

From: Diebolt, Sarah (Sallie) CIV USARMY CESPL (USA) <Sallie.Diebolt@usace.army.mil>
Sent: Wednesday, October 19, 2022 9:26 AM
To: Luhnnow, Glenna; alan.tabachnick@stb.gov
Cc: Assenza, Adam; Buckley, Maggie; Bushey, Sabra; Phoebus, Elizabeth (Betsi); Robinson, Lisa E CIV USARMY CESPL (USA)
Subject: [EXTERNAL] RE: SPL-2022-00250 (UPRR Pirate) UPRR PIRATE Continuing Section 106 Consultation and Survey Report Distribution

We have received Danielle Gosselin's letter dated October 18, 2022.

The Corps of Engineers Regulatory Branch does not have enough information to determine if we need to participate in 106 consultation for this project. The first step would be a jurisdictional determination to identify any waters of the United States within the project area.

If there are no jurisdictional waters present, then no Clean Water Act 404 permit would be required.

If a permit is required, the Corps would defer to the lead federal agency for the 106 consultation.

Until we are able to determine our involvement in the project, we will not be able to participate in the 106 MOA discussion.

Thank you.

Sallie Diebolt Branch Chief
 Regulatory Division, Arizona Branch
 Phoenix, AZ
 Los Angeles District, U.S. Army Corps of Engineers
 sallie.diebolt@usace.army.mil

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https://www.spl.usace.army.mil/Portals/17/docs/publicnotices/COVID19%20Regulatory_SPN.pdf?ver=2020-03-19-134532-833

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From: Diebolt, Sarah (Sallie) CIV USARMY CESPL (USA)
Sent: Tuesday, September 6, 2022 1:32 PM
To: 'Glenna.Luhnnow@jacobs.com' <Glenna.Luhnnow@jacobs.com>
Cc: Assenza, Adam <Adam.Assenza@stb.gov>; 'alan.tabachnick@stb.gov' <alan.tabachnick@stb.gov>; Buckley, Maggie <Maggie.Buckley@jacobs.com>; 'Sabra.Bushey@jacobs.com' <Sabra.Bushey@jacobs.com>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>; Robinson, Lisa E CIV USARMY CESPL (USA) <Lisa.E.Robinson@usace.army.mil>
Subject: RE: SPL-2022-00250 (UPRR Pirate) UPRR PIRATE Continuing Section 106 Consultation and Survey Report Distribution

Hello, we have received your correspondence regarding the APE for the subject project. At this point, the Arizona Regulatory Branch is unable to concur with the APE determination, however we usually defer such decisions to the lead federal agency.

The Regulatory process would involve determining any aquatic features that would be subject to the Corps' jurisdiction under Section 404 of the Clean Water Act and any permits that may be needed for discharges of fill material into those areas. In the absence of this information, we are not able to evaluate the APE for our agency action.

Please contact me with any questions or if you would like to discuss further.

Thank you.

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From: Luhnnow, Glenna <Glenna.Luhnnow@jacobs.com>

Sent: Thursday, September 1, 2022 1:48 PM

To: Robinson, Lisa E CIV USARMY CESPL (USA) <Lisa.E.Robinson@usace.army.mil>

Cc: Assenza, Adam <adam.assenza@stb.gov>; Tabachnick, Alan <alan.tabachnick@stb.gov>; Buckley, Maggie <Maggie.Buckley@jacobs.com>; Bushey, Sabra <Sabra.Bushey@jacobs.com>; Phoebus, Elizabeth (Betsi) <Betsi.Phoebus@jacobs.com>

Subject: [Non-DoD Source] UPRR PIRATE Continuing Section 106 Consultation and Survey Report Distribution

Dear Ms. Diebolt,

As stated in previous Section 106 consultation conducted under the National Historic Preservation Act, the Union Pacific Railroad Company intends to request authority from the Surface Transportation Board (Board) 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).

With the attached letter, the Board's Office of Environmental Analysis (OEA) is continuing Section 106 consultation with your office and soliciting comments regarding revisions to the Area of Potential Effects for cultural resources, adequacy of a Class III survey report, National Register of Historic Places site eligibility, treatment recommendations, finding of adverse effect, and a Section 106 agreement document.

The Class III cultural resources survey report has been transmitted to you via File Transfer on behalf of OEA by Jacobs Engineering Group Inc, OEA's third-party contractor. The File Transfer document will be available for 15 days and will expire on September 15, 2022. If you are not able to access the document, or the link expires, please contact Glenda Luhnnow, Jacobs' cultural resources manager, at Glenda.Luhnnow@jacobs.com.

OEA requests your review and comment regarding the content of this letter by **Tuesday, October 4, 2022**. Please send your written comments electronically to Alan Tabachnick, OEA's Historic Preservation Specialist, at Alan.Tabachnick@stb.gov. If you have any questions or would like to discuss the proposed project in more detail, please contact Alan Tabachnick.

Thank you,
Glenda Luhnnow

Glenda Luhnnow, M.A., RPA | JACOBS | Manager/Archaeology and Cultural Resources |
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