



Diana Wood/STB  
12/03/2007 12:06 PM

To "Dummer, Robert J SPL"  
<Robert.J.Dummer@usace.army.mil>  
cc barkerj@iowapacific.com, kotero@westlandresources.com,  
woodd@stb.dot.gov, "John Cook" <j.cook@circlepoint.com>  
bcc

Subject Re: Arizona Eastern Railway-12.4 mile Safford Branch

HEO-749  
FD 34836  
DTW

Dear Mr. Dummer:

Thank you for your email of November 30, 2007 apprising the Surface Transportation Board of the Nationwide 14 requirements, particularly those pertaining to Section 7 of the Endangered Species Act and Section 106 of the National Historic Preservation Act. As the lead Federal agency in the preparation of the Environmental Assessment, we are pleased to take the lead role in consulting with the US Fish & Wildlife Service and the AZ State Historic Preservation Office in order to expedite the Section 404 permit review process.

As you are aware, we have already initiated the Section 106 consultation process, and are just about to embark on the Section 7 consultation process. We are working with WestLand Resources in conjunction with our third-party contractor, CirclePoint, to ensure that the project has minimal impact on environmental resources. We will make sure that you are cc'ed on all correspondence and invite any feedback you might have.

Please do not hesitate to contact me at the number listed below, should you have any questions. Also, feel free to contact Kim Otero, WestLand Resources Project Manager (520-206-9585 or 520-206-9518), or John Cook, CirclePoint Project Manager (415-227-1100 ext. 129) for further information.

Best regards,

Diana F. Wood  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street S.W. Room 1110  
Washington, DC 20423  
202-245-0302 (phone)  
202-245-0454 (fax)

"Dummer, Robert J SPL" <Robert.J.Dummer@usace.army.mil>

11/30/2007 03:31 PM

To <woodd@stb.dot.gov>  
cc <kotero@westlandresources.com>,  
<barkerj@iowapacific.com>  
Subje Arizona Eastern Railway-12.4 mile Safford Branch  
ct

Ms. Wood,

I have received a jurisdictional delineation (JD) request from Kim Otero at WestLand Resources, Inc. The JD request is for 12.4 miles of new railway near Safford, Graham County, Arizona. I was informed that the project area is 12.4 linear miles of a new railway alignment and that you are using a 500-foot wide corridor in which to assess project impacts. This JD request has been assigned file number SPL-2006-2234-RJD.

The Corps of Engineers has been informed that this project is being designed to meet the terms and conditions of Nationwide Permit 14, "Linear Transportation Projects". I have attached below a copy of Nationwide Permit 14 (NWP 14) currently in effect in Arizona.

<<NWP14 enclosure 2007.doc>>

You are encouraged to continue your efforts to avoid and minimize impacts to waters of the United States so that the project would meet the terms and conditions of NWP 14.

There are two nationwide permit General Conditions (17 and 18 on pages 7 and 8 of the enclosure) where coordination efforts by the Surface Transportation Board (STB) can expedite the Section 404 permit review process. For General Condition 17 "Endangered Species" the Corps of Engineers would like STB to be the lead federal agency to complete the Section 7 consultation for this project. The Corps of Engineers requests copies of all consultation documents sent to or received from U.S. Fish and Wildlife Service but otherwise we prefer that STB to follow their own endangered species consultation procedures. This action would then satisfy General Conditions 17(b) (See enclosure page 7). For General Condition 18 "Historic Properties" the Corps of Engineers would like STB to be the lead federal agency to complete the National Historic Preservation Act's Section 106 process. The Corps of Engineers requests copies of all consultation documents sent to or received from the tribes and Arizona State Historic Preservation Office but otherwise we prefer that STB follow their own Section 106 procedures. This action would then satisfy General Conditions 18(b) (See enclosure page 8).

If you have any additional questions please contact me.

Robert J. Dummer  
Project Manager, Regulatory Branch  
U.S. Army Corps of Engineers  
3636 North Central Avenue, Suite 900  
Phoenix, Arizona 85012-1939

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