



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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October 8, 2019

Surface Transportation Board
Case Control Unit
Attn: Mr. Kenneth Blodgett
Washington, DC 20423
Via STB E-filing website

RE: Environmental Assessment for the Abandonment and Discontinuance of Service Exemptions-Hallwood to Cape Charles, Canonie Atlantic Company, Cassatt Management LLC d/b/a Bay Coast Railroad, and Eastern Shore Railroad, Inc., Accomack and Northampton Counties, Virginia, Surface Transportation Board Docket No. AB 1266X, (DEQ 19-111F)

Dear Mr. Blodgett:

The Commonwealth of Virginia has completed its review of the above-referenced project. The Department of Environmental Quality (DEQ) is responsible for coordinating Virginia's review of federal environmental documents submitted under the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. DEQ is also responsible for coordinating Virginia's review of federal consistency documents submitted pursuant to the Coastal Zone Management Act (CZMA) and providing the state's response. This is in response to the Surface Transportation Board's Environmental Assessment (EA), dated and received on September 13, 2019, for the above referenced project. The following agencies participated in the review of this proposal:

Department of Environmental Quality
Department of Conservation and Recreation
Marine Resources Commission
Department of Historic Resources
Department of Transportation

In addition, the Department of Game and Inland Fisheries was invited to comment on the proposal.

PROJECT DESCRIPTION

The Surface Transportation Board (STB) has submitted an Environmental Assessment to assess the environmental impacts of the abandonment of a rail line by Canonic Atlantic Co. (CAC), Cassatt Management LLC d/b/a Bay Coast Railroad (BCR), and Eastern Shore Railroad, Inc. (ESRR) (applicants) in Accomack and Northampton Counties, Virginia. The rail line extends 49.1 miles from mile post (MP) 45.7 at Hallwood to the end of the line at MP 94.8 at Cape Charles (the Line) and the car float operation from Cape Charles to Little Creek, Virginia. The Line was originally part of a Pennsylvania Railroad route between Wilmington, Delaware and Cape Charles that connected by car float to Little Creek. The car float operation has been out of service for 10 years because it is uneconomical to repair, with traffic rerouted north to Wilmington and then to points south via other routes. The right-of-way is approximately 40 feet wide and is generally flat and straight. The Line parallels U.S. Route 13. Much of the adjoining land is rural and undeveloped. Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Applicants have indicated that only the removal of rail, track material, and cross ties is contemplated, and no clearing, grading, or alteration of the topography would be involved.

CONCLUSION

Provided activities are performed in accordance with the recommendations which follow in the Impacts and Mitigation section of this report, this proposal is unlikely to have significant effects on ambient air quality, important farmland, forest resources, historic resources, groundwater, surface water or wetlands. It is unlikely to adversely affect wildlife resources or species of plants or insects listed by state agencies as rare, threatened, or endangered.

ENVIRONMENTAL IMPACTS AND MITIGATION

1. Surface Waters and Wetlands. According to the EA (page 3), no instream salvage operations would be required in connection with the proposed abandonment and no action known to be inconsistent with federal, state, and/or local water quality standards is contemplated. The U.S. Army Corps of Engineers (Corps), Norfolk District noted that there are areas along the corridor that appear to include jurisdictional wetlands and/or waters of the U.S. Based on its review, the Corps indicated that the proposed abandonment would likely impact waters and/or wetlands regulated under Section 404 of the Clean Water Act, and permits may be required prior to conducting salvage activities.

1(a) Agency Jurisdiction. The State Water Control Board promulgates Virginia's water regulations covering a variety of permits to include the [Virginia Pollutant Discharge](#)

[Elimination System Permit](#) regulating point source discharges to surface waters, Virginia Pollution Abatement Permit regulating sewage sludge, storage and land application of biosolids, industrial wastes (sludge and wastewater), municipal wastewater, and animal wastes, the [Surface and Groundwater Withdrawal Permit](#), and the [Virginia Water Protection \(VWP\) Permit](#) regulating impacts to streams, wetlands, and other surface waters. The VWP permit is a state permit which governs wetlands, surface water, and surface water withdrawals and impoundments. It also serves as § 401 certification of the federal Clean Water Act § 404 permits for dredge and fill activities in waters of the U.S. The VWP Permit Program is under the Office of Wetlands and Stream Protection, within the DEQ Division of Water Permitting. In addition to central office staff that review and issue VWP permits for transportation and water withdrawal projects, the six DEQ regional offices perform permit application reviews and issue permits for the covered activities:

- Clean Water Act, § 401;
- Section 404(b)(i) Guidelines Mitigation Memorandum of Agreement (2/90);
- State Water Control Law, Virginia Code section 62.1-44.15:20 *et seq.*; and
- State Water Control *Regulations*, 9 VAC 25-210-10.

1(b) Agency Findings.

(i) Department of Environmental Quality

According to the VWP Permit program at the DEQ Tidewater Regional Office (TRO), coordination with Corps will be required to determine if wetlands or waters are present in the project corridor prior to commencement of the proposed abandonment activities.

The VPDES program at DEQ-TRO finds that there does not appear to be any wastewater or industrial stormwater point source discharges from this project that would necessitate a VPDES permit.

(ii) Virginia Marine Resources Commission

The Virginia Marine Resources Commission (VMRC) finds that the proposed project is outside the agency's jurisdictional area for tidal wetlands and will not require a permit from the agency. Should the proposed project change, a new review by VMRC may be required relative to its jurisdiction over tidal wetlands.

1(c) Requirements. If impacts to wetlands or waters are necessary, Corps permits will be required and VWP Permits may be required. If the proposed impacts qualify for a Corps Nationwide or Regional Permit and satisfy any associated VWP certification conditions, a VWP Permit will not be required.

1(d) Recommendations. In general, DEQ recommends that stream and wetland impacts be avoided to the maximum extent practicable. To minimize unavoidable

impacts to wetlands and waterways, DEQ recommends the following practices as applicable:

- Operate machinery and construction vehicles outside of stream-beds and wetlands; use synthetic mats when in-stream work is unavoidable.
- Preserve the top 12 inches of trench material removed from wetlands for use as wetland seed and root-stock in the excavated area.
- Erosion and sediment controls should be in place prior to clearing and grading, and maintained in good working order to minimize impacts to State waters. The controls should remain in place until the area is stabilized.
- Place heavy equipment, located in temporarily impacted wetland areas, on mats, geotextile fabric, or use other suitable measures to minimize soil disturbance, to the maximum extent practicable.
- Restore all temporarily disturbed wetland areas to pre-construction conditions and plant or seed with appropriate wetlands vegetation in accordance with the cover type (emergent, scrub-shrub, or forested). The applicant should take all appropriate measures to promote revegetation of these areas. Stabilization and restoration efforts should occur immediately after the temporary disturbance of each wetland area instead of waiting until the entire project has been completed.
- Place all materials which are temporarily stockpiled in wetlands, designated for use for the immediate stabilization of wetlands, on mats, geotextile fabric in order to prevent entry in State waters. These materials should be managed in a manner that prevents leachates from entering state waters and must be entirely removed within thirty days following completion of that construction activity. The disturbed areas should be returned to their original contours, stabilized within thirty days following removal of the stockpile, and restored to the original vegetated state.
- Flag or clearly mark all non-impacted surface waters within the project or right-of-way limits that are within 50 feet of any clearing, grading, or filling activities for the life of the construction activity within that area. The project proponent should notify all contractors that these marked areas are surface waters where no activities are to occur.
- Employ measures to prevent spills of fuels or lubricants into state waters.

2. State Subaqueous Lands. As previously noted, the EA (page 3) states that no in-stream salvage operations would be required in connection with the proposed abandonment.

2(a) Agency Jurisdiction. The [Virginia Marine Resources Commission \(VMRC\)](#) regulates encroachments in, on or over state-owned subaqueous beds as well as tidal wetlands pursuant to Virginia Code §28.2-1200 through 1400. For nontidal waterways, VMRC states that it has been the policy of the Habitat Management Division to exert jurisdiction only over the beds of perennial streams where the upstream drainage area is 5 square miles or greater. The beds of such waterways are considered public below the ordinary high water line.

2(b) Agency Findings. VMRC finds that the proposed project is outside the agency's jurisdiction and will not require a permit. Should the proposed project change, a new review by VMRC may be required relative to its jurisdiction over state-owned subaqueous lands.

2(c) Requirement. Should the project change, additional review by VMRC may be required for potential project impacts on state subaqueous lands.

For additional information, contact VMRC, George Badger at (757) 414-0710 or george.badger@mrc.virginia.gov.

3. Floodplain Management. The EA (page 3) states that no 100-year flood plains would be affected by the proposed abandonment.

3(a) Agency Jurisdiction. The [DCR Division of Dam Safety and Floodplain Management \(DSFM\)](#) is the lead coordinating agency for the Commonwealth's floodplain management program and the National Flood Insurance Program (Executive Memorandum 2-97). Pursuant to §10.1-603 of the Virginia Code and in accordance with 44 CFR section 60.12 of the National Flood Insurance Program Regulations for Floodplain Management and Flood Hazard Identification, all construction or land-disturbing activities initiated by an agency of the Commonwealth, or by its contractor, in floodplains shall be submitted to the locality and comply with the locally adopted floodplain management ordinance.

3(b) National Flood Insurance Program. According to the DCR Floodplain Management Program staff, the National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (shaded Zone X).

All development within a Special Flood Hazard Area (SFHA) or floodplain, as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance. Projects conducted by federal agencies within the SFHA must comply with Executive Order 11988: Floodplain Management.

The NFIP defines development as *"any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials."* (44 CFR 59.1).

The NFIP defines Special Flood Hazard Area (SFHA) as *"the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given*

year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V.” (44 CFR 59.1).

3(c) Requirements. The DCR Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant must coordinate with the local floodplain administrator for an official floodplain determination. If the project is located in the SFHA, the project must comply with the locality’s floodplain ordinance and obtain a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality.

3(d) Recommendations. DCR recommends that compliance documentation for state projects be provided prior to the project being funded. For federal projects, the applicant is encouraged reach out to the local floodplain administrator and comply with the community’s local floodplain ordinance. Use the Virginia Flood Risk Information System (VFRIS) to find flood zone information at www.dcr.virginia.gov/vfris. Local floodplain administrator contact information may be found on DCR’s Local Floodplain Management Directory at www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory.

4. Air Pollution Control. According to the EA (page 4), any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality.

4(a) Agency Jurisdiction. The [DEQ Air Division](#), on behalf of the State Air Pollution Control Board, is responsible for developing regulations that implement Virginia’s Air Pollution Control Law (Virginia Code §10.1-1300 *et seq.*). DEQ is charged with carrying out mandates of the state law and related regulations as well as Virginia’s federal obligations under the Clean Air Act as amended in 1990. The objective is to protect and enhance public health and quality of life through control and mitigation of air pollution. The division ensures the safety and quality of air in Virginia by monitoring and analyzing air quality data, regulating sources of air pollution, and working with local, state and federal agencies to plan and implement strategies to protect Virginia’s air quality. The appropriate DEQ regional office is directly responsible for the issuance of necessary permits to construct and operate all stationary sources in the region as well as monitoring emissions from these sources for compliance.

The Air Division regulates emissions of air pollutants from industries and facilities and implements programs designed to ensure that Virginia meets national air quality standards. The most common regulations associated with major State projects are:

- Open burning: 9 VAC 5-130 *et seq.*
- Fugitive dust control: 9 VAC 5-50-60 *et seq.*
- Permits for fuel-burning equipment: 9 VAC 5-80-1100 *et seq.*

4(b) Agency Findings. The DEQ Air Division finds that the project area is an ozone attainment area and emission control area for oxides of nitrogen (NO_x) and volatile organic compounds (VOCs).

4(c) Recommendation. The applicant should take all reasonable precautions to limit emissions of NO_x and VOCs, principally by controlling or limiting the burning of fossil fuels.

4(d) Requirements.

(i) Fugitive Dust

Fugitive dust must be kept to a minimum by using control methods outlined in 9 VAC 5-50-60 *et seq.* of the *Regulations for the Control and Abatement of Air Pollution*. These precautions include, but are not limited to, the following:

- Use, where possible, of water or chemicals for dust control, however, do not use water for dust control to the extent that it results in runoff to surface waters or wetlands;
- Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials;
- Covering of open equipment for conveying materials; and
- Prompt removal of spilled or tracked dirt or other materials from paved streets and removal of dried sediments resulting from soil erosion.

(ii) Open Burning

If project activities include the open burning or use of special incineration devices for the disposal of debris, this activity must meet the requirements of 9 VAC 5-130-10 through 9 VAC 5-130-60 and 9 VAC 5-130-100 of the *Regulations* for open burning, and it may require a permit. The shredding and chipping of vegetative debris and reuse on-site is recommended over open burning. The *Regulations* provide for, but do not require, the local adoption of a model ordinance concerning open burning. The applicant should contact local fire officials to determine what local requirements, if any, exist.

(iii) Fuel-Burning Equipment

The installation, operation or modification of stationary or portable fuel burning equipment (e.g., generators, wood chippers/grinders, boilers, etc.) or other sources of air pollutants may be subject to registration and/or air permitting requirements pursuant to 9 VAC 5-80, Article 6, Permits for New and Modified sources (<http://www.deq.virginia.gov/Programs/Air/PermittingCompliance/Permitting/TypesofAirPermits.aspx>).

5. Solid and Hazardous Wastes and Hazardous Materials. According to the EA (page 3), no known hazardous waste sites or sites where there have been known hazardous material spills are located in or adjacent to the right-of-way.

5(a) Agency Jurisdiction. On behalf of the Virginia Waste Management Board, the [DEQ Division of Land Protection and Revitalization \(DEQ-DLPR\)](#) is responsible for carrying out the mandates of the Virginia Waste Management Act (Virginia Code §10.1-1400 *et seq.*), as well as meeting Virginia's federal obligations under the Resource Conservation and Recovery Act (RCRA) and the Comprehensive Environmental Response Compensation Liability Act (CERCLA), commonly known as Superfund.

Virginia:

- Virginia Waste Management Act, Virginia Code § 10.1-1400 *et seq.*
- *Virginia Solid Waste Management Regulations*, 9 VAC 20-81 (9 VAC 20-81-620 applies to asbestos-containing materials)
- *Virginia Hazardous Waste Management Regulations*, 9 VAC 20-60 (9 VAC 20-60-261 applies to lead-based paints)
- *Virginia Regulations for the Transportation of Hazardous Materials*, 9 VAC 20-110.

Federal:

- Resource Conservation and Recovery Act, 42 U.S. Code sections 6901 *et seq.*
- U.S. Department of Transportation *Rules for Transportation of Hazardous Materials*, 49 Code of Federal Regulations, Part 107
- Applicable rules contained in Title 40, *Code of Federal Regulations*.

DEQ-DLPR also administers laws and regulations on behalf of the State Water Control Board governing Petroleum Storage Tanks (Virginia Code §62.1-44.34:8 *et seq.*), including Aboveground Storage Tanks (9 VAC 25-91 *et seq.*) and Underground Storage Tanks (9 VAC 25-580 *et seq.* and 9 VAC 25-580-370 *et seq.*), also known as 'Virginia Tank Regulations', and § 62.1-44.34:14 *et seq.* which covers oil spills.

5(b) Requirements.

(i) Generated Waste

Any soil, sediment or groundwater that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable federal, state, and local laws and regulations. All demolition wastes must be characterized in accordance with the *Virginia Hazardous Waste Management Regulations* prior to management at an appropriate facility.

(ii) Asbestos-containing Material and Lead-based Paint

Any structures being demolished or removed should be checked for asbestos-containing materials (ACM) (such as insulation) and lead-based paint (LBP) prior to construction. If ACM or LBP are found, in addition to the federal waste-related regulations mentioned above, state regulations 9 VAC 20-80-640 for ACM and 9 VAC 20-60-261 for LBP must be followed.

5(c) Recommendations. DEQ-DLPR staff recommends a search of the project corridor using the following solid and hazardous waste databases (including petroleum releases) to identify waste sites in close proximity (200-foot radius) to the project area:

- 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

- EQ 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

6. Pesticides and Herbicides. DEQ recommends that the use of herbicides or pesticides for construction or landscape maintenance should be in accordance with the principles of integrated pest management. The least toxic pesticides that are effective in controlling the target species should be used to the extent feasible. Contact the Department of Agriculture and Consumer Services at (804) 786-3501 for more information.

7. Natural Heritage and Wildlife Resources. According to the EA (pages 3 and 4), no wildlife sanctuaries, refuges, national or state parks, or forests would be adversely affected by the proposed abandonment. A list of threatened or endangered species that may be present in the project area was identified using the U.S. Fish and Wildlife Service (USFWS) online Information for Planning and Consultation (IPaC) tool. The northern long-eared bat was identified as a federally-listed threatened species potentially present in the project area. The document concludes that the proposed abandonment would have no adverse effect on areas designated as critical habitat.

7(a) Agency Jurisdiction.

(i) [The Virginia Department of Conservation and Recreation's \(DCR\) Division of Natural Heritage \(DNH\).](#)

DNH's mission is conserving Virginia's biodiversity through inventory, protection and stewardship. The Virginia Natural Area Preserves Act (Virginia Code §10.1-209 through 217), authorizes DCR to maintain a statewide database for conservation planning and project review, protect land for the conservation of biodiversity, and protect and ecologically manage the natural heritage resources of Virginia (the habitats of rare, threatened and endangered species, significant natural communities, geologic sites, and other natural features).

(ii) [The Virginia Department of Agriculture and Consumer Services \(VDACS\).](#)

The Endangered Plant and Insect Species Act of 1979 (Virginia Code Chapter 39 §3.1-1020 through 1030) authorizes VDACS to conserve, protect and manage endangered and threatened species of plants and insects. Under a Memorandum of Agreement established between VDACS and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species.

7(b) Agency Findings.

(i) *Natural Heritage Resources*

DCR-DNH searched its Biotics Data System (Biotics) for occurrences of natural heritage resources from the area outlined on the submitted map. Biotics documents the presence of natural heritage resources within the project corridor including a 100-foot buffer. However, due to the scope of the activity DCR-DNH does not anticipate that this project will adversely impact these natural heritage resources.

(ii) *State-listed Plant and Insect Species*

DCR-DNH finds that the proposed activity will not affect any documented state-listed threatened and endangered plant or insect species.

(iii) *State Natural Area Preserves*

DCR files do not indicate the presence of any State Natural Area Preserves under the agency's jurisdiction in the project vicinity.

7(c) Recommendations.

(i) Natural Heritage Resources

Contact DCR-DNH to secure updated information on natural heritage resources if the scope of the project changes and/or six months passes before the Project is implemented, since new and updated information is continually added to the Biotics Data System.

(ii) Wildlife Resources and Protected Species

The Virginia Department of Game and Inland Fisheries (DGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this response. The DGIF database may be accessed at <http://vafwis.org/fwis/> or contact Ernie Aschenbach at (804) 367-2733 or ernie.aschenbach@dgif.virginia.gov.

8. Transportation Impacts. The EA (page 2) states that the proposed abandonment would not adversely impact the local transportation network.

8(a) Agency Jurisdiction. The [Virginia Department of Transportation \(VDOT\)](#) provides comments pertaining to potential impacts to existing and future transportation systems.

8(b) Agency Findings. The VDOT Hampton Roads District Office does not anticipate that this proposal will have a direct impact on the state maintained transportation network. The applicant should be aware of the following two transportation projects within the vicinity:

- 1) UPC 111710. The project will include the installation of traffic signals at the intersection of Industrial Park and Route 13, a lengthening of the Northbound left turn lane, a widening of the Southbound right turn lane, and a median crossover closure.
- 2) UPC 111708. The project will include widening shoulders, lengthening turn lanes, and the installation of safety edges, back plates and lighting to sections of Route 13 from the Food Lion shopping center to the intersection of Route 184 (Stone Road).

8(c) Recommendation. VDOT recommend coordination with Accomack and Northampton Counties to ensure local road standards are met.

For additional information regarding VDOT comments, contact Keisha Wilkins at (757) 956-3110 or keisha.wilkins@vdot.virginia.gov.

9. Historic and Archeological Resources. According to the EA (page 4), there is one small building on the Line that is 50 years old or older, estimated to have been constructed around 1915, which is not believed to be eligible for listing in the National

Register of Historic Places. The applicant does not believe that there are archeological resources or any other previously unknown historic properties on the Line. The applicant submitted a Historic Report to the Virginia Department of Historic Resources (Virginia State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). A response from the SHPO is pending.

9(a) Agency Jurisdiction. The [Virginia Department of Historic Resources \(DHR\)](http://www.dhr.virginia.gov) conducts reviews of both federal and state projects to determine their effect on historic properties. Under the federal process, DHR is the State Historic Preservation Office, and ensures that federal undertakings-including licenses, permits, or funding-comply with Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulation at 36 CFR Part 800. Section 106 requires federal agencies to consider the effects of federal projects on properties that are listed or eligible for listing on the National Register of Historic Places. For state projects or activities on state lands, DHR is afforded an opportunity to review and comment on (1) the demolition of state property; (2) major state projects requiring an EIR; (3) archaeological investigations on state-controlled land; (4) projects that involve a landmark listed in the Virginia Landmarks Register; (5) the sale or lease of surplus state property; (6) exploration and recovery of underwater historic properties; and (7) excavation or removal of archaeological or historic features from caves. Please see DHR's website for more information about applicable state and federal laws and how to submit an application for review: <http://www.dhr.virginia.gov/StateStewardship/Index.htm>.

9(b) Agency Findings. DHR confirms that it was previously sent a report for review and provided a response letter. DHR is providing the following additional comments regarding an architectural resource mentioned in the EA. The referenced building is over 50 years old and DHR cannot concur with the STB's recommendation that the building is not eligible for the National Register of Historic Places at this time.

9(c) Requirements. In order for DHR to have adequate information to concur, a survey of the building will be necessary. Because the building is unevaluated and has the potential to be a historic resource, DHR will need an intensive architectural survey of the structure. The survey must be conducted by qualified professionals in accordance the *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-42) and DHR's *Guidelines for Conducting Historic Resources Survey in Virginia* (October 2011). Two hardcopies and one digital copy of the resulting report should be submitted to DHR for review.

If the building within the railroad right-of-way is found to be a rail property, it would not be subject to Section 106 review according to Section 11504 of the Fixing America's Surface Transportation Act (FAST Act) (49 U.S.C. 24202), enacted on December 4, 2015, which mandated the development of a Section 106 exemption for "railroad rights-of-way". In August 2018, the Advisory Council on Historic Preservation (ACHP) issued a Program Comment to exempt consideration of effects to rail properties within rail rights-of-way at the request of the U.S. Department of Transportation to accelerate the

review of these undertakings under Section 106 and to meet the requirement of Section 11504 of the Fixing America's Surface Transportation Act.

REGULATORY AND COORDINATION NEEDS

1. Water Quality and Wetlands. If the Corps determines that surface water and/or wetland impacts would occur, a VWP Permit issued by the DEQ-TRO may be required pursuant to Virginia Code §62.1-44.15:20. For additional information and coordination, contact DEQ-TRO, Jeff Hannah at (757) 518-2146 or jeff.hannah@deq.virginia.gov.

2. Floodplain Management. The propose project must comply with the local floodplain ordinance. Local floodplain administrator contact information may be found on DCR's Local Floodplain Management Directory at www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory.

3. Air Quality Regulations. Guidance on minimizing the emission of VOCs and NO_x during construction may be obtained from DEQ-TRO. Activities associated with the project may be subject to air regulations administered by DEQ. The state air pollution regulations that may apply to the construction and operation of the facility are:

- fugitive dust and emissions control (9 VAC 5-50-60 *et seq.*);
- open burning restrictions (9 VAC 5-130 *et seq.*); and
- fuel-burning equipment (9 VAC 5-80 *et seq.*).

The applicant should contact local fire officials for information on any local requirements pertaining to open burning if applicable. For more information, contact DEQ-TRO, Laura Corl at (757) 518-2178 or laura.corl@deq.virginia.gov.

4. Solid and Hazardous Wastes. All solid waste, hazardous waste, and hazardous materials must be managed in accordance with applicable federal, state, and local environmental regulations. Contact DEQ-TRO, Sean Priest at (757) 518-21412 or jonathan.priest@deq.virginia.gov for additional information and guidance.

4(a) Asbestos-Containing Material. Any structures to be demolished must be thoroughly inspected for the presence of asbestos, including Category I and Category II nonfriable asbestos containing material. Upon classification as friable or non-friable, all waste ACM shall be disposed of in accordance with the *Virginia Solid Waste Management Regulations* (9 VAC 20-80-640), and transported in accordance with the Virginia regulations governing Transportation of Hazardous Materials (9 VAC 20-110-10 *et seq.*). Contact the DEQ-TRO, Sean Priest at (757) 518-21412 or jonathan.priest@deq.virginia.gov, and the Department of Labor and Industry, Doug Wiggins at (540) 562-3580, ext. 131 or richard.wiggins@doli.virginia.gov for additional information.

4(b) Lead-Based Paint. If applicable, this project must comply with the U.S. Department of Labor Occupational Safety and Health Administration (OSHA) regulations and with the Virginia Lead-Based Paint Activities Rules and Regulations. For additional information regarding these requirements, contact DEQ-TRO, Sean Priest at (757) 518-21412 or jonathan.priest@deq.virginia.gov, and the Department of Professional and Occupational Regulation at (804) 367-8500.

5. Natural Heritage Resources. Contact the Department of Conservation and Recreation, Division of Natural Heritage Resources (DCR-DNH), Rene Hypes at (804) 371-2708 or rene.hypes@dcr.virginia.gov, after six months to secure updated information on natural heritage resources in the project area.

6. Transportation Impacts. Coordinate with the Accomack and Northampton Counties on any local requirements that may address impacts roads. Contact the Accomack County Department of Public Works and Facilities, Stewart Hall at (757) 787-1468 or pworks@co.accomack.va.us and/or the Northampton County Administrator, Charles Kolakowski at 757-678-0440 ext. 515 or ckolakowski@co.northampton.va.us.

7. Historic Resources. The STB and applicant must continue to coordinate this project with the Department of Historic Resources pursuant to *Section 106 of the National Historic Preservation Act* (as amended) and its implementing regulations at 36 CFR Part 800. For additional information and coordination, contact DHR, Adrienne Birge-Wilson at (804) 482-6092 or adrienne.birge-wilson@dhr.virginia.gov.

8. Federal Consistency Under the CZMA. Pursuant to the Coastal Zone Management Act of 1972, as amended, the applicant is required to certify the consistency of its activities affecting Virginia's coastal resources or coastal uses with the Virginia Coastal Zone Management (CZM) Program (see section 307(c)(1) of the Act and 15 CFR Part 930, Subpart D, section 930.50 *et seq.*). This involves an analysis of the activities in light of the [Enforceable Policies](#) of the Virginia CZM Program, and the submission of a consistency certification reflecting that analysis and committing the applicant to comply with the enforceable policies. In addition, the applicant is encouraged to consider the [Advisory Policies](#) of the Virginia CZM Program. Section 930.58 gives content requirements for the consistency certification, or you may visit the DEQ website at: <http://www.deq.virginia.gov/Programs/EnvironmentalImpactReview/FederalConsistencyReviews.aspx>.

Thank you for the opportunity to review the Environmental Assessment prepared for the Abandonment and Discontinuance of Service Exemptions-Hallwood to Cape Charles in Accomack and Northampton Counties, Virginia. Detailed comments of reviewing agencies are attached for your review. Please contact me at (804) 698-4204 or John Fisher at (804) 698-4339 for clarification of these comments.

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

Enclosures

Ec: Tony Watkinson, VMRC
Amy Ewing, DGIF
Robbie Rhur, DCR
Roger Kirchen, DHR
Heather Williams, VDOT

Matthew J. Strickler
Secretary of Natural Resources

Clyde E. Cristman
Director



Rochelle Altholz
*Deputy Director of
Administration and Finance*

Russell W. Baxter
*Deputy Director of
Dam Safety & Floodplain
Management and Soil & Water
Conservation*

Thomas L. Smith
Deputy Director of Operations

COMMONWEALTH of VIRGINIA
DEPARTMENT OF CONSERVATION AND RECREATION

MEMORANDUM

DATE: October 1, 2019

TO: John Fisher, DEQ

FROM: Roberta Rhur, Environmental Impact Review Coordinator

SUBJECT: DEQ 19-111F, Discontinuance of Service Exemption-Hallwood to Cape Charles

Division of Natural Heritage

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biotics Data System for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Biotics documents the presence of natural heritage resources within the project boundary including a 100ft buffer. However, due to the scope of the activity we do not anticipate that this project will adversely impact these natural heritage resources.

There are no State Natural Area Preserves under DCR's jurisdiction in the project vicinity.

Under a Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the DCR, DCR represents VDACS in comments regarding potential impacts on state-listed threatened and endangered plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to Biotics. Please re-submit project information and map for an update on this natural heritage information if the scope of the project changes and/or six months has passed before it is utilized.

The Virginia Department of Game and Inland Fisheries (VDGIF) maintains a database of wildlife locations, including threatened and endangered species, trout streams, and anadromous fish waters that may contain information not documented in this letter. Their database may be accessed from <http://vafwis.org/fwis/> or contact Ernie Aschenbach at 804-367-2733 or Ernie.Aschenbach@dgif.virginia.gov.

Division of Dam Safety and Floodplain Management

Floodplain Management Program:

The National Flood Insurance Program (NFIP) is administered by the Federal Emergency Management Agency (FEMA), and communities who elect to participate in this voluntary program manage and enforce the program on the local level through that community's local floodplain ordinance. Each local floodplain ordinance must comply

with the minimum standards of the NFIP, outlined in 44 CFR 60.3; however, local communities may adopt more restrictive requirements in their local floodplain ordinance, such as regulating the 0.2% annual chance flood zone (shaded X Zone).

All development within a Special Flood Hazard Area (SFHA) or floodplain, as shown on the locality's Flood Insurance Rate Map (FIRM), must be permitted and comply with the requirements of the local floodplain ordinance. As per Executive Memorandum 2-97, development in a floodplain by an agency of the Commonwealth, or by its contractor, shall comply with the locally adopted floodplain management ordinance. Additionally, new state-owned buildings shall not be constructed in the SFHA unless a variance is granted by the Department of General Services. Projects conducted by federal agencies within the SFHA must comply with Executive Order 11988: Floodplain Management.

The NFIP defines development as *“any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.”* (44 CFR 59.1)

The NFIP defines Special Flood Hazard Area (SFHA) as *“the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, AI-30, AE, A99, AR, AR/AI-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or VI-30, VE, or V.”* (44 CFR 59.1)

DCR's Floodplain Management Program does not have regulatory authority for projects in the SFHA. The applicant/developer must contact the local floodplain administrator for an official floodplain determination, and if the project is located in the SFHA, this project must comply with the community's local floodplain ordinance, including receiving a local permit. Failure to comply with the local floodplain ordinance could result in enforcement action from the locality. For state projects, DCR recommends that compliance documentation be provided prior to the project being funded. For federal projects, the applicant/developer is encouraged reach out to the local floodplain administrator and comply with the community's local floodplain ordinance.

To find flood zone information, use the Virginia Flood Risk Information System (VFRIS):
www.dcr.virginia.gov/vfris

To find local floodplain administrator contact information, use DCR's Local Floodplain Management Directory:
www.dcr.virginia.gov/dam-safety-and-floodplains/floodplain-directory

The remaining DCR divisions have no comments regarding the scope of this project. Thank you for the opportunity to comment.

**DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF AIR PROGRAM COORDINATION**

ENVIRONMENTAL REVIEW COMMENTS APPLICABLE TO AIR QUALITY

TO: John Fisher

We thank **OEIR** for providing DEQ-AIR an opportunity to review the following project:

Document Type: **Environmental Assessment**

Project Sponsor: **Surface Transportation Board**

Project Title: **Discontinuance of Service Exemption-Hallwood to Cape Charles**

Project Number: **DEQ #19-111F**

Accordingly, I am providing following comments for consideration.

PROJECT LOCATION:

☐ OZONE ATTAINMENT
AND EMISSION CONTROL AREA FOR NOX & VOC

REGULATORY REQUIREMENTS MAY BE APPLICABLE TO:

☐ CONSTRUCTION
☐ OPERATION

STATE AIR POLLUTION CONTROL BOARD REGULATIONS THAT MAY APPLY:

1. ☐ 9 VAC 5-40-5200 C & 9 VAC 5-40-5220 E – STAGE I
2. ☐ 9 VAC 5-45-760 et seq. – Asphalt Paving operations
3. ☐ 9 VAC 5-130 et seq. – Open Burning
4. ☐ 9 VAC 5-50-60 et seq. Fugitive Dust Emissions
5. ☐ 9 VAC 5-50-130 et seq. - Odorous Emissions; Applicable to _____
6. ☐ 9 VAC 5-60-300 et seq. – Standards of Performance for Toxic Pollutants
7. ☐ 9 VAC 5-50-400 Subpart_____, Standards of Performance for New Stationary Sources, designates standards of performance for the _____
8. ☐ 9 VAC 5-80-1100 et seq. of the regulations – Permits for Stationary Sources
9. ☐ 9 VAC 5-80-1605 et seq. Of the regulations – Major or Modified Sources located in PSD areas. This rule may be applicable to the _____
10. ☐ 9 VAC 5-80-2000 et seq. of the regulations – New and modified sources located in non-attainment areas
11. ☐ 9 VAC 5-80-800 et seq. Of the regulations – State Operating Permits. This rule may be applicable to _____

COMMENTS SPECIFIC TO THE PROJECT:

No comment



(Kotur S. Narasimhan)
Office of Air Data Analysis

DATE: September 19, 2019



MEMORANDUM

TO: John Fisher, DEQ/EIR Environmental Program Planner

FROM: Carlos A. Martinez, Division of Land Protection & Revitalization Review Coordinator

DATE: October 8, 2019

COPIES: Sanjay Thirunagari, Division of Land Protection & Revitalization Review Manager; file

SUBJECT: Environmental Impact Review: 19-111F Discontinuance of Service Exemption-Hallwood to Cape Charles.

The Division of Land Protection & Revitalization (DLPR) is unable to complete its review of the the Surface Transportation Board's September 19, 2019 EIR for the Discontinuance of Service Exemption-Hallwood to Cape Charles without detailed shape files.

DLPR staff recommends a search (200 ft. radius) of the project area of the following solid and hazardous waste databases (including petroleum releases) to identify waste sites in close proximity to the project area:

- 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
- 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

PROJECT SPECIFIC COMMENTS

None

GENERAL COMMENTS

Soil, Sediment, Groundwater, and Waste Management

Any soil, sediment or groundwater that is suspected of contamination or wastes that are generated must be tested and disposed of in accordance with applicable Federal, State, and local laws and regulations. Some of the applicable state laws and regulations are: Virginia Waste Management Act, Code of Virginia Section 10.1-1400 *et seq.*; Virginia Hazardous Waste Management Regulations (VHWMR) (9VAC 20-60); Virginia Solid Waste Management Regulations (VSWMR) (9VAC 20-81); Virginia Regulations for the Transportation of Hazardous Materials (9VAC 20-110). Some of the applicable Federal laws and regulations are: the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 *et seq.*, and the applicable regulations contained in Title 40 of the Code of Federal Regulations; and the U.S. Department of Transportation Rules for Transportation of Hazardous Materials, 49 CFR Part 107.

Pollution Prevention – Reuse - Recycling

Please note that DEQ encourages all construction projects and facilities to implement pollution prevention principles, including the reduction, reuse, and recycling of all solid wastes generated. All generation of hazardous wastes should be minimized and handled appropriately.

If you have any questions or need further information, please contact Carlos A. Martinez by phone at (804) 698-4575 or email carlos.martinez@deq.virginia.gov.



DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
ENVIRONMENTAL IMPACT REVIEW COMMENTS

10/7/2019

PROJECT NUMBER: 19-111F

PROJECT TITLE: Discontinuance of Service Exemption-Hallwood to Cape Charles

As Requested, TRO staff has reviewed the supplied information and has the following comments:

Petroleum Storage Tank Cleanups:

No comments.

Petroleum Storage Tank Compliance/Inspections:

No comments.

Virginia Water Protection Permit Program (VWPP):

Prior to commencement of the proposed abandonment activities, coordination with U.S. Army Corps of Engineers (USACE) will be required to determine if wetlands or waters are present in the project corridor. If impacts to wetlands or waters are necessary, USACE and VWP permits will be required. If the proposed impacts qualify for USACE Nationwide or Regional Permits, and satisfy any associated VWP certification conditions, a VWP permit will not be required.

Air Permit Program :

The following air regulations of the Virginia Administrative Code may be applicable: 9VAC5-50-60 *et seq.* which addresses the abatement of visible emissions and fugitive dust emissions, and 9VAC5-130-10 *et seq.* which addresses open burning. For additional information, contact Laura Corl at (757) 518-2178.

Water Permit Program :

No comments as there does not appear to be any wastewater or industrial stormwater point source discharges from this project that would necessitate a VPDES permit.

Waste Permit Program :

All construction, demolition and debris waste including excess soil must be characterized in accordance with the Virginia Hazardous Waste Management Regulations prior to management at an appropriate facility. For additional information, contact Sean Priest, DEQ-TRO at (757) 518-2141 or jonathan.priest@deq.virginia.gov.

Storm Water Program:

No comments.



**DEPARTMENT OF ENVIRONMENTAL QUALITY
TIDEWATER REGIONAL OFFICE
ENVIRONMENTAL IMPACT REVIEW COMMENTS**

10/7/2019

PROJECT NUMBER: 19-111F

PROJECT TITLE: Discontinuance of Service Exemption-Hallwood to Cape Charles

The staff from the Tidewater Regional Office thanks you for the opportunity to provide comments.

Sincerely,

Cindy Robinson
Environmental Specialist II
5636 Southern Blvd.
VA Beach, VA 23462
(757) 518-2167
Cindy.Robinson@deq.virginia.gov



COMMONWEALTH of VIRGINIA

Department of Historic Resources

Matt Strickler
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Julie V. Langan
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
www.dhr.virginia.gov

September 25, 2019

John Fisher
Department of Environmental Quality
1111 East Main Street
Richmond, VA 23219

Re: Docket No. AB-1267 AB-1276 AB-1266 - Abandonment Discontinuance between Hallwood and Cape Charles
Nottoway County, VA
DHR File No. 2019-0477 – DEQ Project 19-111F

Dear Mr. Fisher:

The Department of Historic Resources (DHR) received the above referenced notification of abandonment and discontinuance Environmental Assessment (EA). DHR was previously sent a package for review and provided a letter. We are providing additional comments regarding an architectural resource mentioned in the EA. The referenced building is over 50 years old and DHR cannot concur on the Surface Transportation Board's (STB) recommendation that the building is not eligible for the National Register of Historic Places.

In order for DHR to have adequate information to concur, a survey of the building will be necessary. Because the building is unevaluated and has the potential to be a historic resource, DHR will need to see an intensive architectural survey on it. The survey must be conducted by qualified professionals in accordance the *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44716-42) and DHR's *Guidelines for Conducting Historic Resources Survey in Virginia* (October 2011). Two hardcopies and one digital copy of the resulting report should be submitted to our office for review.

If this building within the railroad right-of-way is found to be a rail property, it would not be subject to Section 106 review according to Section 11504 of the Fixing America's Surface Transportation Act ("FAST Act") (49 U.S.C. 24202), enacted on December 4, 2015, which mandated the development of a Section 106 exemption for "railroad rights-of-way". As you are probably aware, In August 2018, the Advisory Council on Historic Preservation ("ACHP") issued a Program Comment to exempt consideration of effects to rail properties within rail rights-of-way at the request of the U.S. Department of Transportation to accelerate the review of these undertakings under Section 106 of the National Historic Preservation Act and to meet the requirement of Section 11504 of the Fixing America's Surface Transportation Act.

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962 Kime Lane
Salem, VA 24153
Tel: (540) 387-5443
Fax: (540) 387-5446

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7029
Fax: (540) 868-7033

Eastern Region Office
2801 Kensington Avenue
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Please provide additional information on the potentially historic building referenced above. If you have any questions regarding these comments, please do not hesitate to call me at (804) 482-6092 or via email at adrienne.birge-wilson@dhr.virginia.gov.

Sincerely,



Adrienne Birge-Wilson, Architectural Historian
Review and Compliance Division

c: Sloane Carlough, Clark Hill, PLC
Cynthia T. Brown, STB

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COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
HAMPTON ROADS DISTRICT
7511 Burbage Drive
SUFFOLK, VIRGINIA 23435

Stephen C. Brich, P.E.
Commissioner

October 1, 2019

John Fisher
Department of Environmental Quality
Office of Environmental Impact Review
1111 East Main Street
Richmond, Virginia 23219

Re: Discontinuance of Service Exemption – Hallwood to Cape Charles (DEQ #19-111F)

Dear Mr. John Fisher,

The above named project has been reviewed by the VDOT Hampton Roads District Planning Office for impacts to the existing and proposed transportation facilities.

Upon reviewing the project materials and the future and proposed transportation projects within the vicinity, we do not anticipate that this proposal will have a direct impact on the state maintained transportation network. The applicant should be aware of the following two transportation projects within the vicinity: 1)UPC 111710 – This project will include the installation of traffic signals at the intersection of Industrial Park and Route 13, a lengthening of the Northbound left turn lane, a widening of the Southbound right turn lane, and a median crossover closure. 2) UPC 111708 –The project will include widening shoulders, lengthening turn lanes, and the installation of safety edges, back plates and lighting to sections of Route 13 from the Food Lion shopping center to the intersection of Route 184 (Stone Road).

We recommend coordination with the Accomack and Northampton County to ensure standards are met. If additional information is needed, please contact Keisha Wilkins at (757)956-3110 or Keisha.Wilkins@VDOT.Virginia.Gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Keisha Wilkins".

Keisha Wilkins
Transportation Planning Specialist

Cc: Mr. Eric Stringfield, Transportation Planning Director
Mr. Jerry Pauley, Senior Transportation Planner
Mrs. Valarie Fulcher, Environmental Program Specialist



COMMONWEALTH of VIRGINIA

*Marine Resources Commission
380 Fenwick Road
Bldg 96
Fort Monroe, VA 23651-1064*

Matthew J. Strickler
Secretary of Natural Resources

Steven G. Bowman
Commissioner

September 23, 2019

Department of Environmental Quality
Attn: John Fisher
1111 East Main St.
Richmond, VA 23219

Re: Environmental Assessment
Discontinuance of Service Exemption-Hallwood to Cape
Charles, DEQ #19-111F

Dear Mr. Fisher:

This will respond to the request for comments regarding the Environmental Assessment for the Discontinuance of Service Exemption from Hallwood to Cape Charles (DEQ #19-111F), prepared by Canonie Atlantic Co., Cassatt Management LLC d/b/a Bay Coast Railroad, and Eastern Shore Railroad, Inc. Specifically, the applicants have proposed to discontinue service of the railway between Hallwood and Cape Charles, Virginia, and to salvage the materials used in initial construction. This project takes place in Accomack and Northampton Counties, Virginia.

We reviewed the provided project documents and found the proposed project is outside the jurisdictional areas of the Virginia Marine Resources Commission (VMRC) and will not require a permit from this agency. Please be advised that the VMRC pursuant to Chapter 12, 13, & 14 of Title 28.2 of the Code of Virginia administers permits required for submerged lands, tidal wetlands, and beaches and dunes. Should the proposed project change, a new review by this agency may be required relative to these jurisdictional areas.

If you have any questions please contact me at (757) 414-0710 or by email at hank.badger@mrc.virginia.gov. Thank you for the opportunity to comment.

Sincerely,



George H. Badger, III
Environmental Engineer, Habitat Management

GHB/keb
HM

An Agency of the Natural Resources Secretariat
www.mrc.virginia.gov

Telephone (757) 247-2200 (757) 247-2292 V/TDD Information and Emergency Hotline 1-800-541-4646 V/TDD