



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

RECEIVED

DEC 29 2015

THE HOPI TRIBE
OFFICE OF THE CHAIRMAN

DEC 21 2015

Honorable Herman G. Honanie
The Hopi Tribe
P.O.Box 123
Kykotsmovi, AZ 86039

RE: National Historic Preservation Act Section 106 Consultation Opportunity; NuStar
Logistics, LP; EPA Permit Number: R6NSR-NM-002

Dear Chairman Honanie:

The Environmental Protection Agency (EPA), Region 6 is proposing a draft *Synthetic Minor New Source Review (MNSR) permit* for the NuStar Logistics LP (NuStar) facilities on the Pueblo of Santo Domingo lands in New Mexico. This is an existing operating facility, and the purpose of the draft MNSR permit is to establish operating parameters for this facility under applicable federal regulations pursuant to 40 CFR § 49.151-49.159.

EPA has determined that this project is a federal undertaking under the National Historic Preservation Act (NHPA), and therefore, is subject to the review process set forth in Section 106 of the NHPA. In support of its application, EPA considered factors associated with the continued operation of this facility. EPA's analyses of the potential impact indicates that the continued operation will not affect properties listed or potentially eligible for listing on the National Register, as none exist in the project area. Since there are no new construction activities and therefore no ground disturbance associated with the permitting of this facility, EPA concludes that this will have no effect on archeological sites. Although we have reached this conclusion, based on the history of this facility, we understand that your Tribe may have had a historical interest in New Mexico and possibly in Sandoval County.

We are writing to inquire if you are interested in participating in the Section 106 Consultation process on this proposed permit. At this time, EPA does not anticipate consultations with the SHPO because of the lack of cultural resources in the project area, but we understand that you may want to provide additional information or discuss your interests in the area or project site. To provide you with background on this project, the application is on the EPA website at: <http://www2.epa.gov/caa-permitting/tribal-nsr-permits-epas-south-central-region>.

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16 JAN -5 PM 4:31
AIR PERMITS SECTION

cc: [unclear]
Allan [unclear]
for
Kucanaisiwa
12-31-15

XC: CPO 12/30/15 +R

If you are interested in Section 106 consultation with EPA regarding this project, or if you have any questions regarding this request, please contact me at (214) 665-6435 or Tina Arnold at (214) 665-2709. We respectfully request your response within thirty (30) days of this letter. We look forward to working with you on this matter.

Sincerely,



Jeffrey Robinson
Air Permits Section Chief
Multimedia Division



Received from Tribal Admin _____

E-mailed 1/12/16 *JP* (initial & date)

Scanned 1/12/16 *JP* (initial & date)

SAN CARLOS APACHE TRIBE
Historic Preservation & Archaeology Department
P.O. Box 0
San Carlos Arizona 85550
Tel. (928) 475-5797, apachevern@yahoo.com

Tribal Consultation Response Letter

Call (214) 665-6435

Date: 01/05/2016

Contact Name:

Jeffrey Robinson, Air Permits Section Chief

Company:

US EPA, Region 6

Address:

1445 Ross Avenue, Suite 200, Dallas, TX 75202-2733

Project Name/#:

NHPA Section 106 Consultation; Mustang Logistics, LP

Dear Sir or Madam:

Under Section 106 and 110 of the National Historic Preservation Act, we are replying to the above referenced project. Please see the appropriate marked circle, including the signatures of Vernelda Grant, Tribal Historic Preservation Officer (THPO), and the concurrence of the Chairman of the San Carlos Apache Tribe:

NO INTEREST/NO FURTHER CONSULTATION/NO FUTURE UPDATES

We defer to the Tribe(s) located nearest to the project area.

CONCURRENCE WITH REPORT FINDINGS & THANK YOU

ADDITIONAL INFORMATION

I require additional information in order to provide a finding of effect for this proposed undertaking, i.e. Project description ___ Map ___ Photos Other *We defer to the Pueblo of Santo Domingo & those tribes located closest to the project area.*

NO EFFECT

I have determined that there are no properties of religious and cultural significance to the San Carlos Apache Tribe that are listed on the National Register within the area of potential effect or that the proposed project will have no effect on any such properties that may be present.

NO ADVERSE EFFECT

Properties of cultural and religious significance within the area of effect have been identified that are eligible for listing in the National Register for which there would be no adverse effect as a result of the proposed project.

ADVERSE EFFECT

I have identified properties of cultural and religious significance within the area of potential effect that are eligible for listing in the National Register. I believe the proposed project would cause an adverse effect on these properties. Please contact the THPO for further discussion.

We were taught traditionally not to disturb the natural world in a significant way, and that to do so may cause harm to oneself or one's family. Apache resources can be best protected by managing the land to be as natural as it was in pre-1870s settlement times. Please contact the THPO if there is a change in any portion of the project, especially if Apache cultural resources are found at any phase of planning and construction. Thank you for contacting the San Carlos Apache Tribe, your time and effort is greatly appreciated.

DIRECTOR/THPO: _____

Vernelda J. Grant
Vernelda J. Grant, Tribal Historic Preservation Officer

01/05/2016

Date

CONCURRENCE: _____

Terry Rambler
Terry Rambler, Tribal Chairman

1/8/16

Date

cc: *Alex Ritchie, Attorney General; Lorretta Stone, EPA*

Pawnee Nation of Oklahoma

P.O. Box 470
Pawnee, Oklahoma
74058

Phone: 918.762.2180
Fax: 918.762.3662
E-mail: aknifechief@pawneenation.org



January 5, 2015

Jeffery Robinson, Air Permits Section Chief
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

**RE: Request for Section 106 Consultation and Review for proposed construction located at NuStar Logistics, LP;
EPA Permit Number: R6NSR-NM-002; Pueblo of Santo Domingo, NM.**

Dear Jeffery,

The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 106 Review and Consultation. Consultation with the Pawnee Nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 CFR Part 800.

Given the information provided, you are hereby notified that the proposal project location should have no potential to adversely affect any known Archaeological, Historical, or Sacred Pawnee sites. Therefore, in accordance with 36 CFR 800.4(d) (1), you may proceed with your proposed project. However, please be advised that undiscovered properties may be encountered and must be immediately reported to us under both the NHPA and NAGPRA regulations.

This information is provided to assist you in complying with 36 CFR Part 800 for Section 106 Consultation procedures. Please retain this correspondence to show compliance. Should you have any questions, please do not hesitate to contact me at aknifechief@pawneenation.org. Thank you for your time and consideration.

Should you have questions, please do not hesitate to contact me at aknifechief@pawneenation.org. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Knife Chief".

Andrew Knife Chief, B.A., J.D.

RECEIVED
16 JAN 14 AM 11:45
AIR PERMITS SECTION
BPD-R

PUEBLO OF SANTA ANA

Tribal Historic Preservation Office

December 22, 2015

Mr. Jeffery Robinson
Air Permits Section Chief
USEPA, Region 6
1445 Ross Av., Suite 1200
Dallas, Texas 75202-2733

RECEIVED
15 DEC 30 AM 10:17
AIR PERMITS SECTION
6PD-R

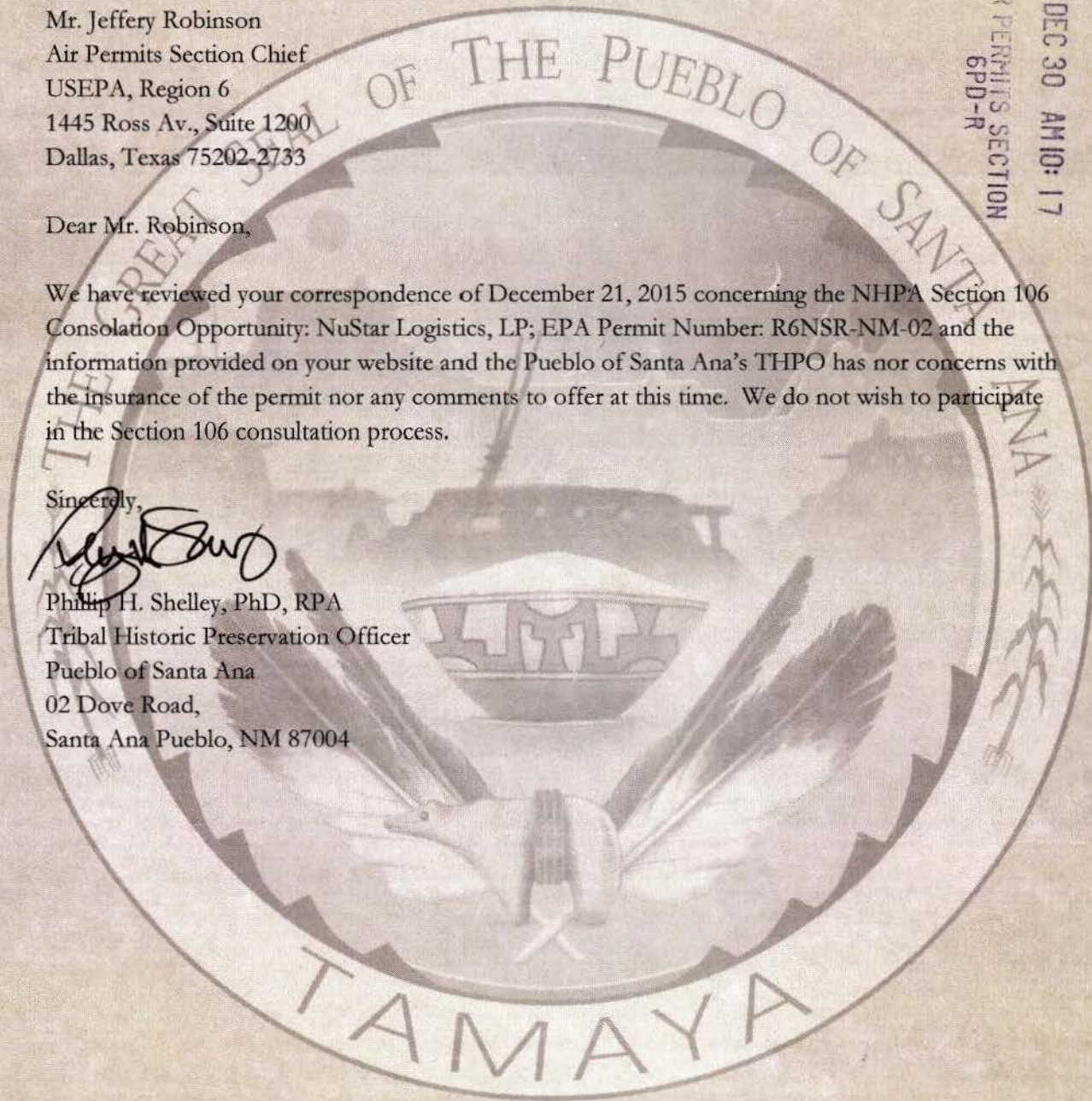
Dear Mr. Robinson,

We have reviewed your correspondence of December 21, 2015 concerning the NHPA Section 106 Consultation Opportunity: NuStar Logistics, LP; EPA Permit Number: R6NSR-NM-02 and the information provided on your website and the Pueblo of Santa Ana's THPO has no concerns with the insurance of the permit nor any comments to offer at this time. We do not wish to participate in the Section 106 consultation process.

Sincerely,



Phillip H. Shelley, PhD, RPA
Tribal Historic Preservation Officer
Pueblo of Santa Ana
02 Dove Road,
Santa Ana Pueblo, NM 87004





White Mountain Apache Tribe

Office of Historic Preservation

PO Box 1032

Fort Apache, AZ 85926

Ph: (928) 338-3033 Fax: (928) 338-6055

To: Jeffrey Robinson, EPA Air Permits Section Chief

Date: December 22, 2015

Re: NHPA Section 106 NuStar Logistical, LP; EPA Permit Number: R6NSR-NM-002

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The White Mountain Apache Tribe Historic Preservation Office appreciates receiving information on the proposed project, dated December 21 2015. 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 an 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 EPA Region 6 proposed Synthetic Minor Source Review permit for the NuStar Logistics LP facilities on the Pueblo of Santo Domingo lands in New Mexico, 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. 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. Altaña - THPO

White Mountain Apache Tribe - THPO



Ysleta del Sur Pueblo

Tribal Council – Javier Loera (War Captain/Tribal Historic and Preservation Officer) E-mail jloera@ydsp-nsn.gov

117 South Old Pueblo Road * P.O. Box 17579 * El Paso, Texas 79917 * (915) 859-8053 * Cell (915) 497-3876

January 4, 2016

RECEIVED
16 JAN - 8 PM 3: 48
AIR PERMITS SECTION
GPD-R

Mr. Jeffrey Robinson
Air Permits Section Chief
Region 6
1445 Ross Ave, Ste1200
Dallas, TX 75202-2733

RE: National Historic Preservation Act Section 106 Consultation Opportunity; NuStar Logistics, LP; EPA Permit Number: R6NSR-NM-002

Dear Mr. Robinson:

This letter is in response to the correspondence received in our office in which you provide Ysleta del sur Pueblo the opportunity to consult on the proposal draft Synthetic Minor New Source Review (MNSR) permit for the NuStar Logistics LP (NuStar) on the Pueblo of Santo Domingo lands in New Mexico.

The Ysleta del Sur Pueblo does not have any comments nor does it request consultation on this proposal.

Thank you for allowing us the opportunity to comment on this project.

Sincerely,

Javier Loera
War Captain, THPO
Ysleta del Sur Pueblo