



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES
RICHMOND

ROBERT G. MARSHALL

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THIRTEENTH DISTRICT

COMMITTEE ASSIGNMENTS:
FINANCE
COUNTIES, CITIES AND TOWNS
SCIENCE AND TECHNOLOGY

December 16, 2016

USACE Norfolk District
Warrenton Field Office
ATTN: Anna Lawston
P.O. Box 578
Amissville, VA 20106

Dear Ms. Lawston:

It has come to my attention that Amazon Inc. is moving forward with work on their data center project in Haymarket, VA without permission or approval from United States Army Corps of Engineers (USACE). Amazon has applied to locate this data center well outside of any existing industrial area and in the middle of the Buckland Mills Battlefield. Amazon has behaved as though rules don't apply to them throughout the regulatory approval process for this data center and their application for approval from the USACE seems to be no different.

I understand that Amazon is required to obtain approval from the USACE for federal and state permits to clear the land for their proposed data centers. The USACE recently posted, on December 5, a public notice regarding Amazon's application. In advance of required approvals, it appears Amazon has already encroached on and filled in some, if not all, of the stream bed and forested wetlands at the proposed Amazon data center site. Pictures taken of the site on 12/11/16 are attached. It appears that Amazon has only gone through the motions of submitting a request for permits from the USACE as an afterthought.

I am advised that there are very specific practices and rules that apply in this case since the proposed data center site is located within the core of the Buckland Mills Battlefield. The USACE public notice about Amazon's application states (emphasis added):

“...The discharge of fill is associated with the construction of a proposed 3 building data center complex and its associated infrastructure. Issuance of this permit **constitutes a Federal undertaking, subject to Section 106 of the National Historic Preservation Act (NHPA)**. Procedures have been established which must be followed in order for the Corps to comply with the NHPA and other applicable historic preservation laws. In compliance with the NHPA, **the Norfolk District is interested in identifying “consulting parties” with whom to coordinate the effects of the project on historic properties, and possible means of avoiding or mitigating adverse effects on such properties.**

The Corps of Engineers is **soliciting comments from the public**; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the direct, indirect, and cumulative impacts of this proposed activity.... **Anyone may request a public hearing** to consider this permit application by writing to the District Commander within 30 days of the date of this notice, stating specific reasons for holding the public hearing. The District Commander will then decide if a hearing should be held.”

I would like to request that a thorough investigation of the proposed Haymarket data center site be completed and a public hearing be held about the project. I also request that that Amazon’s actions already taken in filling a stream bed be scrupulously examined, evaluated and sanctioned if warranted

I would also like to request to be made a consulting party for this process. Please let me know if you have any questions or need further information from be in order for me to do that.

Thank you for your time and consideration. If you have any questions, please contact me on my cell phone at 703-853-4213.

Sincerely,



Delegate Bob Marshall