



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

AB 55 763X
HEI-25518

OCT 28 2016

Regulatory Division
South/Transportation Branch
LRH-2016-931-GUY-Rockhouse Creek

Ms. Diana Wood
Surface Transportation Board
Office of Environmental Analysis
395 E Street, Southwest
Washington, D.C. 20423

Dear Ms. Wood:

I refer to the Environmental Assessment received in this office on October 6, 2016, regarding the CSX Transportation, Inc. 3.29 mile railroad abandonment project located near Garnette, in Logan County, West Virginia. This project has been assigned file number LRH-2016-931-GUY-Rockhouse Creek. Please refer to this number in any future correspondence regarding this matter.

The United States Army Corps of Engineers (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to discharging dredged and/or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

According to the Environmental Assessment provided to this office by the Surface Transportation Board, the proposed railroad abandonment project would not include the discharge of dredged and/or fill material within waters of the U.S. Additionally, during the salvage process, material will not be discarded within streams, wetlands, or along the banks of such waterways.

Based on a review of the proposed project, we have determined the railroad abandonment project will neither result in discharge of dredged and/or fill material into waters of the U.S. nor involve work in, on, over or under a navigable water of the U.S. Therefore, a DA permit is not required from this office for the proposed activity. However, if this determination changes and it becomes necessary perform work in, adjacent to or under navigable waters, or to discharge dredged and/or fill material into waters or navigable waters of the U.S., including wetlands, authorization from the Corps would be required.

We appreciate your concern for our nation's aquatic resources. If you have any questions concerning the above, please contact Kayla N. Adkins at (304) 399-5850, by mail at the above address or by email at kayla.n.adkins@usace.army.mil.

Sincerely,

A handwritten signature in blue ink that reads "Sarah M. Workman". The signature is written in a cursive style with a large, sweeping initial "S".

Sarah M. Workman
Regulatory Project Manager
South/Transportation Branch