
From: Rachael Mangum <rmangum@achp.gov>
Sent: Friday, August 15, 2025 12:05 PM
To: Powell, Kris; Tabachnick, Alan
Cc: Jaime Loichinger; Assenza, Adam; Phoebus, Elizabeth (Betsi); Buckley, Maggie; McNeish, Sabra; Luhnnow, Glennda
Subject: Re: [External] UPRR PIRATE - Continuing Section 106 Consultation - September 15, 2025 Meeting
Attachments: az.stb.maricopa county.uprc pirate project.20221222.np.pdf

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Hi Kris,

The ACHP previously reviewed the notification of adverse effects for this undertaking sent by the federal agency and responded with the attached letter, dated December 22, 2022, documenting its decision not to participate in the continuing consultation to resolve the adverse effects. The decision and recommendations in that letter still stand, so there is no need to include us in the upcoming consulting parties meeting; however, we remain available to offer advisory technical assistance, if needed.

Please let me know if you have any questions.

Thanks,
Rachael

Rachael Mangum, MA, RPA
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Advisory Council on Historic Preservation
(202) 517-0214
rmangum@achp.gov

From: Powell, Kris <Kris.Powell@jacobs.com>
Sent: Friday, August 15, 2025 2:06 PM
To: Jaime Loichinger <jloichinger@achp.gov>
Cc: Rachael Mangum <rmangum@achp.gov>; Assenza, Adam <adam.assenza@stb.gov>; Tabachnick, Alan <alan.tabachnick@stb.gov>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>; Buckley, Maggie <Maggie.Buckley@jacobs.com>; McNeish, Sabra <Sabra.McNeish@jacobs.com>; Luhnnow, Glennda <Glennda.Luhnnow@jacobs.com>
Subject: [External] UPRR PIRATE - Continuing Section 106 Consultation - September 15, 2025 Meeting

Dear Ms. Loichinger:

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).

In July 2023, while the environmental and historic review process was still pending, the Board's OEA learned that there had been significant ground disturbance and damage to archaeological resources in the Area of Potential Effects. Between July 2023 and June 2025, OEA completed a damage assessment and on June 3, 2025, the Board issued a decision stating that it would not issue a finding that Section 110(k) of the National Historic Preservation Act applies to PIRATE. Accordingly, the attached letter reinitiates the Section 106 process, explains next steps, and provides notice of a virtual consulting parties meeting to be held on September 15, 2025. A formal Teams invitation will be provided in the coming days.

Please feel free to contact Alan Tabachnick, STB's Federal Preservation Officer, at Alan.Tabachnick@stb.gov with any questions.

Thank you,

Kris Powell, M.A., RPA (she/her) | JACOBS | Senior Archaeologist and Principal Investigator
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December 22, 2022

Mr. Alan Tabachnick
Deputy FPO/Historic Preservation Specialist
Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW
Washington, DC 20423

Ref: *Pecos Industrial Rail Access and Train Extension Project*
City of Mesa, Town of Queen Creek, Maricopa County, Arizona
ACHP Project Number: 19032

Dear Mr. Tabachnick:

On December 8, 2022, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the Arizona State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to 36 CFR § 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Arizona SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the NHPA.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Ms. Emily Choi at (202) 517-0207 or by e-mail at echoi@achp.gov and reference the ACHP Project Number above.

Sincerely,

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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