

PIRATE Site Damage
Action Items
Updated: 11.8.23

No.	Action Item	Responsibility	Date of Initial Request	Due Date	Date Completed	Status	Notes
1	Demobilize construction equipment and materials in two retention basins	UP	8.1.23 letter from OEA	8.17.23	8.18.23	Complete	
2	Determine what to do with 265 no trespassing signs	UP/Jacobs	8.18.23 email	8.23.23	8.30.23	Complete	Ordered without authorization; coordinate with CNR once contact identified; 8.30.23 update: Ray spoke to Chad at CNR and said that the signs can be provided to Moe on-site (Glennnda to coordinate); UP clarify with CNR that signs are needed on the fencing, not just on posts (Ray to confirm)
3	Prohibit use of the construction access road east of Sossaman Road using K-rail	UP	8.17.23 meeting	8.25.23	8.25.23	Complete	Communication with contractors completed; K-rail installation to occur 8.25.23 by CNR
4	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	8.28.23	Complete	UP requested extension from original 8.23.23 deadline due to legal review
5	Establish a timeline that accounts for construction of the two retention basins from execution of the contract or agreement through construction of each basin.	UP	8.17.23 meeting	8.28.23	8.28.23	Complete	To be provided in conjunction with legal agreements
6	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
7	Demobilize equipment and materials [REDACTED]	UP	8.17.23 meeting	8.25.23 8.31.23	8.31.23	Complete	Water tank and pipeline removal to occur concurrently; ready to proceed pending monitor; Greg provide desired date/time and duration - anticipated Thursday 8.31.23; 8.30.23 update: Alcorn removed water tank on 8.25.23 with no monitor; Alcorn has 2 piles of material (gravel and spoils) where fenceline needs to be installed south of water tank location - they will circle back to this location after materials have been removed; Greg will coordinate with Alcorn to make sure they're aware of need for material removal; Glennnda to check with Pam whether pipeline south of access road is still present and Greg then coordinate with contractor for removal 8.31.23 (due date revised due to additional coordination needed with contractor); 9.6.23 update: complete
8	Install no trespassing signs and orange construction fencing around Phase 1 priority (site) areas	UP	8.10.23 email	8.30.23 9.1.23 9.13.23 9.15.23	9.15.23	Complete	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 with completion 9.1.23; 8.30.23 update: install barrier fencing along UP main line to prevent access to roads and ROW; include 2-3 no trespassing signs on either side of access points (due date revised due to availability of contractor); 9.6.23 update: gas line conflict along southern wye - what can be done? Kinder Morgan (KM) has an easement and right to access - Ray to inquire with CNR about possibility of fencing that sits above ground (without posts), and Greg confirm it doesn't violate KM agreement by 9.11; status of fencing between Pecos and Sossaman - CNR submitted utility locate, pending approval; main line protection - consider use of signage on south side of main line ROW at regular intervals (50 feet [Jacobs double check intervals and create kmz of proposed locations, consider closer intervals at more accessible locations and wider intervals at less accessible]); 9.13.23 update: fence installed along KM pipeline at the wye 9.11.23 using 5-gallon buckets filled with concrete; work between Pecos and Sossaman is beginning today - likely completion in a few days; NW portion of wye still open along PI but will be fenced likely after Pecos and Sossaman segment is completed; 9.19.23 update: wye is complete; Pecos to Sossaman is complete

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9	Conduct property line survey of entire UP ROW	UP	N/A	8.30.23 9.1.23 9.8.23	9.8.23	Complete	As of 8.21 completed through Sunbelt property; 8.30.23 update: staking completed 8.30.23 on new corridor; NW corner of wye near PI the stakes were knocked down, PI also has dumpsters encroaching into UP property - UP notified them 8.30 that these need to be moved (no monitor needed) in order to restake and install fence; 9.6.23 update: survey compete to reestablish northern portion of wye? Greg confirming survey to reestablish the northern portion of the wye is complete and if it is not anticipate completion by 9.8.23
10	Install no trespassing signs and fencing near ████████ of Crismon	UP	8.18.23 email	8.30.23 9.1.23	9.11.23	Complete	CNR will prioritize this after K-rail, wye fencing, and Sossaman fencing; 8.30.23 update: Maggie to resend kmz to UP to confirm that blue stake has been called (due date revised due to delay in fencing other priority areas); 9.6.23 update: resurvey ████████ complete, waiting on Blue Stake (anticipated 9.7.23); 9.13.23 update: complete
11	Install silt fencing around existing spoils pile in the wye	UP	8.17.23 meeting	9.1.23 10.4.23	8.31.23	Complete	Silt fence not required around the spoils pile in UP's Phoenix Subdivision ROW; 9.6.23 update: Complete; 9.27.23 update: reopening this action item since construction fencing was installed rather than silt fencing; UP will coordinate with CNR to install silt fencing; 10.3.23 update: CNR is still waiting on utility locate, likely to occur later this week
12	Complete topographic survey of disturbance area for the two basin areas and the spoils pile in the wye	UP	8.17.23 meeting	9.1.23 9.8.23	9.11.23	Complete	UP using different surveyor, began week of 8.21, expected completion 8.25 (8.30.23 update: surveyor is compiling data, expect data 9.1.23); complete prior to silt fence installation; 9.6.23 update: data provided to UP 9.5.23, reviewing and will provide by 9.8.23
13	Determine where the excavated material was taken from the two retention basins	UP	8.17.23 meeting	9.6.23 9.13.23 10.4.23 10.18.23		In progress	Clayco Superintendent Tim Graves indicated on 8.14.23 that excavated material was used as building pad fill and taken off-site; UP will try to get clarification; 8.30.23 update: PI said that existing spoils pile is excavated material from the basin (UP has this in writing); ROE for PI stipulates that they must take excavated material off-site - may have planned to do that prior to completion of their project; plans show 1-2 foot deep basin but excavated pond appears up to ~5 feet deep, which would be in violation of ROE (UP to inquire - please note the spoils pile is not visible in April 2023 aerals yet the basin was already excavated); Greystar used material on-site, UP confirming; Greystar confirmed material was used on the site to the east; Greystar excavated 10,000 CY from UP property, ~7,500 CY of that was used to refill pond on their property and remainder spread out to north and east in Phase 2 development area; 9.6.23 update: waiting on survey information to calculate excavation quantities, anticipated 9.8.23; 9.13.23 update: survey indicates that 22,866 CY excavated from wye but estimated volume of spoils pile is 4,787 CY; PI likely to not be very cooperative of follow-up requests based on recent responses and their denying UP access to the wye through their property; PI also extended their basin across UP's proposed tracks, which was not according to plan - UP is discussing how to approach this internally; the survey shows 1346.5-foot elevation at highest point in wye and 1343.5-foot elevation at bottom of wye basin; 9.20.23 update: UP reached out to Clayco representative (contractor, not Tim Graves) to discuss the discrepancy in volumes and they maintain that excavated material was not taken off-site but added to spoils pile and used to construct pond; UP discussing internally with their engineers to decide how to proceed; may need to make more formal follow-up inquiry with Power; 9.27.23 update: UP is reaching out to PI and will provide updates as they are available; next steps depend on the response from PI; 10.3.23 update: no update, communication with PI in progress; 10.11.23 update: no updates; 11.8.23 update: UP has reached out to PI several times with no response; OEA requested a brief email summary of the communication and lack of response
14	Determine where the cleared material was taken off-site from the main line ROW by Pauley construction for purposes of utility relocation	UP	8.17.23 meeting	9.6.23 9.13.23	N/A	N/A	8.30.23 update: Lumen indicated they did not take material off-site (Jacobs monitor observed truck leaving the site - Glenda to follow up so UP can inquire further); 9.6.23 update: UP waiting for input from Jacobs monitor; 9.7.23 update: Jacobs monitor confirmed that no trucks were taken off-site.

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15	Determine where the material in the existing spoils pile in the wye came from	UP	8.17.23 meeting	9.6.23 9.13.23 10.4.23 10.18.23		In progress	PI indicated that existing spoils pile is from excavated basin; cultural monitor observed PI contractor adding to existing spoils pile; 9.6.23 update: same as item 13; 9.13.23 update: same as item 13; 9.27.23 update: same as item 13; 10.3.23 update: same as item 13; 10.11.23 update: no change; 11.8.23 update: same as item 13
16	Install no trespassing signs and orange construction fencing around Phase 2 (entire ROW) per fencing plan	UP	8.1.23 letter from OEA	9.30.23- 10.15.23	10.13.23	Complete	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); 9.6.23 update: OEA approved use of security cameras in lieu of fencing and signage - how long will security patrols continue? UP anticipates stopping following completion of fencing, signage, and/or security cameras; 9.13.23 update: reopening action item due to UP's request to use patrols in lieu of cameras or fencing/signs as an alternative green option; number of cameras needed is much higher than anticipated, making it not cost-effective (6-10x more costly than fencing); no decisions have been made, but OEA will likely want signage at a minimum, and may want more expansive security coverage while construction crews are active (Saturday activity? Kevin will check with Ray; potentially check with Mesa and Jacobs monitors); UP main line signage: UP coordinating with CNR to do this after Pecos and Sossaman segment is complete; 9.20.23 update: main line work is starting tomorrow 9.21 (Blue Stake is complete) and monitor will be on-site; use of patrols in lieu of cameras may be feasible if the daily reports include more detail (name, company, contact info, equipment/vehicles observed, activity observed) and identifies location of activity within ROW (Jacobs provide list of info needed); UP will need to investigate/discuss whether this level of detail is feasible with the current service (currently it is observation only - no engagement); expand patrol to sunup to sundown M-F (confirm no Saturday development planned); combined with no trespassing signs every 50 feet; if trespasser leaves immediately it goes in report, if not, contact UP or local police; 9.27.23 update: signage has been installed along the main line; UP's supply department provided updated quote for expanded security patrols (UP team is reviewing); Kevin providing Ray an updated map for installation of signs around remainder of ROW - next step is utility locate; estimated duration for installation is 1.5-2 weeks; 10.3.23 update: CNR is waiting on utility locate, likely to begin sign installation later this week; expanded security patrol cost is roughly doubled, so UP planning to go back to fencing the remaining ROW, beginning later this week; OEA will confirm sign spacing (50 feet) and monitor availability on Saturdays; 10.11.23 update: fencing installation began 10.4 and is continuing daily; signage to be installed at 50-foot
17	Discuss and provide feedback on institutional controls that can be implemented to prevent future cultural damage on this and on other rail projects	UP	8.17.23 meeting	9.30.23 10.4.23 10.18.23		In progress	will be prioritized after site is secured with fencing/signs; 9.27.23 update: UP would like to share ideas at 10.4 consulting party meeting and clarify the damage was done by trespassing third parties; time is limited so may be more feasible to weave into the next CP meeting; OEA will discuss UP's role in the 10.4 meeting and ensure comments and discussion are fairly moderated; 10.3.23 update: UP is ready to starting sharing potential list of changes, either at 10.4 meeting or in one of our regularly scheduled calls with Danielle and/or G.C.; 10.11.23 update: to be shared with OEA after CP meeting minutes and PPT are distributed
18	Schedule a meeting with OEA to discuss the logistics of security camera installation	UP	8.31.23 email to UP	9.13.23	N/A	N/A	include vendor in the meeting; 9.6.23 update: Kevin will discuss with Ray and UP supply department to identify a reasonable meeting date; 9.13.23 update: in an email 9.12.23, UP requested use of continued security patrols rather than security cameras; no longer needed
19	Calculate quantity of material excavated from retention basin and spoils pile based upon survey data	UP	8.17.23 meeting	9.13.23	9.11.23	Complete	9.6.23 update: surveyor has calculated, UP is reviewing

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20	Notify OEA if any permit or approval is issued for additional work within UP ROW, or if land-disturbing activity is observed	UP	9.6.23 meeting	ongoing		ongoing	9.6.23 update: SRP Abel-Pfister-Ball 230 kV T-Line Project planned adjacent to UP ROW - Jacobs to confirm with OEA that there is no issue with that project moving forward; ASLD would also like to know if their lessee can continue to harvest the trees on their property (it is outside of site boundaries); 9.13.23 update: Greg will get additional info on how T-lines are erected across main line; OEA approved continued harvesting on ASLD property if UP communicates where they are authorized to harvest via map; Greg clarified that some trees are within UP ROW (easement), lessee needs to access easement area; 9.20.23 update: UP asked SRP for timeline for installation; 9.27.23 update: UP is awaiting update from SRP; 10.17.23 update: UP provided information on methodology to construct Abel-Pfister Ball project
21	Provide sample of daily security report	UP	9.13.23 meeting	9.15.23	9.14.23	Complete	Ray/Kevin can provide
22	Provide area calculations for basins and spoils pile	UP	9.13.23 meeting	9.15.23	9.14.23	Complete	UP will ask for areas to be added (will notify if end of week isn't feasible)
23	Provide weekly inspections of UP ROW to confirm site protection measures are still in place and no additional disturbances have occurred	UP	11.2.23 email	ongoing			11.8.23 update: OEA agreed to UP's proposal to conduct bi-weekly inspections of the ROW at the foreman level (employee of CNR), with increased frequency if damage is observed; UP will provide a written form to OEA after each inspection, with increased level of detail if damage is observed; photos will only be provided if damage is observed, including a photo of the damaged condition and the fixed condition, with explanation; an archaeological monitor only needs to be on-site for a fix if ground disturbance (e.g., new fence/sign stake) is needed; OEA and Jacobs to provide specifics on the nature of the pictures they would like, what types of disturbance should be noted, and instructions on observation by damage area; Jacobs to provide a set of baseline photos of the ROW