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November 5, 2020

301260

VIA E-FILING

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
November 5, 2020
Part of
Public Record

Re: Canonie Atlantic Co. – Abandonment Exemption – in Norfolk, VA
Surface Transportation Board Docket No. AB 1266 (Sub. No. 1X)

Dear Ms. Brown:

Enclosed for filing in the above captioned proceeding is the Environmental and Historical Report submitted on behalf of the Canonie Atlantic Co. If there are any problem with this filing, please let me know.

Sincerely,



Justin J. Marks
Counsel to Canonie Atlantic Co.

Enclosure

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1266 (Sub. No. 1X)

CANONIE ATLANTIC CO.
- ABANDONMENT EXEMPTION –
IN NORFOLK, VA

ENVIRONMENTAL/HISTORIC REPORT

(color copies included)

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Counsel for
Canonie Atlantic Co.

Dated: November 5, 2020

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1266 (Sub. No. 1X)

CANONIE ATLANTIC CO.
- ABANDONMENT EXEMPTION –
IN NORFOLK, VA

ENVIRONMENTAL/HISTORIC REPORT

Canonie Atlantic Co. (“CAC” or “Applicant”) owns the land, rail, track materials and other personal property, as well as the underlying right-of-way, comprising the rail line between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA (the “Subject Line”). CAC will be seeking exemption authority for the abandonment of the Subject Line.¹ There are no stations on the Subject Line. The Subject Line traverses through United States Postal Service ZIP Code 23504, entirely in Norfolk, VA. A map of the Subject Line is attached as Exhibit A.

CAC plans to seek Surface Transportation Board (“STB”) authorization for its abandonment through a petition of exempt abandonment pursuant to the provisions of 49 CFR parts 1121 and 1152 on or after November 26, 2020. This report is being filed in connection therewith, and in accordance with the requirements of 49 CFR 1105.7 and 1105.8. To prepare this report, Applicant consulted with various state and federal agencies as required by the

¹ The last freight service was provided by Cassatt Management Co. d/b/a Bay Coast Railroad (“BCR”) under its lease with CAC. BCR will be seeking an exemption in Docket No. AB 1267 (Sub. No. 1X) to discontinue its common carrier service obligations over the St. Julian Line (as well as an adjacent line owned by Norfolk Southern Railway Company). Under STB regulations, a party such as BCR, seeking authority to discontinue operations is not required to prepare an environmental and historic report.

Board's regulations. *See* the letters attached as Exhibit B. Based on the written responses received by Applicant to-date attached as Exhibit C, Applicant states as follows:

ENVIRONMENTAL REPORT

(49 CFR 1105.7)

1. PROPOSED ACTION AND ALTERNATIVES

Applicant acquired the Subject Line in 1985,² the Board recently granted authority to abandon another segment of the line, also acquired in 1985, in *Canonie Atlantic Co. – Abandonment Exemption – Hallwood to Cape Charles, VA*, Docket No. AB 1266X (served Nov. 1, 2019). The Subject Line has not had any local freight service in over two years. Given the lack of freight service, CAC has allowed the tracks to be used to support nearby intercity passenger service. CAC plans to sell the St. Julian Line to the Virginia Department of Rail and Transit ("DRPT") to be used as private track to continue to support intercity passenger service. CAC will not salvage the track and rail ties.

2. EFFECTS ON THE TRANSPORTATION SYSTEM

Because there has been no local or overhead freight service on the Subject Line for over two years, no traffic will be diverted, and Applicant believes that the abandonment would have no effect on the transportation system. Applicant sent a consultation letter regarding the proposed abandonment to VDOT. *See* the letters attached as part of Exhibit B. CAC has not received a response from VDOT.

3. LAND USE

² *Canonie Atlantic Co. and Canonie, Inc.; Exemption from 49 United States Code 10901, 11301, and 11343*, ICC Finance Docket 30709; 50 Fed. Reg. 37293 (Sept. 12, 1985).

(i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant consulted with the following agencies regarding the proposed abandonment that may be concerned with land use issues: Virginia Department of Environmental Quality (“VDEQ”), the Natural Resources Conservation Service Virginia (“NRCS - Virginia”); Natural Resources Conservation Service National (“NRCS – National”); U.S. Environmental Protection Agency Region 3 (“EPA”); NOAA National Geodetic Survey (“NGS”); U.S. Army Corps of Engineers Norfolk District; the Mayor and City Manager of the City of Norfolk; National Park Service, Region 1 (“NPS – Region 1”); National Park Service National (“NPS – National”); U.S. Fish and Wildlife Service, Virginia Field Office (“FWS Virginia”). Copies of these letters are attached as part of Exhibit B.³ To date, Applicant has only received a written response from the following consulted land use agency, a copy of which is included as part of Exhibit C:

- NGS responded to CAC’s consultation letter stating, “NGS located no (0) geodetic survey marks in that stretch of rail the map shows will be abandoned.”

(ii) Applicant does not believe that the proposed abandonment will have any adverse effect on any prime agricultural land. Consultation notices were sent to the potentially concerned agencies listed in paragraph 3(i) above, and as indicated, no responses have been received except for the response from NGS, which does not have any issues with the proposed abandonment.

³ In its consultation letters to these agencies, CAC misidentified that Board’s Docket No. as AB 1366 (Sub. No. 2X) when in fact it is AB 1366 (Sub. No. 1X).

(iii) Applicant does not believe that the abandonment is inconsistent with any coastal zone plans. A consultation notice⁴ was sent to the Virginia Coastal Zone Management Program (“CZM”) administered by the Virginia Department of Environmental Quality (“DEQ”). DEQ informed CAC that the project is a listed activity under the CZM program and directed CAC to submit federal consistency documentation to DEQ. A copy of the DEQ letter and CAC’s response is included as part of Exhibit C.

(iv) Applicant believes that the right of way may be suitable for a public purpose. Applicant plans to sell the Subject Line to DRPT to be used as private track to support intercity passenger service.

4. **ENERGY**

Since there has not been any local freight service on the Subject Line for more than two years,

- (i) the proposed abandonment will have no effect on the transportation of energy sources;
- (ii) the proposed abandonment will have no effect on recyclable commodities;
- (iii) the proposed abandonment will have no effect on overall energy efficiency; and
- (iv) the proposed abandonment will not divert any traffic from rail to motor carriage.

The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(4)(iv).

⁴ In its consultation letter to this agency, CAC misidentified that Board’s Docket No. as AB 1366 (Sub. No. 2X) when in fact it is AB 1366 (Sub. No. 1X).

5. **AIR**

Since there has not been any local freight service on the Subject Line for more than two years (and since the current private track use will continue), the proposed abandonment will not result in any increases in rail or truck traffic or rail yard activity. The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(5).

6. **NOISE**

Because there will be no change in use of the tracks, Applicant does not believe that the proposed abandonment will result in any increase in noise levels.

7. **SAFETY**

Because there will be no change in use of the tracks, Applicant does not believe that the proposed abandonment will have any adverse effect on public health or safety.

8. **BIOLOGICAL RESOURCES**

(i) Applicant has consulted with the FWS Virginia, as well as to the following agencies that are potentially concerned with biological resources: VDEQ, NCRS – Virginia, NCRS – National, U.S. Army Corps of Engineers, NPS – Region 1, NPS – National, FWS. Copies of these consultation letters are attached as part of Exhibit B. Applicant has not received any responses from these agencies.

(ii) Applicant does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. Consultation letters were sent to the agencies identified in the paragraph 8(i), and Applicant has not received any responses.

9. WATER

(i) The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. Applicant consulted with the agencies identified in paragraph 8(i), and as noted in paragraph 8(i) has not received any responses.

(ii) Applicant sent a consultation letter regarding the proposed abandonment to the U.S. Army Corps of Engineers. A copy of this letter is attached as part of Exhibit B. No response has been received to-date.

(iii) Applicant does not believe that any Clean Water Act permits will be required since there will be no salvage done in connection with the proposed abandonment. Consultation letters were sent to VDEQ and EPA. No responses have been received to-date.

10. PROPOSED MITIGATION

Since no adverse environmental impacts are expected, no mitigation is proposed.

11. ADDITIONAL INFORMATION FOR RAIL CONSTRUCTION

Not applicable.

12. CONSULTATION

As shown by the copies of letters attached as Exhibit B, Applicant has consulted with the following agencies: VDEQ, NRCS – Virginia; NRCS – National; EPA; NGS; U.S. Army Corps of Engineers Norfolk District; the Mayor and City Manager of the City of Norfolk; NPS – Region 1; NPS – National; FWS Virginia. Written responses received to-date are attached as Exhibit C. The written response received from NGS is summarized in Section 3(i) above.

13. CERTIFICATIONS

Applicant certifies that:

- (a) It consulted with the agencies listed in 49 CFR 1105.7, as described in paragraph 12 above.
- (b) On this date, it sent copies of this report to each of the agencies consulted as shown on the attached certificate of service.
- (c) Notice of the proposed abandonment was published in the Virginia Pilot on October 30, 2020. A copy of the form of notice and the proof of publication are attached as Exhibit D.
- (d) Applicant will not file its verified notice of abandonment until at least twenty (20) days after the consulted agencies have been served with a copy of this report.

HISTORIC REPORT (49 CFR 1105.8)

1. U.S.G.S TOPOGRAPHIC MAP

U.S.G.S. topographic maps showing the location of the proposed abandonment are attached as Exhibit E.

2. DESCRIPTION OF RIGHT OF WAY

The Subject Line extends between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA (the “Subject Line”). The Subject Line is located in Norfolk, VA, an urban/suburban environment. The right of way is generally 79 feet wide. The right of way is crossed by two local roadways. CAC owns the rail, track materials, and the underlying property.

3. PHOTOGRAPHS OF HISTORIC STRUCTURE(S)

The Subject Line has no visible structures 50 years old or older on the right-of-way.

4. DATES OF CONSTRUCTION OF HISTORIC STRUCTURE(S)

As noted in paragraph 3 above, no historic structures exist on the right-of-way.

5. HISTORY OF CARRIER OPERATIONS IN THE AREA

The Subject Line is a small segment of a line that formed part of a through Pennsylvania Railroad (and later Penn Central Transportation Company) route between Wilmington, DE, and Cape Charles, VA, and then by car float to Little Creek (Norfolk), VA. The Board granted CAC authority to abandon the Hallwood, VA to Cape Charles, VA segment including the car float operation from Cape Charles to Little Creek, VA in *Canonie Atlantic Co. – Abandonment Exemption – Hallwood to Cape Charles, VA*, Docket No. AB 1266X (served Nov. 1, 2019).

In 1976, the Accomack-Northampton Transportation District Commission (“ANTDC”), a political subdivision of the Commonwealth of Virginia was established to preserve service over

the former Pennsylvania Railroad Line. The Virginia and Maryland Railroad, a Class III short line operated the line as ANTDC's operator until 1981. The ANTDC then provided service doing business as the Eastern Shore Railroad ("ESRR"). Ultimately, a private corporation, CAC purchased the stock of ESRR from the ANTDC and then several years later the ANTDC repurchased the stock of CAC from that entity keeping ESRR as a separate corporate subsidiary. ESRR provided all rail service until 2006 when Cassatt Management Co. d/b/a Bay Coast Railroad ("BCR") replaced it as the operating common carrier pursuant to a lease and operating agreement with CAC.⁵

The Subject Line has not had any local freight service in over two years. The tracks have been used to support nearby intercity passenger service. CAC plans to sell the St. Julian Line to the Virginia Department of Rail and Transit ("DRPT") for continued use as private track to support intercity passenger service. CAC will not salvage the track and rail ties.

6. SUMMARY OF STRUCTURE DOCUMENTATION

There are no historic structures on the Subject Line, and accordingly, CAC is not submitting any summary of documentation relating to the structures.

7. OPINION REGARDING CRITERIA FOR LISTING

Based on readily available information in CAC's possession, CAC does not believe that the rail line or right of way represent an historical resource or that any protective conditions are warranted.

⁵ Simultaneously with CAC's filing for abandonment in this docket, BCR will seek STB authority in Docket No. AB 167 (Sub-No. 1X) to discontinue operations over the St. Julian Line as well as an adjacent line owned by Norfolk Southern Railway Company between Milepost 100.7 (SN 2.1) and MP 100.3 (SN 2.5). Under STB regulations a party seeking authority to discontinue operations is not required to prepare an environmental and historic report.

Applicant has given notice of the proposed abandonment to the State Historic Preservation Officer at the Virginia Department of Historic Resources ('SHPO').⁶ CAC has not received a response.

8. ENVIRONMENTAL CONDITIONS

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archeological recovery of resources or the surrounding terrain. CAC will not conduct any salvage work, and therefore there will be not be any disturbance of subsurface resources.

⁶ In its consultation letter to the SHPO, CAC misidentified that Board's Docket No. as AB 1366 (Sub. No. 2X) when in fact it is AB 1366 (Sub. No. 1X).



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jmarks@clarkhill.com

*Counsel for
Canonie Atlantic Co..*

Dated: November 5, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this November 5, 2020, I served a copy of the foregoing Environmental and Historic Report on the persons listed below by email (where indicated) or first class mail, postage prepaid:

United States Department of Agriculture
Natural Resources Conservation Service
Chesapeake Service Center
310 Shea Drive
Chesapeake, VA 23322
Trenton.howell@usda.gov

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

United States Department of Agriculture
Natural Resources Conservation Service
Office of the Chief
1400 Independence Ave., SW
Room 5105-A
Washington, DC 20250

U.S. Army Corp of Engineers
Norfolk District
803 Front St.
Norfolk, VA 23510
dll-cenao-pa@usace.army.mil
dll-cenao-pa@usace.army.mil

National Park Service
1849 C Street, NW
Washington, DC 20240

U.S. Fish & Wildlife Service
Virginia Field Office
66669 Short Lane
Gloucester, VA 23061
Northeast@fws.gov

National Park Service
Region 1
1234 Market Street
20th Floor
Philadelphia, PA 19107

National Geodetic Survey
Communications and Outreach Branch,
NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282
ngs.infocenter@noaa.gov

The Honorable Kenneth Cooper Alexander
Mr. Larry Filer, City Manager
1006 City Hall Building
810 Union Street
Norfolk, VA 23510
mayor@norfolk.gov
city.manager@norfolk.gov

Mr. Jeremy Latimer
Virginia Department of Rail and Public
Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219
drptpr@drpt.virginia.gov

Virginia Department of Environmental
Quality
P.O. Box 1105
Richmond, VA 23218
Ann.regn@deq.virginia.gov

Virginia Department of Transportation
12221 East Broad Street
Richmond, VA 23219

Virginia Department of Historic Resources
2801 Kensington Ave
Richmond, VA 23221
Marc.wagner@dhr.virginia.gov



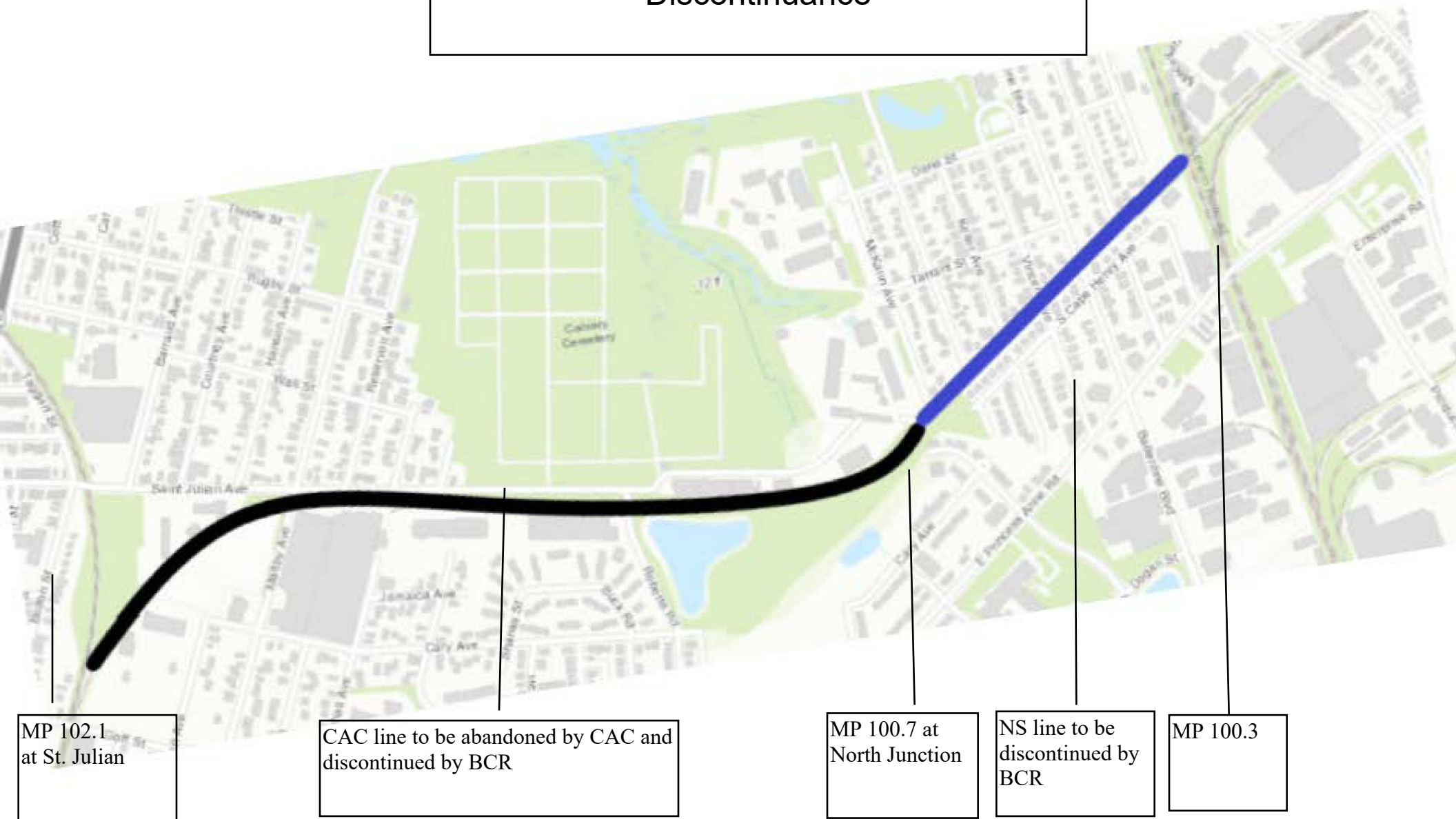
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ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT A

MAP

St. Julian Abandonment and Discontinuance



ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT B

CONSULTATION LETTERS

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July 17, 2020

VIA E-MAIL AND FIRST CLASS MAIL

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

Re: Canonie Atlantic Co. – Abandonment Exemption – in Norfolk, VA
Surface Transportation Board Docket No. AB 1266 (Sub. No. 2X)

To Whom it May Concern:

This letter is to advise you that Canonie Atlantic Co. (“CAC”) intends to file a notice of exemption for CAC to abandon a segment of rail line between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA (the “St. Julian Line”). The St. Julian Line traverses through United States Postal Service ZIP Codes 23504. A map of the St. Julian Line is attached as Exhibit A.

CAC plans to seek Surface Transportation Board (“STB”) authorization for the abandonment of the St. Julian Line on or after September 15, 2020 in STB Docket No. AB 1266 (Sub. No. 2X).¹

Based upon information in CAC’s possession, the Subject Line does not contain federally granted rights of way.

No local service has been provided on the St. Julian Line for more than two years. CAC plans to sell the St. Julian Line to the Virginia Department of Rail and Transit (“DRPT”) to be used for public use as private track to support passenger rail operations (in the same way the Line is being used currently). As such, CAC does not believe that there are any alternatives to the proposed action.

¹ Simultaneously with CAC’s filing for abandonment, in AB 1266 (Sub. No. 2X), Cassatt Management Co. d/b/a Bay Coast Railroad will seek STB authority to discontinue operations over the St. Julian Line as well as an adjacent line owned by Norfolk Southern Railway Company between Milepost 100.7 (SN 2.1) and MP 100.3 (SN 2.5). Under STB regulations a party seeking authority to discontinue operations is not required to prepare an environmental and historic report.

July 17, 2020

Page 2

Because of the proposed continued use of the track, CAC does not intend to salvage any of the rail or ties. As such, CAC believes that the abandonment will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

We would appreciate an expression from you by August 16, 2020 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,

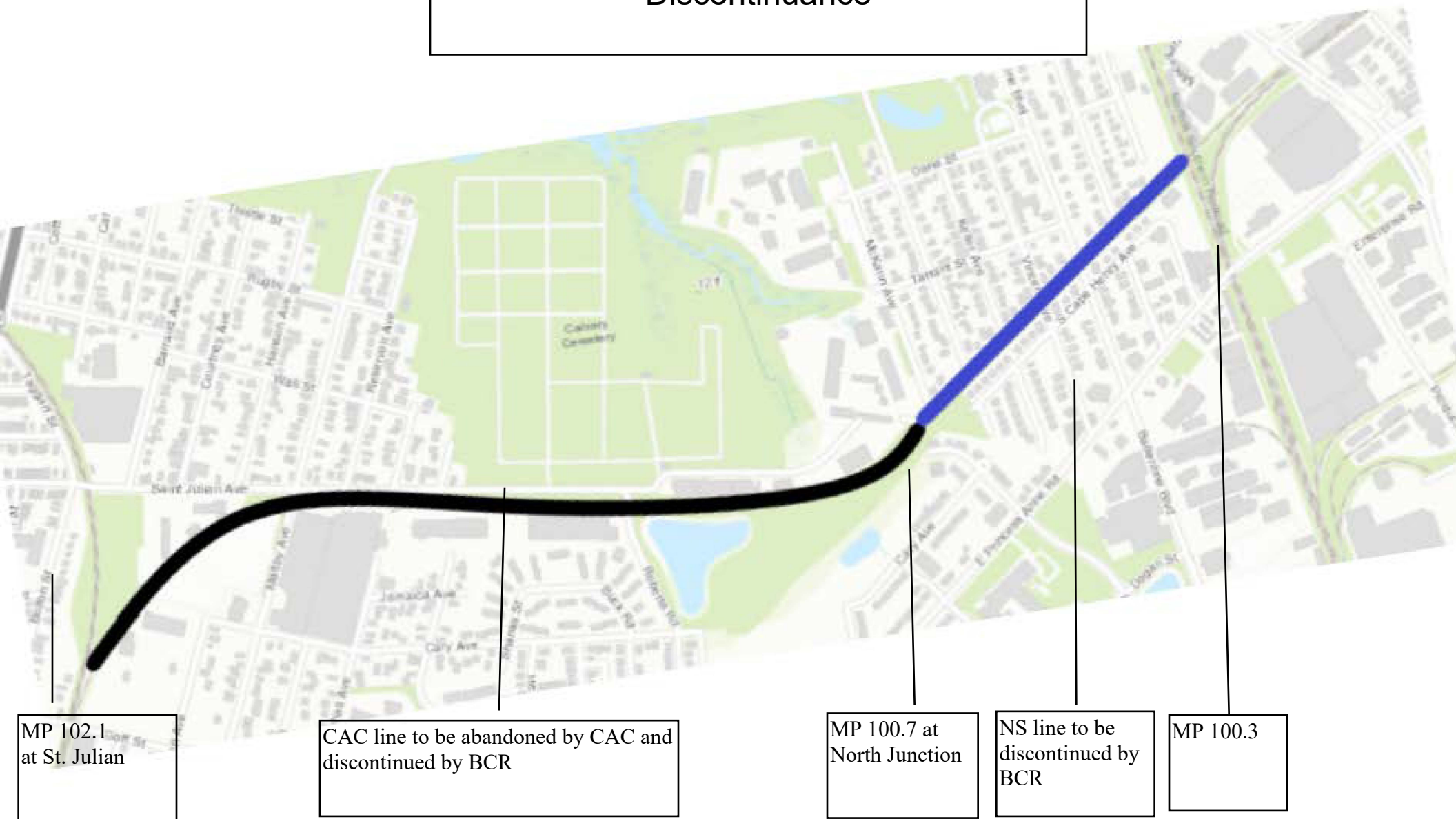
A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks
Counsel to Canonie Atlantic Co.

Enclosure

Exhibit A

St. Julian Abandonment and Discontinuance



CAC Abandonment Environmental Agency Service List

United States Department of Agriculture Natural Resources Conservation Service Chesapeake Service Center 310 Shea Drive Chesapeake, VA 23322 Trenton.howell@usda.gov	Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103-2029
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corp of Engineers Norfolk District 803 Front St. Norfolk, VA 23510 dll-cenao-pa@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	U.S. Fish & Wildlife Service Virginia Field Office 66669 Short Lane Gloucester, VA 23061 Northeast@fws.gov
National Park Service Region 1 1234 Market Street 20th Floor Philadelphia, PA 19107	National Geodetic Survey Communications and Outreach Branch, NOAA, N/NGS12 National Geodetic Survey, SSMC3 #9340 1315 East-West Highway Silver Spring, MD 20910-3282 ngs.infocenter@noaa.gov
The Honorable Kenneth Cooper Alexander Mr. Larry Filer, City Manager 1006 City Hall Building 810 Union Street Norfolk, VA 23510 mayor@norfolk.gov city.manager@norfolk.gov	Mr. Jeremy Latimer Director of Rail Programs Virginia Department of Rail and Public Transportation 600 East Main Street, Suite 2102 Richmond, VA 23219 drptpr@drpt.virginia.gov
Virginia Department of Environmental Quality P.O. Box 1105 Richmond, VA 23218 Ann.regn@deq.virginia.gov	Mr. Ed Wallingford Environmental Program Manager Virginia DOT Environmental Division 12221 East Broad Street Richmond, VA 23219

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July 17, 2020

Via email (Laura.McKay@deq.virginia.gov)

Virginia Coastal Zone Management Program
Laura McKay, Manager
P.O. Box 1105
Richmond, VA 23218

Re: Canonie Atlantic Co. – Abandonment Exemption – in Norfolk, VA
Surface Transportation Board Docket No. AB 1266 (Sub. No. 2X)

Dear Ms. McKay:

This letter is to advise you that Canonie Atlantic Co. (“CAC”) intends to file for authority to abandon a segment of rail line between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA (the “St. Julian Line”). The St. Julian Line traverses through United States Postal Service ZIP Codes 23504. A map of the St. Julian Line is attached as Exhibit A.

CAC plans to seek Surface Transportation Board (“STB”) authorization for the abandonment of the St. Julian Line on or after September 15, 2020 in STB Docket No. AB 1266 (Sub. No. 2X).¹

Based upon information in CAC’s possession, the St. Julian Line does not contain federally granted rights of way.

No local service has been provided on the St. Julian Line for more than two years. CAC plans to sell the St. Julian Line to the Virginia Department of Rail and Transit (“DRPT”) to be used for public use as private track to support passenger rail operations (in the same way the Line is being used currently). As such, CAC does not believe that there are any alternatives to the proposed action.

¹ Simultaneously with CAC’s filing for abandonment, in STB Docket No. AB 1266 (Sub. No. 2X), Cassatt Management Co. d/b/a Bay Coast Railroad will seek STB authority to discontinue operations over the St. Julian Line as well as an adjacent line owned by Norfolk Southern Railway Company between Milepost 100.7 (SN 2.1) and MP 100.3 (SN 2.5). Under STB regulations a party seeking authority to discontinue operations is not required to prepare an environmental and historic report.

July 17, 2020

Page 2

Because of the proposed continued use of the track, CAC does not intend to salvage any of the rail or ties. As such, CAC believes that the abandonment will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

Your agency has jurisdiction over coastal zones in Virginia, please advise if the St. Julian Line is within Virginia's coastal zone. If it is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in Virginia's coastal zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

We would appreciate an expression from you by August 16, 2020 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,

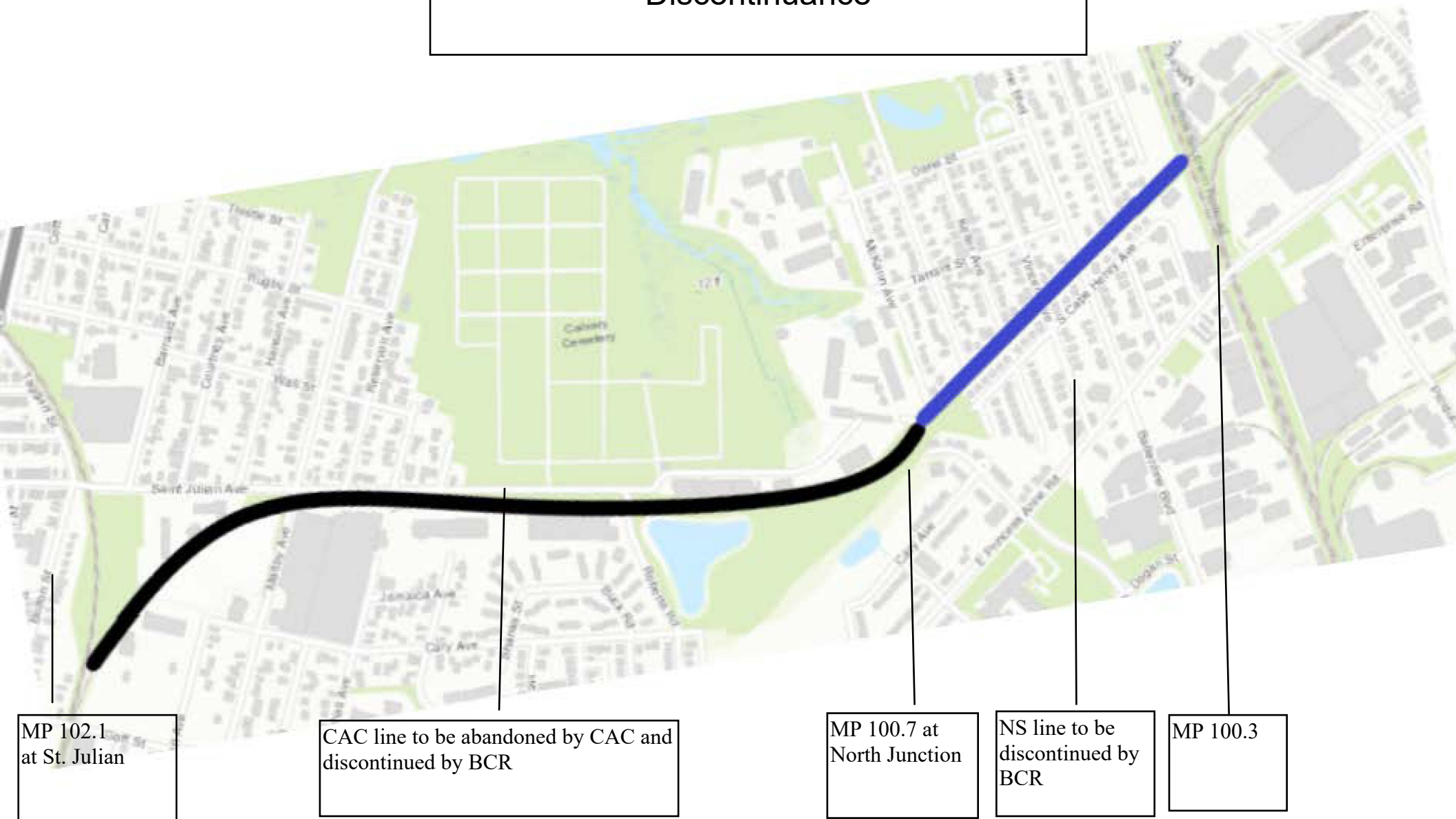


Justin J. Marks
Counsel to Canonie Atlantic Co.

Enclosure

Exhibit A

St. Julian Abandonment and Discontinuance



ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT C

AGENCY RESPONSES

Marks, Justin J.

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Thursday, July 30, 2020 4:38 PM
To: Marks, Justin J.
Subject: [JIRA] (IMOV-6925) Railroad Abandonment Consultation Letter

[External Message]

A comment is added on your issue:

Re: Railroad Abandonment Consultation Letter

Re: STB Docket No. AB 1266 (Sub. No. 2X)

Good Afternoon Atty. Marks,

NGS located no (0) geodetic survey marks in that stretch of rail the map shows will be abandoned.

Thank you,

Deborah Brooks

Communications Specialist

deborah.brooks @noaa.gov

301-713-3242

National Geodetic Survey



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Street address: 629 East Main Street, Richmond, Virginia 23219

Mailing address: P.O. Box 1105, Richmond, Virginia 23218

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

July 29, 2020

Justin J. Marks
Counsel to Canonie Atlantic Co.
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RE: Canonie Atlantic Co. – Abandonment Exemption – in Norfolk, VA
Surface Transportation Board Docket No. AB 1266 (Sub. No. 2X)

Dear Mr. Marks:

This letter is in response to your notice of the above-referenced project.

As you may know, the Department of Environmental Quality, through its Office of Environmental Impact Review (DEQ-OEIR), coordinates Virginia's review of federal consistency documents prepared pursuant to the Coastal Zone Management Act which applies to all federal activities which are reasonably likely to affect any land or water use or natural resources of Virginia's designated coastal resources management area. The abandonment of rail lines is a listed activity in Virginia's CZM program, and therefore, the Surface Transportation Board cannot approve the abandonment until Virginia concurs that the project is consistent with the enforceable policies of the CZM program.

DOCUMENT SUBMISSIONS

In order to ensure an effective coordinated review of the federal consistency documentation, notification of the federal consistency documentation should be sent directly to OEIR. We request that you submit one electronic to eir@deq.virginia.gov (25 MB maximum) or make the documents available for download at a website, file transfer protocol (ftp) site or the VITA LFT file share system (Requires an "invitation" for access. An invitation request should be sent to eir@deq.virginia.gov).

FEDERAL CONSISTENCY UNDER THE COASTAL ZONE MANAGEMENT ACT

Pursuant to the federal Coastal Zone Management Act of 1972, as amended, and its implementing regulations in Title 15, *Code of Federal Regulations*, Part 930, federal activities, including permits, licenses, and federally funded projects, located in Virginia's Coastal Management Zone or those that can have reasonably foreseeable effects on Virginia's coastal uses or coastal resources must be conducted in a manner which is consistent, to the maximum extent practicable, with the Virginia CZM Program.

Additional information on the Virginia's review for federal consistency documents can be found online at <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx>

While this Office does not participate in scoping efforts beyond the advice given herein, other agencies are free to provide scoping comments concerning the preparation of the federal consistency document. Accordingly, you should coordinate with the state resource agencies and those localities and Planning District Commissions, including but not limited to:

Department of Environmental Quality:

- DEQ Regional Office*
- Air Division*
- Office of Wetlands and Stream Protection*
- Office of Local Government Programs*
- Division of Land Protection and Revitalization
- Office of Stormwater Management*

Department of Conservation and Recreation

Department of Health*

Department of Agriculture and Consumer Services

Department of Game and Inland Fisheries*

Virginia Marine Resources Commission*

Department of Historic Resources

Department of Mines, Minerals, and Energy

Department of Forestry

Department of Transportation

Note: The agencies noted with a star (*) administer one or more of the enforceable policies of the Virginia CZM Program.

DATA BASE ASSISTANCE

Below is a list of databases that may assist you in the preparation of a NEPA document:

- DEQ Online Database: Virginia Environmental Geographic Information Systems

Information on Permitted Solid Waste Management Facilities, Impaired Waters, Petroleum Releases, Registered Petroleum Facilities, Permitted Discharge (Virginia Pollution Discharge Elimination System Permits) Facilities, Resource Conservation and Recovery Act (RCRA) Sites, Water Monitoring Stations, National Wetlands Inventory:

- www.deq.virginia.gov/ConnectWithDEQ/VEGIS.aspx

- DEQ Virginia Coastal Geospatial and Educational Mapping System (GEMS)

Virginia's coastal resource data and maps; coastal laws and policies; facts on coastal resource values; and direct links to collaborating agencies responsible for current data:

- <http://128.172.160.131/gems2/>

- MARCO Mid-Atlantic Ocean Data Portal

The Mid-Atlantic Ocean Data Portal is a publicly available online toolkit and resource center that consolidates available data and enables users to visualize and analyze ocean resources and human use information such as fishing grounds, recreational areas, shipping lanes, habitat areas, and energy sites, among others.

<http://portal.midatlanticocean.org/visualize/#x=-73.24&y=38.93&z=7&logo=true&controls=true&basemap=Ocean&tab=data&legends=false&layers=true>

- DHR Data Sharing System.

Survey records in the DHR inventory:

- www.dhr.virginia.gov/archives/data_sharing_sys.htm

- DCR Natural Heritage Search

Produces lists of resources that occur in specific counties, watersheds or physiographic regions:

- www.dcr.virginia.gov/natural_heritage/dbsearchtool.shtml

- DGIF Fish and Wildlife Information Service

Information about Virginia's Wildlife resources:

- <http://vafwis.org/fwis/>

- Total Maximum Daily Loads Approved Reports

- <https://www.deq.virginia.gov/programs/water/waterqualityinformationtmdls/tmdl/tmdldevelopment/approvedtmdlreports.aspx>

- Virginia Outdoors Foundation: Identify VOF-protected land

- <http://vof.maps.arcgis.com/home/index.html>

- Environmental Protection Agency (EPA) Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Database: Superfund Information Systems

Information on hazardous waste sites, potentially hazardous waste sites and remedial activities across the nation, including sites that are on the National Priorities List (NPL) or being considered for the NPL:

- www.epa.gov/superfund/sites/cursites/index.htm

- EPA RCRAInfo Search

Information on hazardous waste facilities:

- www.epa.gov/enviro/facts/rcrainfo/search.html

- EPA Envirofacts Database

EPA Environmental Information, including EPA-Regulated Facilities and Toxics Release Inventory Reports:

- www.epa.gov/enviro/index.html

- EPA NEPAssist Database

Facilitates the environmental review process and project planning:

<http://nepaassisttool.epa.gov/nepaassist/entry.aspx>

If you have questions about the environmental review process and/or the federal consistency review process, please feel free to contact me (telephone (804) 698-4204 or e-mail bettina.rayfield@deq.virginia.gov).

I hope this information is helpful to you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bettina Rayfield". The signature is fluid and cursive, with the first name "Bettina" and last name "Rayfield" clearly distinguishable.

Bettina Rayfield, Program Manager
Environmental Impact Review and Long-Range Priorities

CLARK HILL

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

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November 5, 2020

Via email (eir@deq.virginia.gov)

Virginia Coastal Zone Management Program
Bettina Rayfield
P.O. Box 1105
Richmond, VA 23218

Re: Canoine Atlantic Co. – Abandonment Exemption – in Norfolk, VA
Surface Transportation Board Docket No. AB 1266 (Sub. No. 1X)

Dear Ms. Rayfield:

On July 17, 2020, Canoine Atlantic Co. (“CAC”) informed the Department of Environmental Quality (“DEQ”) of its intention to file with the Surface Transportation Board (“STB”) for authority to abandon a segment of rail line between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA (the “St. Julian Line”).¹

On July 29, 2020, you informed CAC that the abandonment of the St. Julian Line is a listed activity in Virginia’s Coastal Zone Management (“CZM”) program, and as such, the STB cannot approve the abandonment until Virginia agrees that the project is consistent with the enforceable policies of the CZM program. You directed CAC to submit federal consistency documentation to DEQ in order to ensure an effective coordinated review.

CAC is a freight railroad that at one time— it or its predecessors – utilized the St. Julian Line for freight railroad operations as a common carrier. Most recently, the St. Julian Line was leased by CAC to Cassatt Management Co. d/b/a Bay Coast Railroad (“BCR”) for freight service. It has been over 2 years since BCR, CAC or any other carrier conducted any freight operations over the St. Julian Line. Instead CAC has permitted the St. Julian Line to be used in support of passenger rail operations.

This project is the abandonment of the St. Julian Line and as a result, the line will no longer be a common carrier line of railroad under Surface Transportation Board jurisdiction. There are no

¹ Our July 17, 2020 letter misidentified that docket number as AB 1266 (Sub. No. 2X) when it is in fact AB 1266 (Sub. No. 1X).

plans to salvage the line. After the abandonment, CAC plans to sell the St. Julian Line to the Virginia Department of Rail and Transit (“DRPT”) as private track. DRPT will utilize the St. Julian Line to continue to support passenger rail operations.

The Virginia Coastal Zone Management Program contains the following potentially applicable enforceable policies: Fisheries Management, Subaqueous Lands Management, Wetlands Management, Dunes Management, Non-point Source Pollution Control, Point Source Pollution Control, Shoreline Sanitation, Air Pollution Control, and Coastal Lands Management. As explained below, CAC does not expect that the abandonment will cause adverse impacts in any of the nine areas of concern.

1. The Fisheries Management program stresses the conservation and enhancement of finfish and shellfish resources and the promotion of commercial and recreational fisheries to maximize food production and recreational opportunities. The abandonment does not appear to involve any areas of finfish or shellfish resources. Moreover, CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC plans to sell the St. Julian Line to DRPT for continued support of passenger rail operations, and as such, CAC believes that the abandonment will not have a significant (or any) effect upon fisheries.
2. The Subaqueous Lands Management establishes conditions for granting or denying permits to use state-owned bottomlands based on considerations of potential effects on marine and fisheries resources, wetlands, adjacent or nearby properties, anticipated public and private benefits, and water quality standards established by the DEQ Water Division. The abandonment does not involve the use of any state-owned bottomlands. Moreover, CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC will sell the St. Julian Line to DRPT for continued support of passenger rail operations and as such, CAC believes that the abandonment will not have a significant (any) effect upon subaqueous lands.
3. The purpose of the Wetlands Management Program is to preserve wetlands, prevent their despoliation, and accommodate economic development in a manner consistent with wetlands preservation. CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC will sell the St. Julian Line to DRPT for continued support of passenger rail operations and as such, CAC believes that the abandonment will not have a significant effect upon wetlands.
4. The Dunes Management is carried out pursuant to the Coastal Primary Sand Dune Protection Act and is intended to prevent destruction or alteration of primary dunes. The abandonment will not involve any primary dunes. Moreover, CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC will sell the St. Julian Line to DRPT for continued support of passenger rail operations and as such, CAC believes that the abandonment will not have a significant (or any) effect upon dunes.

5. The Non-point Source Pollution Control - Virginia's Erosion and Sediment Control Law requires soil-disturbing projects to be designed to reduce soil erosion and to decrease inputs of chemical nutrients and sediments to the Chesapeake Bay, its tributaries, and other rivers and waters of the Commonwealth. CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC will sell the St. Julian Line to DRPT for continued support of passenger rail operations. As such, CAC believes that the abandonment will not involve any soil-disturbing projects.
6. Point Source Pollution Control is administered by the State Water Control Board. Point source pollution control is accomplished through the implementation of the National Pollutant Discharge Elimination System (NPDES) permit program established pursuant to §402 of the federal Clean Water Act and administered in Virginia as the VPDES permit program. CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC will sell the St. Julian Line to DRPT for continued support of passenger rail operations. As such, CAC believes that the abandonment will not result in any point source pollution, or require any NPDES permit.
7. The Shoreline Sanitation Program regulates the installation of septic tanks, set standards concerning soil types suitable for septic tanks, and specify minimum distances that tanks must be placed away from streams, rivers, and other waters of the Commonwealth. The abandonment project does not involve the installation of septic tanks. CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC will sell the St. Julian Line to DRPT for continued support of passenger rail operations. The Shoreline Sanitation program does not apply to this project.
8. The Air Pollution Control implements the federal Clean Air Act to provide a legally enforceable State Implementation Plan for the attainment and maintenance of the National Ambient Air Quality Standards. CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC will sell the St. Julian Line to DRPT for continued support of passenger rail operations and as such, there will be no change in the current use of the property. Accordingly, CAC believes that the abandonment will not impact the State Implementation Plan for the attainment and maintenance of the National Ambient Air Quality Standards.
9. The Coastal Lands Management is a state-local cooperative program administered by DEQ's Water Division and 84 localities in Tidewater, Virginia. CAC does not intend to salvage any of the rail or ties as a result of the abandonment of the St. Julian Line. Instead, CAC will sell the St. Julian Line to DRPT for continued support of passenger rail operations. Since there will be no change in the current use of the property, CAC believes that the abandonment will not have a significant (or any) adverse effect upon coastal lands.

November 5, 2020

Page 4

Based on the foregoing, CAC requests that you find that the proposed abandonment is consistent with the enforceable policies of the CZM program.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks
Counsel to Canonie Atlantic Co.

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT D

NEWSPAPER NOTICE



Sold To:
CLARK HILL PLC - CU80098175
1001 Pennsylvania Ave NW
Washington, DC 20004-2505

Bill To:
CLARK HILL PLC - CU80098175
1001 Pennsylvania Ave NW
Washington, DC 20004-2505

Affidavit of Publication

State of Illinois
County of Cook

Order Number: 6803263
Purchase Order: AB 1266 (Sub. No. 1X)

This day, Charlie Welenc appeared before me and, after being duly sworn, made oath that:

- 1) He/she is affidavit clerk of The Virginian Pilot, a newspaper published by Virginian-Pilot Media Companies, LLC in the city of Norfolk, Portsmouth, Chesapeake, Suffolk and Virginia Beach and the Commonwealth of Virginia and in the state of North Carolina.
- 2) That the advertisement hereto annexed has been published in said newspaper on the dates stated below
- 3) The advertisement has been produced on the websites classifieds.pilotonline.com and <https://www.publicnoticevirginia.com>

Published on: **Oct 30, 2020.**

A handwritten signature in black ink, appearing to read "Charlie Welenc", written over a horizontal line.

Charlie Welenc

Subscribed and sworn to before me in my city and state on the day and year aforesaid this 2 day of November, 2020

My commission expires November 23, 2020

A handwritten signature in black ink, appearing to read "Brendan Kolasa", written over a horizontal line.

Notary Signature



Notary Stamp

**STB DOCKET NO. AB 1266 (SUB.
NO. 1X)**

**NOTICE OF INTENT TO ABANDON
RAIL SERVICE**

Canonie Atlantic Co. gives notice that on or about November 23, 2020 it intends to file with the Surface Transportation Board, Washington, DC, a petition for exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 1.4 mile line of railroad between milepost 100.7 at North Junction and milepost 102.1 at St. Julian in Norfolk, VA which traverses through United States Postal Service ZIP Code 23504 in Norfolk, VA. The proceeding has been docketed as No. AB1266 (Sub-No. 1X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, Washington, DC or by calling OEA at (202) 245-0291.

Applicant will be seeking an exemption from the offer of financial assistance provisions in order to sell the abandoned line for public use. If that request is denied, then appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. Any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of Proceedings either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; jmarks@clarkhill.com.

10/30/2020 6803263

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT E

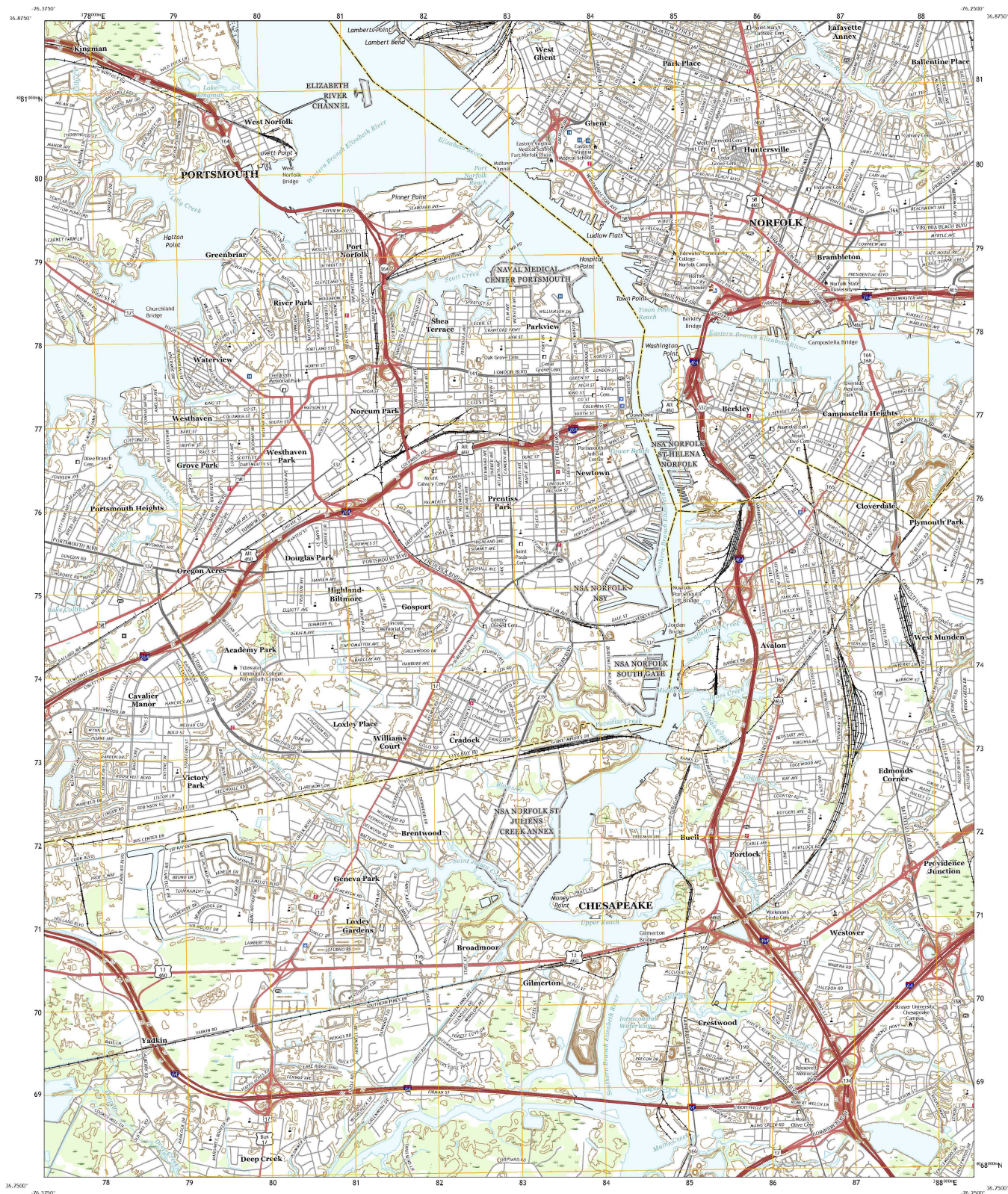
TOPOGRAPHICAL MAP



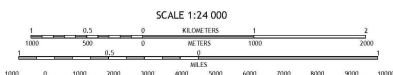
U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY



NORFOLK SOUTH QUADRANGLE
VIRGINIA
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection
1:50,000 scale
This map is not a legal document. Boundaries may be generalized for this map scale. Private lands within government reservations may not be shown. Obtain permission before entering private lands.
NAP: July 2016 - September 2016
Roads: U.S. Census Bureau, 2016
Hydrography: National Hydrography Dataset, 1999 - 2018
Contours: National Elevation Dataset, 2015
Boundaries: Multiple sources; see metadata file 2017 - 2018
Wetlands: FWS National Wetlands Inventory 1994 - 2009



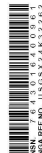
CONTOUR INTERVAL: 5 FEET
NORTH AMERICAN DATUM OF 1983
This map was produced to conform with the
National Geospatial Program US Topographic Standards, 2011.
A metadata file associated with this product is draft version 0.1.8



QUADRANGLE LOCATION
1. Norfolk News South
2. Norfolk North
3. Little Creek
4. Bonner Hill
5. Kempsville
6. Lake Drummond NW
7. Deep Creek
8. Fentress

ROAD CLASSIFICATION
Expressway
Secondary Hwy
Route
Local Connector
Local Road
400
State Route

NORFOLK SOUTH, VA
2019



ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT F

SHPO CORRESPONDENCE

CLARK HILL

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

July 17, 2020

Via email (Marc.Wagner@dhr.virginia.gov)

Marc Wagner
Virginia Department of Historic Resources
2801 Kensington Ave
Richmond, VA 23221

Re: Canonie Atlantic Co. – Abandonment Exemption – in Norfolk, VA
Surface Transportation Board Docket No. AB 1266 (Sub. No. 2X)

Dear Mr. Wagner:

This letter is to advise you that Canonie Atlantic Co. (“CAC”) intends to file for authority to abandon a segment of rail line between Milepost 100.7 at North Junction and Milepost 102.1 at St. Julian in Norfolk, VA (the “St. Julian Line”). The St. Julian Line traverses through United States Postal Service ZIP Codes 23504. A map of the St. Julian Line is attached as Exhibit A.

CAC plans to seek Surface Transportation Board (“STB”) authorization for the abandonment of the St. Julian Line on or after September 15, 2020 in STB Docket No. AB 1266 (Sub. No. 2X).¹

Based upon information in CAC’s possession, the St. Julian Line does not contain federally granted rights of way.

No local service has been provided on the St. Julian Line for more than two years. CAC plans to sell the St. Julian Line to the Virginia Department of Rail and Transit (“DRPT”) to be used for public use as private track to support passenger rail operations (in the same way the Line is being used currently). As such, CAC does not believe that there are any alternatives to the proposed action.

¹ Simultaneously with CAC’s filing for abandonment, in AB 1266 (Sub. No. 2X), Cassatt Management Co. d/b/a Bay Coast Railroad will seek STB authority to discontinue operations over the St. Julian Line as well as an adjacent line owned by Norfolk Southern Railway Company between Milepost 100.7 (SN 2.1) and MP 100.3 (SN 2.5). Under STB regulations a party seeking authority to discontinue operations is not required to file an environmental and historic report.

July 17, 2020

Page 2

Because of the proposed continue use of the track, CAC does not intend to salvage any of the rail or ties. As such, CAC believes that the abandonment will not have a significant effect upon the environment.

In advance of preparing an historic report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic effects of the proposed abandonment.

We would appreciate an expression from you by August 16, 2020 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon any historic preservation (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink, reading "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks
Counsel to Canonie Atlantic Co.

Enclosure

Exhibit A

St. Julian Abandonment and Discontinuance

