Appendix C. Cultural Resources
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Cultural Resources Consultation

Agency consultation for determinations of impacts on cultural resources under Section 106 of the National Historic Preservation Act occurred on six occasions during the State Route 189 study.

March 2014 Consultation

In March 2014, the Federal Highway Administration (FHWA) conducted initial consultation with appropriate agencies and tribes to define the area of potential effects (APE), provide existing information on cultural resources within the APE, and to gather their input and concurrence on recommendations for further cultural resource evaluation based on results of the Class I literature review. In the March 3, 2014, consultation letter, FHWA recommended that new surveys be conducted within the APE for areas outside the existing Arizona Department of Transportation right-of-way.

January 2016 Consultation

In January 2016, FHWA conducted continuing consultation with appropriate agencies and tribes to give them an opportunity to review the findings of the cultural resource survey and to provide their concurrence on FHWA’s National Register of Historic Places eligibility recommendations, a finding of “adverse effect” for the project, and a recommended that execution of a Memorandum of Agreement (MOA) was appropriate to resolve the project’s adverse effects on historic properties.

April 2016 Consultation

On April 1, 2016, FHWA notified the Advisory Council on Historic Preservation of the finding of adverse effect to historic properties and inquired regarding its participation pursuant to 36 Code of Federal Regulations 800.6(1). The Advisory Council on Historic Preservation declined participation on April 18, 2016.

May 2016 and July 2016 Consultation

On May 10, 2016, and July 6, 2016, FHWA consulted with the consulting parties on a draft MOA and revised draft MOA, respectively. Comments were received from the State Historic Preservation Office, the Arizona State Museum, the Hopi Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Distribution of the final MOA for signature is pending.


**October 2016 Consultation**

In October 2016, FHWA consulted on the adequacy of the supplemental Class III survey report, which addressed the potential need for additional right-of-way at Target Range Road to accommodate a roundabout. FHWA also provided the consulting parties a revised version of the MOA for comment.

**Continuing Consultation (pending)**

FHWA is conducting continuing consultation with appropriate agencies and tribes for the approval and execution of the revised MOA. This consultation is pending.

A list of agencies and tribes consulted and a summary of the responses are shown in Table C-1. The signed agency and tribal correspondence letters are attached following the table.
<table>
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<th>Consultation letters sent</th>
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Initial Consultation Letters

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A Planning and Environmental Linkages (PEL) assessment is being prepared to identify key environmental and cultural resource issues in advance of an Environmental Assessment and preparation of a design concept report (DCR). The PEL represents a collaborative and integrated approach to transportation decision-making that 1) considers environmental, community, and economic goals early in the transportation planning process, and 2) uses the information, analysis, and products developed during planning to inform the environmental review process.

The area of potential effects (APE) is defined as the footprint of the project alternatives for considerations of direct impacts and a 0.25-buffer beyond the alternatives footprint for the consideration of indirect effects, such as alteration of visual and acoustic settings and seismic vibrations.

Land Ownership/Agencies: ADOT ROW, City of Nogales ROW, GSA, private / FHWA, ADOT, SHPO, GSA, City of Nogales

Tribes: Hopi Tribe, Pascua Yaqui Tribe, Tohono O’odham Nation, White Mountain Apache Tribe

ADOT Project Manager: Asad Karim
ADOT Planner: Thor Anderson
Consultant Firm: HDR Engineering, Inc.
ADOT District: Kingman
Signature: [Signature]

Report Information (add rows as necessary)

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Summarized in Class I Report

3 Sites within the current project area, only.
4 For example: impact, flag, monitor.
A Class I cultural resources overview was prepared in support of the PEL. The purpose of the Class I was to (1) gather information and data on previous cultural resource projects, documented sites, historic building inventories, and any other relevant cultural resources, (2) identify any “red flag” issues that could have a significant influence on the project, and (3) to make recommendations regarding the management and treatment of the cultural resources within the project study area. The results are reported in “A Class I Overview for the State Route 189, International Border to Grand Avenue Planning and Environmental Linkages (PEL) Study, Nogales, Santa Cruz County, Arizona” (Brodbeck 2014).

The APE encompasses portions of 13 cultural resources. Of these, seven are prehistoric sites: AZ EE:9:68 (ASM), AZ EE:9:86 (ASM), AZ EE:9:107 (ASM), AZ EE:9:223 (ASM), AZ EE:9:224 (ASM), and AZ EE:9:225 (ASM); three are historic sites: AZ EE:9:109 (ASM), AZ EE:9:177 (ASM), AZ EE:9:181 (ASM); and one is a historic district: the Crawford Hill Historic District, which is part of the Nogales Multiple Resource Area.

The SR 189 ROW and SR 19B ROW portions of the APE have been previously surveyed in conjunction with separate undertakings. The remainder of the APE, the portion outside the ADOT ROW, would require new survey. In addition, because of the close proximity of the project to the Crawford Hill Historic District, which is listed on the National Register of Historic Places, an evaluation of the built environmental (historic buildings, structures, etc.) would be recommended to evaluate potential indirect effects on historic properties. The results of these studies would be forthcoming through on-going consultation.

Because the project alternatives are only conceptual, HDR cannot recommend a finding of project effect at this time.
Maps
ARIZONA DIVISION

March 3, 2014

In Reply Refer To:
STP-189-A(201)T
HOP-AZ

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Ms. Maricela Ojeda
CLG Contact, Nogales Historic Commission
City of Nogales
777 North Grand Avenue
Nogales, Arizona 85621

Dear Ms. Ojeda:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the route’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected widening. Three preliminary alternatives (with options) have been developed. The project study area is defined by a 0.25-mile buffer around the footprint of the proposed alternatives. The study area includes the SR 189 corridor from the Mariposa Port of Entry (POE) (milepost [MP] 0.0) to Business 19 (SR 19B) (MP 3.75), the Interstate 19 (I-19) corridor from MP 0.0 to MP 3.8, and land between SR 189 and I-19 where a connector route is proposed.

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As this project employs federal funds, it is considered an undertaking subject to Section 106 review. The project study area includes ADOT-owned right-of-way (ROW), City of Nogales ROW, private land, and the Mariposa POE which is owned by the Unites States General Services Administration (GSA). Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), GSA, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

The area of potential effects (APE) is defined as the footprint of the project alternatives for considerations of direct impacts and a 0.25-buffer beyond the alternatives footprint for the consideration of indirect effects, such as alteration of visual and acoustic settings and seismic vibrations. Project location maps are enclosed to assist you with your review.
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Please review the enclosed report and the information provided in this letter. If you agree with the adequacy of the report and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James "Matthew" Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

---

Signature for City of Nogales Concurrence
STP-189-A(201)T

Enclosures
March 3, 2014

In Reply Refer To:
STP-189-A(201)T
HOP-AZ

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Ms. Jane Lehman, Regional Historic Preservation Officer
U.S. General Services Administration
450 Golden Gate Avenue, 3rd Floor West
San Francisco, California 94102-3434

Dear Ms. Lehman:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the route's traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected widening. Three preliminary alternatives (with options) have been developed. The project study area is defined by a 0.25-mile buffer around the footprint of the proposed alternatives. The study area includes the SR 189 corridor from the Mariposa Port of Entry (POE) (milepost [MP] 0.0) to Business 19 (SR 19B) (MP 3.75), the Interstate 19 (I-19) corridor from MP 0.0 to MP 3.8, and land between SR 189 and I-19 where a connector route is proposed.

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Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

_________________________________________
Signature for GSA Concurrence
STP-189-A(201)T

Date

Enclosures
March 3, 2014

In Reply Refer To:
STP-189-A(201)T
HOP-AZ

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Mr. Leigh Kuwanwiswma, Director
Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwiswma:

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At this time, FHWA is inquiring whether you have any concerns regarding historic properties of traditional, religious, cultural, or historic importance to your community within the APE. Any information
you might provide within 30 days of receipt of this letter will be considered in the project planning. If your office opts to participate in cultural resource consultation at a later date, FHWA would make a good faith effort to address your concerns.

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[Signature]

Karla S. Petty
Division Administrator

Signature for Hopi Tribe Concurrence
STP-189-A(201)T

Date

Enclosures
March 3, 2014

In Reply Refer To:
STP-189-A(201)T
HOP-AZ

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Mr. Peter Yucupicio, Chairman
Pascua Yaqui Tribe
7474 South Camino de Oeste
Tucson, Arizona 85746

Dear Chairman Yucupicio:

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Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for Pascua Yaqui Tribe Concurrence
STP-189-A(201)T

Date

Enclosure

cc: Veronica La Motte Darnell, 4725 West Calle Tetakusim, Building B, Tucson, Arizona 85757 (with enclosures)
March 3, 2014

In Reply Refer To:
STP-189-A(201)T
HOP-AZ

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the route's traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected widening. Three preliminary alternatives (with options) have been developed. The project study area is defined by a 0.25-mile buffer around the footprint of the proposed alternatives. The study area includes the SR 189 corridor from the Mariposa Port of Entry (POE) (milepost [MP] 0.0) to Business 19 (SR 19B) (MP 3.75), the Interstate 19 (I-19) corridor from MP 0.0 to MP 3.8, and land between SR 189 and I-19 where a connector route is proposed.

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Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
STP-189-A(201)T

Enclosures
March 3, 2014

In Reply Refer To:
STP-189-A(201)T
HOP-AZ

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O’odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

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Sincerely yours,

[Signature]
Karla S. Petty
Division Administrator

---

Signature for Tohono O'odham Nation Concurrence
STP-189-A(201)T

Enclosures
March 3, 2014

In Reply Refer To:  
STP-189-A(201)T  
HOP-AZ

STP-189-A(201)T  
TRACS No. 189 SC 000 H8045 01L  
State Route 189, International Border to Grand Avenue  
Initial Section 106 Consultation

Mr. Ronnie Lupe, Chairman  
White Mountain Apache Tribe  
P.O. Box 1150  
Whiteriver, Arizona 85941

Dear Chairman Lupe:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the route’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected widening. Three preliminary alternatives (with options) have been developed. The project study area is defined by a 0.25-mile buffer around the footprint of the proposed alternatives. The study area includes the SR 189 corridor from the Mariposa Port of Entry (POE) (milepost [MP] 0.0) to Business 19 (SR 19B) (MP 3.75), the Interstate 19 (I-19) corridor from MP 0.0 to MP 3.8, and land between SR 189 and I-19 where a connector route is proposed.

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Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for White Mountain apache Tribe Concurrence
STP-189-A(201)T

Enclosures

cc:
Mark Altaha, Tribal Historic Preservation Officer, Historic Preservation Office, P.O Box 507
Fort Apache, Arizona 85926 (with enclosures)
Ramon Riley, Cultural Resource Director, Historic Preservation Office, P.O Box 507, Fort Apache, Arizona 85926
March 5, 2014

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated March 3, 2014, with an enclosed Class I Overview regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales. The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam prehistoric cultural group. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office reviewed the enclosed overview report and understand seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM), described a prehistoric burial. Therefore, we have determined that this project may adversely effect cultural resources significant to the Hopi Tribe. And therefore, we look forward to continuing consultation on this proposal including being provided with copies of the cultural resources survey reports and any proposed treatment plans for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallery, ADOT
Arizona State Historic Preservation Office
March 3, 2014

In Reply Refer To:
STP-189-A(201)†
HOP-AZ

STP-189-A(201)†
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Dr. David Jacobs, Compliance Specialist
State Historic Preservation Office
Arizona State Parks
1300 West Washington
Phoenix, Arizona 85007

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Sincerely yours,

Karla S. Petty
Division Administrator

[Signature]

Date

Signature for SHPO Concurrence
STP-189-A(201)T

Enclosures

[Signature] Matt Mallery, ADOT
March 3, 2014

In Reply Refer To:
STP-189-A(201)T
HOP-AZ

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Ms. Jane Lehman, Regional Historic Preservation Officer
U.S. General Services Administration
450 Golden Gate Avenue, 2nd Floor West
San Francisco, California 94102-3434

Dear Ms. Lehman:

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Sincerely yours,

[Signature]
Karla S. Petty
Division Administrator

Signature for GSA Concurrence
STP-189-A(201)T

Date

Enclosures

*Note new mailing address above
March 3, 2014

In Reply Refer To:
STP-189-A(201)T
HOP-AZ

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Initial Section 106 Consultation

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O'odham Nation
P. O. Box 837
Sells, Arizona 85634

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The SR 189 ROW and SR 19B ROW portions of the APE have been previously surveyed in conjunction with separate undertakings. The remainder of the APE, the portion outside ADOT ROW, would require survey. In addition, because of the close proximity of the project to the Crawford Hill Historic District, which is listed on the National Register of Historic Places, an evaluation of the built environmental (historic buildings, structures, etc.) is recommended to evaluate potential indirect effects on historic properties. The results of these studies would be forthcoming through on-going consultation. Because the project alternatives are only conceptual, FHWA is not making a determination of project effect at this time.

Please review the enclosed report and the information provided in this letter. If you agree with the adequacy of the report and management recommendations, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

SEP 22 2014

Signature for Tohono O’odham Nation Concurrence
STP-189-A(201)T

Enclosures
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Continuing Consultation Letters

(January 21, 2016)

Results and Project Effect
ARIZONA DIVISION

January 21, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
"adverse effect"

Ms. Maricela Ojeda, CLG Contact,
Nogales Historic Commission
City of Nogales
777 North Grand Avenue
Nogales, Arizona 85621

Dear Ms. Ojeda:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the highway's traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected roadway widening. The project area includes the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (SR-B19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and SR-B19 ROWs are owned by ADOT. The new ROW is private land and City of Nogales ROW. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe.

Prior consultation identified the location of the project and consulting parties, described the proposed alternatives under consideration, defined the area of potential effects (APE), and provided the results of the Class I overview. Following the completion of the initial consultation, the Corridor Management Alternative (CMA) was selected as the preferred project build alternative. As a result, the project’s southern limit on SR 189 has changed from MP 0.0 to MP 0.6. The project no longer includes land administered by the U.S. General Services Administration (GSA); therefore, the GSA is no longer included as a consulting party.

The CMA would require new ROW. No temporary construction easements have been identified at this time. The APE for the consideration of direct effects is defined by the SR 189 ROW from MP 0.6 to MP 3.75, the I-19 ROW from MP 2.6 to MP 3.9, the SR 19B ROW from MP 2.5 to MP 3.0, and 24.12 acres of proposed new ROW. The APE for the consideration of indirect effects is defined as a 0.25-mile buffer beyond the highway ROWs and parcels of new ROW. Subdivisions with no potential for indirect effects from the project were excluded from the APE.

HDR, Inc. (HDR) performed a Class III survey of the new ROW required for the project. The results are reported in "A Cultural Resources Survey for the State Route 189, International Border to Grand Avenue Improvement Project, Nogales, Santa Cruz County, Arizona" (Brodbeck and others 2015).
HDR documented two previously recorded archaeological sites in the APE, AZ EE:9:54(ASM) and AZ EE:9:86(ASM). A copy of the report is enclosed for your review and comment.

Archaeological Sites

AZ EE:9:54(ASM) is a prehistoric artifact scatter that includes lithics, ceramics, and ground stone. The site was originally recorded in 1966 by the Arizona State Museum (ASM). In 1996, ARS recorded the portion of the site within the I-19 ROW and noted that it extended outside the ROW fence line (Lite and others 1996). FHWA determined, in consultation with SHPO, that the site was eligible for listing on the National Register of Historic Places (NRHP) under Criterion D for its information potential (Miller [SHPO] to Gasser [ADOT], December 16, 1996). HDR documented a similar assemblage of artifacts in the new ROW parcel and noted that the site retains integrity. FHWA recommends that the prior determination of NRHP eligibility remains appropriate.

AZ EE:9:86(ASM) is a prehistoric artifact scatter with two thermal features. The site was originally recorded in 1975 by ASM during a highway salvage project for the construction of SR 189. Despite a robust artifact assemblage, the ASM site card indicates the site was not selected for archaeological excavation and, as a result, most of it was destroyed by construction of SR 189. The component recorded by HDR is a sparse artifact scatter with two thermal rock features situated on top of a road cut. Overall, AZ EE:9:86(ASM) is in poor condition, having been mostly destroyed by construction of SR 189. Nevertheless, the remaining portion on top of the road cut appears to retain integrity and has potential for subsurface cultural deposits. FHWA recommends the site as eligible for listing on the NRHP under Criterion D for its information potential.

Sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM) would be adversely impacted by the build alternative. AZ EE:9:54(ASM) would be impacted by the construction of the ramp connecting SR 189 to northbound I-19 that would pass directly through site. AZ EE:9:86(ASM) would be impacted by grading necessary for reestablishing drainage. It is, therefore, recommended that a Memorandum of Agreement (MOA) be executed to ensure the project's adverse effects on the historic properties are resolved.

Historic Buildings, Structures, Districts

In addition to the Class III survey, HDR performed a reconnaissance level survey (RLS) of the built environment to identify potential historic properties within 0.25 mile of the project. The RLS investigated six properties in the APE to determine whether formal NRHP eligibility evaluations would be required: the New Mexico and Arizona Railroad/AZ EE:4:43(ASM), a historic residence at 2323 Tucson-Nogales Highway designated AZ EE:9:177(ASM), the Mariposa Manor Mobile Home Park, the Colonia del Sol subdivision, the Preston Mobile Home Park, and the Nogales West subdivision.

The New Mexico and Arizona Railroad/AZ EE:4:43(ASM) was previously documented within the APE (Lite 1997) and determined eligible for listing on the NRHP under Criteria A and C (Lindauer [ADOT] to Miller [SHPO] April 29, 1997; SHPO concurrence May 30, 1997). The SR 189 improvements project would not alter the railroad; therefore, it would not be affected by the undertaking.

2323 Tucson-Nogales Highway/AZ EE:9:177(ASM) is a historic residence (ca. 1940) previously determined ineligible for NRHP listing (Lindauer [ADOT] to Miller [SHPO] April 27, 1997; SHPO concurrence May 30, 1997). The property is outside the project's construction footprint; no further treatment is required.
The Mariposa Manor Trailer Home Park was established more than 50 years ago and retains a number of historical-period properties. The trailer park is set back 350 feet from the highway and is surrounded by commercial trucking distribution facilities. The SR 189 corridor through the APE is a developed industrial/commercial transportation and distribution setting generally lacking visual aesthetics and with heavy volumes of commercial truck traffic. The subdivision is physically outside the APE and there is no potential for auditory or visual impacts.

The Colonia del Sol subdivision is over 50 years of age, exhibits architectural continuity, and retains integrity. The homes nearest to SR 189 are set back approximately 550 feet. The SR 189 corridor through the APE is a developed industrial transportation and distribution setting generally lacking visual aesthetics and with heavy volumes of commercial truck traffic. The subdivision is physically outside the APE and there is no potential for auditory or visual impacts.

The Preston Mobile Home Park and the Nogales West subdivision are modern, built in the 1970s and 1980s. Because of their age and condition, these properties do not qualify for Section 106 consideration.

Based on the above, FHWA finds that a finding of “adverse effect” is appropriate for this project. Please review the enclosed report and the information provided in this letter. If you agree with the adequacy of the report, recommendations of NRHP eligibility, finding of project effect, and that execution of an MOA is appropriate for the undertaking, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for City of Nogales Concurrence
STP-189-A(201)T

Date

Enclosure
January 21, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
“adverse effect”

Mr. Leigh Kuwanwiswma, Director
Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwiswma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the highway’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected roadway widening. The project area includes the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (SR-B19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and SR-B19 ROWs are owned by ADOT. The new ROW is private land and City of Nogales ROW. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

Prior consultation identified the location of the project and consulting parties, described the proposed alternatives under consideration, defined the area of potential effects (APE), and provided the results of the Class I overview. Following the completion of the initial consultation, the Corridor Management Alternative (CMA) was selected as the preferred project build alternative. As a result, the project’s southern limit on SR 189 has changed from MP 0.0 to MP 0.6. The project no longer includes land administered by the U.S. General Services Administration (GSA); therefore, the GSA is no longer included as a consulting party.

The CMA would require new ROW. No temporary construction easements have been identified at this time. The APE for the consideration of direct effects is defined by the SR 189 ROW from MP 0.6 to MP 3.75, the I-19 ROW from MP 2.6 to MP 3.9, the SR 19B ROW from MP 2.5 to MP 3.0, and 24.12 acres of proposed new ROW. The APE for the consideration of indirect effects is defined as a 0.25-mile buffer beyond the highway ROWs and parcels of new ROW. Subdivisions with no potential for indirect effects from the project were excluded from the APE.

HDR, Inc. (HDR) performed a Class III survey of the new ROW required for the project. The results are reported in “A Cultural Resources Survey for the State Route 189, International Border to Grand Avenue Improvement Project, Nogales, Santa Cruz County, Arizona” (Brodbeck and others 2015).
HDR documented two previously recorded archaeological sites in the APE, AZ EE:9:54(ASM) and AZ EE:9:86(ASM). A copy of the report is enclosed for your review and comment.

Archaeological Sites

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Historic Buildings, Structures, Districts

In addition to the Class III survey, HDR performed a reconnaissance level survey (RLS) of the built environment to identify potential historic properties within 0.25 mile of the project. The RLS investigated six properties in the APE to determine whether formal NRHP eligibility evaluations would be required: the New Mexico and Arizona Railroad/AZ EE:4:43(ASM), a historic residence at 2323 Tucson-Nogales Highway designated AZ EE:9:177(ASM), the Mariposa Manor Mobile Home Park, the Colonia del Sol subdivision, the Preston Mobile Home Park, and the Nogales West subdivision.

The New Mexico and Arizona Railroad/AZ EE:4:43(ASM) was previously documented within the APE (Lite 1997) and determined eligible for listing on the NRHP under Criteria A and C (Lindauer [ADOT] to Miller [SHPO] April 29, 1997; SHPO concurrence May 30, 1997). The SR 189 improvements project would not alter the railroad; therefore, it would not be affected by the undertaking.

2323 Tucson-Nogales Highway/AZ EE:9:177(ASM) is a historic residence (ca. 1940) previously determined ineligible for NRHP listing (Lindauer [ADOT] to Miller [SHPO] April 27, 1997; SHPO concurrence May 30, 1997). The property is outside the project’s construction footprint; no further treatment is required.
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The Colonia del Sol subdivision is over 50 years of age, exhibits architectural continuity, and retains integrity. The homes nearest to SR 189 are set back approximately 550 feet. The SR 189 corridor through the APE is a developed industrial transportation and distribution setting generally lacking visual aesthetics and with heavy volumes of commercial truck traffic. The subdivision is physically outside the APE and there is no potential for auditory or visual impacts.

The Preston Mobile Home Park and the Nogales West subdivision are modern, built in the 1970s and 1980s. Because of their age and condition, these properties do not qualify for Section 106 consideration.

Based on the above, FHWA finds that a finding of “adverse effect” is appropriate for this project. Please review the enclosed report and the information provided in this letter. If you agree with the adequacy of the report, recommendations of NRHP eligibility, finding of project effect, and that execution of an MOA is appropriate for the undertaking, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for Hopi Tribe Concurrence
STP-189-A(201)T

Date

Enclosure
January 21, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
“adverse effect”

Mr. Peter Yucupicio, Chairman
Pascua Yaqui Tribe
7474 South Camino de Oeste
Tucson, Arizona 85746

Dear Chairman Yucupicio:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the highway’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected roadway widening. The project area includes the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (SR-B19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and SR-B19 ROWs are owned by ADOT. The new ROW is private land and City of Nogales ROW. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

Prior consultation identified the location of the project and consulting parties, described the proposed alternatives under consideration, defined the area of potential effects (APE), and provided the results of the Class I overview. Following the completion of the initial consultation, the Corridor Management Alternative (CMA) was selected as the preferred project build alternative. As a result, the project’s southern limit on SR 189 has changed from MP 0.0 to MP 0.6. The project no longer includes land administered by the U.S. General Services Administration (GSA); therefore, the GSA is no longer included as a consulting party.

The CMA would require new ROW. No temporary construction easements have been identified at this time. The APE for the consideration of direct effects is defined by the SR 189 ROW from MP 0.6 to MP 3.75, the I-19 ROW from MP 2.6 to MP 3.9, the SR 19B ROW from MP 2.5 to MP 3.0, and 24.12 acres of proposed new ROW. The APE for the consideration of indirect effects is defined as a 0.25-mile buffer beyond the highway ROWs and parcels of new ROW. Subdivisions with no potential for indirect effects from the project were excluded from the APE.

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Historic Buildings, Structures, Districts

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Based on the above, FHWA finds that a finding of "adverse effect" is appropriate for this project. Please review the enclosed report and the information provided in this letter. If you agree with the adequacy of the report, recommendations of NRHP eligibility, finding of project effect, and that execution of an MOA is appropriate for the undertaking, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James "Matthew" Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

Signature for Pascua Yaqui Tribe Concurrence
STP-189-A(201)T

Date

cc:
Ms. Veronica La Motte Darnell, Office of the Attorney General, Pascua Yaqui Tribe, 7777 South Camino Huivisim, Bldg. C, Tucson, Arizona 85757 (with enclosure)
January 21, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
“adverse effect”

Dr. David Jacobs, Compliance Specialist/Archaeologist
State Historic Preservation Office
Arizona State Parks
1100 West Washington Street
Phoenix, Arizona 85007

2011-0579

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the highway’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected roadway widening. The project area includes the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (SR-B19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and SR-B19 ROWs are owned by ADOT. The new ROW is private land and City of Nogales ROW. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

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The Preston Mobile Home Park and the Nogales West subdivision are modern, built in the 1970s and 1980s. Because of their age and condition, these properties do not qualify for Section 106 consideration.

Based on the above, FHWA finds that a finding of “adverse effect” is appropriate for this project. Please review the enclosed report and the information provided in this letter. If you agree with the adequacy of the report, recommendations of NRHP eligibility, finding of project effect, and that execution of an MOA is appropriate for the undertaking, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

[Signature for SHPO Concurrence]
STP-189-A(201)T

Date

Enclosure
January 21, 2016

In Reply Refer To:

STP-189-A(201)T
TRAC No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
“adverse effect”

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O’odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the highway’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected roadway widening. The project area includes the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (SR-B19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and SR-B19 ROWs are owned by ADOT. The new ROW is private land and City of Nogales ROW. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

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**Historic Buildings, Structures, Districts**

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Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for Tohono O’odham Nation Concurrence
STP-189-A(201)T

Date

Enclosure
January 21, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
"adverse effect"

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 1150
Whiteriver, Arizona 85941

Dear Chairman Lupe:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the highway’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected roadway widening. The project area includes the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (SR-B19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and SR-B19 ROWs are owned by ADOT. The new ROW is private land and City of Nogales ROW. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

Prior consultation identified the location of the project and consulting parties, described the proposed alternatives under consideration, defined the area of potential effects (APE), and provided the results of the Class I overview. Following the completion of the initial consultation, the Corridor Management Alternative (CMA) was selected as the preferred project build alternative. As a result, the project’s southern limit on SR 189 has changed from MP 0.0 to MP 0.6. The project no longer includes land administered by the U.S. General Services Administration (GSA); therefore, the GSA is no longer included as a consulting party.

The CMA would require new ROW. No temporary construction easements have been identified at this time. The APE for the consideration of direct effects is defined by the SR 189 ROW from MP 0.6 to MP 3.75, the I-19 ROW from MP 2.6 to MP 3.9, the SR 19B ROW from MP 2.5 to MP 3.0, and 24.12 acres of proposed new ROW. The APE for the consideration of indirect effects is defined as a 0.25-mile buffer beyond the highway ROWs and parcels of new ROW. Subdivisions with no potential for indirect effects from the project were excluded from the APE.

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**Historic Buildings, Structures, Districts**

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Sincerely yours,

[Signature]
Karla S. Petty
Division Administrator

Signature for White Mountain Apache Tribe Concurrence

Date

cc:
Mr. Mark Alaha, Tribal Historic Preservation Officer, Historic Preservation Office, White Mountain Apache Tribe, P.O Box 1032, Fort Apache, Arizona 85926 (with enclosure)
Mr. Ramon Riley, Cultural Resource Office Repatriation Specialist, Historic Preservation Office, White Mountain Apache Tribe, P.O Box 507, Fort Apache, Arizona 85926
January 25, 2016

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated January 21, 2016, with an enclosed cultural resources survey report, regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales. The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam prehistoric cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be “footprints” and Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT’s continuing solicitation of our input and your efforts to address our concerns.

In a letter dated March 5, 2014, the Hopi Cultural Preservation Office reviewed the overview report and stated we understood seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM). Therefore, we determined that this project may adversely affect cultural resources significant to the Hopi Tribe.

We have now reviewed the enclosed cultural resources survey report and understand two prehistoric sites AZ EE:9:54 and 86 (ASM), described artifact scatters previously impacted by the construction of SR 189 will be adversely effect by the proposed project. And therefore, we look forward to continuing consultation on this proposal including being provided with copies of the proposed treatment plan and draft treatment report for review and comment. If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kywanwisiwma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallery, ADOT
Arizona State Historic Preservation Office
January 21, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation

"adverse effect"

Dr. David Jacobs, Compliance Specialist/Archaeologist
State Historic Preservation Office
Arizona State Parks
1100 West Washington Street
Phoenix, Arizona 85007

2011-0579

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the highway’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected roadway widening. The project area includes the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (SR-B19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and SR-B19 ROWs are owned by ADOT. The new ROW is private land and City of Nogales ROW. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

Prior consultation identified the location of the project and consulting parties, described the proposed alternatives under consideration, defined the area of potential effects (APE), and provided the results of the Class I overview. Following the completion of the initial consultation, the Corridor Management Alternative (CMA) was selected as the preferred project build alternative. As a result, the project’s southern limit on SR 189 has changed from MP 0.0 to MP 0.6. The project no longer includes land administered by the U.S. General Services Administration (GSA); therefore, the GSA is no longer included as a consulting party.

The CMA would require new ROW. No temporary construction easements have been identified at this time. The APE for the consideration of direct effects is defined by the SR 189 ROW from MP 0.6 to MP 3.75, the I-19 ROW from MP 2.6 to MP 3.9, the SR 19B ROW from MP 2.5 to MP 3.0, and 24.12 acres of proposed new ROW. The APE for the consideration of indirect effects is defined as a 0.25-mile buffer beyond the highway ROWs and parcels of new ROW. Subdivisions with no potential for indirect effects from the project were excluded from the APE.

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Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
STP-189-A(201)T

Date

Enclosure

CC: Matthew Mallery, ADOT
To:        James Matthew Mallary, ADOT Historic Preservation Specialist  
Date:     January 28, 2016  
Re:        STP-189-A(201)T TRACS No. 189 SC 000 H8045 01L SR 189 International Border

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the proposed project, dated January 12, 2016. In regards to this, please attend to the following checked items below.

There is no need to send additional information unless project planning or implementation results in the discovery of sites and/or items having known or suspected Apache Cultural affiliations.

N/A The proposed project is located within an area of probably cultural or historical importance to the White Mountain Apache tribe (WMAT). As part of the effort to identify historical properties that may be affected by the project we recommend as ethno-historic study and interviews with Apache Elders. The tribe’s Cultural Heritage Resource Director Mr. Ramon Riley may be contacted at (928) 338-4625 for further information should this become necessary.

Please refer to the additional notes in regards to the proposed project:
We have received and reviewed information regarding the above ADOT proposed improvements to State Route 89 in Nogales, Santa Cruz County, Arizona, and we have determined the proposed plans will not have an impact on the White Mountain Apache tribe’s historic and/or traditional cultural properties. Furthermore, we do not feel it is necessary to be a consulting party or signatory to the MOA. Regardless, any/all ground disturbing activities should be monitored if there are reasons to believe that there are human remains and/or funerary objects are present, and if such remains and/or objects are encountered they shall be treated with respect and handled accordingly until such remains are repatriated to the affiliated tribe(s).

Thank you. We look forward to continued collaborations in the protection and preservation of places of cultural and historical importance.

Sincerely,

Mark T. Altaha - THPO
White Mountain Apache Tribe - THPO
January 21, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
"adverse effect"

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O’odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. The project would increase the highway’s traffic-carrying capacity and improve operational efficiency through enhancing access control, improving intersections, and selected roadway widening. The project area includes the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (SR-B19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and SR-B19 ROWs are owned by ADOT. The new ROW is private land and City of Nogales ROW. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

Prior consultation identified the location of the project and consulting parties, described the proposed alternatives under consideration, defined the area of potential effects (APE), and provided the results of the Class I overview. Following the completion of the initial consultation, the Corridor Management Alternative (CMA) was selected as the preferred project build alternative. As a result, the project’s southern limit on SR 189 has changed from MP 0.0 to MP 0.6. The project no longer includes land administered by the U.S. General Services Administration (GSA); therefore, the GSA is no longer included as a consulting party.

The CMA would require new ROW. No temporary construction easements have been identified at this time. The APE for the consideration of direct effects is defined by the SR 189 ROW from MP 0.6 to MP 3.75, the I-19 ROW from MP 2.6 to MP 3.9, the SR 19B ROW from MP 2.5 to MP 3.0, and 24.12 acres of proposed new ROW. The APE for the consideration of indirect effects is defined as a 0.25-mile buffer beyond the highway ROWs and parcels of new ROW. Subdivisions with no potential for indirect effects from the project were excluded from the APE.

HDR, Inc. (HDR) performed a Class III survey of the new ROW required for the project. The results are reported in “A Cultural Resources Survey for the State Route 189, International Border to Grand Avenue Improvement Project, Nogales, Santa Cruz County, Arizona” (Brodbeck and others 2015).
The Mariposa Manor Trailer Home Park was established more than 50 years ago and retains a number of historical-period properties. The trailer park is set back 350 feet from the highway and is surrounded by commercial trucking distribution facilities. The SR 189 corridor through the APE is a developed industrial/commercial transportation and distribution setting generally lacking visual aesthetics and with heavy volumes of commercial truck traffic. The subdivision is physically outside the APE and there is no potential for auditory or visual impacts.

The Colonia del Sol subdivision is over 50 years of age, exhibits architectural continuity, and retains integrity. The homes nearest to SR 189 are set back approximately 550 feet. The SR 189 corridor through the APE is a developed industrial transportation and distribution setting generally lacking visual aesthetics and with heavy volumes of commercial truck traffic. The subdivision is physically outside the APE and there is no potential for auditory or visual impacts.

The Preston Mobile Home Park and the Nogales West subdivision are modern, built in the 1970s and 1980s. Because of their age and condition, these properties do not qualify for Section 106 consideration.

Based on the above, FHWA finds that a finding of “adverse effect” is appropriate for this project. Please review the enclosed report and the information provided in this letter. If you agree with the adequacy of the report, recommendations of NRHP eligibility, finding of project effect, and that execution of an MOA is appropriate for the undertaking, please indicate your concurrence by signing below. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

[Signature for Tohono O’odham Nation Concurrence]
STP-189-A(201)T

Date

Enclosure
Continuing Consultation Letters

(May 10, 2016)

Draft Memorandum of Agreement
This page is intentionally left blank.
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Dr. Patrick D. Lyons, Director
Arizona State Museum
P.O. Box 210026
University of Arizona
Tucson, Arizona 85721-0026

Dear Dr. Lyons:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County (Figure 1 – State Map, Figure 2 – Vicinity Map). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

The project began with the preparation of a Planning and Environmental Linkages (PEL) assessment to identify key environmental and cultural resource issues in advance of an Environmental Assessment and preparation of a design concept report (DCR). A Class I overview was prepared as part of the PEL and to aid in the selection of a preferred project build alternative. The Corridor Management Alternative (CMA) was selected for construction.

The area of potential effects (APE) for the CMA is defined as the SR 189 right-of-way (ROW) from milepost (MP) 0.6 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (Business-19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and Business-19 ROWs are ADOT owned. The new ROW is private land. The ADOT ROW portion of the APE had been previously surveyed to current standards; therefore, no new survey was required. Class III survey was performed for parcels of new (ROW) needed for the project. The results were reported in “A Cultural Resources Survey for the State Route 189, International Border to Grand Avenue Improvement Project, Nogales, Santa Cruz County, Arizona” (Brodbeck and others 2015), which is enclosed for your reference.

Prior consultation for the project described the location and scope of the undertaking, defined the area of potential effects (APE), presented the results of Class III surveys of the APE, provided National Register of Historic Places (NRHP) eligibility recommendations and a finding of “adverse effect” for the undertaking, and made a recommendation that an Memorandum of
Agreement (MOA) be executed to resolve the adverse effects of the undertaking. Copies of the SHPO concurrence letters are enclosed for your reference.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM) within the APE. Both sites are prehistoric artifact scatters determined eligible for listing on the NRHP under Criterion D. A draft MOA has been prepared which outlines the measures to be taken to mitigate the adverse effects of the undertaking on these historic properties. The Advisory Council on Historic Preservation (AHP) declined participation in the consultation to resolve adverse effects (Johnson [ACHP] to Petty [FHWA] April 18, 2016). A copy of the draft MOA is enclosed for your review and comment.

Please review the enclosed draft MOA. If you agree with the adequacy of the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMMallary@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for ASM Concurrence
STP-189-A(201)T

Date

Enclosures
- State and Vicinity Maps
- Class III survey report
- SHPO concurrence letters
- Draft MOA

cc:
TWilson
JMallary (F500)
TWilson:cdm
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Ms. Maricela Ojeda, CLG Contact
Nogales Historic Commission
City of Nogales
777 North Grand Avenue
Nogales, Arizona 85621

Dear Ms. Ojeda:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

Prior consultation described the location and scope of the undertaking, defined the area of potential effects (APE), presented the results of Class III surveys of the APE, provided National Register of Historic Places (NRHP) eligibility recommendations and a finding of “adverse effect” for the undertaking, and made a recommendation that an Memorandum of Agreement (MOA) be executed to resolve the adverse effects of the undertaking.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM) within the APE. Both sites are prehistoric artifact scatters determined eligible for listing on the NRHP under Criterion D. A draft MOA has been prepared which outlines the measures to be taken to mitigate the adverse effects of the undertaking on these historic properties. A copy of the draft MOA is enclosed for your review and comment.

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ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for City of Nogales Concurrency
STP-189-A(201)T

Enclosure

cc:
TWilson
JMallery (F500)
TWilson:cdm
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Mr. Leigh Kuwanwiswma, Director
Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwiswma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

Prior consultation described the location and scope of the undertaking, defined the area of potential effects (APE), presented the results of Class III surveys of the APE, provided National Register of Historic Places (NRHP) eligibility recommendations and a finding of “adverse effect” for the undertaking, and made a recommendation that an Memorandum of Agreement (MOA) be executed to resolve the adverse effects of the undertaking. The Advisory Council on Historic Preservation (ACHP) declined participation in the consultation to resolve adverse effects (Johnson [ACHP] to Petty [FHWA] April 18, 2016).

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM) within the APE. Both sites are prehistoric artifact scatters determined eligible for listing on the NRHP under Criterion D. A draft MOA has been prepared which outlines the measures to be taken to mitigate the adverse effects of the undertaking on these historic properties. A copy of the draft MOA is enclosed for your review and comment.

Please review the enclosed draft MOA. If you agree with the adequacy of the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact
ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

______________________________
Signature for Hopi Tribe Concurrence
STP-189-A(201)T

Date

cc:
TWilson
JMallery (F500)
TWilson:cdm
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Mr. Peter Yucupicio, Chairman
Pascua Yaqui Tribe
7474 South Camino de Oeste
Tucson, Arizona 85746

Dear Chairman Yucupicio:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

Prior consultation described the location and scope of the undertaking, defined the area of potential effects (APE), presented the results of Class III surveys of the APE, provided National Register of Historic Places (NRHP) eligibility recommendations and a finding of “adverse effect” for the undertaking, and made a recommendation that an Memorandum of Agreement (MOA) be executed to resolve the adverse effects of the undertaking. The Advisory Council on Historic Preservation (ACHP) declined participation in the consultation to resolve adverse effects (Johnson [ACHP] to Petty [FHWA] April 18, 2016).

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM) within the APE. Both sites are prehistoric artifact scatters determined eligible for listing on the NRHP under Criterion D. A draft MOA has been prepared which outlines the measures to be taken to mitigate the adverse effects of the undertaking on these historic properties. A copy of the draft MOA is enclosed for your review and comment.

Please review the enclosed draft MOA. If you agree with the adequacy of the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact...
ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for Pascua Yaqui Tribe Concurrence
STP-189-A(201)T

Date

cc:
Veronica La Motte Darnell, Office of the Attorney General, Pascua Yaqui Tribe, 7777 South Camino Huivisim, Building C, Tucson, Arizona 85757 (with enclosure)
TWilson
JMallery (F500)
TWilson:cdm
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Dr. David Jacobs, Compliance Specialist/Archaeologist
State Historic Preservation Office
Arizona State Parks
1100 West Washington Street
Phoenix, Arizona 85007

2011-0579

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County (Figures 1 and 2). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

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ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
STP-189-A(201)T

Date

Enclosures

cc:
TWilson
JMallery (F500)
TWilson:cdm
Figure 1 — State Map

Source: ADOT, ALRIS (2014)
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O’odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

Prior consultation described the location and scope of the undertaking, defined the area of potential effects (APE), presented the results of Class III surveys of the APE, provided National Register of Historic Places (NRHP) eligibility recommendations and a finding of “adverse effect” for the undertaking, and made a recommendation that an Memorandum of Agreement (MOA) be executed to resolve the adverse effects of the undertaking. The Advisory Council on Historic Preservation (ACHP) declined participation in the consultation to resolve adverse effects (Johnson [ACHP] to Petty [FHWA] April 18, 2016).

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ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

__________________________
Signature for Tohono O’odham Concurrence
STP-189-A(201)T

Date

Enclosure

cc:
TWilson
JMallery (F500)
TWilson:cdm
Figure 1 — State Map

Source: ADOT, ALPIS (2014)
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 1150
Whiteriver, Arizona 85941

Dear Chairman Lupe:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

Prior consultation described the location and scope of the undertaking, defined the area of potential effects (APE), presented the results of Class III surveys of the APE, provided National Register of Historic Places (NRHP) eligibility recommendations and a finding of “adverse effect” for the undertaking, and made a recommendation that an Memorandum of Agreement (MOA) be executed to resolve the adverse effects of the undertaking. The Advisory Council on Historic Preservation (ACHP) declined participation in the consultation to resolve adverse effects (Johnson [ACHP] to Petty [FHWA] April 18, 2016).

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM) within the APE. Both sites are prehistoric artifact scatters determined eligible for listing on the NRHP under Criterion D. A draft MOA has been prepared which outlines the measures to be taken to mitigate the adverse effects of the undertaking on these historic properties. A copy of the draft MOA is enclosed for your review and comment.

Please review the enclosed draft MOA. If you agree with the adequacy of the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact
ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

\[Signature\]

- Karla S. Petty
- Division Administrator

Signature for White Mountain Apache Tribe Concurrence

STP-189-A(201)T

Date

cc:
Mr. Mark Altaha, Tribal Historic Preservation Officer, Historic Preservation Office, White Mountain Apache Tribe, P.O Box 1032, Fort Apache, AZ 85926 (with enclosure)
TWilson
JMallery (F500)
TWilson:cdm
May 13, 2016

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated May 10, 2016, with an enclosed draft Memorandum of Agreement, regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales.

The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam prehistoric cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

In a letter dated March 5, 2014, the Hopi Cultural Preservation Office reviewed the overview report and stated we understood seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM). Therefore, we determined that this project may adversely affect cultural resources significant to the Hopi Tribe.

In a letter dated January 25, 2016, we reviewed the cultural resources survey report that identifies two prehistoric sites AZ EE:9:54 and 86 (ASM), described artifact scatters previously impacted by the construction of SR 189 that will be adversely affected by the proposed project.

Regarding the enclosed draft Memorandum of Agreement, we defer to the State Historic Preservation Office and other interested Tribes. However, we reiterate that we look forward to continuing consultation on this proposal including being provided with copies of the proposed treatment plan and draft treatment report for review and comment. If you have any questions or need additional information, please contact Terry Murgat at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Huwanwiswma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallery, ADOT
Arizona State Historic Preservation Office
Hi Mark,

SHPO has comments. I’m not sure why they asked if we were consulting with Nogales when the MOA makes it clear we are.

Matt-
See attachment with our comments and changes. Thanks for sending over the electronic copy.
David Jacobs, Arizona State Historic Preservation Office

-----Original Message-----
From: "James M. Mallery" <JMallery@azdot.gov>
Sent: Wednesday, May 18, 2016 10:48am
To: "djacobs@azstateparks.gov" <djacobs@azstateparks.gov>
Subject: RE: draft MOA for H8045 SR 189

No problem. Let me know if you need anything else.

Thanks for sending that electronic version of the agreement over.
-----Original Message-----
From: "James M. Mallery" <JMallery@azdot.gov>
Sent: Tuesday, May 17, 2016 3:26pm
To: djacobs@azstateparks.gov <djacobs@azstateparks.gov>
Subject: RE: draft MOA for H8045 SR 189

Here you go David.

Matt-
Last week we received a hard copy of a draft MOA for the SR 189 project in Nogales. Our office would like to request an electronic WORD version of the draft agreement so our comments and the modifications to the draft agreement can be recorded. Thanks.

David Jacobs
Compliance Specialist / Archaeologist
State Historic Preservation Office

Phone: (602) 542-7140
Fax: (602) 542-4180
Email: djacobs@azstateparks.gov
Web: http://AZStateParks.com

Confidentiality and Nondisclosure Notice: This email transmission and any attachments are intended for use by the person(s)/entity(ies) named above and may contain confidential/privileged information. Any unauthorized use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by email, and delete or destroy all copies plus attachments.
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O’odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

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ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

Signature for Tohono O’odham Concurrence
STP-189-A(201)T

Date

Enclosure

cc:
TWilson
JMallery (F500)
TWilson:cdm

AUG 4 - 2016
To: Karla S. Petty, ADOT Division Administrator
Date: July 7, 2016
Re: STP-189-A(201)T TRACS No. 189 SC 000 H8045 01L SR 189 - Draft MOA

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the proposed project, dated May 10, 2016. In regards to this, please attend to the following checked items below.

N/A The proposed project is located within an area of probably cultural or historical importance to the White Mountain Apache tribe (WMA). As part of the effort to identify historical properties that may be affected by the project we recommend further discussions with the tribe’s Cultural Heritage Resource Director Mr. Ramon Riley may be contacted at (928) 338-4625.

Please refer to the additional notes in regards to the proposed project:
We have received and reviewed information regarding the above proposed improvement project to State Route 189 in Nogales, Santa Cruz County, Arizona, and we have determined the proposed plans will not have an impact on the White Mountain Apache tribe’s historic and/or traditional cultural properties, and we further feel it is not necessary to participate in the MOA and/or be a signatory to the MOA document. Regardless, any/all ground disturbing activities should be monitored if there are reasons to be believe that there are human remains and/or funerary objects are present, and if such remains and/or objects are encountered they shall be treated with respect and handled accordingly until such remains are repatriated to the affiliated tribe(s).

Thank you. We look forward to continued collaborations in the protection and preservation of places of cultural and historical importance.

Sincerely,
Mark T. Altaha - THPO
White Mountain Apache Tribe - THPO
May 10, 2016

In Reply Refer To:

STP-189-A(201)T
TRAC5 No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Draft Memorandum of Agreement

Dr. Patrick D. Lyons, Director
Arizona State Museum
P.O. Box 210026
University of Arizona
Tucson, Arizona 85721-0026

Dear Dr. Lyons:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County (Figure 1 – State Map, Figure 2 – Vicinity Map). As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe. Because the project will now require permitting by the Arizona State Museum (ASM) pursuant to A.R.S. § 41-842, the ASM has been added as a consulting party.

The project began with the preparation of a Planning and Environmental Linkages (PEL) assessment to identify key environmental and cultural resource issues in advance of an Environmental Assessment and preparation of a design concept report (DCR). A Class I overview was prepared as part of the PEL and to aid in the selection of a preferred project build alternative. The Corridor Management Alternative (CMA) was selected for construction.

The area of potential effects (APE) for the CMA is defined as the SR 189 right-of-way (ROW) from milepost (MP) 0.5 to MP 3.75, the Interstate 19 (I-19) ROW from MP 2.6 to MP 3.9, the State Route Business 19 (Business-19) ROW from MP 2.5 to MP 3.0, and approximately 24.12 acres of new ROW. The SR 189, I-19, and Business-19 ROWs are ADOT owned. The new ROW is private land. The ADOT ROW portion of the APE had been previously surveyed to current standards; therefore, no new survey was required. Class III survey was performed for parcels of new (ROW) needed for the project. The results were reported in “A Cultural Resources Survey for the State Route 189, International Border to Grand Avenue Improvement Project, Nogales, Santa Cruz County, Arizona” (Brodbeck and others 2015), which is enclosed for your reference.

Prior consultation for the project described the location and scope of the undertaking, defined the area of potential effects (APE), presented the results of Class III surveys of the APE, provided National Register of Historic Places (NRHP) eligibility recommendations and a finding of “adverse effect” for the undertaking, and made a recommendation that an Memorandum of
Agreement (MOA) be executed to resolve the adverse effects of the undertaking. Copies of the SHPO concurrence letters are enclosed for your reference.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM) within the APE. Both sites are prehistoric artifact scatters determined eligible for listing on the NRHP under Criterion D. A draft MOA has been prepared which outlines the measures to be taken to mitigate the adverse effects of the undertaking on these historic properties. The Advisory Council on Historic Preservation (ACHP) declined participation in the consultation to resolve adverse effects (Johnson [ACHP] to Fett [FHWA] April 18, 2016). A copy of the draft MOA is enclosed for your review and comment.

Please review the enclosed draft MOA. If you agree with the adequacy of the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for ASM Concurrence
STP-189-A(201)T

Date

Enclosures
- State and Vicinity Maps
- Class II survey report
- SHPO concurrence letters
- Draft MOA

cc:
TWilson
JMallery (F500)
TWilson:cdm
Matt,

I review the subject draft MAO and have the following requests for revisions:

1) p. 5, Stipulation 11: Omit “Unassociated.”

2) p. 8, Stipulation IV(B), last sentence: Revise to: “...within 24 hours, and ASM will notify and consult with the appropriate Native...treatment and disposition.”

3) p. 8, Stipulation V(B): Revise: “...as determined per the HPTP are complete.” and “...repatriated pursuant to the Burial Agreement.”

4) p. 10, Stipulation IX: Work on state and city land also should conducted by or under the direct supervision of an individual listed on the project’s Arizona Antiquities Act Permit.

Please let me know if you have any questions.

Todd

Todd Pitezel, Ph.D.
Associate Curator of Archaeology
Arizona Antiquities Act Administrator
State Repatriation Coordinator
University of Arizona Historic Preservation Advisory Committee, Co-chair

Arizona State Museum | The University of Arizona
1013 E University Blvd | PO Box 210026
Tucson, AZ 85721-0026
(520) 621-4795
www.statemuseum.arizona.edu
www.facebook.com/arizonastatemuseum
www.twitter.com/azstatemuseum
www.youtube.com/azstatemuseum

Arizona State Museum
THE UNIVERSITY OF ARIZONA.
This page is intentionally left blank.
Continuing Consultation Letters

(July 6, 2016)

Revised Draft Memorandum of Agreement
This page is intentionally left blank.
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Dr. Patrick D. Lyons, Director
Arizona State Museum
P.O. Box 210026
University of Arizona
Tucson, Arizona 85721-0026

Dear Dr. Lyons:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]
Karla S. Petty
Division Administrator

Signature for ASM Concurrence
STP-189-A(201)T
Enclosure
cc: TWilson, JMallery (F500)//TWilson:cdm
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Ms. Maricela Ojeda, CLG Contact
Nogales Historic Commission
City of Nogales
777 North Grand Avenue
Nogales, Arizona 85621

Dear Ms. Ojeda:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

Signature for City of Nogales Concurrence
STP-189-A(201)T
Enclosure
c: TWilson,JMallery (F500)/TWilson:cdm
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Mr. Leigh Kuwanwiswma, Director
Hopi Tribe Cultural Preservation Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwiswma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]
Karla S. Petty
Division Administrator

Signature for Hopi Tribe Concurrence
STP-189-A(201)T
Enclosure
cc:
TWilson, JMallery (F500)/TWilson:cdm

Date
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Mr. Peter Yucupicio, Chairman
Pascua Yaqui Tribe
7474 South Camino de Oeste
Tucson, Arizona 85746

Dear Chairman Yucupicio:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for Pascua Yaqui Tribe Concurrence
STP-189-A(201)T

cc:
Veronica La Motte Darnell, Office of the Attorney General, Pascua Yaqui Tribe, 7777 South Camino Huivisim, Building C, Tucson, Arizona 85757 (with enclosure), TWilson, JMallery (F500)
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Dr. David Jacobs, Compliance Specialist/Archaeologist
State Historic Preservation Office
Arizona State Parks
1100 West Washington Street
Phoenix, Arizona 85007
2011-0579

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for SHPO Concurrence
STP-189-A(201)T
Enclosure
cc: TWilson, JMallery (F500)//TWilson:cdm
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O'odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azd.o.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

---

Signature for Tohono O'odham Concurrence
STP-189-A(201)T
Enclosure
cc: TWilson, JMallery (F500)//TWilson:cdm
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 1150
Whiteriver, Arizona 85941

Dear Chairman Lupe:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]
Karla S. Petty
Division Administrator

Signature for White Mountain Apache Tribe Concurrence
Date

cc: Mr. Mark Altaha, Tribal Historic Preservation Officer, Historic Preservation Office, White Mountain Apache Tribe, P.O Box 1032, Fort Apache, AZ 85926 (with enclosure), TWilson, JMallery (F500)
To: Karla S. Petty, ADOT Division Administrator
Date: July 8, 2016
Re: STP-189-A(201)T TRACS No. 189 SC 000 H8045 01L SR 189 International Border

The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the proposed project, dated July 6, 2016. In regards to this, please attend to the following checked items below.

__N/A__ The proposed project is located within an area of probably cultural or historical importance to the White Mountain Apache tribe (WMAT). As part of the effort to identify historical properties that may be affected by the project we recommend further discussions with the tribe's Cultural Heritage Resource Director Mr. Ramon Riley may be contacted at (928) 338-4625.

Please refer to the additional notes in regards to the proposed project:
We have received and reviewed information regarding the above proposed improvements to State Route 189 in Nogales, Santa Cruz County, Arizona, and we have determined the proposed plans will not have an impact on the White Mountain Apache tribe's historic and/or traditional cultural properties, and we do not feel it is necessary to be a signatory to the MOA. Regardless, any/all ground disturbing activities should be monitored if there are reasons to believe that there are human remains and/or funerary objects are present, and if such remains and/or objects are encountered they shall be treated with respect and handled accordingly until such remains are repatriated to the affiliated tribe(s).

Thank you. We look forward to continued collaborations in the protection and preservation of places of cultural and historical importance.

Sincerely,

Mark T. Altaha - THPO
White Mountain Apache Tribe - THPO
Matt-
Only two comments regarding the draft MOA for the SR 189 H8045 project:
1) Page 3, Stipulation 1.A, 3rd sentence=change "decision" after NEPA to "Record of Decision"
2) Pages 12-14, type out name and title of those signing the agreement; so for our office it is Eric Vondy and his title is Acting Arizona State Historic Preservation Office
With the two above changes, the agreement should be ready to be sent out for signatures. Thanks for all of your efforts with this one.

David Jacobs
Compliance Specialist / Archaeologist
State Historic Preservation Office

Phone: (602) 542-7140
Fax: (602) 542-4180
Email: djacobs@azstateparks.gov
Web: http://AZStateParks.com
From: James M. Mallery <JGallery@azdot.gov>
Sent: Thursday, July 21, 2016 10:05 AM
To: Marinela Konomi; Brodbeck, Mark
Subject: FW: 189-A(201); H8045 Hopi
Attachments: SKMBT_C55216072009390.pdf

James Matthew (Matt) Mallery
Historic Preservation Specialist
Arizona Department of Transportation
1801 South Milton Road, Flagstaff, Arizona 86001

From: Wilson, Tremaine (FHWA) <mailto:tremaine.wilson@dot.gov>
Sent: Wednesday, July 20, 2016 9:54 AM
To: James M. Mallery
Subject: 189-A(201); H8045 Hopi

Matt,

Attached is what I received in the mail from Hopi. You will notice the letter is not signed. I called Terry Morgart this morning and he verified over the phone that Hopi does not have a concern with the revised MOA and still defers to the SHPO and other interested tribes.

Thanks,
Tremaine

From: FHWA, Arizona (FHWA)
Sent: Wednesday, July 20, 2016 9:40 AM
To: Wilson, Tremaine (FHWA)
Subject: Message from KMBT_C552

Confidentiality and Nondisclosure Notice: This email transmission and any attachments are intended for use by the person(s)/entity(ies) named above and may contain confidential/privileged information. Any unauthorized use, disclosure or distribution is strictly prohibited. If you are not the intended recipient, please contact the sender by email, and delete or destroy all copies plus attachments.
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Mr. Leigh Kuwanwiswma, Director
Hopi Tribe Cultural Preservation Office
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwiswma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Signature for Hopi Tribe Concurrence
STP-189-A(201)T
Enclosure
cc: TWilson, JMallery (F500)//TWilson:cdm

Date:

JUL 18 2016
May 13, 2016

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated May 10, 2016, with an enclosed draft Memorandum of Agreement, regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales.

The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam prehistoric cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be “footprints” and Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT’s continuing solicitation of our input and your efforts to address our concerns.

In a letter dated March 5, 2014, the Hopi Cultural Preservation Office reviewed the overview report and stated we understood seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM). Therefore, we determined that this project may adversely affect cultural resources significant to the Hopi Tribe.

In a letter dated January 25, 2016, we reviewed the cultural resources survey report that identifies two prehistoric sites AZ EE:9:54 and 86 (ASM), described artifact scatters previously impacted by the construction of SR 189 that will be adversely effected by the proposed project.

Regarding the enclosed draft Memorandum of Agreement, we defer to the State Historic Preservation Office and other interested Tribes. However, we reiterate that we look forward to continuing consultation on this proposal including being provided with copies of the proposed treatment plan and draft treatment report for review and comment. If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

[Signature]

James J. Kuwanwiswma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallory, ADOT
Arizona State Historic Preservation Office
January 25, 2016

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated January 21, 2016, with an enclosed cultural resources survey report, regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales. The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam prehistoric cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be “footprints” and Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT’s continuing solicitation of our input and your efforts to address our concerns.

In a letter dated March 5, 2014, the Hopi Cultural Preservation Office reviewed the overview report and stated we understood seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM). Therefore, we determined that this project may adversely affect cultural resources significant to the Hopi Tribe.

We have now reviewed the enclosed cultural resources survey report and understand two prehistoric sites AZ EE:9:54 and 86 (ASM), described artifact scatters previously impacted by the construction of SR 189 will be adversely effected by the proposed project. And therefore, we look forward to continuing consultation on this proposal including being provided with copies of the proposed treatment plan and draft treatment report for review and comment. If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigha Kuwarwiswma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallery, ADOT
Arizona State Historic Preservation Office
March 5, 2014

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated March 3, 2014, with an enclosed Class I Overview regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales. The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam prehistoric cultural group. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office reviewed the enclosed overview report and understand seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM), described a prehistoric burials. Therefore, we have determined that this project may adversely effect cultural resources significant to the Hopi Tribe. And therefore, we look forward to continuing consultation on this proposal including being provided with copies of the cultural resources survey reports and any proposed treatment plans for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwiswma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallary, ADOT
Arizona State Historic Preservation Office
July 6, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Revised Draft Memorandum of Agreement

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O’odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

Prior consultation for the project provided the consulting parties a draft Memorandum of Agreement (MOA) for review and comment. There were a number of comments on the draft MOA, and as a result, the draft MOA previously sent out for consultation has undergone a substantial revision. A copy of the revised draft MOA is enclosed for your review and comment.

Please review the enclosed revised draft MOA. If you agree with the adequacy the draft MOA, please indicate your concurrence by signing below. The final MOA will be forthcoming for signature through ongoing consultation. If you have any questions or concerns, please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

Karla S. Petty
Division Administrator

Signature for Tohono O’odham Concurrence
STP-189-A(201)T
Enclosure
cc: TWilson, JMallery (F500)/TWilson:cdm

AUG 11 2016

7-30-16
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Continuing Consultation Letters

(October 2016)

Supplemental Class III Survey and Memorandum of Agreement
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In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation Memorandum of Agreement Scope change and supplemental survey

Dr. Patrick D. Lyons, Director
Arizona State Museum
P.O. Box 210026
University of Arizona
Tucson, Arizona 85721-0026

Dear Dr. Lyons:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

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A Memorandum of Agreement (MOA) has been prepared to resolve the adverse effects of the project on the two historic properties. Prior consultation provided the consulting parties drafts of the MOA for review and comment. Since that time, a traffic circle at the intersection of SR 189 and Target Range Road has been added to the project scope. The traffic circle would require new right-of-way on private land. HDR, Inc. performed a supplemental survey of the proposed new ROW needed for the traffic circle. The results are reported “A Class III Cultural Resources Survey of Proposed New Right-of-Way at the Intersection of State Route 189 and Target Range Road, Nogales, Santa Cruz County, Arizona” (Brodbeck 2016). No sites were identified. A copy of the report is enclosed for your review and comment. Information regarding the traffic circle and supplemental survey has been included in the final MOA.

At this time, FHWA is circulating the enclosed final MOA for signature. If you find the supplemental survey report and final agreement adequate, please sign and date under your organization’s name at the end of the document within 30 days of receipt of this letter. Copies of the executed MOA will be distributed for your files. If you have any questions or concerns,
please feel free to contact ADOT Historic Preservation Specialist James "Matthew" Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Enclosures

cc:
TWilson
JMallery (F500)
TWilson:cdm
October 26, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Memorandum of Agreement
Scope change and supplemental survey

Ms. Maricela Ojeda
CLG Contact, Nogales Historic Commission
777 North Grand Avenue
Nogales, Arizona 85621

Dear Ms. Ojeda:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

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please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Enclosures

cc:
TWilson
JMallery (F500)
TWilson:cdm
October 26, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Memorandum of Agreement
Scope change and supplemental survey

Mr. Leigh Kuwanwiswma, Director
Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwiswma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

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please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty  
Division Administrator

Enclosures

cc:  
TWilson  
JMallery (F500)  
TWilson:cdm
October 26, 2016

Mr. Peter Yucupicio, Chairman
Pascua Yaqui Tribe
7474 South Camino de Oeste
Tucson, Arizona 85746

Dear Mr. Yucupicio:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

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please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

cc:
Ms. Veronica La Motte Darnell, Office of the Attorney General (with enclosures) (same as addressee)
TWilson
JMallery (F500)
TWilson:cdm
October 26, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Memorandum of Agreement
Scope change and supplemental survey

Dr. David Jacobs, Compliance Specialist
Arizona State Parks
State Historic Preservation Office
1100 West Washington Street
Phoenix, Arizona 85007

2011-0579

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe.

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Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Enclosures

cc:
TWilson
JMallery (F500)
TWilson:cdm
October 26, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Memorandum of Agreement
Scope change and supplemental survey

Mr. Peter Steere, Tribal Historic Preservation Officer
Mr. Joe Joaquin, Cultural Affairs Office
Tohono O‘odham Nation
P. O. Box 837
Sells, Arizona 85634

Dear Messrs. Steere and Joaquin:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O‘odham Nation, and the White Mountain Apache Tribe.

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please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Enclosures

cc:
TWilson
JMallery (F500)
TWilson:cdm
ARIZONA DIVISION

October 26, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Memorandum of Agreement
Scope change and supplemental survey

Mr. Ronnie Lupe, Chairman
White Mountain Apache Tribe
P.O. Box 1150
Whiteriver, Arizona 85941

Dear Chairman Lupe:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

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please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

cc:
Mr. Mark Altaha, Tribal Historic Preservation Officer, Historic Preservation Office, White Mountain Apache Tribe, P.O Box 1032, Fort Apache, Arizona 85926 (with enclosures)
TWilson
JMallery (F500)
TWilson:cdm
October 26, 2016

In Reply Refer To:

STP-189-A(201)T
TRACS No. 189 SC 000 H8045 01L
State Route 189, International Border to Grand Avenue
Continuing Section 106 Consultation
Memorandum of Agreement
Scope change and supplemental survey

Mr. Leigh Kuwanwisiwma, Director
Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Dear Mr. Kuwanwisiwma:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O'odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

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Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Enclosures

cc:
TWilson
JMallery (F500)
TWilson:cdm
May 13, 2016

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated May 10, 2016, with an enclosed draft Memorandum of Agreement, regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales.

The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hobokam prehistoric cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be “footprints” and Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT’s continuing solicitation of our input and your efforts to address our concerns.

In a letter dated March 5, 2014, the Hopi Cultural Preservation Office reviewed the overview report and stated we understood seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM). Therefore, we determined that this project may adversely affect cultural resources significant to the Hopi Tribe.

In a letter dated January 25, 2016, we reviewed the cultural resources survey report that identifies two prehistoric sites AZ EE:9:54 and 86 (ASM), described artifact scatters previously impacted by the construction of SR 189 that will be adversely effected by the proposed project.

Regarding the enclosed draft Memorandum of Agreement, we defer to the State Historic Preservation Office and other interested Tribes. However, we reiterate that we look forward to continuing consultation on this proposal including being provided with copies of the proposed treatment plan and draft treatment report for review and comment. If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwiswma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallery, ADOT
Arizona State Historic Preservation Office
January 25, 2016

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated January 21, 2016, with an enclosed cultural resources survey report, regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales. The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam prehistoric cultural group in southern Arizona. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be “footprints” and Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT's continuing solicitation of our input and your efforts to address our concerns.

In a letter dated March 5, 2014, the Hopi Cultural Preservation Office reviewed the overview report and stated we understood seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM). Therefore, we determined that this project may adversely affect cultural resources significant to the Hopi Tribe.

We have now reviewed the enclosed cultural resources survey report and understand two prehistoric sites AZ EE:9:54 and 86 (ASM), described artifact scatters previously impacted by the construction of SR 189 will be adversely effected by the proposed project. And therefore, we look forward to continuing consultation on this proposal including being provided with copies of the proposed treatment plan and draft treatment report for review and comment. If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

[Signature]

Leisha Kiwarwisiwma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallery, ADOT
Arizona State Historic Preservation Office
March 5, 2014

Karla S. Petty, Division Administrator
Federal Highway Administration, Arizona Division
4000 North Central Ave., Suite 1500
Phoenix, Arizona 85012-3500

Re: State Route 189, International Border to Grand Avenue

Dear Ms. Petty,

Thank you for your correspondence dated March 3, 2014, with an enclosed Class I Overview regarding the Federal Highways Administration (FHWA) and the Arizona Department of Transportation (ADOT) planning to make improvements to State Route 189 in Nogales. The Hopi Tribe claims ancestral and cultural affiliation to earlier identifiable cultural groups in Arizona, including the Hohokam prehistoric cultural group. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore we appreciate the FHWA and ADOT’s continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office reviewed the enclosed overview report and understand seven prehistoric sites have been identified in the area of potential effect, including AZ EE:9:54 (ASM), described a prehistoric burials. Therefore, we have determined that this project may adversely effect cultural resources significant to the Hopi Tribe. And therefore, we look forward to continuing consultation on this proposal including being provided with copies of the cultural resources survey reports and any proposed treatment plans for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

Respectfully,

Leigh J. Kuwanwiswma, Director
Hopi Cultural Preservation Office

xc: J. Matthew Mallery, ADOT
Arizona State Historic Preservation Office
Hi all,

Ann Howard at the SHPO office has provided comments. I reviewed them and they seem minor enough.

Ruth and Tremaine,

Do you have any issues with Ann’s comments? If not, please let me know so I can give Mark the green light to incorporate them. Thanks.

James Matthew (Matt) Mallery
Historic Preservation Specialist
Arizona Department of Transportation
1801 South Milton Road, Flagstaff, Arizona 86001

From: Ann V Howard [mailto:ahoward@azstateparks.gov]
Sent: Tuesday, November 15, 2016 10:36 AM
To: James M. Mallery; Ruth Greenspan
Cc: David Jacobs
Subject: SHPO comments on the SR189 MOA

Hi James and Ruth, attached please find our review comments on the October draft of this MOA. Please let us know if you have any questions. We look forward to reviewing a final draft that incorporates these comments and those of Ruth’s.

That should be the last draft and then the next draft would be sent to us for signature.

Please let us know if you have any questions! Thanks!, Ann
Todd at ASM has requested the revisions listed below. I’m going to take a look at them and ask everyone to do the same so as to insure we have no issues with them. Thanks.

James Matthew (Matt) Mallery
Historic Preservation Specialist
Arizona Department of Transportation
1801 South Milton Road, Flagstaff, Arizona 86001

From: Pitezel, Todd A - (pitezel) [mailto:pitezel@email.arizona.edu]
Sent: Monday, November 28, 2016 5:27 PM
To: James M. Mallery
Subject: SR 189 MOA review

Hi, Matt.

Please see the attached for reference to the TRACS number. I reviewed the subject MOA and have the following requests for revisions:

1) p. 7, Stipulation IV(B), 2nd sentence: Revise to “...within 24 hours, and ASM will consult with...”

2) p. 8, Stipulation V(B), 1st sentence: Revise to “...analyses, as determined in the HPTP are complete.”

3) p. 8, Stipulation V(B), 2nd sentence: Revise to “repatriated by the archaeological consultant to which the Burial Agreement was issued.”

4) p. 9, Stipulation IX: Include that work conducted on state, county, or city land will be carried out by our under the direct supervision of an individual listed on the Arizona Antiquities Act Permit issued for the Undertaking.

Please let me know if you have any questions.

Thank you for consulting the ASM.

Todd

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Todd Pitezel, Ph.D.
Associate Curator of Archaeology
Arizona Antiquities Act Administrator
State Repatriation Coordinator
University of Arizona Historic Preservation Advisory Committee, Co-chair

Arizona State Museum | The University of Arizona
1013 E University Blvd | PO Box 210026
Tucson, AZ 85721-0026
Dr. David Jacobs, Compliance Specialist  
Arizona State Parks  
State Historic Preservation Office  
1100 West Washington Street  
Phoenix, Arizona 85007  

2011-0579

Dear Dr. Jacobs:

The Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) are planning to make improvements to State Route 189 (SR 189) in Nogales in Santa Cruz County. As this project employs federal funds, it is considered an undertaking subject to Section 106 review. Consulting parties for this project include FHWA, ADOT, the State Historic Preservation Office (SHPO), the Arizona State Museum, the City of Nogales, the Hopi Tribe, the Pascua Yaqui Tribe, the Tohono O’odham Nation, and the White Mountain Apache Tribe.

FHWA has determined, in consultation with the SHPO, that the project would result in adverse effects on two historic properties within the area of potential effects, archaeological sites AZ EE:9:54(ASM) and AZ EE:9:86(ASM). Both sites are prehistoric artifact scatters determined eligible for listing on the National Register of Historic Places under Criterion D.

A Memorandum of Agreement (MOA) has been prepared to resolve the adverse effects of the project on the two historic properties. Prior consultation provided the consulting parties drafts of the MOA for review and comment. Since that time, a traffic circle at the intersection of SR 189 and Target Range Road has been added to the project scope. The traffic circle would require new right-of-way on private land. HDR, Inc. performed a supplemental survey of the proposed new ROW needed for the traffic circle. The results are reported “A Class III Cultural Resources Survey of Proposed New Right-of-Way at the Intersection of State Route 189 and Target Range Road, Nogales, Santa Cruz County, Arizona” (Brodbeck 2016). No sites were identified. A copy of the report is enclosed for your review and comment. Information regarding the traffic circle and supplemental survey has been included in the final MOA.

At this time, FHWA is circulating the enclosed final MOA for signature. If you find the supplemental survey report and final agreement adequate, please sign and date under your organization’s name at the end of the document within 30 days of receipt of this letter. Copies of the executed MOA will be distributed for your files. If you have any questions or concerns,
please feel free to contact ADOT Historic Preservation Specialist James “Matthew” Mallery at (928) 779-7595 or email JMallery@azdot.gov.

Sincerely yours,

[Signature]

Karla S. Petty
Division Administrator

Enclosures

cc:
TWilson
JMallery (F500)
TWilson:cdm

[CONCUR]

[Signature]

Arizona State Historic Preservation Office

CC: Matt Mallery, ADOT
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