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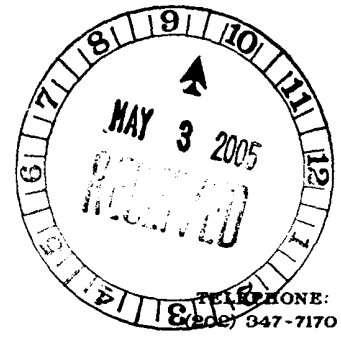
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May 3, 2005

BY HAND DELIVERY

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

MAY 10 2005

Part of
Public Record

Re: STB Docket No. AB-646X, Atlantic & Western
Railway, L.P. – Abandonment Exemption – Rail Line
in Lee County, North Carolina

Dear Secretary Williams:

Enclosed for filing in the above-referenced proceeding please find an original and ten copies of a letter from Ms. Chrys Baggett of the North Carolina Department of Administration that we received yesterday in response to the Draft Environmental Report served by the Atlantic & Western Railway, L.P. on April 5, 2005.

Sincerely,

Andrew B. Kolesar III
An Attorney for the Atlantic & Western
Railway, L.P.

Enclosures

cc: Mr. David Navecky (Suite 500)



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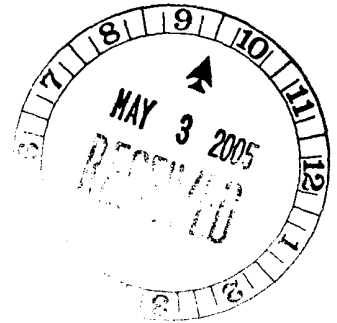
North Carolina Department of Administration

Michael F. Easley, Governor

Gwynn T. Swinson, Secretary

April 26, 2005

Ms. Andrew Kolesar III
Slover and Loftus
1224 Seventeenth Street, NW
STB Docket NO. AB-646X
Washington, DC 20036-3003



Dear Ms. Kolesar III:

Re: SCH File # 05-E-0000-0296; SCOPING; Atlantic and Western RR plans to request authority from the Surface Transportation Board (STB) to abandon segment of rail service in Jonesboro, Lee County.

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are the comments made by agencies in the course of this review.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

Ms. Chrys Baggett
Environmental Policy Act Coordinator

Attachments

cc: Region J

Mailing Address:
1301 Mail Service Center
Raleigh, NC 27699-1301

Telephone: (919)807-2425
Fax (919)733-9571
State Courier #51-01-00
e-mail Chrys.Baggett@ncmail.net

Location Address:
116 West Jones Street
Raleigh, North Carolina



North Carolina Department of Environment and Natural Resources

Michael F. Easley, Governor

William G. Ross Jr., Secretary

MEMORANDUM



TO: Chrys Baggett
State Clearinghouse

FROM: Melba McGee *WM*
Environmental Review Manager

The Department of Environment and Natural Resources has completed its review. Our regional office within the geographic area of the proposed project has identified permits that may be required prior to project construction. For more information, the project applicant should notify the respective regional office marked on the back for the attached permit form.

Thank you for the opportunity to review.

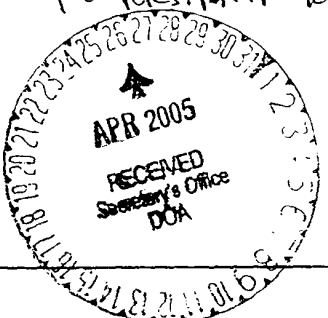
Attachment



INTERGOVERNMENTAL REVIEW - PROJECT COMMENTS

After review of this project it has been determined that the DENR permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of this form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory Time Limit)
☐	Permit to construct & operate wastewater treatment facilities, sewer system extensions & sewer systems not discharging into state surface waters.	Application 90 days before begin construction or award of construction contracts. On-site inspection. Post-application technical conference usual.	30 days (90 days)
☐	NPDES-permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begin activity. On-site inspection preapplication conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90 - 120 days (N/A)
☐	Water Use Permit	Preapplication technical conference usually necessary	30 days (N/A)
☐	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a well.	7 days (15 days)
☐	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Preapplication conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
☐	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.0100, 2Q.0300, 2H.0600)	N/A	60 days
☐	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
☐	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 2D.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-733-0820.		
☐	Complex Source Permit required under 15 A NCAC 2D.0800		
☐	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres to be disturbed. Plan filed with proper Regional Office (Land Quality Section) at least 30 days before beginning activity. A fee of \$50 for the first acre or any part of an acre. <i>See comments on back</i>		20 days (30 days)
☐	The Sedimentation Pollution Control Act of 1973 must be addressed with respect to the referenced Local Ordinance.		30 days
☐	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable stormwater conveyances and outlets.		
☐	Mining Permit	On-site inspection usual. Surety bond filed with DENR. Bond amount varies with type mine and number of acres of affected land. Any are mined greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
☐	North Carolina Burning permit	On-site inspection by N.C. Division of Forest Resources if permit exceeds 4 days	1 day (N/A)
☐	Special Ground Clearance Burning Permit-22 counties in coastal N.C. with organic soils.	On-site inspection by N.C. Division of Forest Resources required "if more than five acres of ground clearing activities are involved. Inspections should be requested at least ten days before actual burn is planned."	1 day (N/A)
☐	Oil Refining Facilities	N/A	90 - 120 days (N/A)

PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (Statutory Time Limit)
☐ Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, certify construction is according to DENR approved plans. May also require permit under mosquito control program, and a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage of the total project cost will be required upon completion.	30 days (60 days)
☐ Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with DENR running to State of N.C. conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DENR rules and regulations.	10 days (N/A)
☐ Geophysical Exploration Permit	Application filed with DENR at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days (N/A)
☐ State Lakes Construction Permit	Application fees based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property.	15 - 20 days (N/A)
☐ 401 Water Quality Certification	N/A	55 days (130 days)
☐ CAMA Permit for MAJOR development	\$250.00 fee must accompany application	60 days (130 days)
☐ CAMA Permit for MINOR development	\$50.00 fee must accompany application	22 days (25 days)
☐ Several geodetic monuments are located in or near the project area. If any monument needs to be moved or destroyed, please notify: N.C. Geodetic Survey, Box 27687 Raleigh, N.C. 27611		
☐ Abandonment of any wells, if required must be in accordance with Title 15A, Subchapter 2C.0100.		
☐ Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
☐ Compliance with 15A NCAC 2H 1000 (Coastal Stormwater Rules) is required.		45 days (N/A)
☒ Other comments (attach additional pages as necessary, being certain to cite comment authority) <i>MA LPS: ANY EXPOSED/ERODING DITCHES OR OTHER SURFACE DRAINS FROM THE RAILROAD SHOULD BE STABILIZED SUFFICIENT TO RESTRAIN EROSION & PREVENT OFF-SITE SEDIMENTATIONS.</i> 		

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

☐ **Asheville Regional Office**
59 Woodfin Place
Asheville, N.C. 28801
(828) 251-6208

☐ **Mooresville Regional Office**
919 North Main Street
Mooresville, N.C. 28115
(704) 663-1699

☐ **Wilmington Regional Office**
127 Cardinal Drive Extension
Wilmington, N.C. 28405
(910) 395-3900

☐ **Fayetteville Regional Office**
225 Green Street, Suite 714
Fayetteville, N.C. 28301
(910) 486-1541

☐ **Raleigh Regional Office**
3800 Barrett Drive, P.O. Box 27687
Raleigh, N.C. 27611
(919) 571-4700

☐ **Winston-Salem Regional Office**
585 Woughtown Street
Winston-Salem, N.C. 27107
(336) 771-4600

☐ **Washington Regional Office**
943 Washington Square Mall
Washington, N.C. 27889
(252) 946-6481