



EI - 21012

DEPARTMENT OF THE ARMY
MEMPHIS DISTRICT CORPS OF ENGINEERS
167 NORTH MAIN STREET B-202
MEMPHIS, TENNESSEE 38103-1894

REPLY TO
ATTENTION OF

January 12, 2015

Operations Division
Regulatory Branch

Mr. Joshua Wayland
Surface Transportation Board
Office of Environmental Analysis
395 E Street SW
Washington, DC 20423-0001

Dear Mr. Wayland:

This is in response to your recent request dated December 18, 2014, requesting our agency's review and comment of the Port of Cates Landing – Rail Extension, Description of Proposed Action and Alternatives (DOPPA) prepared as part of the environmental documentation under the National Environmental Policy Act. Based on the information provided, we offer the following comments in regard to the DOPPA:

1. Our office would require verification of the presence of all waters and/or other waters of the United States within the project area prior to submission of a Department of the Army (DA) permit application. It is stated in Sections 2.1 – 2.3 that preliminary investigations indicate wetlands have not been identified within each of the alignments. Please provide our office with sufficient information (photographs, maps, wetland delineation forms, etc.) so that we may verify the wetland/stream survey. Our office will also be glad to accompany you and/or your representative for a site visit to review this delineation.
2. Figure 1-1 (USGS Topographic Map) indicates there are potentially jurisdictional other waters of the United States (OWUS) which would be crossed with each of the alternative rail alignments. These watercourses are shown on the USGS map by either solid or dashed blue lines. These watercourses should also be shown on Figures 2-1, 2-2, and 2-3 if they are determined to be OWUS. Currently, these figures indicate one OWUS is present within the alignment of Alternative A.
3. For DA permits, each crossing of a single water of the United States at a specific location is considered a single and complete linear project. Although it is appropriate to document impacts to biological, water and other natural resources with each alternative as part of environmental documentation, any proposed wetland and stream impacts should be specified at each project location as part of a permit application. This will determine the appropriate type of DA permit for this project.
4. The DOPPA indicates that preliminary investigations have not identified any historic structures or Native American cultural resources with each of the alternative rail alignments.

Documentation substantiating this finding should be provided as part of a permit application.

We appreciate the opportunity to provide comments on the DOPPA. If you have questions, please contact Mitch Elcan at (901) 544-0737 or by email at james.m.elcan@usace.army.mil and refer to File No. MVM-2014-395.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim H. Flinn". The signature is fluid and cursive, with the first name "Tim" being more distinct than the last name "Flinn".

Tim H. Flinn, P.E.
Chief, Eastern Section
Regulatory Branch