

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**STB DOCKET NO. AB-290 (Sub-No. 364X)  
NORFOLK SOUTHERN RAILWAY COMPANY  
PROPOSED RAIL LINE ABANDONMENT  
BETWEEN MILEPOST CP 9.40 AND MILEPOST CP 9.86  
IN HOPEWELL, VIRGINIA**

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**Combined Environmental and Historic Report**

Norfolk Southern Railway Company (NSR) submits this Combined Environmental and Historic Report ("EHR") pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with the proposed abandonment of 0.46 miles of rail line between Milepost CP 9.40 and Milepost CP 9.86 in Hopewell, Virginia.

**July 1, 2014**

## ENVIRONMENTAL REPORT

### 49 CFR 1105.7(e)(1)

#### Proposed Action and Alternatives

*Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.*

RESPONSE: NSR proposes to abandon 0.46 miles of rail line between Mileposts CP 9.40 and CP 9.86 in Hopewell, Virginia.

Following abandonment, the underlying right-of-way will be conveyed to Regional Enterprises, the sole customer at the end of the rail line which wishes to purchase the right-of-way in order to expand its transload facility. The rail line will be conveyed intact for operation and maintenance by the customer and no track will be removed prior to conveyance. No digging or burying of any kind will occur as a result of the abandonment.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory as it would not permit the sale of the right-of-way to the customer.

A map depicting the line proposed for abandonment is attached as **Appendix A**. An example of the railroad's letter to federal, state and local government agencies along with a list of the consulting agencies NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**.

**49 CFR 1105.7(e)(2) Transportation system.**

*Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.*

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. The abandonment and conveyance will have no traffic impact.

**49 CFR 1105.7(e)(3) Land use.**

*(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.*

RESPONSE: An outline of future land use plans has been requested from the City of Hopewell, which was asked to comment on the consistency of the proposed abandonment with existing land use plans. A copy of the letter received from the City of Hopewell respectively expressing support for the proposed abandonment is attached as part of **Appendix C**.

*(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.*

RESPONSE: Consultation was requested from The United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS), which has indicated there is no prime farmland in area of project. A copy of the USDA NRCS response is attached as part of **Appendix C**.

*(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.*

RESPONSE: Consultation was requested from the State Coastal Zone Management Program Manager, but NSR has not received a response to date. NSR

has no reason to believe that, the proposed abandonment would be inconsistent with the coastal zone management plan as the subject line is not within a coastal zone.

*(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.*

RESPONSE: The railroad has fee title to the right-of-way underlying the line segment proposed for abandonment. Following abandonment, the underlying right-of-way will be conveyed to Regional Enterprises, the sole customer at the end of the rail line. Thus, the right-of-way will not be available for alternative public use.

**49 CFR 1105.7(e)(4) Energy.**

*(i) Describe the effect of the proposed action on transportation of energy resources.*

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment.

*(ii) Describe the effect of the proposed action on recyclable commodities.*

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment.

*(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.*

RESPONSE: The proposed action will not result in any material impact in overall energy efficiency.

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than:  
(A) 1,000 rail carloads a year; or  
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.*

RESPONSE: The diversion of traffic to motor carriers will not exceed the thresholds set forth at 49 CFR §1105.7(e)(4) as no diversions will occur. Accordingly,

there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

**49 CFR 1105.7(e)(5) Air.**

*(i) If the proposed action will result in either:*

*(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*

*(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or*

*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

*(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*

*(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or*

*(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded. For the record,

however, Hopewell, Virginia is an attainment for all National Ambient Air Quality

Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency.

*(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

RESPONSE: Not applicable.

**49 CFR 1105.7(e)(6) Noise.**

*If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:*

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

*If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.*

RESPONSE: The above thresholds will not be exceeded.

**49 CFR 1105.7(e)(7) Safety.**

- (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).*

RESPONSE: Abandonment of the subject rail line segment will have no adverse impact on public health and safety.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.*

RESPONSE: Not applicable.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

RESPONSE: The railroad has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in adjacent areas.

**49 CFR 1105.7(e)(8) Biological Resources.**

- (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

RESPONSE: The railroad understands that no federally-listed endangered species or their habitats will be adversely affected. The railroad has requested input from the U.S. Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species. USFWS' website lists the sensitive joint-vetch as an endangered species that may occur in the area of the proposed project and indicates there are no critical habitats within the project area. The railroad has no reason to believe, however, that any of this species is located within or adjacent to the subject rail line, or that any of these would be adversely affected by the proposed abandonment. A copy of the USFWS response is attached as part of **Appendix C**.

*(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.*

RESPONSE: The line segment proposed for abandonment does not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

**49 CFR 1105.7(e)(9) Water.**

*(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.*

RESPONSE: The railroad does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned by way of excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. There are no bridges on the line segment. There are no plans to undertake in-stream work, or dredge

and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts.

Consultation has been requested from the Virginia Department of Environmental Quality and from the regional Environmental Protection Agency office. The United States Environmental Protection Agency ("EPA"), in response to NSR's initial consultation letter, indicated based on their review that they agree that no Section 402 National Pollutant Discharge Elimination System (NPDES) permits are required for this project. See

**Appendix C.**

*(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.*

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are expected in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers and it has advised that no permit will be required. A copy of the USACE letter is attached as part of **Appendix C.**

*(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.*

RESPONSE: The railroad does not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. The railroad anticipates that the abandonment will not affect water quality and that additional permitting under

Section 402 will not be required. Nevertheless, NSR has requested input from the Regional Environmental Protection Agency and the Virginia Department of Environmental Quality of Natural Resources.

**49 CFR 1105.7(e)(10) Proposed Mitigation.**

*Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.*

RESPONSE: Abandonment of the involved rail line is not expected to produce adverse environmental impacts for the reasons set forth above. No track disturbance or removal will occur as a result of the abandonment.

## **HISTORIC REPORT**

### **49 CFR 1105.8(d)**

## **PROPOSED ACTION AND ALTERNATIVES**

NSR proposes to abandon 0.46 miles of rail line between Mileposts CP 9.40 and CP 9.86 in Hopewell, Virginia.

Following abandonment, the underlying right-of-way will be conveyed to Regional Enterprises, the sole customer at the end of the rail line which wishes to purchase the right-of-way in order to expand its transload facility. The rail line will be conveyed intact for operation and maintenance by the customer and no track will be removed prior to conveyance.

The alternative to abandonment is to not abandon the line and retain the track in place. This alternative is not satisfactory as it would not permit the sale of the right-of-way to the customer.

A map depicting the line proposed for abandonment is attached as **Appendix A**.

## **ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** - Maps were furnished to the Virginia Department of Historic Resources.
- (2) **Written Description of Right of Way** - The right-of-way width ranges from 50 feet to 100 feet along the main track centerline. Pursuant to Surface Transportation Board (STB) policy, the railroad's right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.
- (3) **Photographs** – There are no bridges or other structures on the subject line segment.

(4) **Date of Construction of Structures** – Not applicable.

(5) **History of Operations and Changes Contemplated** – The railroad property that is the subject of the proposed abandonment consists of 0.46 miles of rail line between Milepost CP 9.40 and Milepost CP 9.86 in Hopewell, Virginia.

The City Point Railroad Company completed construction of its line between Petersburg and City Point in 1839. In 1847, the City Point Railroad Company was reorganized as the Appomattox Railroad Company, and in 1854, the Appomattox Railroad Company was sold to the Southside Railroad Company.

In 1870, the Southside Railroad Company was consolidated into the Atlantic, Mississippi, and Ohio Railroad Company. In 1881, the Atlantic, Mississippi, and Ohio Railroad Company (AM&O) was sold to the Norfolk and Western Railroad Company.

In 1896, the Norfolk and Western Railroad Company went bankrupt and was sold at foreclosure to Norfolk and Western Railway Company (“NW”), an NSR predecessor.

In 1982, Norfolk and Western Railway Company and Southern Railway Company were placed under the common control of Norfolk Southern Corporation.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** – There are no structures on the subject line or within the APE for this undertaking. The railroad has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment as there will be no track removed or salvaged or other ground disturbing activity in connection with this action.

**(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery**

The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. The subsurface of the right-of-way was initially disturbed in the construction of the railroad line by grading and filling.

Abandonment of the line will not result in activities below the surface, or below the level of initial disturbance.

**(9) Follow-Up Information** - Additional information will be provided as appropriate.

# **APPENDIX A**

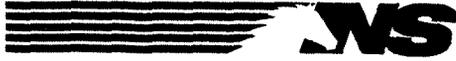
## **Site Map**



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# **APPENDIX B**

## **Agency Letters**



Norfolk Southern Corporation  
3 Commercial Place  
Norfolk, VA 23510-9207

Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510-9207  
(757) 629-2679

July 1, 2014

RE: STB Docket No. AB-290 (Sub-No. 364X), Norfolk Southern Railway Company-  
Abandonment- in Hopewell, Virginia

Dear Sir/Madam:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Milepost CP 9.40 and Milepost CP 9.86 in Hopewell, Virginia.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to:

Surface Transportation Board  
395 E Street, S.W., Room 1106  
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must receive your comments within three weeks. Please provide information to LaWada Poarch by email at [LaWada.Poarch@nscorp.com](mailto:LaWada.Poarch@nscorp.com), or by mail to:

LaWada Poarch  
Abandonments Coordinator  
Norfolk Southern Corporation  
Strategic Planning Department  
Three Commercial Place  
Norfolk, VA 23510

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kirchner', written over a horizontal line.

Marcellus C. Kirchner  
Director Strategic Planning  
Norfolk Southern Railway Company

Attachment

## RECIPIENT LIST

Proposed Rail Line Abandonment on the segment of rail line between Milepost CP 9.40 and Milepost CP 9.86 in Hopewell, Virginia.

### STATE ENVIRONMENTAL PROTECTION AGENCY

Virginia Department of Environmental Quality  
Central Office  
629 East Main Street  
P.O. Box 1105  
Richmond, VA 23218

### REGIONAL ENVIRONMENTAL PROTECTION AGENCY

Regional EPA – Region 3  
1650 Arch Street  
Philadelphia, PA 19103-2029

### STATE COASTAL ZONE MANAGEMENT

Ms. Laura McKay  
Program Manager  
State Coastal Zone Management  
629 East Main Street  
P.O. Box 1105  
Richmond, VA 23218

### NATURAL RESOURCES CONSERVATION SERVICE

USDA NRCS  
1606 Santa Rosa Road, Suite 209  
Richmond, VA 23229-5014

### FISH AND WILDLIFE SERVICES

U.S. Fish and Wildlife Service  
Region 5  
300 Westgate Center Drive  
Hadley, MA 01035-9589

### US ARMY CORPS OF ENGINEERS

U.S. Army Corps of Engineers  
Norfolk District  
Waterfield Building  
803 Front Street  
Norfolk, VA 23510

### CITY

Mr. Mark A. Haley  
City Manager  
300 North Main Street, Room 218  
Hopewell, VA 23860

### STATE CLEARINGHOUSE (DOT)

Mr. Kevin Reichert  
Virginia Department of Transportation  
Central Office  
1401 E. Broad Street  
Richmond, VA 23219

### STATE HISTORIC PRESERVATION OFFICE

Virginia Department of Historic Resources  
Central Office  
2801 Kensington Avenue  
Richmond, VA 23221

### NATIONAL PARK SERVICE

Charlie Stockman  
National Park Service  
Rivers and Trails Conservation Program  
1201 Eye Street, NW 9<sup>th</sup> floor  
Washington D.C. 20005

### NATIONAL GEODETIC SURVEY

National Geodetic Survey  
Geodetic Service Division  
Room 9202 NGS/12  
1315 East-West Hwy  
Silver Spring, MD 20910-3282

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

USEPA  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Mail Code 1101-A  
Washington, D.C. 20460-0002

# **APPENDIX C**

## **Agency Responses**



May 8, 2014

LaWada Poarch, Abandonments Coordinator  
Norfolk Southern Corporation  
Strategic Planning-12<sup>th</sup> Floor  
3 Commercial Place  
Norfolk, VA 23510

**City of Hopewell**  
300 North Main Street  
Hopewell, VA 23860

**VIA US-MAIL**

**RE: Docket No. AB-290 (Sub-No.364X), Norfolk Southern Railway Company- Proposed Abandonment-in Hopewell, Virginia**

Dear Ms. Poarch:

Thank you for the opportunity to provide input regarding the potential abandonment of the Norfolk Southern Railway Company line located in the City Point area of Hopewell as depicted on the map provided with your original correspondence dated February 25, 2014 (copy attached).

Hopewell is unique in that it is located at the confluence of the Appomattox and James Rivers; in fact, the two rivers convene at City Point. The City values these natural resources and recognizes them as an opportunity for commerce, recreation and leisure. The Hopewell Comprehensive Plan addresses the importance of the waterfront and encourages the development of public access points to the rivers. Most recently, the Hopewell Economic Development Authority recognized the significance of the rivers in their draft Hopewell Strategic Economic Development Plan which set a goal to redevelop the riverfront providing a variety of activities associated with the use and enjoyment of our rivers.

The City has no objections to the abandonment of .046 mile of the rail line between Milepost CP 9.40 and CP 9.86 in Hopewell, Virginia. Should the Surface Transportation Board authorize the abandonment, the City would be interested in acquiring the abandoned railroad property. Should the railroad abandon the property, and the City acquire the property, the City would realize great potential for public access to the rivers.

The City offers the following in regarding the abandonment. The rail lines are antiquated and some areas of the proposed track abandonment zone are embedded in old pavement that should be demolished. Other areas are below the hillside in swampy toe of slope areas. It is important for Norfolk Southern Corporation to consider that the removal of the lines include proper restoration, proper environmental abatement steps, and successful stabilization treatment.

The City awaits forward to the decision of the Norfolk Southern Corporation to abandon the rail line and your consideration of the City acquiring the abandoned property.

Sincerely,



Mark A. Haley

City Manager

City of Hopewell, VA

- C: David C. Fratarcangelo, City Attorney
- Johnnie E. Butler, City Engineer
- Tevyva W. Griffin, Director of Neighborhood Assistance & Planning





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Virginia Ecological Services Field Office  
6669 SHORT LANE  
GLOUCESTER, VA 23061  
PHONE: (804)693-6694 FAX: (804)693-9032  
URL: [www.fws.gov/northeast/virginiafield/](http://www.fws.gov/northeast/virginiafield/)

Consultation Tracking Number: 05E2VA00-2014-SLI-1629

April 09, 2014

Project Name: Hopewell, VA

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having

similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: Hopewell, VA

## Official Species List

**Provided by:**

Virginia Ecological Services Field Office  
6669 SHORT LANE  
GLOUCESTER, VA 23061  
(804) 693-6694  
<http://www.fws.gov/northeast/virginiafield/>

**Consultation Tracking Number:** 05E2VA00-2014-SLI-1629

**Project Type:** Land - Easement / Right-Of-Way

**Project Description:** Proposed abandonment of 0.46 miles of rail line between Milepost CP 9.40 and CP 9.86 in Hopewell, VA



United States Department of Interior  
Fish and Wildlife Service

Project name: Hopewell, VA

**Project Counties:** Hopewell, VA



United States Department of Interior  
Fish and Wildlife Service

Project name: Hopewell, VA

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## Endangered Species Act Species List

There are a total of 1 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed on the **Has Critical Habitat** lines may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

sensitive joint-vetch (*Aeschynomene virginica*)

Listing Status: Threatened



United States Department of Interior  
Fish and Wildlife Service

Project name: Hopewell, VA

## **Critical habitats that lie within your project area**

There are no critical habitats within your project area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

APR 11 2014

Ms. LaWada Poarch  
Norfolk Southern Corporation  
Strategic Planning, 12<sup>th</sup> Floor  
3 Commercial Place  
Norfolk, Virginia 23510

Dear Ms. Poarch:

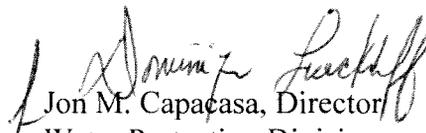
Thank you for your correspondence of February 25, 2014 to the U.S. Environmental Protection Agency, Region III (EPA), concerning the abandonment of half a mile of rail line in Hopewell, Virginia. The information below is intended to resolve whether your actions are consistent with applicable federal regulations.

In the correspondence that we received, you state that the track materials will be removed and salvaged once abandonment is completed and that the contours of the existing roadbed and associated drainage systems will remain unchanged. You further state that no soil disturbance will occur. In addition, the underlying roadbed should not be disturbed.

From the description of the work to be performed and in consultation with the Commonwealth of Virginia permitting agency, it does not appear that any Section 402 National Pollutant Discharge Elimination System (NPDES) permits are required for this project.

If you have any questions please do not hesitate to contact me or have your staff contact Mr. Mark Smith, at 215-814-3105.

Sincerely,

  
Jon M. Capacasa, Director  
Water Protection Division





Reply to  
Attention of

DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NORFOLK DISTRICT  
FORT NORFOLK  
803 FRONT STREET  
NORFOLK VA 23510-1096

APRIL 8, 2014

Western Virginia Regulatory Section  
NAO-2014-0442 (James River)

LaWada Poarch  
Norfolk Southern Corporation  
Strategic Planning – 12<sup>th</sup> Floor  
3 Commerce Place  
Norfolk, VA 23510

Dear Ms. Poarch:

This letter is in response to your February 25, 2014 letter seeking comments from our office regarding the abandonment of 0.46 miles of rail line between Milepost CP 9.40 and Milepost CP 9.86 in Hopewell, Virginia.

The project involves removing the rail and track material from the existing bed, smoothing the roadbed to a level surface. You do not propose any work in the waterway or wetlands. Therefore, the proposed work does not fall within the Corps of Engineers jurisdiction and no permit will be required from this office. However, please note that you should obtain all required State and local authorizations before you proceed with the project.

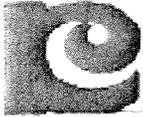
If you have any questions, please contact Ms. Sayward Meincke at 757-201-7580 or [sayward.a.meincke@usace.army.mil](mailto:sayward.a.meincke@usace.army.mil).

Sincerely,

MEINCKE.SAYWARD.A.13675  
86121

Sayward Meincke  
Project Manager, Western Virginia Regulatory Section

Digitally signed by MEINCKE.SAYWARD.A.1367586121  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=USA, cn=MEINCKE.SAYWARD.A.1367586121  
Date: 2014.04.08 08:49:33 -04'00'



# **Regional Enterprises, Inc.**

410 WATER STREET, HOPEWELL, VIRGINIA 23860 (804) 458-0926 FAX (804) 458-7921

May 15, 2014

Re: Support for Abandonment Process

To Whom It May Concern:

Regional Enterprises, Inc. fully supports the Norfolk Southern Corporation's intent to put the rail that we are in the process of buying through the abandonment process as it will allow us to expand our business operations without losing rail access. We understand that this process will transition our industry lead from regulated to non-regulated track.

Please do not hesitate to contact me at any of the numbers listed below should you have questions or require additional information.

Kindest Regards,

A handwritten signature in black ink, appearing to read 'D. P. Matthews', with a long horizontal flourish extending to the right.

Daniel P. Matthews  
VP/GM

Regional Enterprises, Inc.  
Office: (804) 458-0926, ext. 13  
Mobile: (804) 704-7257  
E-mail : [dmatthews@regionallogistics.com](mailto:dmatthews@regionallogistics.com)