



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

EO-958
JFW
FD 34836

June 16, 2008

Terry O. Enos
Ak-Chin Indian Community Council
42507 W. Peters & Nail Rd.
Maricopa, AZ 85239

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

Dear Mr. Enos:

As you know from our consultation in April 2007, the Surface Transportation Board's (Board) 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. On February 25, 2008, SEA issued a Draft Environmental Assessment (EA) for this project pursuant to the National Environmental Policy Act (NEPA) and other Federal laws including the National Historic Preservation Act (NHPA).¹

As the lead Federal agency responsible for complying with Section 106 of NHPA, we are informing you that due to the preparation of more detailed engineering analyses in the project area, AZER has modified the alignment in three locations: first, at the Gila River crossing to accommodate bridge/pier construction; second, along a curve immediately south of the Gila River; and third, along a curve between the Peterson and Wilson washes north of the Gila River. These modifications would result in adverse effects to historic properties within the project's Area of Potential Effect (APE), as detailed below.

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As I am sure you recall, in April 2007, you reviewed and commented on a draft cultural resources Class III report for the project entitled *Inventory of the Arizona Eastern Railroad Extension of Service Right-of-Way Near Solomonville, Graham County, Arizona*. At that time, SEA had identified seven new archaeological sites and three previously recorded linear sites within its area of potential effect (APE), for a total of ten sites that could be adversely affected. In addition to these sites, the proposed modifications would affect two new sites (AZ CC:2:369 (ASM) and AZ CC:2:370 (ASM)), as well as new locations of two of the ten previously recorded sites (AZ CC:2:364 and AZ CC:2:172 (ASM)) discussed in the initial draft cultural resources Class III report.

I have provided a summary below of each of the sites identified in the additional project area and have enclosed the supplemental report, *A Class III Cultural Resources Inventory of the Arizona Eastern Railroad Extension of Service Right-of-Way Near Solomonville, Graham County, Arizona: Supplementary Archaeological Survey*. The modified project area includes Federal (Bureau of Land Management) and private land.

Summary of Each of the Sites Identified in the Additional Project Area

AZ CC:2:264 – Historic Euroamerican buried aqueduct	Yes	SHPO has determined that other portions of this linear site are eligible but has not evaluated this segment. Recommended eligible, with SHPO concurrence on August 28, 2007, for a determination of no adverse effect
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AZ CC:2:172 – The Union Canal	Yes	Recommended eligible

The draft supplemental report was completed by WestLand Resources, Inc. on November 26, 2007 (consultants for the railroad) and peer reviewed by William Self Associates, Inc. (WSA) of Tucson, AZ, on behalf of SEA.

In addition to the Draft Report, I have enclosed correspondence (dated May 28, 2008) from JoAnne Medley, Archaeologist/Compliance Specialist for the Arizona State Historic Preservation Office (SHPO). The SHPO has determined that the proposed undertaking would have an adverse effect on historic resources, and in phone conversations on April 8, 2008 and June 6, 2008, further determined that the next steps in the process should be to develop a Memorandum of Agreement and Treatment Plan.

I would appreciate your comments within 30 days of receiving this letter. If you have any questions, please do not hesitate to contact me, or Diana Wood, SEA Project Manager, at 202-245-0302, email woodd@stb.dot.gov. You may also contact John Raveslout of WSA at 520-624-0101, email jraveslout@williamself.com. Thank you for your assistance and participation.

Sincerely,

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

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (2)

cc: John Cook, CirclePoint
Kim Otero, WestLand Resources
John Raveslout, WSA



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Michael Delleo, P.E.
Arizona Department of Transportation
Rm. 357, MD 618E
205 S. 17th Avenue
Phoenix, AZ 85007

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
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Dear Mr. Valenstein:

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Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (2)

cc: John Cook, CirclePoint
Kim Otero, WestLand Resources
John Ravesloot, WSA



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Donald Butler, Director
Arizona Department of Agriculture
1688 West Adams Street
Phoenix, AZ 85007

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
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Victoria Rutson
Chief
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Enclosures (2)

cc: John Cook, CirclePoint
Kim Otero, WestLand Resources
John Raveslout, WSA



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Bill Harmon, District Engineer
Arizona Department of Transportation
2082 E. Highway 70
Safford, AZ 85546

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

Dear Mr. Harmon:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Madan Singh, Director
Arizona Department of Mines and Mineral Resources
1502 West Washington
Phoenix, AZ 85007

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
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Dear Mr. Singh:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Duane Shroufe, Director
Arizona Game and Fish Department
2221 West Greenway Road

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
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Dear Mr. Shroufe:

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Office of Economics, Environmental Analysis and Administration

June 16, 2008

Gordon Taylor, Planning Section Manager
Arizona State Land Department
1616 W. Adams
Phoenix, AZ 85007

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
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Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (2)

cc: John Cook, CirclePoint
Kim Otero, WestLand Resources
John Raveslout, WSA



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

John Madsen
Arizona State Museum
The University of Arizona
PO Box 210026
Tucson, AZ 85721

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

Dear Dr. Madsen:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Bill Brandau, Field Manager
Bureau of Land Management
Safford Field Office
711 14th Avenue

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

Dear Mr. Brandau:

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Victoria Rutson
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Enclosures (2)

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

U.S.D.I. Office of American Indian Trust
Department of the Interior
1849 C Street, NW
Washington DC 20240

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
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To Whom It May Concern:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Jeff Houser, Chairperson
Fort Sill Apache Tribe
Route 2, Box 121
Apache, OK 73006

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Federal Railroad Administration
David Valenstein
Room W38-303
1200 New Jersey Ave SE
Washington, DC 20590

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Honorable William R. Rhodes
Gila River Indian Community
525 West Gu u Ki
P.O. Box 97
Sacaton, AZ 85247

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
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and Comment on Draft Supplemental Report

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Barnaby V. Lewis, Cultural Resource Specialist
Gila River Indian Community
PO Box 2140
Sacaton, AZ

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
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and Comment on Draft Supplemental Report

Dear Mr. Lewis:

As you know from our consultation in April 2007, the Surface Transportation Board's (Board) 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. On February 25, 2008, SEA issued a Draft Environmental Assessment (EA) for this project pursuant to the National Environmental Policy Act (NEPA) and other Federal laws including the National Historic Preservation Act (NHPA).¹

As the lead Federal agency responsible for complying with Section 106 of NHPA, we are informing you that due to the preparation of more detailed engineering analyses in the project area, AZER has modified the alignment in three locations: first, at the Gila River crossing to accommodate bridge/pier construction; second, along a curve immediately south of the Gila River; and third, along a curve between the Peterson and Wilson washes north of the Gila River. These modifications would result in adverse effects to historic properties within the project's Area of Potential Effect (APE), as detailed below.

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I have provided a summary below of each of the sites identified in the additional project area and have enclosed the supplemental report, *A Class III Cultural Resources Inventory of the Arizona Eastern Railroad Extension of Service Right-of-Way Near Solomonville, Graham County, Arizona: Supplementary Archaeological Survey*. The modified project area includes Federal (Bureau of Land Management) and private land.

Summary of Each of the Sites Identified in the Additional Project Area

AZ CC:2:264 – Historic Euroamerican buried aqueduct	Yes	SHPO has determined that other portions of this linear site are eligible but has not evaluated this segment. Recommended eligible, with SHPO concurrence on August 28, 2007, for a determination of no adverse effect
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In addition to the Draft Report, I have enclosed correspondence (dated May 28, 2008) from JoAnne Medley, Archaeologist/Compliance Specialist for the Arizona State Historic Preservation Office (SHPO). The SHPO has determined that the proposed undertaking would have an adverse effect on historic resources, and in phone conversations on April 8, 2008 and June 6, 2008, further determined that the next steps in the process should be to develop a Memorandum of Agreement and Treatment Plan.

I would appreciate your comments within 30 days of receiving this letter. If you have any questions, please do not hesitate to contact me, or Diana Wood, SEA Project Manager, at 202-245-0302, email woodd@stb.dot.gov. You may also contact John Raveslout of WSA at 520-624-0101, email jraveslout@williamself.com. Thank you for your assistance and participation.

Sincerely,

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Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (2)

cc: John Cook, CirclePoint
Kim Otero, WestLand Resources
John Raveslout, WSA



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Michael Bryce, County Engineer
Graham County
Planning and Zoning Department
921 Thatcher Boulevard
Safford, AZ

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

Dear Mr. Bryce:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Ivan Sidney, Chairman/CEO
The Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

Dear Chairman Sidney:

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Chief
Section of Environmental Analysis

Enclosures (2)

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Kim Otero, WestLand Resources
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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Sara Misquez, Chair
Mescalero Apache Tribe
PO Box 227
Mescalero, NM 88340

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Sara Misquez, Chair
Mescalero Apache Tribe
PO Box 227
Mescalero, NM 88340

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Arlen P. Quetawki, Sr., Governor
Pueblo of Zuni
PO Box 339
Zuni, NM 87327

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Joni Ramos, President
Salt River Pima-Maricopa Indian Community
10005 E. Osborn Rd.
Scottsdale, AZ 85256

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
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I would appreciate your comments within 30 days of receiving this letter. If you have any questions, please do not hesitate to contact me, or Diana Wood, SEA Project Manager, at 202-245-0302, email woodd@stb.dot.gov. You may also contact John Raveslout of WSA at 520-624-0101, email jraveslout@williamself.com. Thank you for your assistance and participation.

Sincerely,

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Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (2)

cc: John Cook, CirclePoint
Kim Otero, WestLand Resources
John Raveslout, WSA



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Kathleen Kitcheyan, Chairwoman
San Carlos Apache Tribal Council
PO Box 0
San Carlos, AZ 85550

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

Dear Chairwoman Kitcheyan:

As you know from our consultation in April 2007, the Surface Transportation Board's (Board) 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. On February 25, 2008, SEA issued a Draft Environmental Assessment (EA) for this project pursuant to the National Environmental Policy Act (NEPA) and other Federal laws including the National Historic Preservation Act (NHPA).¹

As the lead Federal agency responsible for complying with Section 106 of NHPA, we are informing you that due to the preparation of more detailed engineering analyses in the project area, AZER has modified the alignment in three locations: first, at the Gila River crossing to accommodate bridge/pier construction; second, along a curve immediately south of the Gila River; and third, along a curve between the Peterson and Wilson washes north of the Gila River. These modifications would result in adverse effects to historic properties within the project's Area of Potential Effect (APE), as detailed below.

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As I am sure you recall, in April 2007, you reviewed and commented on a draft cultural resources Class III report for the project entitled *Inventory of the Arizona Eastern Railroad Extension of Service Right-of-Way Near Solomonville, Graham County, Arizona*. At that time, SEA had identified seven new archaeological sites and three previously recorded linear sites within its area of potential effect (APE), for a total of ten sites that could be adversely affected. In addition to these sites, the proposed modifications would affect two new sites (AZ CC:2:369 (ASM) and AZ CC:2:370 (ASM)), as well as new locations of two of the ten previously recorded sites (AZ CC:2:364 and AZ CC:2:172 (ASM)) discussed in the initial draft cultural resources Class III report.

I have provided a summary below of each of the sites identified in the additional project area and have enclosed the supplemental report, *A Class III Cultural Resources Inventory of the Arizona Eastern Railroad Extension of Service Right-of-Way Near Solomonville, Graham County, Arizona: Supplementary Archaeological Survey*. The modified project area includes Federal (Bureau of Land Management) and private land.

Summary of Each of the Sites Identified in the Additional Project Area

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Vivian Juan-Saunders, Chair
Tohono O'odham Nation
PO Box 837
Sells, AZ 85634

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

Dear Chair Juan-Saunders:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

June 16, 2008

Ronnie Lupe, Chairman
White Mountain Apache Tribe
PO Box 700
Whiteriver, AZ 85941

Re: STB Finance Docket No. 34836, Arizona Eastern Railway —
Construction and Operation — In Graham County, Arizona:
Notification of Additional Adverse Effects and Request for Review
and Comment on Draft Supplemental Report

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