

Appendix B - Cultural Resources

Section 106



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CA 95814-2922

31 August 2021

CESPK-PD

SUBJECT: National Historic Preservation Act Section 106 Compliance for Utah Land Exchange Project near Lehi, Utah County, Utah

Candace Bear
Chairperson
Skull Valley Band of Goshutes
1198 N Main Street
Tooele, Utah 84074

Dear Candace Bear,

The US Army Corps of Engineers (Corps) is writing to initiate consultation with your office under the regulations implementing the National Historic Preservation Act (NHPA) (54 USC § 306107, 36 CFR Part 800). The subject of the consultation is the Utah Land Exchange Project (Project) near Lehi in Utah County, Utah. The proposed action would use Federal funding and is therefore considered an undertaking (§800.16[y]). This letter will be sent exclusively by email due to widespread teleworking in accordance with Covid-19 social distancing measures.

The Utah Department of Transportation (UDOT) requires property for construction of a six-lane highway (Mountain View Corridor) that runs adjacent to the Utah Data Center (UDC). UDOT proposes to provide 97 acres of property located south of UDC to the US Government in exchange for 86 acres of Corps-owned property located east of UDC. The National Security Agency (NSA) has requested the Corps to prepare and execute this land exchange to enhance infrastructure near UDC. Although the Mountain View Corridor is being proposed for future development, the undertaking which is the focus of this letter is the land exchange.

A records and literature search was conducted covering the APE and a quarter-mile buffer for previously conducted surveys and recorded cultural resources. As a result of this records search, six sites were identified within the APE. Two of these sites were multicomponent sites, two of these sites were segments of the Provo Reservoir Canal, and two of these sites were lithic scatters. The two multicomponent sites and the two segments of the Provo Reservoir Canal have been determined eligible for the National Register of Historic Places. The two lithic scatters could not be relocated during a recent site visit and were previously determined ineligible for the National Register.

The Section 106 regulations state that the transfer or sale of a historic property out of federal ownership or control constitutes an adverse effect when undertaken without adequate and legally enforceable restrictions or conditions to ensure the long-term preservation of the property's historic significance (36 CFR §800.5(a)(2)(vii)). The Corps is considering a determination of No Adverse Effect. This finding is being proposed based on the fact that under State law (Utah Code 9-8-404), the State is required to afford historic properties considerations prior to conducting an undertaking. Utah Code provides legally enforceable restrictions which will ensure long term preservation of historic properties.

To identify potential historic properties (36 CFR 800.4), the Corps is requesting that you notify us of any resources or properties in the area that we should take into consideration prior to the land exchange. If you have comments, or knowledge of locations of archaeological sites, traditional cultural properties, or areas of traditional cultural value or concern in or near the project's area of potential effects (APE), we respectfully request that you share that information with us within 30 days of receipt of this letter.

Once the Corps has obtained tribal input, a consultation package will be sent to the State Historic Preservation Office. Documentation will consist of a Memorandum for Record documenting previously conducted surveys and sites of the APE. The consultation package will also be sent to tribal representatives and cultural resources specialists if requested.

Please send comments and questions to Jacques Kerkhove-Peltier, Archaeologist, U.S. Army Corps of Engineers, Sacramento District, 1325 J Street, Sacramento, CA 95814-2922, by phone at (916) 557-7426, or by email at Jacques.Z.Kerkhove-Peltier@usace.army.mil. Please refer to Utah Land Exchange Project near Lehi, Utah County, Utah in all future correspondence concerning this project.

RENA EDDY
Chief, Military Programs and Installation
Environmental Support Unit

Enclosures



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U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
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31 August 2021

CESPK-PD

SUBJECT: National Historic Preservation Act Section 106 Compliance for Utah Land Exchange Project near Lehi, Utah County, Utah

Devon Boyer
Chairman
Shoshone Bannock Tribes
PO Box 306
Fort Hall, ID 83203

Dear Devon Boyer,

The US Army Corps of Engineers (Corps) is writing to initiate consultation with your office under the regulations implementing the National Historic Preservation Act (NHPA) (54 USC § 306107, 36 CFR Part 800). The subject of the consultation is the Utah Land Exchange Project (Project) near Lehi in Utah County, Utah. The proposed action would use Federal funding and is therefore considered an undertaking (§800.16[y]). This letter will be sent exclusively by email due to widespread teleworking in accordance with Covid-19 social distancing measures.

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RENA EDDY
Chief, Military Programs and Installation
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U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO, CA 95814-2922

31 August 2021

CESPK-PD

SUBJECT: National Historic Preservation Act Section 106 Compliance for Utah Land Exchange Project near Lehi, Utah County, Utah

Darren B. Parry
Chairman
Northwestern Band of Shoshone Nation
707 N. Main Street
Brigham City, Utah 84302

Dear Darren Parry,

The US Army Corps of Engineers (Corps) is writing to initiate consultation with your office under the regulations implementing the National Historic Preservation Act (NHPA) (54 USC § 306107, 36 CFR Part 800). The subject of the consultation is the Utah Land Exchange Project (Project) near Lehi in Utah County, Utah. The proposed action would use Federal funding and is therefore considered an undertaking (§800.16[y]). This letter will be sent exclusively by email due to widespread teleworking in accordance with Covid-19 social distancing measures.

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RENA EDDY
Chief, Military Programs and Installation
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1325 J STREET
SACRAMENTO, CA 95814-2922

31 August 2021

CESPK-PD

SUBJECT: National Historic Preservation Act Section 106 Compliance for Utah Land Exchange Project near Lehi, Utah County, Utah

Luke Duncan
Chairman
Ute Indian Tribe of the
Uintah & Ouray Reservation
1198 N Main Street
Tooele, Utah 84074

Dear Luke Duncan,

The US Army Corps of Engineers (Corps) is writing to initiate consultation with your office under the regulations implementing the National Historic Preservation Act (NHPA) (54 USC § 306107, 36 CFR Part 800). The subject of the consultation is the Utah Land Exchange Project (Project) near Lehi in Utah County, Utah. The proposed action would use Federal funding and is therefore considered an undertaking (§800.16[y]). This letter will be sent exclusively by email due to widespread teleworking in accordance with Covid-19 social distancing measures.

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SACRAMENTO, CA 95814-2922

CESPK-PD

SUBJECT: National Historic Preservation Act Section 106 Compliance for the Utah Land Exchange Project near Lehi, Utah County, Utah

Christopher Merritt
State Historic Preservation Officer
300 South Rio Grande Street
Salt Lake City, Utah 84101

Dear Dr. Merritt,

The United States Department of the Army (Army) wishes to initiate formal consultation on the Utah Land Exchange Project. The National Security Administration is proposing a land exchange between the U.S. Army Corps of Engineers (Corps) and Utah Department of Transportation (UDOT) (Project). The Project is located near Lehi in Utah County, Utah. The project is a federally funded undertaking; therefore, the Corps is responsible for complying with Section 106 of the National Historic Preservation Act (NHPA) (54 USC §306108). The Sacramento District (SPK) is providing technical assistance for NHPA compliance on behalf of the Corps.

As part of this undertaking, the USACE conducted a records and literature review for the parcels to be transferred to the State. The literature review indicates that eight sites are located within the parcels to be transferred out of Federal control. Of these eight sites, five have been previously determined eligible for the National Register of Historic Places, though not formally evaluated. Transferring properties out of Federal control with known sites is considered an adverse effect, "without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance," (36 CFR §800.59(a)(2)(vii)).

After review of the results of the records and literature review, the USACE reached a determination of No Adverse Effect to historic properties. This finding is based on the fact that under State law (Utah Code 9-8-404), the State is required to afford historic properties considerations prior to conducting an undertaking. Utah Code provides legally enforceable restrictions which will ensure long term preservation of historic properties.

The USACE has satisfied the public outreach requirements of Section 106 through contacting previous landowners, authorized users, and State and local government entities. No cultural resource issues, concerns, or problems have been identified during outreach and opportunities for comment. Furthermore, Native American consultation was initiated by written notice to Native American Tribes.

Notice and preparation of the EA for the exchange will be posted on USACE's Military Projects website: <https://www.spk.usace.army.mil/Missions/Military-Projects/>. Further notice will be provided to all of the above-noted parties when the EA is completed and at such time the USACE reaches a favorable decision to complete the exchange, pursuant to the regulations at 43 CFR 2200.7-1.

We request your agency's formal concurrence to our determination of No Adverse Effect for this undertaking. If you need further information regarding the exchange, please feel free to contact Jacques Kerkhove-Peltier at (916) 557-7426 or by email at Jacques.Z.Kerkhove-Peltier@usace.army.mil.

Encls

Dan Artho
Deputy Chief, Planning Division



Spencer J. Cox
Governor

Deidre M. Henderson
Lieutenant Governor

Jill Remington Love
Executive Director
*Utah Department of Cultural
and Community Engagement*



Jennifer Ortiz
Director

Christopher Merritt
State Historic Preservation Officer

October 6, 2021

Dan Anthro
Deputy Chief, Planning Division
U.S. Army Corps of Engineers
1325 J Street, Room 1350
Sacramento, California 95814-2922

RE: National Historic Preservation Act Section 106 Compliance for the Utah Land Exchange Project near Lehi, Utah County, Utah

For future correspondence, please reference Case No. 21-2087

Dear Mr. Anthro

The Utah State Historic Preservation Office received your submission and request for our comment on the above-referenced undertaking on October 01, 2021.

We concur with your determination of “No Adverse Effect” for this undertaking, as the federal land in question will be transferred to state ownership, where cultural resources are considered under Utah Code Annotated 9-8-404.

This letter serves as our comment on the determinations you have made within the consultation process specified in §36CFR800.4. If you have questions, please contact me at 801-245-7246 or by email at sagardy@utah.gov.

Sincerely,

Savanna Agardy
Compliance Archaeologist