

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com 247942
247966
247967

June 13, 2019

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
June 13, 2019
Part of
Public Record

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Ms. Brown:

Enclosed for filing is a copy of the Draft Environmental and Historic Report for Cassatt Management LLC d/b/a Bay Coast Railroad, Eastern Shore Railroad, Inc., and Canonie Atlantic Co., which will be sent to all required parties.

Sincerely,

CLARK HILL



Sloane S. Carlough

Enclosure

SSC:mf

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**DOCKET NO. AB-1267
CASSATT MANAGEMENT LLC D/B/A BAY COAST RAILROAD
DISCONTINUANCE OF SERVICE EXEMPTION**

**DOCKET NO. AB-1276
EASTERN SHORE RAILROAD, INC., DISCONTINUANCE OF SERVICE
EXEMPTION**

**DOCKET NO. AB-1266
CANONIE ATLANTIC CO. ABANDONMENT EXEMPTION
HALLWOOD TO CAPE CHARLES, VA**

PETITION FOR EXEMPTION

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”), the Eastern Shore Railroad, Inc. and Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) submit this draft Environmental and Historic Report in accordance with 49 CFR §§ 1105.7 and 1105.8. The final report along with agency transmittal letters and any responses will be submitted with the Petition for Exemption to be filed in this case.

Petitioners seek discontinuance and abandonment authorization as no service has been performed over the 49.1 mile line of railroad (the “Line”) in over a year

and there are no active customers. In addition, the car float operation has been out of service since 2009 with traffic rerouted north to Wilmington, DE, and then to points south via other routes.

Environmental Issues

(1) Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: Petitioners propose to discontinue service over and abandon, respectively, the Line that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Creek, VA.

(2) Transportation System

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: Petitioners anticipate that the proposed action will have no effect on regional or local transportation systems or patterns and will result in no diversion of traffic to other transportation modes or systems.

(3) Land Use

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

Response: Petitioners believe that the proposed action will not be inconsistent with local land use plans. Petitioners will be contacting Accomack County Administrator and Northampton County Administrator. Petitioners will provide OEA with copies of replies by local land use officials as soon as they are received. Petitioners are not aware of any plans for industrial development of properties in the vicinity of the track and believe there is little prospect for developing freight business on the Line in the foreseeable future.

(ii) Petitioners will be contacting the Natural Resources Conservative Service to ascertain the effect of the proposed action on any prime agricultural land.

Response : Petitioners will provide the Board with a copy of its response.

(iii) Petitioners believe the action affects a “coastal area” as defined by 16 U.S.C. § 1453(1). Petitioners will contact the Virginia Department of Environmental Quality to request its comments on the proposed abandonment and will provide the Board with its response upon receipt.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. §10906 and explain why.

Response: Petitioners believe that because the right-of-way is flat and generally straight, it would be well suited to conversion to trail use under the National Trails Act. Petitioners would be willing to enter into trail use discussions with any entity willing to convert the Line to a trail in accordance with the trail use regulations at 49 CFR § 1152.29.

(4) Energy

(i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the date and methodology used to arrive at the figure given.

Response: The proposed abandonment will have no effect on the transportation of energy resources because minimal traffic has moved over the Line in a few years. There will be no effect on the transportation of recyclables because no recyclables move over the Line. The proposed action will increase overall energy efficiency by saving the energy that would otherwise be needed to maintain the unused Line. The proposed action will cause no diversion from rail to motor carriage.

(5) Air

Will the proposed action result in (A) a minimum increase in rail traffic of 100 percent (measured in gross tons annually) or eight trains per day on an affected rail line, (B) an increase in rail yard activity of 100 percent as measured in carload activity or (C) an increase in motor carrier traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10 percent of the average daily traffic on a given highway segment? If any of the enumerated thresholds is exceeded, quantify the anticipated increase in air emissions. If a Class I or nonattainment area is affected, are increased emissions within parameters of the affected State Implementation Plan?

Response : The above thresholds will not be exceeded. See (2) above.

(6) Noise

If any of the thresholds identified in item (5) is surpassed, state whether the proposed action will cause an increase in noise levels exceeding either (i) a three decibel Ldn incremental increase or (ii) 65 decibels?

Response : The above thresholds will not be exceeded.

(7) Safety

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Response : Petitioners believe that the proposed action will result in improvement to public safety by eliminating grade crossings on the Line.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the Petitioners' safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Response : The proposed action is a discontinuance and abandonment, therefore, no hazardous materials are expected to be transported over the Line.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response : There are no known hazardous waste sites on the Line, and Petitioners are not aware of any hazardous materials spills that may have occurred along the right-of-way.

(8) Biological Resources

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

Response : Petitioners are unaware of any endangered species or area designated as a critical habitat likely to be adversely affected by the proposed abandonment. Petitioners will be contacting the U.S. Fish and Wildlife Service to obtain its views and will furnish OEA with any comments received.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and describe any effects.

Response : Petitioners do not anticipate that the abandonment will affect any wildlife sanctuaries or refuges, or National or State parks or forests.

Nevertheless, Petitioners will be contacting the National Park Service to obtain its views and will furnish OEA with any comments received.

(9) Water

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistency.

Response: No in-stream salvage operations will be required. No action known to be inconsistent with federal, state, and/or local water quality standards is contemplated. If any permits or applications are found to be necessary, they will be obtained and any conditions or procedures required by regulatory agencies will be complied with. Petitioners will contact Virginia state and federal agencies in responsible for environmental matters and will provide OEA with any responses.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the affects.

Response: No in-stream salvage operations will be required and Petitioners are unaware of any inconsistency of the proposed action with applicable federal, state, and local water quality standards. Petitioners will consult with the Virginia Department of Environmental Protection. Inasmuch as the proposed

discontinuance and abandonment only contemplates the removal of rail, track material, and cross ties and that no clearing, grading, or alteration of the topography will be involved, no permits will be required under Section 404 or that any designated wetlands or 100-year flood plains will be affected. Petitioners will provide OEA with the Corps of Engineers' response.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. §1342) are required for the proposed action.

Response: No permits will be required under section 402 of the Clean Water Act (33 U.S.C. § 1342).

(10) Proposed Mitigation

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: Inapplicable as there are no adverse environmental impacts.

Historic Issues

The following information is provided in accordance with 49 CFR §1105.8(d).

(1) Map

Response: A copy of a detailed map of the Line is attached to this report.

(2) Description of the Line

Response: The right of way proposed for discontinuance and abandonment is located in Accomack and Northampton counties. It extends from approximately MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA.

The Line is approximately 40 feet wide. The topography of the surrounding area is flat as shown in the topographic map attached to this report. Much of the surrounding area is rural and undeveloped. The Line parallels US Route 13.

(3) Photographs of structures at least 50 years old.

Response: There is one structure 50 years or older on the Line and photographs are attached to this report.

(4) Dates of construction/alteration of structures

Response: The small building on the Line is estimated to have been constructed around 1915.

(5) History of carrier operations

Response : Historically, the Line formed part of a through Pennsylvania Railroad (and later Penn Central Transportation Company) route between Wilmington, DE, and Cape Charles, VA, and thence by car float to Little Creek (Norfolk), VA. At Little Creek, it connected with predecessors to today's Norfolk Southern Railroad and CSX Transportation.

The ownership and operation of the Line prior to 2006 had a very complicated history not relevant here. Briefly, the Accomack-Northampton Transportation District Commission ("ANTDC"), a political subdivision of the Commonwealth of Virginia was established on March 2, 1976, to preserve service

over Line. After the Virginia and Maryland Railroad, an Interstate Commerce Commission licensed Class III short line railroad operating the railroad as ANTDC's designated operator terminated service in 1981, the ANTDC provided service over the Line 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 BCR replaced it as the operating common carrier pursuant to a lease and operating agreement with CAC. BCR terminated all operations on April 30, 2018 without seeking prior Board approval. Since neither CAC nor ESRR has the equipment or the personnel to resume operations on its own, they quickly made arrangements for operation of both the segment south of Pocomoke City and the Little Creek Yard by the carriers identified below.

Delmarva Central Railroad, a Board licensed Class III shortline ("DCR"), which had recently leased Norfolk Southern's line from Wilmington to Pocomoke City, agreed to lease the CAC-owned line from that point to Hallwood. Because DCR concluded that the traffic south of Hallwood was insufficient to support a viable operation on the remainder of the Line and the car float, it did not seek authority to operate beyond that point. As a result, no service has been provided to

Cape Charles or to Little Creek by car float. While DCR a, has recently explored traffic potential south of Hallwood, its marketing efforts have not been successful.

ESRR entered into a lease and operating agreement for the Little Creek Yard with Virginia-based Buckingham Branch Railroad (“BBRR”), another Board licensed Class III short line railroad. BBRR has not shown any interest in operating the car float or service south of Hallwood.

Documents in carriers’ possession

Response : Petitioners do not have engineering drawings in their possession.

(7) Eligibility for National Register; archeological resources

Response : Petitioners do not believe the small building on the right-of-way is eligible for listing in the National Register and there is no likelihood of archeological resources or any other previously unknown historic properties on the Line. Nevertheless, Petitioners are contacting the State Historic Preservation Officer to get his or her views.

(8) Description of ground disturbance or fill

Response : Petitioners are unaware of any prior subsurface ground disturbance or fill or environmental conditions that might affect the archeological recovery of resources. Petitioners will be contacting the State Historic Preservation Office in this regard and will provide the OEA with its response once received.

Certification

In accordance with the requirement at 49 CFR §1105.7(c), Petitioners certify that they have sent a copy of the Environmental and Historic Report to all agencies listed at §1105.7(b) and to the State Historic Preservation Officer and that they have consulted with these agencies in preparing this report.

Respectfully submitted,

Sloane S. Carlough
John D. Heffner
Clark Hill, PLC
1001 Pennsylvania Ave., N.W.
Suite 1300 South
Washington, D.C. 20004
Telephone: (202) 640-6673

Dated: June 13, 2019

CERTIFICATE OF SERVICE

I, Sloane S. Carlough, hereby certify that a copy of the draft Environmental and Historic Report was sent via First Class U.S. Mail to all parties of record in this proceeding.

Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

Stephen C. Brich, Commissioner
Virginia Department of Transportation
1401 E. Broad St.
Richmond, Virginia 23219

Virginia Historic Preservation Office
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Wendi Weber, Northeast Regional Director
U.S. Fish and Wildlife Service – Region 5
300 Westgate Center Drive
Hadley, MA 01035

Major General Jeffrey L. Milhorn
U.S. Army Corps of Engineers – North Atlantic Division
302 General Lee Avenue
Brooklyn, NY 11252-6700

Gay Vietzke, Regional Director
National Park Service – Northeast Region
1234 Market Street, 20th floor
Philadelphia, PA 19107

The National Geodetic Survey
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910

Natural Resources Conservation Service
1606 Santa Rosa Road
Richmond, VA 23229

Cosmo Servidio
Regional Administrator
Environmental Protection Agency – Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Northampton County Administration
c/o Janice Williams
Deputy County Administrator
PO Box 66
16404 Courthouse Road
Eastville, VA 23347

Accomack County Administration
C/O Michael T. Mason
County Administrator
PO Box 388
Accomack, VA 23301

Virginia Coastal Zone Management
PO Box 1105
Richmond, VA 23218



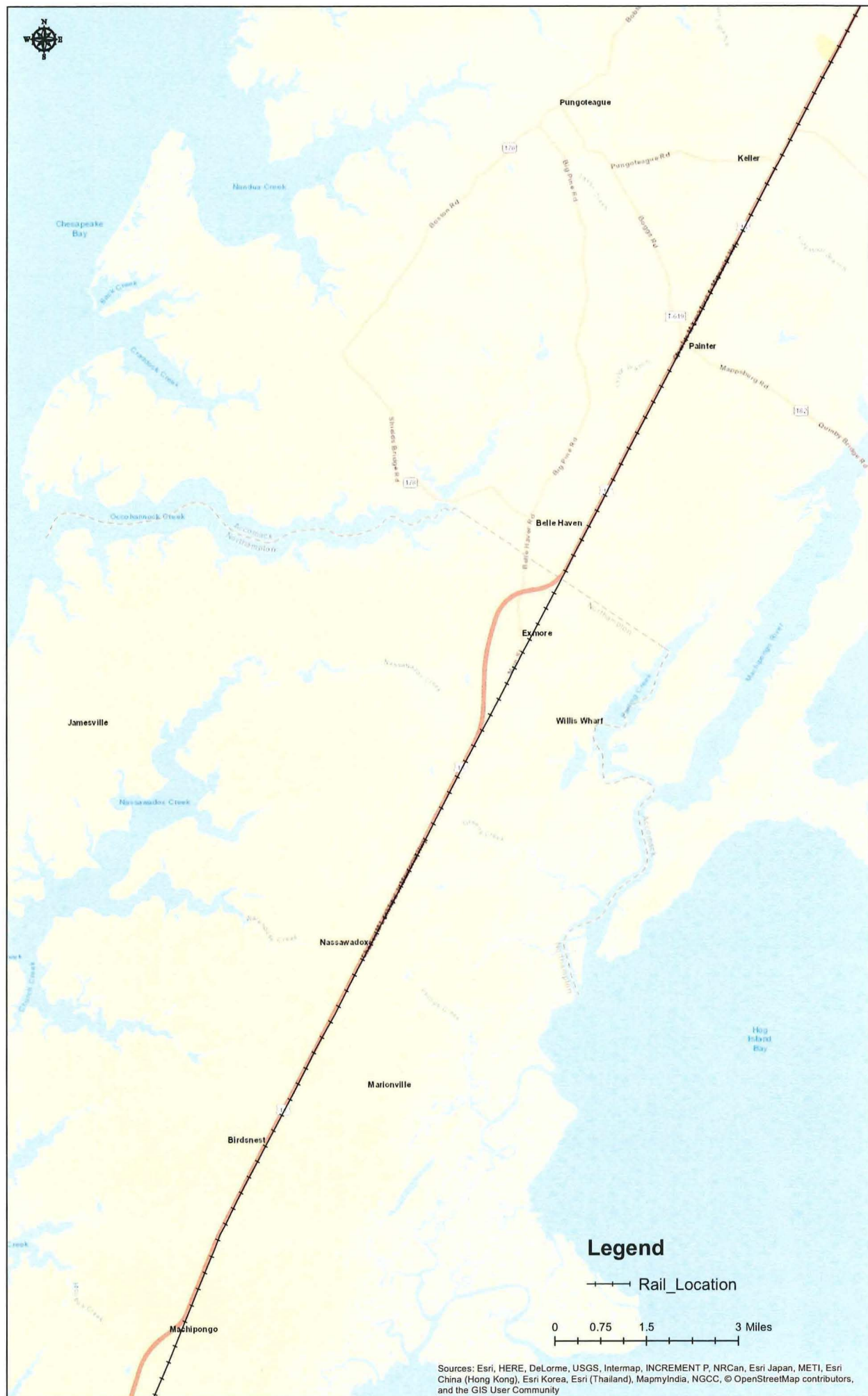
Sloane S. Carlough

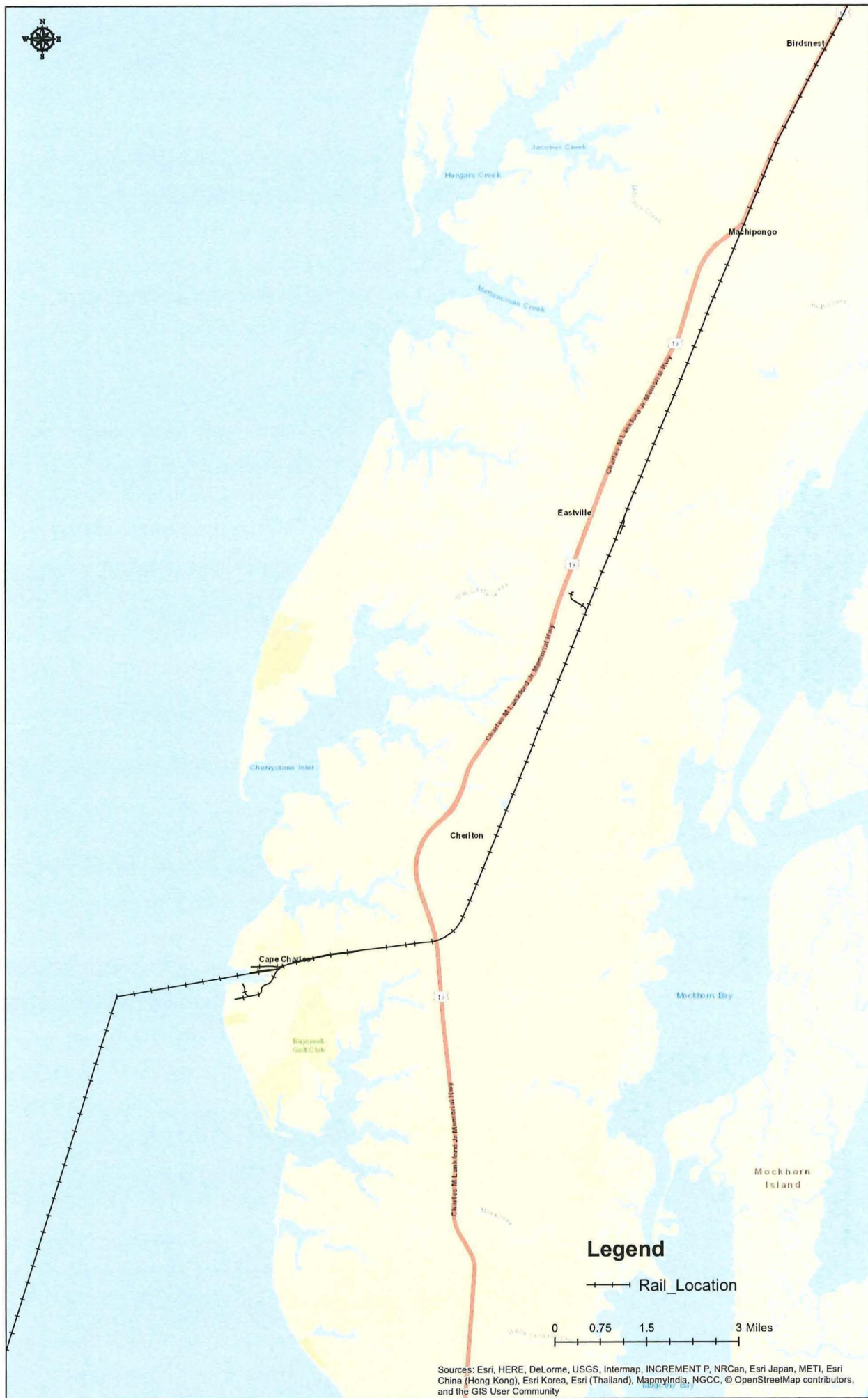
Dated: June 13, 2019















CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

State Conservationist
Natural Resources Conservation Service
1606 Santa Rosa Road
Richmond, VA 23229

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad, AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co. Discontinuance and Abandonment Exemption – In Accomack and Northampton Counties, V.A.

Dear Sir or Madam:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with the Natural Resources Conservation Service regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. Particularly, please state the effect of the proposed action on any prime agricultural land.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Natural Resources Conservation Service
June 13, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

A handwritten signature in black ink, appearing to read "Sloane Carlough". The signature is written in a cursive, flowing style.

Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

Gay Vietzke, Regional Director
National Park Service – Northeast Region
1234 Market Street, 20th floor
Philadelphia, PA 19107

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Director Vietzke:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issue:

- Whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and what such effects might be.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

National Park Service – Northeast Region
June 13, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

A handwritten signature in black ink, appearing to read "Sloane Carlough".

Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

Wendi Weber, Northeast Regional Director
U.S. Fish and Wildlife Service – Region 5
300 Westgate Center Drive
Hadley, MA 01035

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Director Weber:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Whether the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as critical habitat and, if so, please describe such effects;
- Whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and, if so, please describe such effects.

U.S. Fish and Wildlife Service – Region 5
June 13, 2019
Page 2

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

A handwritten signature in black ink, appearing to read "Sloane Carlough". The signature is fluid and cursive, with the first name "Sloane" written in a larger, more prominent script than the last name "Carlough".

Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

June 13, 2019

Cosmo Servidio
Regional Administrator
Environmental Protection Agency – Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Mr. Servidio:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Any potential adverse environmental effects of the proposed abandonment on the surrounding area;
- The location of any known hazardous materials spills on the right-of-way of the Line, and list the types of hazardous materials involved;

Environmental Protection Agency – Region 3
June 13, 2019
Page 2

- Whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed abandonment.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL



Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

Janice Williams
Deputy County Administrator
Northampton County Administration
PO Box 66
16404 Courthouse Road
Eastville, VA 23347

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad, AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co. Discontinuance and Abandonment Exemption – In Accomack and Northampton Counties, V.A.

Dear Ms. Williams:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment and discontinuance will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issue:

- Whether the proposed action is consistent with existing land use plans.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Northampton County Administration
June 13, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

A handwritten signature in black ink, appearing to read "Sloane Carlough". The signature is written in a cursive, flowing style.

Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

David Fanz, Assistant Director
Virginia Coastal Zone Management
P.O. Box 1105
Richmond, VA 23218

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Mr. Fanz:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Whether the abandonment is consistent with federal, state or local water quality standards;
- Whether the proposed abandonment is an action listed for review in Virginia’s coastal zone management plan; and

- If the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL



Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

The National Geodetic Survey
SMCC-3 #9209
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Sir/Madam:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on whether there are any geodetic markers which could be affected by the proposed transaction.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Virginia Coastal Zone Management
June 13, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

A handwritten signature in black ink, appearing to read "Sloane Carlough". The signature is fluid and cursive, with the first name "Sloane" written in a larger, more prominent script than the last name "Carlough".

Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Sir or Madam:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with the State Environmental Protection Agency regarding environmental impacts of the proposed abandonment and that Petitioners prepare an environmental report that includes any comments from those government entities. Petitioners do not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Any potential adverse environmental effects of the proposed abandonment on the surrounding area;
- The location of any known hazardous materials spills on the right-of-way of the Line, and list the types of hazardous materials involved;

- Whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed abandonment.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax). We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL



Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

June 13, 2019

Michael T. Mason
County Administrator
PO Box 388
Accomack, VA 23301

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad, AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co. Discontinuance and Abandonment Exemption – In Accomack and Northampton Counties, V.A.

Dear Ms. Williams:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment and discontinuance will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issue:

- Whether the proposed action is consistent with existing land use plans.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Northampton County Administration
June 13, 2019
Page 2

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

A handwritten signature in black ink, appearing to read "Sloane Carlough". The signature is written in a cursive, flowing style.

Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

Stephen C. Brich, Commissioner
Virginia Department of Transportation
1401 E. Broad St.
Richmond, Virginia 23219

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Commissioner Brich:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

Virginia Department of Transportation
June 13, 2019
Page 2

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL

A handwritten signature in black ink, appearing to read "Sloane Carlough". The signature is written in a cursive, flowing style.

Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

June 13, 2019

Mark Wagner
State Historic Preservation Office
Virginia Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad, AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonie Atlantic Co. Discontinuance and Abandonment Exemption – In Accomack and Northampton Counties, V.A.

Dear Mr. Wagner:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonie Atlantic Co. (“Canonie” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter, as well as photographs of a small building along the Line. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with the State Historic Preservation Office regarding any potential historical impacts of the proposed abandonment. We do not believe that the proposed abandonment will result in any adverse historical impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Any known structures on the Line that are historically significant and that are 50 years old or older; whether the proposed abandonment would have an adverse effect on such structures; and efforts that could be taken during removal of the tracks in the Line to mitigate any such adverse effects;

- Whether there is a likelihood of archaeological resources or any other previously unknown historic properties on the Line.

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or after July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax). We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL



Sloane S. Carlough

SSC:mf
Enclosure

CLARK HILL

Sloane S. Carlough
T 202.640.6673
F 202.640.6690
Email: scarlough@clarkhill.com

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

clarkhill.com

June 13, 2019

Major General Jeffrey L. Milhorn
U.S. Army Corps of Engineers
North Atlantic Division
302 General Lee Avenue
Brooklyn, NY 11252

Re: STB Docket Nos. AB-1267 Cassatt Management LLC d/b/a Bay Coast Railroad,
AB-1276 Eastern Shore Railroad, Inc., AB-1266 Canonic Atlantic Co.
Discontinuance and Abandonment Exemption – In Accomack and Northampton
Counties, V.A.

Dear Major General Milhorn:

The purpose of this letter is to advise you that Cassatt Management, LLC d/b/a Bay Coast Railroad (“BCR”) and the Eastern Shore Railroad, Inc. plan to file a petition for exemption with the Surface Transportation Board (“STB”) permitting them to discontinue operations over and for Canonic Atlantic Co. (“Canonic” or “CAC”) (collectively the “Petitioners”) to abandon a 49.1 mile line of railroad (“the Line”) that extends between MP 45.7 at Hallwood, VA, to the end of the Line at MP 94.8 at Cape Charles, VA, and the car float operation from Cape Charles to Little Ferry (Norfolk), VA. A map of the Line is attached to this letter. Petitioners believe that the Line should be abandoned because there is no traffic moving over the Line and the last movement of a minimal amount of traffic occurred in early 2018.

The STB’s regulations require consultation with certain government entities regarding any potential environmental impacts of the proposed abandonment. Petitioners do not believe that the proposed abandonment will result in any adverse environmental impacts, but we would appreciate your comments about these issues. In particular, we request any comments you have on the following issues:

- Whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed abandonment;
- Whether any designated wetlands or 100-year flood plains will be affected, and please describe any such effects.

U.S. Army Corps of Engineers
June 13, 2019
Page 2

Enclosed is a preliminary Environmental and Historic Report that outlines the scope of the proposed project. We will integrate any comments received from your office prior to submitting the report to the STB. Please note that we are planning to file the Environmental and Historic Report with the STB on or July 15, 2019. Please submit any comments you have before that date so that they can be reflected in the final report that is filed.

Please send your comments to Sloane Carlough, Clark Hill PLC, 1001 Pennsylvania Avenue NW, Suite 1300 South, Washington, DC 20004, scarlough@clarkhill.com, or 202-640-6690 (fax).

We appreciate your assistance in this matter. If you have any questions, please feel free to call or email me.

Sincerely,

CLARK HILL



Sloane S. Carlough

SSC:mf
Enclosure