



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

Jeff Pappas, Ph.D.
State Historic Preservation Officer
Department of Cultural Affairs
Historic Preservation Division
407 Galisteo Street, Suite 236
Sante Fe, New Mexico 87501

JAN 29 2016

Attn: Ms. Michelle Ensey

Dear Mr. Pappas:

The U.S. Environmental Protection Agency, Region 6 (EPA Region 6) is considering issuing a *Synthetic Minor Source* air permit to NuStar Logistics, LP (NuStar) for criteria air pollutants. The proposed synthetic minor source air permit would allow for continued operation of the asphalt plant, asphalt loading station and the crude terminal at their existing plant in Sandoval county, Santo Domingo Pueblo lands, New Mexico. The facility is located at 967 NM 16 Road, Pena Blanca, New Mexico (Latitude 35°28'54.20"N, Longitude 106°13'42.07"W).

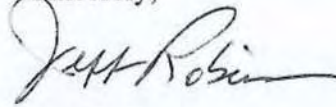
In support of its application, NuStar on March 10, 2015 indicated that there were no historical places of interest in that area. The purpose of this permit is to establish operating parameters for this facility under applicable federal regulations pursuant to 40 CFR § 49.151-49.159. There will be no new operations, construction activities or ground disturbances as a result of the issuance of this synthetic minor NSR permit. Further, the site has been subject to disturbances associated with previous construction and continued operational activities related to the asphalt industry and railroad lines. EPA Region 6 has determined that the potential for locating 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.

On December 21, 2015, EPA sent letters to thirty-three (33) tribes (located on the website at <http://www.nmhistoricpreservation.org/programs/review-compliance.html>) who may have a historic interest in New Mexico to inquire whether any of them were interested in participating as consulting parties in the Section 106 process. We requested a response to our letter by January 22, 2015 (30 days). EPA received 6 responses (enclosed) with none having specific comments on our evaluation as stated above and none requested additional information or consultation about the permit or siting of the facility.

We now request your concurrence with our determination for this determination with 30 days.

Thank you in advance for your expeditious evaluation of this request. In the interim, please feel free to contact Bonnie Braganza at (214)665-7340 if you have any questions.

Sincerely,



Jeff Robinson
Chief
Air Permits Section

Enclosures

cc: Governor Daniel Coriz
Pueblo of Santo Domingo

Ms. Tina Proctor, Environmental Manager
NuStar Logistics LP
Tina.Proctor@nustarenergy.com



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

RECEIVED

DEC 29 2015

DEC 21 2015

THE HOPÍ TRIBE
OFFICE OF THE CHAIRMAN

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>.

concur

Margaret
for
Kuwantawwa
12-31-15

XC: CPO 12/30/15 AB

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

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

Tribal Consultation Response Letter

Date: 01/05/2016 *Call (214) 665-6435*
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 Regulates, 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.

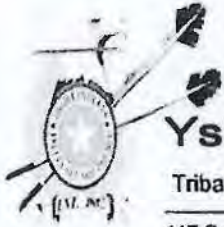
ADVERSE EFFECT
I have identified properties of cultural and religious significance within the area of potential effect that are eligible for listing in the National Register. I believe the proposed project would cause an adverse effect on these properties. Please contact the THPO for further discussion.

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* *01/05/2016*
Vernelda J. Grant, Tribal Historic Preservation Officer Date

CONCURRENCE: *Terry Rambler* *1/8/16*
Terry Rambler, Tribal Chairman Date

Alex Robinson, Attorney General, Arriba Stone, LP



Ysleta del Sur Pueblo

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

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

January 4, 2016

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

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

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

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,

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

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

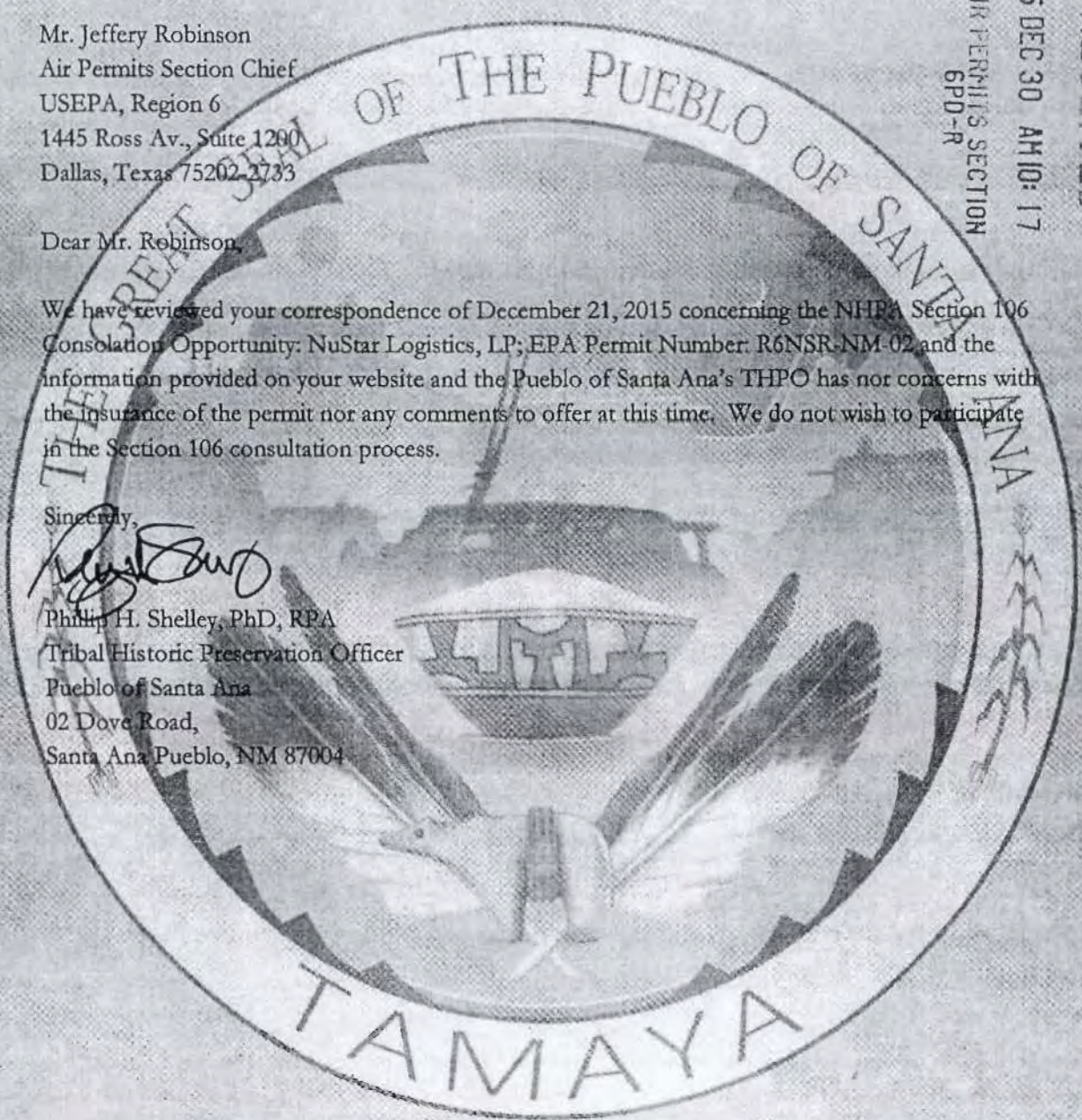
Dear Mr. Robinson,

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 issuance 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



Braganza, Bonnie

From: Pinu'u Stout <pstout@sfpueblo.com>
Sent: Thursday, January 28, 2016 12:05 PM
To: Braganza, Bonnie; Robinson, Jeffrey
Cc: Daryl Candelaria
Subject: NuStar Logistics / Santo Domingo Pueblo

Categories: Red Category

Good Morning,

The Pueblo has reviewed the information received in the letter and by telephone and email with Mr. Jeff Robinson. We understand there is no new activity proposed, only NuStar Logistics asphalt and crude oil terminal operation located within the Pueblo of Santo Domingo working on compliance with air quality permitting requirements by limiting volume or annual emissions in order to obtain a synthetic minor permit under new NSR permitting rules.

Governor Sandoval has no objections to the proposed process if our understanding of the consultation request is correct.

If there is any additional information not captured in the statement above describing our understanding of the proposal, please provide that to us so we can meaningfully consult.

Thank you,
Pinu'u Stout

*Pinu'u Stout, Director
Department of Natural Resources*



Pueblo of San Felipe
PO Box 4339
San Felipe Pueblo, NM 87001
Phone: (505) 771-6628
Fax: (505) 771-6658
Email: pstout@sfpueblo.com