

# GILA RIVER INDIAN COMMUNITY

*Executive Office of the Governor & Lieutenant Governor*

#E1-3000  
RAW

*William R. Rhodes*  
Governor



*Jennifer Allison-Ray*  
Lieutenant Governor

June 11, 2007

Victoria Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
Washington, DC 20423

RE: STB Finance docket no. 34836, Arizona Eastern Railway – Construction and Operations - In Graham County, Arizona.

Dear Ms. Rutson,

In response to your letter dated April 4, 2007 in which you advised that The Surface Transportation Board's Section of Environmental Analysis (SEA) is in the process of conducting an environmental review in Finance Docket No. 34836, Arizona Eastern Railway (AZER) – Construction and Operation – In Graham County, Arizona. The proposed rail line would connect Phelps Dodge's proposed San Juan mining operation with an existing 113.5 mile AZER line that operates between Miami and Bowie, AZ. An Environmental Assessment is being prepared by SEA for this project pursuant to the National Environmental Policy Act and other federal laws including the National Historic Preservation Act (NHPA). As the lead Federal agency charged with compiling with Section 106 of NHPA you are seeking review and comment on this rail way project.

The area of potential effect (APE) consists of a 300-foot-wide corridor along Alternative A and a 500-foot-wide corridor along Alternative B. The survey report indicates that the proposed rail line would cross newly identified archaeological sites, as well as previously recorded sites along the corridors of the Eastern Railroad, US 666/191 and Union Canal. Your letter advises that eligibility testing will be conducted for some sites once construction plans are completed and that adverse effects would occur to some National Register eligible sites in the project area.

The GRIC is interested in being a consulting party in the Section 106 process and hereby requests a copy of the full cultural resources survey report; eligibility testing treatment plans; and any data recovery plans resulting from eligibility determinations. Please forward the cultural resources reports to GRIC Cultural Resource Specialist Barnaby V. Lewis at ADDRESS: Cultural Resource Management Program, P.O. Box 2140, Sacaton, Arizona 85247.

The Phelps Dodge Corporation has provided a conservation easement to the GRIC in which provisions for perpetual protective measures will be implemented for three sacred traditional cultural places. Although the three sacred sites are not within the APE the GRIC wishes to be advised of any changes in project plans that may intrude in the vicinity of GRIC's three sacred sites.

Thank you for consulting with the GRIC and we anticipate meaningful consultation on this project. Please call GRIC Cultural Resource Specialist, Barnaby V. Lewis at 1-520-562-6713 should you have any questions or require further information.

Sincerely,

A handwritten signature in black ink, appearing to read "W R Rhodes 6/20/07".

William R. Rhodes, Governor  
Gila River Indian Community

cc: John C. Ravesloot, Ph.D. William Self Associates, Inc.  
Lucius Kyyitan, Director GRIC Office of Water Rights