

**Before the
SURFACE TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings
June 1, 2021
Part of
Public Record**

STB Docket No. AB 1315X

**NEW ENGLAND CENTRAL RAILROAD, INC.
- ABANDONMENT EXEMPTION - IN FRANKLIN COUNTY, VT**

ENVIRONMENTAL/HISTORIC REPORT

(color copies included)

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*Counsel for New England Central
Railroad, Inc.*

Dated: June 1, 2021

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1315X

NEW ENGLAND CENTRAL RAILROAD, INC.
- ABANDONMENT EXEMPTION - IN FRANKLIN COUNTY, VT

ENVIRONMENTAL/HISTORIC REPORT

New England Central Railroad, Inc. (“NECR” or “Applicant”) will be seeking exemption authority for Applicant to abandon the rail line between approximately Mile Post 0.436 (Railroad Station 23+03) at the south side of Lower Newton Road crossing and extending to Mile Post 0.60 (Railroad Station 31+68) (the “Subject Line”). The Subject Line traverses through United States Postal Service ZIP Code 05478. A map of the Subject Line is attached as Exhibit A.

Applicant plans to seek Surface Transportation Board (“STB”) authorization for the abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR §1152.50 on or after June 21, 2021. This Report is being filed in connection therewith, and in accordance with the requirements of 49 CFR §§1105.7 and 1105.8. To prepare this Report, Applicant consulted with various state and federal agencies as required by the Board’s regulations. *See* the letters attached as Exhibit B. Based on the written responses received by Applicant to-date attached as Exhibit C, Applicant states as follows:

ENVIRONMENTAL REPORT

(49 CFR 1105.7)

1. PROPOSED ACTION AND ALTERNATIVES

NECR is a Class III railroad that operates in Connecticut, Massachusetts, New Hampshire, and Vermont. NECR acquired the Subject Line in 1994 as part of a transaction to

acquire and operate 325 miles of rail line owned by Central Vermont Railway, Inc. (“CV”)¹ Genesee & Wyoming Inc. gained control of NECR in 2012.² The Subject Line is located in St. Albans, Vermont. It is an approximately 865-foot portion of stub-ended rail line known as the Richford Branch. The Richford Branch, at one time extended 10-miles from St. Albans, across the Missisquoi River via a 3-span bridge, to Sheldon Junction. The prior owner of the line – CV– received Interstate Commerce Commission authority to abandon 9.4 miles of the Richford Branch following a 1984 derailment that destroyed a span of the bridge.³ The Subject Line remained following the CV abandonment and last served a customer in approximately May 2005. There is no overhead traffic on the Subject Line. Following the abandonment, NECR plans to sell the Subject Line to the City of St. Albans.

2. EFFECTS ON THE TRANSPORTATION SYSTEM

The abandonment will have no effect on the transportation system because there is no overhead traffic over the Subject Line and the last date of local service to or from the Subject Line was in approximately May of 2005. As such, no traffic will be diverted. Applicant sent a consultation letter regarding the proposed abandonment to the Vermont Agency of Transportation, Rail and Aviation Bureau (“VTrans”). See the letters attached as part of Exhibit B.

3. LAND USE

(i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant consulted with the following

¹ *New England Central Railroad, Inc. – Acquisition and Operation Exemption – Lines Between East Alburgh, VT and New London, CT*, ICC Finance Docket 32432 (served Dec. 9, 1994).

² *Genesee & Wyoming Inc. – Control Exemption – RailAmerica, Inc. et al.* STB Finance Docket 35654 (served Dec. 20, 2012).

³ *The Central Vermont Railway, Inc. – Abandonment Exemption – In Franklin County, VT*, ICC Docket No. AB-174 (Sub-No. 2X)(served Feb. 6, 1990).

agencies regarding the proposed abandonment that may be concerned with land use issues: US Department of Agriculture Natural Resources Conservation Service – Local (“NRCS Local”), US Department of Agriculture Natural Resources Conservation Service – National (“NRCS National”), Environmental Protection Agency Region 1 (“EPA Region 1”), U.S. Army Corps of Engineers New England District Regulatory Office (“ACE”), National Park Service – National (“NPS National”), National Park Service –Region 1 (“NPS Region 1”), U.S. Fish & Wildlife Service – North Atlantic-Appalachian Region (“FWS Local”), National Geodetic Survey, National Oceanic and Atmospheric Administration (“NGS”), VTrans, the Vermont Agency of Natural Resources (“ANR”), City of St. Albans City Manager, Dominic St. Cloud (“St. Albans”).

Copies of these letters are attached as part of Exhibit B. To date, Applicant has only received written responses from the following consulted agencies, copies of which are included as part of Exhibit C:

- ACE responded indicating that a permit is required under Section 10 of the Rivers and Harbors Act and a permit is required under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act to authorize the discharge of dredged and/or fill material into waters of the United States, and wetlands. However, ACE concludes that “Based [on NECR’s consultation] letter and knowledge of the project site it appears that the project will not involve the placement of any temporary or permanent fill within waters of the U.S. to perform the work.”
- NGS responded indicating that its “research of the proposed abandonment area showed no geodetic station markers that would be impacted by the abandonment.”
- ANR responded that it “does not have any concerns” with the abandonment, but provides general information related to railroad ties and waste management.

(ii) Applicant does not believe that the proposed abandonment will have any adverse effect on any prime agricultural land. Consultation notices were sent to the potentially

concerned agencies listed in paragraph 3(i) above, and as indicated, no responses have been received.

(iii) The State of Vermont does not participate in the National Coastal Zone Management Program.

(iv) Applicant believes that the right of way may be suitable for public purposes. Following the abandonment, Applicant intends to sell its interest in the Subject Line to the City of St. Albans.

4. **ENERGY**

The Subject Line serves no overhead traffic, and no local service has been provided to or from the Subject Line since approximately May 2005. As such,

- (i) the proposed abandonment will have no effect on the transportation of energy sources;
 - (ii) the proposed abandonment will have no effect on recyclable commodities;
 - (iii) the proposed abandonment will be no effect on overall energy efficiency;
- and
- (iv) the proposed abandonment will not divert any traffic from rail to motor carriage.

The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(4)(iv).

5. **AIR**

The proposed abandonment will not result in any increases in rail or truck traffic or rail yard activity. The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(5).

6. **NOISE**

Applicant does not believe that the proposed abandonment will result in any increase in noise levels.

7. **SAFETY**

Applicant does not believe that the proposed abandonment will have any adverse effect on public health or safety.

8. **BIOLOGICAL RESOURCES**

(i) Applicant has consulted with the FWS Local, as well as to the following agencies that are potentially concerned with biological resources: ANR, NPS National, NPS Region 1, ACE, NRCS National, and NRCS Local. Copies of these consultation letters are attached as part of Exhibit B. As stated above in section 3(i), Applicant received a response from ACE and ANR. *See* Section 3(i) for the ACE and ANR responses.

(ii) Applicant does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. Consultation letters were sent to the agencies identified in the paragraph 8(i) and Applicant has not received any responses.

9. **WATER**

(i) The proposed abandonment and any salvage will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. Applicant consulted with the agencies identified in paragraph 8(i) and other than the response noted in 9(ii), no agency has responded.

(ii) Applicant sent a consultation letter regarding the proposed abandonment to the U.S. Army Corps of Engineers. A copy of this letter is attached as part of Exhibit B. As

stated above in section 3(i), Applicant received a response from ACE reminding Applicant of federal requirements for the discharge of dredge and/or fill material into waters of the United States, including jurisdictional wetlands and informing Applicant that based on Applicant's consultation letter with ACE and its "knowledge of the project site" that, according to ACE, "it appears that the project will not involve the placement of any temporary or permanent fill within waters of the U.S. to perform the work."

(iii) Applicant does not believe that any Clean Water Act permits will be required. Consultation letters were sent to ANR and EPA. Copies of these letters are attached as part of Exhibit B. As stated above in section 3(i), Applicant received a response from ANR, but ANR does not raise any specific Clean water Act concerns.

10. PROPOSED MITIGATION

Since no adverse environmental impacts are expected, no mitigation is proposed.

11. ADDITIONAL INFORMATION FOR RAIL CONSTRUCTION

Not applicable.

12. CONSULTATION

As shown by the copies of letters attached as Exhibit B, Applicant has consulted with the following agencies: NRCS Local, NRCS National, EPA Region 1, ACE, NPS National, NPS Region 1, FWS Local, NGS, VTrans, ANR, and St. Albans.

13. CERTIFICATIONS

Applicant certifies that:

- (a) It consulted with the agencies listed in 49 CFR 1105.7, as described in paragraph 12 above.

- (b) On this date, it sent copies of this report to each of the agencies consulted as shown on the attached certificate of service.
- (c) Notice of the proposed abandonment was published in the Saint Albans Messenger on May 4, 2021. A copy of the form of notice and the proof of publication are attached as Exhibit D.
- (d) Applicant will not file its verified notice of abandonment until at least twenty (20) days after the consulted agencies have been served with a copy of this report.

HISTORIC REPORT (49 CFR 1105.8)

1. U.S.G.S TOPOGRAPHIC MAP

U.S.G.S. topographic maps showing the location of the proposed abandonment are attached as Exhibit E.

2. DESCRIPTION OF RIGHT OF WAY

Applicant seeks a notice of exemption to abandon the following segment of rail line (the “Subject Line”):

The Subject Line is located primarily on the outskirts of the City of St. Albans – a small rural town – abutting an industrial and commercial area. The right of way is generally 82.5 feet wide. The right of way is crossed by approximately one (1) local roadway.

3. PHOTOGRAPHS OF HISTORIC STRUCTURE(S)

No structures over 50 years old or older (historic) exist on the Subject Line.

4. DATES OF CONSTRUCTION OF HISTORIC STRUCTURE(S)

NECR has no documents that pertain to any structures on the Subject Line which are over 50 years old.

5. HISTORY OF CARRIER OPERATIONS IN THE AREA

NECR is a Class III railroad that operates in Connecticut, Massachusetts, New Hampshire, and Vermont. NECR acquired the Subject Line in 1994 as part of a transaction to acquire and operate 325 miles of rail line owned by Central Vermont Railway, Inc. (“CV”).⁴ Genesee & Wyoming Inc. gained control of the NECR in 2012.⁵ The Subject Line is located in

⁴ *New England Central Railroad, Inc. – Acquisition and Operation Exemption – Lines Between East Alburgh, VT and New London, CT*, ICC Finance Docket 32432 (served Dec. 9, 1994).

⁵ *Genesee & Wyoming Inc. – Control Exemption – RailAmerica, Inc. et al.* STB Finance Docket 35654 (served Dec. 20, 2012).

St. Albans, Vermont. It is an 865-foot portion of stub-ended rail line known as the Richford Branch. The Richford Branch, at one time extended 10-miles from St. Albans, across the Missisquoi River via a 3-span bridge, to Sheldon Junction. The prior owner of the line – CV – received Interstate Commerce Commission authority to abandoned 9.4 miles of the Richford Branch following a 1984 derailment that destroyed a span of the bridge.⁶ The Subject Line remained following the CV abandonment and was used to serve a single customer as industrial track. That customer ceased receiving rail service in approximately May 2005 and its facility was demolished. There is no overhead traffic on the Subject Line.

There have been no rail operations on or over the Subject Line since May 2005.

6. SUMMARY OF STRUCTURE DOCUMENTATION

NECR has no documentation pertaining to any structures over 50 years old.

7. OPINION REGARDING CRITERIA FOR LISTING

Based on readily available information in NECR's possession, NECR does not believe that the Subject Line or right of way represent an historical resource or that any protective conditions are warranted. However, Applicant has given notice of the proposed abandonment to the Vermont Division for Historic Preservation ("SHPO"). The SHPO requested and NECR provided photographs of the Subject Line. The SHPO has stated that the Subject Line is part of "the late 19th century Missisquoi Railroad which is eligible for the National Register of Historic Places." Further, the SHPO suggests "that the abandonment procedures include a provision for review of future work that may alter or impede on that historic rail corridor." NECR has agreed

⁶ *The Central Vermont Railway, Inc. – Abandonment Exemption – In Franklin County, VT*, ICC Docket No. AB-174 (Sub-No. 2X)(served Feb. 6, 1990).

to discuss the SHPO's suggestion. Correspondence with the SHPO is included as part of Exhibit F.

8. ENVIRONMENTAL CONDITIONS

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archeological recovery of resources or the surrounding terrain. Moreover, Applicant intends to transfer its interest of the Subject Line and does not currently plan any salvage work.⁷

Respectfully submitted,



Eric M. Hocky
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(202) 772-0916
jmarks@clarkhill.com

*Counsel for New England Central
Railroad, Inc.*

Dated: June 1, 2021

⁷ If Applicant were to conduct salvage, it would take place within the right of way, would be surface work only and would not disturb subsurface resources.

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT A

MAP



ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT B

CONSULTATION LETTERS

CLARK HILL

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

April 13, 2021

VIA EMAIL AND FIRST-CLASS MAIL

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

Re: New England Central Railroad, Inc. – Abandonment Exemption –
in Franklin County, VT
Surface Transportation Board Docket No. AB 1315X

To Whom it May Concern:

This letter is to advise you that New England Central Railroad, Inc. (“NECR”) intends to file a notice for exemption for NECR to abandon the following segment of rail line (the “Subject Line”): Between approximately Mile Post 0.436 (Railroad Station 23+03) at the south side of Lower Newton Road crossing and extending to Mile Post 0.60 (Railroad Station 31+68). The Subject Line traverses through United States Postal Service ZIP Code 05478. A map of the Subject Line is attached as Exhibit A.

NECR plans to seek Surface Transportation Board (“STB”) authorization for the abandonment of the Subject Line through a notice of exempt abandonment pursuant to the provisions of 49 CFR § 1152.50 on or after May 27, 2021 in STB Docket No. AB 1315X.

Based upon information in NECR’s possession, the Subject Line does not contain federally granted rights of way. NECR intends to salvage the rail and ties. Following the abandonment, NECR intends to transfer the property to the City of St. Albans for public use. NECR believes that the abandonment will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

We would appreciate an expression from you by May 4, 2021 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). If you have any questions about the railroad’s proposal or if you need assistance in this matter, please call me at (202) 772-0916.

April 13, 2021
Page 2

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks
*Counsel to the New England Central Railroad,
Inc.*

Enclosure



Agency List for Consultation Letters – Environmental

Ms. Vicky Drew, State Conservationist USDA Natural Resources Conservation Service Vermont State Office 356 Mountain View Drive, Suite 105 Colchester, VT 05446 Vicky.drew@usda.gov	Environmental Protection Agency New England, Region 1 5 Post office Squire – Suite 100 Boston, MA 02109-3912 r1web.mail@epa.gov
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corp of Engineers New England District Regulatory Office 11 Lincoln Street, Room 210 Essex Junction, Vermont 05452 gregory.r.penta@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	National Park Service Region 1 1234 Market Street 20th Floor Philadelphia, PA 19107
U.S. Fish & Wildlife Service North Atlantic-Appalachian Region Regional Director's Office 300 Westgate Center Dr. Hadley, MA 01035-9587 Northeast@fws.gov	National Geodetic Survey ngs.infocenter@noaa.gov
Vermont Agency of Natural Resources One National Life Drive Davis 2 Montpelier, VT 05620-0501	Mr. Dan Delabruere Rail and Aviation Bureau Director Vermont Agency of Transportation 219 N. Main Street Barre, VT 05641 Daniel.delabruere@vermont.gov
Dominic St Cloud City Manager, City of St Albans P.O. Box 867 100 N. Main Street St Albans, VT 05478 d.cloud@stalbansvt.com	

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT C

AGENCY RESPONSES

Marks, Justin J.

From: Adams, Michael S CIV USARMY CENAE (USA) <Michael.S.Adams@usace.army.mil>
Sent: Tuesday, April 13, 2021 3:42 PM
To: Marks, Justin J.
Subject: RE: Environmental Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

[External Message]

Mr. Marks,

This is in reference to New England Central Railroads proposal to abandon a segment of rail line from Mile Post 0.436 at the south side of Lower Newton Road crossing and extending to Mile Post 0.60 in St. Albans, Vermont. The work will involve the removal of the rail and ties.

A permit is required under Section 10 of the Rivers and Harbors Act for all work waterward of ordinary high water in navigable waters of the United States. In New England, for purposes of Section 10, navigable waters of the United States are those subject to the ebb and flow of the tide and a few of the major waterways, such as Lake Champlain, which were used to transport interstate or foreign commerce.

Permits are also required under Section 404 of the Clean Water Act for discharges of dredged or fill material into all waters of the United States, including navigable waters, inland rivers, lakes, streams, and wetlands, as well as the excavation/grading within these waters/wetlands. On the coastline, our jurisdiction extends landward to the high tide line (i.e., the highest predictable tide) or to the landward limit of any wetlands, whichever is more extensive. In interior waters, our jurisdiction extends landward to the ordinary high water mark or to the landward limit of most wetlands, whichever is more extensive.

Based on your letter and knowledge of the project site it appears that the project will not involve the placement of any temporary or permanent fill within waters of the U.S. to perform the work. If this changes and work will be performed within waters of the U.S. a permit may be required and you should contact the Corps before starting work.

Thank you for the opportunity to comment.

Best Regards,

Mike

Michael S. Adams
Senior Project Manager
U.S. Army Corps of Engineers
New England District
11 Lincoln Street, Room 210
Essex Junction, Vermont 05452
Office: (802) 872-2893 OR (978) 318-8485
Cell: (802) 881-8930

In order for us to better serve you, we would appreciate your completing our Customer Service Survey located at <https://regulatory.ops.usace.army.mil/customer-service-survey/>

From: Marks, Justin J. <jmarks@ClarkHill.com>
Sent: Tuesday, April 13, 2021 2:52 PM

To: Penta, Gregory R CIV USARMY CENAE (USA) <Gregory.R.Penta@usace.army.mil>
Cc: Adams, Michael S CIV USARMY CENAE (USA) <Michael.S.Adams@usace.army.mil>
Subject: [Non-DoD Source] RE: Environmental Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

Thank you.

Justin J. Marks

CLARK HILL PLC

1001 Pennsylvania Ave. NW | Washington, DC 20004
202.772.0916 (Direct) | 202.772.0930 (Fax) |
jmarks@ClarkHill.com | www.clarkhill.com

From: Penta, Gregory R CIV USARMY CENAE (USA) <Gregory.R.Penta@usace.army.mil>
Sent: Tuesday, April 13, 2021 2:49 PM
To: Marks, Justin J. <jmarks@ClarkHill.com>
Cc: Adams, Michael S CIV USARMY CENAE (USA) <Michael.S.Adams@usace.army.mil>
Subject: FW: Environmental Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

[External Message]

Hi Justin,

I'm cc'ing Mike Adams, the team lead in our VT Field Office. Mike or his staff will take it from here.

Thanks,
Greg

Greg Penta || Policy and Technical Support Branch, Regulatory Division || U.S. Army Corps of Engineers, New England District || 696 Virginia Road || Concord, MA 01742-2751 || gregory.r.penta@usace.army.mil || (978) 318-8862

From: Marks, Justin J. <jmarks@ClarkHill.com>
Sent: Tuesday, April 13, 2021 2:32 PM
To: Vicky.drew@usda.gov; r1web.mail@epa.gov; Penta, Gregory R CIV USARMY CENAE (USA) <Gregory.R.Penta@usace.army.mil>; Northeast@fws.gov; ngs.infocenter@noaa.gov; Daniel.delabruere@vermont.gov; d.cloud@stalbandsvt.com
Subject: [Non-DoD Source] Environmental Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

Good afternoon:

Please find the attached consultation letter to inform you of the New England Central Railroad, Inc.'s intention to seek authority to abandon a segment of rail line in Franklin County, VT.

Thank you,

Justin J. Marks

CLARK HILL PLC

1001 Pennsylvania Ave. NW | Washington, DC 20004

202.772.0916 (Direct) | 202.772.0930 (Fax) |
jmarks@ClarkHill.com | www.clarkhill.com

Marks, Justin J.

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Tuesday, April 20, 2021 6:59 PM
To: Marks, Justin J.
Subject: [JIRA] (IMOV-7892) Environmental Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

[External Message]

A comment is added on your issue:

Re: Environmental Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

Good Evening Atty. Marks,

Our research of the proposed abandonment area showed no geodetic station markers that would be impacted by the abandonment.

Regards,

Deborah Brooks
NGS Infocenter
301-713-3242

National Geodetic Survey

Marks, Justin J.

From: Zaikowski, John <John.Zaikowski@vermont.gov>
Sent: Tuesday, May 4, 2021 3:57 PM
To: Marks, Justin J.
Subject: New England Central Railroad, Inc. Abandonment, STB Docket No. AB 1315X
Attachments: 20210420123059244.pdf

[External Message]

Attorney Marks, the Vermont Agency of Natural Resources (ANR) received your letter dated April 13, 2021. It was not clear how or in what method to respond back with comments, so my hope is that this email will suffice. On behalf of ANR I provide the following:

ANR has reviewed your letter dated April 13, 2021 (attached). Based on the information provided in the letter and attached map, railroad ties themselves could be hazardous waste if they contain enough preservative chemicals. If so, they should be managed in accordance with applicable requirements. Below is a link to ANR's fact sheet on managing treated wood waste:

https://dec.vermont.gov/sites/dec/files/ead/documents/FactSheets/woodwaste_fs.pdf

If there is to be any soil work conducted or any soil disposal, New England Central Railroad, Inc. will need to contact ANR's Department of Environmental Conservation, Sites Management Section in advance to discuss the anticipated work. All other waste generated from the abandonment process must also be managed appropriately in accordance with applicable federal and state requirements. Provided all materials and waste are managed appropriately, ANR does not have any concerns with this project. This does not relieve New England Central Railroad, Inc. from complying with any other federal, state, or local requirements that may be triggered as part of the abandonment process.

If you have any questions or wish to discuss further, please let me know. Thanks,

John.



John Zaikowski, Esq. | Enforcement & Litigation Section Chief
Vermont Agency of Natural Resources
Office of General Counsel, Enforcement & Litigation Section
1 National Life Dr, Davis 2 | Montpelier, VT 05620-3901
802-522-5438 (office)
john.zaikowski@vermont.gov
<http://anr.vermont.gov/>

Due to the coronavirus (COVID-19), the Agency of Natural Resources is taking additional safety measures to protect our employees, partners and customers. We anticipate we will be working remotely until at least May 31, 2021 and encourage you to communicate electronically or via phone to the greatest extent possible. Thank you for your patience and understanding that responses may occasionally be delayed.

This email message from the Vermont Agency of Natural Resources Office of General Counsel is intended only for the individual(s) to which it is addressed. This message may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you received this email by accident, please notify the sender immediately and destroy this email and all copies of it.

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT D

NEWSPAPER NOTICE

SAINT ALBANS MESSENGER

STATE OF VERMONT

DOCKET # AB 1315X

IN RE: NOTICE OF INTENT TO ABANDON RAIL SERVICE

AFFIDAVIT OF PUBLICATION

NOW COMES Rachel Hayes, an employee of St. Albans Messenger
deposes and says that the attached LEGAL NOTICE was published in the St Albans
Messenger, a newspaper of general circulation in St. Albans, Vermont on May 4, 2021.

By: R. Hayes

Dated: May 6th, 2021

Subscribed and sworn to before me under pains of perjury this 6th day of
May, 2021.



Ben Letourneau
Notary Public

Printed Name: Ben Letourneau

My Commission Expires: 01/31/23

Classifieds

Contact us to get a free quote or place an ad!

802.524.9771 x117 or 122
classifieds@samessenger.com

www.samessenger.com fax: 802.527.1948
281 North Main Street, St. Albans VT 05478

FREE Listing \$100 or Less

SOMETIMES ERRORS OCCUR. After placing an ad, it is your responsibility to check your ad on the first day of publication for any errors. Refunds are not issued for classified ads, but if notification is given to our department after the first day of publication, we will run your corrected ad for one extra day. We will not be responsible for more than one incorrect publication of each ad. Paid advertisement will take priority over free listings.

**NEED SOME HELP
WRITING YOUR
CLASSIFIED?**

**CALL US AND WE WILL
HELP WRITE YOUR AD &
DESIGN IT FOR FREE**

DEADLINES

Monday Noon Friday
Tuesday Noon Monday
Wednesday Noon Tuesday
Thursday Noon Wednesday
Friday & Saturday Noon Thursday
For display ads or ads requiring a proof please allow us extra time.

Employment and Legals



EMPLOYMENT

Genesee & Wyoming is hiring for a crew caller in St. Albans with a starting rate of \$21/hr with full benefits, please apply directly at www.gwrr.com/careers

Loader Operator/Plant Maintenance. 50 hours per week, salary dependent on experience, earn sick time and vacation time while working. Call 802-752-6067 for more info.



LEGALS

NOTICE OF TAX SALE

The resident and non-resident owners, lien holders and mortgagees of lands in the Town of Fletcher, in the County of Franklin and State of Vermont, are hereby notified that the taxes assessed by such town for the fiscal years 2019-2020 remain, either in whole or in part, unpaid on the following described lands in such town, to wit:

PARCEL 3: Being a parcel of land containing 0.14 acres, more or less, with all improvements thereon, located at 143 Fairfield Road in the Town of Fletcher and being a portion of the lands

and premises conveyed to **Hugh Lancaster and Eva H. Lancaster** by Quitclaim Deed of Leslie Black dated March 9, 1981, of record at Volume 36, Page 196 of the Town of Fletcher Land Records.

PARCEL 4: Being a parcel of land containing 20.34 acres, more or less, with improvements thereon, located at 4779 Pond Road in the Town of Fletcher; and being all and the same lands and premises conveyed to **James McGregor** by Warranty Deed of Patricia Mathis dated August 4, 1987, of record in Volume 41 at Page 331 of the Town of Fletcher Land Records.

and so much of such lands will be sold at a public auction in front of the Town Clerk's Office in the Town of Fletcher, a public place in such town, on the 20th day of May, 2021, at 2:30 o'clock p.m., as shall be requisite to discharge such taxes with costs and fees, unless previously paid.

Information regarding the amount of taxes due may be obtained through Chad V. Bonanni, Esquire, Attorney for the Tax Collector, Fred Fletcher, at (802) 879-6304. DATED at Fletcher, Vermont, this 6th day of April, 2021.

/s/ FRED FLETCHER,
TAX COLLECTOR
FOR THE TOWN OF FLETCHER

Notice of Intent To Abandon Rail Service

New England Central Railroad, Inc. gives notice that on or about May 27, 2021, it intends to file with

GEMS

Georgia Elementary & Middle School

CUSTODIAL POSITION Full - Time

Georgia Elementary and Middle School is looking to fill a full time Custodial position for the evening shift.

If you are interested, please call Tod Granger at

802-849-0713

for more information and an application.

FWSU

Fletcher Elementary & Middle School

CUSTODIAL POSITION Full - Time

Fletcher Elementary and Middle School is looking to fill a full time Custodial position. If you are interested, please call Tod Granger at

802-849-0713

for more information and an application.

BFA FAIRFAX

CUSTODIAL POSITION Full - Time

BFA Fairfax School is looking to fill a full time Custodial position for the evening shift. If you are interested,

please call Tod Granger at

802-849-0713

for more information and an application.



PART-TIME POSITION OPENING ADMINISTRATIVE ASSISTANT

Town of Swanton

The Town of Swanton is seeking qualified applicants for office clerical work including typing and filing and for minute taking at municipal board meetings among other duties. This is a part-time position with no benefits. Pay rate will be commensurate with experience and skills.

For a detailed job description and application form, see the EMPLOYMENT page of the Town of Swanton website:

<https://townofswantonvermont.weebly.com/employment-volunteers.html>

The application deadline and instructions on how to apply are provided on the Town website.
Questions may be directed to Town Administrator David Jescavage by calling 868-7418.



MILTON SCHOOL DISTRICT JOB OPENINGS

Milton Town School District is seeking highly qualified candidates to fill the following openings. With full benefits.

Special Needs Programming Specialists (FY 21 Only)

Behavior Interventionists (FY 21 Only)

Paraprofessionals (FY 21 Only)

Non-Instructional Aides (Full + Part-time, FY 21 Only)

Food Service Personnel

Custodians

Daily Substitute Teachers and Support Staff - No Benefits

Apply online through SchoolSpring.com, or email tmazza@mymtsd-vt.org or mail in with all application materials that include your cover letter, resume, transcripts, and three letters of reference.

"All offers of employment are not binding until the approval by the School Board Trustees"

Equal Opportunity Employee

Milton Town School District is committed to maintaining a work and learning environment free from discrimination on the basis of race, color, religion, national origin, pregnancy, gender identity, sexual orientation, marital/civil union status, ancestry, place of birth, age, citizenship status, veteran status, political affiliation, genetic information or disability, as defined and required by state and federal laws. Additionally, we prohibit retaliation against individuals who oppose such discrimination and harassment or who participate in an equal opportunity investigation.

Contact Information

Terry Mazza, Human Resources Director

12 Bradley St., Milton, VT 05468

802-893-5304 | FAX: 802-893-3020 | Email: tmazza@mymtsd-vt.org

Employment and Legals

NOTICE OF INTENT TO APPLY HERBICIDES

The New England Central Railroad will spray portions of its right-of-way for weed control. Spray will be conducted by a Vermont-certified herbicide applicator starting on or about approximately **May 15, 2021**, and will be limited to areas in accordance with the herbicide application permit. A request for permission to use herbicides has been submitted to the State of Vermont Commissioner of Agriculture.

Spraying will be conducted in the following towns in Vermont: **Putney, Dummerston, Brattleboro, Vernon, Alburgh, Swanton, St. Albans, Georgia, Jericho, Williston, Milton, Colchester, Essex Town, Essex Junction Village, Winooski, Burlington, Richmond, Bolton, Duxbury, Waterbury, Middlesex, Montpelier, Berlin, Northfield, Roxbury, Granville, Braintree, Randolph, Bethel, Royalton, Sharon, Hartford, Hartland, Windsor, Rockingham, Bellows Falls, Westminster.**

The following herbicides will be applied in liquid form: **Lock Down SC, Opensight, Razor Xtreme, and Spyder Extra.**

Residents along the right-of-way who have private water supplies or other sensitive areas should be protected from this herbicide application. Residents must notify the following contact person about the existence of these features: **Wendy Shellito Project Scientist, Waite-Heindel Environmental Management, Burlington, VT (802-860-9400 x103).**

For further information or complaints, contact the Vermont Department of Agriculture, Food & Markets, 116 State Street, Montpelier, VT, phone (802) 828-2430.

the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to permit the abandonment of an 866-foot segment of railroad line between approximately Mile Post 0.436 (Railroad Station 23+03) at the south side of Lower Newton Road and crossing and extending to Mile Post 0.60 (Railroad Station 31+68) in St. Albans, VT, traversing through United States Postal Service ZIP Code 05478. The proceeding will be docketed as No. AB 1315X. 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 Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0245.

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 Office of Proceedings either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' 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: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; (202) 772-0916; jmarks@clarkhill.com.

**STATE OF VERMONT
VERMONT
SUPERIOR COURT
FRANKLIN UNIT,
CIVIL DIVISION
DOCKET NO:
299-8-18 FRCV
WELLS FARGO BANK,
N.A.
v.
JEREMY LAMBERT
AND ELIZABETH LAMBERT
OCCUPANTS OF:
165 North River Street,
Swanton VT
MORTGAGEE'S
NOTICE OF
FORECLOSURE
SALE OF REAL
PROPERTY UNDER
12 V.S.A. sec 4952 et
seq.**

In accordance with the Judgment Order and Decree of Foreclosure entered October 22, 2019 in the above captioned action brought to foreclose that certain mortgage given by Jeremy Lambert and Elizabeth Lambert to Mortgage Electronic Registration Systems, Inc., as nominee for Academy Mortgage Corporation, dated October 24, 2013 and recorded in Book 313 Page 61 of the land records of the Town of Swanton, of which mortgage the Plaintiff is the present holder, by virtue of an Assignment of Mortgage from Mortgage Electronic Registration Systems, Inc., as nominee for Academy Mortgage Corporation to Wells Fargo Bank, NA, dated September 4, 2014 and recorded in Book 320 Page 581 of the land records of the Town of Swanton, for breach of the conditions of said mortgage and for the purpose of foreclosing the same

will be sold at Public Auction at 165 North River Street, Swanton, Vermont on May 17, 2021 at 10:30 AM all and singular the premises described in said mortgage,

To wit:

Being all and the same land and premises conveyed to Jeremy Lambert and Elizabeth Lambert by Warranty Deed of Barbara Quilliam-West, dated October 24, 2013 and to be recorded in the Land Records of the Town of Swanton.

Being all and the same land and premises conveyed to Robert C. Chaperon and Barbara A. Chaperon, n/k/a Barbara Quilliam-West, by Warranty Deed of Clyde S. Mercier, Jr., dated April 17, 1990 and recorded April 18, 1990 in Volume 112 at Page 324 of the Land Records of the Town of Swanton.

The interest of Robert C. Chaperon was conveyed to Barbara A. Chaperon (n/k/a Barbara Quilliam-West) by Quit Claim Deed dated November 6, 2002 and recorded November 13, 2002 in Volume 185 at Pages 568-569 of the Land Records of the Town of Swanton.

A Certificate of Name Change from Barbara A. Chaperon to Barbara Quilliam-West, dated October 4, 2010 is of record in Volume 279 at Page 170 of the Land Records of the Town of Swanton.

Being all and the same land and premises conveyed to Clyde S. Mercier, Jr. by Warranty Deed of Richard A. Rushlow and Ruth E. Rushlow, dated June 17, 1963 and recorded the same date in Volume 76 at Page 64 of the Land Records of the Town of Swanton. Being a certain parcel of land with dwelling located on the westerly side of the highway running between Swanton Village and the Missisquoi Bay Bridge, and more particularly described as follows: Commencing at the southeasterly corner of land now or formerly owned by Charles A. Cline and

wife in the westerly line of the highway and running southerly along the highway a distance of 125 feet; thence turning an angle and running westerly in a straight line 300 feet; thence turning and running northerly parallel with said highway 125 feet; thence turning and running easterly 300 feet to the point of beginning.

Also included is a membership in the North River Road Water Association of Swanton, Vermont.

To said deed, the records thereof, and to the deeds and records referred to therein, reference is hereby made in further aid of this description. Reference is hereby made to the above instruments and to the records and references contained therein in further aid of this description.

Terms of sale: Said premises will be sold and conveyed subject to all liens, encumbrances, unpaid taxes, tax titles, municipal liens and assessments, if any, which take precedence over the said mortgage above described.

TEN THOUSAND (\$10,000.00) Dollars of the purchase price must be paid by a certified check, bank treasurer's or cashier's check at the time and place of the sale by the purchaser. The balance of the purchase price shall be paid by a certified check, bank treasurer's or cashier's check within sixty (60) days after the date of sale.

The mortgagor is entitled to redeem the premises at any time prior to the sale by paying the full amount due under the mortgage, including the costs and expenses of the sale. Other terms to be announced at the sale.

DATED: April 9, 2021

By: /s/ Loraine L. Hite
Loraine L. Hite, Esq.
Bendett and McHugh, PC
270 Farmington Ave., Ste. 151
Farmington, CT 06032



Hiring Dump Truck Driver - CDL A.

Looking for a flexible and versatile driver ASAP. Our team takes pride in our work and it shows! Looking for candidates in Northern Vermont. Please contact Melissa at:

**802.503.4565
jobs@ccvt.net
courtlandconstruction.com
#Undergroundsince2005**

Courtland Construction Corp. is a Milton-based Equal Opportunity Employer offering competitive pay, paid holidays, paid time off and retirement plan.

Summer programs and camps are hiring!

Love working with children and youth? Summer programs and camps across Vermont are hiring for full and part-time positions. Help youth reconnect, recharge, and have fun! Teens, college students, educators, and anyone seeking a seasonal job are welcome to apply. Programs are especially keen to hire energetic, responsible, creative people who have diverse skills to share. Most jobs are in-person, and employers carefully follow COVID-19 safety protocols and health guidance.

Visit www.VermontAfterschool.org/Recruit to indicate your interest in applying for an open position near you.



**Vermont
Afterschool**

Types of roles include:

- Camp counselor
- Enrichment activity leader
- Outdoor education instructor
- Specialized tutor
- Certified lifeguard
- And more!

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT E

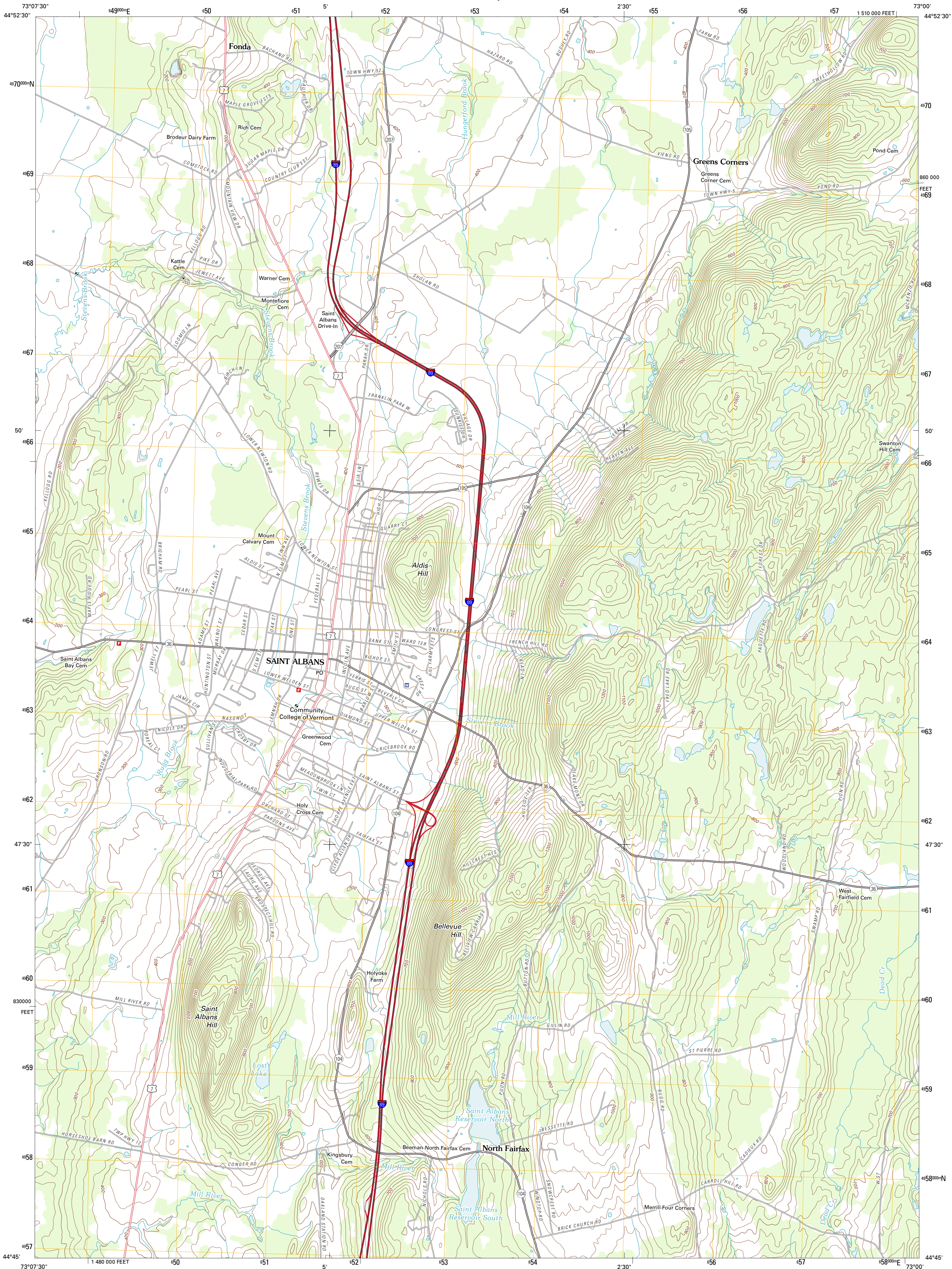
TOPOGRAPHICAL MAPS



U.S. DEPARTMENT OF THE INTERIOR
U. S. GEOLOGICAL SURVEY

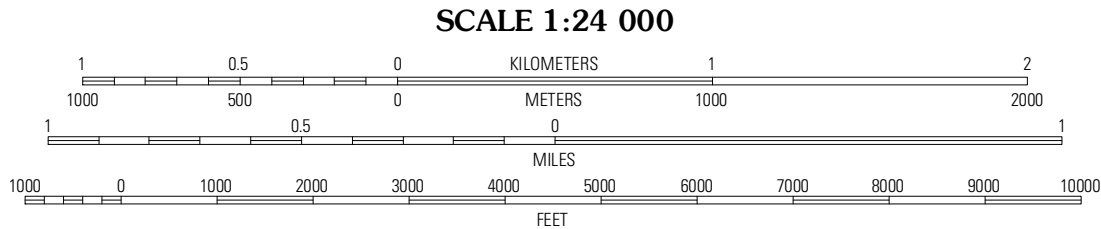
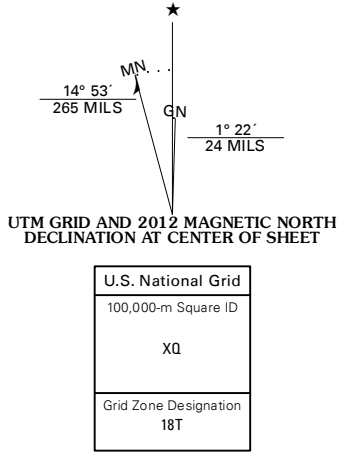


SAINT ALBANS QUADRANGLE
VERMONT-FRANKLIN CO.
7.5-MINUTE SERIES



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 18T
10 000-foot ticks: Vermont Coordinate System of 1983

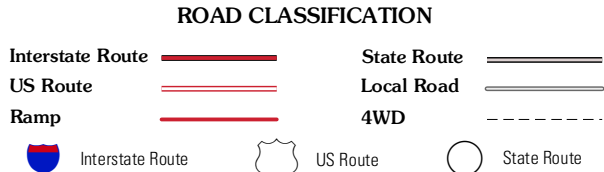
Imagery.....NAIP, August 2011
Roads.....©2006-2011 TomTom
Names.....GNIS, 2011
Hydrography.....National Hydrography Dataset, 2011
Contours.....National Elevation Dataset, 2011
Boundaries.....Census, IBWC, IBC, USGS, 1972 - 2010



CONTOUR INTERVAL 20 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.2



East Albany	Highgate Center	Sheldon Springs
Saint Albans Bay	Saint Albans	Fairfield
Georgia Plains	Milton	Gilston Mountain



SAINT ALBANS, VT
2012

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT F

SHPO CORRESPONDENCE

CLARK HILL

Justin J. Marks
T 202.772.0916
F 202.772.0930
Email: jmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

April 13, 2021

Via e-mail

Vermont Division for Historic Preservation
One National Life Drive
Deane C. Davis Building, 6th Floor
Montpelier, VT 05620-0501

ACCD.projectreview@vermont.gov

Re: New England Central Railroad, Inc. – Abandonment Exemption –
in Franklin County, VT
Surface Transportation Board Docket No. AB 1315X

To Whom it May Concern:

This letter is to advise you that New England Central Railroad, Inc. (“NECR”) intends to file a notice for exemption for NECR to abandon the following segment of rail line (the “Subject Line”): Between approximately Mile Post 0.436 (Railroad Station 23+03) at the south side of Lower Newton Road crossing and extending to Mile Post 0.60 (Railroad Station 31+68). The Subject Line traverses through United States Postal Service ZIP Code 05478. A map of the Subject Line is attached as Exhibit A.

NECR plans to seek Surface Transportation Board (“STB”) authorization for the abandonment of the Subject Line through a notice of exempt abandonment pursuant to the provisions of 49 CFR § 1152.50 on or after May 27, 2021 in STB Docket No. AB 1315X.

Based upon information in NECR’s possession, the Subject Line does not contain federally granted rights of way. NECR intends to salvage the rail and ties. Following the abandonment, NECR intends to transfer the property to the City of St. Albans for public use. NECR believes that the abandonment will not have a significant effect upon historical resources.

In advance of preparing a historical report as required by applicable STB regulations, we are consulting with you as to any concerns which they may have as to historical effects of the proposed abandonment.

April 13, 2021
Page 2

We would appreciate an expression from you by May 4, 2021 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon historical resources (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks
*Counsel to the New England Central Railroad,
Inc.*

Enclosure



Marks, Justin J.

From: Marks, Justin J.
Sent: Tuesday, June 1, 2021 4:12 PM
To: Peebles, Elizabeth
Subject: RE: Historic Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

Good afternoon Elizabeth:

I spoke with my client – NECR – to arrange a time to discuss NECR's proposed abandonment. We think a call would help facilitate this process, thank you for suggesting. We would like to try and include the City of St. Albans and hopefully the Vermont Transportation Agency in any conversation because the City and VTTrans are the entities that will be the ones to potentially utilize the right-of-way in the future. NECR is reaching out to the City regarding the rail line. Once the City's and State's plans crystallize, I think we should arrange a call.

In the meantime, I intend to file an environmental/historical report with the STB today. I will follow with an email that contains a link to that report. One item I'd like to clarify from your email below is that this proposed abandonment does not stretch all of the way to any NECR rail yards and as such the environmental/historical review of the rail line to be abandoned is limited to the segment identified in our previous letter/emails and the environmental/historical report.

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: Peebles, Elizabeth <Elizabeth.Peebles@vermont.gov>
Sent: Friday, May 28, 2021 12:12 PM
To: Marks, Justin J. <jmarks@ClarkHill.com>
Subject: RE: Historic Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

[External Message]

Justin,

Thank you for the photographs. This rail segment is part of the late 19th century Missisquoi Railroad which is eligible for the National Register of Historic Places. Our project review team has discussed this proposed abandonment and recommends that the most significant feature of this rail segment is the corridor alignment which is the connection of the Missisquoi Railroad, now known as the Missisquoi Valley Rail Trail, to the St Albans rail yards.

To that end we suggest that the abandonment procedures include a provision for review of future work that may alter or impede on that historic rail corridor. Can we find a time to discuss what might be a reasonable way to include this consideration in the process?

The federal Advisory Council on Historic Preservation has a guidance document that may be helpful for this discussion <https://www.achp.gov/digital-library-section-106-landing/guidance-use-real-property-restrictions-or-conditions-section#:~:text=The%20Section%20106%20regulations%20state,36%20C.F.R.>

Elizabeth Peebles | Historic Resources Specialist

Vermont Division for Historic Preservation

1 National Life Drive, Davis Bldg, 6th Floor | Montpelier, VT 05620-0501

802.505.1147

elizabeth.peebles@vermont.gov

<http://accd.vermont.gov/historic-preservation>

Please take our State Plan Survey: https://www.surveymonkey.com/r/VDHP_StatePlan

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

Sent: Thursday, May 20, 2021 2:24 PM

To: Peebles, Elizabeth <Elizabeth.Peebles@vermont.gov>

Cc: Basque, Yvonne <Yvonne.Basque@vermont.gov>

Subject: RE: Historic Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Hi Elizabeth:

I added three more photos to the pdf that I sent you yesterday. Upon closer inspection, it appears that although the crossing is gone, some of the rail appears to remain. It seems to be covered by dirt/grass and in one spot a tree.

Page 3 is a view of the beginning of the abandonment looking south toward the line that will remain active.

Page 6 is looking north – it appears that there is a tree growing through the rail line.

Page 7 is also looking north and it appears to be from the other side of the tree in page 6.

I put these in the pdf to make it easier to email. I'm happy to send you the JPG if you prefer.

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: Peebles, Elizabeth <Elizabeth.Peebles@vermont.gov>

Sent: Tuesday, May 18, 2021 4:25 PM

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

Cc: Basque, Yvonne <Yvonne.Basque@vermont.gov>

Subject: RE: Historic Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

[External Message]

Thank you Justin. Where you depicted the alignment on the photographs it looks like the rails and ties are no longer present – is that correct? And those photographs show what is visible from google streetview but can you provide images to show the condition of the rail line segment farther north of the road?

Elizabeth Peebles | Historic Resources Specialist

Vermont Division for Historic Preservation

1 National Life Drive, Davis Bldg, 6th Floor | Montpelier, VT 05620-0501

802.505.1147

elizabeth.peebles@vermont.gov

<http://accd.vermont.gov/historic-preservation>

Please take our State Plan Survey: https://www.surveymonkey.com/r/VDHP_StatePlan

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

Sent: Tuesday, May 18, 2021 2:10 PM

To: Peebles, Elizabeth <Elizabeth.Peebles@vermont.gov>

Cc: Basque, Yvonne <Yvonne.Basque@vermont.gov>

Subject: RE: Historic Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon Elizabeth:

As a follow up to our call and your email below, attached please find three photos of the segment that NECR seeks to abandon. I'm also including the map we initially sent you so you can understand that perspective of the photos.

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: Peebles, Elizabeth <Elizabeth.Peebles@vermont.gov>

Sent: Wednesday, May 12, 2021 4:43 PM

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

Cc: Basque, Yvonne <Yvonne.Basque@vermont.gov>

Subject: RE: Historic Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

[External Message]

Justin,

Thank you for talking with me on the phone this afternoon.

As I mentioned I am requesting existing condition photographs of the subject rail segment in order to assist us in understanding if there may be a potential historic resource involved in the area of potential effect for this project. We would also like to know more about the proposed use of the land after the line is abandoned.

This line segment is historically associated with the rail line that has since been converted to the Missisquoi Valley Rail Trail and previous reviews have identified the rail trail as a historic resource. If the rail line in this segment is still intact we will likely request a 36 cfr qualified architectural historian/historic preservation consultant prepare a recommendation of NRHP eligibility and evaluation of effect of the undertaking.

For your reference here are links to our website about Section 106 review in Vermont including a checklist of information that we request for review of undertakings.

<https://accd.vermont.gov/historic-preservation/resources-rules/laws-regulations/federal-funding>

<https://accd.vermont.gov/historic-preservation/review-compliance>

<https://accd.vermont.gov/historic-preservation/review-compliance/checklist>

Please contact me with any questions.

Thank you,

Elizabeth Peebles | Historic Resources Specialist

Vermont Division for Historic Preservation

1 National Life Drive, Davis Bldg, 6th Floor | Montpelier, VT 05620-0501

802.505.1147

elizabeth.peebles@vermont.gov

<http://accd.vermont.gov/historic-preservation>

Please take our State Plan Survey: https://www.surveymonkey.com/r/VDHP_StatePlan

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

Sent: Tuesday, April 13, 2021 2:37 PM

To: ACCD - Project Review <ACCD.ProjectReview@vermont.gov>

Subject: Historic Consultation - Railroad Abandonment in Franklin County, VT STB Docket No. AB 1315X

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

Good afternoon:

Please find the attached consultation letter to inform you of the New England Central Railroad, Inc.'s intention to seek authority to abandon a segment of rail line in Franklin County, VT.

Thank you,

Justin J. Marks

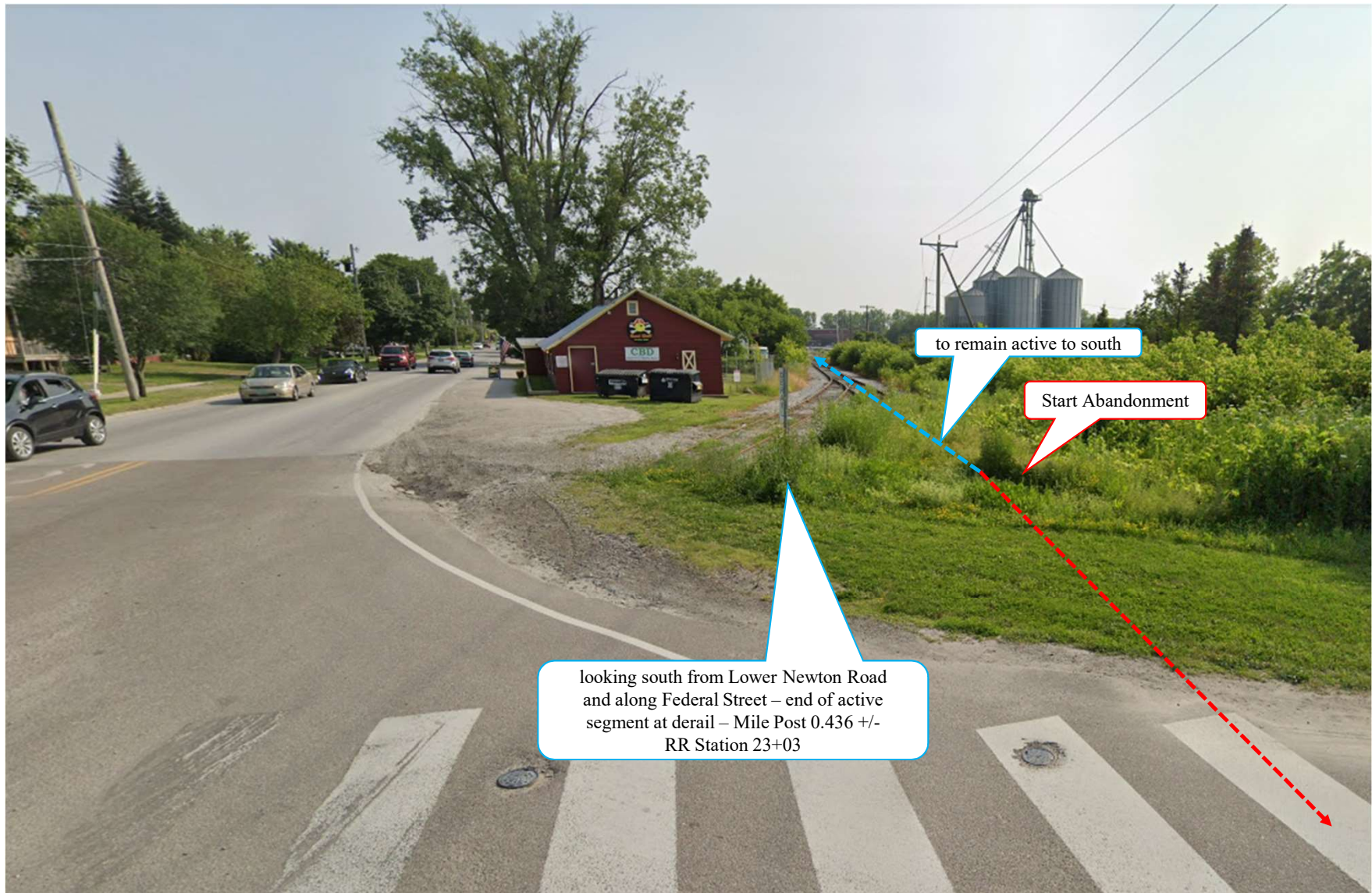
CLARK HILL PLC

1001 Pennsylvania Ave. NW | Washington, DC 20004

202.772.0916 (Direct) | 202.772.0930 (Fax) |

jmarks@ClarkHill.com | www.clarkhill.com





to remain active to south

Start Abandonment

looking south from Lower Newton Road
and along Federal Street – end of active
segment at derail – Mile Post 0.436 +/-
RR Station 23+03



St Albans, VT
looking north along Federal Street
towards intersection with Lower Newton Road

Begin Abandonment
Richford Sub. Mile Post 0.436 +/-
RR Station 23+03 – at derail
on south side of Lower Newton Road crossing





looking north from Lower Newton Road
Begin Abandonment on south side of road
and extend north to N. Main Street
Richford Sub Mile Post 0.4361 +/-
RR Station 23+03





CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of June, 2021, I served a copy of the foregoing Environmental and Historic Report on the persons listed below by first class mail, postage prepaid:

Ms. Vicky Drew, State Conservationist USDA Natural Resources Conservation Service Vermont State Office 356 Mountain View Drive, Suite 105 Colchester, VT 05446 Vicky.drew@usda.gov	Environmental Protection Agency New England, Region 1 5 Post office Squire – Suite 100 Boston, MA 02109-3912 r1web.mail@epa.gov
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corp of Engineers New England District Regulatory Office 11 Lincoln Street, Room 210 Essex Junction, Vermont 05452 Michael.S.Adams@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	National Park Service Region 1 1234 Market Street 20th Floor Philadelphia, PA 19107
U.S. Fish & Wildlife Service North Atlantic-Appalachian Region Regional Director's Office 300 Westgate Center Dr. Hadley, MA 01035-9587 Northeast@fws.gov	National Geodetic Survey ngs.infocenter@noaa.gov
Vermont Agency of Natural Resources One National Life Drive Davis 2 Montpelier, VT 05620-0501 John.Zaikowski@vermont.gov	Mr. Dan Delabruere Rail and Aviation Bureau Director Vermont Agency of Transportation 219 N. Main Street Barre, VT 05641 Daniel.delabruere@vermont.gov

Vermont Division for Historic Preservation One National Life Drive Deane C. Davis Building, 6th Floor Montpelier, VT 05620-0501 ACCD.projectreview@vermont.gov	Dominic St Cloud City Manager, City of St Albans P.O. Box 867 100 N. Main Street St Albans, VT 05478 d.cloud@stalbansvt.com
--	---



Justin J. Marks
CLARK HILL PLC
1001 Pennsylvania Ave. N.W.
Suite 1300 South
Washington, DC 20004
202.772.0916
jmarks@clarkhill.com