

From: [Tabachnick, Alan](#)
To: [Peter Steere](#)
Subject: Following Up on Call
Date: Thursday, March 28, 2024 3:21:00 PM

Good afternoon. I am following up on your call to me yesterday. I am sorry I was unable to get the call as I was in meetings most of the day. It sounded like Glennda Luhnnow answered most of your questions regarding the damage assessment process up to now. In terms of any potential criminality in this case, STB is not a criminal law enforcement agency. OEA is taking the project through the Section 106 and NEPA processes while the Board will ultimately be deciding whether to approve or deny UP's application. The Section 110(k) process is also being handled by the Board.

Our current damage assessment process is being undertaken in order for OEA and the Board to better understand the extent and severity of the damage that has occurred within UP's ROW for the Pirate project, and that information will be provided to the Board for their consideration as they determine whether there has been a Section 110(k) violation. If you think there may have been a violation of state or federal laws, I think it would be appropriate to contact your state or federal law enforcement agencies. They would be the appropriate entities to deal with any potential criminal law violations.

Please let me know if you have any further questions. We will be circulating the draft non-invasive damage assessment report for review in the next few weeks, following up with a consulting parties meeting. At that meeting we will be addressing any preliminary questions anyone may have, and also start talking about our ideas on the additional archaeological work to be undertaken to better understand the extent of the damage.

As always, I am happy to set up a meeting with you to talk in more detail, and can of course have Glennda and the Jacobs folks available as well. Thanks very much.

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