
From: Kevin Rice <kprice@up.com>
Sent: Wednesday, August 2, 2023 2:27 PM
To: Tabachnick, Alan; Tanya Spratt
Cc: Gosselin, Danielle; Kitay, Evelyn; Assenza, Adam; Buckley, Maggie; Phoebus, Elizabeth (Betsi); Luhnnow, Glennda
Subject: [EXTERNAL] RE: Follow Up Steps

Thank you, Alan, for the information. We will work to implement the items your have laid out and will contact you at the appropriate time with the information requested.

Kevin Rice, PE
 Sr. Manager M/W Environmental
 Union Pacific Railroad
 (402) 544-2213

From: Tabachnick, Alan <alan.tabachnick@stb.gov>
Sent: Wednesday, August 2, 2023 4:23 PM
To: Kevin Rice <kprice@up.com>; Tanya Spratt <TSPRATT@UP.COM>
Cc: Gosselin, Danielle <Danielle.Gosselin@stb.gov>; Kitay, Evelyn <Evelyn.Kitay.ctr@stb.gov>; Assenza, Adam <Adam.Assenza@stb.gov>; Buckley, Maggie <Maggie.Buckley@jacobs.com>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>; Luhnnow, Glennda <Glennda.Luhnnow@jacobs.com>
Subject: Follow Up Steps

*** PROCEED WITH CAUTION - This email was sent from outside the Company ***

Kevin/Tanya,

We have discussed the protection of the corridor and sensitive areas and agree that erecting temporary construction fencing along UP's property lines within the entire APE is appropriate. We also request developing appropriate signage to post on that fencing, and that a contact number be added to the sign so anyone can inform UP of any issues. We request that an archaeologist from Jacobs be present during the erection of the fencing to ensure avoidance of any additional cultural resource impacts (from access, vehicles, field activities, etc.). Additional protection steps will likely be necessary, to be developed after we have met with the Section 106 consulting parties to get their input on this situation. Please let us know the timeline for the removal of the materials and vehicles [Redacted] and appreciate your commitment to having an archaeological monitor present from Jacobs during that process.

As noted in our letter yesterday, we urge UP to closely examine all UP-owned property within the APE and ensure that no additional disturbance occurs prior to the Board issuing a decision on this case. In addition to [Redacted], a second area of concern is [Redacted]

[Redacted] Field inspection on 8/2/23 revealed substantial construction activities of another basin in this location, also on UP property. The level of construction and disturbance in this area is also problematic.

We will be meeting again about this project and these situations tomorrow morning but I wanted to get back to you with clear direction on measures you can take immediately. I would appreciate having the opportunity to review the planned fencing materials and signage prior to UP moving toward installation – I will review within 4 hrs. of receipt to ensure the process moves quickly. Thank you for working to address this difficult situation.

Alan Tabachnick

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