



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

October 16, 2008

James Garrison
State Historic Preservation Officer
Arizona State Parks
1300 W. Washington
Phoenix, AZ 85007

RE: STB Finance Docket No. 34836, Arizona Eastern Railway – Construction and Operation – In Graham County, Arizona; **Request for Review of Draft Historic Properties Treatment Plan, Draft National Register of Historic Places Evaluation of Checkdam Sites and Draft Memorandum of Agreement**

Dear Mr. Garrison:

As you are aware, the Section of Environmental Analysis (SEA) of the Surface Transportation Board (Board) is conducting an environmental review in Finance Docket No. 34836, Arizona Eastern Railway (AZER) – Construction and Operation – In Graham County, Arizona. The proposed rail line would connect Phelps Dodge's proposed San Juan mining operation with an existing 113.5-mile AZER line that operates between Miami, Arizona, and Bowie, Arizona. An Environmental Assessment (EA) for this project is being prepared by SEA pursuant to the National Environmental Policy Act (NEPA) and other Federal laws, including the National Historic Preservation Act (NHPA). The public review and comment period for the Draft EA began on February 25, 2008, and ended on May 1, 2008.¹ SEA is in the process of completing the final or Post EA for this proceeding, which will respond to comments on the Draft EA and make final environmental recommendations to the decision-maker, the Board.

As the lead Federal agency charged with complying with Section 106 of the NHPA, we are informing you that a draft treatment plan for historic properties potentially affected by the proposed rail line has been prepared by WestLand Resources, Inc., of

¹ The Draft EA is available for review on the Board's Web site (www.stb.dot.gov) by clicking on the "Decisions and Notices" link, then "E-LIBRARY" and searching by the Service Date (February 25, 2008) or Docket Number (FD 34836).

Tucson, Arizona, and peer-reviewed by William Self Associates, Inc., also of Tucson.² A copy of the draft treatment plan, *Historic Properties Treatment Plan for Historic Properties Affected by the Arizona Eastern Railroad*, dated September 26, 2008, is enclosed for your review.

You will recall that a Class III cultural resources inventory was conducted of the area of potential effect (APE) of the proposed rail line. The report of the inventory, *A Class III Cultural Resources Inventory of the Arizona Eastern Railroad Extension of Service Right-of-Way near Solomonville, Graham County, Arizona*, and a supplementary inventory report, *A Class III Cultural Resources Inventory of the Arizona Eastern Railroad Extension of Service Right-of-Way near Solomonville, Graham County, Arizona: Supplementary Archaeological Survey* (both by WestLand Resources, Inc.), have been reviewed by JoAnne Medley of your office. Ten historic properties and one stone scatter site identified in the Class III inventory as a possible grave feature would require treatment before the start of the construction project; all eleven properties are discussed in the enclosed draft treatment plan.

Following review of the Class III inventory reports, Ms. Medley requested that three properties recorded in the original inventory as isolated features — and hence recommended as ineligible for listing in the National Register of Historic Places (NRHP) — be reevaluated for NRHP eligibility as archaeological sites. WestLand Resources, Inc., has since reevaluated the three sites and assigned each an Arizona State Museum (ASM) archaeological site number. The reevaluation, which recommends that all three sites are NRHP eligible, is reported in the draft *National Register of Historic Places Evaluation of Soil Conservation Service and Civilian Conservation Corps Checkdam Sites in the Proposed Arizona Eastern Railroad Construction Corridor*, a copy of which is enclosed here for your review. The three sites are among the ten historic properties covered by the enclosed treatment plan.

We are also submitting the draft Memorandum of Agreement (MOA) for your review. This MOA details a process for the identification and treatment of cultural resources, including archeological, architectural, historic, and cultural properties. It ensures that impacts to cultural and historic resources will be minimized to the extent possible. The draft MOA must be fully executed by the signatory parties³ before the Post EA can be finalized.⁴

² William Self Associates, Inc., is serving as SEA's independent third-party consultant in this process and will work under SEA's sole directing control and supervision to assist in the consultation process.

³ Parties who have participated in the consultations but do not have responsibilities under the MOA may be invited to sign as concurring parties. If a party was invited to sign or concur in the agreement declines to sign, the agreement will still go into effect once the signatories have executed the document (see 36 CFR 800.6). Once we have received comments on the draft MOA, we will revise the MOA as appropriate and circulate it for signature.

We would appreciate receiving your comments on the treatment plan, NRHP evaluation report, and MOA within 30 days after receipt of this letter. Please send your comments to:

John C. Raveslout, Ph.D.
William Self Associates, Inc.
2424 E. Broadway Blvd., Suite 100
Tucson, Arizona 85719

If you have any questions regarding this letter or require further information, please do not hesitate to contact Diana Wood, SEA Project Manager, at 202-245-0302 or woodd@stb.dot.gov. If you prefer, you may also contact John Raveslout of William Self Associates at 520-624-0101 or jraveslout@williamself.com.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures: (3)

⁴ The Board will consider the environmental record, including SEA's final recommended mitigation measures and all environmental comments received in this proceeding in making its final decision as to whether to allow the Proposed Action to proceed, and if so, what mitigation to impose.