



**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
LOS ANGELES DISTRICT
3636 N CENTAL AVENUE, SUITE 900
PHOENIX, ARIZONA 85012-1939**

December 13, 2021

SUBJECT: Permit Application Request

Adam Assenza
Surface Transportation Board
395 E Street SW
Washington, District of Columbia 20423

Dear Mr. Assenza:

It has come to my attention that you plan to construct a new industrial lead railroad track that would connect Union Pacific's Phoenix Sub main line track in Maricopa County, Arizona, to industrial properties southeast of the Phoenix-Mesa Gateway Airport, also located within Maricopa County, Arizona.

This activity may require a Department of Army (DA) permit from the U.S. Army Corps of Engineers. A DA permit is required for the discharge of dredged or fill material into, including any redeposit of dredged material other than incidental fallback within, "waters of the U.S.", including wetlands and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to the following activities:

- a. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
- b. mechanized land clearing and grading which involve filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the U.S.;
- c. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the U.S.; and
- d. placing pilings when such placement has or would have the effect of a discharge of fill material.

An application for a DA permit is available on our website:
<http://www.spl.usace.army.mil/Missions/Regulatory/PermitProcess.aspx>. If you have any questions, please contact Lisa Robinson at (602) 230-6958 or via email at Lisa.E.Robinson@usace.army.mil. Please refer to this letter and SPL-2021-00653 in your reply. Please help me to evaluate and improve the regulatory experience for others by completing the [customer survey](https://regulatory.ops.usace.army.mil/customer-service-survey/) form at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sallie Diebolt', with a stylized flourish at the end.

for Sallie Diebolt
Chief, Arizona Branch
Regulatory Division

Enclosure(s)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 10, 2021

Ms. Sallie Diebolt
Arizona Branch Chief
U.S. Army Corps of Engineers
Arizona-Nevada Area Office
3636 North Central Avenue, Suite 900
Phoenix, AZ 85012

Re: Docket No. FD 36501, Union Pacific Railroad Company – Construction and Operation Exemption – in Maricopa County, AZ; Preliminary Environmental Consultation

Dear Ms. Diebolt:

I am writing to inform you about a forthcoming proposal from the Union Pacific Railroad Company (UP) to construct and operate approximately six miles of new rail line in Maricopa County, Arizona. UP intends to seek authority from the Surface Transportation Board (Board) to construct and operate the proposed rail line. Before making its decision on whether to grant such authority, the Board must consider the potential environmental impacts of UP's proposal, pursuant to the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), the Board's environmental rules at 49 C.F.R. Part 1105, and related environmental laws.

The Board's Office of Environmental Analysis (OEA) intends to begin the process of preparing environmental documentation that will analyze the potential environmental and historic impacts of the proposed rail line. OEA will conduct the environmental review in consultation with appropriate federal, tribal, state, and local agencies; other interested stakeholders; and the public. The purpose of this letter is to advise you of the proposed rail line project, request information from your agency on the resources under your jurisdiction that could be affected by the proposed rail line, identify permits and approvals that could be required of UP, and identify any other information that would inform OEA's development of the range of alternatives to be considered during the environmental review. The information you provide will also help us determine what type of NEPA document should be prepared.

Project Background

UP intends to request Board authority to construct and operate new industrial lead railroad track that would connect UP's Phoenix Sub main line track in Maricopa County,

Arizona, to industrial properties southeast of the Phoenix-Mesa Gateway Airport (Figures 1 and 2). This project is referred to as the Pecos Industrial Rail Access and Train Extension (PIRATE) project. According to UP, the proposed track would serve the transportation and logistics needs of existing manufacturing and industrial businesses, as well as prospective businesses looking to relocate to the area. Maps of the proposed project area are attached.

Environmental Review Process

This letter begins the process by which OEA will assess the potential environmental impacts of constructing and operating the proposed rail line. The process will include the preparation of a draft and final environmental document, which for rail construction proposals is normally an environmental impact statement (EIS), as specified in the Board's environmental rules at 49 C.F.R. § 1105.6(a). Your response to this inquiry will assist OEA in determining if an EIS is appropriate in this case or if, alternatively, an environmental assessment (EA) could be prepared.

Pursuant to the Council on Environmental Quality's regulations implementing NEPA (40 C.F.R. §§ 1500–1508) and the Board's environmental rules at 49 C.F.R. § 1105, OEA will be the lead federal agency in the preparation of the environmental document that will evaluate the potential environmental effects of UP's proposal, including reasonable and feasible alternatives and the no-action alternative. The draft environmental document will be distributed to agencies and the public for review and comment pursuant to the requirements of NEPA and the Board's environmental rules. The NEPA document will set forth the Board's independent environmental review of the build alternatives and the no-build or no-action alternative. The alternatives to be considered in the environmental document may include new alternatives developed by OEA. Our agency's process will conclude with the Board's decision on whether to authorize the proposed rail line. In reaching its decision, the Board will consider the entire environmental record, including all public comments, the draft and final environmental documents, and OEA's final recommended environmental mitigation. Jacobs Engineering Group Inc., the third-party contractor for this project, will assist OEA in conducting the environmental review.

Request for Input

We would appreciate your assistance in preliminarily identifying whether any resources of concern to your agency may be affected by the proposed rail line, particularly if any permits or approvals are required of UP, and welcome any additional issues or concerns that you consider appropriate. You may submit comments electronically through the Board's website at www.stb.gov by clicking on the "E-Filing" link on the left side of the home page and then selecting "Environmental Comments." Brief comments may be typed within the comment field provided or you may attach comments as a separate file. You may also send your written comments to Adam Assenza, OEA's Project Manager for this environmental review, by email at Adam.Assenza@stb.gov. Comments received will be made available to the public on the Board's web site. We respectfully request your response by **January 10, 2022**.

If you have any questions or would like to arrange a virtual meeting or conference call with OEA, please feel free to contact Adam Assenza by phone at (202) 245-0301 or by email. We greatly appreciate your assistance and look forward to your participation in the Board's environmental review process for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

Danielle Gosselin
Acting Director
Office of Environmental Analysis

Enclosures:

Figure 1 – Project Vicinity Map

Figure 2 – Project Location Map

Figure 1. Project Vicinity Map

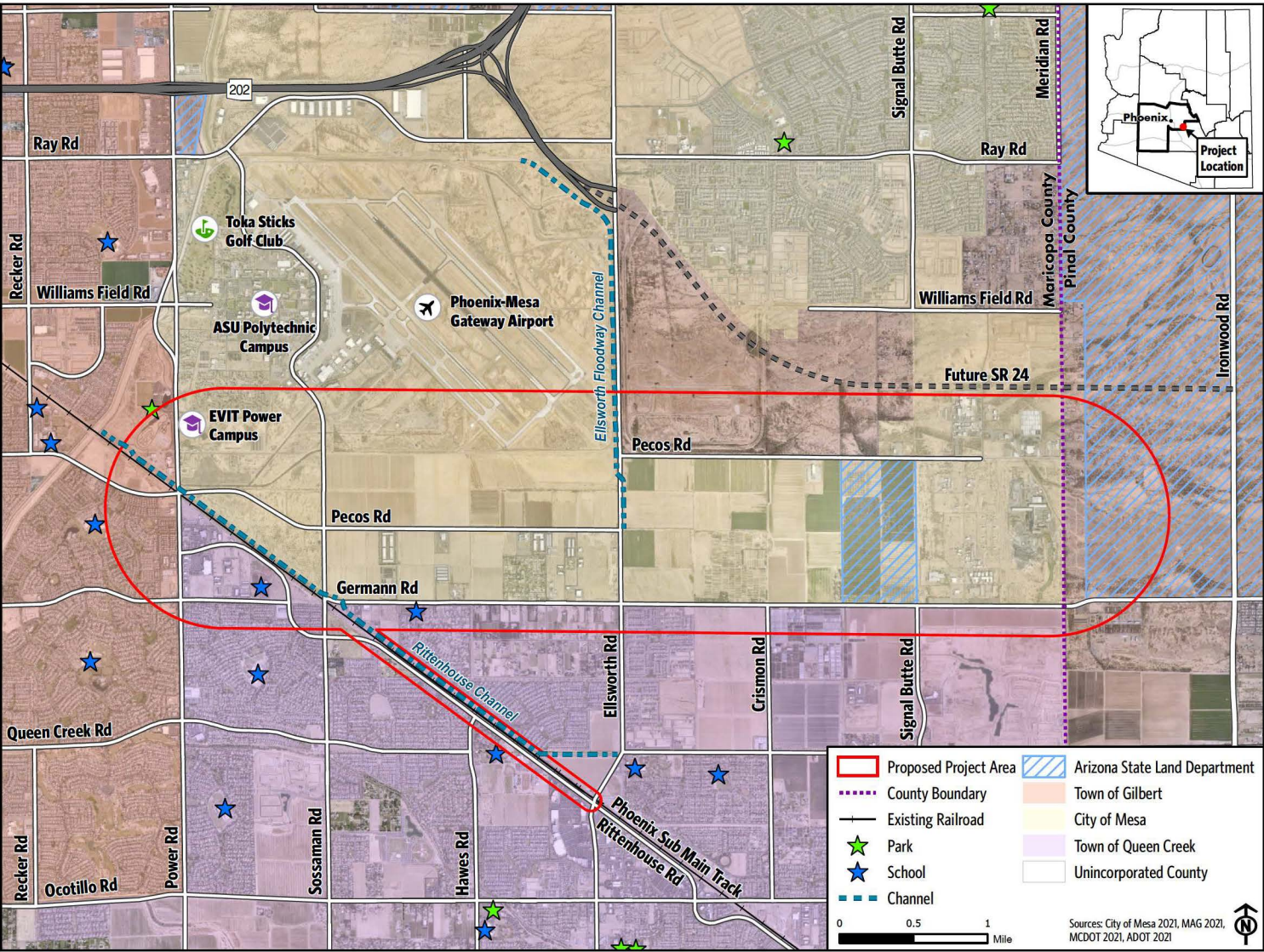


Figure 2. Project Location Map

