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Sent: Tuesday, December 19, 2023 4:15 PM
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Cc: Tabachnick, Alan; Assenza, Adam; Buckley, Maggie; McNeish, Sabra; Powell, Kris; Phoebus, Elizabeth (Betsi)
Subject: UPRR PIRATE Damage Assessment Methodology Update

Dear Consulting Parties:

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 November 21, 2023. During that meeting, OEA summarized potential next steps in the site damage assessment process, including preparation of a draft damage assessment work plan, finalization of the work plan, damage assessment field investigations, draft damage assessment report, and finalization of the report.

After the consulting party meeting, OEA met with the State Historic Preservation Office (SHPO) to discuss the damage assessment methodology. During that conversation with SHPO, it was determined that only non-invasive techniques (survey and literature review) should be completed for the damage assessment report. Invasive procedures such as geomorphological trenching and screening of the spoils pile would result in an additional adverse effect for the project, necessitating another Memorandum of Agreement (MOA). Based on their guidance, OEA has determined that the damage assessment report will only contain non-invasive techniques with recommendations for the development of the damage MOA and additional work to address concerns regarding the site damage that could not be completed without an MOA. SHPO also indicated that a work plan is not necessary.

OEA is preparing the non-invasive damage assessment based on your input and SHPO guidance. If you have any questions or comments, please reach out to Alan Tabachnick, STB's Federal Preservation Officer, at Alan.Tabachnick@stb.gov, or let us know if you would like to request a meeting for further discussion.

Regards,
Glenda Luhnnow

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