



Reply to
Attention of

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

July 31, 2019

Special Projects Virginia Regulatory Section
NAO-2019-01376, Canonie Atlantic Company Rail Abandonment
MP 45.7 in Hallwood, Virginia to MP 94.8 in Cape Charles, Virginia
Car Float Operations (Cape Charles to Little Ferry (Norfolk), Virginia)

Ms. Sloane Carlough
Clark Hill PLC
1001 Pennsylvania Avenue NW
Suite 1300 South
Washington, DC 2004

Dear Ms. Carlough:

This is in response to your letter dated June 13, 2019 soliciting comments for a petition for exemption that has been filed with the Surface Transportation Board (STB) for plans to abandon a 49.1 mile line of railroad that extends between MP 45.7 in Hallwood, Virginia, to MP 94.8 in Cape Charles, Virginia, and discontinue service for the car float operation from Cape Charles to Little Ferry (Norfolk), Virginia.

In accordance with STB regulations, you have requested comments from the United States Army Corps of Engineers (USACE) regarding any potential environmental impacts of the proposed abandonment. We have the following comments:

Upon a cursory desktop review of the proposed abandonment corridor, we note that there are areas along the corridor that appear to include jurisdictional wetlands and/or waters of the U.S. Based on this review, it is likely the project will impact waters and/or wetlands regulated by the Norfolk District USACE under Section 404 of the Clean Water Act (33 U.S.C. 1344), and a permit or permits may be required for the proposed abandonment operations. USACE appreciates the opportunity to cooperate and participate in this project. As you further develop the construction method for removal of the existing facilities, please coordinate with the Norfolk District USACE Regulatory Branch. At that time, we can provide definitive guidance on whether a wetlands delineation and associated jurisdictional determination is needed and/or whether a permit or permits would be required.

The desktop review showed that the railroad corridor is adjacent to the Norfolk District Dredged Material Placement Area at the Cape Charles City

Harbor. We recommend coordinating directly with the Norfolk District Regulatory Branch to determine whether coordination and potentially Section 408 approval is needed with the Norfolk District Operations Branch and the Norfolk District Real Estate Division.

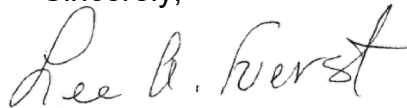
Our database records also displayed numerous potential architectural and archaeological resources along the corridor. Our records also displayed three Tribal Nations with potential interests along sections of this corridor, to include the Pamunkey Tribe, Delaware Nation, and the Delaware Tribe. We recommend continued coordination with the State Historic Preservation Officer (SHPO) and as appropriate with the aforementioned Tribal Nations.

We request regular coordination with the appropriate state and Federal agencies as the project further develops. We look forward to reviewing and the opportunity to comment on the findings of any additional evaluations conducted, to include an Environmental Assessment (EA).

We appreciate your consideration including USACE in the early coordination stages of this project and look forward to working with you.

Should you have any questions, you may contact Lee Fuerst at 757-201-7832 or lee.fuerst@usace.army.mil.

Sincerely,

A handwritten signature in dark ink, appearing to read "Lee A. Fuerst". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lee A. Fuerst
Project Manager
Special Projects Section

cc:

Mr. Kenneth Blodgett, Surface Transportation Board
Mr. Marc Holma, Virginia Department of Historic Resources
Ms. Barbara Okorn, U.S. Environmental Protection Agency