

## US Environmental Protection Agency

### NHPA Preliminary Determination

Section 106 of the NHPA requires EPA to consider the effects of this permit action on properties eligible for inclusion in the National Register of Historic Places. For purposes of the NHPA review, the Area of Potential Effect (APE) was determined to be approximately 25 acres of land within and adjacent to the footprint of the NuStar's existing facility.

The purpose of this permit is to establish operating parameters for this facility under applicable federal regulations pursuant to 40 CFR § 49.151-49.161. There will be no new operations, construction activities or ground disturbances as a result of the issuance of this synthetic minor NSR permit. The facility was a true minor source prior to the operation of the railcar transloading operation that was authorized by the Governor of the Santo Domingo tribe on October 15, 2013. Further, the site has been subject to disturbances associated with previous construction and continued operational activities related to the asphalt industry, and any archaeological resources would have been compromised long ago. Therefore, EPA Region 6 determines that the potential for location of archaeological resources within the facility footprint is low and issuance of the permit to NuStar will not affect properties potentially eligible for listing on the National Register.

The EPA has initiated consultation and coordination with four federally-recognized Indian Tribes adjacent to the Pueblo of Santo Domingo regarding the NuStar Logistics, L.P. asphalt and crude oil terminal operation located within the Pueblo of Santo Domingo's boundary in Sandoval County, New Mexico. The four tribes are: Santa Ana Pueblo, Zia Pueblo, San Felipe Pueblo and Cochiti Pueblo.

Additionally this information will be shared with the State Historical Preservation Officer in New Mexico as well as 30 tribes with a historic interest in New Mexico.