

#E1-26317

Wood, Diana

From: Engelhardt, Michael D CIV USARMY CELRP (US)
<Michael.D.Engelhardt@usace.army.mil>
Sent: Monday, June 18, 2018 10:39 AM
To: Wood, Diana; Melanie@lgraillaw.com
Subject: RE: Dept of Army Permit Number 2018-713

Diana,

I was waiting on the map described in your e-mail below, and didn't know you wanted a follow up from me before that. Sorry for not getting back to you sooner.

The letter we sent was fairly standard for when we don't have an accurate picture of what resources could potentially be impacted by the proposed activity. Placement of fill in a jurisdictional waterbody would require a permit to be obtained. If no fill is to be placed in those waterbodies, we would likely not require a permit.

BMP's are typically included in the permit plans and information. I would be agreeable to you including the BMP wording included in your 6/12 e-mail below. If that BMP is followed, then there may not be any permit requirements on our end. I would also be agreeable to you including the condition described in your 6/15 e-mail below.

Please let me know if you need anything else.

Mike Engelhardt
Regulatory Division
U.S. Army Corps of Engineers - Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222
(412) 395-7141

-----Original Message-----

From: Wood, Diana [mailto:Diana.Wood@stb.gov]
Sent: Friday, June 15, 2018 8:00 AM
To: Melanie@lgraillaw.com
Cc: Engelhardt, Michael D CIV (US) <Michael.D.Engelhardt@usace.army.mil>
Subject: [Non-DoD Source] FW: Dept of Army Permit Number 2018-713

Hi Melanie,

This is just a heads up that in the interest of time concerning the issuance of the Final EA, and the fact that the map has not been made and I haven't heard back from the Corps on the email below, AND that I noticed there is outside interest in purchasing the line, I will be recommending the following condition in the Final EA:

Prior to commencement of any salvage activities, the railroad shall consult with the U.S. Army Corps of Engineers (Corps) regarding potential impacts to waters of the United States, including wetlands, and shall comply with the reasonable requirements of the Corps.

Thanks,

Diana

From: Wood, Diana
Sent: Tuesday, June 12, 2018 12:08 PM
To: 'Michael.D.Engelhardt@usace.army.mil' <Michael.D.Engelhardt@usace.army.mil>
Cc: 'Melanie Yasbin' <Melanie@lgrailaw.com>
Subject: Dept of Army Permit Number 2018-713

Dear Mr. Engelhardt,

I'm writing you in response to a proposed 13.1-mile rail line abandonment in Trumbull County, Ohio and a comment letter you wrote in response to this proceeding. When CSX initiated consultation with federal, state and local agencies on this project (as is required 20 days prior to their abandonment filing with STB), they may not have provided enough information on the salvage procedure in the letter you received and commented on. I have since issued the attached Environmental Assessment which describes in detail the process that is typically conducted by CSX, as well as most, if not all, railroad salvagers and railroads. The process, as described below, will not result in any discharges to streams, rivers, wetlands or other waterways under federal or state jurisdiction, and so a wetland delineation is not needed here. Any land disturbances following abandonment, such as a rail-to-trail conversion, would in all likelihood be subject to Corps' regulations if there is clearing, grubbing, and grading, but that is not the case here.

I know you commented on the map and not having enough information to make an informed decision, so I have asked our in-house GIS person to prepare a map that shows water features. But I assure you that these features, no matter how abundant or sparse, will not be disturbed during the salvage process. I'll send you the map once its prepared, and if there are a lot of water features, would be amenable to recommending a condition that requires CSX to install best management practices, as needed, in areas adjacent to waterways during the salvage process. In the interim, here is CSX's detailed salvage practice, as described in the attached EA:

CSXT has stated that its salvage operations would not result in the discharge of dredged or fill material into waters of the United States; that salvage would be conducted in the existing right-of-way, along existing public and private crossings; that no new access roads are contemplated; that it does not intend to disturb any of the underlying road bed or perform any activities that would result in sedimentation or erosion of the soil; that no dredging or use of fill material would occur in removing the track and ties and that crossties and other debris would be transported away from the rail

line and associated water resources; and finally, that it would use appropriate measures during salvage to prevent and control spills from fuels, lubricants and other pollutants from entering any waterways. Accordingly, OEA is not recommending any mitigation related to impacts to waters of the United States but has included the Corps' in the service list for this proceeding so that it may review the EA and provide comments, if necessary.

Please let me know if you agree and if you have a preference for a particular best management practice. The comment period ends next Tuesday, June 19th, and I will need to issue a final EA by June 21st so timing is key.

I'll send you the map as soon as it's prepared.

Thanks so much for your consideration in this matter.

Regards,

Diana Wood

Diana F Wood

Office of Environmental Analysis

US Surface Transportation Board

395 E Street SW, Room 1110

Washington DC 20423

202-245-0302

Diana.Wood@stb.gov <mailto:Diana.Wood@stb.gov>

#E1-26312



REPLY TO
ATTENTION OF

**DEPARTMENT OF THE ARMY
PITTSBURGH DISTRICT, CORPS OF ENGINEERS
WILLIAM S. MOORHEAD FEDERAL BUILDING
1000 LIBERTY AVENUE
PITTSBURGH, PA 15222-4186**

May 30, 2018

Regulatory Division
2018-713

Gene Payne
CSX Transportation, Inc.
500 Water Street – J-315
Jacksonville, FL 32202

Dear Mr. Payne:

I refer to your letter, received in this office April 26, 2018. You propose to abandon an approximately 13.9-mile rail line in Trumbull County, OH.

The US Army Corps of Engineers regulates any earth moving activities within rivers, streams, or wetlands. This includes any placement of fill material, temporary or permanent. Due to the fact that your letter and location map do not clearly identify each aquatic resource, we recommend that you hire a qualified wetland consultant to evaluate the entire project area in order to determine if any jurisdictional streams or wetlands are present. Enclosed is a list of wetland consultants. If impacts to streams or wetlands are in fact proposed, you should again contact this office to discuss permitting requirements.

Your project will likely qualify for Nationwide Permit 3. Every effort should be made to avoid and minimize impacts to the aquatic resources on-site. We will continue to work with you in order to protect any aquatic resources that may be present.

This project has been assigned Department of the Army Permit Number **2018-713**. Please refer to this number in all future correspondence. If you have any questions, please contact Mike Engelhardt, 412-395-7141, or Michael.D.Engelhardt@usace.army.mil.

Sincerely,

Nancy Mullen
Chief, Northern Branch
Regulatory Division

Enclosure

Cc: OEPA – Ed Wilk
Trumbull County Soil and Water Conservation District – Marcus Hollenbank