



## COMMONWEALTH of VIRGINIA

### DEPARTMENT OF ENVIRONMENTAL QUALITY

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August 2, 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

RE: Federal Consistency Certification for the Discontinuance of Service Exemption by Canonie Atlantic Company, Cassatt Management LLC, and Eastern Shore Railroad Inc, Surface Transportation Docket Nos. AB-1266, AB-1267, and AB-1276, Accomack and Northampton Counties, Virginia

Dear Ms. Brown:

On July 15, 2019, the Department of Environmental Quality (DEQ) Office of Environmental Impact Review (OEIR) received the Petition for Exemption and accompanying exhibits from Clark Hill, Inc. on behalf of the Petitioners for the above-referenced action. The letter indicated that the Petition and exhibits provided a Federal Consistency Certification (FCC), including the necessary data and information required under the Coastal Zone Management Act (CZMA) Section 307(c)(3)(A) and 15 CFR Part 930, subpart D, for the discontinuance and abandonment of a 49.1-mile line of railroad that extends between mile post (MP) 45.7 at Hallwood, Virginia, to the end of the Line at MP 94.8 at Cape Charles, Virginia, and the car float operation from Cape Charles to Little Ferry in Norfolk, Virginia.

As you may know, DEQ-OEIR, is responsible for coordinating Virginia's review of federal environmental documents prepared pursuant to the National Environmental Policy Act (NEPA) and responding to appropriate federal officials on behalf of the Commonwealth. Similarly, DEQ-OEIR coordinates Virginia's review of federal consistency documents prepared pursuant to the CZMA which applies to all federal activities which are reasonably likely to affect any land or water use or natural resources of Virginia's designated coastal resources management area. Federal activities must be consistent with the enforceable policies Virginia Coastal Zone Management (CZM) Program. The abandonment of rail lines as approved by the Interstate Commerce Commission (i.e. Surface Transportation Board) is a listed activity in the Virginia CZM Program. In accordance with 15 CFR Part 930.53(2)(d), a federal agency cannot

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provide authorization for an activity listed in a state's program until the state has concurred that the project is consistent with the enforceable policies of the approved program.

DEQ-OEIR conducted a sufficiency review of the Petition and exhibits and did not find sufficient data and information to support a FCC as required under 15 CFR Part 930, subpart D, § 930.58. Accordingly, DEQ is unable to begin the Commonwealth's coordinated review process at this time. The project consultant was notified on July 17, 2019 of our findings and was provided with guidance on the necessary data and information as required by the CZMA federal consistency regulations. DEQ-OEIR has not received a FCC with the necessary data and information to date. Once a FCC for the proposal is received, DEQ-OEIR will conduct a coordinated review and provide its consistency determination to the Petitioners and STB.

Additional information on the Virginia's review of federal consistency documents, including a FCC outline, may be found in DEQ's [Federal Consistency Information Package](#). Please contact me at (804) 698-4204 or [bettina.rayfield@deq.virginia.gov](mailto:bettina.rayfield@deq.virginia.gov), or John Fisher at (804) 698-4339 or [john.fisher@deq.virginia.gov](mailto:john.fisher@deq.virginia.gov) for additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Bettina Rayfield".

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