
RE: Knoxville & Holston River Railroad - Consultation for Abandonment Petition

From Morris, Kathryn G CIV USARMY CELRN (USA) <Kathryn.G.Morris@usace.army.mil>

Date Thu 1/16/2025 6:42 AM

To Crystal Zorbaugh <czorbaugh@mullinslawgroup.net>

Cc Spencer Naake <snaake@mullinslawgroup.net>

 1 attachment (25 KB)

RE: Knoxville & Holston River Railroad - Consultation for Abandonment Petition;

You don't often get email from kathryn.g.morris@usace.army.mil. [Learn why this is important](#)

Ms. Zorbaugh,

Our Real Estate Division has confirmed in the attached email that your client does not possess a Corps flowage easement for the relevant rail line segment. No Corps action is required for your client's petition.

Kathryn G. Morris
Assistant District Counsel
Army Corps of Engineers
Nashville District
110 9th Ave S, Rm A440f
Nashville, TN 37203
615-736-7185 (O)
615-351-7877 (C)

From: Crystal Zorbaugh <czorbaugh@mullinslawgroup.net>

Sent: Wednesday, January 15, 2025 2:01 PM

To: Morris, Kathryn G CIV USARMY CELRN (USA) <Kathryn.G.Morris@usace.army.mil>

Cc: Spencer Naake <snaake@mullinslawgroup.net>

Subject: [Non-DoD Source] Re: Knoxville & Holston River Railroad - Consultation for Abandonment Petition

Thank you for your response. We look forward to additional feedback once the other question has been addressed.

Best,

Crystal

Crystal Zorbaugh

Partner



2001 L Street NW, Suite 720

Washington, DC 20036

[202-663-7831](tel:202-663-7831) Office

[240-501-9620](tel:240-501-9620) Cell

czorbaugh@mullinslawgroup.net

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From: Morris, Kathryn G CIV USARMY CELRN (USA)

Sent: Wednesday, January 15, 2025 12:18 PM

To: Crystal Zorbaugh

Subject: Knoxville & Holston River Railroad - Consultation for Abandonment Petition

Ms. Zorbaugh,

The U.S. Army Corps of Engineers, Nashville District is responding to the consultation request by your client, Knoxville & Holston River Railroad Co., Inc., related to its abandonment exemption petition (Docket No. AB 580, Sub-No. 1X).

I have asked my clients in the District's Regulatory and Real Estate Divisions to review your correspondence dated November 7 and 20, 2024, and advise whether a permit or real estate action is required for the proposed rail line abandonment. Below is the response of our Regulatory Division confirming that no permit action is required. I am awaiting a response from our Real Estate Division confirming that there is no associated Corps flowage easement.

Kathryn G. Morris
Assistant District Counsel
Army Corps of Engineers
Nashville District
110 9th Ave S, Rm A440f
Nashville, TN 37203
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From: Ragon, Vessica C CIV USARMY CELRN (USA) <Vessica.C.Ragon@usace.army.mil>
Sent: Wednesday, January 15, 2025 10:58 AM
To: Morris, Kathryn G CIV USARMY CELRN (USA) <Kathryn.G.Morris@usace.army.mil>
Subject: Knoxville & Holston River Railroad - Consultation for Abandonment Petition
Importance: High

January 15, 2025

SUBJECT: File No. LRN-2025-00047, Knoxville & Holston River Railroad Co., Inc,

To Whom It May Concern:

This is in response to your 01/15/2025, request for our comments regarding the subject project. The U.S. Army Corps of Engineers (USACE) has regulatory responsibilities pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). Under Section 10, the USACE regulates all work in, or affecting, navigable waters of the U.S. Under Section 404, the USACE regulates the discharge of dredged and/or fill material into waters of the U.S. (33 CFR Part 328).

A review of the information provided indicates the subject activity would not involve a discharge of dredged or fill material, or work affecting navigable water^[1]; therefore, a Department of the Army

permit would not be required.

We understand the project proposal may not have specific design plans at this time, and this inquiry is an initial review to obtain grant funds. We have no objections to the applicant receiving grant funds for the proposal.

If you have questions regarding this matter, please contact Vessica Ragon, telephone (865) 986-7296 or email Vessica.C.Ragon@usace.army.mil. Thank you for the opportunity to review and comment on this proposed project.

Sincerely,

Vessica Ragon

Regulatory Program Assistant

U.S. Army Corps of Engineers

Nashville District, Regulatory Division

501 Adesa Blvd Suite 250

Lenoir City, TN 37771

Work - 865-986-7296

Cell - 865-324-4384



Outlook

RE: Knoxville & Holston River Railroad - Consultation for Abandonment Petition

From KEITH, MARY C (Cathy) CIV USARMY CELRN (USA) <Mary.C.Keith@usace.army.mil>

Date Thu 1/16/2025 6:35 AM

To Morris, Kathryn G CIV USARMY CELRN (USA) <Kathryn.G.Morris@usace.army.mil>

Cc Frost, Joshua W CIV USARMY CELRN (USA) <Joshua.W.Frost@usace.army.mil>; Peace, Sarah J CIV USARMY CELRN (USA) <Sarah.J.Peace@usace.army.mil>

Kathryn- Nashville District USACE does not have land holdings in this area, therefore no RE action is required.

VR,
Cathy

Mary Catherine (Cathy) Keith
Chief, Real Estate Division
Real Estate Contracting Officer
US Army Corps of Engineers
Nashville District

Office: (615) 736-5997
Cell: (629) 214-5730

From: Morris, Kathryn G CIV USARMY CELRN (USA) <Kathryn.G.Morris@usace.army.mil>
Sent: Monday, January 13, 2025 3:41 PM
To: KEITH, MARY C (Cathy) CIV USARMY CELRN (USA) <Mary.C.Keith@usace.army.mil>; Frost, Joshua W CIV USARMY CELRN (USA) <Joshua.W.Frost@usace.army.mil>
Subject: Knoxville & Holston River Railroad - Consultation for Abandonment Petition

Josh, Cathy –

LRN received a request for consultation from the Knoxville & Holston River Railroad Company (KXHR) through its counsel. KXHR has filed a petition with the Surface Transportation Board to abandon a segment of its rail line in the Knoxville area. ([FR Notice](#).) As part of its petition, KXHR must address whether the proposed action will require a 404 permit or affect designated wetlands or floodplains. KXHR asserts that no 404 permit is required because the abandonment will not result in in-stream work and further states that it does not possess any federally granted rights-of-way. I am forwarding KXHR's correspondence to confirm that no RD or RE action is required for this petition.

Kathryn G. Morris
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110 9th Ave S, Rm A440f
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From: [Spencer Naake](#)
To: [Wood, Diana](#)
Cc: [Crystal Zorbaugh](#)
Subject: AB 580 (Sub-No. 1X)
Date: Friday, January 17, 2025 3:23:57 PM
Attachments: [image905343.png](#)
[KXHR E&HR Response Army Corps of Engineers Nashville District Email.pdf](#)
[KXHR E&HR Response Army Corps of Engineers Nashville District Real Estate Division Attachment.pdf](#)

Diana,

We were informed that you are reviewing the Abandonment NOE/E&HR filed by KXHR in AB 580 (Sub-No. 1X) on December 11, 2024. As counsel to KXHR, MLG has received additional responses to the E&HR from the Army Corp of Engineers - Nashville District's Regulatory and Real Estate Divisions.

Please find the correspondence attached.

Best,

Spencer



Spencer Naake

Associate

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Washington, DC 20036

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