



SURFACE TRANSPORTATION BOARD
Washington, DC 20423
Office of Environmental Analysis

September 5, 2014

Chairwoman Jetta Wood
Shivwits Band of Paiute Indians
6060 West 3650
North Ivins, UT 84738

Dear Chairwoman Wood:

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to provide an update on continuing consultation under Section 106 of the National Historic Preservation Act (NHPA) for a proposed railroad construction project in central Utah. The Six County Association of Governments, a regional association representing Juab, Millard, Sevier, Sanpete, Piute, and Wayne Counties proposes to construct and operate a new 43-mile rail line between Salina and Juab. In cooperation with the U.S. Department of the Interior, Bureau of Land Management and the U.S. Army Corps of Engineers, the Board is serving as the lead federal agency for environmental and cultural resources compliance. The purpose of this letter is to provide an update on the progress of the Section 106 process and to invite your tribe to participate in government-to-government consultation under Section 106 of the National Historic Preservation Act (NHPA) and in accordance with Executive Order 13175.

In compliance with the National Environmental Policy Act and related environmental laws, including the NHPA, a Draft Environmental Impact Statement (DEIS) and a Supplemental DEIS were completed in 2007 and 2014, respectively. Throughout this process, the OEA has consulted with federal, state and local government agencies, federally-recognized tribes and stakeholders. Through these efforts, OEA has identified your tribe as having traditional connections to the project area and we want to ensure recognition and respect of your unique concerns and sovereignty in the consultation process.

As required by regulations implementing the NHPA, OEA has defined the APE for this project. A key step in such definition is the determination of the potential for direct and indirect effects on cultural resources. Enclosed is a description of the Direct Effects and Indirect Effects APE and a set of maps showing the general project area, the APE, recorded historic properties, and surveyed areas.

Class I cultural resources inventories were conducted in 2004 and 2012 and an intensive survey was conducted in 2005. Roughly 80 percent of the Direct Effects APE has been covered by intensive survey. A total of 35 historic properties that are eligible for the National Register of Historic Places were identified in or adjacent to the Direct Effects APE. Prehistoric archaeological sites are most common. A

majority of these are low to moderate density lithic scatters (n=17), while a number (n=10) are considered temporary camps or possible habitation sites. Two farmstead sites, two rail roadways (one abandoned and one in continuing use), three historic irrigation canals, and a hay derrick are also within or adjacent to the APE. A section of a National Historic Trail (Old Spanish Trail) may pass through the southern portion of the APE. A table with basic information on these sites is enclosed.

As noted above, through our previous consultation and analysis supporting NEPA compliance, OEA has identified your tribe as having potential interest in continuing consultation under Section 106. In accordance with 36 CFR 800, we propose development of a Programmatic Agreement (PA) through consultation as a collaborative approach to the treatment of cultural resources potentially affected by the project. A PA will allow for:

- incorporation of the views of the consulting parties involved,
- additional, or phased, identification and evaluation of cultural resources where necessary,
- planning for any post-review discoveries in the form of previously unidentified cultural resources or human remains,
- commitment of the nonfederal party with major decision-making responsibilities, the rail proponent, to Agreement stipulations, and
- creation of a process where adverse effects to historic properties can be avoided, minimized or mitigated

Please consider the information enclosed and provide a response regarding your interest in Section 106 consultation for this project. We respectfully request a response within 45 days of receipt of this letter to allow consultation to proceed with all interested parties included. Please forward your response and any questions or concerns to Jeff Irwin at 202-245-0299 or Jeffrey.irwin@stb.dot.gov. For additional information about the Board, please visit our web site at <http://www.stb.dot.gov>. We look forward to working with you to ensure that the rich heritage of the project area is recognized and treated appropriately and that your tribe's concerns are addressed in the consultation process.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and a stylized "R".

Victoria Rutson,
Director

Enclosures

cc: Shanan Anderson