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ENTERED
Office of Proceedings
November 1, 2022
Part of
Public Record
November 1, 2022

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Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: South Carolina Central Railroad Company, LLC – Abandonment Exemption –
in Darlington County, SC
Surface Transportation Board Docket No. AB 312 (Sub-No. 5X)

Dear Ms. Brown:

On October 6, 2022, the Board's Office of Environmental Analysis ("OEA") issued a Draft Environmental Assessment ("Draft EA") in the above referenced docket recommending to the Board that it impose conditions upon the South Carolina Central Railroad Company, LLC ("SCRF") prior to its abandonment and salvage of the subject line. SCRF is submitting this letter with enclosure to provide additional information to the Board and OEA that will alleviate the need for OEA's recommended conditions.

OEA's Condition 1 requires SCRF to notify the National Geodetic Survey ("NGS") 90 days prior to beginning abandonment-related salvage activities. *Draft EA* at 5. NGS has since provided SCRF further correspondence that resolves the need for this condition. In the enclosed email, NGS states that no survey marks would be impacted in the area of SCRF's proposed abandonment.

OEA's Condition 2 requires SCRF to consult with the U.S. Army Corps of Engineers ("ACE") prior to any abandonment-related salvage activities. *Id.* The Draft EA states "[b]ecause the Line crosses a waterway, and OEA is unable to determine whether a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) is required, OEA recommends that the Board impose a condition requiring SCRF to consult with the Corps prior to commencement of salvage activities and comply with the reasonable requirements of the Corps to protect waters of the United States." *Draft EA* at 3.

Following service of the Draft EA, SCRF again contacted ACE seeking consultation on the potential impacts of the abandonment. Enclosed with this letter is a response from ACE. In its letter, ACE explains the types of activities that would require an ACE permit. If SCRF conducts

work that falls within the activities that require an ACE permit, SCRF will comply with the ACE requirements.¹

OEA's Condition 3 requires SCRF to consult with the South Carolina Department of Natural Resources ("SCDNR") prior to commencement of any abandonment-related salvage activities and to comply with its reasonable requirements. *Draft EA* at 5. Following service of the *Draft EA*, SCRF contacted SCDNR asking it to remove or clarify its recommendation. SCDNR responded on October 24, 2022 (enclosed) narrowing the scope and providing further detail of its prior comment. If SCRF conducts abandonment related salvage, SCRF does not object to SCDNR's October 24 email.

OEA's Condition 4 restricts SCRF from filing its consummation notice or initiating any salvage activities related to the abandonment until the Section 106 process has been completed and the Board has removed the condition. *Id.* The South Carolina State Historic Preservation Office ("SHPO") has provided additional correspondence that resolves this condition. In its letter, enclosed, the SHPO states, "[b]ased on the description of the undertaking's Area of Potential Effect (APE) and the identification of historical properties within the APE, our office believes that no properties listed in or eligible for listing in the National Register of Historic Places will be affected by this project."

In consideration of the additional correspondence with the consulted agencies, SCRF respectfully requests that OEA modify or remove or that the Board modify or remove the conditions proposed by OEA in the *Draft EA*.

Sincerely,



Justin J. Marks
Counsel to South Carolina Central Railroad
Company, LLC

Enclosure

cc: National Geodetic Survey; U.S Army Corp of Engineers, Charleston District; S.C. Dept. of Health & Environmental Control; S.C. Dept. of Natural Resources; S.C. State Historic Preservation Office.

¹ On October 26, 2022, the South Carolina Department of Health & Environmental Control emailed SCRF to state: "We received the [October 14, 2022 letter that ACE provided to SCRF] regarding the SCRF Railroad Abandonment project. If the project were subject to Department of the Army permitting under Section 404 of the Clean Water Act, it would also be subject to State Regulation 61-101, Water Quality Certification and may also be subject to State Regulation 19-450, Permits for Construction in Navigable Waters." SCRF understands that if it conducts abandonment related salvage and if that work is subject to Section 404 of the Clean Water Act, then it will also need to consult with the South Carolina Department of Health & Environmental Control in addition to its consultation with ACE.

Correspondence Regarding Condition 1
National Geodetic Survey

Marks, Justin J.

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Tuesday, July 19, 2022 6:45 PM
To: Marks, Justin J.
Subject: [JIRA] (IMOV-9310) SCRF Railroad Abandonment in Hartsville, Darlington County, SC

[External Message]

A comment is added on your issue:

Re: SCRF Railroad Abandonment in Hartsville, Darlington County, SC

Good Evening Atty.Marks,

A search of NGS Integrated Data Base, showed no marks that would impacted in the area of the proposed abandonment. As shown on the image above the closet mark is K29.

If you need anything else, please call me.

Thank you,

Deborah Brooks
Communications Specialist
NGS Info Center
301-832-1063

National Geodetic Survey



Correspondence Regarding Condition 2

Army Corps of Engineers / South Carolina Department of Health &
Environmental Control

Marks, Justin J.

From: Marks, Justin J.
Sent: Wednesday, October 12, 2022 12:20 PM
To: SAC.RD.Conway
Cc: Huff, Robert C CIV USARMY CESAC (USA); Bracey, Wiley C CIV USARMY CESAC (USA)
Subject: RE: SCRF Railroad Abandonment in Hartsville, Darlington County, SC
Attachments: STB OEA Draft Environmental Assessment.pdf

Good afternoon:

I represent the South Carolina Central Railroad Company, LLC ("SCRF") in its petition to the U.S. Surface Transportation Board ("STB") to abandon certain lines of railroad in Darlington County, SC. As you can see in the email below, I initially contacted you regarding this abandonment on May 25, 2022. In addition, I emailed to you a copy of SCRF's Environmental and Historical Report on July 13, 2022 and a copy of the SCRF Petition for Exemption on August 8, 2022.

The STB's Office of Environmental Analysis ("OEA") has issued the attached Draft Environmental Assessment ("Draft EA") for the SCRF abandonment. In the Draft EA, OEA recommends that the STB impose a condition requiring SCRF to consult with the Corps prior to commencement of salvage activities and comply with the reasonable requirements of the Corps to protect waters of the United States."

Before the Board adopts OEA's recommended condition for SCRF to consult with you, SCRF is proactively requesting your response to its initial consultation letter. As noted in OEA's Draft EA, the rail line to be abandoned appears to cross some type of waterway. As stated in SCRF's Environmental and Historic report, SCRF's salvage of the rail line will be surface work only. This means that SCRF does not intend to salvage any of the underlying track infrastructure – including infrastructure supporting the track.

Once approved, SCRF intends to dispose of this property. Because OEA's Draft EA has the potential to delay SCRF's plans for this property, SCRF would greatly appreciate a response from you that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment or expressing any concerns that you have. Your timely response is greatly appreciated.

Thank you and if you need to speak to me, my phone number is in my signature block.

Justin

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004
+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)
jmarks@clarkhill.com | www.clarkhill.com

From: SAC.RD.Conway <SAC.RD.Conway@usace.army.mil>
Sent: Wednesday, May 25, 2022 6:22 PM
To: Marks, Justin J. <jmarks@ClarkHill.com>
Cc: Huff, Robert C CIV USARMY CESAC (USA) <Robert.C.Huff@usace.army.mil>; Bracey, Wiley C CIV USARMY CESAC (USA) <Wiley.C.Bracey@usace.army.mil>
Subject: RE: SCRF Railroad Abandonment in Hartsville, Darlington County, SC

[External Message]

Mr Marks,

This is to notify you that your Consultation Request has been electronically received in the Conway Field Office. It has been forwarded to the Team Lead assignment and you should be receiving an updated notification from the Project Manager to whom it has been assigned.

Additional information about the Charleston District Regulatory Program and Public Notice postings can be found on our web site at <http://www.sac.usace.army.mil/Missions/Regulatory/Permitting-Process/>.

If you have any questions, please contact us via e-mail at SAC.RD.Conway@usace.army.mil or at 843.365.4239.

Dorothy M. Swearingin
Regulatory Program Assistant
Northeast Branch -- Charleston District
843-365-4239

Complete our Regulatory Service Survey at
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

Due to the situation involving COVID-19, our office is currently teleworking and will generally be available via e-mail. Please be advised that response time may be delayed due to remote network connectivity and an increased volume of virtual meetings. Thanks in advance for your patience.

From: Marks, Justin J. <jmarks@ClarkHill.com>
Sent: Wednesday, May 25, 2022 11:39 AM
To: blackman.daniel@epa.gov; Ann.english@usda.gov; SAC.RD.Conway <SAC.RD.Conway@usace.army.mil>; ngs.infocenter@noaa.gov; state.clearinghouse@admin.sc.gov; agencydirector@dhec.sc.gov; fratedw@scdot.org; mayor@hartsvillesc.gov; aldavis@dacosc.net; daniel.moore@hartsvillesc.gov; cstewart@dacosc.net
Subject: [URL Verdict: Neutral][Non-DoD Source] SCRF Railroad Abandonment in Hartsville, Darlington County, SC

Good morning:

Attached is a letter seeking your agencies' comment – if any – for a railroad abandonment in Hartsville, Darlington County, SC.

You may also receive this letter via regular mail.

Thank you,

Justin

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004
+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)
jmarks@clarkhill.com | www.clarkhill.com

Marks, Justin J.

From: SAC.RD.Conway <SAC.RD.Conway@usace.army.mil>
Sent: Friday, October 14, 2022 1:50 PM
To: Marks, Justin J.
Cc: DHEC-BOW; Huff, Robert C CIV USARMY CESAC (USA)
Subject: SAC-2022-01518, SCRF Railroad Abandonment
Attachments: SAC-2022-01518 Permit May Be Required Letter FINAL Signed.pdf

[External Message]

Mr. Marks,

Please see the attached letter regarding your project SAC-2022-01518, SCRF Railroad Abandonment. Based the information provided and a review of aerial photography and soil survey information, it appears that there may potentially be jurisdictional waters of the United States. Please see the attached letter for more detailed information.

No hardcopies will be mailed. Please contact our office if you have any questions.

Dorothy M. Swearingin
Regulatory Program Technician
Northeast Branch -- Charleston District
843-365-4239

Complete our Regulatory Service Survey at
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

Due to the situation involving COVID-19, our office is currently teleworking and will generally be available via e-mail. Please be advised that response time may be delayed due to remote network connectivity and an increased volume of virtual meetings. Thanks in advance for your patience.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
1949 INDUSTRIAL PARK ROAD, ROOM 140
CONWAY, SOUTH CAROLINA 29526

October 14, 2022

Regulatory Division

Mr. Justin J. Marks
Counsel to South Carolina Central Railroad
Company, LLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
Jmarks@clarkhill.com

Dear Mr. Marks:

This is in response to your May 25, 2022, letter inquiring if it is necessary to obtain a Department of the Army Permit for the abandonment of a railroad in Hartsville, Darlington County, SC. The work potentially affecting waters of the United States is part of an overall project known as SCRF Railroad Abandonment. The project involves railroad abandonment that extends approximately two miles over six railroad tracks that most recently served the Sonoco Products Company. The project is located near Sonoco Road and Patrick Highway, in Hartsville, Darlington County, South Carolina (Latitude: 34.3864°, Longitude: -80.0652°).

Based on a review of the information provided and a review of aerial photography and topographic maps, we believe there may be jurisdictional Waters of the United States, including wetlands, streams, or other waters, which are subject to our regulatory authority pursuant to Section 404 of the Clean Water Act. To assist you with determining Department of the Army (DA) permitting requirements, we recommend performing a detailed delineation of the streams and/or wetlands present within the project corridor.

Any discharge of dredged or fill material into Waters of the United States (including jurisdictional wetlands and streams) present within the project limits will require DA permit authorization. For example, construction of permanent or temporary roads, construction of any building, placement of dirt, clearing using heavy equipment, and any other activities that disturbs or alters the existing ground contours are all considered filling activities which require DA authorization. The type of DA authorization required (i.e., general or individual permit) is determined by the location, type, and extent of jurisdictional areas impacted by the project, and by the project design and construction limits.

Additional impacts which may require DA authorization include any work or structure in or impacting the navigable capacity of any navigable waters of the United States.

Navigable waters of the United States include all tidal waters. The definition of "work" as used here includes any dredging, excavation, filling, discharge of dredged or fill material, or other modification of a navigable water of the United States.

Until additional data is furnished detailing the extent of the impacts to jurisdictional waters within the limits of the railroad abandonment, we are unable to provide specific DA permit requirements. You are also advised the proposed work may require other federal, state, and/or local authorizations.

In all future correspondence, please refer to file number SAC-2022-01518. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact me at (843) 365-4239, or by email at Robert.C.Huff@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rob Huff', is positioned above the printed name.

Rob Huff
Team Lead

Attachments

Copies Furnished:

SC DHEC - Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201
WQCWetlands@dhec.sc.gov

Marks, Justin J.

From: Wenerick, William "Rusty" <WENERIWR@dhec.sc.gov>
Sent: Wednesday, October 26, 2022 2:33 PM
To: Marks, Justin J.
Cc: Robert C SAC Huff
Subject: Re: SAC-2022-01518, SCRF Railroad Abandonment
Attachments: SAC-2022-01518 Permit May Be Required Letter FINAL Signed.pdf

[External Message]

Dear Mr. Marks,

We received the attached letter from the US Army Corps of Engineers regarding the SCRF Railroad Abandonment project. If the project were subject to Department of the Army permitting under Section 404 of the Clean Water Act, it would also be subject to State Regulation 61-101, Water Quality Certification and may also be subject to State Regulation 19-450, Permits for Construction in Navigable Waters. Please kindly forward a KML file of the project area for DHEC review.

Respectfully,

William R. "Rusty" Wenerick
Project Manager
S.C. Dept. of Health & Environmental Control
Office: (803) 898-4266
Fax: (803) 898-7344

Connect: www.scdhec.gov [Facebook](#) [LinkedIn](#)



From: WQCWetlands <wqcwetlands@dhec.sc.gov>
Sent: Wednesday, October 26, 2022 2:14 PM
To: Wenerick, William "Rusty" <WENERIWR@dhec.sc.gov>
Subject: Fw: SAC-2022-01518, SCRF Railroad Abandonment

From: SAC.RD.Conway <SAC.RD.Conway@usace.army.mil>
Sent: Friday, October 14, 2022 5:49 PM
To: Marks, Justin J. <jmarks@ClarkHill.com>
Cc: WQCWetlands <wqcwetlands@dhec.sc.gov>; Huff, Robert C CIV USARMY CESAC (USA) <Robert.C.Huff@usace.army.mil>
Subject: SAC-2022-01518, SCRF Railroad Abandonment

*** Caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email.

Mr. Marks,

Please see the attached letter regarding your project SAC-2022-01518, SCRF Railroad Abandonment. Based the information provided and a review of aerial photography and soil survey information, it appears that there may potentially be jurisdictional waters of the United States. Please see the attached letter for more detailed information.

No hardcopies will be mailed. Please contact our office if you have any questions.

Dorothy M. Swearingin
Regulatory Program Technician
Northeast Branch -- Charleston District
843-365-4239

Complete our Regulatory Service Survey at
<https://regulatory.ops.usace.army.mil/customer-service-survey/>

Due to the situation involving COVID-19, our office is currently teleworking and will generally be available via e-mail. Please be advised that response time may be delayed due to remote network connectivity and an increased volume of virtual meetings. Thanks in advance for your patience.

Correspondence Regarding Condition 3
South Carolina Department of Natural Resources

Marks, Justin J.

From: Marks, Justin J.
Sent: Wednesday, October 12, 2022 3:08 PM
To: Tom Daniel
Subject: RE: South Carolina Central Railroad Company, LLC - Abandonment Exemption - in Darlington County. SC
Attachments: STB OEA Draft Environmental Assessment.pdf

Mr. Daniel:

We have corresponded over the last 6 months regarding the South Carolina Central Railroad's ("SCRF") abandonment in Darlington County before the U.S. Surface Transportation Board ("STB"). In summary, I am writing to explain SCRF's abandonment in further detail and I respectfully request that you re-consider or modify the conditions that your agency is suggesting for this abandonment in consideration of these circumstances.

On October 6, the STB's Office of Environmental Analysis ("OEA") issued the attached Draft Environmental Assessment ("Draft EA") recommending to the STB that a condition be placed on SCRF's abandonment stating: "Prior to commencement of any abandonment-related salvage activities, South Carolina Central Railroad Company, LLC shall consult with the South Carolina Department of Natural Resources and comply with its reasonable requirements." Assuming that the STB will formally adopt OEA's recommended condition, SCRF is consulting with you now as to not unnecessarily delay the abandonment.

In your email below and as summarized in OEA's Draft EA, SCDNR states, "The SCDNR offers no objection to the proposed project provided that all rail and ties are removed from the site and that the area is restored to pre-construction contours. Furthermore, the SCDNR recommends that disturbed areas be permanently stabilized with vegetative cover consisting of native species appropriate for the ecoregion." In OEA's Draft EA, it recommends that SCRF consult with you and comply with SCDNR's reasonable requirements. OEA, however, is silent as to what reasonable requirements may be. SCRF does not believe that the requirements proposed in your email are reasonable in this situation for the following reasons:

- 1) SCRF does not think it is reasonable to expect SCRF to restore the lines to be abandoned to pre-construction contours because the area surrounding this rail line is industrial. It appears that a predecessor owner acquired the land for construction in 1910. SCRF did not acquire this line until 1987 after it was built and the surrounding area was developed for industrial purposes. Considering that this area's present and future use is industrial, SCRF does not believe that it is a reasonable requirement to restore the rail line to pre-construction contours, whatever those may have been in 1910.
- 2) SCRF also does not believe that it is reasonable to impose a requirement that disturbed areas be permanently stabilized with vegetative cover because of its location in an industrial area. As stated in SCRF's Environmental and Historic Report, SCRF intends to transfer the right-of-way to the neighboring property owner, Sonoco. Although, I am unaware of Sonoco's specific plans, Sonoco submitted a letter in support of the abandonment to the STB stating that the abandonment "will allow Sonoco to acquire property related to the line which will facilitate redevelopment of the facility for a commodity that does not require rail service." Since Sonoco intends to redevelop the facility, it does not appear that SCDNR's proposed requirement to stabilize and vegetate the property is appropriate in this instance since Sonoco intends to use the property for industrial purposes.

Considering the circumstances of this abandonment, SCRF would appreciate it if SCDNR would either revoke its requirements or suggest new requirements that more reasonably reflect the future use of the rail line to be abandoned.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004
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jmarks@clarkhill.com | www.clarkhill.com

From: Marks, Justin J.

Sent: Wednesday, July 13, 2022 1:05 PM

To: Tom Daniel <DanielT@dnr.sc.gov>

Subject: RE: South Carolina Central Railroad Company, LLC - Abandonment Exemption - in Darlington County. SC

Mr. Daniel:

Thank you for your email. The South Carolina Central Railroad Company, LLC (SCRF) did not originally construct the line to be abandoned. The property underlying the line subject to the abandonment was first acquired by a predecessor railroad owner in 1910. SCRF acquired the line in 1987 from CSX Transportation and its tracks have most recently served the Sonoco Products Company. Following the abandonment, after SCRF conducts salvage, it will transfer the right-of-way to Sonoco. To SCRF's knowledge, Sonoco intends to develop the property consistent with its construction plans to develop the right-of-way for non-common carrier rail use.

Nevertheless, I have incorporated your comments in an Environmental and Historical Report to be provided to you and submitted to the Surface Transportation Board.

Thank you,

Justin

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004
+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)

jmarks@clarkhill.com | www.clarkhill.com

From: Tom Daniel <DanielT@dnr.sc.gov>

Sent: Thursday, June 23, 2022 12:13 PM

To: Marks, Justin J. <jmarks@ClarkHill.com>

Subject: South Carolina Central Railroad Company, LLC - Abandonment Exemption - in Darlington County. SC

[External Message]

Dear Mr. Marks,

The SCDNR offers no objection to the proposed project provided that all rail and ties are removed from the site and that the area is restored to pre-construction contours. Furthermore, the SCDNR recommends that disturbed areas be permanently stabilized with vegetative cover consisting of native species appropriate for the ecoregion.

Thank you for the opportunity to review this project and provide comments. Should you have any questions or need more information, please do not hesitate to contact me by email at DanielT@dnr.sc.gov or by phone at 803.734.3766.

Sincerely,

Tom Daniel

Inland Project Manager, Office of Environmental Programs

South Carolina Department of Natural Resources

1000 Assembly Street, PO Box 167

Columbia, SC 29202

Office: 803-734-3766

Mobile: 803-240-4826

danielt@dnr.sc.gov

www.dnr.sc.gov/environmental



Empowering South Carolinians to *Live Life Outdoors*

DISCLAIMER: This email is submitted to speak to the general impacts of the activities as described through inquiry by parties outside the South Carolina Department of Natural Resources. These technical comments are submitted as guidance to be considered and are not submitted as final agency comments that might be related to any unspecified local, state or federal permit, certification or license applications that may be needed by any applicant or their contractors, consultants or agents presently under review or not yet made available for public review. In accordance with its policy 600.01, Comments on Projects Under Department Review, the South Carolina Department of Natural Resources, reserves the right to comment on any permit, certification or license application that may be published by any regulatory agency which may incorporate, directly or by reference, these technical comments.

Marks, Justin J.

From: Tom Daniel <DanielT@dnr.sc.gov>
Sent: Monday, October 24, 2022 3:57 PM
To: Marks, Justin J.
Subject: RE: South Carolina Central Railroad Company, LLC - Abandonment Exemption - in Darlington County. SC

[External Message]

Mr. Marks,

The South Carolina Department of Natural Resources has reviewed your request for an amended version of our previous comments. After further review, the SCDNR finds that the previous recommendation to restore the lines to pre-construction contours applies primarily to the more naturalized/grassed segment of Track 3 that lies to the west of N. 3rd Street and south of Sonoco Rd (from 34.383582, -80.070996 to approximately 34.383917, -80.076098). Much of Track 3 appears to already be at grade; simply removing the lines, ties, and other structures should be sufficient to reestablish pre-construction contours. Minimal grading and revegetation would then be required to restore this area to a more natural condition.

The SCDNR does not object to the abandonment of the remaining lines which transect existing or future industrial areas. Therefore our agency rescinds the recommendation to restore said lines to pre-construction contours. Additionally, because leaving the remaining lines in-place would preclude the need for revegetation, replanting those areas would not be necessary as no ground disturbance would be associated with the reclamation activity.

Thank you for the opportunity to provide additional comments on this matter. Please let me know if you have any questions or need more information.

Kind regards,

Tom Daniel

Inland Project Manager, Office of Environmental Programs
South Carolina Department of Natural Resources
1000 Assembly Street, PO Box 167
Columbia, SC 29202
Office: 803-734-3766
Mobile: 803-240-4826
danielt@dnr.sc.gov
www.dnr.sc.gov/environmental



Empowering South Carolinians to *Live Life Outdoors*

From: Marks, Justin J. <jmarks@ClarkHill.com>
Sent: Wednesday, October 12, 2022 3:08 PM

To: Tom Daniel <DanielT@dnr.sc.gov>

Subject: RE: South Carolina Central Railroad Company, LLC - Abandonment Exemption - in Darlington County. SC

Mr. Daniel:

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- 1) SCRF does not think it is reasonable to expect SCRF to restore the lines to be abandoned to pre-construction contours because the area surrounding this rail line is industrial. It appears that a predecessor owner acquired the land for construction in 1910. SCRF did not acquire this line until 1987 after it was built and the surrounding area was developed for industrial purposes. Considering that this area's present and future use is industrial, SCRF does not believe that it is a reasonable requirement to restore the rail line to pre-construction contours, whatever those may have been in 1910.
- 2) SCRF also does not believe that it is reasonable to impose a requirement that disturbed areas be permanently stabilized with vegetative cover because of its location in an industrial area. As stated in SCRF's Environmental and Historic Report, SCRF intends to transfer the right-of-way to the neighboring property owner, Sonoco. Although, I am unaware of Sonoco's specific plans, Sonoco submitted a letter in support of the abandonment to the STB stating that the abandonment "will allow Sonoco to acquire property related to the line which will facilitate redevelopment of the facility for a commodity that does not require rail service." Since Sonoco intends to redevelop the facility, it does not appear that SCDNR's proposed requirement to stabilize and vegetate the property is appropriate in this instance since Sonoco intends to use the property for industrial purposes.

Considering the circumstances of this abandonment, SCRF would appreciate it if SCDNR would either revoke its requirements or suggest new requirements that more reasonably reflect the future use of the rail line to be abandoned.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004

+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)

jmarks@clarkhill.com | www.clarkhill.com

From: Marks, Justin J.
Sent: Wednesday, July 13, 2022 1:05 PM
To: Tom Daniel <DanielT@dnr.sc.gov>
Subject: RE: South Carolina Central Railroad Company, LLC - Abandonment Exemption - in Darlington County. SC

Mr. Daniel:

Thank you for your email. The South Carolina Central Railroad Company, LLC (SCRF) did not originally construct the line to be abandoned. The property underlying the line subject to the abandonment was first acquired by a predecessor railroad owner in 1910. SCRF acquired the line in 1987 from CSX Transportation and its tracks have most recently served the Sonoco Products Company. Following the abandonment, after SCRF conducts salvage, it will transfer the right-of-way to Sonoco. To SCRF's knowledge, Sonoco intends to develop the property consistent with its construction plans to develop the right-of-way for non-common carrier rail use.

Nevertheless, I have incorporated your comments in an Environmental and Historical Report to be provided to you and submitted to the Surface Transportation Board.

Thank you,

Justin

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004
+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)
jmarks@clarkhill.com | www.clarkhill.com

From: Tom Daniel <DanielT@dnr.sc.gov>
Sent: Thursday, June 23, 2022 12:13 PM
To: Marks, Justin J. <jmarks@ClarkHill.com>
Subject: South Carolina Central Railroad Company, LLC - Abandonment Exemption - in Darlington County. SC

[External Message]

Dear Mr. Marks,

The SCDNR offers no objection to the proposed project provided that all rail and ties are removed from the site and that the area is restored to pre-construction contours. Furthermore, the SCDNR recommends that disturbed areas be permanently stabilized with vegetative cover consisting of native species appropriate for the ecoregion.

Thank you for the opportunity to review this project and provide comments. Should you have any questions or need more information, please do not hesitate to contact me by email at DanielT@dnr.sc.gov or by phone at 803.734.3766.

Sincerely,

Tom Daniel

Inland Project Manager, Office of Environmental Programs
South Carolina Department of Natural Resources
1000 Assembly Street, PO Box 167
Columbia, SC 29202
Office: 803-734-3766
Mobile: 803-240-4826
danielt@dnr.sc.gov



Empowering South Carolinians to *Live Life Outdoors*

DISCLAIMER: This email is submitted to speak to the general impacts of the activities as described through inquiry by parties outside the South Carolina Department of Natural Resources. These technical comments are submitted as guidance to be considered and are not submitted as final agency comments that might be related to any unspecified local, state or federal permit, certification or license applications that may be needed by any applicant or their contractors, consultants or agents presently under review or not yet made available for public review. In accordance with its policy 600.01, Comments on Projects Under Department Review, the South Carolina Department of Natural Resources, reserves the right to comment on any permit, certification or license application that may be published by any regulatory agency which may incorporate, directly or by reference, these technical comments.

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Correspondence Regarding Condition 4
South Carolina State Historic Preservation Office



July 28, 2022

Justin J. Marks
Attorney at Law
Clark Hill
jmarks@clarkhill.com

Re: South Carolina Central Railroad Company, LLC – Abandonment Exemption for
Approximately 2-Miles of Rail Line Over 6 Rail Lines Serving the Sonoco
Products Company, Environmental/Historic Report
Hartsville, Darlington County, South Carolina
SHPO Project No. 22-JS0236

Dear Mr. Marks:

Thank you for your letter of July 13, 2022, which we received electronically on July 13, regarding the above referenced proposed undertaking. We also received the Environmental/Historic Report dated July 13, 2022 as supporting documentation for this undertaking. Our office previously provided comments to you on June 9, 2022 regarding the proposed undertaking.

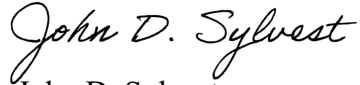
The State Historic Preservation Office (SHPO) is providing comments to the Surface Transportation Board (STB) pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, 36 CFR 800. Consultation with the SHPO is not a substitution for consultation with Tribal Historic Preservation Offices, other Native American tribes including those with state recognition, local governments, or the public.

Based on the description of the undertaking's Area of Potential Effect (APE) and the identification of historic properties within the APE, our office believes that no properties listed in or eligible for listing in the National Register of Historic Places will be affected by this project.

If archaeological materials are encountered during construction, the procedures codified at 36 CFR 800.13(b) will apply. Archaeological materials consist of any items, fifty years old or older, which were made or used by man. These items include, but are not limited to, stone projectile points (arrowheads), ceramic sherds, bricks, worked wood, bone and stone, metal and glass objects, and human skeletal materials. The federal agency or the applicant receiving federal assistance should contact our office immediately.

Please refer to SHPO Project Number 22-JS0236 in any future correspondence regarding this project. If you have any questions, please contact me at (803) 896-6129 or jsylvest@scdah.sc.gov.

Sincerely,

A handwritten signature in black ink that reads "John D. Sylvest". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

John D. Sylvest
Project Review Coordinator
State Historic Preservation Office

cc: STB