing Section 106 consultation with your office to solicit your comments regarding revisions to the APE since our last letter, the cultural resources Class III Survey Report, OEA's National Register of Historic Places (NRHP) eligibility determinations, treatment recommendations, finding of adverse effect, and development of a Section 106 agreement document for the project.

Revised Area of Potential Effects

The project APE has been slightly revised since our initial Section 106 consultation letter dated April 6, 2022. Proposed grading extensions located in a portion of Township 1 South, Range 7 East, Section 36 (Gila and Salt River Baseline and Meridian [GSRB&M]) would not be constructed as part of this project and have been removed from the APE. These extensions may be constructed by others in the future depending on market conditions and the owners' needs. The removal of the grading extensions reduces the APE by 0.75 mile. Additionally, the northeastern terminus of the APE south of Pecos Road has been slightly adjusted and extended by approximately 500 feet at the approach to the Commercial Metals Company, located in a portion of Township 2 South, Range 7 East, Section 1 (GSRB&M). The revised APE is depicted on Attachments 2a and 2b and was included in the Class III survey discussed below.

Completion of Class III Survey and Draft Technical Report

Jacobs Engineering Group Inc., OEA's third-party contractor, conducted the Class III survey between May 24 and 31, 2022, and on June 14, 2022. The results are reported in *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* by Pamela J. Rainey and Michael Stubing, dated August 2022 (Class III Survey Report). A copy of the Class III Survey Report is attached for your review and comment. As explained in the Class III Survey Report and also depicted on Attachments 2a and 2b, small portions of the APE remain unsurveyed due to extensive crop coverage and limitations on right of entry.

The Class III survey identified portions of 3 previously recorded cultural resources sites (AZ U:10:2[Arizona State Museum (ASM)], AZ U:10:69[ASM], and AZ U:10:275[ASM]), 2 in-use historic structures, and 56 isolated occurrences (IOs) and isolated features (IFs) within the APE. A portion of 1 previously recorded cultural resources site (AZ U:10:152[ASM]) is plotted directly adjacent to the APE.

The IOs and IFs consist of prehistoric artifacts and historic artifacts and features (utility lines, irrigation canals/ditches, and unimproved roads). The IOs and IFs are not considered significant. They do not meet the ASM site definition, and mapping and recording have exhausted their data potential. No further cultural resources work is recommended for the 56 IOs and IFs.

Eligibility Determinations and Treatment Recommendations

Cultural Resources Sites

AZ U:10:2(ASM) is an extensive Hohokam habitation site located in the APE [Redacted]

[Redacted] The Arizona State Historic Preservation Office (SHPO) previously determined the site eligible for inclusion in the NRHP under Criterion D (information potential). Sites such as AZ U:10:2(ASM) have the potential to contain data that can inform research questions related to Hohokam settlement pattern, land use, trade and interaction, intrasite patterning, subsistence

strategies, and social organization, among other topics. Based on current fieldwork results, OEA agrees with SHPO's previous determination that AZ U:10:2(ASM) is eligible for the NRHP under Criterion D. AZ U:10:2(ASM) measures 3.7 by 2.5 kilometers (1,513 acres) in total size and encompasses a large portion of the APE, thus eliminating options for avoidance. Therefore, OEA recommends developing a Section 106 agreement document and a Historic Properties Treatment Plan (HPTP) to outline an appropriate level of treatment.

AZ U:10:69(ASM) is located in the APE [Redacted]. SHPO previously determined the site eligible for the NRHP under Criterion D. The portion of the site within the APE is represented by newly recorded Locus 1, a small cluster of artifacts. The boundary of AZ U:10:69(ASM) was expanded to incorporate Locus 1. The presence of multiple artifact classes in Locus 1 suggests that this area represents some degree of habitation during the Hohokam Preclassic period. The area has been subject to extensive agricultural disturbance. However, there may be potential for intact subsurface deposits, although the Class III survey results could not confirm this. Therefore, OEA is unable to evaluate the portion of AZ U:10:69(ASM) within the APE for NRHP eligibility. A determination of "unevaluated" is appropriate. Avoidance of AZ U:10:69(ASM) may be feasible based on the configuration of the final design. If avoidance is not feasible, OEA recommends developing a Section 106 agreement document and an HPTP to outline an appropriate level of treatment.

AZ U:10:152(ASM) is a large Hohokam artifact scatter that is located [Redacted]. The original site recorders previously recommended the site eligible for the NRHP under Criterion D (Greenwald et al. 1994). While a sparse number of dispersed ceramics were identified to the south of the site boundary, their number and the diffuse nature of their distribution did not justify expanding the site boundary. OEA recommends cultural resources construction monitoring in the site vicinity under the provisions of a monitoring and discovery plan to be included in a Section 106 agreement document.

AZ U:10:275(ASM) is located in the APE [Redacted]. SHPO previously determined the site eligible for the NRHP. No criterion is cited. Within the APE, OEA expanded the previously documented site boundary to encompass a newly recorded ceramic scatter. However, the boundary of this site could not be confidently drawn due to 0 percent ground visibility within the APE to the immediate south. The types of wares in the newly recorded ceramic scatter suggest that this portion of the site represents use during the Hohokam Preclassic period. The area has been subject to extensive agricultural disturbance. However, there may be potential for intact subsurface deposits, although the Class III survey results did not confirm this. Therefore, OEA is unable to evaluate the newly recorded portion of AZ U:10:275(ASM) within the APE for NRHP eligibility. A determination of "unevaluated" is appropriate. Avoidance of AZ U:10:275(ASM) may be feasible if Alternative 1 is not authorized for construction or if Alternative 1 final design is configured to avoid the site. If avoidance is not feasible, OEA recommends developing a Section 106 agreement document and an HPTP outlining an appropriate level of treatment.

In-Use Historic Structures

Old Rittenhouse Road, formerly AZ U:10:154(ASM), is within the Phoenix Subdivision main line portion of the APE. The road runs alongside the southwest side of the railroad and can be seen intermittently between Power Road and southeast of Sossaman Road. It is currently in use as an access road to local businesses. No pavement is present, and portions of the road have been obliterated. The road terminates approximately 0.38 mile southeast of Sossaman Road, where the current alignment of Rittenhouse Road joins it. Within the APE, the road lacks integrity, and OEA agrees with SHPO's previous determination that the road is ineligible for the NRHP. OEA does not recommend any further cultural resources work for Old Rittenhouse Road.

The Mesa to Winkelman Spur of the Southern Pacific Railroad, formerly AZ U:16:299(ASM), is an in-use historic structure that is currently owned and operated by UP as the Phoenix Subdivision main line. SHPO previously determined that the rail corridor was eligible for listing on the NRHP under Criterion A for its association with early development of rail transportation within Arizona. Within the APE, the alignment retains integrity of location, workmanship, and design. While its integrity of setting, feeling, and association have been diminished slightly by adjacent modern development, it is not significant. The railroad's integrity of materials has also been slightly diminished by regular maintenance. However, it is in-kind and does not constitute a significant change. As a result, OEA has determined that the portion of the railroad in the APE contributes to the eligibility of the alignment under Criterion A. While modifications to the existing track would occur, they would not affect the railroad's integrity of location, setting, feeling, and association, so there would be no adverse effect to the railroad's eligibility under Criterion A. Further, this segment does not exhibit any unique qualities of design or construction that would be adversely affected. Therefore, OEA does not recommend any further cultural resources work for the Mesa to Winkelman Spur of the Southern Pacific Railroad.

Finding of Project Effect

If the Board grants UP's petition, UP would have approval to construct the alternative authorized by the Board in its final decision. However, based on the results of the background research and Class III cultural resources survey, a finding of adverse effect to historic properties is appropriate for any Board decision granting construction and operating authority, regardless of which alternative is authorized.

Based on the finding of adverse effect to historic properties, OEA recommends development and distribution of a Section 106 agreement document to all consulting parties for review and comment. The agreement document will contain measures to mitigate any adverse effects to historic properties, including the format and content of an HPTP. OEA requests concurrence that a Memorandum of Agreement is the appropriate Section 106 agreement document.

Request for Input

Finally, OEA requests your comments regarding the APE revisions, the adequacy of the Class III Survey Report, OEA's NRHP eligibility determinations, treatment recommendations, finding of adverse effect, and development of a Memorandum of Agreement as an appropriate Section 106 agreement document for the project by **Tuesday, October 4, 2022**. If you have any questions or would like additional information, please reach out to Alan Tabachnick, at 202-245-0367.

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

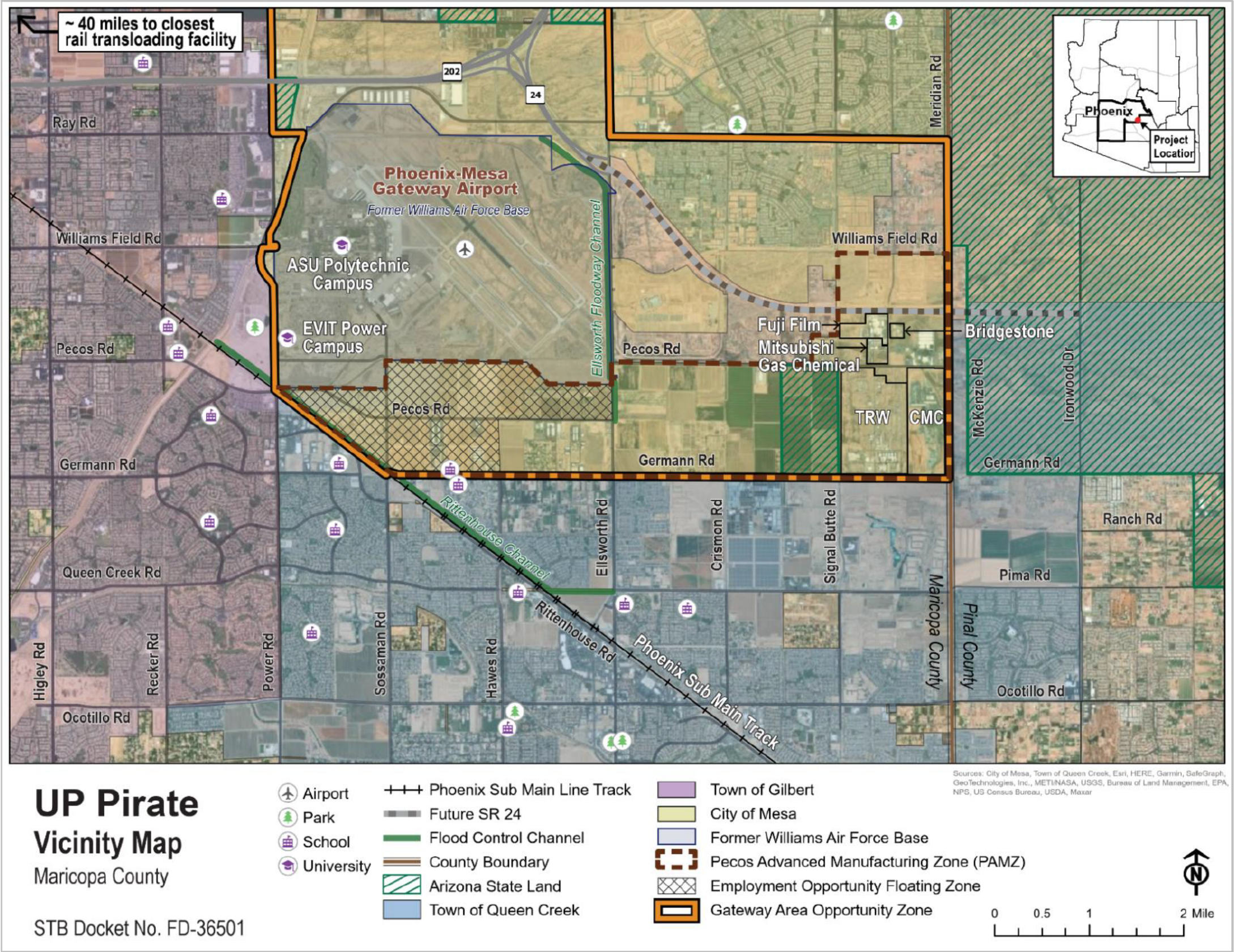
Attachment 1 – Vicinity Map
Attachment 2 – Revised APE Map (two sheets)
Attachment 3 – Cultural Resources Report

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

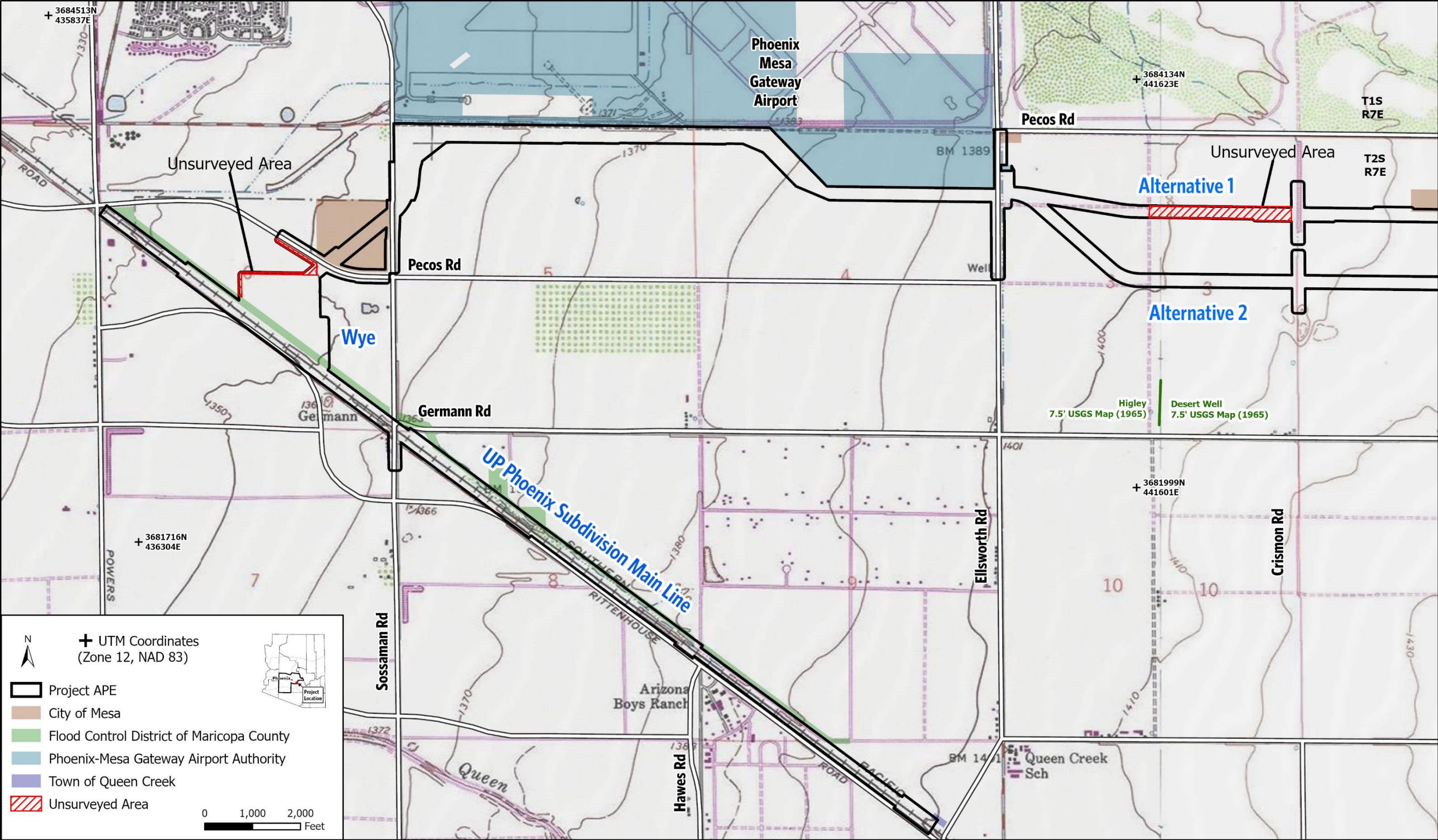
Reference Cited:

Greenwald, David H., Richard A. Anduze, and Mary-Ellen Walsh-Anduze
1994 *Archaeological Survey and Test Excavations at Williams Air Force Base, Arizona*. SWCA Archaeological Report 93-12b. SWCA Environmental Consultants, Inc., Scottsdale, Arizona.

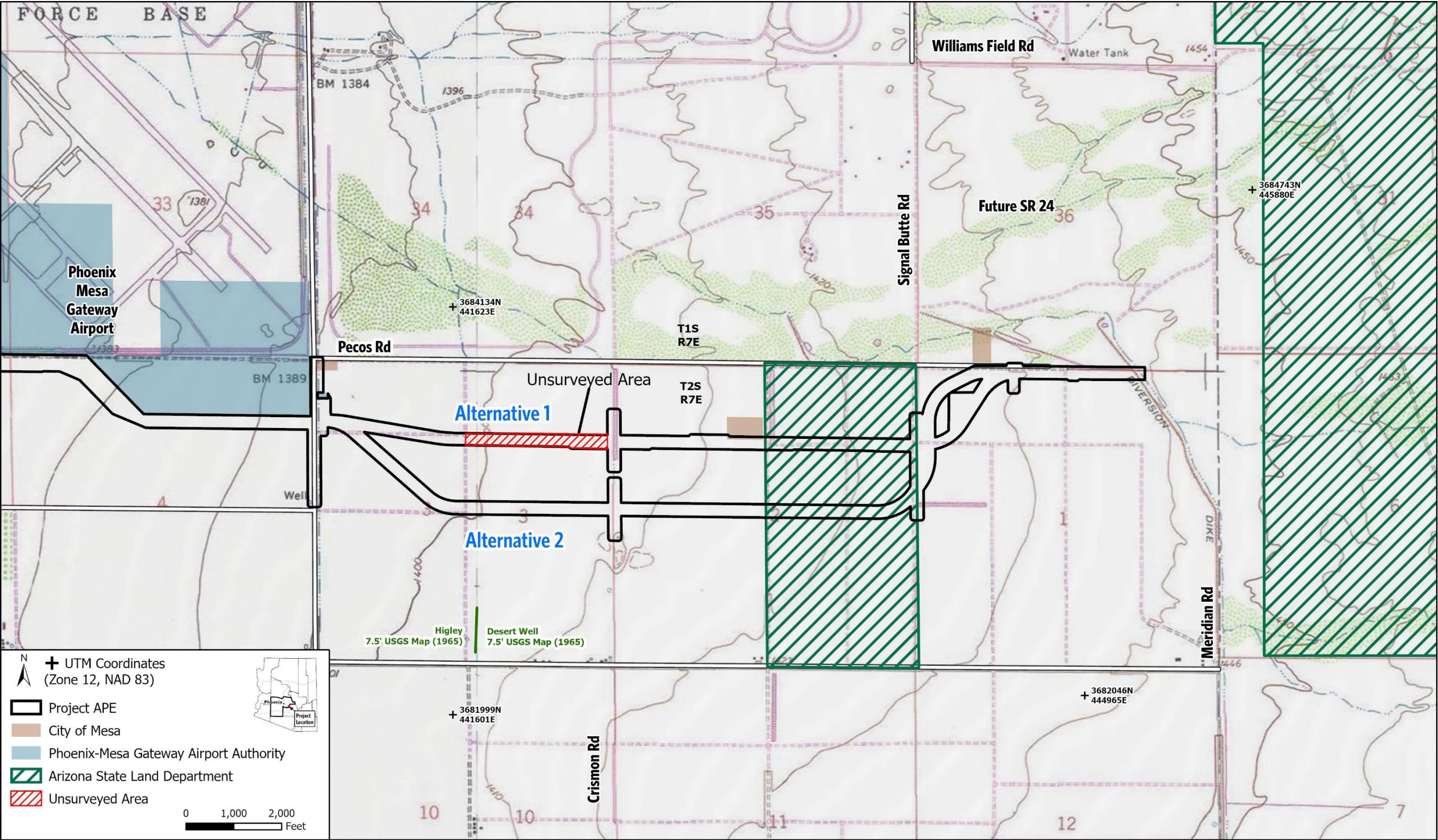
ATTACHMENT 1 – VICINITY MAP



ATTACHMENT 2a- REVISED APE MAP



ATTACHMENT 2b – REVISED APE MAP



**2a - Survey Results, NRHP Eligibility, Finding of Project Effect, Need for MOA
(September 1, 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. Koyiyumtewa	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
Mesa Historic Preservation Office	Mary Kopaskie-Brown	Historic Preservation Officer
Mesa Historic Preservation Office	Maura Jackson	Historic Preservation Advisor
Mescalero Apache Tribe	Gabe Aguilar	President
Mescalero Apache Tribe	Holly Houghten	THPO
Queen Creek Irrigation District	Maaike 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

**2a - Survey Results, NRHP Eligibility, Finding of Project Effect, Need for MOA
(September 1, 2022) Distribution List**

Agency/Tribe	Contact Name	Position
Salt River Pima Maricopa Indian Community	Angela D. Garcia-Lewis	Cultural Preservation Supervisor
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
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