
From: Eiselt, Sunday <Sunday.Eiselt@srpmic-nsn.gov>
Sent: Monday, June 5, 2023 3:40 PM
To: Luhnnow, Glenna; Bohnie, Gary
Cc: Anton, Shane; Garcia-Lewis, Angela; Martinez, Martha; Tabachnick, Alan; Assenza, Adam; Buckley, Maggie; Powell, Kris; Phoebus, Elizabeth (Betsy); McNeish, Sabra; Larry Benallie Jr
Subject: [EXTERNAL] RE: UPRR PIRATE Continuing Section 106 Consultation-Revised Draft MOA
Attachments: SRPMIC THPO Response STB Pirate Revised MOA3.pdf

Dear Glenna

Attached is a signed concurrence memo for:

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 Revised Draft MOA, and Continued Project Finding of Adverse Effect

The SRP-MIC THPO has reviewed the third draft of the MOA. The SRP-MIC THPO concurs with the finding of “adverse effect” and agrees with the revisions to the MOA.

1. Current ACHP guidance indicates that the project construction can also have direct auditory, visual, and vibrational effects. The APE has been revised to reflect this new terminology.
2. Upon further communication between OEA and the Corps, the Corps has agreed to be a Concurring Party to the MOA. The MOA has been updated accordingly.
3. A more robust discussion of TCPs has been added to the MOA as requested.
4. An addendum survey was conducted in April 2023. No additional historic properties were identified by the survey. Two small segments of the project buffer have not been surveyed, will never be acquired by UP, and do not include any project ground disturbance. A copy of the addendum survey report was circulated to the Consulting Parties for review and comment on May 19, 2023. The MOA has been modified to remove the discussion of unsurveyed portions of the project.

The SRP-MIC THPO will continue to participate in this undertaking. The SRP-MIC THPO defers to the Gila River Indian Community THPO as lead in the consultation process for this project.

Let us know if you have any questions.

B. Sunday Eiselt Ph.D
THPO Archaeologist
Salt River Pima-Maricopa Indian Community
10,005 E. Osborn Road
Scottsdale, AZ 85256
Sunday.Eiselt@srpmic-nsn.gov
Office: (480) 362 3347



From: Luhnnow, Glennda <Glennda.Luhnnow@jacobs.com>

Sent: Friday, May 26, 2023 12:39 PM

To: Bohnnee, Gary <Gary.Bohnee@SRPMIC-nsn.gov>

Cc: Anton, Shane <Shane.Anton@SRPMIC-nsn.gov>; Garcia-Lewis, Angela <Angela.Garcia-Lewis@SRPMIC-nsn.gov>; Martinez, Martha <Martha.Martinez@SRPMIC-nsn.gov>; Eiselt, Sunday <Sunday.Eiselt@srpmic-nsn.gov>; Tabachnick, Alan <alan.tabachnick@stb.gov>; Assenza, Adam <adam.assenza@stb.gov>; Buckley, Maggie <Maggie.Buckley@jacobs.com>; Powell, Kris <Kris.Powell@jacobs.com>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>; McNeish, Sabra <Sabra.McNeish@jacobs.com>

Subject: UPRR PIRATE Continuing Section 106 Consultation-Revised Draft MOA

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Dear President Harvier,

As the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) stated in previous Section 106 consultation conducted under the National Historic Preservation Act, on June 30, 2022, the Union Pacific Railroad Company (UP) filed a petition with the Board requesting authority to construct and operate approximately six miles of new rail line in Maricopa County, Arizona (the proposed Pecos Industrial Rail Access and Train Extension [PIRATE] rail line).

OEA has circulated three versions of the project's draft Memorandum of Agreement (MOA). The most recent version was circulated on March 10, 2023. Substantive comments were received from the Arizona State Historic Preservation Office (SHPO). Comments were also received from the United States Army Corps of Engineers (Corps). The attached Section 106 consultation letter and comment resolution matrix provides more detail on the scope of the comments submitted by SHPO and the Corps. The resolution of these comments is presented in the attached Revised Draft MOA.

OEA appreciates your thorough review of the attached Revised Draft MOA. A blank Comment Form is also attached for your use as you review the document. Please provide us with any last comments by June 25, 2023. We look forward to any additional input you wish to provide and hope to circulate a final version of the MOA in the near future.

Please feel free to contact Alan Tabachnick, OEA's Federal Preservation Officer, at Alan.Tabachnick@stb.gov with any questions about the Section 106 process or the Revised Draft MOA. And thanks again for all of your input on this project – we appreciate it.

Regards,
Glennda Luhnnow

Glennda Luhnnow, M.A., RPA | JACOBS | Manager/Archaeology and Cultural Resources |
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Salt River
PIMA-MARICOPA INDIAN COMMUNITY

10,005 EAST OSBORN ROAD/SCOTTSDALE, ARIZONA 85256/ PHONE (480) 362-6325

Tribal Historic Preservation Office

TO: Danielle Gosselin
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington DC 20423

DATE: 6/5/2023

FROM: Shane Anton, Tribal Historic Preservation Officer

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 Revised Draft MOA, and Continued Project Finding of Adverse Effect

Dear Director Gosselin

The Salt River Pima-Maricopa Indian Community (SRP-MIC) Tribal Historic Preservation Office (THPO) has received your consultation documents dated May 26, 2023. 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).

The Board's Office of Environmental Analysis (OEA) initiated consultation pursuant to Section 106 of the National Historic Preservation Act on April 6, 2022. OEA continued Section 106 consultation through the fall of 2022 addressing the project Area of Potential Effects (APE), the Class III survey report, unsurveyed areas in the APE, National Register of Historic Places (NRHP) eligibility determinations, and treatment recommendations. Beginning in January and continuing through the spring of 2023, OEA completed a series of consultation letters and virtual meetings for developing a Memorandum of Agreement (MOA) to address the project finding of "adverse effect."

On March 10, 2023, OEA sent the consulting parties a consultation letter detailing two revisions [revising Stipulation X(C) and addition of a new Stipulation XI – Authorization of Construction in Non-Site Areas] to the MOA. The State Historic Preservation Office (SHPO) reviewed the third draft of the MOA in anticipation of signing the agreement and requested several revisions to the

MOA. These revisions addressed terminology over indirect and direct effects, the participation of the United States Army Corps of Engineers (USACE) as a Consulting Party, a more robust discussion of Traditional Cultural Properties (TCPs) throughout the MOA, and the status of unsurveyed portions of the APE.

The SRP-MIC THPO has reviewed the third draft of the MOA. The SRP-MIC THPO concurs with the finding of “adverse effect” and agrees with the revisions to the MOA.

1. Current ACHP guidance indicates that the project construction can also have direct auditory, visual, and vibrational effects. The APE has been revised to reflect this new terminology.
2. Upon further communication between OEA and the Corps, the Corps has agreed to be a Concurring Party to the MOA. The MOA has been updated accordingly.
3. A more robust discussion of TCPs has been added to the MOA as requested.
4. An addendum survey was conducted in April 2023. No additional historic properties were identified by the survey. Two small segments of the project buffer have not been surveyed, will never be acquired by UP, and do not include any project ground disturbance. A copy of the addendum survey report was circulated to the Consulting Parties for review and comment on May 19, 2023. The MOA has been modified to remove the discussion of unsurveyed portions of the project.

The proposed project area is within the ancestral lands of the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; *Ak-Chin* Indian Community and the *Tohono O’Odham* Nation). The SRP-MIC THPO will continue to participate in this undertaking. The SRP-MIC THPO defers to the Gila River Indian Community THPO as lead in the consultation process for this project.

Thank you for consulting with the SRP-MIC THPO. Should you have questions and/or concerns about this project, please contact me directly at (480) 362-6331.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shane Anton', with a stylized flourish at the end.

Shane Anton, Tribal Historic Preservation Officer
Cultural Resources Department, SRPMIC
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