

EI-20964



Re: Fw: Six Counties Rail Project

Taylor, Michael

to:

Jeffrey.Irwin@stb.dot.gov

03/31/2015 04:28 PM

Hide Details

From: "Taylor, Michael" <michael_taylor@nps.gov>

To: "Jeffrey.Irwin@stb.dot.gov" <Jeffrey.Irwin@stb.dot.gov>

History: This message has been replied to.

Jeff,

The revised language you present in section II.B.4 is satisfactory to this office. The only suggested revision is to refer to the trail as Old Spanish National Historic Trail, not the Old Spanish Trail. Thank you very much for your consideration of the effects of the proposed project to the NHT.

Mike

Michael Romero Taylor
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Working with you to protect, develop, and promote national historic trails.

Please see our web site: <http://www.nps.gov/orgs/1453/index.htm>

On Mon, Mar 23, 2015 at 7:45 AM, <Jeffrey.Irwin@stb.dot.gov> wrote:

Mike,

Thank you for getting back to me. I appreciate your interest in the trail. I certainly understand the historical importance of the trail and the desire for specialized and focused survey.

I am somewhat skeptical about preservation of the trail in the project area for several reasons. First, previous archaeological survey revealed no evidence of the trail. While the contractor who conducted the survey back in 2005 did not specifically identify the trail as a landscape or archaeological feature of concern, they did include it in their culture history background, indicating at least an awareness. The survey identified artifacts in the general vicinity of the projected trail alignment, though none associated with the trail. Two historic farmsteads and two lithic scatters were recorded. Second, I have examined high resolution aerial photography of the area and have seen no evidence of the trail in or near the proposed rail right-of-way (ROW). Third, if the projected alignment is accurate, a portion runs through a cultivated area where trail traces would be destroyed. Finally, based on the topography,

the trail alignment east of the ROW actually seems doubtful. The mapped route carries the trail over a mountain instead of following the nearby valley floor. If the trail did follow the valley floor, it is possible, if not likely that modern roads may have destroyed traces of the trail.

I agree that sites along the Sevier River may be of some interest for the potential to contain evidence of activity associated with trail camps. While the archaeological survey data at these sites is dominated by younger farmstead material and features/structures, I think future site investigations should include consideration of the possibility of older features or artifacts associated with trail use. I'm hopeful that railroad construction can avoid any impact to site 42SV2747 as it lies outside of the proposed ROW and on the other side of a road. We will include it in the PA in case avoidance is not possible in final construction design. Direct impacts seem more likely to a portion of site 42SV2738, and this site is included in the PA.

As for additional inventory, I would like to focus any survey effort on targets identified through the remote sensing analysis. I think your suggestion of a 100 meter wide survey area on the projected alignment may be too large and arbitrary, especially given the potential inaccuracy of the projected alignment. Details about survey would be developed in a subsequent research design. You specified in your comments the use of metal detectors and a 10 meter survey interval. Overall the PA is not intended to be this prescriptive since plans will be developed later. Indeed the PA creates a process that calls for development of cultural resources inventory, testing or data recovery plans, as required, and consultation with the signatories and concurring parties regarding these plans. If NPS signs the agreement as a concurring party, you would be included in this consultation.

Your comments also reference potential visual impacts and mitigation. Again, the PA allows for a process where these issues would be addressed through consultation. The PA requires an effect determination process that includes consultation with signatories and concurring parties. So if a trace of the trail or archaeological site associated with the trail is identified, the effect determination would be made in consultation. And mitigation plans would be developed in consultation as well. With these ideas in mind, I added language to the PA simply stating that an additional inventory effort will be made. The subsequent steps of determining impacts and mitigation come logically with the PA process.

To help address potential error in the mapped trail route, I wonder if your office has considered least-cost modeling using GIS? This may help adjust expectations for the trail alignment. While I think it is beyond the scope of any inventory work for this project, if it were something that your office or someone else can pursue, it may help refine the target for

further survey of trail traces on the ground.

Please see the edited Section II.B.4 in the attached file and let me know your thoughts. We're making progress on consultation for this document and hope to move it forward to signature phase in the near future.

Thanks for your time.

Best regards,

(See attached file: DRAFT SCAOG PA 3-20-15.docx)

Jeff Irwin
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(202) 245-0299

From: "Taylor, Michael" <michael_taylor@nps.gov>
To: "Jeffrey.Irwin@stb.dot.gov" <Jeffrey.Irwin@stb.dot.gov>
Date: 03/05/2015 03:53 PM
Subject: Re: Fw: Six Counties Rail Project

Hi Jeff,

Thanks very much for the draft Six Counties Rail Project PA. Attached are this office's recommended additions in red to the language dealing with the Old Spanish National Historic Trail. Not sure if we want to be signatory as a concurring party. I will check on this.

Mike

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On Tue, Mar 3, 2015 at 10:12 AM, <Jeffrey.Irwin@stb.dot.gov> wrote:

Hello Mike and Stephanie,

Just checking in to see if you've had a chance to take a look at the draft

Programmatic Agreement for the Six Counties Rail Project. Please let me know if you have questions or concerns. Note that I included the NPS and the Old Spanish Trail Association, Fish Lake Chapter, as concurring parties. If you sign as concurring parties, this will ensure continued consultation throughout the project, at least as much as you wish (perhaps limited to the southern portion of the project area vicinity of the mapped trail location). If you would like to provide names for individuals who would sign the agreement I can add them to the signature blocks.

Feel free to email or call. If you'd like another conference call I'd be happy to arrange one.

Thanks,

Jeff Irwin
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----- Forwarded by Jeffrey Irwin/STB on 03/03/2015 12:02 PM -----

From: Jeffrey Irwin/STB
To: "Michael Taylor" <Michael_Taylor@nps.gov>, "Stephanie Moulton" <fishlake@scinternet.net>
Date: 02/03/2015 04:53 PM
Subject: Six Counties Rail Project

Mike and Stephanie,

Thank you for sharing information previously and discussing the Old Spanish Trail. I appreciate your time as well as the insight and perspective you provide. After consulting with a number of folks to invite participation,

we are ready to move forward with the development of a Programmatic Agreement in accordance with Section 106 of the National Historic Preservation Act.

Towards that end, I've attached a Draft Programmatic Agreement (PA) with attachments. The purpose of this agreement is to address a full range of consultation, inventory, evaluation and mitigation issues related to construction of the new rail line in Utah. As you'll see there are a number of identified archaeological sites, mostly prehistoric, that will likely be affected by the proposed construction. Regarding the potential for the Old Spanish Trail to be affected, I direct your attention to II.B.4.c. I inserted a condition here requiring consideration of the potential for archaeological evidence of the trail or associated activities in a research design for data recovery at 42SV2738, the farmstead near the Salina River, vicinity of the trail's mapped location.

See below for a list of overall PA highlights.

Please review this draft document and share any comments, concerns or edits that you have. I am sending this to all signatories and concurring parties for review and comment.

Feel free to contact me via email or phone and I'd be happy to answer questions and discuss.

Stephanie—I apologize if the regulatory jargon and procedural context for this agreement is unfamiliar. I would be happy to offer more background and to explain some of the compliance process at hand. Please feel free to contact me. We can also schedule another conference call at your and Mike's convenience. You can visit our agency's website to learn more about historic preservation compliance in relation to our oversight of railroads—see <http://www.stb.dot.gov/stb/environment/preservation.html>.

Thank you again for your time and input.

Best,

PA Stipulations Highlights

- Establishes STB as primary coordinator of consultation
 - Identifies Signatories and Concurring Parties
 - Ensures applicant will support survey and evaluations and mitigation planning prior to construction
 - Establishes existing inventory and provides process for additional inventory, as required
 - Provides for a records search to update the existing inventory with any recently identified historic properties in the APE
 - Provides for evaluation of properties not in the existing inventory
 - Ensures process for review and comment on survey, testing, mitigation plans by all signatories and concurring parties
 - Provides for consideration of archaeological connection to the Old Spanish Trail at a particular site within the right-of-way (42SV2738)
 - Calls for effect determinations as construction plans are refined and finalized
 - Establishes avoidance as a preferred approach to historic properties but allows for mitigation
 - Ensures a public component of any mitigation
 - Identifies standards for professionals executing stipulation requirements and documentation standards for mitigation
 - Calls for protective measures during construction and notes potential monitoring opportunities
 - Notes permits required for archaeological work on federal and state land
 - Establishes curation standards for archaeological collections
 - Includes confidentiality provision for archaeological data and information sensitive to tribes
- Includes procedures for inadvertent discovery of archaeological materials and human remains or cultural items

[attachment "DRAFT SCAOG PA 2-3-15.docx" deleted by Jeffrey Irwin/STB]
 [attachment "DRAFT SCAOG PA Attachments A-E.pdf" deleted by Jeffrey Irwin/STB]

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[attachment "DRAFT SCAOG PA 2-3-15 (1).docx" deleted by Jeffrey Irwin/STB]