
UPRR PIRATE - Continuing Section 106 Consultation - Fifth Revised Draft MOA

From Powell, Kris <Kris.Powell@jacobs.com>

Date Wed 11/26/2025 8:47 AM

To Kathryn Leonard <kleonard@azstateparks.gov>

Cc AZSHPO - AZPARKS <azshpo@azstateparks.gov>; Caroline Klebacha <cklebacha@azstateparks.gov>; mwalsh@azstateparks.gov <mwalsh@azstateparks.gov>; Tabachnick, Alan <alan.tabachnick@stb.gov>; Assenza, Adam <adam.assenza@stb.gov>; Gosselin, Danielle <danielle.gosselin@stb.gov>; Buckley, Maggie <Maggie.Buckley@jacobs.com>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>; Luhnnow, Glenda <Glenda.Luhnnow@jacobs.com>; McNeish, Sabra <Sabra.McNeish@jacobs.com>

 3 attachments (10 MB)

PIRATE Revised MOA Transmittal Sec 106 Ltr_SHPO.pdf; UPRR PIRATE Revised Draft MOA Comment Form.docx; PIRATE FIFTH REVISED DRAFT MOA 11-26-25.pdf;

Dear Ms. Leonard:

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).

We are attaching the Fifth Revised Draft Memorandum of Agreement (MOA) for your review and comment. A Comment Matrix is provided for your use. OEA requests your review of the attached Fifth Revised Draft MOA by December 30, 2025. If you have questions, or require more information, please do not hesitate to contact Alan Tabachnick, STB's Federal Preservation Officer, at Alan.Tabachnick@stb.gov. Thank you for your continued participation in the Section 106 process.

Regards,

Kris Powell, M.A., RPA (she/her) | JACOBS | Senior Archaeologist and Principal Investigator |

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PTO November 28, 2025; December 22 – 26, 2025



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 26, 2025

Ms. Kathryn Leonard
State Historic Preservation Officer
Arizona State Parks, State Historic Preservation Office
1110 West Washington Street, Suite 100
Phoenix, AZ 85007

Re: Docket No. FD 36501, Union Pacific Railroad Company – Construction and
Operation Exemption – in Maricopa County, Arizona: Revised Draft
Memorandum of Agreement

Dear Ms. Kathryn Leonard:

Union Pacific Railroad Company is seeking authority from the Surface Transportation Board (Board) to construct and operate approximately 6.0 miles of new rail line in Maricopa County, Arizona (Docket Number [No.] FD 36501) (Pecos Industrial Rail Access and Train Extension or PIRATE) (refer to map, Attachment A). In July 2023, while the environmental and historical review process for PIRATE was still pending, the Board's Office of Environmental Analysis (OEA) learned that ground disturbance to archaeological resources had occurred in the project's Area of Potential Effects. Between July 2023 and June 2025, OEA completed an assessment of the damage under Section 110(k) of the National Historic Preservation Act (NHPA). On June 3, 2025, the Board issued a decision finding that Section 110(k) of the NHPA is not applicable and that the Board will continue with the Section 106 process for the project.

Prior to July 2023, OEA had completed three of the four steps in the Section 106 process (initiation, identification of historic properties, and assessment of effects). The fourth step in the Section 106 process (resolution of adverse effect) was in progress when the ground disturbance was discovered in July 2023. After the Board's Section 110(k) decision, OEA is now continuing with the final step (resolution of adverse effects) of the Section 106 process.

Revised Memoranda of Agreement

To address the project's adverse effects, OEA circulated the following four drafts of a Memorandum of Agreement (MOA) prior to discovery of the ground disturbance:

- First Draft MOA: Distributed for review and comment on December 9, 2022
- Revised First Draft MOA: Revised and redistributed for review and comment on February 10, 2023
- Second Revised Draft MOA: Revised and redistributed for review and comment on March 10, 2023

- Third Revised Draft MOA: Revised and redistributed for review and comment on May 26, 2023
- Fourth Revised Draft MOA: Revised and redistributed for review and comment on July 21, 2023

The Fifth Revised Draft MOA is enclosed as a separate document (Attachment B). The Fifth Revised Draft MOA includes new clauses and stipulations related to the archaeological site damage and streamlines the transition between data recovery phases (See Attachment C). The Fifth Revised Draft MOA also includes minor editorial and grammatical changes. These changes are not substantive, and are not comprehensively summarized in Attachment C.

OEA is continuing Section 106 consultation with your office and providing you with the Fifth Revised Draft MOA for review and comment. We request any comments you may have by December 30, 2025. Thank you for your continued involvement and input on this project. Please feel free to contact Alan Tabachnick, the Board's Federal Preservation Officer, at email address alan.tabachnick@stb.gov with any comments or questions.

Sincerely,



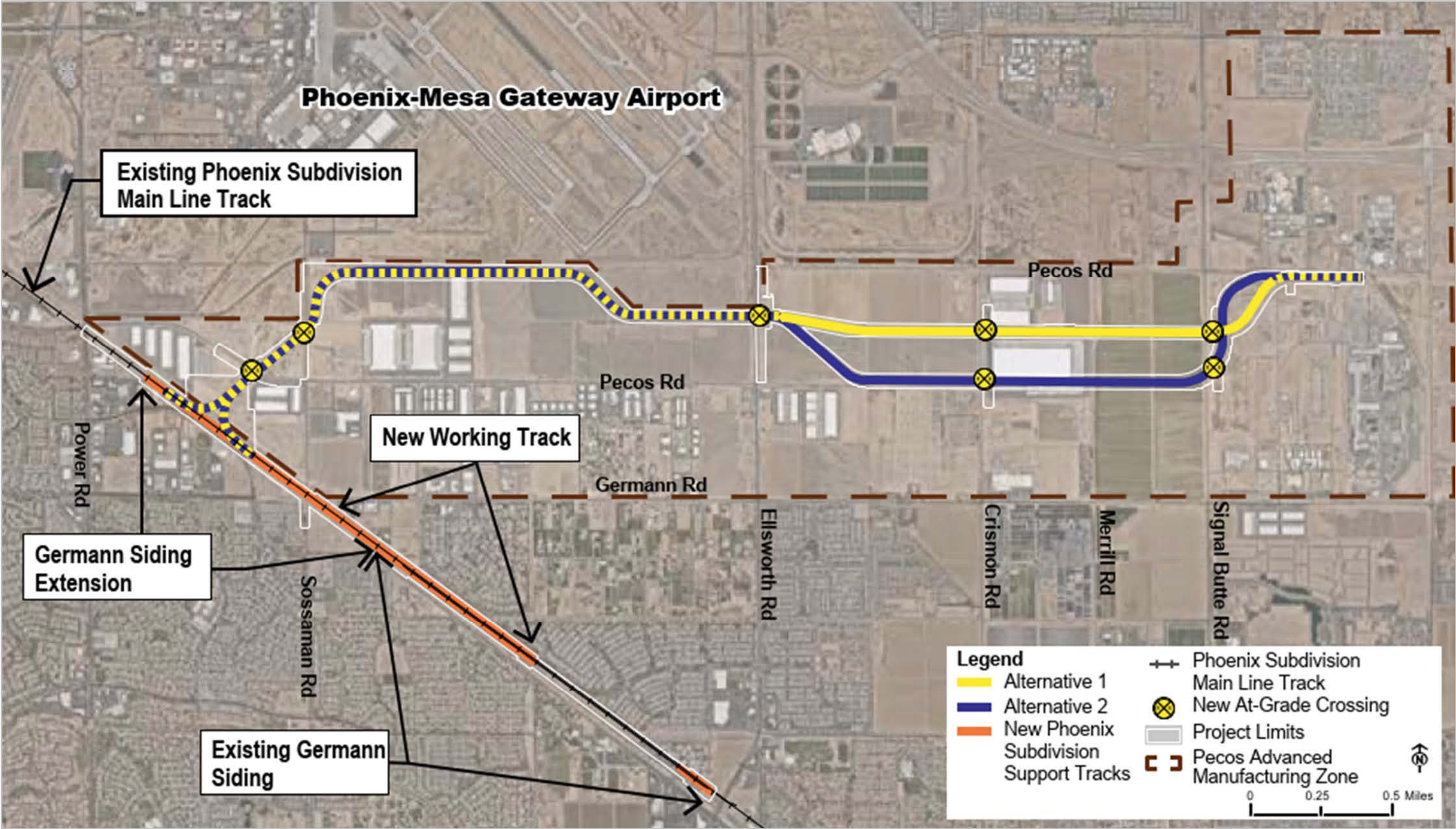
Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

Attachment A – PIRATE Location Map
Attachment B – Fifth Revised Draft MOA (enclosed separately)
Attachment C – Fifth Revised Draft MOA Revision Summary

Cc: Adam Assenza, OEA Environmental Protection Specialist, adam.assenza@stb.gov
Alan Tabachnick, Board's Federal Preservation Officer, alan.tabachnick@stb.gov
Maggie Buckley, Jacobs Project Manager, maggie.buckley@jacobs.com
Caroline Klebacha, Archaeological Compliance Specialist, cklebacha@azstateparks.gov
Mary-Ellen Walsh, Cultural Resources Compliance Program Manager,
mwalsh@azstateparks.gov

ATTACHMENT A – PIRATE LOCATION MAP



Company/Tribe	Contact	Position	Email
Ak-Chin Indian Community	Gabriel Lopez	Chairman	glopez2@ak-chin.nsn.us
Ak-Chin Indian Community	Tracy Wind		twind@ak-chin.nsn.us
Ak-Chin Indian Community	Elaine Peters		epeters@ak-chin.nsn.us
ASLD	Mark Edelman	Director, Planning and Engineering	medelman@azland.gov
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Arizona State Museum	Patrick Lyons	Director	plyons@arizona.edu
Arizona State Museum	Brad Stone	Arizona Antiquities Act Administrator	bstone@arizona.edu
AZ Museum of Natural History	Alison Stoltman	Acting Director	Alison.Stoltman@MesaAZ.gov
Gila River Indian Community	Stephen Roe Lewis	Governor	executivemail@gric.nsn.us
Gila River Indian Community	Larry Benallie Jr	Archaeological Compliance Specialist	Larry.BenallieJr@gric.nsn.us
Gila River Indian Community	Reylynne Williams	Cultural Resource Specialist	Reylynne.Williams@gric.nsn.us
Gila River Indian Community	Darius Enos	Cultural Resource Specialist	Darius.Enos@gric.nsn.us
Hopi Tribe	Timothy Nuvangyaoma	Chairman	tnuvangyaoma@hopi.nsn.us
Hopi Tribe	Stewart Koyiyumptewa	THPO	skoyiyumptewa@hopi.nsn.us
FCDMC	Paul Baughman	Chief Engineer	Paul.baughman@maricopa.gov
FCDMC	Tom Hanson	Right-of-Way Use Permitting Branch Manager	Tom.Hanson@maricopa.gov
Mesa Historical Museum	Susan Ricci	Executive Director	exec@mesamuseum.org;
Mesa Historic Preservation Office	Mary Kopaskie-Brown	Planning Director	Mary.Kopaskie-Brown@mesaaz.gov
Mesa Historic Preservation Office	Matthew Kriegl	Historic Preservation Officer	Matthew.Kriegl@mesaaz.gov

Mesa Historic Preservation Office	Kellie Rorex	Historic Preservation Supervisor	Kellie.Rorex@MesaAZ.gov
Pascua Yaqui Tribe	Julian Hernandez	Chairman	jhernandez1@pascuayaqui-nsn.gov
Pascua Yaqui Tribe	Karl Hoerig	THPO	Karl.Hoerig@pascuayaqui-nsn.gov
Mesa Gateway Airport	Scott Brownlee		sbrownlee@gatewayairport.com
Mesa Gateway Airport	Carl D'Acosta	Environmental Coordinator	CD'Acosta@gatewayairport.com
Salt River Pima Maricopa Indian Community	Martin Harvier	President	gary.bohnee@srpmic-nsn.gov
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Salt River Pima Maricopa Indian Community	Sunday Eiselt	THPO Archaeologist	Sunday.Eiselt@srpmic-nsn.gov
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Salt River Project	Dan Garcia	Senior Cultural Resources Management Specialist	Dan.garcia@srpnet.com
SanTan Historical Museum	Keith Johanson	President	santanhistoricalmuseum@gmail.com
Arizona State Parks, SHPO	Caroline Klebacha	Archaeological Compliance Specialist	cklebacha@azstateparks.gov
Arizona State Parks, SHPO	Mary Walsh	Archaeological Compliance Specialist	mw Walsh@azstateparks.gov
Arizona State Parks, SHPO	Kathryn Leonard	SHPO	kleonard@azstateparks.gov
Tohono O'Odham Nation	Verlon Jose	Chairman	verlon.jose@tonation-nsn.gov
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Tohono O'Odham Nation	Samuel Fayuant	Cultural Resources Specialist	Samuel.fayuant@tonation-nsn.gov
USACE	Shannon Morgan	Project Manager	Shannon.R.Morgan@usace.army.mil
USACE	Sallie Diebolt		splregulatoryaz@usace.army.mil
Zuni Tribe	Arden Kucate	Chairman	arden.kucate@ashiwi.org
Pueblo of Zuni	Kurt Dongoske	THPO	kdongoske@gmail.com
UPRR	Kevin Rice	Senior Manager	kprice@up.com
Desert Archaeology	Sarah Herr	President	sherr@desert.com
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Town of Queen Creek	Heather Wilkey	Intergovernmental Relations Director	Heather.wilkey@queencreekaz.gov
Mescalero-Apache Tribe	Holly Houghten	THPO	Holly@mathpo.org
Mescalero-Apache Tribe	Thora Walsh Padilla	President	tpadilla@mescaleroapachetribe.com
Tonto Apache Tribe	Calvin Johnson	Chairman	cjohnson@tontoapache.org
Tonto Apache Tribe	Jeri Decola	Cultural and NAGPRA Representative	jdecola@tontoapache.org
Mesa Office of Economic Development	Nick Juszcak		nick.juszcak@mesaaz.gov
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Yavapai Apache Nation	Marley Juan	Cultural Manager	mjuan@yan-tribe.org