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Cc: [Buckley, Maggie](#); [McNeish, Sabra](#); [Phoebus, Elizabeth \(Betsi\)](#); [Powell, Kris](#)
Subject: UPRR PIRATE September 11, 2024 In Field Meeting Minutes
Date: Monday, October 7, 2024 6:32:54 PM
Attachments: [PIRATE Minutes 9-11-24 final.pdf](#)

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 and their third-party consultant, Jacobs Engineering Group Inc., recently completed invasive damage fieldwork under the methods outlined in an invasive damage assessment work plan (Luhnow and Powell 2024). On September 11, 2024, OEA hosted an in-field meeting for the consulting parties to view the invasive damage assessment fieldwork. Thank you for those that attended the in-field meeting. Meeting minutes are attached for your files.

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,
 Glenda Luhnow

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Date: September 11, 2024
Time: 8:00 a.m. to 11:30 a.m.
Location: PIRATE Project Area / Holiday Inn Express, 5530 South Power Road, Gilbert, Arizona 85295
Subject: Archaeological Invasive Damage Assessment for Union Pacific Railroad PIRATE Rail Line

Attendees:

Name	Company	Phone Number	Email
Alan Tabachnick	Surface Transportation Board	202-934-8469	Alan.tabachnick@stb.gov
Adam Assenza	Surface Transportation Board	202-245-0301	adam.assenza@stb.gov
Caroline Klebacha	State Historic Preservation Office	602-542-7140	cklebacha@azstateparks.gov
Frank Adams	City of Mesa	480-644-3963	Franklin.adams@mesaaz.gov
Abraham Arnett	City of Mesa		Abraham.Arnett@mesaaz.gov
Matthew Kriegl	City of Mesa	480-644-4726	Matthew.kriegl@mesaaz.gov
Kevin Rice	Union Pacific Railroad	402-612-6384	kprice@up.com
Greg Brigham	Union Pacific Railroad	402-544-8568	gabrigham@up.com
Brent Kober	Desert Archaeology	480-967-8580	brent@desert.com
Maggie Buckley	Jacobs	206-949-5955	Maggie.buckley@jacobs.com
Kris Powell	Jacobs	602-463-5843	Kris.powell@jacobs.com
Glennda Luhnnow	Jacobs	480-510-0830	Glennda.luhnnow@jacobs.com

NOTES

These notes document discussion topics and action items during the subject field visit and subsequent meeting.

I. DISCUSSION

General

- Mr. Arnett asked what led up to the ground disturbance and the results of the Surface Transportation Board (Board) damage assessment. Mr. Tabachnick summarized the series of events leading up to the damage assessment and the status of the Board's consideration of Section 110(k) under the National Historic Preservation Act (NHPA).
- Jacobs agreed to share final PIRATE consultation materials with the Mr. Kriegl and Mr. Arnett from the City of Mesa (City) to help them get up to speed on documentation and correspondence completed to-date. Jacobs will also add them to the consultation distribution list.

- Mr. Arnett agreed to track PIRATE consultation efforts and communication moving forward for the City of Mesa and asked if there is anything the City can do to help. Mr. Tabachnick suggested that the Board's Office of Environmental Analysis (OEA) could provide periodic updates on the status of the damage assessment moving forward.
- Mr. Arnett asked for a point of contact at Union Pacific Railroad (UP) to help improve coordination efforts moving forward. Mr. Brigham suggested Ms. Rebecca Hoffman from UP.

NHPA Section 110(k)

- Mr. Tabachnick summarized the Board's process for considering Section 110(k) and stated that the NHPA Section 106 process can only move forward after the Board issues a decision on Section 110(k).
- Mr. Tabachnick noted that OEA is responsible for the National Environmental Policy Act (NEPA) and NHPA Section 106 processes, but the NHPA Section 110(k) determination is made by the Board, not OEA.
- Ms. Klebacha added that if a violation is found, the Board must consider it when making its final decision.
- Mr. Kober asked if an archaeological value of the damage has been calculated. He indicated that these values are used in court proceedings for purposes of determining what a violator should pay to compensate for archaeological damage. He offered to share methodologies for calculating these values by the National Park Service and Society for American Archaeology.
- Mr. Assenza noted that if the Board ultimately grants the authority to construct and operate the project, conditions could be added to that decision, and UP would be responsible for compliance with those imposed conditions.
- Mr. Rice asked how the Section 110(k) decision is made. Mr. Tabachnick indicated that the Board votes on the decision after reviewing the entire record.

Next Steps

- Mr. Tabachnick noted that OEA would distribute the preliminary invasive damage assessment report to the consulting parties approximately three weeks after completion of field work.
- Mr. Assenza summarized next steps. NEPA and the Section 106 process is on hold until the Board decides Section 110(k). If NEPA is resumed, OEA will determine next steps to finish the environmental review.
- Ms. Klebacha suggested that any Memorandum of Agreement (MOA) revisions may be minimal, with additional recitals at the beginning to acknowledge what has changed. Ms. Klebacha suggested that an amendment to the MOA would not be needed but that the Historic Properties Treatment Plan may require more substantial revisions.

II. ACTION ITEMS

- Jacobs to share final PIRATE consultation materials with the City.
- Jacobs to add Mr. Arnett and Mr. Kriegl to the consultation distribution list.
- Mr. Kober to share methodology bulletins and brief for calculating archaeological values.