

From: Caroline Klebacha <cklebacha@azstateparks.gov>
Sent: Tuesday, December 20, 2022 4:37 PM
To: Luhnnow, Glenna
Cc: Alan; Adam; Buckley, Maggie; McNeish, Sabra; Rainey, Pamela; Powell, Kris
Subject: [EXTERNAL] Re: UPRR PIRATE Continuing Section 106 Consultation: Final Class III Report, Scope Change, NRHP Re-evaluation, Boundary Change
Attachments: 2022-0395(167010)-STB(UPRR PIRATE)-Various Items.pdf

Good afternoon,

Please see the attached concurrence.

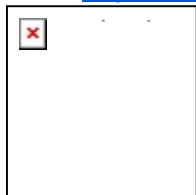
We agree with the changes suggested by the GRIC and SRPMIC THPOs. Please let us know if you receive additional comments regarding the report.

Thank you,

Caroline

Caroline Klebacha, M.A.
Archaeological Compliance Specialist
State Historic Preservation Office
A Division of Arizona State Parks & Trails
Please use azshpo@azstateparks.gov for all consultation!

1110 West Washington Street, Suite 100
 Phoenix, AZ 85007-2957
 Phone: 602-542-7140
 Email: cklebacha@azstateparks.gov
 Web: <http://AZStateParks.com/SHPO>



On Mon, Nov 28, 2022 at 1:33 PM AZSHPO - AZPARKS <azshpo@azstateparks.gov> wrote:

SHPO-2022-0395 (166744)

----- Forwarded message -----

From: Luhnnow, Glenna <Glenna.Luhnnow@jacobs.com>
Date: Tue, Nov 22, 2022 at 3:30 PM
Subject: UPRR PIRATE Continuing Section 106 Consultation: Final Class III Report, Scope Change, NRHP Re-evaluation, Boundary Change
To: AZSHPO - AZPARKS <azshpo@azstateparks.gov>
Cc: Tabachnick, Alan <alan.tabachnick@stb.gov>, Assenza, Adam <adam.assenza@stb.gov>, Buckley, Maggie

<Maggie.Buckley@jacobs.com>, McNeish, Sabra <Sabra.McNeish@jacobs.com>, Rainey, Pamela
<Pamela.Rainey@jacobs.com>, Powell, Kris <Kris.Powell@jacobs.com>

Dear Ms. Leonard,

As stated in previous Section 106 consultation conducted under the National Historic Preservation Act, the Union Pacific Railroad Company intends to request authority from the Surface Transportation Board (Board) 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).

With the attached letter, the Board's Office of Environmental Analysis (OEA) is continuing Section 106 consultation with your office and soliciting concurrence on the final Class III survey report, National Register of Historic Places (NRHP) site re-evaluation, a scope change, and a boundary change for AZ U:16:152(ASM).

The final Class III cultural resources survey report has been transmitted to you via File Transfer on behalf of OEA by Jacobs Engineering Group Inc, OEA's third-party contractor. The File Transfer document will be available for 15 days and will expire on December 6, 2022. If you are not able to access the document, or the link expires, please contact Glenda Luhnnow, Jacobs' cultural resources manager, at Glenda.Luhnnow@jacobs.com.

OEA requests your review and concurrence regarding the content of this letter by **Tuesday, December 21, 2022**. Please address any questions electronically to Alan Tabachnick, OEA's Deputy Federal Preservation Officer, at Alan.Tabachnick@stb.gov.

Thank you,

Glenda Luhnnow

Glenda Luhnnow, M.A., RPA | JACOBS | Manager/Archaeology and Cultural Resources |

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 22, 2022

Ms. Kathryn Leonard
State Historic Preservation Officer
Arizona State Parks, State Historic Preservation Office
1110 West Washington Street, Suite 100
Phoenix, AZ 85007

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

Dear Ms. Leonard:

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]) (see Attachment 1). Before making its decision on whether to grant such authority, the Board must consider the potential environmental impacts of the construction and operation of UP's proposed rail line, pursuant to the National Environmental Policy Act (42 U.S.C. §§ 4321–4370m-12), Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), the Board's environmental rules (49 C.F.R. Part 1105), and related environmental laws.

The Board's Office of Environmental Analysis (OEA) initiated consultation pursuant to Section 106 of the National Historic Preservation Act (dated April 6, 2022) with a letter that outlined the project scope, notified potential consulting parties of the project's alternatives analysis, and requested concurrence on the project's Area of Potential Effects (APE). OEA continued Section 106 consultation with a letter to all consulting parties dated September 1, 2022. The September 1, 2022 letter addressed revisions to the APE, the adequacy of the project's cultural resources Class III survey report, OEA's National Register of Historic Places (NRHP) eligibility determinations and treatment recommendations, finding of adverse effect, and development of a Section 106 agreement document for the project.

OEA is continuing Section 106 consultation with your office to solicit comments regarding a project scope change, the adequacy of the final Class III survey report, the NRHP eligibility reevaluation of AZ U:10:69(ASM) and AZ U:10:275(ASM), a boundary change to and NRHP reevaluation of AZ U:10:152(ASM), and the treatment of unsurveyed areas.

Project Scope Change

Concur

Initial build-out of the project now includes a 5,100-foot-long run-around track that would be constructed within the APE between Crismon Road and Signal Butte Road, south of the PIRATE industrial lead track. The run-around track would allow UP to change directions by shifting a train off the PIRATE industrial lead track and moving the locomotive from one end of the train to the other. UP previously proposed to construct the run-around track in the future but now plans to construct the run-around track as part of its initial build-out with the industrial lead track. This project scope change is entirely contained within the APE and would not change the potential impacts to NRHP-eligible cultural resources.

Concurrence on Final Class III Survey Report

Concur

Comments on the draft Class III survey report (Rainey and Stubing 2022) were received from the Gila River Indian Community (GRIC) Tribal Historic Preservation Office (THPO), the Salt River Pima-Maricopa Indian Community (SRPMIC) THPO, and the Arizona State Land Department. These comments and OEA's responses are included in the comment matrix (Attachment 2). All comments have been completely addressed in the final report, and OEA requests concurrence on the adequacy of the Class III survey report (Attachment 3) as a final document.

Reevaluation of NRHP Eligibility Determinations for AZ U:10:69(ASM) and AZ U:10:275(ASM)

The GRIC and SRPMIC THPOs disagreed with OEA's previous determinations of the portions of AZ U:10:69(ASM) and AZ U:10:275(ASM) within the APE as unevaluated for NRHP eligibility. GRIC and SRPMIC THPOs believe these two sites are eligible for NRHP under Criterion D in their entirety.

Concur

OEA agrees with the GRIC and SRPMIC THPOs that these two sites are eligible for the NRHP under Criterion D. The reevaluated NRHP eligibility determinations for both sites are reflected in the attached final Class III survey report. OEA requests your concurrence that AZ U:10:69(ASM) and AZ U:10:275(ASM) are eligible for the NRHP under Criterion D in their entirety for their potential to provide information on important themes relative to the Hohokam occupation of the Queen Creek Delta area.

Boundary Change and Reevaluation of NRHP Eligibility for AZ U:10:152(ASM)

The GRIC and SRPMIC THPOs also disagreed with the boundary delineation of AZ U:10:152(ASM) as outside of, but adjacent to, the APE. GRIC and SRPMIC THPOs believe that artifacts identified within the APE by the Class III survey are associated with the site and should be incorporated into an expanded site boundary. In keeping with their position that cultural resources sites should reflect NRHP eligibility in their entirety, the GRIC and SRPMIC THPOs consider AZ U:10:152(ASM), including the expanded boundary of the site within the APE, eligible for the NRHP under Criterion D.

OEA agrees with the GRIC and SRPMIC THPOs that the boundary of this site should be expanded. The revised site boundary and the reevaluation of NRHP eligibility for AZ U:10:152(ASM) is reflected in the enclosed final Class III survey report. The site boundary is now within the APE. OEA requests your concurrence with the revised site boundary of AZ U:10:152(ASM), the finding that the site is now within the APE, and the determination of AZ U:10:152(AS) as eligible for the NRHP under Criterion D for its potential to provide information on important themes relative to the Hohokam occupation of the Queen Creek Delta area.

Concur

Treatment of Unsurveyed Areas

Two areas in the APE were unsurveyed by the Class III fieldwork due to a lack of right of entry and a lack of surface visibility. OEA will require an additional cultural resources investigation of the unsurveyed areas prior to construction in the project's memorandum of agreement, which will be developed in consultation with the Section 106 consulting parties.

Concur

Maps Depicting APE Revisions

As described in the continuing Section 106 consultation letter dated September 1, 2022, slight revisions were made to the project APE. These revisions consist of the following items:

- The removal of grading extensions located in a portion of Township 1 South, Range 7 East, Section 36 (Gila and Salt River Baseline and Meridian).
- A 500-foot extension to the northeastern terminus of the APE south of Pecos Road and east of the approach to the Commercial Metals Company, located in a portion of Township 2 South, Range 7 East, Section 1 (Gila and Salt River Baseline and Meridian).

The GRIC and SRPMIC THPOS requested maps depicting the locations of the APE changes during Section 106 consultation. OEA is including these maps for your review as attachments to this letter (Attachment 4).

**We also
note the
removal of
grading
extensions
located in
T2S, R7E,
Sec. 1**

Request for Input

Thank you for your continued cooperation during the Section 106 historic review process for this project. OEA requests your concurrence regarding the above topics by **Tuesday, December 21, 2022**. If you have any additional questions, please reach out to Alan Tabachnick, at 202-245-0367.

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

Attachment 1 - Vicinity Map
Attachment 2 - Comment Matrix
Attachment 3 - Final Class III Survey Report
Attachment 4 - Revised APE Maps (two sheets)

Cc: Adam Assenza, OEA Environmental Protection Specialist, Adam.Assenza@stb.gov
Alan Tabachnick, OEA Historic Preservation Specialist, Alan.Tabachnick@stb.gov
Maggie Buckley, Jacobs Project Manager, Maggie.Buckley@jacobs.com

References Cited:

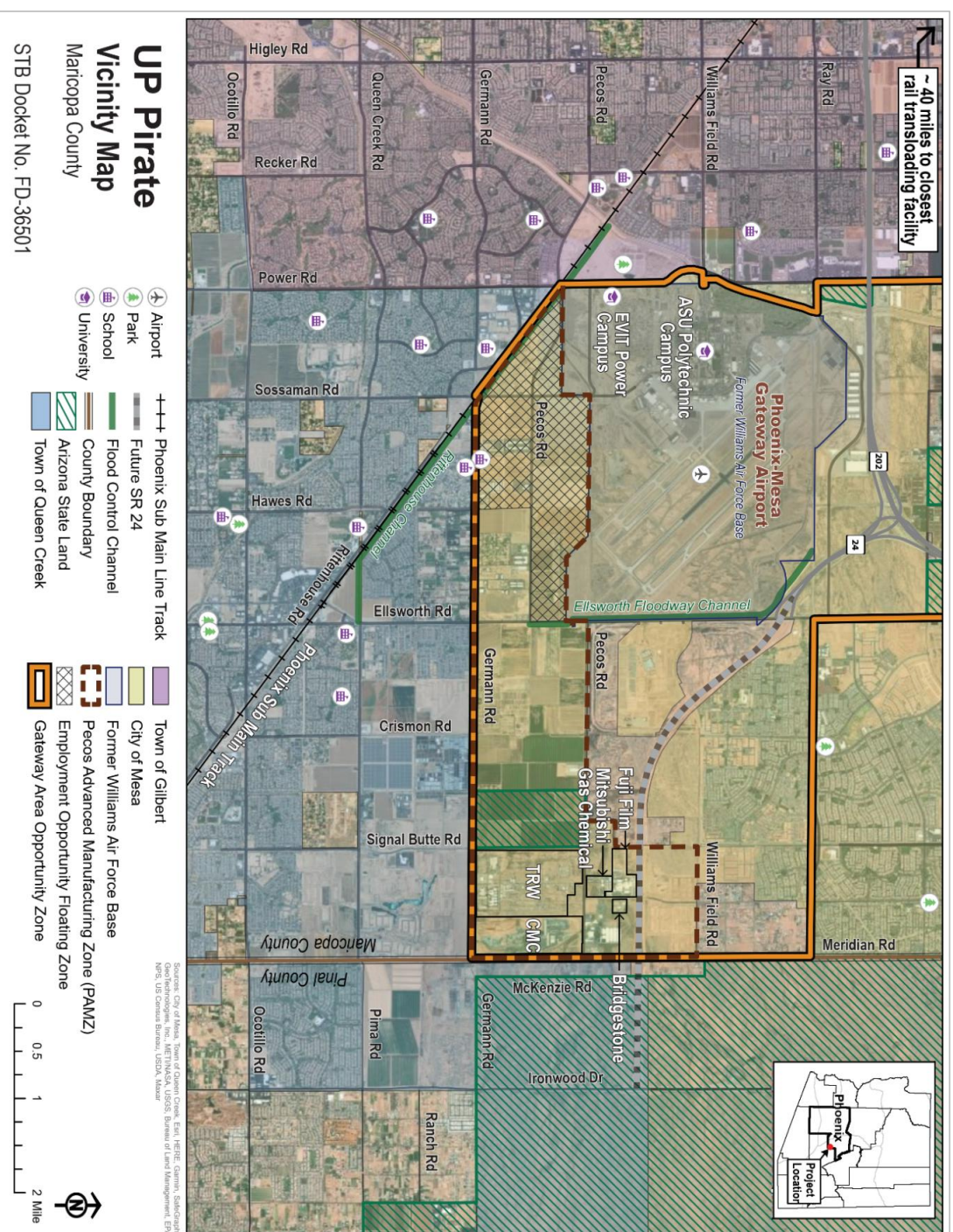
Rainey, Pamela J., and Michael Stubing
2022 *A Class III Cultural Resources Survey for the Union Pacific Railroad Company Pecos Industrial Rail Access and Train Extensions (PIRATE) Project, Mesa and Queen Creek, Maricopa County, Arizona*. Jacobs Project Report No. 2022-006. Jacobs Engineering Group Inc., Tempe, Arizona.

Concur.



Caroline Klebacha, M.A.
State Historic Preservation Office
12/20/2022

ATTACHMENT 1 - VICINITY MAP



ATTACHMENT 2 - COMMENT MATRIX

Comment Originator(s)	Comments	OEAs Proposed Resolution
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	Sites AZ U:10:69, 152, and 275(ASM) – the newly recorded portions of these sites should be considered eligible for the NRHP.	Eligibility has been changed from unevaluated to eligible under Criterion D.
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	Boundary for AZ U:10:152(ASM) should be expanded to include the new artifacts.	Boundary has been extended to include the new artifacts.
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	Language concerning agricultural disturbance at site AZ U:10:69 and 275(ASM).	OEAs did not intend to imply that no cultural resources would be present under areas with agricultural disturbance, only that it was not possible to confirm based on the survey results alone. OEAs acknowledged that despite the disturbances, potential for intact subsurface deposits may exist. For clarification, the language has thus been changed from: <i>The area has been subject to extensive agricultural disturbance; however, there may be potential for intact subsurface deposits to exist, although this could not be confidently assessed based on the Class III survey results. Therefore, OEAs recommends that the newly recorded portion of AZ U:10:69(ASM) within the APE is unevaluated for NRHP eligibility.</i> – TO – <i>The area has been subject to extensive agricultural disturbance; however, there is potential for intact subsurface deposits to exist. Therefore, OEAs recommends that the newly recorded portion of AZ U:10:69(ASM) within the APE is eligible for the NRHP under Criterion D.</i> This statement will apply to AZ U:10:69(ASM) and AZ U:10:275(ASM) as well as AZ U:10:152(ASM).

Comment Originator(s)	Comments	OEAs Proposed Resolution
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	APE changes are unclear.	The APE changes were described in the previous consultation letter (dated 9/1/2022) and a figure showing the new APE. A revised figure of the APE is included with this continuing Section 106 consultation letter that depicts the changes.
Gila River Indian Community with Salt River Pima-Maricopa Indian Community concurrence	Will unsurveyed portions be surveyed in the future?	Provisions for conducting additional survey of unsurveyed areas will be contained in the memorandum of agreement.
ASLD	Include only one project UTM in Abstract	Revised as requested.

ATTACHMENT 4a - REVISED APE MAP (1 of 2)

