Appendix F

Determination of Eligibility/Finding of Effect Correspondence and Concurrence and Section 4(f) Correspondence

State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

received 8/2/07

CPO

July 27, 2007

Mr. Terry Morgart
Hopi Cultural Preservation Office
Hopi Tribe
P.O. Box 123
Kykotsmovi, AZ 86039

RE: UDOT Project STP-0262(8)23E: SR-262, Montezuma Creek to Aneth, San Juan County, Utah. Final cultural resource inventory report and recommended site eligibility and project effect for each site.

Dear Mr. Morgart:

Enclosed please find the final cultural resource inventory report for the subject project, which I have used as the basis to recommend findings of eligibility and effect for this project for your consideration. The Navajo Nation Archaeology Department (NNAD) has addressed all of the comments that have been received and has made changes to the draft report (sent to you in February, 2007) based on a site visit of March 13-15 with representatives of the Utah Department of Transportation (UDOT), Ron Maldonado of the Navajo Nation Historic Preservation Department, representatives of Navajo Nation DOT, staff from NNAD, and staff from URS Corporation (the consultant preparing the EIS for the project). Specifically, the total number of sites was reduced from 51 to 48 because some sites were combined: Site UT-C-54-377 was combined with and subsumed under UT-C-54-378; and Sites UT-C-55-187 and UT-C-55-197 were combined with and subsumed under site UT-C-55-177. Additionally, NRHP eligibility recommendations have been changed to reflect the field discussion of March 13-15. We have solicited comments on the draft cultural resources inventory report from 6 agencies and 11 tribes and we have conducted field visits with 3 tribes to date. None of the comments received have resulted in a change in the eligibility recommendations made in the March field visit.

I have enclosed a table that lists FHWA's and UDOT's recommended eligibility for each of the archaeological sites, a summary of the comments made during the field visits, and FHWA's and UDOT's recommended finding of effect for each archeological site, based on the preliminary alignments.

Of course, if even one Register-eligible site is adversely affected by this project, the project effect will be adverse. As you know, we have prepared a project Programmatic Agreement that addresses adverse effects to historic properties. Two alternative proposals for SR-262 improvements are now being considered for the Environmental Impact Statement (EIS): Alternative 1 is symmetrical widening through the corridor, where approximately equal amounts of new right-of-way would be required on both sides of SR-262. Alternative 2 is asymmetrical widening where the widening would shift from one side or to the other of the existing road in order to avoid or minimize resource impacts, primarily to archaeological sites.

I am requesting that you review the revised report and attached table, and provide comments or concurrence on site eligibility and project effect within 30 days. If you agree with the recommendations of eligibility and effect, please indicate your concurrence by signing below. If I do not hear back from you within 30 days, I will assume that you have no concerns and concur on eligibility and effect.

As can be seen from the table, we have recommended that several sites be "treated as Register-eligible", and if they cannot be avoided, that testing be conducted to determine eligibility. There are several sites that have not been tested previously and that will be impacted by the project. We are proposing limited testing on these sites to determine if there are buried features in the impact area. We are planning to conduct the testing in the fall of 2007, and will provide you with a copy of the testing plan for your review, as soon it is available.

Please do not hesitate to call me at 801-965-4159 or email me at eskinner@utah.gov if you have any questions or need additional information.

Sincerely,

Betsy Skinner
Environmental Manager

Enclosures

cc: Mr. Leigh Kuwanwisiwma, Director (without enclosures)

I concur with the recommendations of eligibility and effect

By: _____ for Date: 7/3/07

Title: Kuwanwisiwma

State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

DEPARTMENT OF TRANSPORTATION

JOHN R. NJORD, P.E.
Executive Director

CARLOS M. BRACERAS, P.E.
Deputy Director

RECEIVED
AUG 01 2007

July 27, 2007

Ms. Dorena Martineau
Cultural Resource Director
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, UT 84720

RE: UDOT Project STP-0262(8)23E: SR-262, Montezuma Creek to Aneth, San Juan County, Utah. Final cultural resource inventory report and recommended site eligibility and project effect for each site.

Dear Ms. Martineau:

Enclosed please find the final cultural resource inventory report for the subject project, which I have used as the basis to recommend findings of eligibility and effect for this project for your consideration. The Navajo Nation Archaeology Department (NNAD) has addressed all of the comments that have been received and has made changes to the draft report (sent to you in February, 2007) based on a site visit of March 13-15 with representatives of the Utah Department of Transportation (UDOT), Ron Maldonado of the Navajo Nation Historic Preservation Department, representatives of Navajo Nation DOT, staff from NNAD, and staff from URS Corporation (the consultant preparing the EIS for the project). Specifically, the total number of sites was reduced from 51 to 48 because some sites were combined: Site UT-C-54-377 was combined with and subsumed under UT-C-54-378; and Sites UT-C-55-187 and UT-C-55-197 were combined with and subsumed under site UT-C-55-177. Additionally, NRHP eligibility recommendations have been changed to reflect the field discussion of March 13-15. We have solicited comments on the draft cultural resources inventory report from 6 agencies and 11 tribes and we have conducted field visits with 3 tribes to date. None of the comments received have resulted in a change in the eligibility recommendations made in the March field visit.

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Please do not hesitate to call me at 801-965-4159 or email me at eskinner@utah.gov if you have any questions or need additional information.

Sincerely,

Betsy Skinner
Environmental Manager

Enclosures

cc: Ms. Lora Tom, Chair (without enclosures)

I concur with the recommendations of eligibility and effect

By: Donena Martineau Date: September 6-07
Title: Paiute Indian Tribe of Utah Cultural Resources