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November 5, 2009

Robert J. DeSista  
Chief, Permits & Enforcement Branch  
Regulatory Division  
Department of the Army  
New England District, Corps of Engineers  
696 Virginia Road  
Concord, MA 01742-2751

Dear Mr. DeSista

Re: File No. NAE-2009-2233

I am pleased to respond to your letter dated October 13, 2009.

The Housatonic Railroad is presently engaged in a project to extend its rail trackage within its Hawleyville rail terminal located at 30 Hawleyville Road in Newtown Connecticut. The project is taking place in an area that historically has sustained two rail lines and yard activities as evidenced both by historical records and the presence of what are clearly former rail rights of way and rail materials in the ground. As part of that project our contractor, Newtown Transload, LLC, (contact Stephen Goldblum 203 380 8300) has placed fill on our property that has historically been used for rail operations in order to raise the grade so that track could be built on level ground. Our design for the track extension project does not call for the filling of wetlands including wetlands of the United States and we believe it does not implicate Army Corps of Engineers jurisdiction.

The property upon which the project is taking place has been surveyed and staked by the firm John Paul Garcia and Associates, P.C. Engineers and Surveyors of 190 Fairwood Road, Bethany, CT. Work related to the track extension project is taking place on railroad owned property. Wetlands in the area of the project have been identified by soils scientists and a biologist of the firm Soil Science and Environmental Services, Inc. 545 Highland Avenue, Cheshire, Connecticut. The contact person at the firm is Kenneth C. Stevens, Jr., President at 203, 272 7837. I have attached for your information a report from Mr. Thomas W. Pietras, Professional Wetland and Soil Scientist of the firm Soil Science and Environmental Services, Inc. which provides you with a technical

explanation regarding mapping and treatment of the wetlands and which confirms that wetlands have not been filled.

As part of our efforts at the site, we have voluntarily taken measures to protect the wetlands within the general project area as proposed by our consultants and as requested by the Town of Newtown. Notwithstanding the fact that the Town does not have jurisdiction over the project we continue to submit information to and work with the Newtown Inland Wetlands Commission.

Our future intentions for the property are to continue to use it for rail operations, specifically the loading and unloading of rail cars, the staging of rail cars and the switching of rail cars. The Hawleyville terminal has been used by Housatonic Railroad for many years to transload a wide range of commodities from rail to truck and truck to rail.

I trust this submission satisfies your inquiry. If you have additional questions please feel free to contact me.

Sincerely



F. Colin Pease  
Vice President – Special Projects

Copies Furnished:

Wetlands Enforcement Coordinator, Office of Environmental Stewardship, ATTN: Denise Leonard, Suite 1100 (SEE), EPA, 1 Congress Street, Boston, Massachusetts 02114-2023; Robert Sibley, Conservation Official, Inland Wetlands, 31 Pecks Lane, Newtown, CT 06470; George Benson, Director, Newtown Land Use Agency, 31 Pecks Lane, Newtown, CT 06470; CT DEP, Bureau of Water Management, Inland Water Resources Division, ATTN: Denise Ruzicka, 79 Elm Street, Hartford, CT 06106-5127