

Importance: 100%

Andrea

1. Based on any initial review of the project, the project appears to need a Nationwide Permit for 14 Linear Transportation (see the Section 19 covering the Rio Grande River 4004 impacts) which also occur within the river and/or other areas of the trail and railway and associated infrastructure. Given the nature of the apparent impacts, it does not appear the USACE needs to be a cooperating agency but has a participating agency in your review. Please have an NWP 14 application prepared by a consultant with experience working with our regulatory office. The NWP 14 application form is attached, along with a consultant letter and the USACE needs to be a cooperating agency.

If you want a "preliminary jurisdictional determination" or "accepted jurisdictional determination", please let me know so I can provide alternative evidence.

4. Please perform a threatened & endangered species assessment consisting of 1) running a USFWS IPAC report for the project site (please ensure date report is generated is on the report) and 2) discussion documenting whether any species listed as endangered or threatened under the Endangered Species Act, proposed or candidate species, as listed on the IPAC report, might be affected by, or found in the vicinity of, the USACE permit area for the proposed project. If STB is lead for

6. FYI - we will wait to render our decision (issue permit verification letter) until such time as the presidential permit is issued (state dept) - we treat this permit issuance timing similar to that of a 408 approval by our District Engineer at a USACE federal project

Respectfully,
Eric Dephousse

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