

From: [Luhnow, Glenda](#)
To: [Kevin Rice](#)
Cc: [Tabachnick, Alan](#); [Assenza, Adam](#); [Buckley, Maggie](#); [McNeish, Sabra](#); [Powell, Kris](#); [Rainey, Pamela](#)
Subject: UPRR PIRATE Revised Draft MOA and Meeting Materials
Date: Friday, February 10, 2023 1:06:00 PM
Attachments: [2023 0126 UP PIRATE S106 MOA Mtg Minutes, PowerPoint, Comment Resolution Matrix.pdf](#)
[PIRATE Revised Draft MOA 230902.pdf](#)
[UPRR PIRATE Revised Draft MOA Comment Form.docx](#)

Dear Mr. Rice,

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 conducted a virtual meeting with the Section 106 consulting parties on January 26, 2023, to resolve comments on the project's draft Memorandum of Agreement (MOA). At that meeting, an implementation request from UP specific to data recovery and construction sequencing was discussed. In further consideration of the implementation request, OEA determined that such sequencing is not feasible and will not be utilized.

The revised draft MOA, meeting minutes from the January 26th meeting, and a comment resolution form summarizing changes in the revised draft MOA, are attached for your information and review. A blank Comment Form is also attached for your use as you review the revised draft MOA. Please provide us with any last comments by March 3rd. We appreciate everyone's thorough review of the first draft of the MOA and that when you look over the revised MOA you will see that we addressed all of the Consulting Parties comments and requests. We look forward to any additional input you wish to provide and hope to circulate a final version of the MOA in the near future.

Please feel free to contact Alan Tabachnick, OEA's Deputy Federal Preservation Officer, at Alan.Tabachnick@stb.gov with any questions about the Section 106 process or the revised MOA. And thanks again for all of your input on this project – we appreciate it.

Thank you,
Glenda Luhnow

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Meeting Minutes

Subject	Section 106 MOA Comment Resolution Meeting		
Project	Union Pacific Railroad PIRATE Project		
Reference No.	Surface Transportation Board Docket No. FD 36501		
Date	Thursday, January 26, 2023	Time	1 – 3 p.m. MST 3 – 5 p.m. EST
Location	MS Teams		

The following notes summarize the topics discussed during the January 26, 2023 Section 106 continuing consultation meeting between the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) and representatives from several consulting agencies and Tribes. The meeting objectives were to:

1. Review information OEA previously provided about Union Pacific Railroad's (UP) proposed Pecos Industrial Rail Access and Train Extension (PIRATE) project, schedule updates, and the Section 106 consultation thus far;
2. Review and resolve comments submitted on the initial draft memorandum of agreement (MOA); and
3. Discuss the next steps in the Section 106 consultation process.

Welcome and Introductions

Adam Assenza, the Board's Environmental Protection Specialist, began the introductions based on the agency roll call. The attendees then introduced themselves with their name and agency or Tribe (see attached sign-in sheet for attendance).

Project Snapshot

- OEA reviewed the Section 106 undertaking, project description, project alternatives, area of potential effects (APE), and culturally sensitive areas (refer to slides 5-8 in the attached presentation).
- OEA reviewed the results of the Class III survey, including the four historic properties that would be adversely affected if the Board decides to approve PIRATE with conditions (slide 9).
- OEA reviewed the recommended project finding of adverse effect (slide 10). Based on consultation with SHPO/THPOs and consulting parties, OEA has been developing an MOA for resolving adverse effects to the historic properties.

Reviewing the MOA – Comments and Review Process

- Jacobs explained that they would review each comment received thus far, make real-time revisions to the MOA as needed, and accept and address additional MOA comments during this portion of the meeting. Jacobs also explained how the MOA and comment resolution matrix would be distributed to the consulting parties when ready (slides 11 and 12).
 - Jacobs summarized comments received on the draft MOA prior to the meeting (see slide 13).
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Meeting Minutes

Section 106 MOA Comment Resolution
Meeting

Jacobs then led a real-time review of the MOA comments and suggested edits, focusing on text modified per comments received thus far. OEA indicated that new comments will also be accepted and addressed during the meeting.

- The Board's General Counsel has not yet reviewed the MOA. The General Counsel will review the revised MOA when it is distributed to the consulting parties and may have additional comments.
- The attached comment resolution form provides a summary of the revisions made and accepted in response to comments received from the consulting parties. The following bullets summarize comments and edits that were discussed at the meeting.
 - SHPO requested that acreage be added to the APE description (page 1).
 - SHPO agreed that NEPA references on page 4 can be retained. SHPO will send language to clarify that the NEPA reference is for public involvement purposes (page 4).
 - SHPO requested that signatories be reviewed and identified correctly. Concurring parties can request through OEA to have their status changed to invited signatory (page 4).
 - SRP-MIC, GRIC, and Pascua Yaqui indicated they prefer the term "Native American Tribes" instead of "Indian Tribes" (page 5).
 - SRP-MIC asked about the reference to Bulletins 15 and 38 in Stipulation VI(A). Assessing the sites as potential TCPs as per guidance in Bulletin 38 is important because several TCPs are within several 100 feet of the project. OEA revised Stipulation VI(A) to reflect the current status of the TCP evaluation by adding the verbiage "and will continue to evaluate" to this stipulation. The consulting parties agreed this verbiage is appropriate. SRP-MIC stated that the HPTP should emphasize continuous Native American/O'odham occupation of the area from prehistory through the current times in the research design and culture history. The HPTP research themes and culture history should further emphasize the cultural continuity of the O'odham people in the interpretation of the archaeological record in the Queen Creek basin (page 6).
 - SHPO agreed with GRIC and suggested a historic context study for the Queen Creek valley to be developed in collaboration with the Tribes. SHPO noted the potential for an ethnographic study in addition to standard mitigation (i.e., data recovery) already proposed. This study could have some public benefit through interpretive applications. SHPO noted that the MOA is the binding document and should have statements about this study, but that the MOA does not need to have details (page 6).
 - OEA added repatriation language and also a stipulation for a TCP evaluation and cultural landscape study (page 8).
 - Jacobs asked GRIC, SRP-MIC, and Pascua Yaqui specifically about Section IX (Tribal Consultation) to make sure the THPOs concur with that stipulation. GRIC concurred, SRP-MIC deferred to GRIC, and Pascua Yaqui said Section IX "looks adequate" (page 10).
 - SHPO clarified that statement in Line 601 does not belong in the stipulation section but should be reformatted to be outside of the last stipulation (page 6).
 - GRIC inquired about the intent of Counterpart Signatures. It was clarified that each signatory gets their own page to sign and send back, and SHPO signs last. GRIC was satisfied with this clarification.
 - Retain Heather Wilke as the Town of Queen Creek contact (page 28 or Appendix C).

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Section 106 MOA Comment Resolution
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- Add Reylynne Williams and Darius Enos to the GRIC contacts (page 28 or Appendix C).
 - Add Carl D'Acosta to the Phoenix-Mesa Gateway Airport contacts (page 27 or Appendix C).
 - Add Michael Romero to the ASLD contacts (page 27 or Appendix C) and add ASLD to Attachment B.
 - OEA will add TCP to the acronyms and to the definitions section.
-

Consideration of UP's General Implementation Request

OEA thanked the group for working through the MOA comment resolution process, and then introduced UP's implementation request and asked for feedback (slide 14).

- SHPO asked if the phases would have a lot of time between them. If so, a programmatic agreement would be more appropriate for this project. OEA said probably not much delay, but OEA has some concerns that phasing the data recovery in this way will prevent the data recovery and analysis from focusing on the holistic landscape approach.
 - OEA requested that UP provide additional details about the implementation request. UP explained the request a little more with respect to differences between constructing the new track versus constructing along existing track. UP discussed concerns about safety and risk of schedule delays when working around existing "live" track. UP would like to construct the wye and the rest of the industrial lead first as the critical path.
 - GRIC indicated that UP's proposal would not be in the best interest of the Tribes and GRIC does not agree that this is reasonable request. In the project area, you never know what will happen or what will be found during a data recovery effort until after it starts. It's not a reasonable request for construction to come in right after data recovery is complete. SRP-MIC concurred with GRIC. SHPO asked for more information to be provided with the revised MOA so they can review the request.
 - OEA welcomed other comments on UP's request after the consulting parties have more time to consider it.
 - The City of Mesa Economic Development Department mentioned concerns over safety and traffic; they would like UP's request to be considered because of the multiple roadway crossings that would be constructed as part of the new rail line.
 - OEA indicated that the data recovery effort will require extensive planning, consultation, and coordination, and needs to consider safety and traffic impacts. UP's request adds to the complexity of the undertaking and likely increases the logistical challenges.
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Open Discussion / Questions

Jacobs opened up the floor for discussion (slides 15-17).

Q1: What concerns do consulting parties have with respect to the use of the term “Indian Tribes”?

A1: Consulting parties would like consistent language and terms throughout the MOA. They would like to use the THPOs preferred language and terminology.

Q2: GRIC asked when the HPTP will be ready for review/comment.

A2: Jacobs reviewed the upcoming Section 106 milestones. The Board's General Counsel will review the revised MOA concurrently with the consulting parties. OEA anticipates the HPTP (and the final MOA) will be ready for consulting party review in March 2023. This schedule is proposed and may change.

Q3: OEA asked if the consulting parties would like a similar comment resolution session for the HPTP.

A3: No answer from the attendees. OEA added that these real-time reviews work well, save time, and they would like to do something similar for the HPTP. The HPTP is key to resolving the project's adverse effects and it's important to have a good document developed with consulting party input. OEA concluded by stressing that it's important to hear people's points of view and where everyone is coming from.

Action Items

The following action items were assigned during the meeting.

- OEA will revise the MOA to capture statements of mitigation such as a historic context study in the revised MOA since it is the legally binding document.
- OEA will prepare and distribute the revised MOA and comment form for consulting party review in February 2023, with a 30-day review period.
- The consulting parties will respond with any comments, using OEA's provided comment form, by the due date in March 2023.

Attachments	List of attendees Agenda Meeting presentation Draft MOA comment resolution matrix
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Distribution	Meeting invitees
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Attendees

Subject	Section 106 MOA Comment Resolution Meeting		
Project	Union Pacific Railroad PIRATE Project		
Reference No.	Surface Transportation Board Docket No. FD 36501		
Date	Thursday, January 26, 2023	Time	1 – 3 p.m. MST 3 – 5 p.m. EST
Location	MS Teams		

Groups in Attendance	Representatives
Surface Transportation Board (Board), Office of Environmental Analysis (OEA)	Adam Assenza, Environmental Protection Specialist Alan Tabachnick, Deputy Federal Preservation Officer
Jacobs (supporting the Board's OEA)	Maggie Buckley, Environmental Project Manager Glennnda Luhnnow, Manager/Archaeology and Cultural Resources (Phoenix) Betsi Phoebus, NEPA Lead Kris Powell, Senior Archaeologist
Gila River Indian Community	Larry Benallie, Jr., Archaeological Compliance Specialist
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
Arizona Museum of Natural History	Alison Stoltman, Acting Deputy Director
Arizona State Land Department	Tiffany Grew, Archaeological Compliance Specialist Michael Romero, Right-of-Way Project Leader
Arizona State Museum	Shannon Plummer, Arizona Antiquities Act Administrator
City of Mesa Historic Preservation Office	Maura Jackson, Historic Preservation Advisor/Planner Mary Kopaskie-Brown, Planning Director and Historic Preservation Officer
City of Mesa Office of Economic Development	William Jabjiniak, Economic Development Director
Phoenix-Mesa Gateway Airport	Carl D'Acosta, Environmental & Safety Coordinator
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
Union Pacific Railroad	Kevin Rice, Sr., Manager M/W Environmental

Attendees

Section 106 MOA Comment Resolution
Meeting

Invited but unable to attend:

Ak-Chin Indian Community

Hopi Tribe

Mescalero Apache Tribe

Pueblo of Zuni

Tohono O'odham Nation

Tonto Apache Tribe

Yavapai-Apache Nation

Federal Aviation Administration

Flood Control District of Maricopa County

Salt River Project

San Tan Historical Society

U.S. Army Corps of Engineers



MOA Meeting 2 Agenda

Subject Second MOA Meeting – Comment Resolution
Project Union Pacific Railroad PIRATE Rail Line
Reference No. Surface Transportation Board Docket No. FD 36501
Date Thursday, January 12, 2023 **Time** 1 – 3 p.m. MST
3 – 5 p.m. EST
Location MS Teams **Conference Call: 1 (602) 609-7361**
Code: 638 547 530#

Item	Topic
1	Welcome and Introductions
2	Project Snapshot • Section 106 undertaking • Description of project and area of potential effects • Identification and evaluation of historic properties • Adverse effect determination
3	Reviewing the MOA–Comment Resolution Process • General housekeeping • Electronic version of MOA will be shared on screen • Review will follow the MOA content (WHEREAS clauses, Stipulations, and Attachments)
4	Open Discussion and Meeting Summary • Section 106 timeline • Project milestones • Contacts
5	Adjourn

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

**Pecos Industrial Rail Access and
Train Extension (PIRATE)
MOA Comment Resolution Meeting**

January 26, 2023



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
Arizona State Land Department	Ak-Chin Indian Community	Arizona Museum of Natural History
Arizona State Museum	Gila River Indian Community	Mesa Historical Museum
City of Mesa Historic Preservation Office	Hopi Tribe	San Tan Historical Society
City of Mesa Office of Economic Development	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

- Section 106 undertaking
- Description of project and area of potential effect
- Identification and evaluation of historic properties
- Adverse effect determination

Reviewing the MOA - Comment Resolution Process

- Electronic document will be displayed on screen
- Review will follow the document
 - WHEREAS clauses
 - Stipulations
 - Attachments

Open Discussion and Meeting Summary

- Timeline and schedule to date
- Projected milestones
- Contacts



Project Snapshot

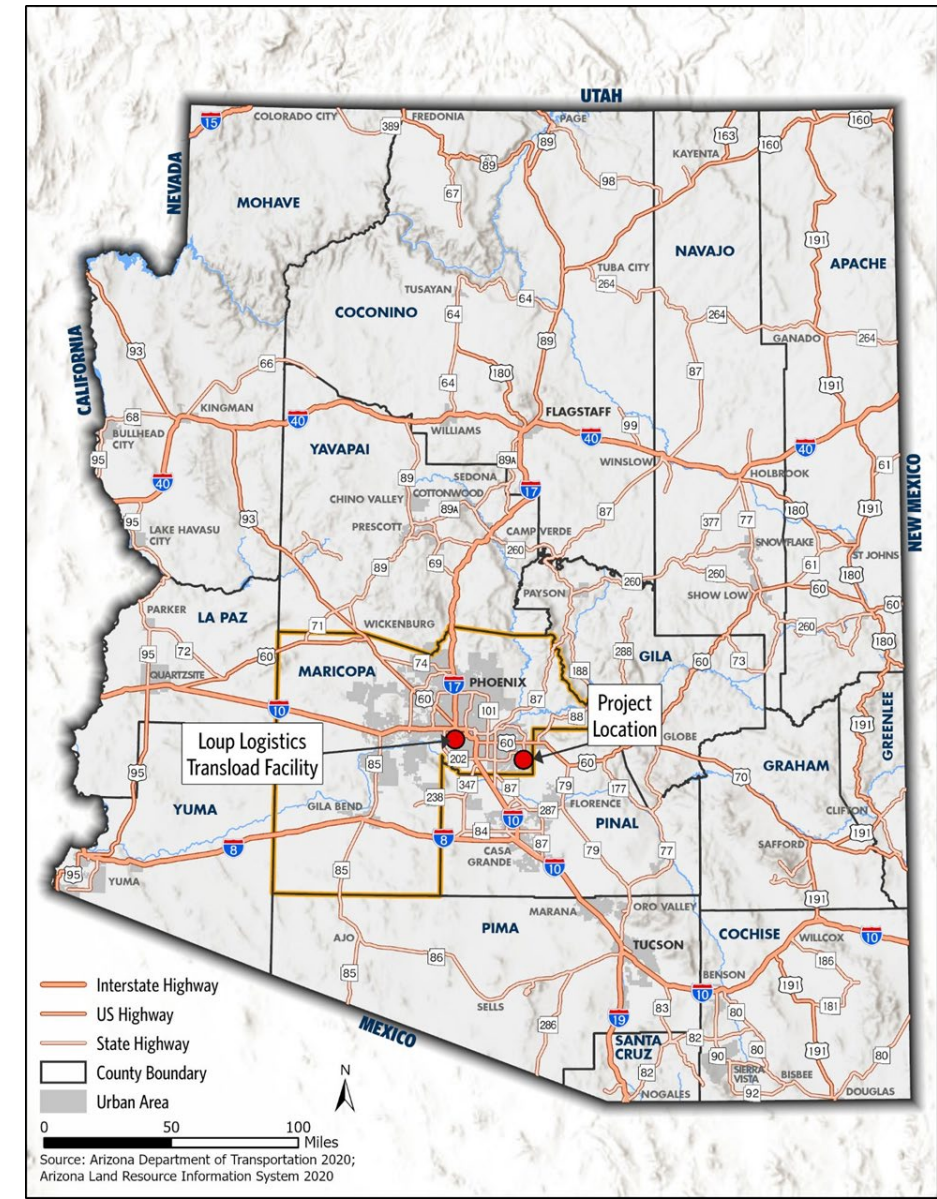
Section 106 Undertaking

Union Pacific Railroad Company filed a petition with the Surface Transportation Board to construct and operate approximately 6.0 miles of new rail line that would connect existing industrial properties to UP's Phoenix Subdivision main line track in Maricopa County, Arizona in Docket No. FD 36501.

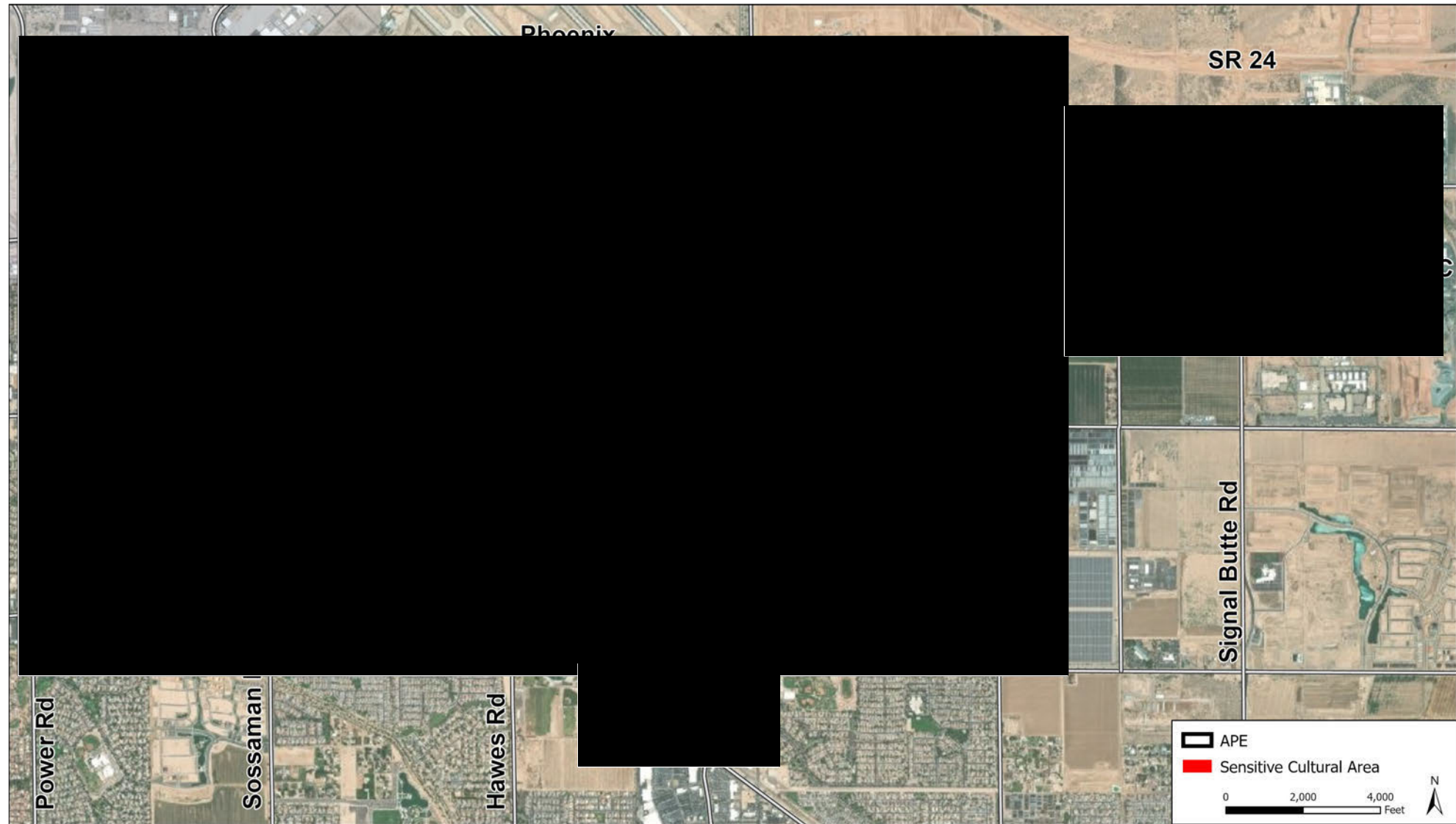


Project Description

- 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.

- Site AZ U:10:2(ASM)
- Site AZ U:10:69(ASM)
- Site AZ U:10:152(ASM)
- Site AZ U:10:275(ASM)





Reviewing the MOA – Comments and Review Process

Real Time Corrections on the MOA

- The comments received from consulting parties will be consolidated into one comment resolution table.
- Two versions (clean and tracked changes) of the revised MOA will be sent to consulting parties in February 2023 with suggested corrections based on comments.
- Comments received to date are shown on the revised MOA presented during this meeting. The focus of this meeting is to resolve these comments and any additional comments that may be brought up during the discussion. Revisions will be made in real time during this meeting.

General Summary of Draft MOA Comments Received

- **Arizona State Museum (ASM):** Minor grammatical revisions, suggested language revision to Stipulations VIII(a)(b), and inclusion of ASM Repatriation Coordinator contact information to Attachment D.
- **City of Mesa (City):** Suggested language change to Stipulations III, IV, VI, VIII(b), XII, Curation largely specific to use of “Indian Tribes” and use of qualified consultants for data recovery and monitoring. Remove Emily Early from the City’s contact list in Attachment D.
- **Salt River Project (SRP):** Language change to WHEREAS clause specific to SRP.
- **State Historic Preservation Office (SHPO):** Minor grammatical comments, revisions to specific WHEREAS clauses, review need for Definitions, request extensions of review periods in Stipulations V(b)(c) and VIII(D)(2), questions regarding development of HPTP, input of Tribes, public benefit, and inclusion of contact information for SHPO, UP, and ACHP.
- **UP:** Implementation request for consideration of data recovery in “zones” for phased cultural resources approvals to accommodate schedule in targeted areas.

Consideration of UP's General Implementation Request

“UP requests that the data recovery efforts be completed in ‘zones’ so that priority areas to be completed first are the wye and any portion on the new industrial lead. The secondary ‘zone’ would be any areas of proposed work along the mainline track including the Germann Siding extension and the Working Track. UP requests that the priority zone (as identified above) be completed first and approved for construction prior to the secondary zone due to the priority zone being critical path for the overall project schedule.”

- OEA is inviting feedback on this request.
- OEA anticipates this request will require further discussion.



Open Discussion and Meeting Summary

Section 106 Timeline to Date and Proposed Schedule

- April 6, 2022: Section 106 initiation, project description, and proposed APE
- May 19, 2022: informational memo on Class III survey methods
- May 23 to 31 and June 14, 2022: Class III survey
- September 1, 2022: Section 106 continuing consultation – draft Class III report
- November 22, 2022: Section 106 continuing consultation – final Class III report
- October 18, 2022: informational memo regarding MOA development meetings
- December 8, 2022: draft MOA sent to consulting parties for review and comment
- January 26, 2023: MOA comment resolution meeting with consulting parties
- February 2023: revised MOA distributed to consulting parties for review
- March 2023: Section 106 continuing consultation – draft Historic Properties Treatment Plan
- March 2023: final MOA
- April 2023: Comments on draft Historic Properties Treatment Plan
- May-June 2023: final Historic Properties Treatment Plan

Project Milestones

Projected Dates	Meeting	Milestone
November 3, 2022 (actual)	X	Initial MOA meeting
December 8, 2022 (actual)		Initial Draft MOA distributed for review and comment
January 9, 2023		Initial Draft MOA comments due
January 26, 2023 (actual)	X	Second meeting to resolve comments on Initial Draft MOA
Early 2023		Draft EA published for public and agency review and comment
February 2023		Revised Draft MOA distributed for review and comment
March 2, 2023	X	Third meeting, if necessary, to resolve any final comments
March 2023		Draft Historic Properties Treatment Plan distributed for review and comment
March 2023		Final MOA released for signature and execution
May - June 2023		Final Historic Properties Treatment Plan
Spring 2023		Final EA published

Project Contacts

- Alan Tabachnick, STB Deputy 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
Glennda.Luhnnow@jacobs.com / 480.510.0830

Electronic Comments

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

Thank you



Tentative Save the Date: March 2, 2023
1-3 pm (AZ), 3-5 pm (EST)

STB Docket Number FD 36501

Union Pacific Railroad Company – Construction and Operation Exemption – In Maricopa County, Ariz.

Section 106 Consulting Parties Review: Draft Memorandum of Agreement (MOA)

#	Section	Line(s)	Comment	Comment Resolution
Reviewer: Caroline Klebacha, Archaeological Compliance Specialist, State Historic Preservation Office				
1	Recitals	19-20	This is a S106 document; do not address other environmental regulations	Removed
2	Recitals	21-28	Combine into one recital; limit it to S106	Completed
3	Recitals	29-31	APE is insufficiently defined; need some details here	Added Township, Range, Section, and acreage
4	Recitals	39	“and which” – delete “which”	Fixed.
5	Recitals	40	Should this be Office, not Officer?	Fixed.
6	Recitals	40	Concurrence for the revised report is December 20, 2022.	Fixed.
7	Recitals	55-56	Recital is not necessary, but you do need a statement that federal agencies (Corps and FAA) have agreed STB takes the lead on all S106 for the undertaking (except perhaps government-to-government consultation with Tribes)	Added.
8	Recitals	57-62	Combine into one recital	Fixed.
9	Recitals	63-67	Combine into one recital	Fixed.
10	Recitals	66	Add “the” before FAA	Fixed.
11	Recitals	68-71	Combine into one recital	Fixed.
12	Recitals	72-77	Combine into one recital	Fixed.
13	Recitals	78-82	Combine into one recital	Fixed.
14	Recitals	83-88	Combine into one recital	Fixed.
15	Recitals	89-93	Combine into one recital	Fixed.

#	Section	Line(s)	Comment	Comment Resolution
16	Recitals	94-100	Combine into one recital	Fixed.
17	Recitals	101-104	Combine into one recital	Fixed.
18	Recitals	121	Not sure if this recital is necessary. Would be included if it was a NEPA substitution	It was original included for NEPA public involvement, but there is another recital that addresses it – so it was removed.
19	Recitals	122-123	Delete “, as shown in the attached letter (Attachment B)”	Fixed.
20	I	138-141	Why include definitions if they follow regs?	Discussions during meeting indicate that definitions are fine to include.
21	II	145	“The Board’s” – Not OEA on behalf of the Board?	Fixed.
22	III	156	Insert Paragraph A.	Fixed.
23	III	161	Insert Paragraph B., starting at, “OEA acknowledges that Indian Tribes...”	Fixed.
24	V(B)	196	SHPO cannot agree to a reduced consultation period at this time. We recommend a 14-30 day review depending on the results of the survey.	This was changed to 30 days.
25	V(C)	203	SHPO cannot agree to a reduced consultation period at this time. We recommend a 14-30 day review.	This was changed to 30 days.
26	VII	221	Insert Paragraph B.	Fixed.
27	VII	222	Re: development of an HPTP- Was any other mitigation proposed? Does this satisfy the Tribes? Need to think out of the box – Also, Where’s the public benefit?	Discussion during meeting indicated that additional TCP and ethnographic studies were requested by the Tribes. SHPO suggested the development of a Historic Context for the Queen Creek Area. More discussion will be needed for the development of the HPTP.
28	VIII(B)	263	Include expectations of findings	Fixed.
29	VIII(C)	303	Not necessary. Delete.	Fixed.
30	VIII(D)(1)	309	May versus Shall regarding follow up with consulting parties	Fixed.
31	VIII(D)(1)	309	Include methods for follow up	Fixed.

#	Section	Line(s)	Comment	Comment Resolution
32	VIII(D)(2)	315	SHPO cannot agree to a reduced consultation period at this time. We recommend a 14-30 day review.	This was changed to 30 days.
33	VIII(D)(2)	317	May versus Shall regarding follow up with consulting parties	Fixed.
34	X(D)	371	Timeline for drafting the data recovery report?	This was added.
35	X(F)	385	Insert “; substantive comments may require further review following Stipulation X.E.”	This was added.
36	XX	559	Counterpart Signatures: Renummer “XXII”	Fixed.
37	(XXII)	566-568	Remove intent, this is not part of the Stipulations.	Discussions during the meeting, this was just a formatting issue. It was fixed.
38	Attachment A	639	Delete extra period	Fixed.
39	Attachment D	773	Does not include contact information for SHPO, UP, or ACHP	This was added.
Reviewer: Shannon Plummer, Arizona State Museum				
40	Page 1	38	Unnecessary quotation marks after “Arizona”	Fixed.
41	VIII.A	240	Add “Rules Implementing the” before “Arizona Antiquities Act”	This was added.
42	VIII.B	275	Change “41-847” to “41-844”	This was fixed.
43	VIII.B	276-277	Remove “State Burial Law for Private Land” and just list ARS §41-865. (“State Burial Law” is a colloquial, not formal name for the statute)	This was fixed.
44	VIII.B	283-284	Specify that the protocol for documenting ancestral remains will include human remains, funerary objects, sacred ceremonial objects, and objects of national or tribal patrimony to be consistent with the language used in ARS 41-844.	This was added.
45	VIII.B	287	Please change “Burial Agreement” to “Burial Discovery Agreement”	This was fixed.
46	VIII.B	300	Specify that the protocol for documenting ancestral remains will include human remains, funerary objects, sacred ceremonial objects, and objects of national or tribal patrimony to be consistent with the language used in ARS 41-844.	This was added.

#	Section	Line(s)	Comment	Comment Resolution
47	XV	443	Change “standard” to “standards”.	This was fixed.
48	XVII.A	479	Please change “Burial Agreement” to “Burial Discovery Agreement”	This was fixed.
49	XVII.B	487	Please add that ASM will also be contacted in the event of unanticipated discovery of cultural resources during construction.	This was added.
50	Attachment D	785-787	Please add ASM’s Repatriation Coordinator to the list of ASM contacts: Cristin Lucas / 520-626-0320 / asm-repatriation@email.arizona.edu	This was added.
Reviewer: Dan Garcia, Salt River Project				
51	Recitals	88-89	Replace text with “WHEREAS, Salt River Project (SRP) collectively refers to the Salt River Project Agricultural Improvement District, an agricultural improvement district organized under the laws of the State of Arizona and the Salt River Valley Water Users’ Association, a corporation organized under the laws of the Territory (now State) of Arizona; and”	This was added.
Reviewer: Kevin Rice, Union Pacific Railroad				
52	X	341-387	UPRR requests that the data recovery efforts be completed in ‘zones’ so that priority areas to be completed first are the wye and any portion on the new industrial lead. The secondary ‘zone’ would be any areas of proposed work along the mainline track including the Germann Siding extension and the Working Track. UPRR requests that the priority zone (as identified above) be completed first and approved for construction prior to the secondary zone due to the priority zone being critical path for the overall project schedule.	The request was brought up during the Four Southern Tribes Meeting and also brought up for the consulting parties to consider during the MOA meeting.
Reviewers: Maura Jackson and Alison Stoltman, City of Mesa				
53	Stipulations III Professional Qualifications	154	Question for ASM – Does the Secretary of Interior Standards for Principal Investigator reach the standards required for Arizona Antiquities Act. One	Not addressed specifically in MOA. However, AAA standards for PI are more difficult than SOI standards.

#	Section	Line(s)	Comment	Comment Resolution
			archaeological site affected is U:10:2 on county, municipal as well as private land	
54	Stipulations III Professional Qualifications	160	Replace "Indian Tribes" with "Native American Tribes" on line 108 the term "Native American Tribes" was used.	This has been replaced.
55	Stipulations IV Area of Potential Effect	165	Take out "historic" and replace with "cultural" that includes historic and archaeological resources.	Replaced with historic properties in keeping with regulation language.
56	Stipulations VI Finding of Effect	223	UP shall hire a cultural resource management company/qualified archaeologists to monitor.	This has been added.
57	Stipulations VIII B Historic Properties Treatment Plan	243	A qualified archaeologist or with the aid of a cultural resources management company.	This has been added.
58	Stipulations VIII B Historic Properties Treatment Plan	255	And repatriation.	This has been added.
59	Stipulations VIII B Historic Properties Treatment Plan	287	And process for repatriation.	This has been added.
60	Stipulations XII Confidentiality	402	Replace "Indian Tribes" with "Native American Tribes".	This has been replaced.
61	Stipulations Curation	439	Replace "Indian Tribes" with "Native American Tribes".	This has been replaced.
62	Attachment D Consulting Party Contact Information	781	Remove Emily Early from the list.	This has been deleted.