


Six Counties Rail Project
Jeffrey Irwin to: Michael Taylor, Stephanie Moulton

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Mike and Stephanie,

Thank you for sharing information previously and discussing the Old Spanish Trail. I appreciate your time as well as the insight and perspective you provide. After consulting with a number of folks to invite participation, we are ready to move forward with the development of a Programmatic Agreement in accordance with Section 106 of the National Historic Preservation Act.

Towards that end, I've attached a Draft Programmatic Agreement (PA) with attachments. The purpose of this agreement is to address a full range of consultation, inventory, evaluation and mitigation issues related to construction of the new rail line in Utah. As you'll see there are a number of identified archaeological sites, mostly prehistoric, that will likely be affected by the proposed construction. Regarding the potential for the Old Spanish Trail to be affected, I direct your attention to II.B.4.c. I inserted a condition here requiring consideration of the potential for archaeological evidence of the trail or associated activities in a research design for data recovery at 42SV2738, the farmstead near the Salina River, vicinity of the trail's mapped location.

See below for a list of overall PA highlights.

Please review this draft document and share any comments, concerns or edits that you have. I am sending this to all signatories and concurring parties for review and comment.

Feel free to contact me via email or phone and I'd be happy to answer questions and discuss.

Stephanie—I apologize if the regulatory jargon and procedural context for this agreement is unfamiliar. I would be happy to offer more background and to explain some of the compliance process at hand. Please feel free to contact me. We can also schedule another conference call at your and Mike's convenience. You can visit our agency's website to learn more about historic preservation compliance in relation to our oversight of railroads—see <http://www.stb.dot.gov/stb/environment/preservation.html>.

Thank you again for your time and input.

Best,

PA Stipulations Highlights

- Establishes STB as primary coordinator of consultation
- Identifies Signatories and Concurring Parties
- Ensures applicant will support survey and evaluations and mitigation planning prior to construction
- Establishes existing inventory and provides process for additional inventory, as required
- Provides for a records search to update the existing inventory with any recently identified historic properties in the APE
- Provides for evaluation of properties not in the existing inventory
- Ensures process for review and comment on survey, testing, mitigation plans by all signatories and concurring parties
- Provides for consideration of archaeological connection to the Old Spanish Trail at a particular site within the right-of-way (42SV2738)
- Calls for effect determinations as construction plans are refined and finalized
- Establishes avoidance as a preferred approach to historic properties but allows for mitigation
- Ensures a public component of any mitigation
- Identifies standards for professionals executing stipulation requirements and documentation standards for mitigation
- Calls for protective measures during construction and notes potential monitoring opportunities

- Notes permits required for archaeological work on federal and state land
- Establishes curation standards for archaeological collections
- Includes confidentiality provision for archaeological data and information sensitive to tribes
- Includes procedures for inadvertent discovery of archaeological materials and human remains or cultural items



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