

Wood, Diana

HEI-26135

**From:** Coburn, David <DCoburn@steptoe.com>  
**Sent:** Wednesday, July 05, 2017 4:01 PM  
**To:** Wood, Diana; Sara Luduena  
**Cc:** Justin Kockritz; Casey Hanson; sstokely@achp.gov  
**Subject:** RE: Comments on Draft Resolution Plan

Diana, Sara – FYI, a standard Corps nationwide 404 permit has been applied for by SGR per the STB requirements for floodplain crossings. SGR expects that the permit will be issued very soon. The FEMA floodplain administrator will be updated when we receive the Corps permit and will review planned floodplain crossings for concurrence and sign-off.

I concur in your view, Diana, that no STB action is triggered by a shipper deciding to use the SGR line or building connecting track to connect its facility to the SGR line. Should construction or operation of a new shipper's facility impact waters or wetlands, then the shipper might need to secure a Corps permit. It would be unusual if that event were to trigger any Corps obligation to undertake extensive environmental review or prepare an EIS, but in any event that would not involve SGR.

Regards. David Coburn/Attorney for Southwest Gulf Railroad

**From:** Wood, Diana [mailto:Diana.Wood@stb.gov]  
**Sent:** Wednesday, July 05, 2017 12:28 PM  
**To:** Sara Luduena  
**Cc:** Justin Kockritz; Casey Hanson; Coburn, David; sstokely@achp.gov  
**Subject:** RE: Comments on Draft Resolution Plan

Hi Sara:

Thanks for the comments. With regard to your question on Corps permitting, there are a number of Board-imposed mitigation measures that SGR must follow for water resource impacts, including securing any necessary permits. And as far as other shippers go, as a common carrier, SGR is required to provide rail service to any shipper requesting service on the line. There is no environmental/historic review for this process.

Please let me know if you have any further questions. I'll send out any last-minute comments tomorrow (as one week is sufficient time for mail delivery).

Diana

**From:** Sara Luduena [mailto:Sara.Luduena@thc.texas.gov]  
**Sent:** Thursday, June 29, 2017 1:02 PM  
**To:** Wood, Diana <Diana.Wood@stb.gov>  
**Cc:** Justin Kockritz <Justin.Kockritz@thc.texas.gov>; Casey Hanson <Casey.Hanson@thc.texas.gov>; DCoburn@steptoe.com; sstokely@achp.gov  
**Subject:** Comments on Draft Resolution Plan

Diana,

I'm sorry that we were playing phone tag this week. I know you're out—hopefully doing something fun—but attached is our formal response to the Draft Resolution Plan. Please let me know if you have any questions. I apologize for not sending this sooner.

I had initially called you this week with a few random questions, but I think I answered at least one of them, which had to do with any potential consultation with the US Army Corps of Engineers. That hadn't come up in any of the conversations or phone conferences I had been involved with about this project, but I saw in the EIS that possible Corps involvement had been considered. I'm not sure if anyone has reached out to them with the most current proposal to find out if a permit is needed, but we just thought we'd remind you that that may come up. One question that came out of our meeting with the MCEAA last week was whether there would be any STB involvement (licensing/permitting/etc.) if another "shipper" were to start using this rail line in the future. Would that require anything from STB that would trigger Section 106 consultation?

Please let me know if you have any questions about our comments.

Thanks,  
Sara

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