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**To:** [kprice](#); [Tanya Spratt](#); [Greg Brigham](#); [Tabachnick, Alan](#); [Assenza, Adam](#); [Luhnow, Glennda](#); [Phoebus, Elizabeth \(Betsy\)](#); [Ray Johnson](#); [Gosselin, Danielle](#); [Kitay, Evelyn](#)  
**Subject:** PIRATE Site Damage Action Items 8.23.23  
**Date:** Wednesday, August 23, 2023 2:18:31 PM  
**Attachments:** [ActionItems\\_082323.pdf](#)

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Thank you all for joining our first weekly call to work through action items related to PIRATE cultural site damage. The updated action item list is attached for your records – please let me know if anything needs to be corrected.

Ray Johnson has been added to the recurring meeting invite.

Thank you,

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PIRATE Site Damage  
Action Items  
Updated: 8.23.23

| Action Item                                                                                                                                                                                                                                                                                                                                                                | Responsibility | Date of Initial Request                       | Due Date | Date Completed | Status      | Notes                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-----------------------------------------------|----------|----------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Demobilize construction equipment and materials [REDACTED]                                                                                                                                                                                                                                                                                                                 | UP             | 8.1.23 letter from OEA                        | 8.17.23  | 8.18.23        | Complete    |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Identify a driving route and walking route for security patrols for UP                                                                                                                                                                                                                                                                                                     | Jacobs         | 8.17.23 meeting                               | 8.18.23  | 8.18.23        | Complete    | No walking route provided - driving only                                                                                                                                                                                                                                                                                                                                                                              |
| Conduct a survey for migrating birds/burrowing owls in areas to be cleared for fence installation                                                                                                                                                                                                                                                                          | Jacobs         | 8.17.23 meeting                               | 8.21.23  | 8.21.23        | Complete    | Completed 8.21                                                                                                                                                                                                                                                                                                                                                                                                        |
| Discuss how often to meet with UP and Jacobs moving forward                                                                                                                                                                                                                                                                                                                | OEA            | 8.17.23 meeting                               | 8.23.23  | 8.22.23        | Complete    | Weekly meetings scheduled beginning 8.23.23                                                                                                                                                                                                                                                                                                                                                                           |
| Notify adjacent landowners not to undertake land-disturbing activities within APE                                                                                                                                                                                                                                                                                          | UP             | 8.1.23 letter from OEA                        |          | 8.14.23        | Complete    | letters to landowners dated 8.4.23                                                                                                                                                                                                                                                                                                                                                                                    |
| Meet with Tribes and SHPO                                                                                                                                                                                                                                                                                                                                                  | OEA            |                                               |          | 8.16.23        | Complete    |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Determine what to do with 265 no trespassing signs                                                                                                                                                                                                                                                                                                                         | UP/Jacobs      | 8.18.23 email                                 | 8.23.23  |                | In progress | Ordered without authorization; coordinate with CNR once contact identified                                                                                                                                                                                                                                                                                                                                            |
| Update preliminary damage assessment to include Area 5 [REDACTED]                                                                                                                                                                                                                                                                                                          | Jacobs/OEA     | 8.16.23 field visit                           | 8.24.23  |                | In progress |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Notify the consulting parties of the damage via letter                                                                                                                                                                                                                                                                                                                     | Jacobs/OEA     | 8.17.23 meeting                               | 8.25.23  |                | In progress | Draft to OEA 8.22.23                                                                                                                                                                                                                                                                                                                                                                                                  |
| Prohibit use of the construction access road east of Sossaman Road using K-rail                                                                                                                                                                                                                                                                                            | UP             | 8.17.23 meeting                               | 8.25.23  |                | In progress | Communication with contractors completed; K-rail installation to occur 8.25.23 by CNR                                                                                                                                                                                                                                                                                                                                 |
| Demobilize equipment and materials at [REDACTED]                                                                                                                                                                                                                                                                                                                           | UP             | 8.17.23 meeting                               | 8.25.23  |                | In progress | Water tank and pipeline removal to occur concurrently; ready to proceed pending monitor; Greg provide desired date/time and duration                                                                                                                                                                                                                                                                                  |
| Provide OEA copies of 1) legal agreements between UP and any party (e.g., Power Industrial, Greystar/Unbound Gateway, Lumen, etc.) that allows the other party to conduct ground-disturbing activity on UP-owned land within the entire APE and 2) email and telephone correspondence UP had with adjacent landowners requesting that they cease and desist use of UP ROW. | UP             | 8.2.23 Teams meeting with OEA, Jacobs, and UP | 8.28.23  |                | In progress |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Establish a timeline that accounts for construction of [REDACTED] from execution of the contract or agreement through construction [REDACTED]                                                                                                                                                                                                                              | UP             | 8.17.23 meeting                               | 8.28.23  |                | In progress | Provide in conjunction with legal agreements                                                                                                                                                                                                                                                                                                                                                                          |
| Install no trespassing signs and orange construction fencing [REDACTED]                                                                                                                                                                                                                                                                                                    | UP             | 8.10.23 email                                 | 8.30.23  |                | In progress | Utility locate complete and signs installed along existing fenceline and in 42 high-priority areas identified by Jacobs; UP provided fencing plan 8.18.23; OEA provided input 8.21.23; UP indicated contractor not available due to Hurricane Hilary 8.21.23; 8.22.23 UP indicated contractor available to begin 8.25.23; Kevin provide confirmation 8.23.23 with details on start-time; anticipated duration ~1 week |
| Conduct property line survey of entire UP ROW                                                                                                                                                                                                                                                                                                                              | UP             | N/A                                           | 8.30.23  |                | In progress | As of 8.21 completed through Sunbelt property                                                                                                                                                                                                                                                                                                                                                                         |
| Determine where the excavated material was taken from [REDACTED]                                                                                                                                                                                                                                                                                                           | UP             | 8.17.23 meeting                               | 9.6.23   |                | In progress | PI Superintendent Tim Graves indicated on 8.14 that excavated material was used as building pad fill and taken off-site; UP will try to get clarification; Greystar used material on-site, UP confirming                                                                                                                                                                                                              |
| Determine where the cleared material was taken off-site from [REDACTED] by Pauley construction for purposes of utility relocation                                                                                                                                                                                                                                          | UP             | 8.17.23 meeting                               | 9.6.23   |                | In progress |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Determine where the material [REDACTED] came from                                                                                                                                                                                                                                                                                                                          | UP             | 8.17.23 meeting                               | 9.6.23   |                | In progress | PI indicated that [REDACTED]; cultural monitor observed PI contractor adding to [REDACTED]                                                                                                                                                                                                                                                                                                                            |
| Provide kmz showing sign locations near Site 275 so blue stake can be called                                                                                                                                                                                                                                                                                               | Jacobs         | 8.23.23 meeting                               | 8.25.23  |                |             |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Provide figure showing desired location of silt fencing [REDACTED]                                                                                                                                                                                                                                                                                                         | Jacobs         | 8.23.23 meeting                               | 8.25.23  |                |             |                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Discuss whether UP can use Live View Technologies security cameras with motion sensors and live security response in lieu of orange construction fencing in non-site areas                                                                                                                                                                                                 | OEA            | 8.17.23 meeting                               | 8.30.23  |                |             | Kevin coordinate with CNR on materials acquisition so as not to over-order                                                                                                                                                                                                                                                                                                                                            |
| Install no trespassing signs near [REDACTED] west of Crismon                                                                                                                                                                                                                                                                                                               | UP             | 8.18.23 email                                 | 8.30.23  |                |             | CNR will prioritize this after K-rail, [REDACTED] fencing, and Sossaman fencing                                                                                                                                                                                                                                                                                                                                       |

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|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------|------------------------|----------------------|--|-------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Install silt fencing [REDACTED]                                                                                                                     | UP     | 8.17.23 meeting        | 9.1.23               |  |             | Silt fence not required around the [REDACTED]<br>[REDACTED]                                                                                                                                       |
| Complete topographic survey of disturbance area [REDACTED] to [REDACTED]<br>[REDACTED]                                                              | UP     | 8.17.23 meeting        | 9.1.23               |  |             | UP using different surveyor, began week of 8.21, expected completion 8.25; complete prior to silt fence installation                                                                              |
| Schedule a virtual meeting with the consulting parties to discuss the damage assessment                                                             | OEA    | 8.17.23 meeting        | 9.1.23               |  |             | anticipating the week of September 11, 2023                                                                                                                                                       |
| Discuss with the Tribes what to do with the vegetation pile within UP’s main line ROW and provide direction to UP                                   | OEA    | 8.17.23 meeting        | 9.13.23              |  |             | disclosed at 4ST meeting 8.18.23; may require follow-up conversation with THPOs; silt fencing not needed                                                                                          |
| Install no trespassing signs and orange construction fencing around Phase 2 (entire ROW) per f                                                      | UP     | 8.1.23 letter from OEA | 9.30.23-<br>10.15.23 |  | In progress | UP provided fencing plan 8.10.23; utility locate complete 8.15; fence installation pending completion of property line survey and availability of contractor (estimated 4-6 weeks/1 mile per day) |
| Discuss and provide feedback on institutional controls that can be implemented to prevent future cultural damage on this and on other rail projects | UP/OEA | 8.17.23 meeting        | 9.30.23              |  |             | will be prioritized after site is secured                                                                                                                                                         |