
From: Luhnnow, Glennda
Sent: Friday, October 13, 2023 1:47 PM
To: AZSHPO - AZPARKS
Cc: kleonard@azstateparks.gov; Caroline Klebacha; mwalsh@azstateparks.gov; Tabachnick, Alan; Assenza, Adam; Buckley, Maggie; Phoebus, Elizabeth (Betsi); Powell, Kris; McNeish, Sabra
Subject: UPRR PIRATE Site Damage Meeting Minutes
Attachments: UPRR PIRATE Site Damage Meeting Minutes 10042023.pdf

Dear Ms. Leonard,

As the Surface Transportation Board's (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 (UP) 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 recently notified you about unauthorized excavation in UP's right-of-way that resulted in substantial damage to cultural resources sites and invited you to attend a virtual Teams meeting on October 4, 2023. OEA wishes to thank those of you that attended the virtual meeting last week. The resultant discussion provided invaluable insight for the next steps in the Section 106 process.

On behalf of OEA, Jacobs Engineering Group Inc. has compiled the attendance log, meeting minutes, and PowerPoint presentation for distribution to the consulting parties, attached. In addition, at the request of a number of parties at the meeting, it was recorded.

Please feel free to contact Alan Tabachnick, STB's Federal Preservation Officer, at Alan.Tabachnick@stb.gov with any questions about the damage to the cultural resources sites or the next steps in the process.

Sincerely,
Glennda Luhnnow

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

Subject	Section 106 Consulting Party Site Damage Update		
Project	Pecos Industrial Rail Access and Train Extension (PIRATE)		
Reference No.	Surface Transportation Board Docket No. FD 36501		
Date	Wednesday, October 4, 2023	Time	10 a.m. – 12 p.m. MDT 1 p.m. – 3 p.m. EDT
Location	MS Teams		

The following notes summarize the topics discussed during the October 4, 2023 Section 106 consulting party meeting between the Surface Transportation Board's (STB or Board) Office of Environmental Analysis (OEA) and representatives from several consulting parties. The meeting objectives were to:

1. Disclose and discuss archaeological site damage associated with Union Pacific Railroad's (UP) proposed Pecos Industrial Rail Access and Train Extension (PIRATE) project;
2. Share information about archaeological site protection measures that have been installed to-date; and
3. Discuss questions, concerns, and potential next steps in the Section 106 consultation process.

Welcome and Introductions

Alan Tabachnick, STB's Federal Preservation Officer, welcomed the meeting attendees and reviewed general housekeeping requests. Mr. Tabachnick began the introductions with OEA, STB, and third-party consultant (Jacobs) staff present. The remaining attendees then introduced themselves with their name and agency or Tribe according to the agency roll call (see attached attendee list).

Peter Steere, Tohono O'odham Nation Tribal Historic Preservation Officer (THPO), stated that it is inappropriate and unacceptable for UP attorneys to be in the meeting without Tribal attorneys present. Representatives from the Gila River Indian Community, Pascua Yaqui Tribe, and Salt River Pima-Maricopa Indian Community agreed, and the State Historic Preservation Office supported this request. Further discussion amongst the consulting parties resulted in UP attorneys leaving the meeting (these individuals are not included in the attendee list). OEA indicated that UP and Tribal attorneys could join the next Section 106 consulting party meeting.

Karl Hoerig, Pascua Yaqui Tribe THPO, requested that the meeting be recorded. OEA and the remaining attendees agreed.

Project Snapshot

- OEA reviewed the project description, project alternatives, area of potential effects (APE), and culturally sensitive areas (refer to slides 7-8 in the attached presentation).
 - OEA reviewed the results of the Class III survey, including the four historic properties that would be adversely affected by the proposed project (slide 9).
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Meeting Minutes

Section 106 Consulting Party Site Damage
Update

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- OEA explained the project's adverse effect finding (slide 10). Based on consultation with SHPO/THPOs and consulting parties, OEA further explained that it has been developing a Memorandum of Agreement (MOA) and Historic Properties Treatment Plan (HPTP) for resolving adverse effects to the historic properties. OEA stated that the MOA and HPTP were on hold based on continuing Section 106 consultation regarding the site damage with the consulting parties.
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Damage to Archaeological Sites, Damage Timeline, and Response

Mr. Tabachnick and Glenda Luhn provided an overview of what is known to date about the site damage, including the location, estimated damage area, the nature of the damage, and photos illustrating pre- and post-damage conditions in each of the five damage areas (slides 12-29). Mr. Tabachnick then presented an overview of what is known about the damage timeline, including when the damage occurred and/or was identified in each area based upon information collected to-date, and when the damage was communicated to the consulting parties (slides 30-34). Mr. Tabachnick explained that OEA immediately took action upon learning of the site damage and provided a summary of site protection measures that OEA directed UP to undertake and then provided information about the measures that have been put in place or are ongoing, with representative photos (slides 35-37). Mr. Tabachnick stated that the next meeting will focus on potential steps forward in the Section 106 process, while the intent of this meeting is to focus on the damage, response, and precautions against further disturbance.

Mr. Tabachnick opened the floor for discussion and reminded the group that the meeting is being recorded and notes are being taken. OEA answered all the questions unless otherwise noted.

Q1: Peter Steere asked if STB has contacted the U.S. Attorney General and/or the Arizona Attorney General's Office with respect to prosecution for the damage under the Arizona Antiquities Act.

A1: No. STB is still investigating the cause and extent of the damage. Karl Hoerig added that it seems very likely that violations of the Arizona burial law may have occurred.

Q2: Dan Garcia, Senior Cultural Management Specialist from Salt River Project, asked if STB can confirm that all damage was conducted as part of the PIRATE project.

A2: STB is still investigating the cause of the damage and the extent to which areas were disturbed without UP's knowledge. More research needs to be done to confirm all the details.

Q3: Karl Hoerig, Pasqua Yaqui Tribe THPO, asked whether any of the damage-related work activities were undergoing Section 106 consultation.

A3: No. The work was not subject to Section 106 of the National Historic Preservation Act (NHPA). Only local and state laws apply.

Q4: Larry Benallie, Jr., Gila River Indian Community Archaeological Compliance Specialist, asked where the excavated soil was redeposited.

A4: OEA does not know yet. OEA is still collecting and reviewing information.

Q5: Alison Stoltman, Acting Deputy Director for the Arizona Museum of Natural History, asked why the private developers thought they could use the surrounding land.

A5: This is part of the research that is still being done.

Meeting Minutes

Section 106 Consulting Party Site Damage
Update

Q6: Mary-Ellen Walsh, Cultural Resources Compliance Manager for the State Historic Preservation Office, asked if it is still correct that the contractors had an agreement with UP to do the work, as stated in the initial archaeological site damage summary.

A6: UP has provided copies of agreements with adjacent landowners. OEA is still reviewing the agreements.

Q7: Shane Anton, Salt River Pima-Maricopa Indian Community THPO, asked how long the investigation will take.

A7: OEA does not currently have a timeline.

Q8: Peter Steere asked if OEA has a timeline for completion of the formal damage assessment and is Jacobs under contract to do it. He also asked if OEA could please keep the Tribes informed and share the damage assessment when it is complete. Mr. Steere indicated that in similar cases, the damage assessment was shared with the U.S. and State Attorney General's Offices.

A8: Jacobs, OEA's third-party contractor, will conduct the formal damage assessment, but OEA does not currently have a timeline for completion. OEA will continue to be transparent with the consulting parties and keep everyone up to-date.

Q9: Sunday Eiselt, Salt River Pima-Maricopa Indian Community Tribal Historic Preservation Office Archaeologist, asked if Mr. Tabachnick could explain STB's decision-making process. What does STB need to do to deny UP's petition?

A9: OEA is the office within STB responsible for conducting environmental and historic reviews under NEPA and Section 106, including the preparation of MOAs and HPTPs. Once the environmental and historic review is completed in a case, the Board considers OEA's conclusions and recommendations along with information about the transportation merits of the project. The Board can grant or deny UP's petition to construct and operate PIRATE with conditions as appropriate.

Q10: Sunday Eiselt asked what role "intent" plays in STB's decision-making process.

A10: Intent is part of an investigation under Section 110(k) of the NHPA. Under Section 110(k), the Board would evaluate whether UP intentionally adversely affected historic properties to avoid the requirements of Section 106. Jaime Loichinger, ACHP Director, stated that a Section 110(k) investigation should occur before continuing work on the MOA and completing the Section 106 process.

Q11: Sunday Eiselt asked if OEA will conduct a Section 110(k) investigation and how does that happen in tandem with Section 106.

A11 The Board is considering this and will decide whether to pursue an investigation under Section 110(k).

Q12: Holly Houghten, Mescalero Apache Tribe THPO, asked whether the fencing and signage was installed only around damage areas or around the entire APE. Are the signs general or do they indicate that a cultural resource is present?

A12: OEA directed UP to prioritize installation of fencing and signage in areas closest to the archaeological sites, and UP is now moving on to fencing and/or signage of the entire UP right-of-way within the APE. The signs are general "no trespassing" signs.

Meeting Minutes

Section 106 Consulting Party Site Damage
Update

Q13: Holly Houghten asked whether the disturbance acreages include subsurface disturbance.

A13: No, the acreages presented only account for the surface area, not subsurface area or volume of disturbance.

The following were provided as comments during the discussion.

Shannon Plummer, Arizona Antiquities Act Administrator for Arizona State Museum (ASM), indicated that the damage was on privately owned land; therefore, the Arizona Antiquities Act is not applicable. However, she said that Arizona burial laws do apply. She suggested keeping in mind that the same contractors are committing multiple violations of these laws. ASM has filed grievances with the Arizona Attorney General on this subject. The Arizona Department of Transportation (ADOT) is instituting a policy to fine contractors, with increasing fines for each violation, which can eventually lead to them being prohibited from working on future ADOT projects.

Barnaby Lewis, Gila River Indian Community THPO, expressed deep sadness about the disturbance and concern that ancestors may be in the soil used as the foundations for the Power Industrial buildings. He suggested that the remaining spoils may need to be screened for that reason and that people need to be more informed of the burial laws. According to Mr. Lewis, past comments from UP show how little they know about the cultural and religious significance of ancestral sites. He asked for repercussions for the damage that has occurred.

Shane Anton, Salt River Pima-Maricopa Indian Community THPO, echoed Mr. Lewis' sentiments and appealed to the agencies present to do their due diligence to enforce regulations and make sure that cultural sites are protected.

Dan Garcia, Senior Cultural Resource Management Specialist for the Salt River Project, indicated that Salt River Project is holding off on some of its infrastructure projects that are within the APE but outside the UP right-of-way. Mr. Garcia explained that their project along Crismon Road is on hold but can only be delayed so long. Operations and maintenance activities need to be continued to provide reliable power service, especially in the case of an emergency.

Next Steps

OEA summarized potential next steps in the Section 106 process (slide 39). After the remainder of UP right-of-way is secured, OEA will proceed with a formal damage assessment, prepare a damage mitigation plan, and then consider next steps.

OEA encouraged the attendees to continue to provide feedback and thoughts about the damage via email following the meeting. OEA intends to hold more Section 106 consulting party meetings to address these issues.

Attachments	List of attendees Meeting presentation
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Distribution	Meeting invitees and attendees
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Attendees

Subject	Section 106 Consulting Party Site Damage Meeting		
Project	Union Pacific Railroad PIRATE Project		
Reference No.	Surface Transportation Board Docket No. FD 36501		
Date	Wednesday, October 4, 2023	Time	10 a.m. – 12 p.m. PDT 1 p.m. – 3 p.m. EDT
Location	MS Teams		

Groups in Attendance	Representatives
Surface Transportation Board (Board), Office of Environmental Analysis (OEA)	Adam Assenza, Environmental Protection Specialist Alan Tabachnick, Federal Preservation Officer Danielle Gosselin, Director of OEA Evelyn Kitay, Associate General Counsel Barbara Miller, Attorney, Office of General Counsel
Jacobs (supporting the Board's OEA)	Maggie Buckley, Environmental Project Manager Glennnda Luhnnow, Manager/Archaeology and Cultural Resources (Phoenix) Betsi Phoebus, NEPA Lead
Ak-Chin Indian Community	Carmen Narcia, Cultural Resource Specialist
Gila River Indian Community	Barnaby Lewis, Tribal Historic Preservation Officer Larry Benallie, Jr., Archaeological Compliance Specialist Darius Enos, Cultural Resources Specialist Reylynne Williams, Cultural Resources Specialist
Mescalero Apache Tribe	Holly Houghten, Tribal Historic Preservation Officer, NAGPRA Coordinator
Pascua Yaqui Tribe	Karl Hoerig, Tribal Historic Preservation Officer
Salt River Pima-Maricopa Indian Community	Shane Anton, Tribal Historic Preservation Officer Sunday Eiselt, Tribal Historic Preservation Office Archaeologist
Tohono O'odham Nation	Peter Steere, Tribal Historic Preservation Officer
Advisory Council on Historic Preservation	Emily Choi, Historic Preservation Specialist Jaime Loichinger, Director
Arizona Museum of Natural History	Alison Stoltman, Acting Deputy Director
Arizona State Land Department	Tiffany Grew, Archaeological Compliance Specialist Michael Romero, Right-of-Way Specialist

Attendees

Section 106 Consulting Party Site Damage
Meeting

Groups in Attendance	Representatives
Arizona State Museum	Shannon Plummer, Arizona Antiquities Act Administrator Chris Papalas, Assistant Manager, Archaeological Permits Office
City of Mesa	Maura Jackson, Historic Preservation Advisor/Planner Nick Juszczak, Project Manager, Office of Economic Development
Desert Archaeology	Sarah Herr, President Brent Kober, Graphics and Mapping Specialist
Flood Control District of Maricopa County	Tom Hanson, Right-of-Way Use Permitting Branch Manager
Phoenix-Mesa Gateway Airport	Tony Bianchi, Airport Planner
Salt River Project	Dan Garcia, Senior Cultural Management Specialist Gwen Salt, Executive Vice President of Intergovernmental Affairs
State Historic Preservation Office	Caroline Klebacha, Archaeological Compliance Specialist Mary-Ellen Walsh, Cultural Resources Compliance Manager
Town of Queen Creek	Dave Lipinski, Capital Improvements Director Brad Novacek, Capital Improvements Program Manager
Union Pacific Railroad	Kevin Rice, Sr., Manager M/W Environmental Adrian Guerrero, Public Affairs Greg Brigham, Real Estate Ray Johnson, Construction Manager
U.S. Army Corps of Engineers	Shannon Morgan, Senior Regulatory Project Manager

Invited but unable to attend:

Hopi Tribe
Pueblo of Zuni
Tonto Apache Tribe
Yavapai-Apache Nation
Federal Aviation Administration
Mesa Historical Museum
San Tan Historical Society

**Docket No. FD 36501
Union Pacific Railroad Company
Construction and Operation Exemption
in Maricopa County, Arizona**

**Pecos Industrial Rail Access and
Train Extension (PIRATE)
Consulting Party Site Damage Meeting**

October 4, 2023



Welcome and General Housekeeping Requests



- **Meeting Purpose**—to disclose and discuss PIRATE archaeological site damage.
- **Please** stay on mute during the presentation and during the discussion while other parties are speaking.
- **Please** hold your questions until the discussion at the end of this presentation or put them in the chat.
- The STB will address the questions you raise during the discussion period at the end of this presentation.

Surface Transportation Board's Office of Environmental Analysis

- The **Surface Transportation Board (Board)** is an independent federal regulatory agency with jurisdiction over certain surface transportation matters, including new rail line constructions, abandonments, and mergers.
- The **Office of Environmental Analysis (OEA)** is the office within the Board responsible for directing the environmental review process, conducting independent analysis of all environmental data, and making environmental recommendations to the Board.



Welcome! Introductions of Agency, Tribal, and Other Interested Parties

Agencies	Tribal Nations	Other Interested Parties
Advisory Council on Historic Preservation	Ak-Chin Indian Community	Arizona Museum of Natural History
Arizona State Land Department	Gila River Indian Community	Mesa Historical Museum
Arizona State Museum	Hopi Tribe	San Tan Historical Society
City of Mesa	Mescalero Apache Tribe	
Federal Aviation Administration	Pascua Yaqui Tribe	Applicant
Flood Control District of Maricopa County	Pueblo of Zuni	Union Pacific Railroad Company
Phoenix-Mesa Gateway Airport Authority	Salt River Pima-Maricopa Indian Community	
Salt River Project	Tohono O'odham Nation	
State Historic Preservation Office	Tonto Apache Tribe	
Town of Queen Creek	Yavapai-Apache Nation	
U.S. Army Corps of Engineers		

Meeting Agenda

Project Snapshot

- Description of project and area of potential effect (APE)
- Identification and evaluation of historic properties
- Adverse effect determination

Archaeological Site Damage

- Damage to archaeological sites
- Damage timeline and response
- Documentation of site protection measures

Discussion

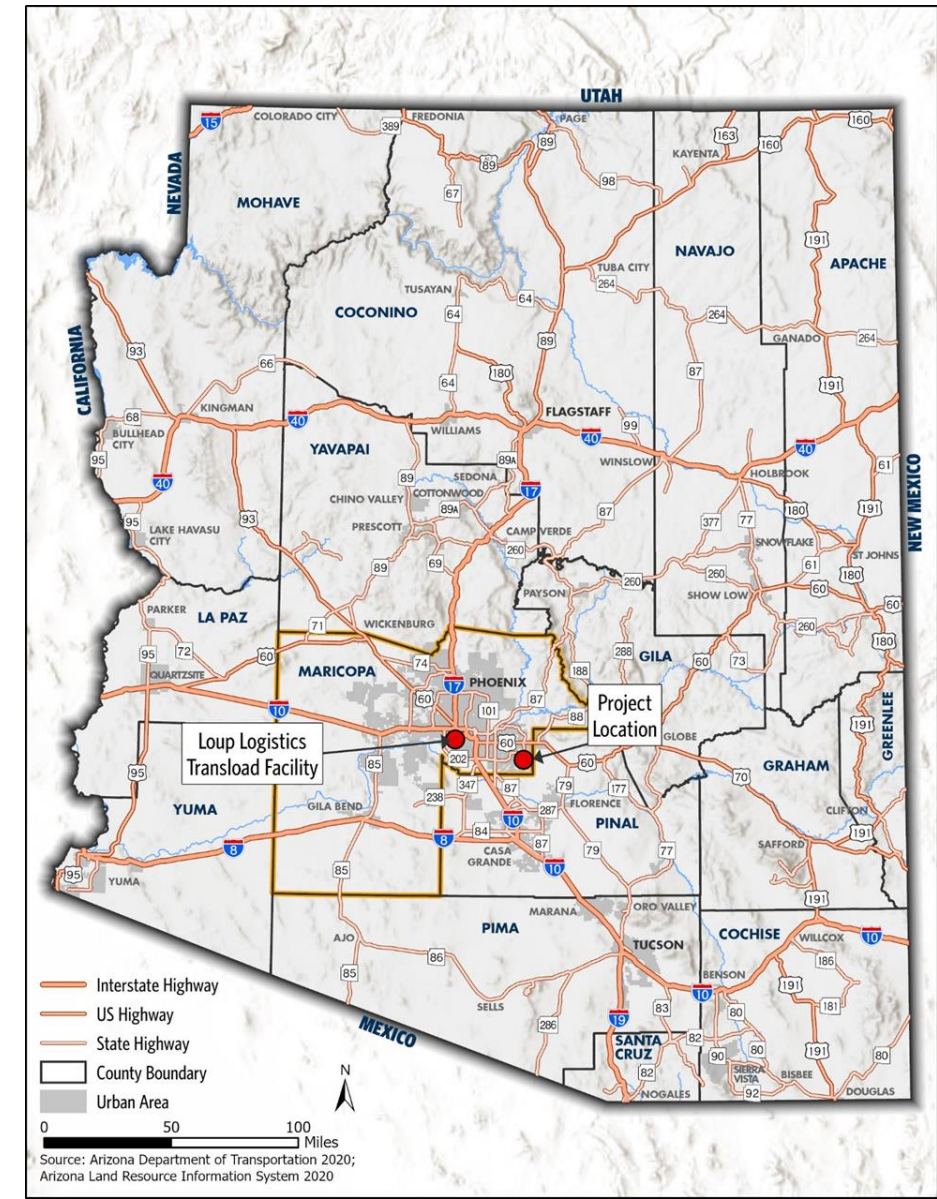
- Questions
- Concerns
- Next steps in Section 106 process
- Contacts



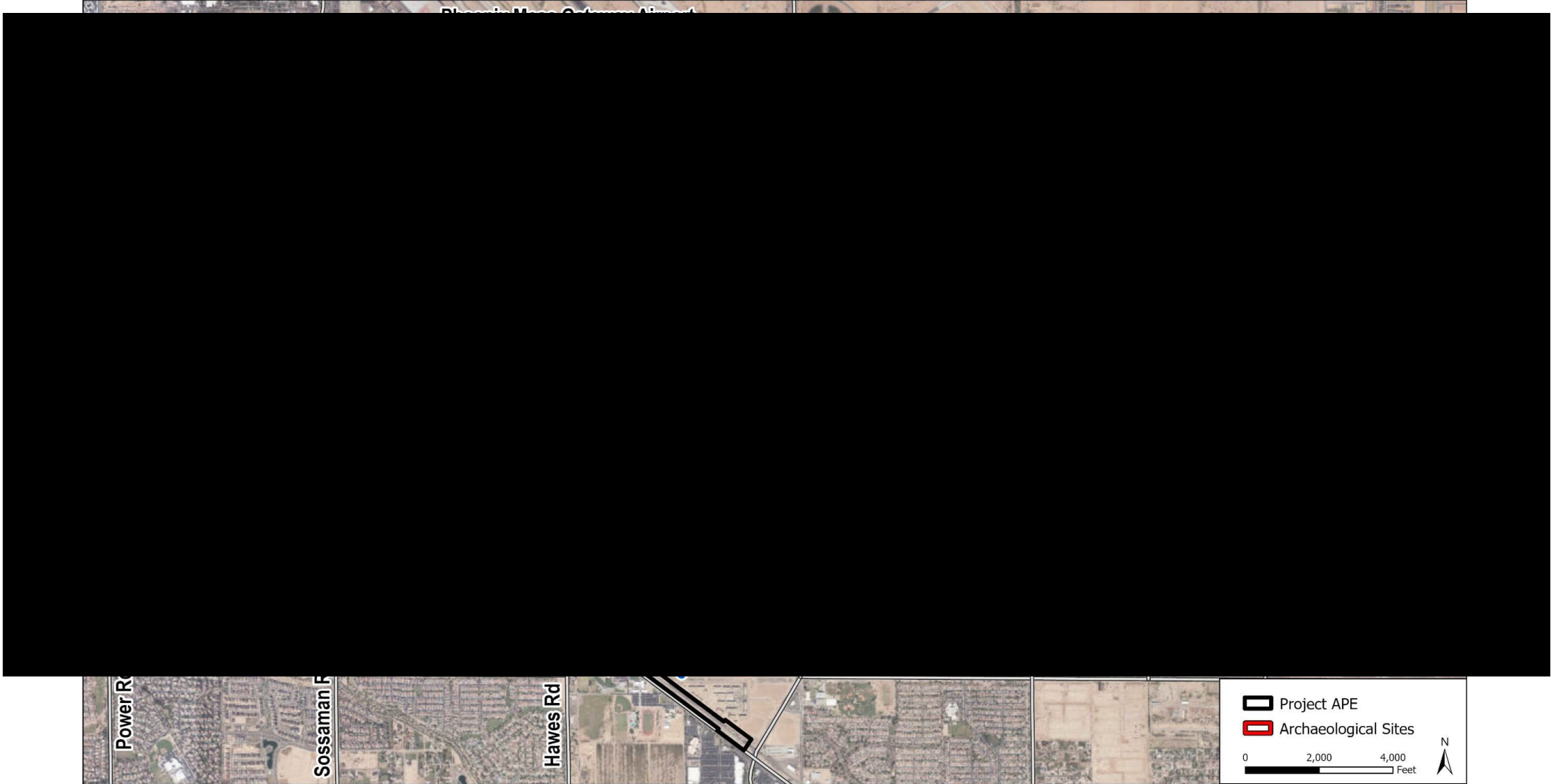
Project Snapshot

Project Description

- Approximately 6 miles of new single track rail line in Maricopa County
- Connection of UP's Phoenix Subdivision main line track to industrial properties southeast of Phoenix-Mesa Gateway Airport
- Approximately 2.5 miles of new support track along the main line between Power and Ellsworth Roads



Alternatives, APE, and Culturally Sensitive Areas



Identification and Evaluation of Historic Properties

- A Class III cultural resource survey was completed to identify sites within the APE
- Four prehistoric sites and two historic in-use structures were identified
- The four prehistoric sites are eligible for listing on the NRHP under Criterion D
- One of the historic in-use properties, the Southern Pacific Railroad, is eligible under Criterion A. The other historic in-use property is not considered eligible



Adverse Effect Determination

Four eligible prehistoric sites were identified during the survey that would be adversely affected by proposed project.

- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





Damage to Archaeological Sites

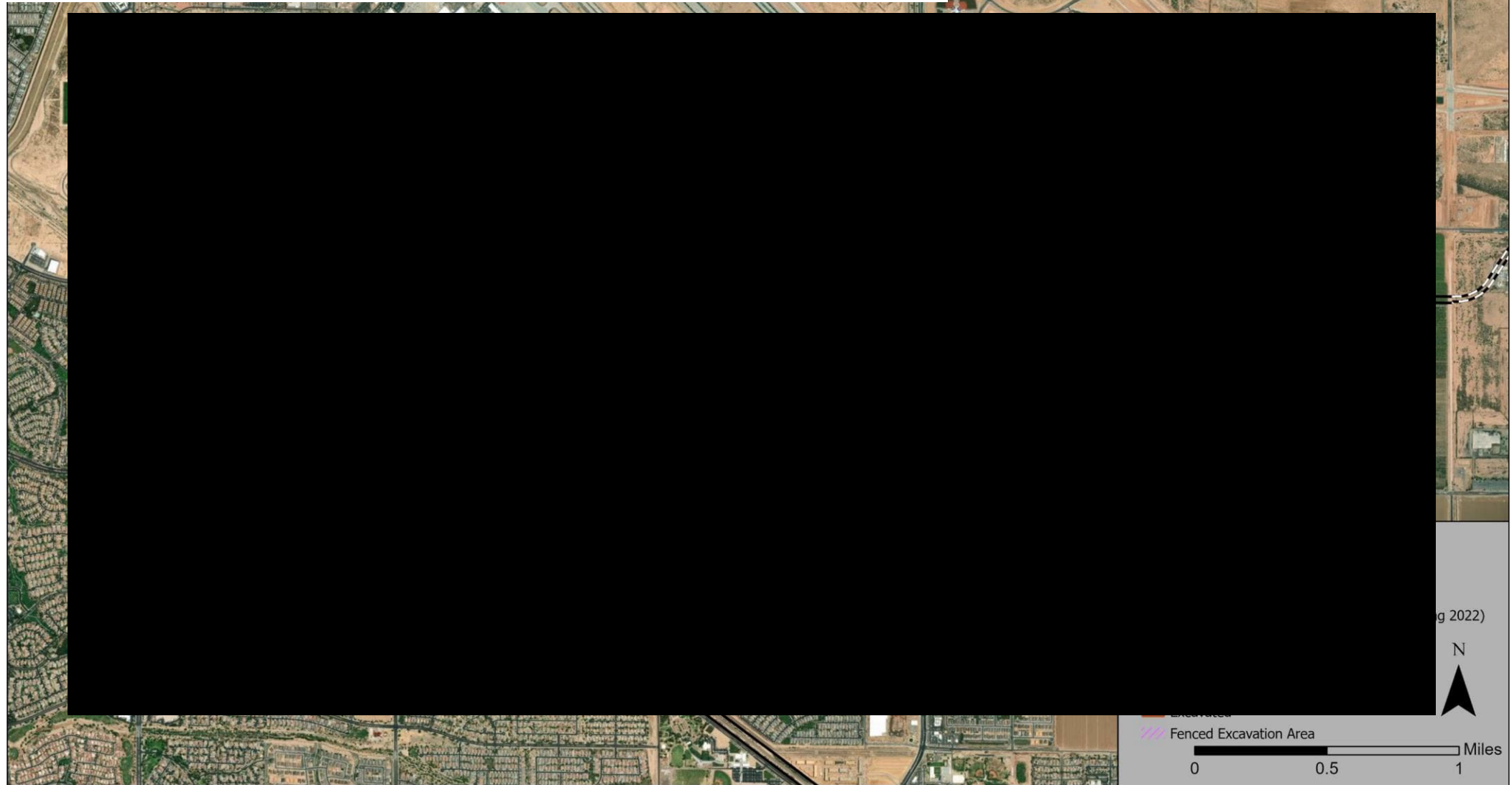
Damage Summary

- On July 28, 2023, review of aerial imagery identified large areas of ground disturbance within UP-owned right-of-way in the APE. This ground disturbance was not permitted by OEA.
- On August 1 and August 11, 2023, archaeological field reconnaissance visits confirmed that excavation of retention basins and grading had occurred in the wye and along the proposed PIRATE alignment.
- A total of four damage areas were documented during the field reconnaissance.
 - Three damage areas (Areas 1, 2, and 4) within the site boundary of [REDACTED]
 - One damage area (Area 3) within the site boundary of [REDACTED]
- On August 16, 2023, archaeologists observed a third-party contractor clearing vegetation adjacent to UP's Phoenix Subdivision main line tracks.
 - The fifth damage area (Area 5) is within the site boundary of [REDACTED]

Damage Summary (continued)

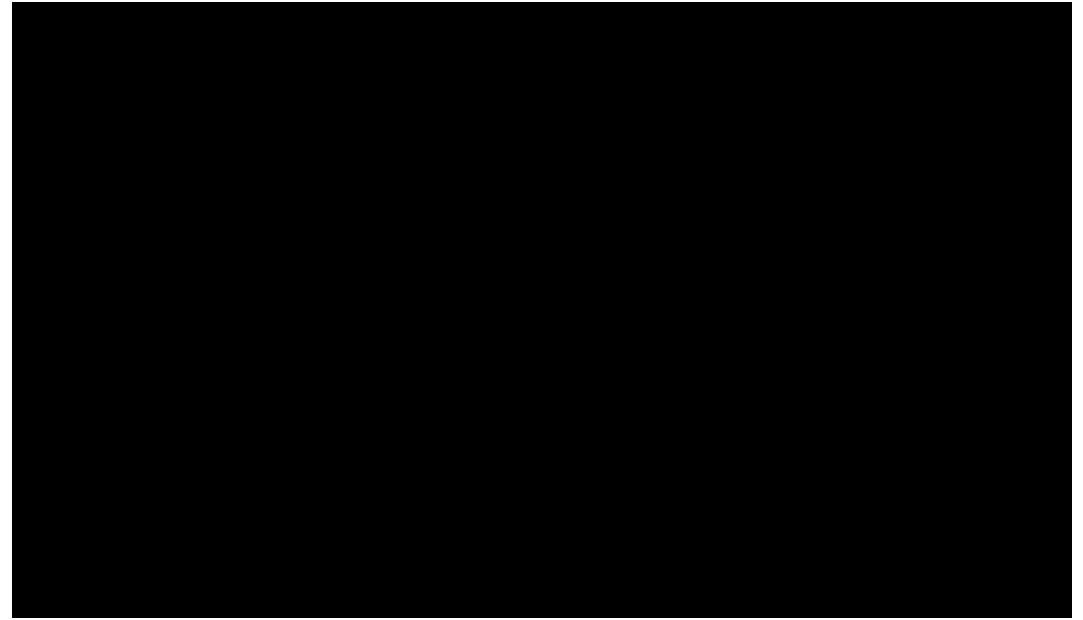
- In total, approximately 17.9 acres within the APE under UP's ownership have been impacted by unauthorized construction within site boundaries.
 - Damage Area 1 = 8.5 acres at [REDACTED]
 - Damage Area 2 = 6.3 acres at [REDACTED]
 - Damage Area 3 = 1.9 acres at [REDACTED]
 - Damage Area 4 = 0.6 acres at [REDACTED]
 - Damage Area 5 = 0.6 acres at [REDACTED]
- Damage by site within the APE under UP's ownership
 - Major and extensive damage at [REDACTED] = 16.0 acres
 - Moderate damage at [REDACTED] = 1.9 acres
- An additional 24 acres of UP's property within the APE outside of site boundaries have been disturbed.

APE, Site Locations, and Damage Areas



Damage Area 1 at [REDACTED]

- The wye contains the greatest number of surface archaeological artifacts observed during the Class III surveys undertaken in 2022 and 2023.
- Current understanding is that a private developer, Power Industrial and their contractor Clayco, excavated a large retention basin 3 feet deep in the wye on UP's property.
- Current understanding is that Power Industrial and their contractor used the wye for construction staging and equipment/materials storage on UP's property.
- Artifact Concentration 1 has been mostly removed by construction.
- Artifact Concentration 2 has been impacted by construction.



Damage Area 1 at [REDACTED] – Pre- and Post-Damage Conditions



Photo to the left shows the conditions at [REDACTED] in the wye in May 2022. This was at the time of the Class III survey. View to the north.

Photo to the right shows the conditions at [REDACTED] in the wye on August 2, 2023. View to the southwest.



Damage Area 1 at AZ U:10:2(ASM) – Post-Damage Conditions at the Wye

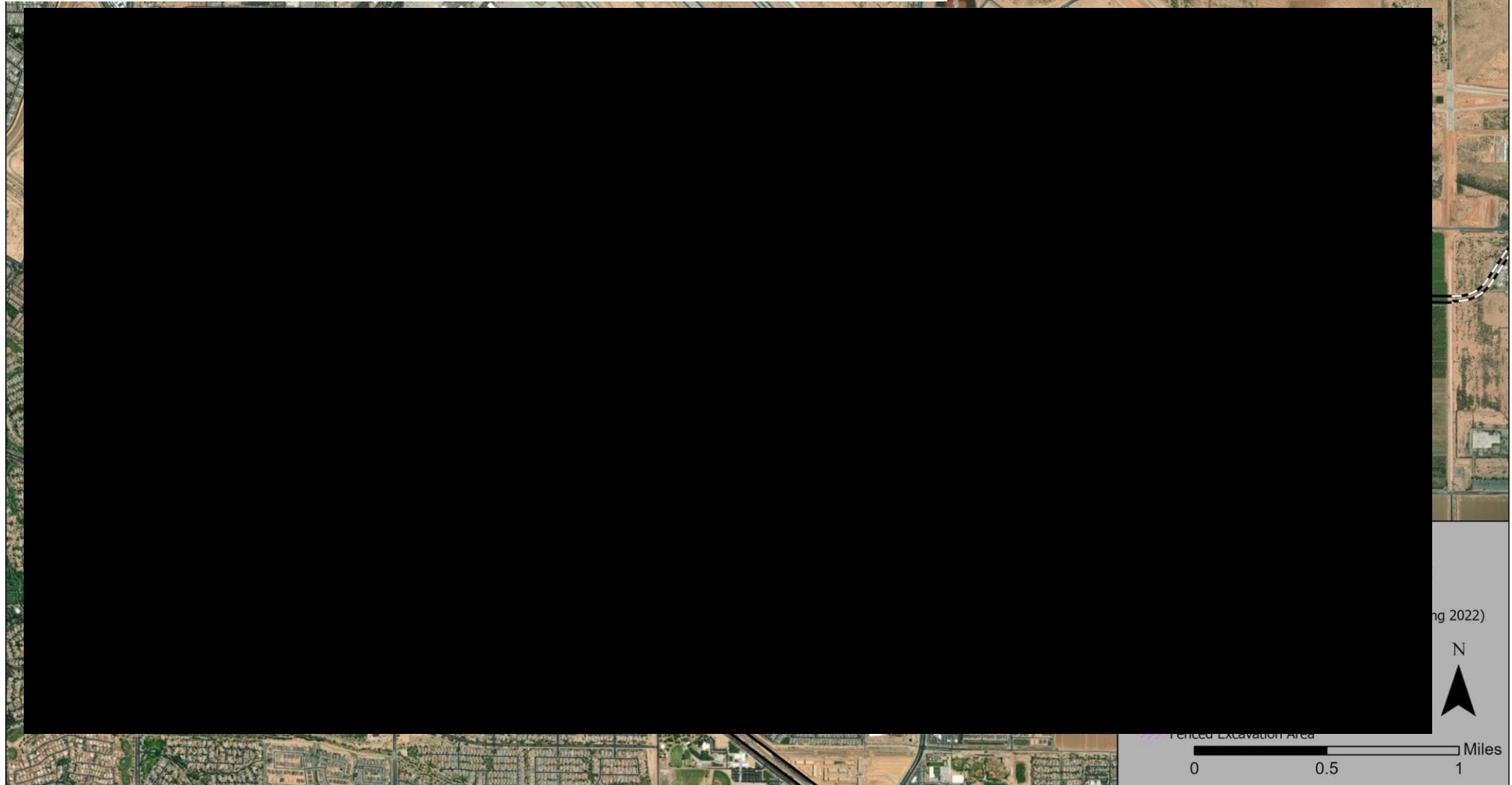


Photo to the left shows existing spoils pile

Photo to the right shows the existing spoils pile

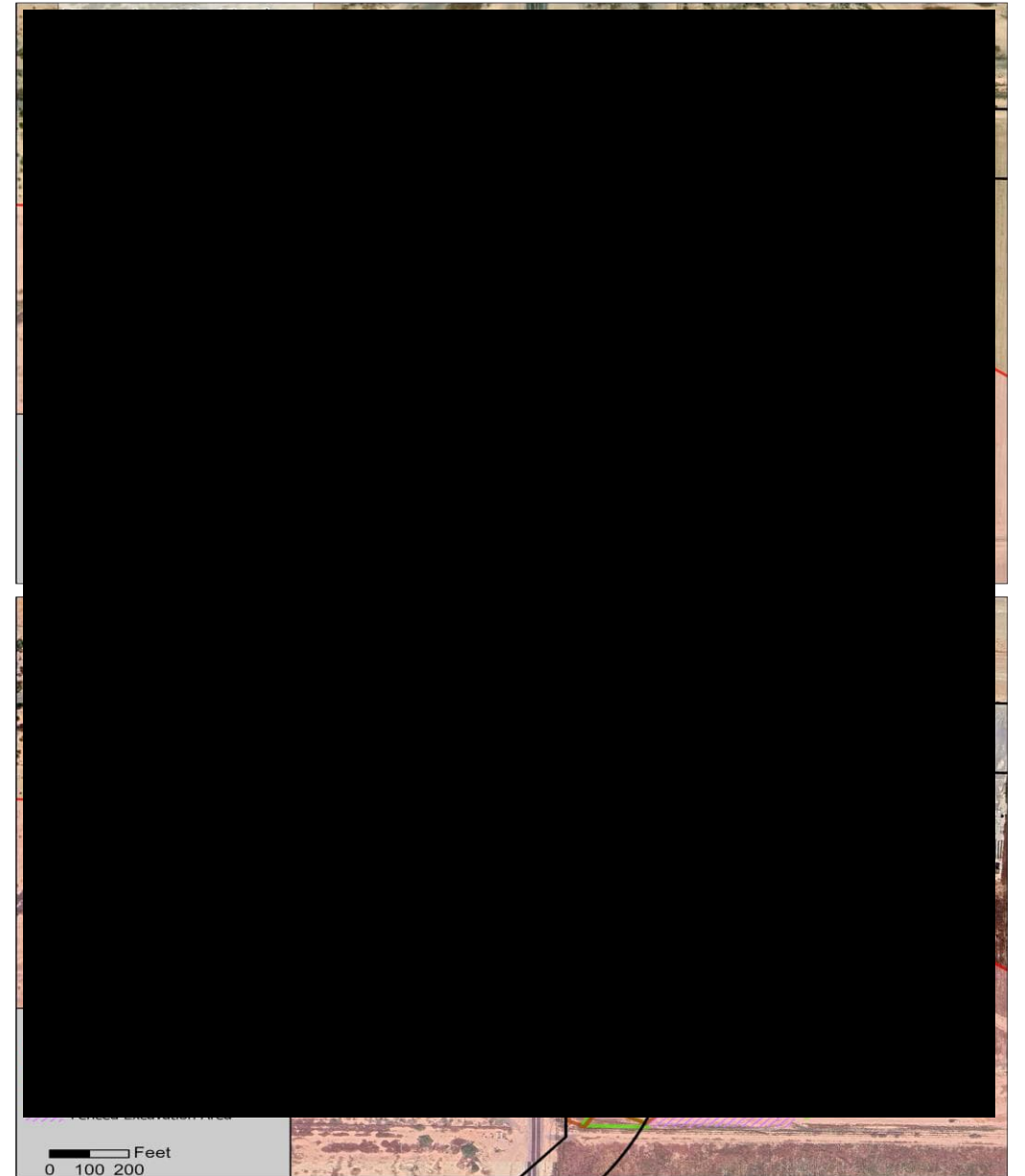


APE, Site Locations, and Damage Areas



Damage Area 2 at [REDACTED]

- Located along the proposed PIRATE alignment east of Sossaman Road.
- Close to [REDACTED] the place named Two Ponds in O'odham songs and history.
- During Class III survey, only a sparse number of surface artifacts were observed, possibly due to previous agricultural disturbance.
- Current understanding is that a private developer, Unbound Gateway (owned by Greystar) and their contractor Derek Builders, excavated a large retention basin approximately 2 feet deep, on UP's property.
- Grading, as well as the construction of a drainage channel, has also occurred.



Damage Area 2 at [REDACTED] – Pre- and Post-Damage Conditions

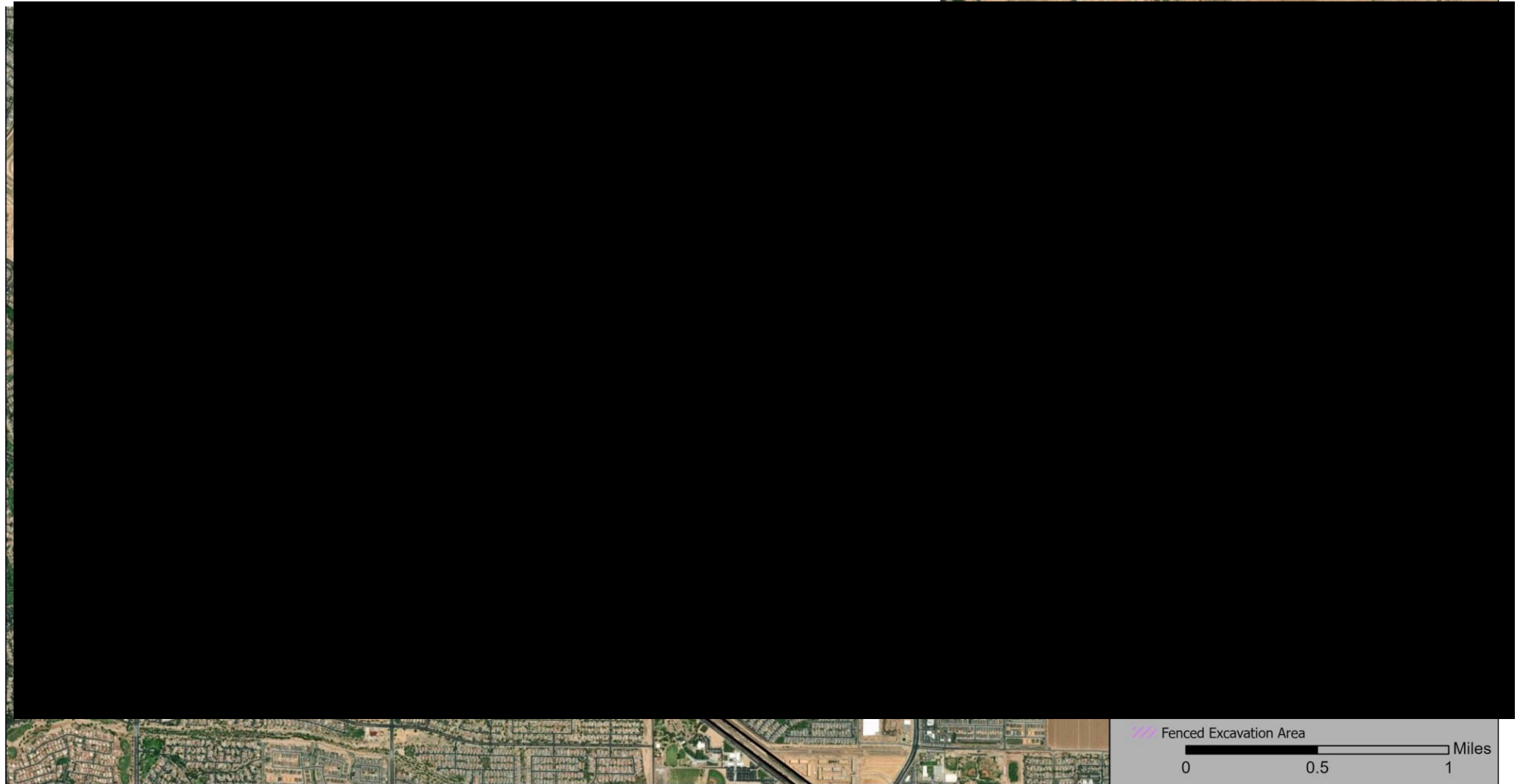


Photo to the left shows the conditions in the proposed PIRATE alignment in May 2022 at the time of the Class III survey. View to the east.

Photo to the right shows the conditions in the proposed PIRATE alignment east of Sossaman Road on August 2, 2023. View to the south.

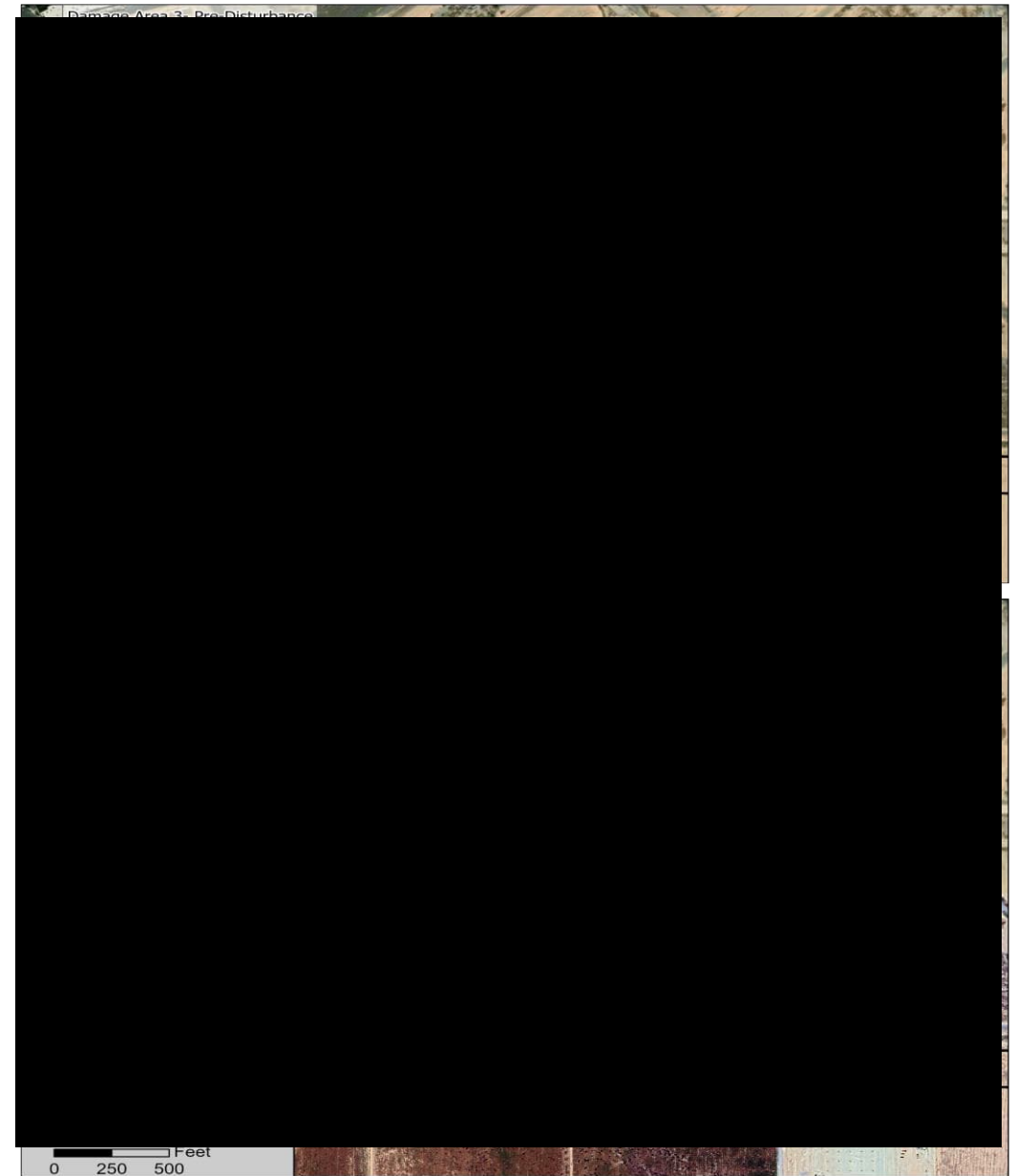


APE, Site Locations, and Damage Areas



Damage Area 3 at [REDACTED]

- Located along the proposed PIRATE alignment. Sparse surface artifacts were observed during the Class III survey, possibly due to previous agricultural disturbance.
- Current understanding is that a private developer, LPC Mesa Gateway and their contractor Alcorn, graded to a depth of approximately 6 inches on UP property.
- A narrow dirt two-track was graded and widened into a 30-foot-wide gravel construction access road.
- A water pipeline, a water tank, and storage of construction materials were present on UP's property at the time of the site damage field visit and during the field visit on August 16, 2023.



Damage Area 3 at [REDACTED] – Pre- and Post-Damage Conditions

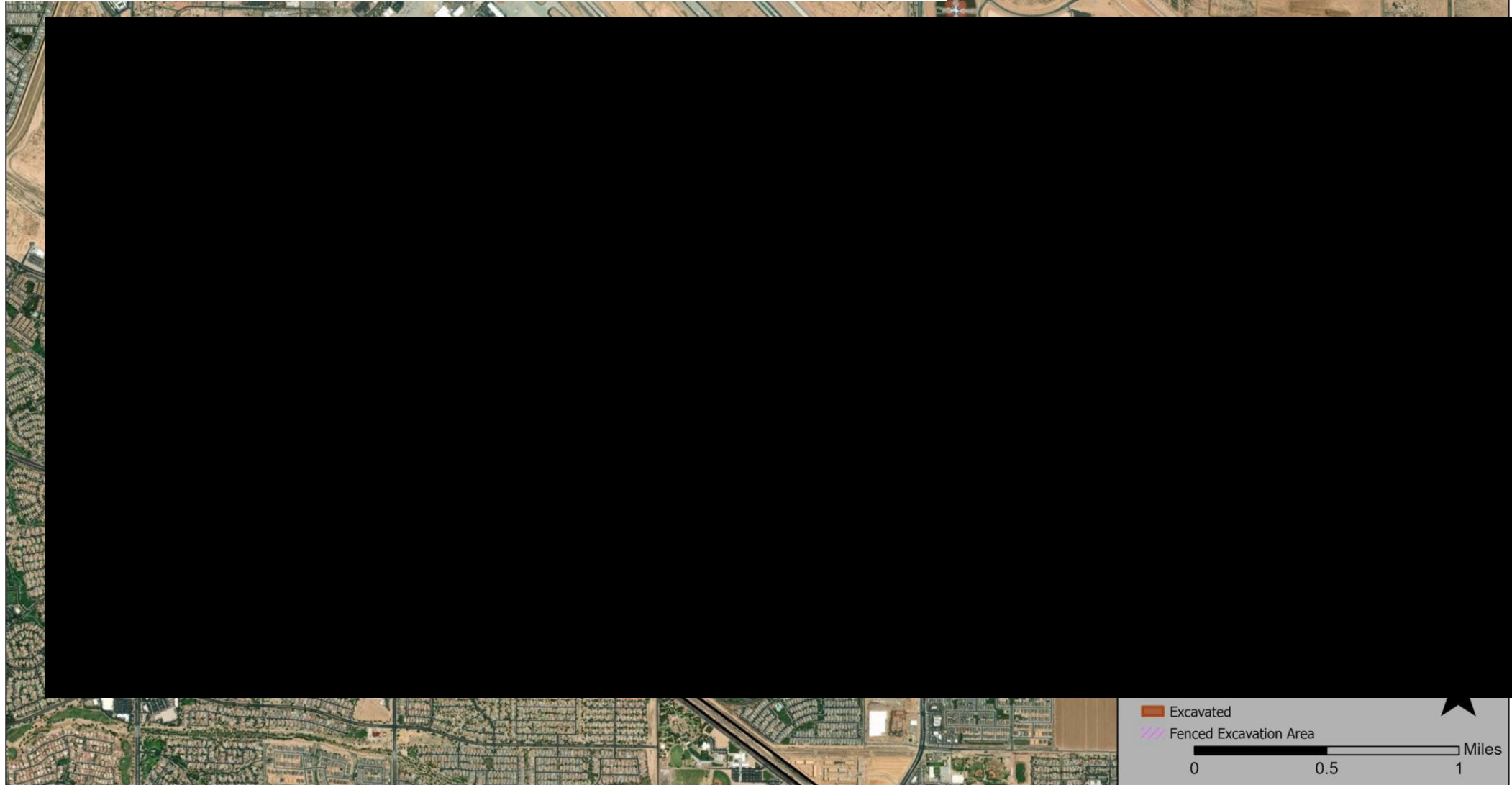


Photo to the left shows the conditions along the proposed PIRATE alignment in May 2022 at the time of the Class III survey. View is to the north.

Photo to the right shows the conditions along the proposed PIRATE alignment on August 2, 2023. View is to the east-northeast.

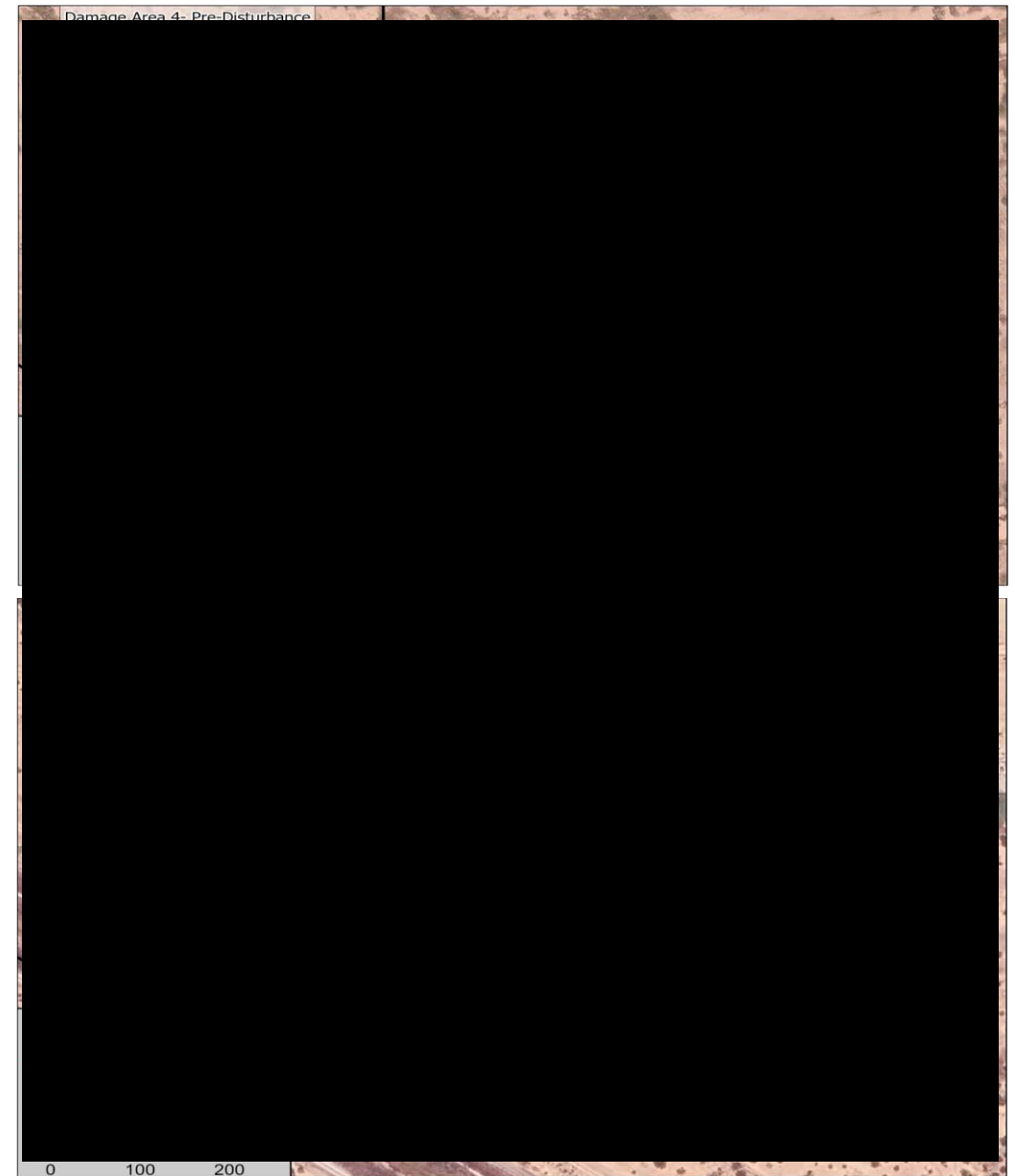


APE, Site Locations, and Damage Areas



Damage Area 4 at [REDACTED]

- Additional damage was observed on August 11, 2023, in the wye.
- This area is close to Artifact Concentration 3. No damage to Artifact Concentration 3 was observed.
- Current understanding is that a private developer, VWP Pecos Land and their contractor Clayco, graded to a depth of approximately 6 inches, on UP property.



Damage Area 4 at [REDACTED] – Pre- and Post-Damage Conditions

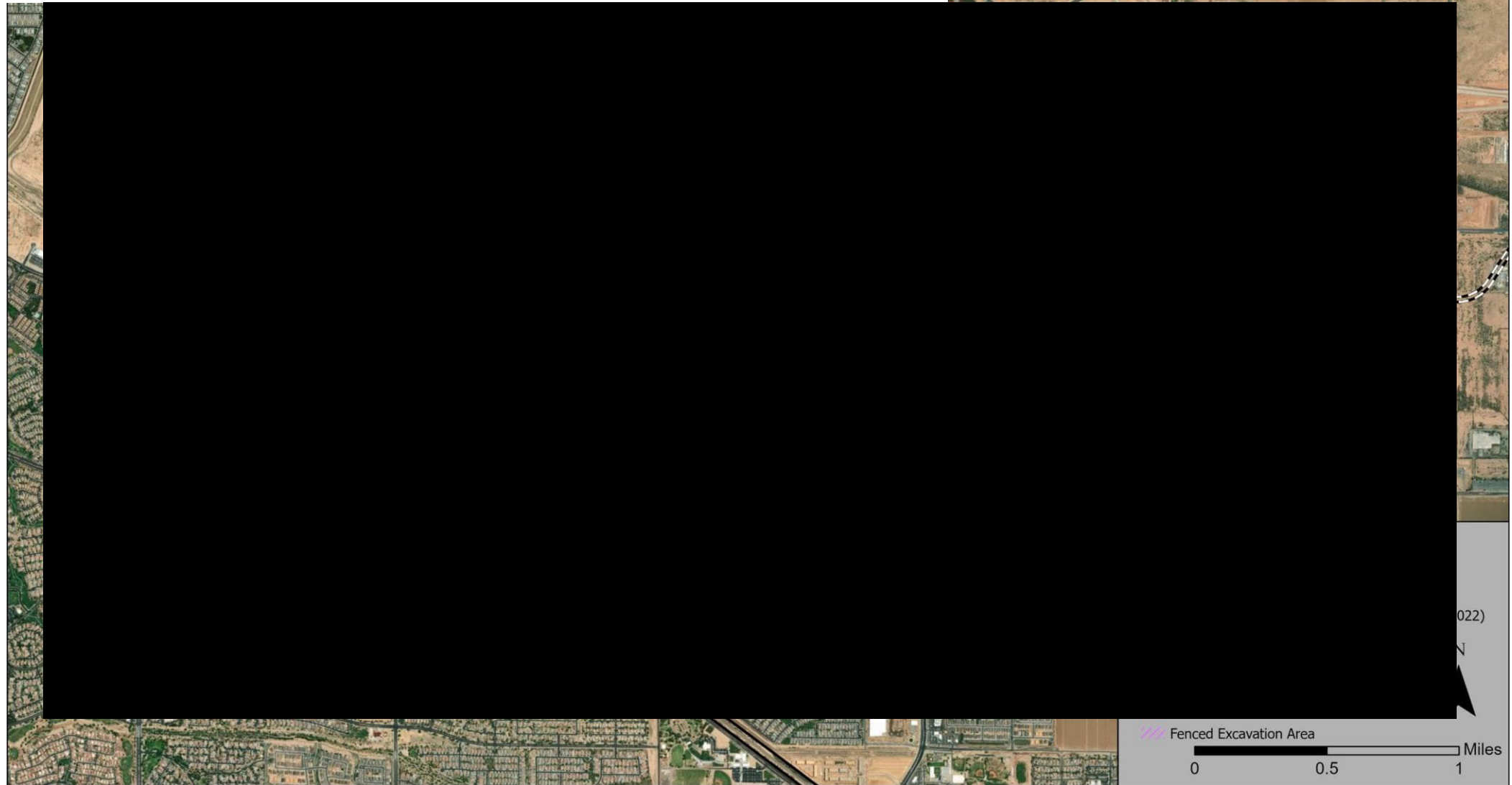


Photo to the left shows the conditions in the wye in May 2022 at the time of the Class III survey. View is to the north.

Photo to the right shows the conditions in the wye on August 11, 2023. The graded area in the foreground is UP-owned land. View is to the east-northeast.



APE, Site Locations, and Damage Areas



Damage Area 5 at [REDACTED]

- Additional damage was observed on August 16, 2023, along the active UP Phoenix Subdivision main line.
- Lumen/Century Link and its contractor cleared approximately 1,200 feet of brush.
- Surface soils were disturbed to a depth of approximately 2 inches.
- Upon observing the disturbance in progress, OEA halted the work
- Damage appears to consist of soils moved, rather than soils removed.
- OEA directed UP to prevent the permitting of any further ground-disturbance (utility relocations, maintenance activities, etc.) within the Phoenix Subdivision main line.

Damage Area 5 at [REDACTED] – Pre- and Post-Damage Conditions



Photo to the left shows the conditions along the Phoenix Subdivision main line in May 2022 at the time of the Class III survey. View is to the southeast.

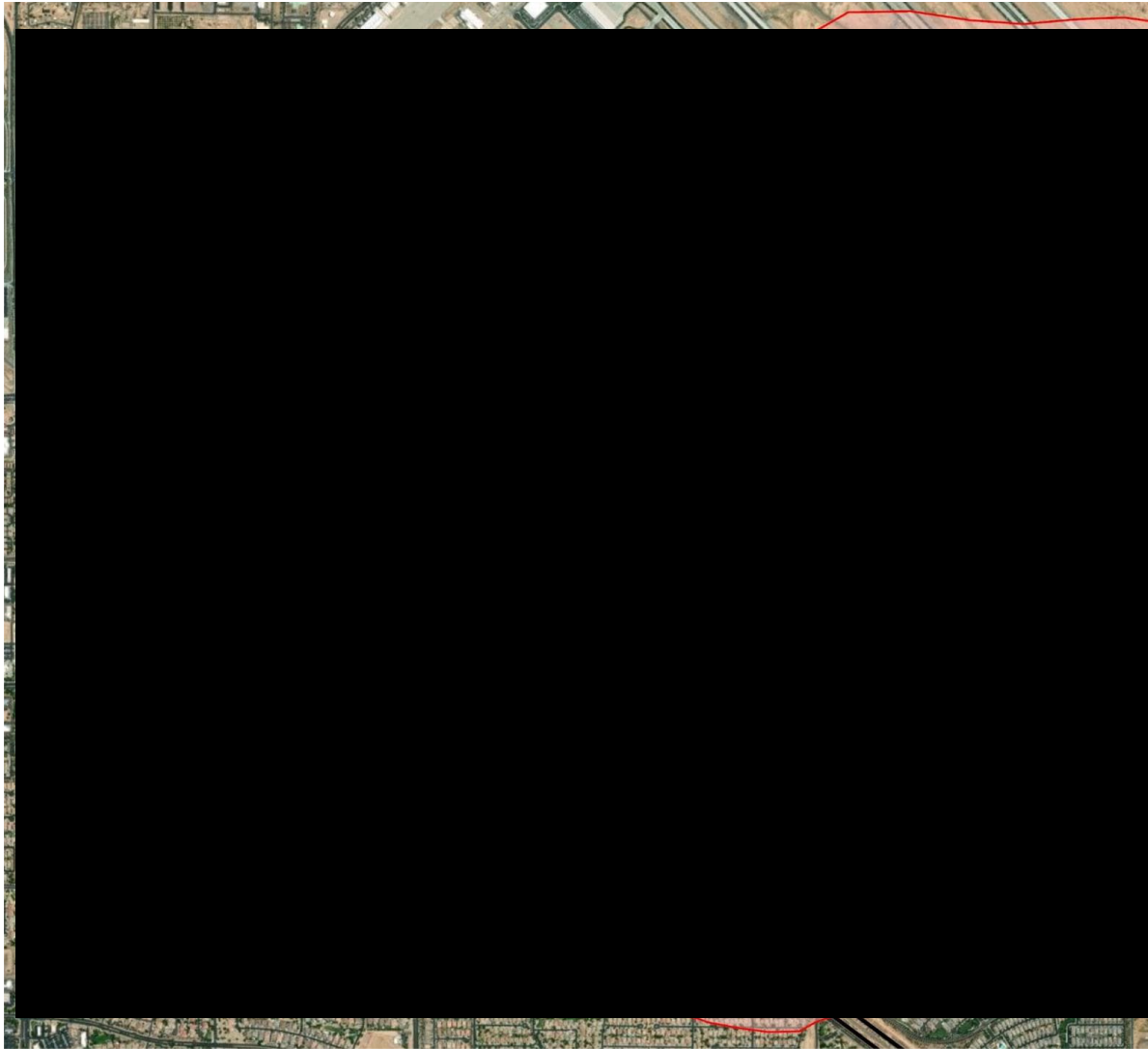
Photo to the right shows the conditions along the Phoenix Subdivision main line in August 2023. View is to the southwest.





Damage Timeline

Damage Timeline

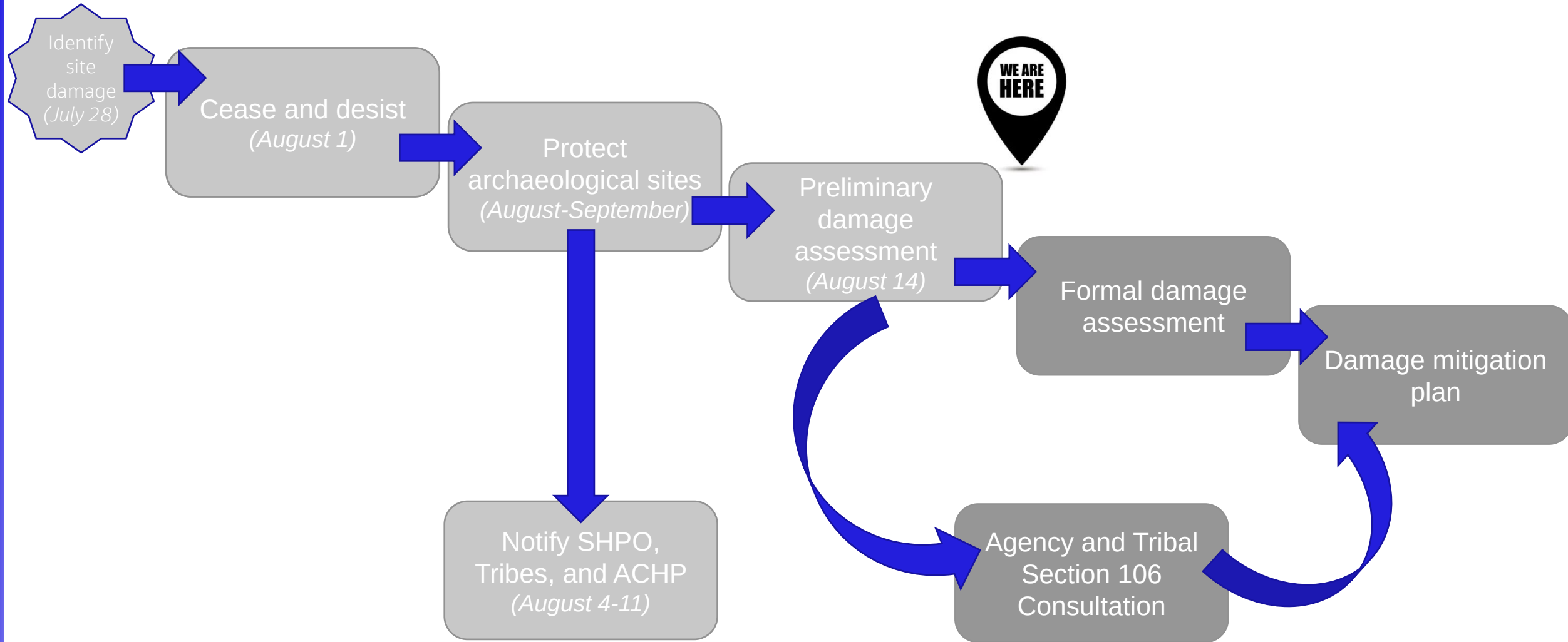


- **Damage Area 1:** occurred in December 2022
- **Damage Area 2:** occurred in May 2023
- **Damage Area 3:** occurred between October 2022 and August 2023
- **Damage Area 4:** identified on August 10, 2023
- **Damage Area 5:** occurred on August 16, 2023



Damage Timeline and Response

Damage Assessment Timeline



Communications Timeline

- August 1: OEA directed UP to cease and desist and secure right-of-way.
- August 2-3: OEA held initial meetings with UP to discuss site damage.
- August 16-17: OEA held in-field meetings with SHPO, Four Southern Tribes, and UP.
- August 18: OEA presented to Four Southern Tribes Working Group.
- September 5: OEA notified the U.S. Army Corps of Engineers of damage.
- September 12: OEA sent letter notifying consulting parties of damage.
- October 4: Consulting party meeting.

Summary of Site Protection Measures

- OEA directed UP to demobilize equipment and materials from damage areas (August 10-September 1). COMPLETED
- OEA directed UP to notify adjacent landowners to not undertake land-disturbing activity within the APE (August 14). COMPLETED
- OEA directed UP to employ a security patrol, M-F 7:00 a.m. – 3:00 pm. (began August 17) ONGOING
- OEA directed UP to install signs and temporary construction fencing in priority areas (August 14-September 23). COMPLETED
- OEA directed UP to block construction access road east of Sossaman Road (August 25). COMPLETED

Protective Measures – Signage and Fencing



Fencing and signage around east edge of the wye



Fencing and signage around spoils pile in the wye



Signage and fencing along south edge of wye

Protective Measures – Signage and Fencing



Signage along Phoenix Subdivision main line



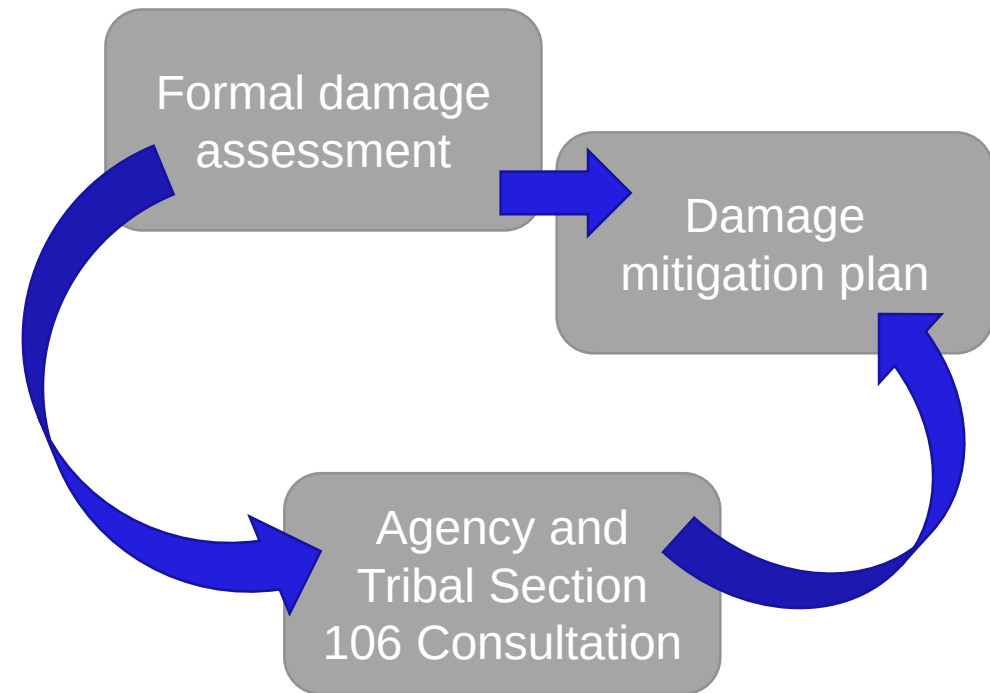
Signage and fencing around Site AZ U:10:275 (ASM)



Discussion

Next Steps in Section 106 Process

- Complete securing the UP right-of-way.
- Prepare formal damage assessment.
- Prepare damage mitigation plan.
- Review MOA and HPTP and consider appropriate revisions.
- Continue consultation



Project Contacts

- Alan Tabachnick, STB Federal Preservation Officer
alan.tabachnick@stb.gov / 202.245.0367
- Adam Assenza, STB Environmental Protection Specialist
adam.assenza@stb.gov / 202.245.0301
- Glennda Luhnnow, Jacobs Manager/Archaeology and Cultural Resources
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Electronic Comments

- <https://www.stb.gov/proceedings-actions/e-filing/>

Thank you

