

STB Docket Number FD 36501**Union Pacific Railroad Company – Construction and Operation Exemption – In Maricopa County, Ariz.**

Section 106 Consulting Parties Review: Draft Memorandum of Agreement (MOA)
Please return to Office of Environmental Analysis (OEA): OEA by January 9, 2023

Tribe or Agency: State Historic Preservation Office

Contact Person: Caroline Klebacha, Archaeological Compliance Specialist

#	Section	Line(s)	Comment
1	Recitals	19-20	This is a S106 document; do not address other environmental regulations
2	Recitals	21-28	Combine into one recital; limit it to S106
3	Recitals	29-31	APE is insufficiently defined; need some details here
4	Recitals	39	“and which” – delete “which”
5	Recitals	40	Should this be Office, not Officer?
6	Recitals	40	Concurrence for the revised report is December 20, 2022.
7	Recitals	55-56	Recital is not necessary, but you do need a statement that federal agencies (Corps and FAA) have agreed STB takes the lead on all S106 for the undertaking (except perhaps government-to-government consultation with Tribes)
8	Recitals	57-62	Combine into one recital
9	Recitals	63-67	Combine into one recital
10	Recitals	66	Add “the” before FAA
11	Recitals	68-71	Combine into one recital
12	Recitals	72-77	Combine into one recital
13	Recitals	78-82	Combine into one recital
14	Recitals	83-88	Combine into one recital
15	Recitals	89-93	Combine into one recital
16	Recitals	94-100	Combine into one recital
17	Recitals	101-104	Combine into one recital
18	Recitals	121	Not sure if this recital is necessary. Would be included if it was a NEPA substitution
19	Recitals	122-123	Delete “, as shown in the attached letter (Attachment B)”
20	I	138-141	Why include definitions if they follow regs?
21	II	145	“The Board’s” – Not OEA on behalf of the Board?

#	Section	Line(s)	Comment
22	III	156	Insert Paragraph A.
23	III	161	Insert Paragraph B., starting at, "OEA acknowledges that Indian Tribes..."
24	V(B)	196	SHPO cannot agree to a reduced consultation period at this time. We recommend a 14-30 day review depending on the results of the survey.
25	V(C)	203	SHPO cannot agree to a reduced consultation period at this time. We recommend a 14-30 day review.
26	VII	221	Insert Paragraph B.
27	VII	222	Re: development of an HPTP- Was any other mitigation proposed? Does this satisfy the Tribes? Need to think out of the box – Also, Where's the public benefit?
28	VIII(B)	263	Include expectations of findings
29	VIII(C)	303	Not necessary. Delete.
30	VIII(D)(1)	309	May versus Shall regarding follow up with consulting parties
31	VIII(D)(1)	309	Include methods for follow up
32	VIII(D)(2)	315	SHPO cannot agree to a reduced consultation period at this time. We recommend a 14-30 day review.
33	VIII(D)(2)	317	May versus Shall regarding follow up with consulting parties
34	X(D)	371	Timeline for drafting the data recovery report?
35	X(F)	385	Insert "; substantive comments may require further review following Stipulation X.E."
36	XX	559	Counterpart Signatures: Renumber "XXII"
37	(XXII)	566-568	Remove intent, this is not part of the Stipulations.
38	Attachment A	639	Delete extra period
39	Attachment D	773	Does not include contact information for SHPO, UP, or ACHP

From: Caroline Klebacha <cklebacha@azstateparks.gov>
Sent: Monday, January 23, 2023 2:41 PM
To: Luhnnow, Glennnda
Cc: Alan; Adam; Buckley, Maggie; McNeish, Sabra; Powell, Kris; Rainey, Pamela
Subject: [EXTERNAL] Re: CORRECTION Fwd: UPRR PIRATE Draft MOA Submittal 1 for Review
Attachments: UPRR PIRATE Draft MOA Comment Form SHPO.docx

Good afternoon,

Thank you for your patience. Please see the attached comments, per your request. Let me know if you would also like our marked up version of the MOA or if you need any clarifications.

Caroline

On Fri, Dec 9, 2022 at 10:06 AM AZSHPO - AZPARKS <azshpo@azstateparks.gov> wrote:

SHPO-2022-0395 (166892) - one of those days....

----- Forwarded message -----

From: AZSHPO - AZPARKS <azshpo@azstateparks.gov>
Date: Fri, Dec 9, 2022 at 9:47 AM
Subject: Fwd: UPRR PIRATE Draft MOA Submittal 1 for Review
To: Caroline Klebacha <cklebacha@azstateparks.gov>

SHPO-2022-1502 (166892)

----- Forwarded message -----

From: Luhnnow, Glennnda <Glennnda.Luhnnow@jacobs.com>
Date: Thu, Dec 8, 2022 at 5:00 PM
Subject: UPRR PIRATE Draft MOA Submittal 1 for Review
To: AZSHPO - AZPARKS <azshpo@azstateparks.gov>
Cc: Tabachnick, Alan <alan.tabachnick@stb.gov>, Assenza, Adam <adam.assenza@stb.gov>, Buckley, Maggie <Maggie.Buckley@jacobs.com>, McNeish, Sabra <Sabra.McNeish@jacobs.com>, Powell, Kris <Kris.Powell@jacobs.com>, Rainey, Pamela <Pamela.Rainey@jacobs.com>

Dear Ms. Leonard,

As the Surface Transportation Board (Board) Office of Environmental Analysis (OEA) stated in previous Section 106 consultation conducted under the National Historic Preservation Act, on June 30, 2022, the Union Pacific Railroad

Company filed a petition with the Board requesting authority to construct and operate approximately six miles of new rail line in Maricopa County, Arizona (the proposed Pecos Industrial Rail Access and Train Extension [PIRATE] rail line).

OEA conducted a virtual meeting with the Section 106 consulting parties on November 3, 2022, to discuss the development of a project Memorandum of Agreement (MOA). The initial draft MOA is attached for your review, along with a Comment Form for your use as you review the document.

A virtual meeting to discuss the comments will be held on **Thursday, January 12, 2023, at 1-3 pm (Arizona time)/3-5 pm (Eastern time)**. To facilitate the meeting discussion, OEA requests that you provide your comments on the attached Comment Form by COB on **Monday, January 9, 2023**.

Jacobs Engineering Group Inc. (Jacobs) will send you a Microsoft Teams meeting invitation in the coming days. If you have any technical questions about the Teams platform or how to participate, please contact Glennda Luhnnow at Glennda.luhnnow@jacobs.com.

Please feel free to contact Alan Tabachnick, OEA's Deputy Federal Preservation Officer, at Alan.Tabachnick@stb.gov with any questions about the draft MOA and the upcoming meeting.

Sincerely,

Glennda Luhnnow

Glennda Luhnnow, M.A., RPA | JACOBS | Manager/Archaeology and Cultural Resources |

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