



SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

July 6, 2015

Najah Duvall-Gabriel
 Advisory Council on Historic Preservation
 401 F Street NW, Suite 308
 Washington DC 20001-2637

Ref: *Proposed Six County Association of Governments Rail Project, Levan and Salina, Utah*

Dear Ms. Duvall-Gabriel:

In accordance with 36 CFR §800.6(b)(1)(iv), the Office of Environmental Analysis (OEA), Surface Transportation Board, is pleased to provide a copy of a recently executed Programmatic Agreement for a proposed railroad construction project in Utah (*STB Finance Docket 34075, Six County Association of Governments [SCAOG]*). The agreement has been signed by the Utah State Historic Preservation Officer (SHPO) as well as invited signatories and concurring parties.

We shared supporting documentation for this project with your office in October 2014. At that time, the Council deemed participation in the consultation process to resolve adverse effects unnecessary. Since that time, OEA consulted with a number of parties to develop the Programmatic Agreement. A brief summary of consultation is highlighted below:

- Consultation regarding effects to cultural resources from the project was included in the process to prepare an Environmental Impact Statement (EIS), beginning with scoping meetings in 2003 and continuing with the issuance of a Draft EIS in 2007 and a Supplemental Draft EIS in 2014.
- In September 2014, invitations to consult under Section 106 to develop a Programmatic Agreement were sent to a number of consulting parties identified through the EIS process and with the assistance of the SHPO (see Table 1). A number of agencies, organizations and at least one tribe responded expressing interest in consultation. Two tribes responded with no concerns but expressed interest in notification in the event of an inadvertent discovery.
- In early February 2015, OEA sent a draft Programmatic Agreement to the parties interested in consultation.
- From February through May 2015, OEA consulted with parties to develop the agreement. A number of comments edits and suggestions were incorporated and addressed in the preparation of the final document. Most modifications or additions to the draft agreement consisted of administrative changes, clarifications and technical editing. Some of the issues addressed based on comments exchanged during consultation included:
 - Changes to “Whereas” statements to properly identify agency responsibilities and the list of tribes consulted.
 - Changes to the curation section to allow for flexibility in curation of materials from private lands and for separate treatment of human remains and cultural items.
 - Addition of language regarding the potential for tribal monitoring.
 - Addition of measures to account for the potential of the Old Spanish Trail to be identified and affected.
- A revised agreement was made available to the public in the project area for review and comment. Notices advertising the availability of the document in local libraries or via email were placed in six local newspapers. No public comments were received.

- The final agreement was sent to all parties who had responded to the invitation to consult and a total of ten signatures were obtained, including signatories, invited signatories and concurring parties (Table 1).

Table 1. Parties consulted in the Six County Association of Governments Rail Project

Agency/Organization/Tribe	Status	Participated in Consultation	Signed Agreement
Utah SHPO	Signatory	Y	Y
Bureau of Land Management	Invited Signatory/Cooperating Agency	Y	Y
Corps of Engineers, Sacramento District	Invited Signatory/Cooperating Agency	Y	Y
Juab County	Concurring Party	N	N
Mormon Pioneer National Heritage Area	Concurring Party	N	N
National Park Service	Concurring Party	Y	N
Old Spanish Trail Association	Concurring Party	Y	N
Sanpete County	Concurring Party	Y	N
Sevier County	Concurring Party	Y	Y
State of Utah, School and Institutional Trust Lands Administration (SITLA)	Invited Signatory	Y	Y
Utah Heritage Foundation	Concurring Party	N	N
Utah Professional Archaeological Council	Concurring Party	Y	Y
Utah State Parks & Recreation	Concurring Party	Y	Y
Utah Statewide Archaeological Society	Concurring Party	N	N
Ute Indian Tribe of the Uintah and Ouray Reservation, Utah	Concurring Party	N	N
Paiute Indian Tribe of Utah	Concurring Party	Y	Y
Kanosh Band of Paiute	Concurring Party	N	N
Cedar Band of Paiute	Concurring Party	N	N
Indian Peaks Band of Paiutes	Concurring Party	N	N
Shivwits Band of Paiutes	Concurring Party	N	N
Koosharem Band of Paiutes	Concurring Party	N	N
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona	Concurring Party	N	N
Hopi Tribe of Arizona	Concurring Party	Y	N
Navajo Nation, Arizona, New Mexico, & Utah	Concurring Party	Y	N
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado	Concurring Party	N	N
Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah	Concurring Party	N	N
Moapa Band of Paiute Indians	Concurring Party	N	N

of the Moapa River Indian Reservation, Nevada			
Confederated Tribes of the Goshute Reservation, Nevada and Utah	Concurring Party	N	N
San Juan Southern Paiute Tribe of Arizona	Concurring Party	N	N
Skull Valley Band of Goshute Indians of Utah	Concurring Party	N	N

The final agreement includes stipulations for continuing consultation and a process for document review. It establishes the existing inventory and calls for additional inventory completion as necessary, as well as property evaluations and effect determinations, data recovery or other mitigation. It establishes provisions for integration of historic property treatment in the construction process and creates a protocol for inadvertent discovery. It includes a public history component, specifies professional standards, and establishes curation and confidentiality parameters. The role of the applicant is noted and an annual status report is required. In its attachments, the enclosed agreement includes maps, a list of unevaluated and known historic properties within or adjacent to the Area of Potential Effect, and the inadvertent discovery protocol for archaeology, human remains and cultural items.

We hope that this information is sufficient for your records on this project. Please contact Jeff Irwin at 202-245-0299 or Jeffrey.irwin@stb.dot.gov with any questions.

Sincerely,



Victoria Rutson,

Director

Enclosure