



Salt River
PIMA-MARICOPA INDIAN COMMUNITY

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Tribal Historic Preservation Office

TO: Danielle Gosselin, Director
 Surface Transportation Board
 Office of Environmental Analysis
 RE: Docket No. FD 36501
 395 E Street SW
 Washington, DC 20423

DATE: 4/18/2024

FROM: Shane Anton, Tribal Historic Preservation Officer

RE: Docket No. FD 36501, Union Pacific Railroad Company, Construction and Operation Exemption, Mesa, Maricopa County, Arizona, Section 106 Consultation, Surface Transportation Board (Board) Decision March 26, 2024

Dear Director Gosselin

The Salt River Pima-Maricopa Indian Community Tribal Historic Preservation Office (SRPMIC THPO) has received copies of the Surface Transportation Board Decision dated December 14, 2023, January 24, 2024 and March 26, 2024. The Union Pacific Railroad Company (UPRC) has filed a petition with the Surface Transportation Board (Board) requesting to construct and operate a 6-mile long rail line, the Pecos Industrial Rail Access and Train Extension (PIRATE), east and south of the Phoenix-Mesa Gateway Airport, Mesa, Maricopa County, Arizona.

During the preparation of a Final Environmental Assessment (Final EA), the Board was notified that there had been significant ground disturbance and damage to National Register of Historic Places-eligible archaeological resources with the project's Area of Potential Effects (APE), including within the proposed right-of-way (ROW). **Five (5)** different locations of site damage have occurred at sites AZ U:10:2(ASM) and AZ U:10:152(ASM). **These are not trivial sites.** Site AZ U:10:2(ASM) is particularly important to the Tribe's oral history and sense of place on a landscape that the O'odham people have cared for and protected since time immemorial.

The Board-OAE has ordered that all construction work for the PIRATE undertaking be halted. In addition, the Board-OAE has instructed the UPRC to provide and submit additional information to supplement information the UPRC has provided about the incidents of site damage that has

occurred and to illuminate UPRC's practices and procedures to comply with environmental and historic review requirements. The Board further advises (January 24, 2024) that the UPRC responses are considered non-responsive to the document submittal directive and further orders may be necessary to obtain full compliance.

The Board directed the UPRC to submit these documents under oath with an affidavit affirming that UPRC had conducted a reasonable search to locate all responsive material. The Board advises that the UPRC is not in compliance with their information request. Because of this blatant disregard of the Board's directive, the Board has extended the comment period for these decisions to April 30, 2024. The Board is seeking Tribal comment and insight regarding the investigation of PIRATE archaeological site damage.

The actions of the UPRC are consistent with a long history of disregard for Native American culture, heritage, and religious freedom that is ongoing, intentional, and severe. One reason for this is that UPRC actions appear to have no consequences. The SRPMIC THPO is appealing to the Board. Please consider the Tribe's concerns about the irreparable harm that their actions continue to perpetrate on *O'Odham* communities, not just in this instance, but in the context of past and ongoing damages to sacred sites.

The Queen Creek area, and the damaged sites in particular, are named and remembered places on the landscape where significant *O'Odham* individuals have resided and where historical events have solidified the bonds that continue to hold the SRPMIC and GRIC communities together. These sites are not abstract concepts. They are specifically named in oral traditions and they are honored to this day in specific narratives and songs. These narratives and songs are gifts of cultural necessity, to the younger generations so that they can benefit from the Tribe's sense of place and belonging in this world and reverse their existential feelings of cultural and spiritual loss.

When these places are destroyed, then those connections to a sense of place and belonging are forever broken. This has a harmful effect on language preservation because without these places and their associated songs, the Tribe cannot continue to perpetuate its language, and by extension, *O'Odham* ways of thought. Language loss impacts the collective wisdom, philosophy, and the religious practices of the Tribe that are specific to these sites and places on the landscape.

The SRPMIC THPO asserts that all of these things are connected in the present. This is why desecration of archaeological sites and Traditional Cultural Properties is not just "property damage." The wonton destruction of archaeological sites is spiritual damage that causes irreparable harm. It is a cultural death that Tribes continue to experience at the hands of the UPRC. The possibility that Ancestral remains and sacred objects were destroyed in the process of bulldozing and stripping these sites adds an additional layer of profound sadness that the Board should consider in its decision.

The proposed project area is within the ancestral lands of the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; *Ak-Chin* Indian Community and the *Tohono O'Odham* Nation). The SRPMIC THPO will continue to participate in this undertaking. Thank you for consulting with the SRPMIC THPO. Should you have questions and/or concerns about this project, please contact me directly at (480) 362-6331.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Anton', with a stylized flourish at the end.

Shane Anton, Tribal Historic Preservation Officer
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