

From: [Shively, Matthew S CIV USARMY CENWK \(USA\)](#)
To: [Assenza, Adam](#)
Cc: [Wolff, Mikenna](#); [Hibbs, David R CIV USARMY CENWK \(USA\)](#); [Bartlett, Alex](#)
Subject: RE: Docket FD 36406 Port KC MRT Rail Cooperating Agency Invitation_Permit No. NWK-2021-00401
Date: Tuesday, August 31, 2021 2:13:29 PM
Attachments: [2021-08-31 STB Coop Agency Invite Form 2021-401.pdf](#)
[2021-08-31 Coop Agency Resp Ltr 2021-401.pdf](#)

Mr. Assenza,

Thank you for the opportunity to discuss the Missouri River Terminal proposed rail line today during the federal agency meeting. I have attached the completed Cooperating Agency Invitation form, requesting USACE participation in the environmental review. If you have any questions, please feel free to respond or call me at the number below. We look forward to collaborating with you and your team on this project.

Respectfully,

Matt Shively
 Regulatory Branch
 USACE Kansas City District
 (816) 389-3309

From: Bartlett, Alex <Alex.Bartlett@icf.com>
Sent: Monday, August 23, 2021 12:10 PM
To: Shively, Matthew S CIV USARMY CENWK (USA) <Matthew.S.Shively@usace.army.mil>
Cc: Assenza, Adam <Adam.Assenza@stb.gov>; Wolff, Mikenna <Mikenna.Wolff@icf.com>; Hibbs, David R CIV USARMY CENWK (USA) <David.R.Hibbs@usace.army.mil>
Subject: [Non-DoD Source] Docket FD 36406 Port KC MRT Rail Cooperating Agency Invitation_Permit No. NWK-2021-00401

Good Afternoon, Matt,

Attached, please find a letter inviting the USACE to participate as a cooperating agency in the preparation of the Port KC Missouri River Terminal Rail Environmental Assessment. The Surface Transportation Board is requesting a response indicating USACE preference for participation in the environmental and historic review of the proposed rail line by Friday, September 3, 2021. Note that a hard-copy version of the letter has also been sent to your office via U.S. Certified Mail.

Feel free to respond to this request via email to Adam Assenza (Adam.Assenza@stb.gov) or by U.S. Mail at: 395 E Street SW, Washington, DC 20423. We are happy to discuss any questions you have during our federal agency meeting scheduled for Tuesday, August 31 at 12:00PM Eastern Time.

Thank you,



ALEX BARTLETT | Senior Manager – Environment & Planning |
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 14123 Denver West Parkway, Ste. 100 | Golden, CO 80401 USA |



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
601 E. 12TH STREET, 635 FEDERAL BUILDING
KANSAS CITY, MO 64106-2824

August 31, 2021

Regulatory Branch
NWK-2021-00401

Mr. Adam Assenza
Surface Transportation Board
Office of Environmental Analysis
395 E Street Southwest
Washington, DC 20423

Dear Mr. Assenza:

Thank you for contacting the U.S. Army Corps of Engineers (USACE), Kansas City District regarding the rail line proposed by the Port Authority of Kansas City (Docket No. FD 36406). The Kansas City District received your cooperating agency invitation response form sent under cover letter dated August 23rd, 2021. At this time, the Kansas City District has not yet received a permit application from the Port Authority of Kansas City for the rail line or the future Missouri River Terminal which it would serve. However, the Kansas City District can assist the Surface Transportation Board's Office of Environmental Analysis in projecting what the USACE regulatory requirements for the rail component of the Missouri River Terminal might be. Additionally, the information gathered by the Office of Environmental Analysis could inform the Kansas City District's decisions under separate authorities, should we receive applications for the rail line or the Missouri River Terminal. To that end, I have completed the cooperating agency invitation response form and it is enclosed. I also request agency participation in future project discussions. The Kansas City District looks forward to collaborating with the Office of Environmental Analysis on this project.

If you have any questions concerning this matter, please feel free to contact me or Mr. Matt Shively, Project Manager, at 816-389-3309 or by email at matthew.s.shively@usace.army.mil. Please reference Permit No. NWK-2021-00401 in all comments and/or inquiries relating to this project. This letter is only being provided to you electronically at: Adam.Assenza@stb.gov.

Sincerely,

David R. Hibbs

David R. Hibbs
Program Manager
Regulatory Branch

Enclosure

**SURFACE TRANSPORTATION BOARD, OFFICE OF ENVIRONMENTAL ANALYSIS
COOPERATING AGENCY INVITATION RESPONSE FORM**

Having reviewed the attached Cooperating Agency Invitation the following agency (by signing this document):

- ☒ United States Army Corps of Engineers
- ☐ United States Coast Guard
- ☐ United States Department of Transportation, Maritime Administration
- ☐ United States Fish and Wildlife Service

- ☒ Will participate as a cooperating agency
- ☐ Will not participate as a cooperating agency but will serve as a participating agency throughout the environmental and historic review

Project Name:

Docket No. FD 36406, Port Authority of Kansas City – Construction and Operation Exemption – In Jackson and Clay Counties, Missouri

Comments: USACE regulatory authority over the proposed rail line may include Section 404 of the Clean Water Act and Section 14 of the Rivers & Harbors Act of 1899. Areas of regulatory overlap may include NEPA, Section 106 of the National Historic Preservation Act, Section 7 of the Endangered Species Act, etc. USACE may not be able to permit the proposed rail line as a stand-alone project, separate from the future Missouri River Terminal. However, interagency coordination for the rail component would likely benefit both agencies.

Additional Information Needed: USACE may require a wetland and waterbody delineation in order to determine impacts to waters of the United States resulting from the proposed rail line. Since the Surface Transportation Board serves as a lead federal agency for Section 106 NHPA and Section 7 ESA coordination, USACE may request information regarding agency and tribal coordination and concurrence.

Signature: David R. Hibbs

Title: Program Manager, Regulatory Branch, USACE Kansas City District

Date: 31 August 2021