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**LOUIS E. GITOMER, LLC**

ENTERED  
Office of Proceedings  
June 6, 2022  
Part of  
Public Record

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MELANIE B. YASBIN  
Melanie@lgraillaw.com

June 6, 2022

Ms. Cynthia T. Brown  
Chief of the Section of Administration, Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington, D.C. 20423

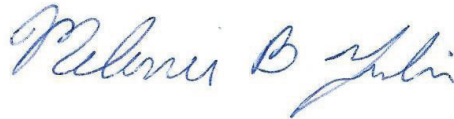
Re: **Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the "Line"). The filing fee of \$4,400 has been paid via pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin  
Attorney for CSX Transportation, Inc.

Enclosure

FILED  
June 6, 2022  
SURFACE  
TRANSPORTATION BOARD

FEE RECEIVED  
June 6, 2022  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-55 (Sub-No. 808X)

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CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–  
IN GWINNETT, GA

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VERIFIED NOTICE OF EXEMPTION

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Steven C. Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1229

Louis E. Gitomer, Esq.  
Melanie B. Yasbin, Esq.  
Law Offices of Louis E. Gitomer, LLC  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2250  
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,  
INC.

Dated: June 6, 2022

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-55 (Sub-No. 808X)

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CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—  
IN GWINNETT, GA

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VERIFIED NOTICE OF EXEMPTION

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CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

CSXT intends to sell the Line to the City of Lawrenceville for trail use through the NITU process.

Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

1. Proposed consummation date. The proposed consummation date is July 26, 2022.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

(1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA. There are no stations on the Line.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgrailaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 30046.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the property proposed for abandonment may be suitable for other purposes but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

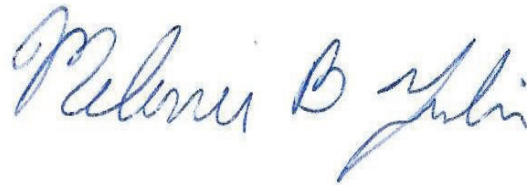
4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. See Exhibit D.

7. Historic Report. See Exhibit D.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Louis E. Gitomer".

Steven C. Armbrust, Esq.  
CSX Transportation, Inc.  
500 Water Street  
Jacksonville, FL 32202  
(904) 359-1229

Louis E. Gitomer, Esq.  
Melanie B. Yasbin, Esq.  
Law Offices of Louis E. Gitomer  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2250  
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,  
INC.

Dated: June 6, 2022

## **EXHIBIT A-VERIFICATION AND CERTIFICATION**

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS  
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

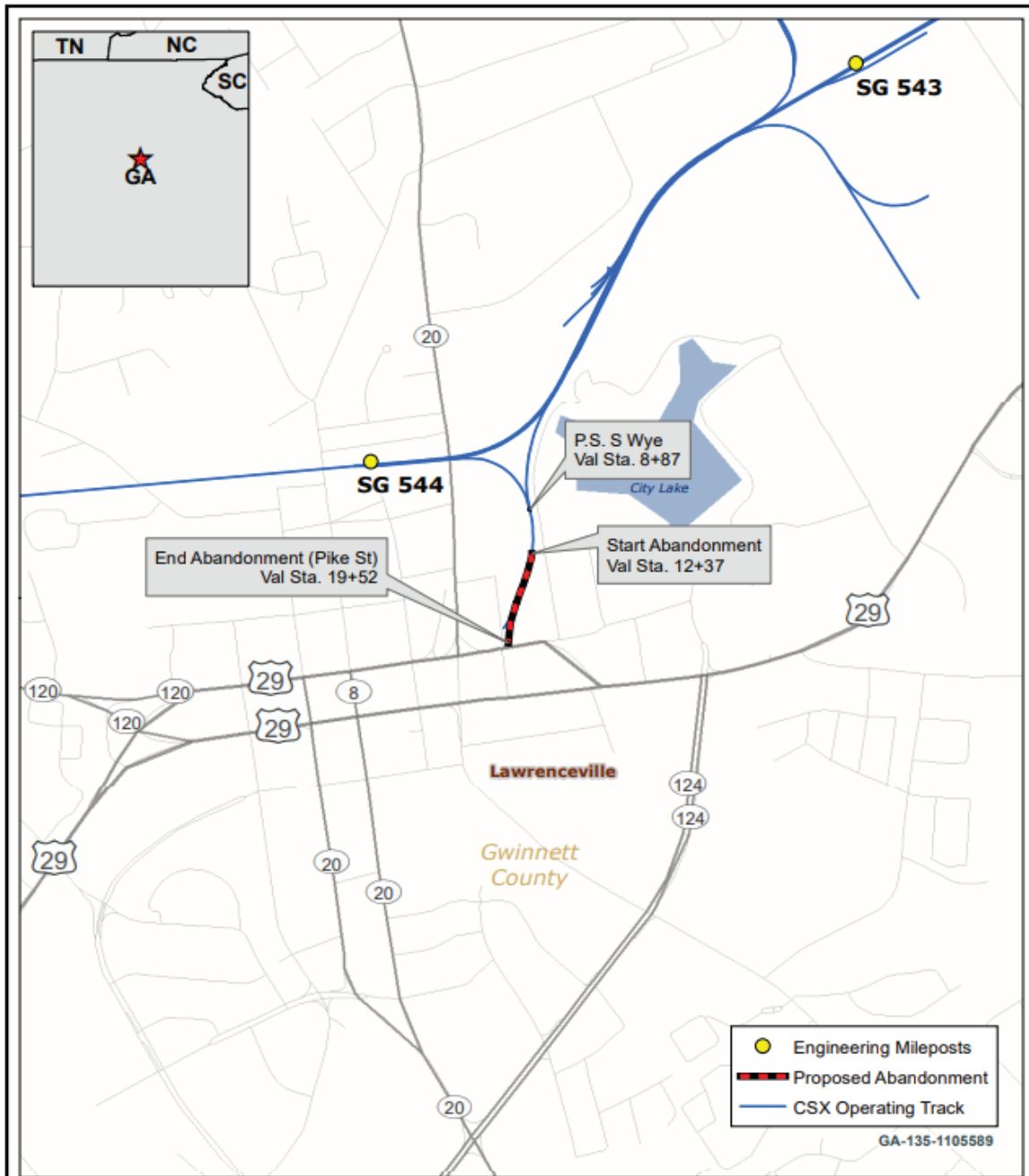
STATE OF FLORIDA                     )  
                                                  )     ss.  
COUNTY OF DUVAL                 )

I, Trevor Knaus, state that I am  
Mgr Cost & Contribution for CSX Transportation, Inc. ("CSXT"); that I am  
authorized to make this verification; and that I have read the foregoing Notice of Exemption and  
know the facts asserted therein are true and accurate as stated, to the best of my knowledge,  
information, and belief.

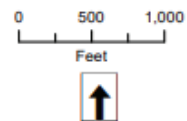
I hereby certify that no freight traffic has moved over CSXT's approximately 0.13-mile  
rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville  
Subdivision, Lawrenceville Branch (the "Line") for two years prior to the date hereof. The Line  
is located in Gwinnett, GA. Since this is not a through line, no overhead traffic has operated;  
therefore, none needs to be rerouted over other lines. Further, no formal complaint filed by a  
user of rail service on the line (or a State or local government entity acting on behalf of such  
user) regarding cessation of service over the line either is pending with the Surface  
Transportation Board or any U.S. District Court or has been decided in favor of a complainant  
within the two-year period. The foregoing certification is made on behalf of CSXT by the  
undersigned after due and careful investigation of the matters herein certified and based on the  
best of the knowledge, information, and belief of the undersigned.



## **EXHIBIT B-MAP**



**CSX Transportation, Inc.**  
**Proposed Abandonment**  
**Gwinnett County - Lawrenceville, GA**  
**Lawrenceville Branch**  
 Milepost SG 543.8 (Val Station 12+37 to 19+52)  
 Total Distance of approx. 0.13 Miles  
 S - Atlanta - Abbeville  
 STB Docket No. AB 55 (Sub-No. 808X)



## EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 808X) was mailed via first class mail on May 26, 2022, to the following parties:

### State Public Service Commission

Georgia Public Service Commission  
244 Washington Street, SW  
Atlanta GA, 30334-9052  
[gapscc@psc.ga.gov](mailto:gapscc@psc.ga.gov)

### Military Traffic Management Command

Headquarters  
Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
ATTN: SDTE-SA (Railroads for National Defense)  
1 Soldier Way, Building 1900W  
Scott AFB, IL 62225  
[Usarmy.scott.sddc.mbx.g3-domestic-freight-services-branch@mail.mil](mailto:Usarmy.scott.sddc.mbx.g3-domestic-freight-services-branch@mail.mil)

### National Park Service

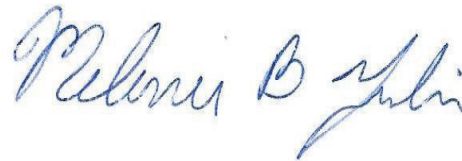
Mr. Bob Ratcliffe  
Chief, Conservation and Outdoor Recreation Division  
Rivers, Trails and Conservation Assistance Program National Park Service  
1849 C Street, N.W. (Org Code 2220)  
Washington, DC 20240

### National Park Service

U.S. Department of Interior  
National Park Service  
Land Resources Division  
1849 C Street, N.W.  
Washington, DC 20240

U.S. Department of Agriculture

U.S. Department of Agriculture  
Chief of the Forest Service  
1400 Independence Avenue, S.W.  
Washington, DC 20250-0003

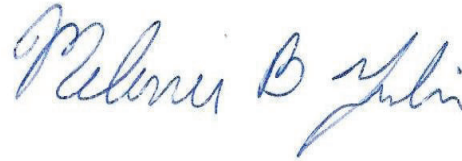
A handwritten signature in blue ink, reading "Melanie B. Yasbin". The signature is written in a cursive, flowing style.

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Melanie B. Yasbin  
June 6, 2022

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 808X) in the following form was advertised on June 1, 2022, in the Gwinnett Daily Post, a newspaper of general circulation in Gwinnett County, as required by 49 C.F.R. § 1105.7(c) and .12.



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Melanie B. Yasbin  
June 6, 2022

### Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about June 6, 2022, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA. The proceeding will be docketed as No. AB-55 (Sub-No. 808X).

The Board’s Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423–0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant’s representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

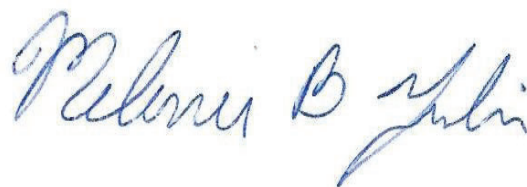
## **EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT**

## ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 808X) was mailed via first class mail and electronic mail where available on May 26, 2022, to the following parties:

|                                                                                                                                                                                                                                                |                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Gwinnett County<br>Glenn Stephens, County Administrator<br>Gwinnett Justice & Administration Center<br>75 Langley Drive<br>Lawrenceville, GA 30046<br><a href="mailto:Glenn.Stephens@gwinnettcounty.com">Glenn.Stephens@gwinnettcounty.com</a> | National Park Service<br>Region 2<br>100 Alabama Street, SW<br>1924 Building<br>Atlanta, GA 30303                                                                                          |
| Environmental Protection Agency<br>Region 4<br>61 Forsyth Street SW<br>Atlanta, GA 30303<br><a href="mailto:maguire.charles@epa.gov">maguire.charles@epa.gov</a>                                                                               | Georgia Department of Natural Resources<br>Georgia Environmental Protection Agency<br>Mountain District Office (Atlanta)<br>4244 International Parkway Suite 114<br>Atlanta, GA 30354-3906 |
| U.S. Fish & Wildlife Service<br>Georgia Ecological Services Field Office<br>355 East Hancock Avenue<br>Room 320<br>Athens, GA 30601-2523<br><a href="mailto:Gaes_assistance@fws.gov">Gaes_assistance@fws.gov</a>                               | National Geodetic Survey<br><a href="mailto:RRAE@noaa.gov">RRAE@noaa.gov</a>                                                                                                               |

|                                                                                                                                                                                  |                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Georgia Department of Transportation<br>Rail Planner<br>600 West Peachtree Street, NW<br>Atlanta, GA 30308<br><a href="mailto:railprogram@dot.ga.gov">railprogram@dot.ga.gov</a> | U.S. Army Corps of Engineers<br>Mobile District<br>P.O. Box 2288<br>Mobile, AL 36628-0001<br><a href="mailto:CESAM-PA@usace.army.mil">CESAM-PA@usace.army.mil</a>   |
| Mayor David Still<br>City of Lawrenceville<br>70 S. Clayton St.<br>Lawrenceville, GA<br><a href="mailto:David.still@lawrencevillega.org">David.still@lawrencevillega.org</a>     | USDA-NRCS<br>Lawrenceville Service Center<br>750 S Perry St. Ste 420<br>Lawrenceville, GA 30046<br><a href="mailto:ryan.burgess@usda.gov">ryan.burgess@usda.gov</a> |
| Georgia Department of Natural Resources<br>2 Martian Luther King Jr. Drive, SE<br>Suite 1252<br>Atlanta, GA 30334                                                                |                                                                                                                                                                     |



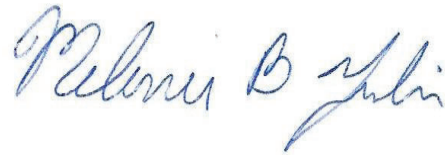

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Melanie B. Yasbin  
June 6, 2022

## HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 808X) was submitted electronically on May 26, 2022, to the following parties:

Georgia Department of Community Affairs  
Attn: Environmental Review, Historic Preservation Division  
60 Executive Park South, NE  
Atlanta, Georgia 30329  
[ER@dca.ga.gov](mailto:ER@dca.ga.gov)



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Melanie B. Yasbin  
June 6, 2022

**COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)**  
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-55 (Sub-No. 808X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–  
IN GWINNETT, GA

Dated: June 6, 2022

**ENVIRONMENTAL REPORT**

(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.

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

CSXT intends to sell the Line to the City of Lawrenceville for trail use through the NITU process. Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged. Finally, the operations and maintenance of the Line will cease.

The only alternative to a full abandonment would be for CSXT not to abandon the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(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.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. The proposed abandonment should have no adverse effects on regional or local highway systems and traffic patterns.

(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. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (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. § 10905 and explain why.

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. The purpose of this abandonment is to sell the Line to the City of Lawrenceville for trail use under the NITU process. CSXT notified Gwinnett County by letter dated May 16, 2022 (*See Exhibit 2*) requesting comments and included a copy of the preliminary CEHR. A copy of the preliminary CEHR was sent to the appropriate local and state agencies for their information and further comment. By email dated May 17, 2022, the Mayor of Lawrenceville stated that the abandonment was consistent with existing land use plans (*See Exhibit 2*).

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated May 16, 2022 (*See Exhibit 2*) requesting comments and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) The Line does not pass through a designated coastal zone.

(iv) CSXT believes the Line would be suitable for interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (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.

(i) The proposed abandonment will have no effect on the ability to transport energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will not change the use of railroad transportation over the line as CSX doesn't currently ship over the line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(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. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (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. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (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.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(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.

Not applicable.

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

(i) The proposed abandonment will have no detrimental effects on public health and safety. There are no public or private road crossings on the Line.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) CSXT is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

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

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT has notified the U.S. Fish and Wildlife Service (“USF&W”) of the proposed abandonment by letter dated May 16, 2022 (*See Exhibit 2*) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the preliminary CEHR. Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing threatened, and endangered species was generated on May 9, 2022, finding the Monarch Butterfly may be in the area but that there are no critical habitats within the project area (*See Exhibit 2*). The letter also stated that there are no refuge lands or fish hatcheries within the project area (*See Exhibit 2*). The Red-headed Woodpecker, Rusty Blackbird, and Wood Thrush are on the USFW Birds of Conservation Concern list. Based on the Probability of Presence Summary the Rusty Blackbird is not present in the vicinity of the Line during breeding season, the Wood Thrush may be present near the Line during breeding season the second week of June, and the Red-headed Woodpecker may be present near the Line during the end of its breeding season in September. By email dated May 16, 2022, the Georgia Ecological Service stated that they “do not anticipate any impacts to listed species as a result of this action because federally listed species are unlikely to occur on the project site.” (*See Exhibit 2*).

(ii) CSXT does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

CSXT has notified the National Parks Service of the proposed abandonment by letter dated May 16, 2022 (*See Exhibit 2*) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary CEHR. No comments have been received to date.

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

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated May 16, 2022 (*See Exhibit 2*) requesting assistance in identifying any potential effects on water quality standards and included a copy of the preliminary CEHR. No comments have been received to date.

(ii) CSXT believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil and does not anticipate any dredging or use of fill in the removal of the track material. CSXT will transport crossties and/or other debris away from the Line and will not discard them along the right-of-way or place or leave them in streams or wetlands, or along the banks of such waterways. Also, during track

removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants, or any other pollutant materials from entering any waterways. Based upon this course of action, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

CSXT notified the U.S. Army Corps of Engineers by letter dated May 16, 2022 (*See Exhibit 2*) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated May 16, 2022 (*See Exhibit 2*) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CSXT does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CSXT will, of course, adhere to any remedial actions required by the Board.

## HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the State Department of Archeology and Historic Preservation (*See Exhibit 3*) along with this preliminary CEHR.

There are no CSXT-owned structures that are 50 years old or older.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right of way width along this right of way is approximately 65 feet wide. The Line begins north of Jarmon Road and moves in a southwestern direction ending at E. Pike Street.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

Not applicable.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Not applicable.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Line was part of the Georgia, Carolina, and Northern Railway that came through central Gwinnett in 1891. The Georgia, Carolina, and Northern Railway merged with the Seaboard Airline Railway (which became CSX in 1986) and operated the Loganville and Lawrenceville Railroad which ran between the two cities from 1898-1932.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

CSXT possesses valuation maps and track charts of the Line but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

There are no bridges or structures on the Line. CSXT does not know of any archeological resources or any other previously unknown historic properties in the project area.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

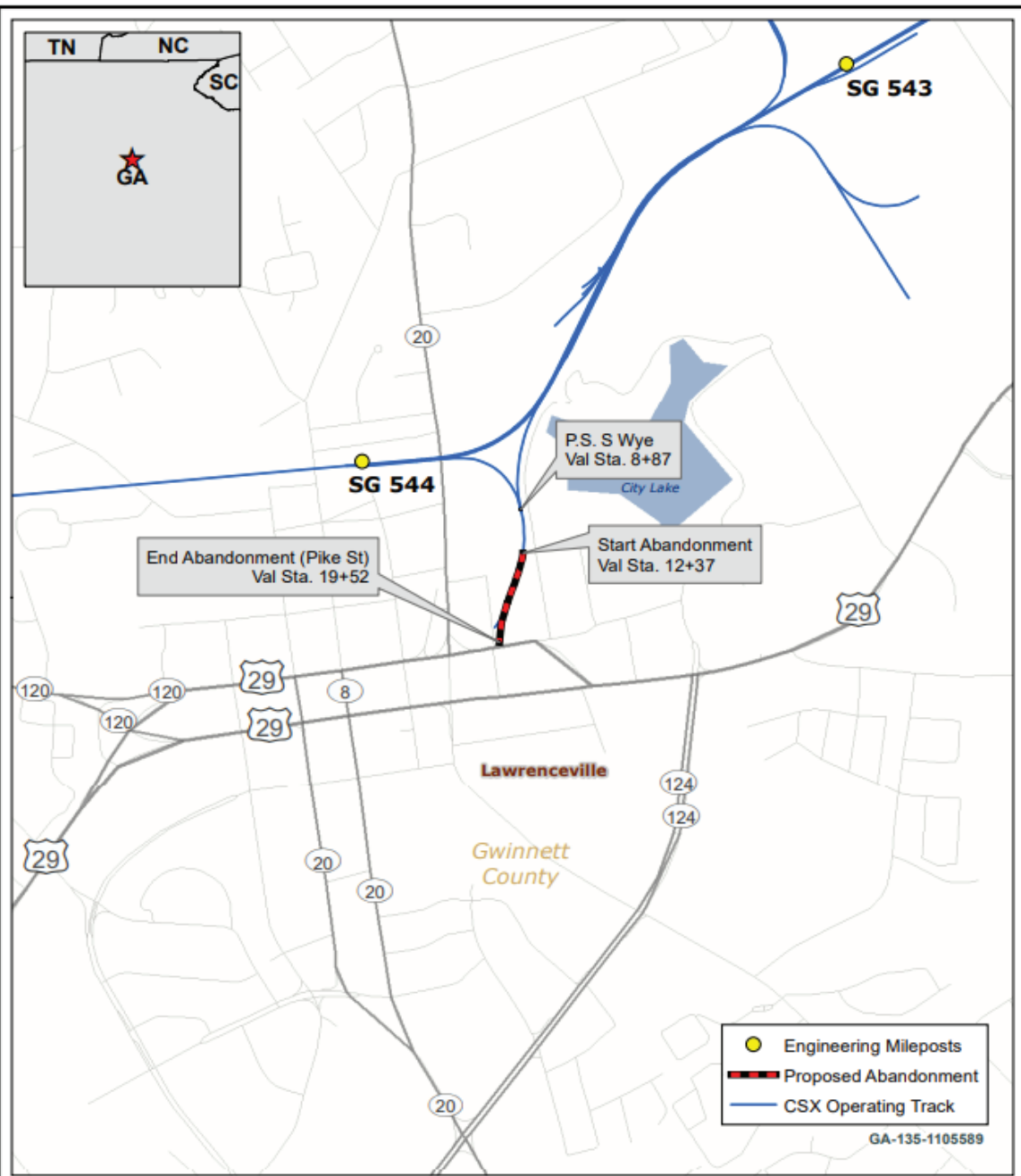
The Line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

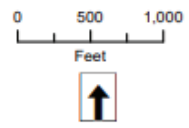
CSXT does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CSXT will promptly supply the necessary information.

CSXT notified the Georgia Department of Community Affairs, Environmental Review, Historic Preservation Division by letter dated May 16, 2022(*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the preliminary CEHR. No comments have been received to date.

## **EXHIBIT 1 – MAP**



**CSX Transportation, Inc.**  
**Proposed Abandonment**  
**Gwinnett County - Lawrenceville, GA**  
**Lawrenceville Branch**  
 Milepost SG 543.8 (Val Station 12+37 to 19+52)  
 Total Distance of approx. 0.13 Miles  
 S - Atlanta - Abbeville  
 STB Docket No. AB 55 (Sub-No. 808X)



## **EXHIBIT 2 – LETTERS (WITHOUT MAPS)**



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

Gwinnett County  
Glenn Stephens, County Administrator  
Gwinnett Justice & Administration Center  
75 Langley Drive  
Lawrenceville, GA 30046  
[Glenn.Stephens@gwinnettcountry.com](mailto:Glenn.Stephens@gwinnettcountry.com)

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Administrator Stephens:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT’s Combined Environmental and Historic Report (CEHR) must be:

*“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”*

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to [Floyd\\_Payne@csx.com](mailto:Floyd_Payne@csx.com) or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne", written in black ink.

Gene Payne  
Enclosures (3)



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

Mayor David Still  
City of Lawrenceville  
70 S. Clayton St.  
Lawrenceville, GA  
[David.still@lawrencevillega.org](mailto:David.still@lawrencevillega.org)

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Mayor Still:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

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*“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”*

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Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", written in a cursive style.

Gene Payne  
Enclosures (3)

RE: CSX Transportation, Inc.--Abandonment--in Gwinnett County, GA, STB Docket No. AB-55 (Sub-No. 808X) - Message (HTML)

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RE: CSX Transportation, Inc.--Abandonment--in Gwinnett County, GA, STB Docket No. AB-55 (Sub-No. 808X)

David Still <David.Still@lawrencevillega.org>  
To: Melanie Yasbin  
Cc: Chuck Warbington

Start your reply all with: Thanks! Thanks for the feedback! Ok, thanks. Feedback

Hello Melanie,

Your actions are consistent with our existing land use plans.

Thank you,

David

David R. Still  
Mayor  
City of Lawrenceville  
[David.Still@Lawrencevillega.org](mailto:David.Still@Lawrencevillega.org)  
Direct (678) 407-6576  
Cell (404) 861-1180

From: Melanie Yasbin <[melanie@lgraillaw.com](mailto:melanie@lgraillaw.com)>  
Sent: Monday, May 16, 2022 9:15 AM  
To: David Still <[David.Still@lawrencevillega.org](mailto:David.Still@lawrencevillega.org)>  
Subject: CSX Transportation, Inc.--Abandonment--in Gwinnett County, GA, STB Docket No. AB-55 (Sub-No. 808X)

**CAUTION:** This email originated from outside of City of Lawrenceville. Maintain caution when opening external links/attachments.

60°F Sunny 9:21 AM 5/18/2022



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: Gene\_Payne@csx.com

Gene Payne  
Manager Strategic Planning

May 16, 2022

Environmental Protection Agency  
Region 4  
61 Forsyth Street SW  
Atlanta, GA 30303  
nuhfer.mark@epa.gov

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Mr. Maguire:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

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

There are no refueling or maintenance areas within the project area. The removal of CSXT's rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gene Payne", with a long, sweeping horizontal line extending to the right.

Gene Payne  
Enclosures (3)



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: Gene\_Payne@csx.com

Gene Payne  
Manager Strategic Planning

May 16, 2022

Georgia Department of Natural Resources  
Georgia Environmental Protection Agency  
Mountain District Office (Atlanta)  
4244 International Parkway Suite 114  
Atlanta, GA 30354-3906

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

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This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

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

There are no refueling or maintenance areas within the project area. The removal of CSXT’s rail material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. CSXT does not

intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way, nor be placed or left in streams or wetlands, or along the banks of such waterways. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne".

Gene Payne  
Enclosures (3)

Re: [EXTERNAL] CSX Transportation, Inc.--Abandonment--in Gwinnett County, GA, STB Docket No. AB-55 (Sub-No. 808X) - Message (HTML)

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Re: [EXTERNAL] CSX Transportation, Inc.--Abandonment--in Gwinnett County, GA, STB Docket No. AB-55 (Sub-No. 808X)

GA GAES Assistance, FW4 <gaes\_assistance@fws.gov>  
To: Melanie Yasbin

Mon 5/16/2022 2:42 PM

Good afternoon Melanie,

Thank you for the opportunity to review this action. We do not anticipate any impacts to listed species as a result of this action because federally listed species are unlikely to occur on the project site. Please let me know if you have any further questions.

-Eric

Eric F. Bauer, PhD  
Fish and Wildlife Biologist  
Georgia Ecological Services  
U.S. Fish and Wildlife Service  
[gaes\\_assistance@fws.gov](mailto:gaes_assistance@fws.gov)  
[www.fws.gov/office/georgia-ecological-services/](http://www.fws.gov/office/georgia-ecological-services/)  
Check out our new [project planning & review guidance](#) and [tools](#) pages!

Note: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

**From:** Melanie Yasbin <[melanie@lgrailaw.com](mailto:melanie@lgrailaw.com)>  
**Sent:** Monday, May 16, 2022 9:20 AM  
**To:** GAES Assistance, FW4 <[gaes\\_assistance@fws.gov](mailto:gaes_assistance@fws.gov)>  
**Subject:** [EXTERNAL] CSX Transportation, Inc.--Abandonment--in Gwinnett County, GA, STB Docket No. AB-55 (Sub-No. 808X)

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

Georgia Department of Natural Resources  
2 Martian Luther King Jr. Drive, SE  
Suite 1252  
Atlanta, GA 30334

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT develop responses to the following statements:

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

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne  
Enclosures (3)



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

U.S. Fish & Wildlife Service  
Georgia Ecological Services Field Office  
355 East Hancock Avenue  
Room 320  
Athens, GA 30601-2523  
[Gaes\\_assistance@fws.gov](mailto:Gaes_assistance@fws.gov)

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

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Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne  
Enclosures (3)



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Georgia Ecological Services Field Office  
355 East Hancock Avenue  
Room 320  
Athens, GA 30601-2523  
Phone: (706) 613-9493 Fax: (706) 613-6059



In Reply Refer To:

May 09, 2022

Project Code: 2022-0040584

Project Name: CSXT Abandonment in Gwinnett County, GA

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

To Whom It May Concern:

Thank you for your request for information on federally listed species and important wildlife habitats that may occur in your project area. The U.S. Fish and Wildlife Service (Service) has responsibility for certain species of wildlife under the Endangered Species Act (ESA) of 1973 as amended (16 USC 1531 et seq.), the Migratory Bird Treaty Act (MBTA) as amended (16 USC 701-715), Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Bald and Golden Eagle Protection Act (BGEPA) as amended (16 USC 668-668c). We are providing the following guidance to assist you in determining which federally imperiled species may or may not occur within your project area and to recommend some conservation measures that can be included in your project design if you determine those species or designated critical habitat may be affected by your proposed project.

### **FEDERALLY-LISTED SPECIES AND DESIGNATED CRITICAL HABITAT**

Attached is a list of endangered, threatened, and proposed species that may occur in your project area. Your project area may not necessarily include all or any of these species. Under the ESA, it is the responsibility of the Federal action agency, project proponent, or their designated representative to determine if a proposed action "may affect" endangered, threatened, or proposed species, or designated critical habitat, and if so, to consult with the Service further. Similarly, it is the responsibility of the Federal action agency or project proponent, not the Service, to make "no effect" determinations. If you determine that your proposed action will have "no effect" on threatened or endangered species or their respective critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally listed threatened or endangered fish or wildlife species without the appropriate permit. If you need additional information to assist in your effect determination, please contact the Service.

If you determine that your proposed action may affect federally listed species, please consult with the Service. Through the consultation process, we will analyze information contained in a biological assessment or equivalent document that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a Habitat Conservation Plan) may be necessary to exempt harm or harass federally listed threatened or endangered fish or wildlife species. For more information regarding formal consultation and HCPs, please see the Service's [Section 7 Consultation Library](#) and [Habitat Conservation Plans Library](#) Collections.

**Action Area.** The scope of federally listed species compliance not only includes direct effects, but also any indirect effects of project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations). The action area is the spatial extent of an action's direct and indirect modifications or impacts to the land, water, or air (50 CFR 402.02). Large projects may have effects to land, water, or air outside the immediate footprint of the project, and these areas should be included as part of the action area. Effects to land, water, or air outside of a project footprint could include things like lighting, dust, smoke, and noise. To obtain a complete list of species, the action area should be uploaded or drawn in IPaC rather than just the project footprint.

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. An updated list may be requested through IPaC.

If you determine that your action may affect any federally listed species and would like technical assistance from our office, please send us a complete project review package (refer to Georgia Ecological Services' [Project Planning and Review](#) page for more details), including the following information (reference to these items can be found in 50 CFR§402.13 and 402.14):

1. A description of the proposed action, including any measures intended to avoid, minimize, or offset effects of the action. Consistent with the nature and scope of the proposed action, the description shall provide sufficient detail to assess the effects of the action on listed species and critical habitat, including:
  - The purpose of the action;
  - The duration and timing of the action;
  - The location of the action;
  - The specific components of the action and how they will be carried out;
  - Description of areas to be affected directly or indirectly by the action;
  - Maps, drawings, blueprints, or similar schematics of the action
2. An updated Official Species List

If you determine that your proposed action may affect federally listed species, please consult with the Service. Through the consultation process, we will analyze information contained in a biological assessment or equivalent document that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a Habitat Conservation Plan) may be necessary to exempt harm or harass federally listed threatened or endangered fish or wildlife species. For more information regarding formal consultation and HCPs, please see the Service's [Section 7 Consultation Library](#) and [Habitat Conservation Plans Library](#) Collections.

**Action Area.** The scope of federally listed species compliance not only includes direct effects, but also any indirect effects of project activities (e.g., equipment staging areas, offsite borrow material areas, or utility relocations). The action area is the spatial extent of an action's direct and indirect modifications or impacts to the land, water, or air (50 CFR 402.02). Large projects may have effects to land, water, or air outside the immediate footprint of the project, and these areas should be included as part of the action area. Effects to land, water, or air outside of a project footprint could include things like lighting, dust, smoke, and noise. To obtain a complete list of species, the action area should be uploaded or drawn in IPaC rather than just the project footprint.

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. An updated list may be requested through IPaC.

If you determine that your action may affect any federally listed species and would like technical assistance from our office, please send us a complete project review package (refer to Georgia Ecological Services' [Project Planning and Review](#) page for more details), including the following information (reference to these items can be found in 50 CFR§402.13 and 402.14):

1. A description of the proposed action, including any measures intended to avoid, minimize, or offset effects of the action. Consistent with the nature and scope of the proposed action, the description shall provide sufficient detail to assess the effects of the action on listed species and critical habitat, including:
  - The purpose of the action;
  - The duration and timing of the action;
  - The location of the action;
  - The specific components of the action and how they will be carried out;
  - Description of areas to be affected directly or indirectly by the action;
  - Maps, drawings, blueprints, or similar schematics of the action
2. An updated Official Species List

3. Biological Assessments (may include habitat assessments and information on the presence of listed species in the action area);
4. Description of effects of the action on species in the action area and, if relevant, effect determinations for species and critical habitat;
5. Conservation measures and any other available information related to the nature and scope of the proposed action relevant to its effects on listed species or designated critical habitat (examples include: stormwater plans, management plans, erosion and sediment plans). Please see our [Georgia Planning and Consultation Tools](#) page for recommendations.

**Please submit all consultation documents via email to [gaes\\_assistance@fws.gov](mailto:gaes_assistance@fws.gov) or by using IPaC, uploaded documents, and sharing the project with a specific Georgia Ecological Services staff member. If the project is on-going, documents can also be sent to the Georgia Ecological Services staff member currently working with you on your project. For Georgia Department of Transportation related projects, please work with the Office of Environmental Services ecologist to determine the appropriate USFWS transportation liaison.**

## **WETLANDS AND FLOODPLAINS**

Under Executive Orders 11988 and 11990, Federal agencies are required to minimize the destruction, loss, or degradation of wetlands and floodplains, and preserve and enhance their natural and beneficial values. These habitats should be conserved through avoidance, or mitigated to ensure that there would be no net loss of wetlands function and value. We encourage you to use the National Wetland Inventory (NWI) maps in conjunction with ground-truthing to identify wetlands occurring in your project area. The Service's [NWI program website](https://www.fws.gov/program/national-wetlands-inventory) (<https://www.fws.gov/program/national-wetlands-inventory>) integrates digital map data with other resource information. We also recommend you contact the U.S. Army Corps of Engineers for permitting requirements under section 404 of the Clean Water Act if your proposed action could impact floodplains or wetlands.

## **MIGRATORY BIRDS**

The MBTA prohibits the taking of migratory birds, nests, and eggs, except as permitted by the Service's [Migratory Birds Program](https://fws.gov/program/migratory-birds) (<https://fws.gov/program/migratory-birds>). To minimize the likelihood of adverse impacts to migratory birds, we recommend construction activities occur outside the general bird nesting season from March through August, or that areas proposed for construction during the nesting season be surveyed, and when occupied, avoided until the young have fledged.

We recommend review of Birds of Conservation Concern to fully evaluate the effects to the birds at your site. This list identifies birds that are potentially threatened by disturbance and construction. It can be found at the Service's [Migratory Birds Conservation Library Collection](https://fws.gov/library/collections/migratory-bird-conservation-documents) (<https://fws.gov/library/collections/migratory-bird-conservation-documents>).

Information related to best practices and migratory birds can be found at the Service's [Avoiding and Minimizing Incidental Take of Migratory Birds Library Collection](https://fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds) (<https://fws.gov/library/collections/avoiding-and-minimizing-incident-take-migratory-birds>).

## BALD AND GOLDEN EAGLES

The bald eagle (*Haliaeetus leucocephalus*) was delisted under the ESA on August 9, 2007. Both the bald eagle and golden eagle (*Aquila chrysaetos*) are still protected under the MBTA and BGEPA. The BGEPA affords both eagles protection in addition to that provided by the MBTA, in particular, by making it unlawful to “disturb” eagles. Under the BGEPA, the Service may issue limited permits to incidentally “take” eagles (e.g., injury, interfering with normal breeding, feeding, or sheltering behavior nest abandonment). For information on bald and golden eagle management guidelines, we recommend you review information provided at the Service's [Bald and Golden Eagle Management Library Collection](https://fws.gov/library/collections/bald-and-golden-eagle-management) (<https://fws.gov/library/collections/bald-and-golden-eagle-management>).

## NATIVE BATS

If your species list includes Indiana bat (*Myotis sodalis*) or northern long-eared bat (*M. septentrionalis*) and the project is expected to impact forested habitat that is appropriate for maternity colonies of these species, forest clearing should occur outside of the period when bats may be present. Federally listed bats could be actively present in forested landscapes from April 1 to October 15 of any year and have non-volant pups from May 15 to July 31 in any year. Non-volant pups are incapable of flight and are vulnerable to disturbance during that time.

Indiana, northern long-eared, and gray (*M. grisescens*) bats are all known to utilize bridges and culverts in Georgia. If your project includes maintenance, construction, or any other modification or demolition to transportation structures, a qualified individual should complete a survey of these structures for bats and submit your findings via the Georgia Bats in Bridges cell phone application, free on Apple and Android devices. Please include these findings in any biological assessment(s) or other documentation that is submitted to our office for technical assistance or consultation.

Additional information on bat avoidance and minimization can be found at Georgia Ecological Services' [Planning and Consultations Tools](#) and [Bat Conservation in Georgia](#) pages.

## MONARCH BUTTERFLY

On December 20, 2020, the Service determined that listing the Monarch butterfly (*Danaus plexippus*) under the Endangered Species Act is warranted but precluded at this time by higher priority listing actions. With this finding, the monarch butterfly becomes a candidate for listing. The Service will review its status each year until we are able to begin developing a proposal to list the monarch.

As it is a candidate for listing, the Service welcomes conservation measures for this species. Recommended, and voluntary, conservation measures for projects in Georgia can be found at our [Monarch Conservation in Georgia](#) page.

## STATE AGENCY COORDINATION

Additional information that addresses at-risk or high priority natural resources can be found in the State Wildlife Action Plan (<https://georgiawildlife.com/WildlifeActionPlan>), at Georgia Department of Natural Resources, Wildlife Resources Division Biodiversity Portal (<https://>

[georgiawildlife.com/conservation/species-of-concern](http://georgiawildlife.com/conservation/species-of-concern)), Georgia's Natural, Archaeological, and Historic Resources GIS portal (<https://www.gnahrgis.org/gnahrgis/index.do>), and the [Georgia Ecological Services HUC10 Watershed Guidance](#) page.

Thank you for your concern for endangered and threatened species. We appreciate your efforts to identify and avoid impacts to listed and sensitive species in your project area. For further consultation on your proposed activity, please email [gaes\\_assistance@fws.gov](mailto:gaes_assistance@fws.gov) and reference the project county and your Service Project Tracking Number.

This letter constitutes Georgia Ecological Services' general comments under the authority of the Endangered Species Act.

Attachment(s):

- Official Species List
- Migratory Birds
- Wetlands

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Georgia Ecological Services Field Office**

355 East Hancock Avenue

Room 320

Athens, GA 30601-2523

(706) 613-9493

## Project Summary

Project Code: 2022-0040584

Event Code: None

Project Name: CSXT Abandonment in Gwinnett County, GA

Project Type: Road/Hwy - Abandonment

Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the "Line"). The Line runs through the U.S. Postal Zip Code 30046. CSXT intends to sell the Line to the City of Lawrenceville for trail use through the NITU process. Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts and tunnels will not be salvaged. Finally, the operations and maintenance of the Line will cease.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@33.95859325,-83.98404360105897,14z>



Counties: Gwinnett County, Georgia

## Endangered Species Act Species

There is a total of 1 threatened, endangered, or candidate species on this 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.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Insects

| NAME                                                                                                                                                                                                                        | STATUS    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>Monarch Butterfly <i>Danaus plexippus</i></b><br>No critical habitat has been designated for this species.<br>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a> | Candidate |

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

## Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern \(BCC\) list](#) or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME                                                                                                                                                                 | BREEDING SEASON         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| Red-headed Woodpecker <i>Melanerpes erythrocephalus</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.      | Breeds May 10 to Sep 10 |
| Rusty Blackbird <i>Euphagus carolinus</i><br>This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA | Breeds elsewhere        |
| Wood Thrush <i>Hylocichla mustelina</i><br>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.                      | Breeds May 10 to Aug 31 |

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

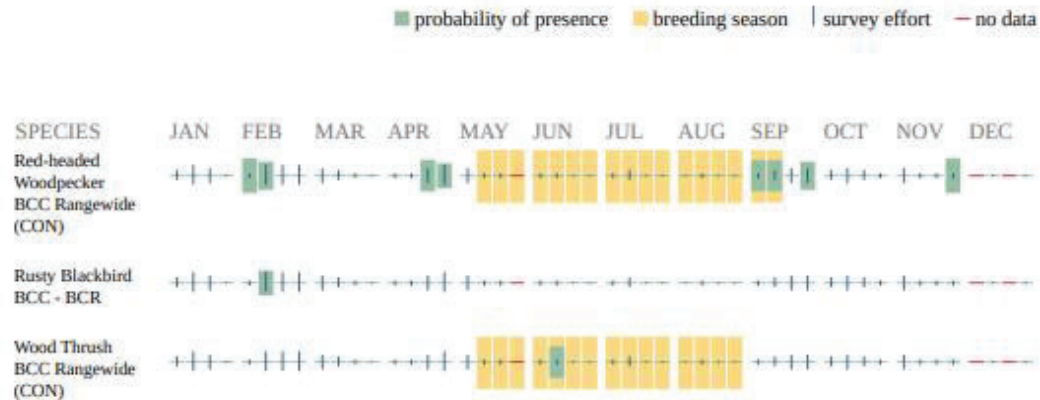
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

### No Data (—)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Additional information can be found using the following links:

- Birds of Conservation Concern <https://www.fws.gov/program/migratory-birds/species>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

**What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

**Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

**What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

**Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

## Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

**IPaC User Contact Information**

Agency: The Law Offices of Louis E. Gitomer, LLC

Name: Melanie Yasbin

Address: 600 Baltimore Ave, Suite 301

City: Towson

State: MD

Zip: 21204

Email: melanie@lgrailaw.com

Phone: 4102962205



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

U.S. Army Corps of Engineers  
Mobile District  
P.O. Box 2288  
Mobile, AL 36628-0001  
[CESAM-PA@usace.army.mil](mailto:CESAM-PA@usace.army.mil)

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) require that CSXT develop responses to the following statement:

*“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.”*

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne".

Gene Payne  
Enclosures (3)



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

National Park Service  
100 Alabama Street, SW  
1924 Building  
Atlanta, GA 30303

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Exemption—in Gwinnett, GA

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Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

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Sincerely,

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Gene Payne  
Enclosures (3)



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

Georgia Department of Transportation  
Rail Planner  
600 West Peachtree Street, NW  
Atlanta, GA 30308  
[railprogram@dot.ga.gov](mailto:railprogram@dot.ga.gov)

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

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Sincerely,

A handwritten signature in black ink, appearing to read "Gene Payne", written in a cursive style.

Gene Payne  
Enclosures (3)



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

National Geodetic Survey  
[RRAE@noaa.gov](mailto:RRAE@noaa.gov)

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

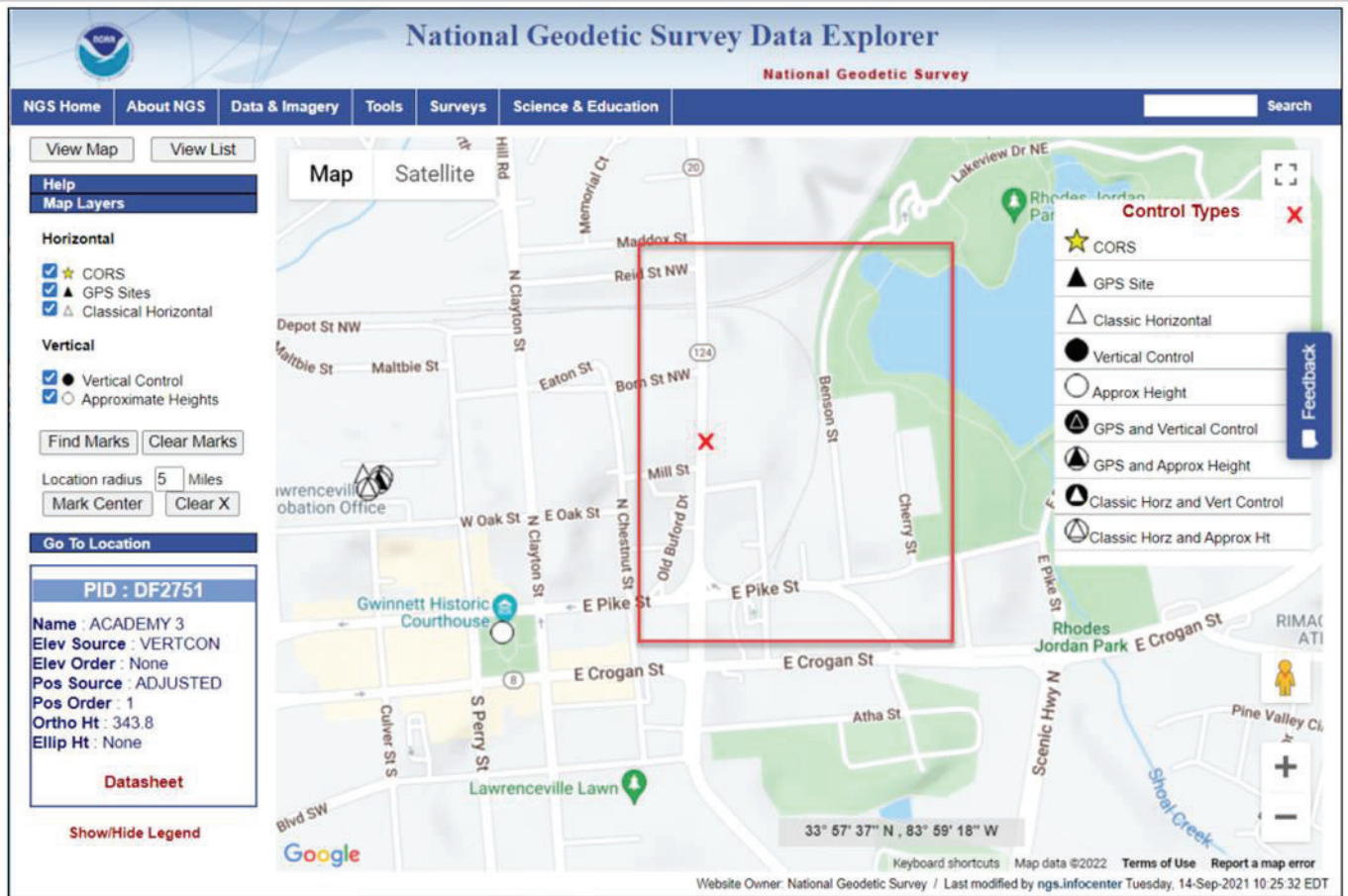
Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

Please advise if there are any geodetic markers which could be affected by the proposed transaction. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne  
Enclosures (3)



**Melanie Yasbin**

---

**From:** deborah.brooks <ngs.infocenter@noaa.gov>  
**Sent:** Thursday, May 26, 2022 10:33 AM  
**To:** Melanie Yasbin  
**Subject:** [JIRA] (IMOV-9274) CSX Transportation, Inc.--Abandonment--in Gwinnett County, GA, STB Docket No. AB-55 (Sub-No. 808X)

A comment is added on your issue:

Re: CSX Transportation, Inc.--Abandonment--in Gwinnett County, GA, STB Docket No. AB-55  
(Sub-No. 808X)

Good Morning Atty. Marks,

A search of NGS' database showed no geodetic markers in the proposed abandonment area.

Regards,  
Deborah M. Brooks  
Communications Specialist  
NGS Infocenter  
301-713-3242

National Geodetic Survey



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

Georgia Department of Community Affairs  
Attn: Environmental Review, Historic Preservation Division  
60 Executive Park South, NE  
Atlanta, Georgia 30329  
[ER@dca.ga.gov](mailto:ER@dca.ga.gov)

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a preliminary Combined Environmental and Historic Report (“CEHR”) covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne".

Gene Payne  
Enclosures (3)

## Georgia Historic Preservation Division Environmental Review Form

At a minimum, the Historic Preservation Division (HPD) requires the following information in order to review projects in accordance with applicable federal or state laws. Please note that the responsibility for preparing documentation, including items listed below, rests with the federal or state agency or its designated applicant. *HPD's ability to complete a timely project review largely depends on the quality and detail of the material submitted. If insufficient information is provided, HPD may need to request additional materials, which will prolong the review process. For complex projects, some applicants may find it advantageous to hire a preservation professional with expertise in history, architectural history, and/or archaeology, who would have access to the Georgia Archaeological Site Files and an understanding of HPD's publicly available files.*

**THERE IS A 30-DAY REVIEW PERIOD FROM THE DATE HPD RECEIVES THE SUBMITTAL. SHOULD ADDITIONAL INFORMATION BE REQUESTED, PLEASE NOTE THE 30-DAY PERIOD RESTARTS.**

### I. General Information

- A. Project Name: CSX Transportation, Inc.—Abandonment-in Gwinnett County, GA STB Docket No. AB-55 (Sub-No. 608X)  
Project Address: between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division Abbeville Subdivision, Lawrenceville branch  
City: Lawrenceville County: Gwinnett
- B. Federal Agency Involved: Surface Transportation Board  
State Agency (if applicable): \_\_\_\_\_
- C. Agency's Involvement:  
☐ Funding ☐ Unknown  
☒ License/Permit ☐ Other, please explain: \_\_\_\_\_  
☐ Direct/Is performing the action
- D. Type of Review Requested:  
☐ Section 106 of the National Historic Preservation Act (Federal involvement)  
☐ Section 110 of the National Historic Preservation Act (Federally owned properties)  
☐ Georgia Environmental Policy Act (State involvement)  
☐ State Agency Historic Property Stewardship Program/State Stewardship (State owned properties)  
☐ Technical Assistance (No Federal or State involvement)  
☒ Unknown
- E. Contact Information: ☒ Applicant ☐ Consultant  
Name/Title/Company: Melanie Yasbin/Attorney/The Law Offices of Louis E. Gitomer, LLC  
Address: 600 Baltimore Ave, Suite 301  
City/State/Zip: Towson, MD 21204  
Phone: 410-296-2205 Email: melanie@lgrailaw.com
- Agency Contact Info (either State or Federal, according to review type):  
Name/Title/Agency: Office of Environmental Assessment/Surface Transportation Board  
Address: 395 E Street, SW  
City/State/Zip: Washington, DC 20423  
Phone: 202-245-0245 Email: \_\_\_\_\_

## II. Project Information

### A. Project Type:

- |                                                                    |                                                                    |
|--------------------------------------------------------------------|--------------------------------------------------------------------|
| <input type="checkbox"/> Road/Highway Construction or Improvements | <input type="checkbox"/> Relicensing                               |
| <input type="checkbox"/> Demolition                                | <input type="checkbox"/> Utilities/Infrastructure                  |
| <input type="checkbox"/> Rehabilitation                            | <input type="checkbox"/> Unknown                                   |
| <input type="checkbox"/> Addition to Existing Building/Structure   | <input checked="" type="checkbox"/> Other: <u>Rail abandonment</u> |
| <input type="checkbox"/> New Construction                          |                                                                    |

**B. Project Description and Plans** This should include a *detailed* scope of work, including *any* actions to be taken in relation to the project, such as all aspects of new construction, replacement/repair, demolition, ground disturbance, and all ancillary work (temporary roads, etc.), as applicable. Attach additional pages if necessary. If a detailed scope of work is not available yet, please explain and include all preliminary information:

Please see attached Draft Combined Environmental and Historic Report

**C. Land Disturbing Activity** This should include a detailed description of all horizontal and vertical ground disturbance, such as haul roads, cut or fill areas, excavations, landscaping activities, ditching, utility burial, grading, water tower construction, etc., as applicable:

Abandonment of the Line will result in the removal of rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any rail related structures, such as bridges, trestles, culverts, and tunnels will not be salvaged. The Line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal.

D. Has this identical project or a related project been previously submitted to HPD for review? YES \_\_\_\_ NO x \_\_\_\_

*\*If yes, please enclose a copy of HPD's previous response*

E. Is this project also being reviewed under a tax incentive program administered through HPD? YES \_\_\_\_ NO x \_\_\_\_

F. Is this review request in order to satisfy an application requirement, such as for a grant? YES x \_\_\_\_ NO \_\_\_\_

*\*If yes, are project plans/scope of work available yet? YES \_\_\_\_ NO x \_\_\_\_*

*\*If yes, please enclose a copy of the project plans/scope of work as outlined in II.B and II.C above*

## III. Site Information

### A. In the past this property has been used for:

- |                                  |          |                  |
|----------------------------------|----------|------------------|
| 1. Farming                       | YES ____ | NO <u>x</u> ____ |
| 2. Pasture                       | YES ____ | NO <u>x</u> ____ |
| 3. Mining                        | YES ____ | NO <u>x</u> ____ |
| 4. Timbering                     | YES ____ | NO <u>x</u> ____ |
| 5. Road construction             | YES ____ | NO <u>x</u> ____ |
| 6. Housing                       | YES ____ | NO <u>x</u> ____ |
| 7. Landfill                      | YES ____ | NO <u>x</u> ____ |
| 8. Commercial                    | YES ____ | NO <u>x</u> ____ |
| 9. Industrial                    | YES ____ | NO <u>x</u> ____ |
| 10. Other (explain): <u>rail</u> |          |                  |

B. Describe what currently exists on the property today and give approximate construction dates for existing buildings along with any known history (i.e. buildings, parking lot, outbuildings, woods, grass, garden, etc.):

The property is currently a rail line that is approximately 0.13 miles long and 65 feet wide. The Line was part of the Georgia, Carolina and Northern Railway that came through Gwinnett County in 1891. The Georgia, Carolina, and Northern Railway merged with the Seaboard Airline Railway (which became CSX in 1988) and operated the Loganville and Lawrenceville Railroad which ran between the two cities from 1908-1932.

#### IV. Cultural Resources

Background research for previously identified properties within the project area may be undertaken at HPD, including National Register of Historic Places files, county and city surveys, and identified sites files. Additionally, research at the Georgia Archaeological Site Files (GASF) in Athens may be undertaken by a qualified archaeologist or site file staff. To make a research appointment or find contact information for GASF, please visit our website. Please note that as part of the review process, HPD may request an archaeological survey or resource identification.

A. To your knowledge, has a cultural resources assessment or a historic resources survey been conducted in the project area? YES ☐ NO ☐ DO NOT KNOW ☒ (see: <http://www.georgiashpo.org/surveys>)

*\*If yes, provide the title, author, and date of the report:*

#### B. Area of Potential Effect (APE)

The APE is the geographic area or areas within which a project may cause changes (or effects). These changes can be direct (physical) or indirect (visual, noise, vibrations) effects. The APE varies with the project type and should factor in topography, vegetation, existing development, physical siting of the project, and existing/planned development. For example:

| <i>If your project includes...</i>                                                                     | <i>Then your APE would be...</i>                                                                     |
|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|
| Rehabilitation, renovation, and/or demolition of a building or structure, or new construction          | the building or property itself and the surrounding properties/setting with a view of the project    |
| Road/Highway construction or improvements, streetscapes, pedestrian or bicycle facilities              | the length of the project corridor and the surrounding properties/setting with a view of the project |
| Above ground utilities, such as siren/radio towers, water towers, pump stations, retention ponds, etc. | the area of ground disturbance and the surrounding properties/setting with a view of the project     |
| Underground utilities                                                                                  | the area of ground disturbance                                                                       |

Based on this information, identify the APE for your project, similar to above AND describe what exists within it. Please provide approximate construction dates for existing buildings within the APE (ie. is it modern or historic residential or commercial development, undeveloped, etc.):

The APE is the rail corridor which is 65 feet wide and 0.13-miles long running from Val Sta. 12+37 to Val Sta 19+52

C. Is the project located within or adjacent to a National Register of Historic Places (NRHP) listed or eligible historic property or district or a locally designated property or district?

YES ☐ NO ☐ DO NOT KNOW ☒

*\*If yes, please provide names:*

D. Within the project APE as identified in IV.B, are there any other buildings or structures that are 50 years old or older? YES ☐ NO ☒ DO NOT KNOW ☐

*\*If yes, provide current photographs of each building or structure and key the photos to a site map.*

E. Are any of the buildings or structures identified in IV.D listed or eligible for listing in the NRHP?

YES ☐ NO ☒ DO NOT KNOW ☐

*\*If yes, please identify the properties (by name or photo #).*

**F. Effects Information**

1. Does the project involve the rehabilitation, renovation, relocation, demolition or addition to any building or structure that is 50 years old or older? YES \_\_\_\_ NO x \_\_\_\_
2. Will the project take away or change anything within the apparent or existing boundary of any of these historic properties? YES \_\_\_\_ NO x \_\_\_\_  
*\*If yes, please explain:* \_\_\_\_\_
3. Will the project change the view from or of any of these properties? YES \_\_\_\_ NO x \_\_\_\_  
*\*If yes, please explain:* \_\_\_\_\_
4. Will the project introduce any audible or atmospheric elements to the setting of any of these historic properties (such as light, noise, or vibration pollution)? YES \_\_\_\_ NO x \_\_\_\_  
*\*If yes, please explain:* \_\_\_\_\_
5. Will the project result in a change of ownership for any historic properties? YES \_\_\_\_ NO x \_\_\_\_  
*\*If yes, please explain:* \_\_\_\_\_

**V. Required Materials (Submittal Checklist)**

- ☐ Complete Environmental Review Form
  - o Include all contact information as HPD will respond via email to the submitter.
- ☐ Map indicating:
  - o Precise location of the project (USGS topographic map preferred: <http://www.digital-topo-maps.com/> <sup>1</sup>).
  - o In urban areas, please also include a city map that shows more detail.
  - o Boundaries of the APE as noted in section II above.
  - o Location of resources indicated in section IV.C through E.
- ☐ Detailed project plans to supplement section I.F, including (if applicable and available):
  - o Site plans (before and after).
  - o Project plans.
  - o Elevations.
- ☐ High-resolution current color photographs (2 photos per page) illustrating:
  - o The project area, the entire APE as defined in section IV, and resources indicated in section IV.C through E.
  - o Any adjacent properties that are within the APE, with clear views of buildings or structures, if applicable.
  - o If the project entails the alteration of existing historic structures, please provide *detail* photographs of existing conditions of sites, buildings, and interior areas/materials to be impacted.
  - o **\*\*Google Streetview and publicly available Tax Assessor images will not be accepted**
- ☐ Photography key (map or project plans can be used) indicating:
  - o Location of all photographs by photo number.
  - o Direction of view for all photographs.
- ☐ Any available information concerning known or suspected archaeological resources in the APE.

*For questions regarding this form, please contact the Environmental Review Program at [ER@dca.ga.gov](mailto:ER@dca.ga.gov).*

**Please note, we are currently accepting digital submittals at the email address above; however, if no automated response is received, a hardcopy may be needed due to technological restrictions.**

If necessary, hardcopies may be mailed to:

Georgia Department of Community Affairs  
Attn: Environmental Review, Historic Preservation Division  
60 Executive Park South, NE  
Atlanta, Georgia 30329

<sup>1</sup> Please note, this is not a complete list of websites with topographic map information. This website is not controlled by HPD and HPD bears no responsibility for its content.



500 Water Street, J801  
Jacksonville, Florida 32202  
Phone (904) 359-3739  
Email: [Gene\\_Payne@csx.com](mailto:Gene_Payne@csx.com)

Gene Payne  
Manager Strategic Planning

May 16, 2022

USDA-NRCS  
Lawrenceville Service Center  
750 S Perry St. Ste 420  
Lawrenceville, GA 30046  
[ryan.burgess@usda.gov](mailto:ryan.burgess@usda.gov)

Re: STB Docket No. AB-55 (Sub-No. 808X), CSX Transportation, Inc.—Abandonment  
Exemption—in Gwinnett, GA

Dear Mr. Burgess:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 0.13-mile rail line that runs between Val Sta. 12+37 and Val Sta. 19+52 on its Atlanta Division, Abbeville Subdivision, Lawrenceville Branch, in Gwinnett County, GA (the “Line”). The Line runs through the U.S. Postal Zip Code 30046.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that CSXT develop a response to the following statement:

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

Please advise if any of the land contiguous to CSXT’s line in the project area is classified as prime agriculture land.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to [Floyd\\_Payne@CSX.com](mailto:Floyd_Payne@CSX.com) by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne".

Gene Payne  
Enclosures (3)

## **EXHIBIT 3 – USGS MAPS**

