

51851
OEA

SERVICE DATE – AUGUST 31, 2023

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

NOTICE

Docket No. FD 36501

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

Postponement of Final Environmental Assessment

This proceeding involves a request by the Union Pacific Railroad (UP) for authority to construct and operate an approximately 6-mile rail line in Mesa, Arizona. On May 31, 2023, the Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) issued a Draft Environmental Assessment (Draft EA) for public review and comment. On July 28, 2023, OEA learned that there had been significant ground disturbance and damage to archaeological resources in the area of the proposed right-of-way. OEA promptly investigated the situation and directed UP to cease and desist and to immediately take steps to secure the right-of-way to prevent further damage. OEA also met with the affected Tribes, staff from the State Historic Preservation Office and UP at site visits in the project area to assess the damage.

On August 24, 2023, Peter Steere, the Tribal Historic Preservation Officer of the Tohono O'odham Nation, requested that the EA process be put on hold until a damage assessment report is completed, and potential mitigation to address the damage and any related legal issues are resolved. Other affected tribes made similar requests at OEA's meetings in the project area. Given all of these circumstances, OEA will delay issuance of the Final EA in this proceeding until further notice.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.