

EI-1371

CG



Design & Construction
175 Spring Street S.W., Box 142
Atlanta, GA 30303

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529-1434

Fax

To: CATHERINE GLIDDEN From: RICK DIETZ
Fax: 202-565-9000 Date: 1/25/05
Phone: Pages: 2
Re: ARMY CORP OF ENGINEERS CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

PHILADELPHIA DISTRICT, CORPS OF ENGINEERS
WANAMAKER BUILDING, 100 PENN SQUARE EAST
PHILADELPHIA, PENNSYLVANIA 19107-3390

JAN 19 2005

Regulatory Branch
Application Section II

SUBJECT: CENAP-OP-R-200401607-39

Mr. R. P. Dietz
Norfolk Southern Corporation
Design and Construction
175 Spring Street, S.W.
Box 142
Atlanta, Georgia 30303

Dear Mr. Dietz:

This is in regard to Department of the Army jurisdiction over your proposal for the abandonment of railroad operations between milepost 18.92 and 19.72 (STB Docket No. AB-290), adjacent to Valley Creek, in the Borough of Downingtown, Chester County, Pennsylvania.

Under current Federal regulations, a Department of the Army permit is required for work or structures in navigable waters of the United States and the discharge of dredged or fill material into waters of the United States including their adjacent wetlands. Discharges of fill material include activities such as: the placement of rock, sand, dirt, or other material for the construction of any structures, impoundment or site development; grading; fill associated with the creation of ponds; and property protection or reclamation devices such as riprap and breakwaters. Any proposal involving the performance of the above activities within the area of Federal jurisdiction, whether the work is permanent or temporary will require the prior approval of this office.

This delineation/determination has been conducted to identify the limits of the Corps Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participating in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

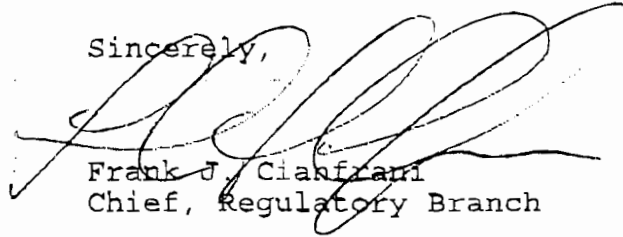
Your submittal states that all work will be staged and performed from existing track bed at the site. Based on the information you have provided, it has been determined that the proposed project described in your submission, the removal of the

train tracks, and their attendant features, will not require the approval of this office since it does not involve regulated activities in Federally regulated waters or wetlands.

This letter does not affect your responsibility to obtain any other Federal, State, or local approvals required by law for the proposed work.

If you should have any questions regarding this matter, please contact Lawrence M. Slavitter of this office at (215) 656-6734 or write to the above address.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Frank J. Cianfrani', is written over the typed name and title.

Frank J. Cianfrani
Chief, Regulatory Branch