

Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Writer's Direct Dial Number
(757) 629-2759

James R. Paschall
General Attorney



September 2, 2003

Mr. Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D. C. 20423-0001

Re: Docket No. AB-290 (Sub-No. 222X), Norfolk Southern Railway
Company - Abandonment - Between Bluestone, Mercer County,
West Virginia, and Pocahontas, Tazewell County, Virginia -- Notice of
Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an
original and ten copies of the Notice of Exemption. Also, enclosed is a check in
the amount of \$2700 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it
to me in the self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

ENTERED
Office of Proceedings

SEP 05 2003

Part of
Public Record

JRP/sg
Enclosures

FEE RECEIVED

SEP 4 - 2003

SURFACE
TRANSPORTATION BOARD

1

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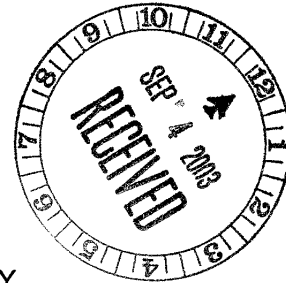
SEP 4 - 2003

SURFACE
TRANSPORTATION BOARD

208840

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-290 (SUB-NO. 222X)



NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

BETWEEN BLUESTONE, MERCER COUNTY, WEST VIRGINIA
AND POCAHONTAS, TAZEWELL COUNTY, VIRGINIA

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Public Record

NOTICE OF EXEMPTION

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**SURFACE
TRANSPORTATION BOARD**

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903-10905, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between Milepost PO-0.0 at Bluestone, West Virginia, and Milepost PO-1.90 at Pocahontas, Virginia.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board ("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, NSR states as follows:

FEE RECEIVED

SEP 4 - 2003

**SURFACE
TRANSPORTATION BOARD**

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of former General Manager T. N. Evans confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between Milepost PO-0.0 at Bluestone, West Virginia, and Milepost PO-1.90 at Pocahontas, Virginia, will be October 24, 2003.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is authority for abandonment of the line. The line for which the abandonment authority is sought consists of 1.9 miles of track between Milepost

PO-0.0 at Bluestone, in Mercer County, West Virginia, and Milepost PO-1.90 at Pocahontas, in Tazewell County, Virginia. Authority for discontinuance of operations between Mileposts PO-0.0 and PO-1.90 was granted in ICC Docket No. AB-290 (Sub-No. 107X), served May 10, 1990. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Codes 24740 at Bluestone, West Virginia, and 24635 at Pocahontas, Virginia.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR has received no inquiries about public use of the right of way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right of way may be suited. NSR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes, however, NSR has not yet fully researched the matter.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports; Certifications - § 1105.7 and § 1105.8

Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the

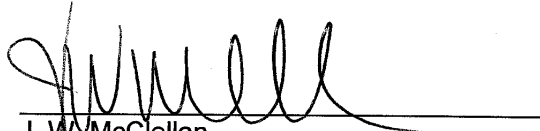
notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice) have been complied with.

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from under 49 U.S.C. §§ 10903-10905 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice.

Respectfully submitted.



J. W. McClellan
Senior Vice President-Strategic Planning
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall
General Attorney
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-2191
(757) 629-2759

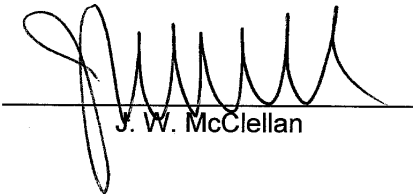
Attorney for Norfolk Southern
Railway Company

Dated: September 2, 2003

VERIFICATION

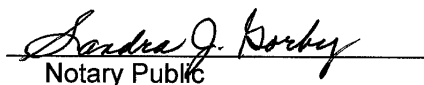
COMMONWEALTH OF VIRGINIA :
: SS:
CITY OF NORFOLK :

J. W. McClellan, being duly sworn, deposes and says that he is Senior Vice President Strategic Planning of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 222X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.



J. W. McClellan

Subscribed and sworn to before me
this 2 day of September, 2003.



Notary Public

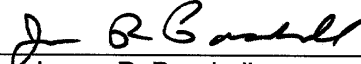
My commission expires:

3-31-06

[SEAL]

CERTIFICATION

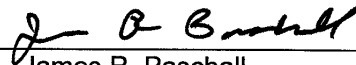
I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in the Princeton Times, Mercer County, WV on August 1, 2003, and in the Richland News-Press Clinch Valley News, Tazewell County, VA on August 13, 2003 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).


James R. Paschall

Dated: September 2, 2003

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Mr. Boyce Griffith, Chairman, West Virginia Public Service Commission; Mr. Theodore V. Morrison, Jr., Chairman, Virginia State Corporation Commission; the United States Department of Defense (MTMCTEA); National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on September 2, 2003, by first class mail, postage prepaid.



James R. Paschall

CERTIFICATION

STATE OF GEORGIA :
SS:
CITY OF ATLANTA :

T. N. Evans makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between Milepost PO-0.0 at Bluestone, West Virginia, and Milepost PO-1.9 at Pocahontas, Virginia, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

T. N. Evans
T. N. Evans

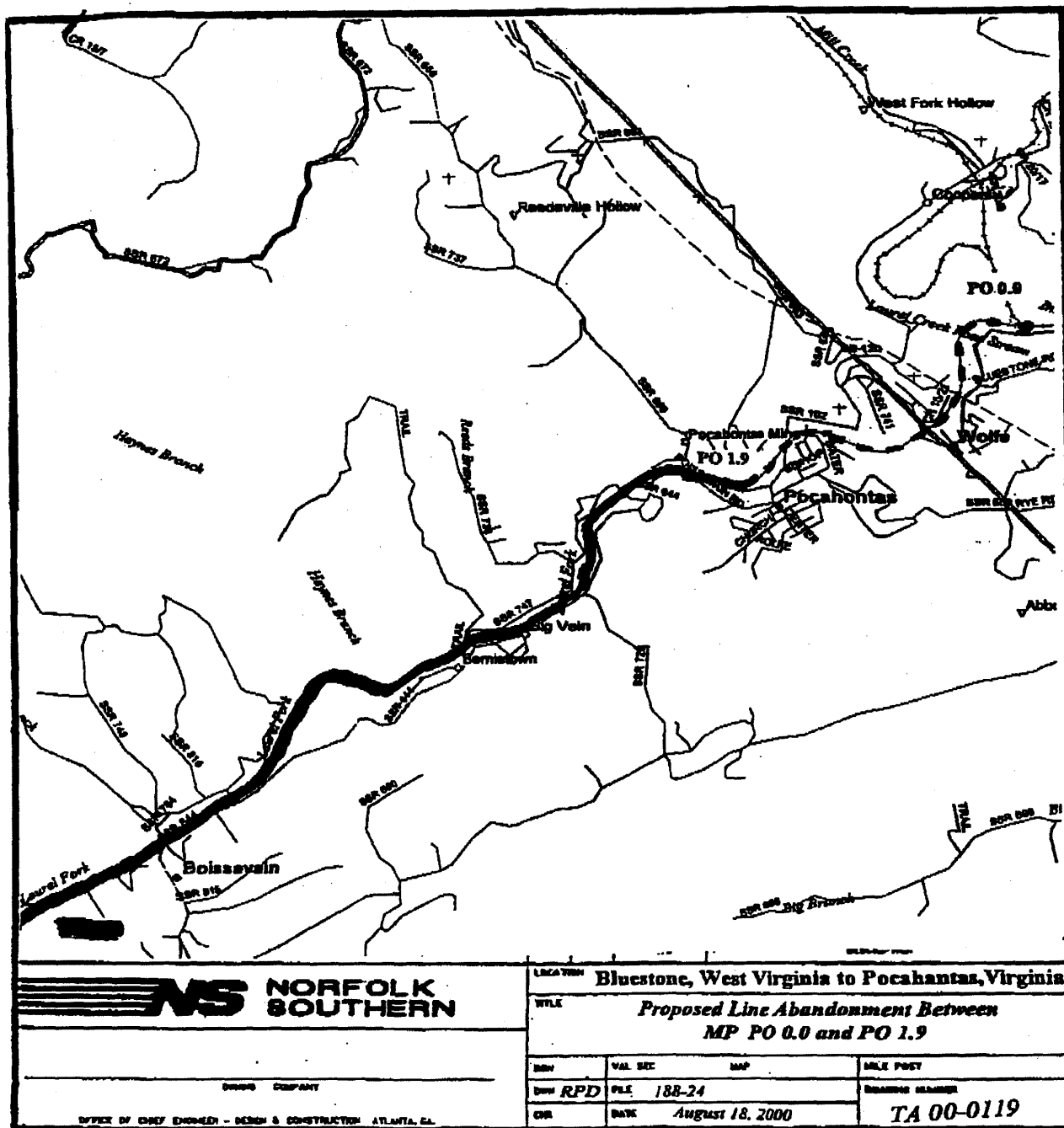
Subscribed and sworn to before me
this 26th day of June, 2001.

Mary K Kibler
Notary Public

My commission expires:

NOTARY PUBLIC, FULTON COUNTY, GEORGIA
My Commission Expires June 13, 2004

EXHIBIT 1



CARD FILE
FIELD BOOK

SHEET OF

EXHIBIT 2

**ENVIRONMENTAL AND
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY
(BETWEEN MP PO-0.0 AND MP PO-1.9
BLUESTONE, WEST VIRGINIA
TO
POCAHONTAS, VIRGINIA)**

**NORFOLK SOUTHERN RAILWAY COMPANY
ENVIRONMENTAL PROTECTION DEPARTMENT
110 FRANKLIN ROAD, SE
ROANOKE, VIRGINIA 24042-0013**

**1-9-15-04
11-01-01**

(BSPOER.doc)

ENVIRONMENTAL REPORT ON PROPOSED RAIL LINE ABANDONMENT

**Abandonment of: 1.9 miles of track between MP PO-0.0 and MP PO-1.9 from
Bluestone, West Virginia to Pocahontas, Virginia**

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NS) proposes to abandon 1.9 miles of rail line from Bluestone, West Virginia to Pocahontas, Virginia. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The alternatives to abandonment of this line are not to abandon or to discontinue service on the line and retain the trackage in place.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

3. LAND USE

- (i) The proposed abandonment involves 1.9 miles of rail line from Bluestone, West Virginia to Pocahontas, Virginia. The land use along the rail line proposed for abandonment of service is 60% wooded, 20% residential, 20% commercial. NS plans to sell the line, accordingly the rail will remain in place and the future land use will be controlled by the owner and local zoning and development ordinances.

With respect to effects of the proposed rail line abandonment on land use, NS believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Since no rail traffic moves on the line over which service is to be abandoned, the abandonment is not expected to have any effect on existing land use, future land use, land use plans or the land use planning process. Therefore the proposed abandonment is expected to be consistent with any land use plans for the service area.

(ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

(iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

NS does not have fee title to all of the ROW underlying the line proposed for abandonment; therefore, NS might not have a contiguous corridor available for future public use. However, the considerations related to location, physical condition, and adjacent conditions, leads NS to believe the ROW of the line proposed for abandonment would be suitable for other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither the State of Virginia, the State of West Virginia, nor the Counties of Tazewell or Mercer, or the Town of Pocahontas have established analysis thresholds for air emissions, except for fugitive dust from fugitive emissions sources which could be applicable for Tazewell and Mercer Counties as stated by the VDEQ and the WVDEP office of Air Quality Regulations (9) VAC 5-40-90 and Title 45 CSR 17 (see **Appendix B**). The United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standard for pollutants (including ozone) as found in 40 CFR Part 50. NS plans to sell the referenced rail line and therefore, does not anticipate any adverse effect on either state's air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Tazewell and Mercer Counties, in VA and WV, respectively, are in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. EPA. Tazewell and Mercer Counties are in attainment for ozone. NS does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. NS plans to sell the referenced rail line. Therefore, there will be no noise associated with rail removal or salvage operations.

There is no federal noise regulation according to the US EPA. Neither the counties of Tazewell and Mercer, nor the States of Virginia and West Virginia or the Town of Pocahontas have established analysis thresholds for noise.

7. SAFETY

(i) Public Health and Safety

NS plans to sell the referenced rail line, therefore, the abandonment of the captioned rail line will have no significant effect upon public health or safety.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NS has no knowledge of any hazardous waste sites or sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state and local agencies.

8. BIOLOGICAL RESOURCES

(i) Endangered Species/Critical Habitat

The US Fish and Wildlife Service (USFWS) and the Virginia Department of Conservation and Recreation Division of Natural Heritage has indicated several endangered and/or threatened species known to occur in Tazewell County. There are no federal or state listed threatened or endangered species in Mercer County, West Virginia. NS is not aware of any critical habitat that would be destroyed or modified as a result of the proposed abandonment. Since NS plans to sell the referenced rail line, rail removal or salvage operations are not proposed. Accordingly, NS does not believe that any endangered species that might be present would be adversely affected by the proposed abandonment. The species are listed in Appendix C and in Table I as follows:

Table I
Federal and State Listed Threatened Endangered Species in Tazewell County,
Virginia and Mercer County, West Virginia

	Scientific Name	Common Name	Federal Status	State Status
Birds	<i>Thryomanes bewickii altus</i>	Appalachian Bewick's Wren	---	LE
	<i>Haliaeetus leucocephalus</i>	Bald Eagle	LT	---
Invertebrates	<i>Alasmidonta viridis</i>	Slippershell Mussel	---	LE
	<i>Cumberland monodonta</i>	Spectacle Case	---	LE
	<i>Epioblasma capsaeformis</i>	Oyster Mussel	LE	LE
	<i>Epioblasma florentina walkeri</i>	Tan Riffleshell	LE	LE
	<i>Fusconaia cor</i>	Shiny Pigtoe	LE	LE
	<i>Fusconaia cuneolus</i>	Fine-Rayd Pigtoe	LE	LE
	<i>Iofluvialis</i>	Spiny Riversnail	---	LT
	<i>Lasmigona Holstonia</i>	Tennessee Heelsplitter	---	LE
	<i>Lexingtonia dolabelloides</i>	Slabside Pearlymussel	---	LT
	<i>Pegias fabula</i>	Little-Winged Pearlymussel	LE	LE
	<i>Quadrula Cylindrica strigillata</i>	Rough Rabbits Foot	LE	LT
	<i>Villosa perpurpurea</i>	Purple Bean	LE	LE
	<i>Villosa Trabalis</i>	Cumberland Bean	LE	LE
Mammals	<i>Corynorhinus townsendii virginianus</i>	Virginia Big-Eared Bat	LE	LE
	<i>Myotis sodalis</i>	Indiana Bat	LE	LE
	<i>Felis concolor cougar</i>	Eastern Cougar	LE	---
Vascular Plants	<i>Ilex collina</i>	Long-Stalked Holly	---	LE
	<i>Spireu Virginiana</i> ¹	Virginia Spiraca	LT	

LT – Listed Threatened

LE – Listed Endangered

--- - Not Applicable

1. This species has been documented in an adjacent county and may occur in this county.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment does pass through Laurel Meadow Park, which is located on a parcel of land that the Town of Pocahontas leases from NS. NS does not anticipate any adverse impacts on any wildlife sanctuary, National, State, and/or local parks.

9. WATER

(i) Water Quality Standards

NS proposes to sell the referenced rail line and therefore does not plan to either remove rail or conduct salvage operations associated with the proposed abandonment. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment. Accordingly, no water quality impacts are expected in connection with the proposed action. Therefore, NS considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment crosses Laurel Fork Tributary of the Bluestone River five times and passes through the 100-year flood plains associated with this waterway. Since, NS does not plan to alter the geometry of the roadbed no discernible effects on 100-year flood plains are expected in connection with the proposed abandonment. Consequently, NS does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

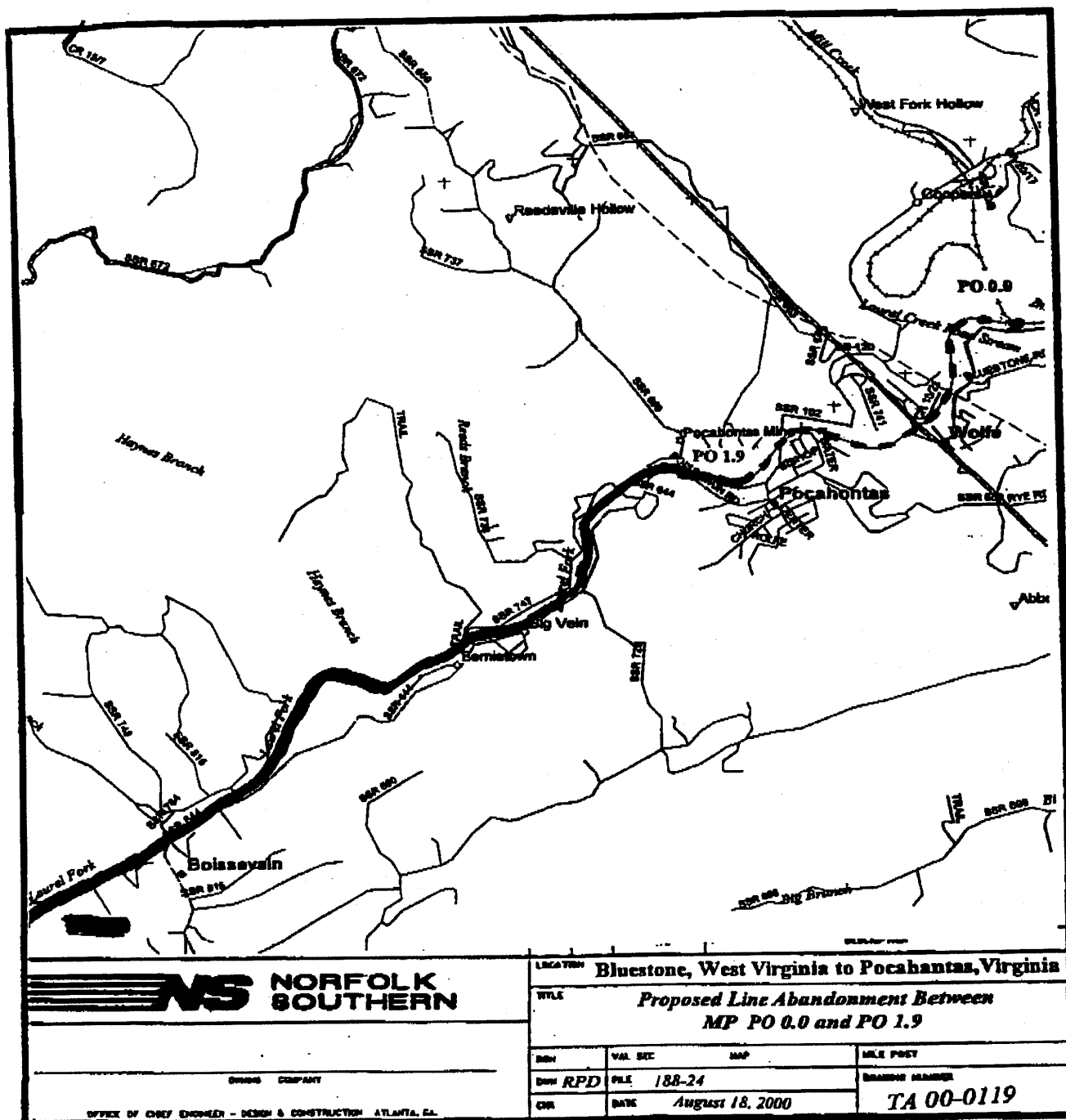
Inasmuch as NS does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. NS does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

NS plans to sell the referenced rail line and does not anticipate removing rail or conducting salvage operations associated with the proposed abandonment. Therefore, abandonment of the involved rail line is not expected to produce adverse environmental impacts.

APPENDIX A

Site Map



CARD FILE
FIELD BOOK

SHEET OF

APPENDIX B

Fugitive Dust Regulation



Office of Air Quality
7012 MacCorkle Avenue, SE
Charleston, WV 25304-2943
Telephone Number: (304) 926-3730
Fax Number: (304) 926-3739

West Virginia Division of Environmental Protection

Bob Wise
Governor

Michael O. Callaghan
Director

March 16, 2001

Marshall Miller & Associates
c/o Mr. David L. Wilson, Program Manager
P.O. Box 848
Bluefield, VA 24605

Dear Mr. Wilson:

The following is in response to the fax received by this Office on March 15, 2001.

West Virginia is regulated by the National Ambient Air Quality Standards and these standards are contained in regulations 45 CSR 8, 45 CSR 9, and 45 CSR 12. These regulations have been attached for your convenience. Based on the background information that you have provided, I do not feel that these regulations will be applicable to the activities that will be occurring on the eleven railway sites listed. However, 45 CSR 17 (attached) does deal with the minimization of fugitive dusts from fugitive emission sources and could be applicable to those sites. The five counties in which the eleven railways are located are not Class I or Non-Attainment for NAAQS.

I hope that I have answered your questions. If you have any other inquiries or need clarification on any of the state regulations that have been enclosed, I can be reached at (304) 926-3624.

attachments

Sincerely,

W. Earl Billingsley Jr.
Supervisor
Enforcement & Compliance

"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."



West Virginia
Division of
Environmental Protection

**TITLE 45
LEGISLATIVE RULE
DIVISION OF ENVIRONMENTAL PROTECTION
OFFICE OF AIR QUALITY**

**SERIES 17
TO PREVENT AND CONTROL PARTICULATE MATTER
AIR POLLUTION FROM MATERIALS HANDLING, PREPARATION, STORAGE
AND OTHER SOURCES OF FUGITIVE PARTICULATE MATTER**

§45-17-1. General.

1.1. Scope. -- The purpose of this rule is to prevent and control particulate matter air pollution from materials handling, preparation, storage and other sources of fugitive particulate matter.

1.2. The Director particularly urges the cooperation of municipalities in utilizing street sweepers equipped with dust capturing equipment, on a regular basis, to minimize particulate matter reentrainment into the air from heavily trafficked streets. In addition, municipalities should take such action as necessary to control fugitive particulate matter emissions arising from unpaved streets, access roads, private parking lots and any other such sources of uncontrolled particulate matter.

1.3. Authority. -- W. Va. Code §§22-5-1 et seq.

1.4. Filing Date. -- June 2, 2000.

1.5. Effective Date. -- August 31, 2000.

1.6. Former Rules. -- This legislative rule amends 45CSR17 "To Prevent and Control Particulate Air Pollution from Materials Handling, Preparation, Storage and Sources of Fugitive Particulate Matter" which was filed on March 30, 1979, and which became effective May 1, 1979.

§45-17-2. Definitions.

2.1. "Air Pollution", 'statutory air pollution', shall have the meaning ascribed to it in W. Va. Code §22-5-2.

2.2. "Director" means the director of the division of environmental protection or such other person to whom the director has delegated authority or duties pursuant to W. Va. Code §§22-1-6 or 22-1-8.

2.3. "Fugitive Particulate Matter", for the purpose of this rule, means particulate matter which becomes airborne from activities including, but not limited to: handling, transporting or storage of materials; storage structure(s); the use, repair, construction, alteration, renovation or demolition of building(s), road(s) or other activities; disposal areas; haul roads; plant grounds; public, private and industrial parking areas or lots; public and private streets and highways; mobile drills; and any other activity which generates airborne particulate matter.

2.4. "Materials" includes, but is not limited to, limestone, dolomite, iron ore, slag, coke, coal, sandstone, magnetite, sinter, sand, coal refuse, soda ash, ash, cement or earth.

2.5. "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

2.6. "Particulate Matter" means any material except uncombined water that exists in a finely divided form as a liquid or solid.

2.7. "Person" means any and all persons, natural or artificial, including the state of West Virginia or any other state, the United States of America, any municipal, statutory, public or private corporation organized or existing under

the laws of this or any other state or country, and any firm, partnership or association of whatever nature.

2.8. "Statutory Air Pollution" means and is limited to the discharge into the air by the act of man of substances (liquid, solid, gaseous, organic or inorganic) in a locality, manner and amount as to be injurious to human health or welfare, animal or plant life, or property, or which would interfere with the enjoyment of life or property.

2.9. Other words and phrases used in this rule, unless otherwise indicated, shall have the meaning ascribed to them in W. Va. Code §22-5-1 et seq.

§45-17-3. Control and Prohibition of Fugitive Particulate Emissions.

3.1. No person shall cause, suffer, allow or permit fugitive particulate matter to be discharged beyond the boundary lines of the property on which the discharge originates or at any public or residential location, which causes or contributes to statutory air pollution.

3.2. When a person is found in violation of this rule, the Director may require the person to utilize a system to minimize fugitive particulate matter. This system to minimize fugitive particulate matter may include, but is not limited to, the following:

3.2.a. Use, where practicable, of water or chemicals for control of particulate matter in demolition of existing buildings or structures, construction operations, grading of roads or the clearing of land;

3.2.b. Application of asphalt, water or suitable chemicals on unpaved roads, material stockpiles and other surfaces which can create airborne particulate matter;

3.2.c. Covering of material transport vehicles, or treatment of cargo, to prevent contents from dripping, sifting, leaking or otherwise escaping and becoming airborne, and prompt removal of tracked material from roads or

streets; or

3.2.d. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of materials, including adequate containment methods during sandblasting, abrasive cleaning or other similar operations.

§45-17-4. Control Programs and Schedules.

4.1. Any person operating a source of fugitive particulate matter in violation of the provisions of this rule shall submit a control program upon the request of the Director. The control program shall be embodied in a consent order as provided in W. Va. Code §22-5-4.

§45-17-5. Variance

5.1. A variance may be granted for up to ten (10) days from the requirements of this rule by the Director for conditions beyond the control of any person. Any request for a variance shall contain evidence satisfactory to the Director. Variances of over ten (10) days may be granted by the Director, provided an acceptable control program has been submitted by the person requesting said variance.

§45-17-6. Exemptions.

6.1. Sources that are subject to the fugitive particulate matter emission requirements of 45CSR2, 45CSR3, 45CSR5 and 45CSR7 shall be exempt from the provisions of this rule, provided that such sources shall not be exempt from the provisions of W. Va. Code §§22-5-1 et seq., including the provisions of §22-5-3 relating to statutory air pollution.

6.2. Normal agricultural activities shall be exempt from the provisions of this rule, to the extent that such activities do not cause, suffer, permit or allow statutory air pollution as defined in this rule.

§45-17-7. Enforcement.

7.1. Notwithstanding any other provisions in this rule, the Director may take any and all enforcement actions authorized under the Code for a violation of this rule, including, but not limited to, requiring the immediate cessation or abatement of the discharge causing or contributing to statutory air pollution.

§45-17-8. Inconsistency Between Rules.

8.1. In the event of any inconsistency between this rule and any other existing rule of the Division of Environmental Protection, such inconsistency shall be resolved by the determination of the Director and such determination shall be based upon the application of the more stringent provision, term, condition, method or rule.

8.2. Fugitive particulate matter emission requirements of any other applicable rule issued by the Director may be taken into consideration by the Director in determining compliance with this rule.

FAX TRANSMISSION
COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Street Address: 355 Deadmore Street, Abingdon, Virginia 24210
Mailing Address: P.O. Box 1688, Abingdon, Virginia 24212-1688
Fax: (540) 676-4899
<http://www.deq.state.va.us>

To: Ira **Date:** March 21, 2001
Fax #: (540) 322-1510 **Pages:** 2 (including this cover page)
From: Martha West, REM
Subject: Standard for Fugitive Dust/Emissions

COMMENTS:

Attached is the Virginia Air Pollution Regulation for fugitive dust emissions (9 VAC 5-40-90. Basically, if you keep the water on it and try to avoid stirring up dust, you will be okay by this regulation. It's a very short regulation. If you have other questions about this information, please feel free to give me a call at (540)676-4820. Thank you.

Sincerely,



Martha West, REM
Environmental Engineer
Air Compliance

"Six-minute period" means any one of the 10 equal parts of one hour or a one-hour period, as may be applicable.

9 VAC 5-40-80. Standard for visible emissions.

Unless specified otherwise in this part, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section.

9 VAC 5-40-90. Standard for fugitive dust/emissions.

No owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land.
2. Application of asphalt, oil, water or suitable chemicals on dirt roads, materials stockpiles and other surfaces which may create airborne dust; the paving of roadways and maintaining them in a clean condition.
3. Installation and use of hoods, fans and fabric filters to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting or other similar operations.
4. Open equipment for conveying or transporting materials likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion.
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

9 VAC 5-40-100. Monitoring.

A. Unless otherwise approved by the board, all continuous monitoring systems required by this article shall be installed, calibrated, maintained and operated in accordance with applica30 requirements in 9 VAC 5-40-40 and 9 VAC 5-40-41.

APPENDIX C
Federal and State Threatened and
Endangered Species Listings



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
6669 Short Lane
Gloucester, Virginia 23061



March 27, 2001

Mr. David L. Wilson
Marshall Miller and Associates
P.O. Box 848
Bluefield, Virginia 24605

Greetings:

The U.S. Fish and Wildlife Service has received your request to review the attached project for potential impacts to federally listed or proposed endangered and threatened species and designated critical habitat in Virginia pursuant to the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Attached are lists of species with federal status and species of concern that have been documented or may occur in the county(s) where your project is located. These lists were prepared by this office and are based on information obtained from previous surveys for rare and endangered species.

Due to the limited staff in this office, we are unable to review projects in a timely manner. Therefore, we request that you send the attached project to the following state agencies for review:

Virginia Department of Game and Inland Fisheries
Environmental Services Section
P.O. Box 11104
Richmond, VA 23230
(804) 367-1000

Virginia Department of Conservation and Recreation
Division of Natural Heritage
217 Governor Street, 3rd Floor
Richmond, VA 23219
(804) 786-7951

It is recommended that each agency named above review the project because each maintains a different database and has differing expertise and/or regulatory responsibility.

**IF EITHER OF THESE AGENCIES DETERMINES THAT YOUR PROJECT MAY
IMPACT A FEDERALLY LISTED, PROPOSED, OR CANDIDATE SPECIES OR
CRITICAL HABITAT, PLEASE CONTACT THIS OFFICE AND PROVIDE A COPY**

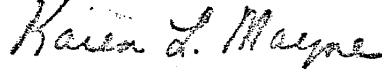
Mr. David L. Wilson

2

**OF THE RESPONSE LETTER FROM EACH AGENCY; OTHERWISE, FURTHER
CONTACT WITH THIS OFFICE IS NOT NECESSARY.**

If you have any questions or need further assistance, please contact Eric Davis of this office at
(804) 693-6694, extension 104.

Sincerely,

A handwritten signature in cursive script that reads "Karen L. Mayne".

Karen L. Mayne
Supervisor
Virginia Field Office

Enclosures

KEY

LE - federally listed endangered.

LT - federally listed threatened.

PE - federally proposed endangered.

PT - federally proposed threatened.

EX - believed to be extirpated in Virginia.

LE(S/A) - federally listed endangered due to similarity of appearance to a federally listed species.

LT(S/A) - federally listed threatened due to similarity of appearance to a federally listed species.

C - candidate species; the U.S. Fish and Wildlife Service has enough information to list the species as threatened or endangered, but this action is precluded by other listing activities.

SOC - species of concern; those species that have been identified as potentially imperiled or vulnerable throughout their range or a portion of their range. These species are not protected under the Endangered Species Act.

C2 - former U.S. Fish and Wildlife Service category 2 candidate species.

G - global rank; the species rarity throughout its total range.

G1 - extremely rare and critically imperiled with 5 or fewer occurrences or very few remaining individuals; or because of some factor(s) making it especially vulnerable to extinction.

G2 - very rare and imperiled with 6 to 20 occurrences or few remaining individuals; or because of some factor(s) making it vulnerable to extinction.

G3 - either very rare and local throughout its range or found locally (abundantly at some of its locations) in a restricted range; or vulnerable to extinction because of other factors. Usually fewer than 100 occurrences are documented.

G_T_ - signifies the rank of a subspecies or variety. For example, a G5T1 would apply to a subspecies of a species that is demonstrably secure globally (G5) but the subspecies warrants a rank of T1, critically imperiled.

G_Q - The taxon has a questionable taxonomic assignment.

TAZEWELL COUNTY, VIRGINIA
Federally Listed, Proposed, and Candidate Species

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>STATUS</u>
<u>INVERTEBRATES</u>		
Epioblasma capsaeformis	Oyster mussel	LE
Epioblasma florentina walkeri	Tan riffleshell	LE
Fusconaia cuneolus	Fine-rayed pigtoe	LE
Lexingtonia dolabelloides	Slabside pearlymussel	C
Pegias fabula	Little-wing pearlymussel	LE
Ptychobranchus subtentum	Fluted kidneyshell	C
Quadrula cylindrica strigillata	Rough rabbitsfoot	LE
Villosa perpurpurea	Purple bean	LE
Villosa trabalis	Cumberland bean	LE-EX
<u>MAMMALS</u>		
Corynorhinus townsendii virginianus	Virginia big-eared bat	LE
Myotis sodalis	Indiana bat	LE
<u>VASCULAR PLANTS</u>		
Spiraea virginiana ¹	Virginia spiraea	LT

Species of Concern

<u>FISH</u>		
Cottus sp. 1	Bluestone sculpin	G2
Cottus sp. 4	Clinch sculpin	G1G2
Percina burtoni	Blotchside darter	G2
<u>INVERTEBRATES</u>		
Buotus carolinus	A millipede	G1
Cumberlandia monodonta	Spectacle case	G2G3
Dixioria fowleri	A millipede	G2
Fusconaia barnesiana	Tennessee pigtoe	G2G3
Io fluvialis	Spiny riversnail	G2
Isoperla major	Beartown perlodid stonefly	G1
Kleptochthonius regulus	A cave pseudoscorpion	G1
Lasmigona holstonia	Tennessee heelsplitter	G2G3
Litocampa sp. 5	A cave dipluran	G1
Nesticus tennesseensis	A cave spider	G2

Prepared by U.S. Fish and Wildlife Service, Virginia Field Office

<u>SCIENTIFIC NAME</u>	<u>COMMON NAME</u>	<u>STATUS</u>
Pleurobema oviforme	Tennessee clubshell	G2G3
Pseudanophthalmus hortulanus	Burkes Garden cave beetle	G1
Pseudanophthalmus vicarius	A cave beetle	G2
Pseudanophthalmus virginicus	Maiden Spring cave beetle	G1
Pseudotremia alecto	A millipede	G1
Pseudotremia arnesi	A millipede	G2
Pseudotremia tuberculata	A millipede	G2
Speyeria diana	Diana fritillary	G3
Speyeria idalia	Regal fritillary	G3
Sphalloplana chandleri	Chandler's planarian	G1
Stylodrilus beattiei	A cave lumbriculid worm	G1G2
<u>MAMMALS</u>		
Myotis leibii	Eastern small-footed bat	G3
<u>VASCULAR PLANTS</u>		
Buckleya distichophylla ¹	Piratebush	G3
Cimicifuga rubifolia ¹	Appalachian bugbane	G3
Euphorbia purpurea	Glade spurge	G3
Ilex collina	Long-stalked holly	G3
Paxistima canbyi	Canby's mountain-lover	G2
Carex schweinitzii ¹	Schweinitz's sedge	G3
Poa paludigena ¹	Bog bluegrass	G3

¹This species has been documented in an adjacent county and may occur in this county.

March 15, 2000
Prepared by U.S. Fish and Wildlife Service, Virginia Field Office

Indiana Bat

Myotis sodalis



Description - The Indiana bat occurs throughout 27 states in the eastern and mid-western U.S. It is found in the western portion of Virginia during hibernation, but seldom found in Virginia during the summer. This medium-sized bat weighs six to nine grams and has an average life span of four years. This short-eared bat is two inches from head to toe and has a wing span of nine to eleven inches. Its fur is dull grayish-brown and the underparts are pinkish.

Life History - After mating in the fall, the Indiana bat travels up to 300 miles to hibernate in large caves and abandoned mines that have stable, cold temperatures during the winter. The fact that the Indiana bats congregate and form large aggregations in only a small percentage of known caves suggests that very few caves meet their requirements. During hibernation they can be found on flat ceilings of caves in clusters containing 500 to 1,000 or more bats. Half of all hibernating Indiana bats winter in Indiana. Hibernation begins in

mid-October and ends in April; females are the first to leave. Males roost in caves or mines during the summer. Maternity colonies are located in riparian forests along streams. Females roost together in hollow trees or under loose bark and have one young per pregnancy. The young are born in late June or early July. After one month, young are capable of flight and begin independent feeding. Foraging takes place along forested streams. They feed exclusively on insects.

Conservation - The Indiana bat was federally listed as an endangered species on March 11, 1967. This bat has declined primarily due to human disturbance during hibernation. This species is easily disturbed by human activity such as vandalism, caving, and research during the hibernating months. Other threats are flooding of caves, blockage of cave entrances, and pesticide poisoning.

What You Can Do To Help - Avoid using pesticides and other chemicals near caves and waterways. Do not enter gated caves or mines. These gates have been installed to protect bats and human safety. Cave habitats are fragile and easily disturbed; if you must enter a cave, do so only as an observer and leave everything as you found it. Never shoot, poison, or otherwise harm bats. Bats are extremely beneficial insect eaters, and nuisance bats can be encouraged to move elsewhere. If you find a bat, please do not disturb it!

Contact one of the following agencies for assistance:

Virginia Department of Game and
Inland Fisheries
P.O. Box 11104
Richmond, Virginia 23230
(804) 367-1000

Virginia Department of
Conservation and Recreation
Division of Natural Heritage
217 Governor Street, 3rd Floor
Richmond, Virginia 23219
(804) 786-7951

U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
(804) 693-6694

References

Dalton, V.M. and C.O. Handley, Jr.
1991. Social myotis. Pages 569-570 in K. Terwilliger, ed. Virginia's Endangered Species, Proceedings of a Symposium. McDonald and Woodward Publishing Company, Blacksburg, Virginia.

U.S. Fish and Wildlife Service.
1999. Agency Draft: revised draft of the recovery plan for the Indiana bat (*Myotis sodalis*). Fort Snelling, Minnesota.



U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
(804) 693-6694
<http://www.fws.gov>
December 2000

Virginia Spiraea

Spiraea virginiana



USFWS

Description - The Virginia spiraea is found in the Appalachian Plateaus or the southern Blue Ridge Mountains in Alabama, Ohio, West Virginia, Virginia, Tennessee, North Carolina, Kentucky, and Georgia. It no longer occurs in Pennsylvania. This plant was first discovered in Virginia in 1985. Most of the existing populations consist of only a few clumps. Mature plants reach a height of three to ten feet. Young stems are greenish-yellow to dark brown and mature stems are dark gray. The roots form a complex system. The creamy white flowers are in tightly packed bunches.

Life History - Virginia spiraea is found along scoured banks of high gradient streams or on meander scrolls, point bars, natural levees, and braided features of lower stream reaches. Soils are sandy, silty, or clay and elevation range is 1000-2400 feet. If the roots are exposed, they will give rise to upright stems. Seed production is sporadic and seedlings have never been documented in the wild. Sexual reproduction in rare indicating the

genetic variability within and probably between stream occurrences is low. Few mature seeds and no seedlings have been observed. Little population expansion has been reported. Late summer and fall flower bunches often dry and persist during the winter, making field identification possible.

Fragmentation by erosion or scour and subsequent downstream travel may be the most important means of dispersal for this species. The most important factor in maintaining this plant seems to be removal of woody competition by erosion. Scour must be sufficient to remove woody trees and vines without washing out the horizontal root.

Conservation - The Virginia spiraea was federally listed as a threatened species on July 16, 1990.

Impoundments are a threat to this species because they inundate habitat and stabilize downstream water flow. Other threats include road maintenance, beaver damage, off-road vehicle use, deer browse, non-native plant species, chemical spills, and pollution. Random events are so significant in the life cycle of this species that a list of additional threats would be lengthy and specifically associated with a particular part of the life cycle.

What You Can Do To Help - If you find a plant that appears to be the Virginia spiraea, take note of the location and photograph the plant, if possible. Please do not remove the plant!

Contact one of the following agencies for assistance:

Virginia Department of Agriculture
and Consumer Services
Office of Plant Protection
P.O. Box 1163
Richmond, Virginia 23209
(804) 786-3515

Virginia Department of
Conservation and Recreation
Division of Natural Heritage
217 Governor Street, 3rd Floor
Richmond, Virginia 23219
(804) 786-7951

U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
(804) 693-6694

References

Ogle, D. 1991. Virginia spiraea. Pages 117-119 in K. Terwilliger, ed. Virginia's Endangered Species, Proceedings of a Symposium. McDonald and Woodward Publishing Company, Blacksburg, Virginia.

U.S. Fish and Wildlife Service. 1992. Virginia spiraea (*Spiraea virginiana* Britton) recovery plan. Newton Corner, Massachusetts.



U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
(804) 693-6694
<http://www.fws.gov>
August 1999

Virginia Big-Eared Bat

Corynorhinus townsendii virginianus



J.B. Schulz

Description - The Virginia big-eared bat is only known from a few caves in east-central Kentucky, western North Carolina, western Virginia, and northeastern West Virginia. This medium-sized bat has huge ears, weighs less than 0.5 ounces and is four inches in length from head to toe. It has long brown fur with pale brown underparts.

Life History - The Virginia big-eared bat lives in caves year-round at elevations greater than 1,500 feet above sea level. Although a colony may occupy the same cave throughout the year, it may have one or more roosts in other caves. Individuals move to other roosts even in cold weather. After mating in the fall and winter, the bats search for caves for hibernation. During hibernation males and females hibernate together in cool, well-ventilated portions of caves. These caves are typically located in regions dominated by oak-hickory or beech-maple-hemlock forests. Females congregate in a few maternity caves

in summer. Females arrive pregnant and have one young per pregnancy. Young are born around mid-June, and by mid-July they begin to leave the cave at night to forage. Most bats leave the maternity cave by late September. Males are found in caves in summer, scattered singly and in larger numbers. The Virginia big-eared bat feeds mainly on moths.

Conservation - The Virginia big-eared bat was federally listed as an endangered species on November 30, 1979. These bats have declined primarily due to human disturbance and loss of habitat. This species is easily disturbed by human activity including vandalism, caving, and frequent visitation. These disturbances can cause adults to abandon caves, abandon their young, and force them to use valuable energy reserves needed to survive while in hibernation.

What You Can Do To Help - Avoid using pesticides and other chemicals near caves and waterways. Do not enter gated caves or mines. These gates have been installed to protect bats and human safety. Cave habitats are fragile and easily disturbed; if you must enter a cave, do so only as an observer and leave everything as you found it. Never shoot, poison, or otherwise harm bats. Bats are extremely beneficial insect eaters, and nuisance bats can be encouraged to move elsewhere. If you find a bat, please do not disturb it!

Contact one of the following agencies for assistance:

Virginia Department of Game and Inland Fisheries
P.O. Box 11104
Richmond, Virginia 23230
(804) 367-1000

Virginia Department of Conservation and Recreation
Division of Natural Heritage
217 Governor Street, 3rd Floor
Richmond, Virginia 23219
(804) 786-7951

U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
(804) 693-6694

References

Dalton, V.M. and C.O. Handley, Jr. 1991. Western big-eared. Pages 573-575 in K. Terwilliger, ed. Virginia's Endangered Species Proceedings of a Symposium. McDonald and Woodward Publishing Company, Blacksburg, Virginia.

U.S. Fish and Wildlife Service. 1984. Recovery plan for the Ozark big-eared bat and Virginia big-eared bat. Twin Cities, Minnesota.



U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
(804) 693-6694
<http://www.fws.gov>
August 1999

Tennessee River Basin Freshwater Mussels



B. Windsor

Description - There are approximately 300 North American freshwater mussel species in the United States. About twelve percent of the known species have already gone extinct. One waterway with numerous mussel species is the Tennessee River Basin. The major rivers in Virginia that flow into the Tennessee River are the Clinch, Holston, and Powell. The following federally listed endangered freshwater mussels inhabit the Tennessee River Basin in Virginia:

Appalachian monkeyface
pearlymussel (*Quadrula sparsa*)
Birdwing pearlymussel (*Conradilla caelata*)
Cracking pearlymussel (*Hemistena lata*)
Cumberland bean (*Villosa trabalis*)
Cumberlandian combshell
(*Epioblasma brevidens*)
Cumberland monkeyface
pearlymussel (*Quadrula intermedia*)
Dromedary pearlymussel (*Dromus dromas*)



U.S. Fish and Wildlife Service
Virginia Field Office
6669 Short Lane
Gloucester, Virginia 23061
(804) 693-6694
<http://www.fws.gov>
October 2000

Green-blossom pearlymussel
(*Epioblasma torulosa gubernaculum*)
Fanshell (*Cyprogenia stegaria*)
Fine-rayed pigtoe (*Fusconaia cuneolus*)
Fluted kidneyshell (*Ptychobranchus subtentum*)
Little-wing pearlymussel (*Pegias fabula*)
Pink mucket pearlymussel (*Lampsilis abrupta*)
Purple bean (*Villosa perpurpurea*)
Rough pigtoe (*Pleurobema plenum*)
Rough rabbitsfoot (*Quadrula cylindrica strigillata*)
Oyster mussel (*Epioblasma capsaeformis*)
Shiny pigtoe (*Fusconaia cor*)
Slabside pearlymussel (*Lexingtonia dolabelloides*)
Tan riffleshell (*Epioblasma walkeri*)

Life History - These endangered freshwater mussels are relatively immobile and require clean, free-flowing water in small to large rivers with sand and gravel bottoms. These mussels are filter feeders; they feed on plankton collected from water passed over their gills. Reproduction occurs sexually. Females carry eggs in their gills. During spawning, the male releases sperm into the water column and the sperm is taken into the female through the gills. The resulting larvae (known as glochidia) are released from the female into the water column and must attach to a fish host to survive. While attached to the fish host, development of the glochidia continues. Once metamorphosis is complete, the juvenile mussel drops off the fish host and continues to develop on the stream bottom. Known fish hosts for

these species include: banded darter (*Etheostoma zonale*), banded sculpin (*Cottus caroliniae*), bigeye chub (*Hybopsis amblops*), central stoneroller (*Campestris anomala*), dusky darter (*Percina sciera*), fantail darter (*Etheostoma flabellare*), fathead minnow (*Pimephales promelas*), freshwater drum (*Aplodinotus grunniens*), greenside darter (*Etheostoma blennioides*), largemouth bass (*Micropterus salmoides*), logperch (*Percina caprodes*), mottled sculpin (*Cottus bairdi*), redline darter (*Etheostoma rufilineatum*), river chub (*Nocomis micropogon*), sauger (*Stizostedion canadense*), smallmouth bass (*Micropterus dolomieu*), spotfin shiner (*Cyprinella spiloptera*), spotted darter (*Etheostoma maculatum*), spotted bass (*Micropterus punctulatus*), telescope shiner (*Notropis telescopus*), Tennessee shiner (*Notropis leuciodus*), Tennessee snubnose darter (*Etheostoma simoteron*), walleye (*Stizostedion vitreum*), white shiner (*Luxilus albeolus*), whitetail shiner (*Cyprinella galactura*), and wounded darter (*Etheostoma vulneratum*). Fish hosts have yet to be determined for many freshwater mussel species. These fish require the same habitat as the mussels. If the fish and their habitat disappear, the mussels will also disappear.

Conservation - More than 70% of freshwater mussels in the United States are in need of protection. The main causes of decline of these species are siltation, impoundment of rivers, water pollution, and invasion of non-native species. Siltation and sedimentation from farming, mining,

and other land-use practices also adversely affect mussels. Excessive siltation degrades water quality and substrate, clogs gills, reduces feeding efficiency and growth, and can eventually smother mussels if sufficient accumulation occurs. In most instances, the combined effects of numerous contaminants and induced physiological stresses are the ultimate cause for mortality in a population of mussels.

What You Can Do To Help - If you reside on property that borders a stream or other waterway, avoid using chemicals or fertilizers. To help control erosion and runoff, maintain a buffer of natural vegetation along streambanks. Install fencing to prevent livestock from entering the stream to reduce trampling of mussels, siltation, and input of waste products. Protecting

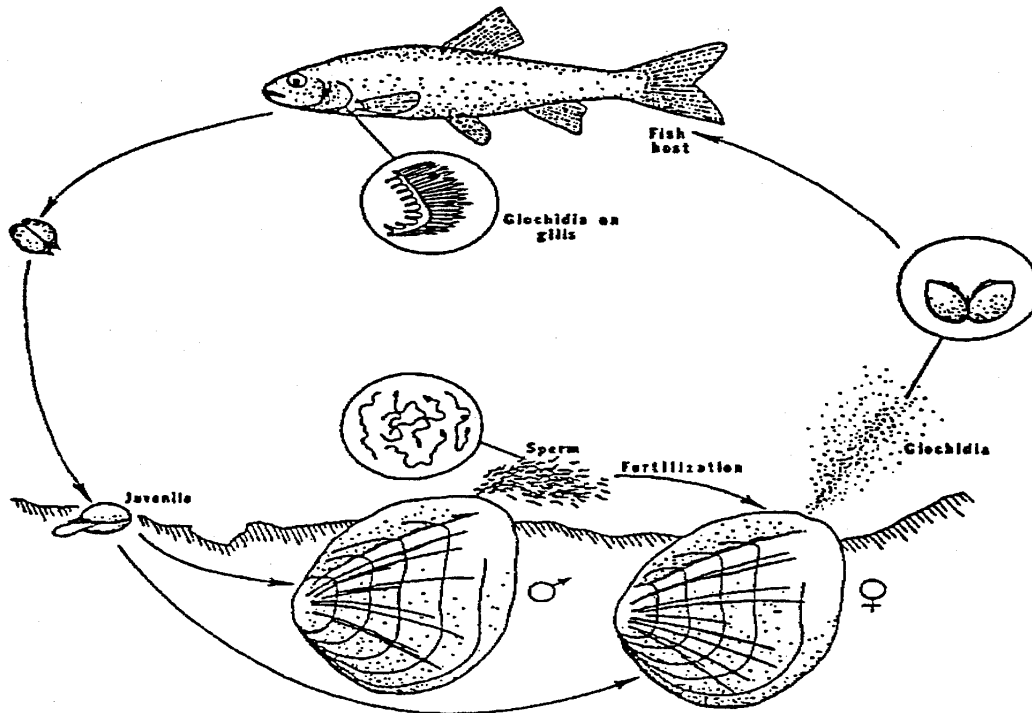
water quality is the most effective way to conserve mussels.

References

- Ellis, M.M. 1931. Some factors affecting the replacement of the commercial fresh-water mussels. U.S. Bureau of Fisheries Economic Circular 7:1-10.
- Marking, L.L. and T.D. Bills. 1979. Acute effects of silt and sand sedimentation of freshwater mussels. Pages 204-211 in J.L. Rasmussen, ed. Proceedings of the Upper Mississippi River Conservation Committee Symposium on Upper Mississippi River bivalve mollusks. Upper Mississippi River Conservation Committee, Rock Island, Illinois.

White, C.P. 1982. Endangered and threatened wildlife of the Chesapeake Bay Region: Delaware, Maryland, and Virginia. Tidewater Publishers, Centerville, Maryland.

Yeager, B.L. and C.F. Saylor. 1995. Fish hosts for four species of freshwater mussels (Pelecypoda: Unionidae) in the Upper Tennessee River Drainage. American Midland Naturalist 133: 1-6.



USFWS

Natural Heritage Resources of Tazewell County, Virginia

For an explanation of the rank and status codes click [here](#)

last updated: FEBRUARY 2000

SCIENTIFIC NAME	COMMON NAME	GLOBAL RANK	STATE RANK	FEDERAL STATUS	LAST SEEN IN CO
** AMPHIBIANS					
CRYPTOBRANCHUS ALLEGANIENSIS	HELLBENDER	G4	S2S3	SC	No Date
(** BIRDS)					
ACCIPITER COOPERII	COOPER'S HAWK				
DENDROICA MAGNOLIA	MAGNOLIA WARBLER	G5	S1S2		Y
THRYOMANES BEWICKII ALTUS	APPALACHIAN BEWICK'S WREN	G5	S1S2	SC	Y
** COMMUNITIES					
		G5T2Q	S1	LE	Y

Y

Y

Y

Y

A

52

No Data

2

Y

S152

Z

52

Y

52

Y

55

N

22

y

Y

*(INVERTEBRATES)

ACRONEURIA KOSZTARABI	KOSZTARAB'S COMMON STONEFLY	G3	S1S3	Y
AESHNA TUBERCULIFERA	BLACK-TIPPED DARNER	G4	S2	N
ALASMIDONTA MARGINATA	ELKTOE	G4	S2	N
✓ALASMIDONTA VIRIDIS	SLIPPERSHELL MUSSEL	G4G5	S1	LE
BRACHORIA SEPARANDA HAMATA	A MILLIPEDE	G2T?	S2	N
BUOTUS CAROLINUS	A MILLIPEDE	G1	S1	Y
CAECIDOTEA RICHARDSONAE	TENNESSEE VALLEY CAVE ISOPOD	G3G5	S2	Y
✓CUMBERLANDIA MONODONTA	SPECTACLE CASE	G2G3	S1	LE
DIXIORIA FOWLERI	A MILLIPEDE	G2	S2	N
✓EPIOBASMA CAPSAEFORMIS	OYSTER MUSSEL	G1	S1	LE
✓EPIOBASMA FLORENTINA WALKERI	TAN RIFFLESHELL	G1T1	S1	LE
ERYNNIS PERSIUS	PERSIUS DUSKYWING	G5	S?	Y
FUSCONAIA BARNESIANA	TENNESSEE PIGTOE	G2G3	S2S3	Y
✓FUSCONAIA COR	SHINY PIGTOE	G1	S1	LE
✓FUSCONAIA CUNEOLUS	FINE-RAYED PIGTOE	G1	S1	LE
GEOCENTROPHORA CAVERNICOLA	A PLANARIAN	G3G4	S1	No Date
✓IO FLUVIALIS	SPINY RIVERSNAIL	G2	S2	LT
ISOPERLA MAJOR	BEARTOWN PERLODID STONEFLY	G2	S1	No Date

✓ KLEPTOCHTHONIUS REGULUS	A CAVE PSEUDOSCORPION	G1	S1			Y
✓ LASMIGONA HOLSTONIA	TENNESSEE HEELSPLITTER	G3	S1	LE	No Date	
LASMIGONA SUBVIRIDIS	GREEN FLOATER	G3	S2	SC	Y	
✓ LEXINGTONIA DOLABELLOIDES	SLABSIDE PEARLYMUSSEL	G2	S2	LT	Y	
LITOCAMPA SP 5	A CAVE DIPLURAN	G1	S1		Y	
NESTICUS TENNESSENSIS	A CAVE SPIDER	G2G4	S2		No Date	
✓ PEGIAS FABULA	LITTLE-WINGED PEARLYMUSSEL	G1	S1	LE	No Date	
PLEUROBEMA OVIFORME	TENNESSEE CLUBSHELL	G3	S2S3		Y	
PSEUDANOPHTHALMUS HORTULANUS	BURKES GARDEN CAVE BEETLE	G1	S1		N	
PSEUDANOPHTHALMUS VICARIUS	A CAVE BEETLE	G2	S1		No Date	
PSEUDANOPHTHALMUS VIRGINICUS	MAIDEN SPRING CAVE BEETLE	G1	S1		N	
PSEUDOTREMIA ALECTO	A MILLIPEDE	G1	S1		Y	
PSEUDOTREMIA ARMESI	A MILLIPEDE	G2	S2		No Date	
PSEUDOTREMIA TUBERCULATA	A MILLIPEDE	G2	S1S2		No Date	
✓ QUADRULA CYLINDRICA STRIGILLATA	ROUGH RABBITS FOOT	G3T2	S2	LE	Y	
SINELLA HOFFMANI	HOFFMAN'S SPRINGTAIL	G4	S2S3		No Date	
SPEYERIA IDALIA	REGAL FRITILLARY	G3	S1		No Date	
SPHALLOPLANA CHANDLERI	CHANDLER'S PLANARIAN	G1G3	S1		No Date	
STYLODRILUS BEATTIEI	A CAVE LUMBRICULID WORM	G2G3	S1		No Date	
✓ VILLOSA PERPURPUREA	PURPLE BEAN	G1	S1	LE	Y	

VILLOSA TRABALIS	CUMBERLAND BEAN	G1	SX	LE	LE	N
(** MAMMALS)						
CORYNORHINUS TOWNSENDII VIRGINIANUS VIRGINIA BIG-EARED BAT		G4T2	S1	LE	LE	Y
MYOTIS LEIBII	EASTERN SMALL-FOOTED BAT	G3	S1			Y
MYOTIS SODALIS	INDIANA BAT	G2	S1	LE	LE	Y
(** VASCULAR PLANTS)						
CAREX CRISTATELLA	CRESTED SEDGE	G5	S2			Y
CUSCUTA ROSTRATA	BEAKED DODDER	G4	S2			N
EUPHORBIA PURPUREA	GLADE SPURGE	G3	S2			Y
GEUM LACINIATUM VAR TRICHOCARPUM	ROUGH AVENS	G5T?	S2			N
ILEX COLLINA	LONG-STALKED HOLLY	G3	S2	LE		Y
PAXISTIMA CANBYI	CANBY'S MOUNTAIN-LOVER	G2	S2			Y
PHACELIA FIMBRATA	FRINGED SCORPION-WEED	G4	S2			N
PYROLA ELLIPTICA	SHINLEAF	G5	S2			Y
SPOROBOLUS NEGLECTUS	SMALL DROPSEED	G5	S2			N
STACHYS PILOSA VAR ARENICOLA	MARSH HEDGENETTLE	G5T4?	S1			N



United States Department of the Interior

FISH AND WILDLIFE SERVICE

West Virginia Field Office
694 Beverly Pike
Elkins, West Virginia 26241

APR 17 2001



Mr. David L. Wilson
Marshall Miller & Associates
Bluefield Virginia Industrial Park
P.O. Box 848
Bluefield, VA 24605

Dear Mr. Wilson:

This responds to your information request of March 20, 2001 regarding the potential impacts of a proposed project on wetlands and federally listed endangered and threatened species and species of concern. Norfolk Southern Railway Company proposes abandonment of eleven line segments of railway line in Mercer, McDowell, Mingo, Raleigh, and Fayette counties, West Virginia. All work would occur in existing right of ways of existing roads or railroads. Therefore, no forest clearing would result from this project.

No federally listed endangered and threatened species or species of concern are expected to be impacted by the project. Therefore, no Biological Assessment or further Section 7 consultation under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) is required with the Fish and Wildlife Service. Should the project plan change, or if additional information on listed and proposed species or species of concern becomes available, this determination may be reconsidered. A compilation of federally listed endangered and threatened species in West Virginia is enclosed for your information.

Our review of the National Wetlands Inventory 7½-minute topographic maps indicates wetlands occur in the vicinity of the project area. However, definitive determinations of the presence of waters of the United States, including wetlands, and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at: Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia 25701, telephone (304)529-5710.

If you have further questions regarding this letter, please contact Mr. Shane Jones of my staff at (304) 636-6586.

Sincerely,

Jeffrey K. Towner
47 Jeffrey K. Towner
Field Supervisor

FEDERALLY LISTED ENDANGERED AND THREATENED SPECIES IN WEST VIRGINIA

COMMON NAME	SCIENTIFIC NAME	STATUS	DISTRIBUTION
FISHES			
None			
BIRDS			
Eagle, bald	<u>Haliaeetus leucocephalus</u>	T*	Entire state Nest sites: (1) Mineral, (2) Hampshire, (1) Hancock, (1) Pendleton, (1) Grant, (3) Hardy, and (1) Wood Counties
MAMMALS			
Bat, Indiana	<u>Myotis sodalis</u>	E	Known hibernacula in Tucker, Pocahontas, Greenbrier, Randolph, Preston, Pendleton, Monroe and Mercer Counties. Critical habitat: Hellhole Cave, Pendleton County - Bats may occupy summer habitat throughout the entire state
Bat, Virginia big-eared	<u>Corynomachus (= Plecotus) townsendii virginianus</u>	E	Primarily northeastern counties, especially Pendleton, Tucker and Grant Counties. Critical habitat: Hellhole Cave, Cave Mountain Cave, Hoffman School Cave, and Sinnit Cave in Pendleton Co.; Cave Hollow Cave in Tucker Co.
Bat, gray	<u>Myotis grisescens</u>	E	Hellhole Cave, Pendleton Co.
Cougar, eastern	<u>Felis concolor cougar</u>	E	Entire state, may be extinct
Squirrel, West Virginia northern flying	<u>Glaucomys sabrinus fuscus</u>	E	Pocahontas, Tucker, Pendleton, Greenbrier, Webster, and Randolph Counties, within proclamation boundary of Monongahela National Forest
MOLLUSKS			
Snail, flat-spined three-toothed land	<u>Triodopsis platysauroides</u>	T	Monongalia and Preston Counties, mainly in Cooper's Rock State Forest area, both sides of Cheat River Gorge
Mussel, tubercled-blossom pearly	<u>Epioblasma (= Densnomia) torulosa torulosa</u>	E	Kanawha River, Fayette Co., may be extinct
Mussel, pink mucket pearly	<u>Lampsilis abrupta (= orbiculata)</u>	E	Kanawha River, Fayette Co., Ohio River, Cabell, Mason and Wood Counties; Elk River, Kanawha Co.
Mussel, James spiny	<u>Pleurobema (= Canthyria) collina</u>	E	Monroe Co., South Fork of Potts Creek
Mussel, fanshell	<u>Cyprogenia stegaria (= irrata)</u>	E	Kanawha River, Fayette Co.; Ohio River, Wood Co.
Mussel, clubshell	<u>Pleurobema clava</u>	E	Elk River, Braxton, Kanawha, and Clay Counties; Hackers Creek, Lewis Co.; Meathouse Fork, Doddridge, Co.;
Mussel, northern riffleshell	<u>Epioblasma torulosa tandiana</u>	E	South Fork Hughes River, Ritchie County Elk River, Kanawha Co.

COMMON NAME	SCIENTIFIC NAME	STATUS	DISTRIBUTION
PLANTS			
Harperella	<u>Ptilimnium nodosum</u>	E	Morgan and Berkeley Counties
Shale barren rock cress	<u>Arabis serotina</u>	E	Greenbrier, Hardy, and Pendleton Counties
Running buffalo clover	<u>Trifolium stoloniferum</u>	E	Fayette, Webster, Tucker, Pocahontas, Barbour and Randolph Counties
Virginia spiraea	<u>Spiraea virginiana</u>	T	Nicholas, Fayette, Mercer, Raleigh, Summers, and Greenbrier Counties
Northeastern bulrush	<u>Scirpus angustirochaetus</u>	E	Berkeley and Hardy Counties
Small whorled pogonia	<u>Isotria Medeoloides</u>	T	Greenbrier County
AMPHIBIANS			
Cheat Mountain salamander	<u>Plethodon nettingi</u>	T	Pendleton, Pocahontas, Randolph, Grant and Tucker Counties

* Threatened

** Endangered

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural
Resources



David G. Brickley
Director

COMMONWEALTH of VIRGINIA

DEPARTMENT OF CONSERVATION AND RECREATION

217 Governor Street, 3rd Floor

TDD (804) 786-2121 Richmond, Virginia 23219 (804) 786-7951 FAX (804) 371-2674

<http://www.state.va.us/~dcr/vaher.html>

April 30, 2001

Mr. David Wilson
Program Manager
Marshall Miller & Associates
Bluefield Virginia Industrial Park
P.O. Box 848
Bluefield, VA 24605

Re: Proposed Abandonments of Railway Segments (Long Spur Jct, Oakwood, Dwight, Knopp, Wyatt, Pocahontas, Hurricane Jct., Russell Creek, Banner and Arno Jct.)

Dear Mr. Wilson:

The Department of Conservation and Recreation's Division of Natural Heritage (DCR) has searched its Biological and Conservation Data System (BCD) for occurrences of natural heritage resources from the area outlined on the submitted map. Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations.

Oakwood, Banner, Long Spur Jct, Knopp, Dwight,

According to the information currently in our files, natural heritage resources have not been documented in the project area. The absence of data may indicate that the project area has not been surveyed, rather than confirm that the area lacks natural heritage resources.

Arno Jct.

BCD documents the presence of natural heritage resources in the project area. However, due to the scope of the activity and the distance to the resources, we do not anticipate that this project will adversely impact these natural heritage resources.

Russell Creek and Hurricane Jct.

According to the information currently in our files, natural heritage resources have been documented downstream of the proposed railway segments. To minimize adverse impacts to the aquatic ecosystem as a result of the proposed activities, DCR recommends the implementation of

and strict adherence to erosion and sediment control measures during all land disturbing activities.

Wyatt

According to information currently in our files, Jointed Rush (*Juncus articulatus*, G5/S1S2/NF/NS) has been documented in the project.

Pocahontas

According to the information currently in our files, the green floater (*Lasmigona subviridis*, G3/S2/NF/SC) has been documented downstream of the project. The green floater, a rare freshwater mussel, ranges from New York to North Carolina in the Atlantic Slope drainages, as well as the New and Kanawha River systems in Virginia and West Virginia. Throughout its range, the green floater appears to prefer the pools and eddies with gravelly and sandy bottoms of smaller rivers and creeks or of smaller channels of large rivers (Ortman, 1919). According to Riddick (1973), in central Virginia, the green floater prefers habitats with gravel or sand bottoms in small to medium-sized streams. Green floaters are small, usually reaching a length less than 55mm. The color on the shell varies from pale yellow to brownish green. There may be numerous narrow or wide green or blackish rays on the shell surface, mostly on juveniles (Kitchel, 1991). Please note that this species is currently classified as a special concern species by the Virginia Department of Game and Inland Fisheries (VDGIF); however, this designation has no official legal status.

Considered good indicators of the health of aquatic ecosystems, freshwater mussels are dependent on good water quality, good physical habitat conditions, and an environment that will support populations of host fish species (Williams et al., 1993). Because mussels are sedentary organisms, they are sensitive to water quality degradation related to increased sedimentation and pollution. They are also sensitive to habitat destruction through dam construction, channelization, and dredging, and the invasion of exotic mollusk species.

Under the Memorandum of Agreement established between the Virginia Department of Agriculture and Consumer Services (VDACS) and the Department of Conservation and Recreation (DCR), DCR has the authority to report for VDACS on state-listed plant and insect species. The current activity will not affect any documented state-listed plants or insects.

New and updated information is continually added to BCD. Please contact DCR for an update on this natural heritage information if a significant amount of time passes before it is utilized.

A fee of \$70.00 has been assessed for the service of providing this information. Please find enclosed an invoice for that amount. Please return one copy of the invoice along with your remittance made payable to the Treasurer of Virginia, Department of Conservation and Recreation, 203 Governor Street, Suite 402, Richmond, VA 23219, ATTN: Cashier. Payment is due within thirty days of the invoice date.

Should you have any questions or concerns, feel free to contact me at 804-371-2708. Thank you for the opportunity to comment on this project.

Sincerely,

 for René Hypes

S. René Hypes

Project Review Coordinator

cc: Ray Fernald, VDGIF

Literature Cited

- Kitchel, L. 1991. Green Floater. In Virginia's Endangered Species: Proceedings of a Symposium. K. Terwilliger ed. The McDonald and Woodward Publishing Company, Blacksburg, Virginia.
- Ortman, A.E. 1919. A monograph of the naiades of Pennsylvania, Part 3: Systematic account of the genera and species. Mem. Carnegie Mus. 8:1-384.
- Riddick, M.B. 1973. Freshwater mussels of the Pamunkey River system, Virginia. M.S. Thesis, Virginia Commonwealth University, Richmond, VA 105pp.
- Williams, J.D., M.L. Warren, Jr., K.S. Cummings, J.L. Harris, and R.J. Neves. 1993. Conservation status of freshwater mussels of the United States and Canada. Fisheries 18: 6-9.

ATTACHMENT 1

CONSULTATIONS

Pocahontas Branch:

No Comments:

Mr. Bill Hartman, WV Department of Transportation-6/18
 Mr. Sam DePue, District Conservationist, NRCS, Princeton, WV-6/18
 Mr. Wes Stanley, NRCS District Conservationist, Tazewell, VA-6/15
 Mr. John Porterfield, Supervisor, WV DEP-6/13
 Mr. Rick Kimbrell, Administrator, Tazewell County, VA-6/13
 Mr. Earl Billingsley, WV DEP, Office of Air Quality-6-13
 Mr. Bill Draper, Executive Director, Mercer County, WV-6/13

Comments:

Ms. Nancy Norton, VA Department of Environmental Quality, said she received the reports and responded to them accordingly.-6/18

Ms. Rene Hypes, VA Department of Conservation and Recreation, said there potentially exists a rare plant that could be affected, and that she has already sent comments regarding this plant.-6/13

Mr. Greg Jones, Town of Pocahontas, VA, said that he sent a letter concerning the abandonment, and that not having a tourist train on the mentioned rail segment would have a negative impact on the Town.-6/13

Mr. Shane Jones, US Fish and Wildlife Service, Elkins, WV, said that their office had already responded concerning our reports.-6/26

Mr. Brian Mory, VA Department of Game and Inland Fisheries, says that coordination would be required if in-stream work is proposed.-6/20

Ms. Barbara Sargeant, WV Department of Natural Resources, sent her response via mail on June 14, 2001.-6/28

Mr. Mark Holma, WV Division of Culture and History, says that he feels more information should be researched and included concerning the history of the track and associated buildings. He said his response was sent to NS June 27 or 28.-6/29

Mr. Bob Runowski, US EPA, Philadelphia, PA, received the reports and said NSRC would have a response by June 15, 2001.-6/13

Mr. Eric Davis, US Fish and Wildlife Service, VA, said that his office will have comments.-6/28

Mr. Edward J. McKay, National Geodetic Survey, said that he responded to the proposals in the group sent on May 25 about which he had concerns, and will do the same with the group of proposals sent on June 2.-6/20

Ms. Annette Poore, US Army Corps of Engineers, Abingdon, VA, comments received June 29, 2001.-6/29

Ms. Cindy Szymanski, National Park Service, said that she will respond to the Surface Transportation Board and NSRC during the week of July 2, 2001.-6/29

Ms. Lilly Richards, VA Department of Historic Resources, was to review the proposals and respond by later in the week of June 25.-6/28

Mr. Curtis Taylor, WV Department of Natural Resources, is handling our reports, he returned MM&A's Call, but has been unavailable since.-6/22

Mr. Chris Collins, VA Department of Transportation, was unavailable on three occasions.-6/26

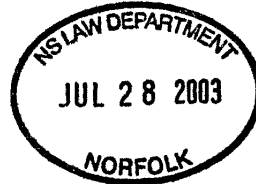


COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION
1401 EAST BROAD STREET
RICHMOND, VIRGINIA 23219-2000

PHILIP A. SHUCET
COMMISSIONER

July 25, 2003



EARL T. ROBB
STATE ENVIRONMENTAL ADMINISTRATOR

Ms. Sandra J. Gorby
Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, VA 23510-9241

Dear Ms. Gorby:

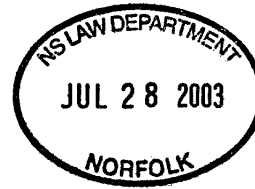
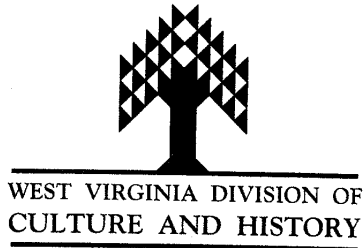
The Virginia Department of Transportation has reviewed the information provided for Norfolk Southern's Main Line Abandonment from Bluestone WV to Pocahontas VA. Our review covers impacts to existing and proposed transportation facilities.

The proposed project should have minimal impacts to traffic during construction, with no long-term, negative impacts. All work with the potential to effect roadways or other transportation facilities should be coordinated with Mr. Frank Phipps, the VDOT Resident Engineer for the Tazwell, VA Residency area (276 - 988 - 2566), prior to construction.

Thank you for the opportunity to comment and please call (804) 786-6678 should you have any additional questions.

Sincerely,

David Grimes
Environmental Specialist II
VDOT
1401 East Broad St.
Richmond, VA 23219
804-786-6678 - O
804-786-7401 - FAX



July 22, 2003

Ms. Sandra J. Gorby
Norfolk Southern
Three Commercial Place
Norfolk, VA 23510

RE: Proposed Main Line Abandonment
Milepost PO-0.0 and Milepost PO-1.9
FR#: 01-1055-MC-4

Dear Ms. Gorby:

We have received the information for the above mentioned project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

Thank you for resubmitting the Historic Report for the Bluestone, WV to Pocahontas, VA rail line abandonment. We reiterate our previous comments that the proposed abandonment will have *No Adverse Effect*. Therefore, no further consultation is necessary with this office regarding architectural resources.

Archaeological Resources:

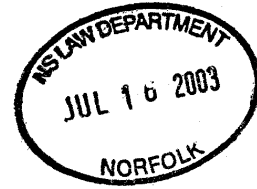
Given that the rail line will be abandoned in place without removal of tracks or berm, we have determined that the project will have no effect upon archaeological resources listed or eligible for inclusion in the National Register. No further consultation is necessary.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please call Robin Fisher, Historian or Joanna Wilson, Senior Archaeologist at (304) 558-0240.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP:rlf/jlw



COMMONWEALTH of VIRGINIA

Department of Historic Resources

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.state.va.us

MEMORANDUM

DATE: 15 July 03

DHR File # 2001-0823

TO: MS SANDRA J. GORBY
NORFOLK SOUTHERN CORP.

FROM: Ethel R. Eaton, Ph.D., Project Review Team Leader
Division of Resource Services and Review

PROJECT:

NSRR ABANDONMENT FROM BLUESTONE, WV TO POCAHONTAS (1.9 MILES)

— This project will have an effect on historic resources. Based on the information provided, the effect will not be adverse.

— This project will have an adverse effect on historic properties. Further consultation with DHR is needed under Section 106 of the NHPA.

— Additional information is needed before we will be able to determine the effect of the project on historic resources. **Please see the attached sheet.**

✓ — No further identification efforts are warranted. No historic properties will be affected by the project. Should unidentified historic properties be discovered during implementation of the project, please notify DHR.

— We have previously reviewed this project. Attached is a copy of our correspondence.

— Other (Please see comments below)

COMMENTS:

59

Program Services Div.
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 863-1685
Fax: (804) 862-6196

Petersburg Office
19-B Bollingbrook Street
Petersburg, VA 23803
Tel: (804) 863-1620
Fax: (804) 863-1627

Portsmouth Office
612 Court Street, 3rd Floor
Portsmouth, VA 23704
Tel: (757) 396-6709
Fax: (757) 396-6712

Roanoke Office
1030 Penmar Avenue, SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Winchester Office
107 N. Kent Street, Suite 203
Winchester, VA 22601
Tel: (540) 722-3427
Fax: (540) 722-7535



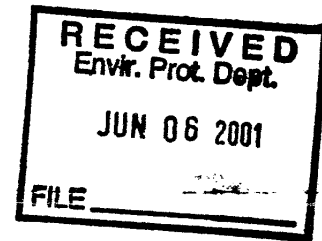
Town of Pocahontas
June 30th 1882
Centre Street
Post Office Box 128
Pocahontas, Virginia 24635
(540) 945-9522 Town Hall
(540) 945-5959 Police Department
(540) 945-9904 Fax Line

LGW



May 31, 2001

Mr. K. R. Miller
Director Environmental Operations
Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Va., 24042-0013



**Re: Proposed Line Abandonment Between MP PO 0.00 and P.O. 1.9
Bramwell, Wv. To Pocahontas, Va.**

Dear Mr. Miller:

It has come to our attention that Norfolk and Southern plans to file an application with the Surface Transportation Board seeking authority to abandon the above referenced road lines between Bramwell, Wv., and Pocahontas, Va., Our Town Council has addressed this situation and has unanimously agreed to oppose the removal of the abandon lines between Bramwell and Pocahontas.

The Town of Bramwell and the Town of Pocahontas recognizes the efforts that have been made to use the proposed abandon lines for a tourist train to link the two historic towns. The tourist train is perhaps the only way we will be able to increase our tourist base and simulate our economy. The removal of these lines will certain end any hopes of achieving our goal.

We only hope that Norfolk and Southern will recognize the potential in a tourist train between the two communities and leave the lines intact. I hope that when reviewing the environmental impact in removing these lines, the economic impact isn't overlooked.

Sincerely,

Anita Brown

Anita Brown
Mayor



Town of Pocahontas
June 30th 1882
Centre Street
Post Office Box 128
Pocahontas, Virginia 24635
(540) 945-9522 Town Hall
(540) 945-5959 Police Department
(540) 945-9904 Fax Line



March 20, 2001

*Mr. David Wilson
Project Scientist
Marshall Miller & Associates
P.O. Box 848
Bluefield, Va., 24635*

***Re: Proposed Line Abandonment Between MP PO 0.00 and P.O. 1.9
Bramwell, Wv. To Pocahontas, Va.***

Dear Mr. Wilson:

It has come to our attention that Norfolk and Southern has hired your firm to do an Environmental Impact Study on removing abandon rail road lines between Bramwell, Wv., and Pocahontas, Va., Our Town Council has addressed this situation and has unanimously agreed to oppose the removal of the abandon lines between Bramwell and Pocahontas.

The Town of Bramwell and the Town of Pocahontas recognizes the efforts that have been made to use the proposed abandon lines for a tourist train to link the two historic towns. The tourist train is perhaps the only way we will be able to increase our tourist base and simulate our economy. The removal of these lines will certain end any hopes of achieving our goal.

We only hope that Norfolk and Southern will recognize the potential in a tourist train between the two communities and leave the lines intact. I hope that when reviewing the environmental impact in removing these lines, the economic impact isn't overlooked.

Sincerely,

A handwritten signature in cursive script that reads "Anita Brown".

*Anita Brown
Mayor*



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

JACKIE T. STUMP
BOX 429
OAKWOOD, VIRGINIA 24631
THIRD DISTRICT

March 21, 2001

COMMITTEE ASSIGNMENTS:
MINING AND MINERAL RESOURCES (CO-CHAIR)
PRIVILEGES AND ELECTIONS
TRANSPORTATION
FINANCE
COUNTIES, CITIES AND TOWNS

Mr. David Wilson
Project Scientist
Marshall Miller & Associates
P.O. Box 848
Bluefield, VA 24635

Dear Mr. Wilson:

My office has been contacted in regard to a possibility of the Norfolk and Southern Railway removing the rail lines between Bramwell, WV and Pocahontas, VA.

I have been chosen by the Governor of Virginia to serve on the Tourist Train Development Commission, and would like any information that you may provide me in regard to Norfolk and Southern's intention. The tourist train is one of the only ways to be able to increase tourist and boost our economy.

I certainly hope that you understand this situation, and that Norfolk and Southern will leave the lines intact.

I would appreciate your immediate response, as this is an urgent matter.

Sincerely,



Jackie Stump

JS/nc

Wise County Board of Supervisors



Office of County Administrator

TELEPHONE 540-328-2321
FAX 540-328-9780

COURTHOUSE
WISE, VIRGINIA 24293

P.O. BOX 570
206 E. MAIN STREET

March 29, 2001

David Wilson
Marshall, Miller and Associates
PO Box 848
Bluefield, VA 24506-0848

RE: Track to be abandoned in the Derby
Community near Appalachia, Virginia

Dear Sir:

The County of Wise is presently working with the Derby community to install a sewer system and possibly a new water system for the community. Working with the Department of Housing and Community Development, we hope to make this a "self help" project, whereby community residents do much of the work of laying the lines, etc. themselves. We have been especially concerned about the cost of possible need for boring under the railroad track.

Since we learned that you are looking at Derby as one of the areas where the track might be removed, we are encouraged that removal of the track might make this project with limited funding now feasible. Since limited funding is now available for this project, I would greatly appreciate you letting me know if and when the track might be removed.

Please call me at (540) 328-2321 should you have a question or should you have an answer regarding the above.

Sincerely yours,

Shannon C. Scott
Acting County Administrator

SCS/dl/David Wilson

COMMONWEALTH OF VIRGINIA

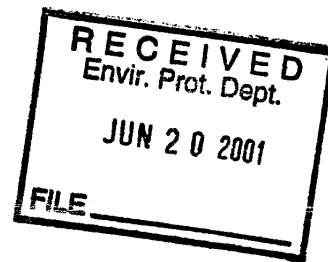
PHILLIP P. PUCKETT
19TH SENATORIAL DISTRICT
TAZEWELL, BLAND, BUCHANAN,
RUSSELL AND WYTHE COUNTIES,
PART OF WASHINGTON COUNTY
POST OFFICE BOX 924
TAZEWELL, VIRGINIA 24651
804/698-7538 RICHMOND
540/979-8181 TAZEWELL
540/889-2501 LEBANON
540/889-5736 HOME



SENATE

June 15, 2001

COMMITTEE ASSIGNMENTS:
AGRICULTURE, CONSERVATION, AND
NATURAL RESOURCES
COMMERCE AND LABOR
TRANSPORTATION



Mr. K.R. Miller
Director, Environmental Operations
Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, VA 24042-0013

Dear Mr. Miller:

It is my understanding that Norfolk & Southern Railroad plans to file an application with the Surface Transportation Board seeking authority to abandon the rail lines between MP PO 0.00 and P.O. 1.9 Bramwell, WV to Pocahontas, VA. I am very concerned with this proposed action and would like to express my strong opposition to this application. The removal of the abandoned lines between Bramwell, WV and Pocahontas, VA would have a devastating effect on the efforts to establish a tourist train in this area.

For years we have been working diligently to gain access to these abandoned rail line for use by a tourist train to link the two historic towns. The tourist train would be one of the strongest ways that we can increase the tourist base and stimulate the economy. The removal of these lines would almost certainly end any hopes of achieving our goal.

I sincerely hope that Norfolk & Southern and the Surface Transportation Board will recognize the potential in a tourist train between the two communities and leave the lines intact. I hope that in reviewing the environmental impact in removing these lines that the economic impact will be seriously considered. Thank you very much for your time and consideration of this important matter.

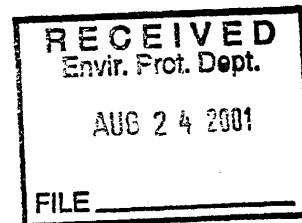
Sincerely,

A handwritten signature in dark ink, appearing to read "Phillip P. Puckett".

Phillip P. Puckett
Member, Senate of Virginia



LGW



COMMONWEALTH of VIRGINIA

Department of Historic Resources

2801 Kensington Avenue, Richmond, Virginia 23221

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.state.va.us

August 21, 2001

K.R. Miller
Norfolk Southern
Environmental Protection
110 Franklin Road, SE
Roanoke, Virginia 24042-0013

Re: Various Line Abandonments
DHR File Numbers 2001-0825; 2001-0824; 2001-0947; 2001-0823

Dear Mr. Miller:

Thank you for the opportunity to comment on the referenced projects. I apologize for the serious delay in our response. The DHR concurs with Norfolk Southern that the following projects will not effect historic properties:

Abandonment of rail line between Kopp and Wolf Pen Branch, Buchanan County, Virginia
Abandonment of rail line between Wyatt and Jewell Valley, Buchanan County, Virginia
Abandonment of rail line between Dwight and Spruce Pine, Buchanan County, Virginia
Abandonment of rail line between Long Spur Junction and End of Track, Buchanan County, Virginia
Abandonment of rail line between Oakwood and Mills, Buchanan County, Virginia
Abandonment of rail line between Arno Junction and Derby, Wise County, Virginia
Abandonment of rail line between Russell Creek and Calendonias, Wise County, Virginia
Abandonment of rail line between Banner and Little Tom Branch, Wise County, Virginia
Abandonment of rail line between Hurricane Junction and Clinchfield, Wise County, Virginia
Abandonment of rail line between Dwight and Spruce Pine, Russell County, Virginia
Abandonment of rail line between Bluestone, West Virginia and Pocahontas, Tazewell County, Virginia

While the DHR concurs with these determinations, we ask that in the future Norfolk Southern complete a search of our archives prior to submission of applications for abandonment. Information on archives searches is available on our website at www.dhr.state.va.us. In addition, information concerning the potential historical significance of the lines to be abandoned should also be included.

Program Services Div.
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 863-1685
Fax: (804) 862-6196

Petersburg Office
19-B Bollingbrook Street
Petersburg, VA 23803
Tel: (804) 863-1620
Fax: (804) 863-1627

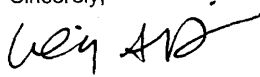
Portsmouth Office
612 Court St., 3rd Fl.
Portsmouth, VA 23704
Tel: (757) 396-6707
Fax: (757) 396-6712

Roanoke Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Winchester Office
107 N. Kent St., #203
Winchester, VA 22601
Tel: (540) 722-3427
Fax: (540) 722-7535

Thank you again for consulting with us. If I can be of any further assistance, please contact me at (804) 367-2323 ext. 140 or lrichards@dhr.state.va.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Lily A. Richards".

Lily A. Richards
Archaeologist and Historian, Division of Resource Services and Review



United States
Department of
Agriculture

Natural
Resources
Conservation
Service

727-R West Riverside Drive
North Tazewell, VA 24630
(540) 988-9588 Ext. 3

June 7, 2001

Dear Mr. Miller,

After reviewing the proposal for abandonment of rail between Bluestone and Pocahontas, as requested by Norfolk Southern Railway Company, it appears no prime farmland or known environmental resources will be affected.

If I can be of further assistance please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Wess Stanley".

Wess Stanley
District Conservationist

Natural Resources Conservation Service is an Equal Opportunity Employer



DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Capitol Complex, Building 3, Room 812
1900 Kanawha Boulevard, East
Charleston WV 25305-0664
Telephone (304) 558-2771
Fax (304) 558-3147
TDD 1-800-354-6087

Bob Wise
Governor

Ed Hamrick
Director

June 18, 2001

Mr. K. R. Miller
Director of Environmental Operations
Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

Re: Norfolk Southern Railway Company Proposed
Main Line Abandonments; 2.5 miles Williamson,
WV to Cinderella, WV, 3.09 miles Licks Fork Spur
Jct. to Elda, WV, 1.9 miles Bluestone, WV to
Pocahontas, VA, and 2.28 miles Cedar, WV to
Majestic, KY.

Dear Mr. Miller:

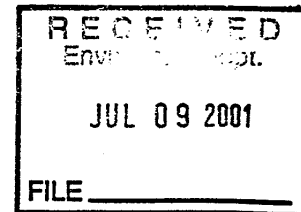
Thank you for the opportunity to comment on the proposed Main Line Abandonments. To protect water quality in these regions, we request that appropriate sediment and erosion control measures be implemented during the rail and tie removal phases of these projects. At this time, we anticipate no long term adverse environmental affects from these actions and thus we have no further comments.

Sincerely,

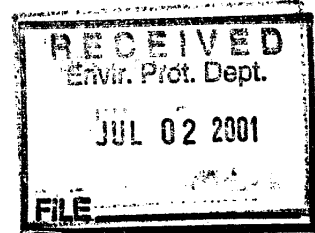
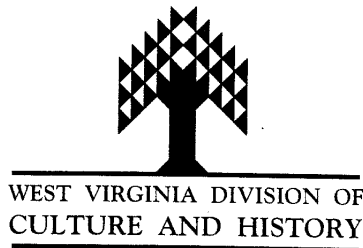
A handwritten signature in cursive script that reads "Ed Hamrick".

Ed Hamrick
Director

EH/bfd/akk



June 27, 2001



Mr. K. R. Miller
Norfolk Southern
110 Franklin Road, Southeast
Roanoke, Virginia 24042

RE: Proposed Main Line Abandonment
Milepost PO-0.0 and Milepost PO-1.9
FR#: 01-1055-MC

Dear Mr. Miller:

We have received the information for the above mentioned project. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

The "Environmental Report on Proposed Rail Line Abandonment" for the 1.9 miles of railroad line from Bluestone, Mercer County, West Virginia, to Pocahontas, Virginia does not specifically address potential impacts to historic resources such as the rail line itself or associated buildings and structures. Nor is there any information provided regarding the railroad's history in order for us to make an assessment of the resource's National Register eligibility.

Please submit additional information addressing our above inquiries. We cannot continue with our review without these relevant facts. Also, please note that the subject material did not reach our office until June 7, 2001, and, therefore, we were unable to meet the requested three week comment period. However, under 36 CFR 800 our office is allowed thirty days upon receipt of a project to comment on its impact to cultural resources listed in or eligible for the National Register of Historic Places or to request additional information to assist in our analysis. As such, we have met our statutory obligation with this response.

We appreciate the opportunity to be of service. If you have questions regarding our comments or the Section 106 process, please call me at (304) 558-0220, Ext. 723.

Sincerely,

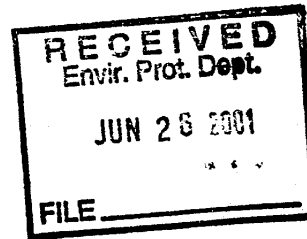
Marc Holma
Senior Structural Historian for Review and Compliance



DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

June 19, 2001

REPLY TO
ATTENTION OF:
Operations and Readiness Division
Regulatory Branch
Tug Fork-No Permit Required-200100565



Norfolk Southern Corporation
Director Environmental Operations
Attn: K.R. Miller
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

Dear Mr. Miller:

I refer to information received in this office on June 6, 2001 concerning the proposed abandonment of 28.4 miles of rail line located in Mingo County, West Virginia and Pike County, Kentucky. You have indicated that portions of these lines cross the Tug Fork River, unnamed tributaries (U/T) of Poplar Creek, Laurel Fork, Blackberry Creek, Sycamore Branch, U/T of Sycamore Creek, Grapevine Creek, Lick Fork, Conley Fork, Spice Creek, U/T of Spice Creek Shabby Room Branch, Little Day Camp Branch, Honey Camp Branch and Stonecoal Branch. In addition, wetlands are present in the vicinity of portions of the rail line.

You have requested that we determine whether a permit should be obtained for the work associated with the abandonment of 11 portions of rail lines.

	Section of Rail Line to be Abandoned	Miles
1	*Cedar, WV to Majestic KY	2.28
2	**Bluestone, WV to Pocahontas, VA	1.9
3	Oak Hill, WV to Carlisle, WV	2.8
4	*McCarr, WV to Nampa, KY	.95
5	Williamson, WV to Cinderella, WV	2.5
6	Licks Fork Spur Jct., WV to Elda, WV	3.09
7	Roderfield, WV to Premier, WV	4.58
8	Amigo, WV to Devils Fork, WV	1.5
9	McVey, WV to Whitby, WV	4.0
10	Oak Hill, WV to Oak Hill, WV	2.5
11	Thacker, WV to Colonel, WV	2.3
TOTAL		28.4

*These two sections of abandonment cross the Tug Fork River and reside in both KY and WV.

**This portion of abandonment is partially located in the Norfolk District of the U.S. Army Corps of Engineers. All rail line abandonment in the state of Virginia should be coordinated through the Norfolk District. The Clinch Valley regulatory field office may be reached by dialing 540-623-5259.

Section 404 of the Clean Water Act requires that a Department of the Army permit be obtained prior to placing dredged or fill material into waters of the United States, including wetlands. Based on the information provided, it appears that no fill material would be placed into jurisdictional waters; therefore, authorization under Section 404 of the Clean Water Act for the proposed work would not be required. However, if any work becomes necessary that would require the placement of fill material into waters of the United States at any site of proposed rail line abandonment, you should contact this office.

Section 10 of the Rivers and Harbors Act of 1899 requires that a permit be obtained prior to any work in, over, or under navigable waters. You have indicated that bridge trestles crossing the Tug Fork River would not be removed during abandonment activities. Provided that these crossings would be used at some time in the future, trestles may remain in place.

Please be aware that the Corps of Engineers does not have regulatory authority for administering the 100-year floodplain regulation pursuant to the National Flood Insurance Program. This authority lies with the local government using floodplain ordinances approved by the Federal Emergency Management Agency.

If you have any questions concerning the above, please contact Michael Hatten at 304-529-5710.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rich Buckley".

Richard P. Buckley
Chief, South Permit Section

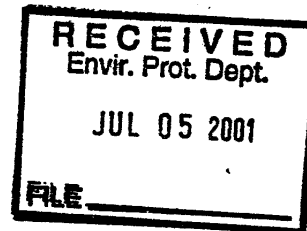


United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6669 Short Lane
Gloucester, VA 23061

July 3, 2001



Mr. Larry G. Western
Norfolk Southern Corporation
110 Franklin Road, Southeast
Roanoke, Virginia 24042-0013

Re: Norfolk Southern Railway
Abandonment, Tazewell, Russell,
and Wise Counties, Virginia

Dear Mr. Western:

The U.S. Fish and Wildlife Service (Service) has received your four May 23, 2001 letters and your June 15, 2001 facsimile requesting information on federally listed species for the referenced project in Tazewell, Russell, and Wise Counties, Virginia. This letter is submitted in accordance with provisions of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The proposed action is to abandon the following four segments of rail line:

- 3.03 miles from milepost A-0 to A-3.03 from Arno to Derby, VA
- 0.9 miles from milepost RC-0 to RC-0.9 from Russell Creek to Caledonia, VA
- 0.66 miles from milepost LT-0 to LT-0.66 from Banner to Little Tom Branch, VA
- 1.9 miles from milepost PO-0 to PO-1.9 from Bluestone, WV to Pocahontas, VA

To minimize impacts to the region's valuable aquatic resources, the Service recommends you implement strict erosion control measures during land disturbing activities. Some of your project area runs alongside streams that run directly into larger waterways that are known to contain populations of federally listed mussels. As long as strict erosion control measures are taken, the Service believes the proposed action is not likely to adversely affect federally listed species or adversely modify federally designated critical habitat.

If you have any questions or need further assistance concerning this project, please contact Mr. Eric Davis at (804) 693-6694, extension 104.

Sincerely,

Karen L. Mayne

Karen L. Mayne
Supervisor
Virginia Field Office



U.S. Army Corps of Engineers
Norfolk District, Western Virginia Regulatory Section
Clinch Valley Regulatory Office
POB 338
Abingdon, Virginia 24212-0338

June 22, 2001

Project Number: 01-K0073

Waterway: Bluestone River

1. Participant:
Norfolk Southern Corporation
Environmental Protection, Attn: Larry Western
110 Franklin Road, S. E.
Roanoke, Virginia 24042-0013

2. Authorized Agent:
✓ Marshall Miller and Associates
POB 848
Bluefield, Virginia 24605-0848

3. Address of Job Site:
Between milepost PO 0.0 and Milepost PO 1.9
From Bluestone WVa to Pocahontas, VA

4. Project Description:
Rail abandonment of 1.9 miles of rail. Notification indicates there will be no instream work, no dredge or fill operations associated with the proposed abandonment.

5. Findings

This is in reference to your application for a Department of the Army permit to perform the work as described in part 4 above.

The proposed work does not fall within the Corps of Engineers' jurisdiction. No permit will be required from this office. Please note that you should obtain all required State and local authorizations before you proceed with the project.

CC:
Surface Transportation Board
SEA, Room 3219
1925 K Street, NW
Washington, DC 20423

6. Corps Contact: Annette Poore (540) 623-5259

(for) 
Bruce F. Williams
Acting Chief, Western Virginia Regulatory Section

NAO FL 13 REVISED DEC 90



COMMONWEALTH of VIRGINIA

James S. Gilmore, III
Governor

John Paul Woodley, Jr.
Secretary of Natural Resources

Department of Game and Inland Fisheries

June 12, 2001

William L. Woodfin, Jr.
Director

David Wilson
Marshall Miller & Associates
Bluefield Virginia Industrial Park
Po Box 848
Bluefield, VA 24605

RE: ESSLOG 14642; Multiple Proposed Line Abandonments

Dear Mr. Wilson:

This letter is in response to your request for information related to the presence of threatened or endangered species in the vicinity of the above referenced project.

Information about fish and wildlife species was generated from our agency's computerized Fish and Wildlife Information System, which describes animals that are known or may occur in a particular geographic area. Field surveys may be necessary to determine the presence or absence of some of these species on or near the proposed area. Also, additional sensitive animal species may be present, but their presence has not been documented in our information system.

Bluestone, West Virginia to Pocahontas, Virginia

A block survey of an area encompassing the project site documented the following species during the breeding season: the federal species of concern cerulean warbler, (*Dendroica cerulea*), and the state special concern species golden-winged warbler, (*Vermivora chrysoptera*). These species may occur at the project site if appropriate habitat exists, but no coordination is necessary at this time. The classifications of "federal species of concern" and "state special concern species" are not legal designations and do not require coordination.

Arno Junction to Derby, Virginia

A block survey of an area encompassing the project site documented the following species during the breeding season: the federal species of concern cerulean warbler, (*Dendroica cerulea*). This species may occur at the project site if appropriate habitat exists, but no coordination is necessary at this time. The classification of "federal species of concern" is not a legal designation and does not require coordination.

4010 WEST BROAD STREET, P.O. BOX 11104, RICHMOND, VA 23230-1104
(804) 367-1000 (V/TDD) Equal Opportunity Employment Programs and Facilities FAX (804) 367-9147

Banner, Virginia

There are currently no documented occurrences of threatened or endangered species in the project area.

Russell Creek to Caledonia, Virginia

The *federally endangered* birdwing pearly mussel, (*Lemiox rimosus*), the *federally endangered* fine-rayed pigtoe mussel, (*Fusconaia cuneolus*), the *federally endangered* shiny pigtoe mussel, (*Fusconaia cor*), the *federal candidate* fluted kidneyshell mussel, (*Ptychobranthus subtentum*), the *state endangered* deertoed mussel, (*Truncilla truncata*), the *state threatened* elephant ear mussel, (*Elliptio crassidens*), the *state threatened* black sandshell mussel, (*Ligumia recta*), the *state threatened* fragile papershell mussel, (*Leptodea fragilis*) have been documented in the project area. The applicant must coordinate with this Department and with the U.S. Fish and Wildlife Service to evaluate potential impacts to these species.

The state special concern species sauger, (*Stizostedion canadense*), the state special concern species popeye shiner, (*Notropis ariommus*), the state special concern species Tennessee pigtoe mussel, (*Fusconaia barmesiana*), and the federal species of concern state special concern species elktod mussel, (*Alasmindonta marginata*), have been documented in the project area. The classifications of “federal species of concern” and “state special concern species” are not legal designations and do not require further coordination.

A block survey of an area encompassing the project site documented the following species during the breeding season: the federal species of concern cerulean warbler, (*Dendroica cerulea*). This species may occur at the project site if appropriate habitat exists, but no coordination is necessary at this time.

Hurricane Junction to Hurricane Creek, Virginia

The state threatened black sandshell mussel, (*Ligumia recta*), has been documented in the project area. The applicant should coordinate with this Department to evaluate potential impacts to this species.

Long Spur Junction, Virginia

There are currently no documented occurrences of threatened or endangered species in the project area.

Oakwood to Mills, Virginia

There are currently no documented occurrences of threatened or endangered species in the project area.

Dwight to Spruce Pine, Virginia

A block survey of an area encompassing the project site documented the following species during the breeding season: the federal species of concern cerulean warbler, (*Dendroica cerulea*). This species may occur at the project site if appropriate habitat exists, but no coordination is necessary at this time. The classification of "federal species of concern" is not a legal designation and does not require further coordination.

A survey along a route passing in the vicinity of the project area has documented the presence of the state special concern species gold-winged warbler, (*Vermivora chrysoptera*), during the breeding season. This species may occur at the project site if appropriate habitat exists, but no coordination is necessary at this time. The classification of "state special concern species" is not a legal designation and does not require further coordination.

Kopp, Virginia

There are currently no documented occurrences of threatened or endangered species in the project area.

Wyatt to Jewel Valley, Virginia

The state endangered variegate darter, (*Etheostoma variatum*), has been documented in the project area. The applicant should coordinate with this Department to evaluate potential impacts to this species.

A block survey of an area encompassing the project site documented the following species during the breeding season: the federal species of concern cerulean warbler, (*Dendroica cerulea*). This species may occur at the project site if appropriate habitat exists, but no coordination is necessary at this time. The classification of "federal species of concern" is not a legal designation and does not require further coordination.

Endangered plants and insects are under the jurisdiction of the Virginia Department of Agriculture and Consumer Services, Bureau of Plant Protection. Questions concerning sensitive

David Wilson
ESSLOG# 14642
June 12, 2001
Page 2

plant and insect species occurring at the project site should be directed to Keith Tignor at (804) 786-3515.

This letter summarizes the likelihood of the occurrence of endangered or threatened animal species at the project site. If you have additional questions in this regard, please contact me at (804) 367-2211. Please note that this response does not address any other environmental concerns; these issues are analyzed by our Environmental Services Section, in conjunction with interagency review of applications for state and federal permits. If you have any questions in this regard, please contact Ray Fernald or Tom Wilcox at (804) 367-8999.

There is a processing charge of \$50.00 for our response. Please remit a check, made payable to **TREASURER OF VIRGINIA**, within 30 days to MaryBeth Murr at the address listed on the first page. Include a copy of this letter with your payment to ensure that your account is properly credited.

The Fish and Wildlife Information Service, the system of databases used to provide the information in this letter, can now be accessed via the Internet! The Service currently provides access to current and comprehensive information about all of Virginia's fish and wildlife resources, including those listed as threatened, endangered, or special concern; colonial birds; waterfowl; trout streams; and all wildlife. Users can choose a geographic location and generate a report of species known or likely to occur around that point. From our main web page, at www.dgif.state.va.us, choose the hyperlink to "Wildlife Information Online". For more information, please contact Amy Martin, Online Service Coordinator, at (804) 367-2211.

Thank you for your interest in the wildlife resources of Virginia.

Sincerely,



Amy Martin
Online Services Coordinator

cc: R.T. Fernald, VDGIF
Karen Mayne, USFWS

**Virginia Department of Game and Inland Fisheries
Wildlife Diversity Division
Environmental Response Invoice**

Date of Response:	June 12, 2001	
EssLog Number:	14642	
Name of Respondent:	Amy Martin	
Name of Recipient:	David Wilson	
Company Affiliation:	Marshall Miller & Associates	
Company Address:	PO Box 848, Bluefield, VA 24605	
Recipient Phone #:	540-322-5467	
2	Total Hourly Charges:	\$50.00
	Total Map Charges:	\$ -
	Diskettes and Copying Charges:	\$ -
	Total Other Charges:	\$ -
	Total Due:	\$ 50.00

Please make checks payable to the **Treasurer of Virginia**.

Payment should be returned to:

Mary Beth Murr
Virginia Department of Game and Inland Fisheries
Wildlife Diversity Division
4010 West Broad Street
Richmond, VA 23230-1104

Questions concerning payment should be directed to the respondent above in the Fish and Wildlife Information Section at (804) 367-6913

Please include a copy of this invoice with payment to ensure proper crediting of your account.





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

June 20, 2001

Mr. Rory Mullenex
Marshall Miller and Associates
P.O. Box 848
Bluefield, VA 24605-0848

SUBJECT: EPA Region 4 Approach to Railroad Abandonment Proposals

Dear Mr. Mullenex:

As discussed today with Chris Hoberg of my staff, the U.S. Environmental Protection Agency (EPA) is providing for your reference copies of recent letters concerning proposed railroad abandonments. These letters to Mr. Larry Western and Mr. James Paschall of Norfolk Southern (NS) and their letter attachments indicate the approach EPA Region 4 is currently taking regarding routine, environmentally benign railroad abandonment proposals made by NS and other rail line companies. However, should a future proposal have an environmental concern, please feel free to contact Chris Hoberg at 404/562-9619.

EPA appreciates your concern and coordination with us.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mueller".

Heinz J. Mueller, Chief
Office of Environmental Assessment
Environmental Accountability Division

Enclosure

June 13, 2000

4EAD-OEA

Mr. Larry G. Western
Norfolk Southern Corporation
110 Franklin Road, SE
Roanoke, VA 24042-0013

**SUBJ: EPA Generic Comments on Norfolk Southern Corporation (NS) Railroad
Abandonment Proposals**

Dear Mr. Western:

As you have discussed with Chris Hoberg of my staff, NS has provided the U.S. Environmental Protection Agency (EPA) with numerous railroad abandonment proposals over the years for our comment. NS apparently seeks EPA comment to satisfy Surface Transportation Board (STB) requirements.

EPA has provided many response letters to these proposals. Most of them were generic and quite similar. Although not without impacts, the proposed abandonments would terminate the use of a line section and are generally benign environmentally. They can in fact benefit the environment if a sponsor offers to implement the rails-to-trails program along the abandoned railroad ROW. Conversely, they could also be detrimental to the environment if existing train traffic would be rerouted to a congested line and therefore result in an air quality or noise impact on that line. NS and STB should ensure that this be avoided and should promote the rails-to-trails program by proper advertisement to potential private sponsors or federal sponsors such as the U.S. Fish and Wildlife Service.

EPA does not expect to continue individually commenting on NS (or other railroad company) abandonment proposals. Instead, this generic response can be used for STB purposes *unless* NS determines there is reason to believe that the abandonment proposal is unique and substantive environmental impact would result with abandonment. In such instance, NS should provide EPA with project-specific documentation for potential review and comment. In addition, all normal coordination with federal, state and local agencies should continue (e.g., endangered species, wetlands and hazardous material/waste areas within the ROW). We also expect that future abandonment proposals be responsive to past EPA comments (for reference, see enclosed *Example of A Typical Former EPA Response*).

It should be emphasized that this letter does *not* mean that EPA has no comment on all future abandonment proposals or that there are no environmental impacts. However, EPA at this time does not elect to comment on most abandonment proposals if they are similar to those received over the years. Although we reserve the right to comment on any or all proposals pursuant to Section 309 of the Clean Air. This letter also only pertains to EPA comments and not those of any other resource agency.

We appreciate your coordination with us. Should you have questions regarding this letter, you may wish to contact Chris Hoberg at 404/562-9619.

Sincerely,

Heinz J. Mueller, Chief
Office of Environmental Assessment
Environmental Accountability Division

Enclosure - *Example of A Typical Former EPA Response*

cc: Ms. Elaine Kaiser - STB: Washington, DC

EXAMPLE OF A TYPICAL FORMER EPA RESPONSE

November 25, 1996

4EAD/OEA-cmh

Ms. Elaine K. Kaiser, Chief
Section of Environmental Analysis
Surface Transportation Board
12th and Constitution Avenue, NW
Room 3219
Washington, DC 20423

**SUBJ: Environmental Report; Norfolk Southern Railway Company;
Proposed Discontinuance/Abandonment of 22.1 Miles of Rail
Line From MP 862.8 to MP 884.9; Berry to Belk, Alabama in
Fayette County**

Dear Ms. Kaiser:

The U.S. Environmental Protection Agency (EPA) has reviewed the Environmental Report (ER) for the above-referenced railroad discontinuance/abandonment project in Alabama, proposed by your Norfolk Southern Railway Company (NS) applicant. Given the preliminary nature of the ER dated May 2, 1996 (and cover letter to EPA dated October 16, 1996), we offer the preliminary comments presented below for consideration by the Surface Transportation Board (STB).

EPA offers the following preliminary comments on the ER:

- ▶ **ALTERNATIVES** - EPA recommends that the environmental impacts, if any, of non-abandonment alternatives be identified and briefly compared to the impacts of the proposed action. Specifically, any environmental impacts of not abandoning the line or discontinuing line service and retaining the trackage should be discussed and compared to the proposed line abandonment (future ERs should include such information).
- ▶ **IMPACTS** - Based on the report provided, it appears that the environmental impacts of the proposed 22.1-mile railway abandonment need not be substantive. However, the line crosses several waterways a total of 24 times and in-stream salvaging work is possible. In addition, there are some conclusional statements that we believe should be substantiated before any action is taken by the STB. We note, however, that this ER is

more responsive to EPA comments than in the past.

2

We offer the following comments:

■ **Land Use (3.i)** - We appreciate that the ER briefly characterized the land use of the project area (forests (85%), commercial businesses (5%), residential (10%)). Also relative to land use, will bisected forests, if any, be reunited due to the proposed abandonment? Will the rail line right-of-way (ROW) be maintained or allowed to naturally revegetate? Will any existing at-grade crossings be eliminated (if the proposed abandonment is implemented) which would improve transportation in terms of delays and accident potential?

■ **Alternative Public Use (3.iv)** - The ER indicates that NS does not have fee title to all of the rail line ROW proposed for abandonment and therefore does not have a contiguous corridor for potential future public use. For this reason and others, NS does not believe the line segment would be suitable for other public use.

Although NS does not own fee title to the ROW, we would nevertheless suggest that NS determine the fate of the ROW from its owner and include such information in the ER. Would the ROW simply revert to the surrounding land use, or would the corridor be sold to the private or public sector and for what land use?

■ **Energy (4.i)** - Although it basically follows from previous sections of the abandonment proposal, we suggest that the statement "[d]evelopment and transportation of energy resources will not be affected by the abandonment" be briefly substantiated in this section and in any future ERs. For example, the fact that rail line abandonment as opposed to construction is proposed could again be referenced here for clarity.

EPA appreciates the calculation of net change in energy consumption due to the modal change from diesel train to diesel trucks. The conclusion reached by the applicant was that a net decrease in diesel fuel gallons (3,985 vs. 5,896) would be used for a change to truck traffic. Intuitively, this seems incorrect. Considering that truck cargos (15 tons) would be considerably less than train cargos so that numerous truck trips would be needed to replace one train load. As such, it would seem that more fuel would be used for the truck option than for the train option.

This apparent inconsistency is presumably true, as the ER further indicates, to the current train configuration not

being efficient, so that train cargos are apparently undersized. We note that the ER states that "...if the railroad configured trains and trips for maximum efficiency,

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pulpwood could be moving using approximately 43% of the estimated fuel used trucking pulpwood and using approximately 29% of the estimated current fuel usage."

■ Air (5.i, 5.ii) - We note that several air quality criteria would not be reached or exceeded by the proposed abandonment. We assume that these criteria are the STB air quality analysis thresholds frequently referred to but not generally provided in previous abandonment proposals reviewed by EPA (if so, we suggest that future ERs indicate that the listed criteria indeed are the STB air quality thresholds). We appreciate their inclusion in this ER.

If truck traffic is to replace the remaining rail traffic on the line to be abandoned, air quality could be locally impacted. Specifically, trucks could slow traffic which would involve traffic queuing (idling) or slow moving traffic, which would reduce local air quality. In addition, the additional vehicles would use diesel fuel rather than less polluting gasoline or alternate fuels (e.g., natural gas or electric). The local conditions of the preferred route(s) should be briefly characterized (ADT, traffic mix, intersections, etc.). Although we note that the ADT of the area would increase only less than 0.02%, we suggest that actual numbers be provided since percentages can be misleading. Overall air quality for the region, however, should improve if the ER analysis is accurate that less fuel would be used with trucks rather than rail in this case.

The ER states that: "Based on the foregoing discussion, increases in air emissions do not need to be quantified." This statement should be substantiated, i.e., what guidance is being employed here by the applicant?

It is also stated that "NS does not believe any Class I or non-attainment areas would be affected by the proposed abandonment." While we agree that abandonment projects would generally not affect non-attainment areas even if they existed in the project area (assuming the line no longer has rail traffic or does have inefficient rail traffic), the attainment status of the area of concern should preferably be verified in ERs (see annual 40 CFR Part 81, subject to updates, or contact the Air Division of EPA Region 4 at 404/562-9026). Any potential air quality effects should also be reasonably predicted in future ERs. As such, the ERs would be better stand-alone environmental documents prior to agency reviews.

EPA has verified that Fayette County in Alabama is in

attainment for all National Ambient Air Quality Standard (NAAQS) pollutants (including ozone), i.e., this county is not a non-attainment area for any NAAQS pollutants.

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Therefore, it can be assumed that the salvaging process should not affect any non-attainment areas. The U.S. Department of the Interior (DOI) should be consulted for potential Class I area concerns.

■ **Noise (6)** - The ER does not list the referenced "established analysis thresholds" for noise. Their listing and a reference should be included in prospective future ERs for abandonment proposals (Note: This comment has also been made in previous EPA reviews of ERs, without inclusion or citation reference to the noise thresholds in subsequent ERs). How was it determined that these thresholds would not be exceeded?

While noise generated by the proposed action may not be substantive (especially when compared to noise from former and existing train usage of the track) or exceed the STB's noise thresholds, EPA does not agree that noise impacts from the proposed action (e.g., rail salvage) are "not applicable." Nevertheless, while the thresholds and other noise "guidelines" (such as city ordinances) may or may not be exceeded (or even exist) due to the proposed action, and sensitive residential receptors may or may not be far removed from the site (this should be determined in ERs), generation of temporary, above-ambient noise levels can be expected during rail salvage operations. What maximum/average noise levels would be expected from such an operation and how do these levels compare to the noise thresholds, other guidance or ordinances and existing railway noise?

■ **Hazardous Waste or Hazmat Spill Sites (7.iii)** - We note that "NS has no knowledge" of any hazardous waste spills or known spill sites along the ROW. What research and/or review was conducted to determine if any hazardous waste spills have occurred or sites exist along the ROW? Such substantiation should also be provided in any future applicant ERs on abandonment proposals. What procedures will be followed by NS if hazardous materials would be discovered during salvaging activities? Future ERs should already include such requested information.

■ **Biological Resources (8)**
Endangered Species/Critical Habitat (8.i) - The ER should provide a reasonable list of the federally-listed endangered species that range in the area, and if any are known to actually exist along or near the ROW. Also, what is the basis for the statement that "NS is not aware of any critical habitat which would be destroyed or modified as a

result of the proposed abandonment," i.e., what research or consultation was conducted to determine this? Future abandonment ERs should already provide substantiated

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information on "critical habitat" (confirmation from the FWS is advised). EPA notes and supports the commitment that "NS is willing to undertake reasonable mitigating actions to protect any endangered species which might be encountered in connection with abandonment activities."

Sanctuaries, Refuges and Parks (8.ii) - It should be determined (with a documented source such as a USGS or recent aerial map, ground survey, or agency) if the line does or does not pass through any parks, forests, or wildlife sanctuaries (Note: Future ERs should already include such a determination and cite the information source). The appropriate resource agency (such as FWS) should then be consulted/copied for verification.

■ **Water (9.i, 9.ii, 9.iii)** - The rail line crosses the North River, Kerrs Branch, Sipsey River and Bobo Creek at 24 locations. The ER indicates that the line roadbed is not proposed for appreciable removal or alteration, "no discernible effects on either wetlands or 100-year flood plains are expected," and "NS does not believe a 404 wetland permit will be required in connection with the proposed abandonment." However, because the report does indicate that some in-stream work is being contemplated (i.e., "at most, some bridge piles, posts, and piers may be removed down to stream bottom level..."), the U.S. Army Corps of Engineers (COE) should be consulted regarding any impacts to jurisdictional wetlands and potential 404 permitting requirements. Also, if jurisdictional wetlands exist along or near the ROW, placement of all construction staging areas should avoid such wetlands. The U.S. Coast Guard should be contacted relative to navigational obstructions during bridge removal (if waterway crossed are navigable).

Regarding permitting requirements under Section 402 of the Clean Water Act involving point source discharges to waters of the United States, EPA has authorized the State of Alabama to administer the storm water National Pollutant Discharge Elimination System (NPDES) Permit Program (with EPA program oversight being retained). Storm water NPDES permitting could apply if the abandonment activities involve soil disturbances (grading, movement, filling, etc.) of five or more acres of land, and if there are point source discharges from these areas into waters of the U.S. (creeks, lakes, rivers, jurisdictional wetlands, etc.). EPA encourages the applicant's further coordination with the State of Alabama or EPA/Region 4 (Mr. Roosevelt Childress: 404/562-9279) regarding water quality management and any

NPDES permitting requirements. Such coordination should precede completion of future ERs and be documented therein.

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Regardless of wetland or NPDES permitting requirements, the potential for soil erosion exists during proposed salvaging of rails and ties and bridge structures. Soil erosion should be minimized through use of state construction Best Management Practices (BMPs). Will the areal extent of disturbed areas be kept to a minimum and limited to the ROW? Will access and staging areas be involved? Is mulching and grass re-seeding proposed for disturbed construction areas along the railbed? Will state construction BMPs be followed? Prospective ERs should already include such discussion.

■ **Proposed Mitigation (10)** - We note the commitment that "NS will undertake all reasonable mitigation associated with these activities [removal of rail, ties, and other railroad appurtenances] will be produced by the proposed action." EPA encourages mitigation of impacts in general, and specifically any compensation recommended by the various review/permitting agencies.

► **FUTURE ERs** - We have noted some modifications in this ER commensurate with typical EPA comments on previous ERs for NS abandonment proposals. We appreciate the responsiveness. However, modifications for several other EPA comments were not noticed. Future ERs should be further modified in response to EPA comments.

► **EPA MOVE** - As noted on our new letterhead, EPA Region 4 has moved to 100 Alabama Street in Atlanta, Georgia. The former Environmental Policy Section has been reorganized to the Office of Environmental Assessment in the Environmental Accountability Division.

EPA appreciates the opportunity to review the ER at this time. Per applicant cover letter request, we have provided a copy of these comments to NS. Should you have questions, feel free to contact Chris Hoberg of my staff at 404/562-9619, who will serve as the initial Agency point of contact.

Sincerely,

Heinz J. Mueller, Chief
Office of Environmental Assessment
Environmental Accountability Division

cc: Mr. Larry G. Western
Norfolk Southern Corporation



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
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July 3, 2003

The Honorable Anita Brown
Mayor, Town of Pocahontas
P. O. Box 128
Pocahontas, VA 24635

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mayor Brown:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

We now plan to file the notice on or about August 1, 2003. Accordingly, we are resubmitting the enclosed Historic Report to provide you the opportunity to make additional comments if you desire. There has been no rail service over the line in more than 15 years. Therefore, it is unlikely there have been any significant changes that would cause the enclosed report to be obsolete since its submission in 2001.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Sandra J. Gorby".

Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
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July 3, 2003

Mr. Bill Draper
Mercer County Executive Director
1501 West Main Street
Princeton, West Virginia 24740

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Draper:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads 'Sandra J. Gorby'.

Sandra J. Gorby



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July 3, 2003

Mr. Rick Buckley, Chief
South Permit Section
US Army Corps of Engineers, Huntington District
502 8th Street
Huntington, WV 25701

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Buckley:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Sandra J. Gorby". The signature is written in a cursive, flowing style.

Sandra J. Gorby



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July 3, 2003

Mr. John Porterfield, Supervisor
West Virginia Department of Environmental Protection
331 Court Street, Suite 204
Welch, West Virginia 24801

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Porterfield:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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Very truly yours,

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July 3, 2003

Mr. Ed Hamrock, Director
West Virginia Department of Natural Resources
1900 Kanawha Blvd., East
Building 3 Room 669
Charleston, WV 25305-0660

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Hamrock:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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July 3, 2003

Mr. Craig Stihler
West Virginia Department of Natural Resources
Natural Heritage Program
P. O. Box 67
Elkins, West Virginia 26241

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Stihler:

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July 3, 2003

Mr. Earl Billingsly
WV Department of Environmental Protection
Office of Air Quality
7012 MacCorkle Avenue
Charleston, WV 25304

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Billingsly:

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July 3, 2003

Mr. Fred VanKirk, Secretary
WV Department of Transportation
1900 Kanawha Blvd., East
Building 5 Room 109
Charleston, WV 25305-0660

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. VanKirk:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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July 3, 2003

Mr. Sam DePue, District Conservationist
USDA National Resources Conservation Service
114 Gott Road
Princeton, WV 24071

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. DePue:

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July 3, 2003

Mr. Jeffrey K. Towner, Supervisor
USFWS Ecological Services Field Office
694 Beverly Pike
Elkins, West Virginia 26241

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Towner:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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July 3, 2003

Ms. Nancy Herholdt, Commissioner
WV Division of Culture and History
Cultural Center
1900 Kanawha Blvd.
Charleston, WV 25304

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Herholdt:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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July 3, 2003

Mr. Rick Kimbrell
Buchanan County Administrator
315 School St., Box 2
Tazewell, VA 24651

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Kimbrell:

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July 3, 2003

Ms. Patti Neel
Natural Resources Conservation Service
727R West Riverside Dr.
North Tazewell, VA 24530

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Neel:

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Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

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July 3, 2003

Mr. Michael Overstreet, Director
Virginia Department of Environmental Quality
P. O. Box 1688
Abingdon, VA 24212-1668

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Overstreet:

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July 3, 2003

Mr. Bob Runowski
US Environmental Protection Agency
EPAS (3ES43)
841 Chestnut Street
Philadelphia, PA 19107

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Runowski:

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We now plan to file the notice on or about August 1, 2003. Accordingly, we are resubmitting the enclosed Historic Report to provide you the opportunity to make additional comments if you desire. There has been no rail service over the line in more than 15 years. Therefore, it is unlikely there have been any significant changes that would cause the enclosed report to be obsolete since its submission in 2001.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
Sr. Vice President - Law

Writer's Direct Dial Number
(757) 629-2804
Fax (757) 533-4872
E-mail sandra.gorby@nscorp.com

July 3, 2003

Ms. Karen Moore
United States Fish and Wildlife Service
6669 Short Lane
Gloucester, VA 23061

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Moore:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

We now plan to file the notice on or about August 1, 2003. Accordingly, we are resubmitting the enclosed Historic Report to provide you the opportunity to make additional comments if you desire. There has been no rail service over the line in more than 15 years. Therefore, it is unlikely there have been any significant changes that would cause the enclosed report to be obsolete since its submission in 2001.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in cursive script that reads "Sandra J. Gorby".

Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
Sr. Vice President - Law

Writer's Direct Dial Number
(757) 629-2804
Fax (757) 533-4872
E-mail sandra.gorby@nscorp.com

July 3, 2003

Ms. Annette Poore
United States Army Corps of Engineers
P. O. Box 338
Abingdon, VA 24212-1668

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Poore:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

We now plan to file the notice on or about August 1, 2003. Accordingly, we are resubmitting the enclosed Historic Report to provide you the opportunity to make additional comments if you desire. There has been no rail service over the line in more than 15 years. Therefore, it is unlikely there have been any significant changes that would cause the enclosed report to be obsolete since its submission in 2001.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "Sandra J. Gorby". The signature is written in a cursive, flowing style.

Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
Sr. Vice President - Law

Writer's Direct Dial Number
(757) 629-2804
Fax (757) 533-4872
E-mail sandra.gorby@nscorp.com

July 3, 2003

Mr. Samuel Stokes
National Park Service
P. O. Box 37127
Washington, DC 20013-7127

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Stokes:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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Please do not hesitate to contact me if you have any questions.

Very truly yours,

Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
Sr. Vice President - Law

Writer's Direct Dial Number
(757) 629-2804
Fax (757) 533-4872
E-mail sandra.gorby@nscorp.com

July 3, 2003

Mr. Edward J. McKay
Chief Spatial Reference
National Geodetic Survey
1315 East Highway
Silver Spring, MD 20910

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. McKay:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

We now plan to file the notice on or about August 1, 2003. Accordingly, we are resubmitting the enclosed Historic Report to provide you the opportunity to make additional comments if you desire. There has been no rail service over the line in more than 15 years. Therefore, it is unlikely there have been any significant changes that would cause the enclosed report to be obsolete since its submission in 2001.

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Very truly yours,

Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
Sr. Vice President - Law

Writer's Direct Dial Number
(757) 629-2804
Fax (757) 533-4872
E-mail sandra.gorby@nscorp.com

July 3, 2003

Mr. Chris Collins
Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 23219

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Collins:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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Very truly yours,

Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
Sr. Vice President - Law

Writer's Direct Dial Number
(757) 629-2804
Fax (757) 533-4872
E-mail sandra.gorby@nscorp.com

July 3, 2003

Ms. Mary Beth Murr
VA Department of Game and Inland Fisheries
Environmental Services Section
P. O. Box 11104
Richmond, VA 23230

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Murr:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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Very truly yours,


Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
Sr. Vice President - Law

Writer's Direct Dial Number
(757) 629-2804
Fax (757) 533-4872
E-mail sandra.gorby@nscorp.com

July 3, 2003

Ms. Rene Hypes, Project Review Coordinator
VA Department of Conservation and Recreation
217 Governor Street, 3rd Floor
Richmond, VA 23219

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Hypes:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

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Please do not hesitate to contact me if you have any questions.

Very truly yours,

Sandra J. Gorby



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

Sandra J. Gorby
Assistant to
Sr. Vice President - Law

Writer's Direct Dial Number
(757) 629-2804
Fax (757) 533-4872
E-mail sandra.gorby@nscorp.com

July 3, 2003

Virginia Department of Historic Resources
2810 Kensington Street
Richmond, VA 23219

Re: Norfolk Southern Railway Company Proposed Main Line Abandonment of
1.9 Miles of Rail Line Located Between Milepost PO-0.0 and Milepost PO-
1.9 from Bluestone, West Virginia to Pocahontas, Virginia

Dear Sir or Madam:

On October 26, 2001, you were mailed a Historic Report covering the above rail line and advised that Norfolk Southern planned to file a notice with the Surface Transportation Board of its intention to abandon that line. Due to various circumstances, the filing was never made.

We now plan to file the notice on or about August 1, 2003. Accordingly, we are resubmitting the enclosed Historic Report to provide you the opportunity to make additional comments if you desire. There has been no rail service over the line in more than 15 years. Therefore, it is unlikely there have been any significant changes that would cause the enclosed report to be obsolete since its submission in 2001.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Sandra J. Gorby



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Ms. Anita Brown, Mayor
Town of Pocahontas
P.O. Box 128
Pocahontas, VA 24635

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Brown:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

We are providing this report a second time so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect or inaccurate, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423, Telephone (202) 565-1538 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. R. Miller', written over a horizontal line.

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Bill Draper
Mercer County Executive Director
1501 West Main Street
Princeton, West Virginia 24740

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Draper:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

A handwritten signature in black ink, appearing to read 'K. R. Miller', written over a horizontal line.

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Rick Buckley, Chief
South Permit Section
US Army Corps of Engineers, Huntington District
502 8th Street
Huntington, WV 25701

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Buckley:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. John Porterfield, Supervisor
West Virginia Department of Environmental Protection
331 Court Street, Suite 204
Welch, West Virginia 24801

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Porterfield:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

A handwritten signature in black ink, appearing to read 'K. R. Miller', written over a horizontal line.

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Ed Hamrock, Director
West Virginia Department of Natural Resources
1900 Kanawha Blvd., East
Building 3 Room 669
Charleston, West Virginia 25305-0660

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Hamrock:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

A handwritten signature in black ink, appearing to read 'K. R. Miller', written over a horizontal line.

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Craig Stihler
West Virginia Department of Natural Resources
Natural Heritage Program
P.O. Box 67
Elkins, West Virginia 26241

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Stihler:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Earl Billingsly
West Virginia Department of Environmental Protection
Office of Air Quality
7012 MacCorkle Ave.
Charleston, West Virginia 25304

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Billingsly:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

A handwritten signature in dark ink, appearing to read 'K. R. Miller', written over a horizontal line.

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Fred VanKirk, Secretary
West Virginia Department of Transportation
1900 Kanawha Blvd., East
Building 5 Room 109
Charleston, West Virginia 25305-0660

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. VanKirk:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Sam DePue, District Conservationist
USDA Natural Resources Conservation Service
114 Gott Rd.
Princeton, WV 24701

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. DePue:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

A handwritten signature in black ink, appearing to read 'K. R. Miller', with a stylized flourish at the end.

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Jeffery K. Towner, Supervisor
USFWS Ecological Services Field Office
694 Beverly Pike
Elkins, West Virginia 26241

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Towner:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Ms. Nancy Herholdt, Commissioner
WV Division of Culture and History
Cultural Center
1900 Kanawha Blvd.
Charleston, West Virginia 25304

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Herholdt:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

K. R. Miller
Director Environmental Operations

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CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Rick Kimbrell
Buchanan County Administrator
315 School ST., Box 2
Tazewell, VA 24651

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Kimbrell

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Sincerely,

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K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Ms. Patti Neel
Natural Resources Conservation Service
727R West Riverside Dr.
North Tazewell, VA 24630

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Neel:

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K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Michael Overstreet, Director
Virginia Department of Environmental Quality
P.O. Box 1688
Abingdon, VA 24212-1668

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Overstreet:

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Sincerely,

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Bob Runowski
United States Environmental Protection Agency
EPAS (3ES43)
841 Chestnut Street
Philadelphia, PA 19107

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Runowski:

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Sincerely,

K. R. Miller
Director Environmental Operations

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CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Ms. Karen Moore
United States Fish and Wildlife Service
6669 Short Lane
Gloucester, VA 23061

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Moore:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Ms. Annette Poore
United States Army Corps of Engineers
P.O. Box 338
Abingdon, VA 24212-1668

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Poore:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

K. R. Miller
Director Environmental Operations

BLPOlet
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**NORFOLK
SOUTHERN**

Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Samuel Stokes
National Park Service
P.O. Box 37127
Washington DC 20013-7127

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Stokes:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP PO-0.0 to MP PO-1.9 (Bluestone to Pocahontas) in Mercer County, West Virginia and Tazewell County and the town of Pocahontas, Virginia. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area. This represents Norfolk Southern's second submittal to your organization for consideration and to solicit comments.

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Sincerely,

K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Edward J. McKay, Chief Spatial Reference
National Geodetic Survey
1315 East Highway
Silerspring MD 20910

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. McKay:

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Sincerely,

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K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Mr. Chris Collins
Virginia Department of Transportation
1401 East Broad Street
Richmond VA 23219

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Mr. Collins:

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Sincerely,

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K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Ms. Mary Beth Murr
Virginia Department of Game and Inland Fisheries
Environmental Services Section
P.O. Box 11104
Richmond, VA 23230

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Murr:

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K. R. Miller
Director Environmental Operations

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Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

Ms. Rene Hypes, Project Review Coordinator
Virginia Department of Conservation and Recreation
217 Governor Street, 3rd Floor
Richmond VA 23219

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Ms. Hypes:

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K. R. Miller
Director Environmental Operations

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Attachment
CC: J.R. Paschall



Norfolk Southern Corporation
Environmental Protection
110 Franklin Road, S.E.
Roanoke, Virginia 24042-0013

October 26, 2001
1-9-5-4

To Whom It May Concern:
Virginia Department of Historic Resources
2810 Kensington Street
Richmond VA 23219

SUBJECT: Norfolk Southern Railway Company Proposed Main Line Abandonment of 1.9
Miles of Rail Line Located between Milepost PO-0.0 and Milepost PO-1.9
From Bluestone, West Virginia to Pocahontas, Virginia

Dear Sir or Madam:

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Sincerely,

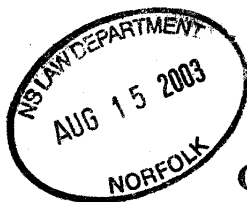
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K. R. Miller
Director Environmental Operations

BLPOlet
Attachment
CC: J.R. Paschall

ATTACHMENT #2

HISTORIC REPORT



COMMONWEALTH of VIRGINIA

Department of Historic Resources

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

2801 Kensington Avenue, Richmond, Virginia 23221

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.state.va.us

MEMORANDUM

DATE: 13 AUG 03

DHR File # 2001-0823

TO: MR. JAMES R. PASCHALL
NORFOLK SOUTHERN CORP.

FROM: Ethel R. Eaton, Ph.D., Project Review Team Leader
CHAD Division of Resource Services and Review

PROJECT:

DOCKET # AB-290, ABANDONMENT OF 1.9 MILES; BLUESTONE, WV TO
This project will have an effect on historic resources. Based on the information provided, the effect will not be adverse. POCAHONTAS, VA

— This project will have an adverse effect on historic properties. Further consultation with DHR is needed under Section 106 of the NHPA.

— Additional information is needed before we will be able to determine the effect of the project on historic resources. **Please see the attached sheet.**

— No further identification efforts are warranted. No historic properties will be affected by the project. Should unidentified historic properties be discovered during implementation of the project, please notify DHR.

— We have previously reviewed this project. Attached is a copy of our correspondence.

— Other (Please see comments below)

COMMENTS: *We recommend retaining the existing trestles for potential use by community as a rails to trails program.*

Program Services Div.
10 Courthouse Ave.
Petersburg, VA 23803
Tel: (804) 863-1685
Fax: (804) 862-6196

Petersburg Office
19-B Bollingbrook Street
Petersburg, VA 23803
Tel: (804) 863-1620
Fax: (804) 863-1627

Portsmouth Office
612 Court Street, 3rd Flc 135
Portsmouth, VA 23704
Tel: (757) 396-6709
Fax: (757) 396-6712

Roanoke Office
1030 Penmar Avenue, SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Winchester Office
107 N. Kent Street, Suite 203
Winchester, VA 22601
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Fax: (540) 722-7535



WEST VIRGINIA DIVISION OF
CULTURE AND HISTORY

July 28, 2003

Mr. James R. Paschall
Norfolk Southern Corporation
Law Department
3 Commercial Place
Norfolk, VA 23510

RE: Docket No. AB-290 (Sub-No. 222X)
FR#: 01-1055-MC-5

Dear Mr. Paschall:

We have reviewed the above mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural and Archaeological Resources:

Thank you for submitting your report once again with additional information. We remain in concurrence with our letter of July 22, 2003 regarding both architectural and archaeological resources. No further consultation is necessary with this office.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please call Robin Fisher, Historian, or me at (304) 558-0220.*

Sincerely,

Joanna Wilson
Senior Archaeologist

JLW:rlf



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number
(757) 629-2752

July 24, 2003

Ms. Susan Pierce
Deputy State Historic Preservation Officer
WV Division of Culture and History
1900 Kanawha Boulevard, East
Charleston, WV 25305-0300

Ms. Kathleen Kilpatrick, Director
Department of Historic Resources
2801 Kensington Avenue
Richmond, VA 23221

Re: Docket No. AB-290 (Sub-No. 222X), Norfolk Southern Railway Company --
Abandonment -- between Bluestone, West Virginia and Pocahontas, Virginia

Ladies:

On or about August 29, 2003, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority to abandon 1.9 miles of rail line located between railroad milepost PO-0.0 at Bluestone, West Virginia, and railroad milepost PO-1.90 at Pocahontas, Virginia. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'J R Paschall'.

James R. Paschall

JRP/sg

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HISTORIC REPORT
PROPOSED RAIL LINE ABANDONMENT

PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (NSR) proposes to abandon 1.9 miles of rail line between Milepost PO-0.0 at Bluestone, West Virginia, and Milepost PO-1.90 at Pocahontas, Virginia. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the West Virginia Department of Culture and History and to the Virginia Department of Historic Resources.
- (2) **Written Description of Right of Way** -- The right of way width varies, but is generally 40 feet on each side of the main track centerline. The line passes through commercial (20%), residential (20%) and wooded (60%) areas.
- (3) **Photographs** -- Photographs were furnished to the West Virginia Department of Culture and History and to the Virginia Department of Historic Resources.
- (4) **Date of Construction of Structures** -- Construction dates are shown on the Bridges and Structures Listing attached to this report.
- (5) **History of Operations and Changes Contemplated** -- The line of railroad that will

be the subject of the notice to the Surface Transportation Board (STB) exercising the class exemption for abandonment of an out-of-service rail line is a portion of a short Norfolk Southern Railway Company (NSR) spur line known as the "Pocahontas Branch." The rail line consists of 1.9-mile of track between Mileposts PO-0.0 near Bluestone in Mercer County, West Virginia and PO-1.90 at Pocahontas, in Tazewell County, Virginia. Available information indicates that the line was built in 1907 by Pocahontas and Western Railroad Company, a predecessor of NSR's predecessor, Norfolk and Western Railway Company (NW), although it is possible that NW completed the construction since the line was not finished when NW acquired the Pocahontas and Western property. The line initially was constructed to serve the Boisevain coal operations of Pocahontas Collieries Company.

In ICC Docket No. AB-290 (Sub-No. 107X), *Norfolk and Western Railway Company -- Discontinuance Exemption -- In Mercer County, WV and Tazewell County, VA*, served May 10, 1990, the ICC served a notice of exemption allowing NW to discontinue operations over the subject line. The line had been out of service for at least two years at that time and thus has been out of service for over 15 years today.

Photographs of the one concrete structure and five small open deck steel plate bridges on this line were submitted to the State Historic Preservation Officers of West Virginia and Virginia in 1990 and further pictures of these structures in their current state are being submitted with this report. At that time, both State Historic

Preservation Officers concluded that the proposed project would have no effect on historical, architectural or archaeological sites that were listed or eligible for listing in the National Register of Historic Places.

Norfolk and Western Railway Company's predecessor, Norfolk and Western Railroad Company, was sold at foreclosure September 15, 1896 and conveyed to Norfolk and Western Railway Company, October 1, 1896. Norfolk and Western Railway Company had been incorporated by special act of Virginia approved on January 15, 1896. Norfolk and Western Railway Company succeeded, under a plan of reorganization, to the properties of Norfolk and Western Railroad Company, the Lynchburg and Durham Railroad Company (through the Norfolk, Lynchburg and Durham Railroad Company) and the Roanoke and Southern Railway Company (through the Norfolk, Roanoke and Southern Railroad Company). The Lynchburg and Durham Railroad Company was sold at foreclosure September 16 or 24, 1896 (two internal sources differ), to the Norfolk, Lynchburg and Durham Railroad Company, which conveyed the property to Norfolk and Western Railway Company on October 6, 1896. Roanoke and Southern Railway Company was sold at foreclosure to the Norfolk, Roanoke and Southern Railroad Company on November 24, 1896, and conveyed its property, together with its rights and franchises, to Norfolk and Western Railway Company on December 2, 1896.

In the early 1880s high quality coal was discovered in the Tazewell County, VA/Mercer County, WV area near Pocahontas, Virginia. The abundant coal deposits in the area later became known as the Pocahontas Coalfields. This

discovery brought the Norfolk and Western Railway into the area. The first carload of bituminous coal was hauled from the Pocahontas area to Norfolk, Virginia, in 1883. The short branch line that is the subject of this report, however, was not built until over 20 years later. Although the Pocahontas and Western Railroad Company, the short line railroad that built track and graded right of way into the area was nominally independent and separately operated from 1904 until 1910, it depended for its financing on, and thus was controlled by, the Norfolk and Western Railway Company.

Pocahontas and Western Railroad Company was incorporated under the laws of Virginia, April 27, 1904. On the date of its merger with Norfolk and Western Railway Company in 1910, Pocahontas and Western Railroad Company owned about 3.29 miles of single track, standard gauge railroad, between Pocahontas, VA and Boissevain, VA. This line was built by P&W between July 1906 and May 1907.

Pocahontas and Western owned, but did not construct a line on about 3.47 miles of right of way on which grading was practically complete. Pocahontas and Western Railroad Company merged with Norfolk and Western Railway Company, April 29, 1910.

The Library of Virginia, at 800 East Broad Street in Richmond, VA contains a copy of the deed of conveyance of the Pocahontas and Western Railroad Company to the Norfolk and Western Railway Company.

CALL NO.: HE2791 P74 A3 1910

AUTHOR: Pocahontas and Western Railroad Company.

MAIN TITLE: Deed of conveyance : Pocahontas and Western Railroad Company to Norfolk and Western Railway Company : conveyance of the railroad, etc. of the

Pocahontas and Western Railroad Company.
PUBLISHER: [S.l. : s.n., 1910] 062117110523

In *Norfolk & W. Ry. Co. Merger*, 307 ICC 401 (1957), subject to certain conditions, the Interstate Commerce Commission approved the merger of the Norfolk and Western Railway Company and the Virginian Railroad Company. The merger was consummated on December 1, 1957.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

In the ICC's 1982 decision approving the Norfolk Southern consolidation application, the ICC described the size of the Norfolk and Western Railway Company and Southern Railway Company systems, and the principal commodities hauled by those companies in 1979, at pages 14-16 of the slip opinion as follows:

NW operates a system comprised of 7,454 miles of railroad in 12 in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, Virginia and West Virginia, and in the Province of Ontario, Canada. NW also operates in Kansas pursuant to trackage rights.

NW operates 5,575 miles of mainline track and 1,879 miles of branch line.

The principal lines of NW extend from the eastern points of Norfolk, VA, Hagerstown, MD, and Buffalo, NY, westward to Kansas City, KS, and Omaha, NE and serve Detroit, MI, Cleveland, Toledo, Akron, Columbus, and Cincinnati, OH, Fort Wayne, Muncie, and Indianapolis, IN, Chicago and Decatur, IL, St. Louis, MO, and Pittsburgh, PA. NW also provides north-south service between

Chicago and St. Louis, and between the upper Midwest and western Virginia through the Shenandoah Valley of Virginia.

The principal commodity transported by NW is coal. This single commodity accounted for over 43 percent of NW's revenue in 1979. The next four most important NW commodities, ranked by contribution to 1979 revenue, were transportation equipment (13.95 percent), food products (6.88 percent), chemicals (5.62 percent), and farm products (5.07 percent).

Southern operates a system comprised of 10,215 miles of railroad n13 in Alabama, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

n13 This excludes 373 miles of jointly used track. It includes 5,523 miles of mainline track, and 3,059 miles of track which is operated but not owned by Southern.

Southern's principal lines extend from Alexandria, VA through Atlanta, GA, and Birmingham, AL, to New Orleans, LA, and from Cincinnati, OH, and East St. Louis, IL, through Chattanooga, TN, and Atlanta to Jacksonville, FL. Southern serves numerous points in the Southeast including Norfolk, VA; Charlotte, NC; Columbia and Charleston, SC; Savannah and Macon, GA; Mobile, AL; and Memphis, TN.

The principal commodities transported by Southern, again in order of contribution to 1979 revenues, are coal (13.8 percent), chemicals (13.0 percent), paper, pulp and related products (10.1 percent), stone, clay, or glass products (9.3 percent) and food products (7.9 percent).

In October 1982, Norfolk Southern Corporation established its corporate headquarters at Norfolk, Virginia. Norfolk Southern Corporation and its subsidiaries continue to maintain a small office staff in Washington, DC, a substantial number of staff offices in Roanoke, Virginia and Atlanta, Georgia and, since 1999, Norfolk Southern has maintained a significant number of offices in Philadelphia,

Pennsylvania and Harrisburg, Pennsylvania.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

Norfolk, Franklin and Danville Railway Company was merged into Norfolk and Western Railway Company, December 30, 1983.

On June 1, 1988, Carolina and Northwestern Railway Company was merged into Southern Railway Company. On January 1, 1974, Southern Railway Company had acquired and merged old Norfolk Southern Railway Company (and Durham & South Carolina Railroad Company and Norfolk Southern Industrial Development Corporation) into Carolina and Northwestern Railway Company, a Southern Railway Company subsidiary. The name of the surviving company was Norfolk Southern Railway Company. After the Norfolk Southern consolidation in 1982, the Norfolk Southern Railway Company name was changed to Carolina and Northwestern Railway Company to avoid confusion with the holding company or the principal operating railroads.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. On the same date, Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway

Company rather than a subsidiary of Norfolk Southern Corporation.

The Wabash Railroad Company was merged into the Norfolk and Western Railway Company on November 12, 1991. Norfolk and Western Railway Company had controlled and leased the property of the Wabash Railroad Company since 1964, pursuant to Interstate Commerce Commission authorization.

In October 1996, Norfolk and Western Railway Company paid the outstanding bonds issued under the Norfolk and Western Railway Company First Consolidated Mortgage of October 22, 1896, payable October 1, 1996. The mortgage trustee, Bankers Trust Company, delivered a Release, Satisfaction and Discharge of the mortgage to Norfolk and Western Railway Company on January 31, 1997. All Norfolk and Western Railway Company properties became free of any system mortgage on this date.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings

LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

Pursuant to the Conrail Transaction Agreement, certain Conrail assets were allocated to Pennsylvania Lines LLC ("PRR"), a wholly-owned subsidiary of Conrail. Furthermore, pursuant to the Conrail Transaction Agreement, PRR's assets, in turn, were leased to and are operated by NSR under the terms of an allocated assets operating agreement between PRR and NSR (the "NSR Operating Agreement") with an original term of twenty-five (25) years from the effective date of June 1, 1999, and two optional renewal terms of five (5) years each. The Conrail Transaction Agreement permitted NSR to operate and to enter into various transactions with regard to the assets allocated to PRR. As a result of the Conrail Transaction, Norfolk Southern Railway Company's rail operations grew to include some 7,200 miles of the Conrail system (predominately the former Pennsylvania Railroad), creating balanced rail transportation in the East to benefit customers and communities alike.

The railroad system controlled by Norfolk Southern system that was created by the STB's July 23 order was a 21,600-mile rail system serving 22 states in the

East, as well as the District of Columbia and the Province of Ontario, Canada. The STB stated that the Conrail transaction would bring competitive freight rail service to the Northeast for the first time in more than 20 years.

Prior to 1738, all of Virginia lying west of the Bluestone Ridge was included in Orange County, but in the fall session of that year the Virginia General Assembly divided this territory into the Counties of Frederick and Augusta. Many other counties were created in this area throughout the 1700s and 1800s. Tazewell County, Virginia was formed in 1799 from parts of Russell and Wythe Counties and was named after Henry Tazewell, a member of the Virginia House of Delegates from Norfolk County and later a United States Senator. At the time of its formation, Tazewell County included all or portions of the current counties of Bland County, VA, Giles County, VA, Buchanan County, VA, Mercer County, WV, McDowell County, WV, Wyoming County, WV and Logan County, WV. George W.L. Bickley, M.D., in "History of the Settlement and Indian Wars of Tazewell County, Virginia" (Cincinnati: Morgan & Co., 111 Main Street, 1852), recounts the following story concerning the naming of the County:

Tazewell County was named, not in honor of Littleton W. Tazewell, as generally supposed, but received its name somewhat in the following manner. Simon Cotterel, who was the representative from Russell in 1799, having been authorized to apply for the formation of a new county, drew up a bill, and proposed it on the 18th of December, 1799, but met with the most violent opposition from Mr. Tazewell, a member of Norfolk county, and a relative of L.W. Tazewell then in the

Congress. Cotterel rose in his seat, and begged the gentleman to withhold his remarks till his bill was matured, to which he assented. Cotterel erased the proposed name and inserted that of Tazewell, and the next day (19th), presented his bill thus amended. Tazewell was silenced; the bill passed, receiving Tazewell's vote. To this stratagem the county is indebted for its name.

The history of early coal mining operations in Pocahontas, Virginia can be found in Jones, Jack M., *Early coal mining in Pocahontas, Virginia*: with illustrations, Lynchburg, Va.: J.M. Jones, 1983. Other books on the history of Tazewell County, VA include Pendleton, William C., *History of Tazewell County and Southwest Virginia, 1748-1920*; Englund, Kenneth John, *Coal resources of Tazewell County, Virginia, 1980*, U.S Dept. of the Interior, U.S. Geological Survey ; Denver, CO (Federal Center, Box 25425, Denver 80225); Johnston, David E.; *History of the Middle New River Settlements*; Harman, John Newton Jr.; *Annals of Tazewell County, Virginia*, W. C. Will Publishing Co., Richmond, VA, 1922; Harnsberger, Thomas Kennerly, *The Geology and Coal Resources of the Coal-Bearing Portion of Tazewell County, Virginia*, Charlottesville, University of Virginia, 1919; Worsham, Gibson., *Historic Architectural Survey of Tazewell County, Virginia*, Virginia Department of Historic Resources, Roanoke Regional Preservation Office; [Tazewell, Va.]; Leslie, Louise, *Tazewell County*, Radford, Va.: Commonwealth Press, c1982; Weeks, Ross, *Virginia's Tazewell County: a Last Great Place*, Tazewell, Va.: Blue Ridge Concepts, 2000; *An Album Of Tazewell County, Virginia*,

1989; *Another Album Of Tazewell County, Virginia*, 1991; *Still Another Album Of Tazewell County, Virginia*, 1992; *Yet Another Album Of Tazewell County, Virginia*, 1998 and *A Bicentennial Album Of Tazewell County, Virginia*, Tazewell County Historical Society, 2000.

Although a power plant was located at or near Bluestone, WV, that point is mainly a railroad location, not a town. Bramwell, WV and Bluefield, WV are among the towns and cities near this rail line in Mercer County, WV. Mercer County was formed by an act of the General Assembly of Virginia, passed on March 17, 1837. The act was introduced by Daniel Hale, the representative from Giles County, and was supported by a petition presented by a large number of persons living within the area. The territory forming Mercer County was taken partly from Giles and Tazewell counties. Mercer County was named in memory of General Hugh Mercer, who died at the Battle of Princeton, New Jersey, during the Revolutionary War.

A number of historical studies and accounts have been written about Mercer County, WV, Bluefield, WV and other towns in Mercer County. Among those available in state and local libraries are: McCormick, Kyle Cargill, *The Story of Mercer County*. Charleston, West Virginia, Charleston Printing Company, 1957; McCormick, Kyle Cargill, *A Brief History of Mercer County*. Bluefield, West Virginia, n.p., 1962; McGehee, C. Stuart, *Bluefield, West Virginia, 1889-1989: a Centennial History*, Bluefield, West Virginia, C. Stuart McGehee, 1990; "Mercer County, West Virginia." West Virginia State Magazine, December-January 1949-1950; Mercer County Historical Society, *Mercer County History*, Princeton, West Virginia, The

Society, 1984; Mercer County Historical Society, *Mercer County: Sesquicentennial Year, 1987*, Princeton, West Virginia, Princeton Times, 1996; Rankin, John R., *The Early History and Development of Bluefield, West Virginia*, Radford, Virginia, Commonwealth, 1976; Rosen, Anita, *A Pictorial History of Mercer County: 1800's-1960's*, Princeton, West Virginia, Princeton Times, 1996; and Becker, Martha Jane Williams, *Bramwell: the Diary of a Millionaire Coal Town*.

Regional histories relating area development to the rise of the coal industry include Thomas, Jerry Bruce, *Coal Country; the Rise of the Southern Smokeless Coal Industry and Its Effect on Area Development, 1872-1910*, Chapel Hill, [University of North Carolina] 1971 and Sullivan, Charles Kenneth, *Coal Men and Coal Towns: Development of the Smokeless Coalfields of Southern West Virginia, 1873-1923*, c.1979.

The change contemplated in the operation of the Bluestone, WV-Pocahontas, VA railroad line is for Norfolk Southern Railway Company to abandon the subject unused and unprofitable line of railroad and to the extent of its title to the real estate to deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

Norfolk and Western Railway Company Bibliography

The following books are available in State or local libraries in West Virginia and Virginia. Many are still in print and can be purchased new; others may be available used.

AUTHOR: Striplin, E. F. Pat.
TITLE: ***The Norfolk & Western: A History.***
PUBLICATION: Forest, VA : Norfolk & Western Railway Co. c1981.

AUTHOR: Link, O. Winston, 1911-
TITLE: ***Steam, Steel and Stars : America's Last Steam Railroad / O. Winston Link. Photographs by O. Winston Link***; text by Tim Hensley; afterword by Thomas H. Garver.
PUBLICATION: New York : Abradale Press/Abrams, 1998, c1987.

AUTHOR Link, O. Winston, 1911-
TITLE: ***The Last Steam Railroad in America: from Tidewater to Whitetop.***
PUBLICATION: New York : H.N. Abrams, 1995.

AUTHOR: Link, O. Winston, 1911-
TITLE: ***Steam, Steel, and Stars: the Last Days of the Steam Railroad in America*** [photographs by] O. Winston Link ; text by Timothy Hensley.
PUBLICATION: New York : H.N. Abrams, 1985.

AUTHOR: Warden, William E.
TITLE: ***Norfolk & Western: Diesel's Last Conquest.***
PUBLICATION: Lynchburg, VA : TLC Publishing, c1991.

AUTHOR: Lambie, Joseph T.
TITLE: ***From Mine to Market; the History of Coal Transportation on the Norfolk and Western Railway.***
PUBLICATION INFO: New York University Press, 1954.

AUTHOR Vannoy, Tam Park.
TITLE ***Along the Norfolk and Western : olden days and new ways : people, places, events.***
PUBLICATION Bedford, VA : Tam Park Vannoy, c1991.

AUTHOR: Huddleston, Eugene L., 1931-
TITLE: ***Appalachian conquest : C&O, N&W, Virginian and Clinchfield Cross the Mountains***
PUBLICATION: Lynchburg, VA : TLC Publishing Inc.; Clifton Forge, VA : The Chesapeake & Ohio Historical Society, Inc., c2002.

TITLE: ***Coal & Coke.***
PUBLICATION: [s.l.] : Norfolk and Western Railway, 1963.

AUTHOR: Dixon, Thomas W.
TITLE: ***Appalachian Coal Mines & Railroads.***

PUBLICATION: Lynchburg, Va. : TLC Publishing, 1994.

AUTHOR King, Ed, 1936-

TITLE ***Norfolk & Western in the Appalachians : from the Blue Ridge to the Big Sandy.***

PUBLICATION Waukesha, Wis. : Kalmbach Publishing Co., c1998.

AUTHOR Reid, H.

MAIN TITLE ***Norfolk & Western and Virginian Railways in Color.***

edited by Lloyd D. Lewis.

PUBLISHER Lynchburg, Va. : TLC Pub., 1994.

AUTHOR: Bruce, Thomas.

TITLE: ***Southwest Virginia and Shenandoah Valley : an inquiry into the causes of the rapid growth and wonderful development of Southwest Virginia and Shenandoah Valley, with a history of the Norfolk and Western and Shenandoah Valley Railroads ...***

PUBLICATION: Richmond : Hill Pub. Co., 1891.

AUTHOR: Norfolk and Western Railway Company.

TITLE: ***List of Coal and Coke Operations on the Norfolk and Western Railway...***

showing location, name of operator and post office address, mine numbers and names, billing stations, selling agents and stations at which care are weighed and waybilled, no.

PUBLICATION: Roanoke, Va., etc. ; 19--

MAIN TITLE: ***Virginia: Its Climate and Mineral Wealth.***

AUTHOR: Norfolk and Western Railroad Company.

PUBLISHER: [s.l.] : Norfolk and Western Railroad Company; 1891.

TITLE: ***The story of fuel satisfaction.***

PUBLICATION: [s.l.] : Norfolk and Western Railway, [n.d.].

MATERIAL: 32 p. : ports., maps. ; 28 cm.

TITLE: ***Coal and Coke Operations in the Pocahontas Coal Field / Norfolk and Western Railroad.***

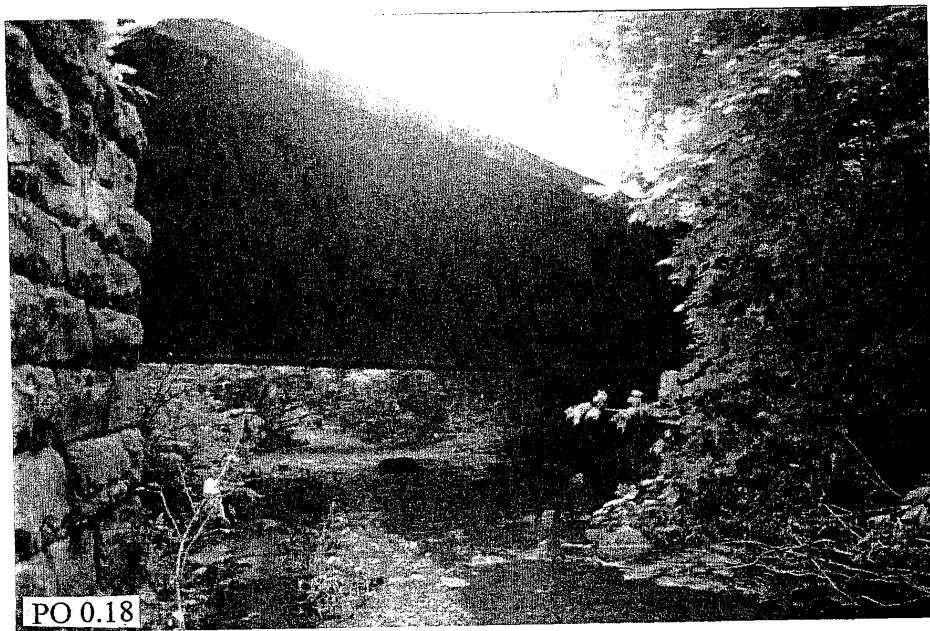
EDITION: Photocopy of map available in the Archives and History Library of West Virginia Division of Culture and History.

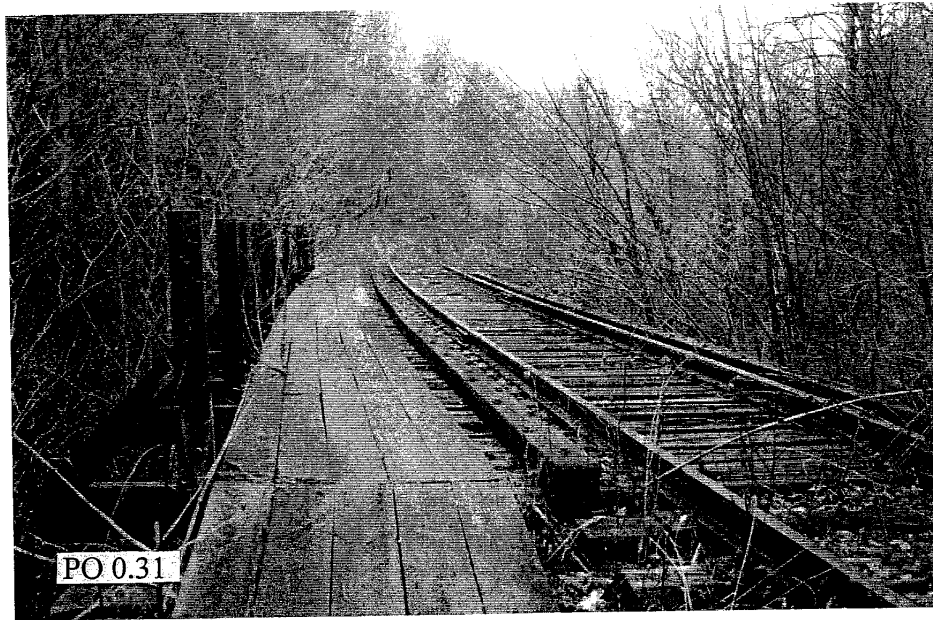
PUBLICATION: [s.l.] : The railroad, 1892.

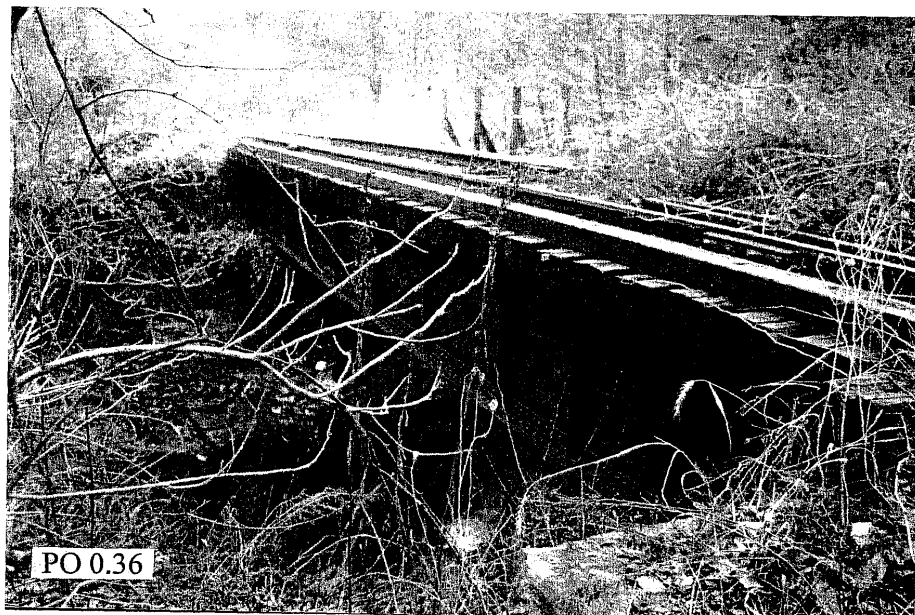
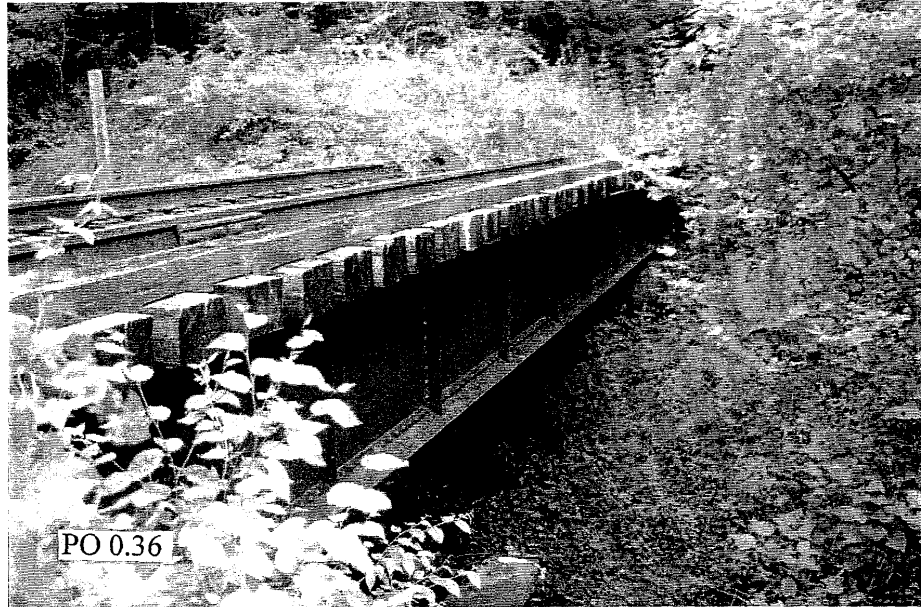
- (6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Bridge plans may be available for the structures on the line.
- (7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** -- It is carrier's opinion that the structures on the line to be abandoned do not meet the criteria for listing in the *National Register of Historic Places*. The structures are small bridges which are short in length and relatively modern and ordinary in design and construction. There is nothing that distinguishes the bridges from others in the region. The line passes through commercial, residential and wooded areas. Carrier has no reason to believe that there is any likelihood of finding archaeological resources or historic properties on the line proposed for abandonment.
- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** -- Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) **Follow-Up Information** -- Additional information will be provided as appropriate.

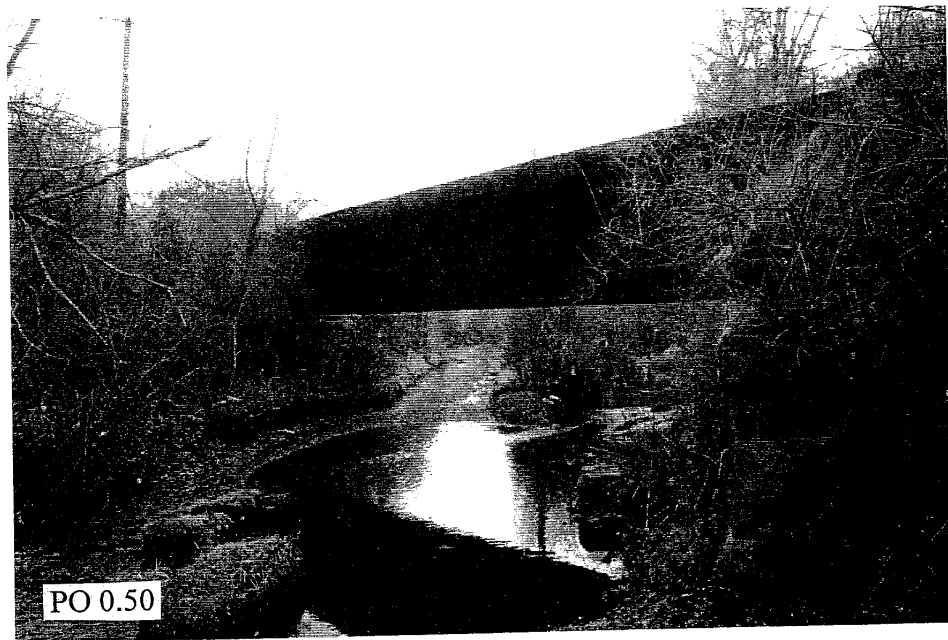
BRIDGE LISTING – POCAHONTAS DIVISION

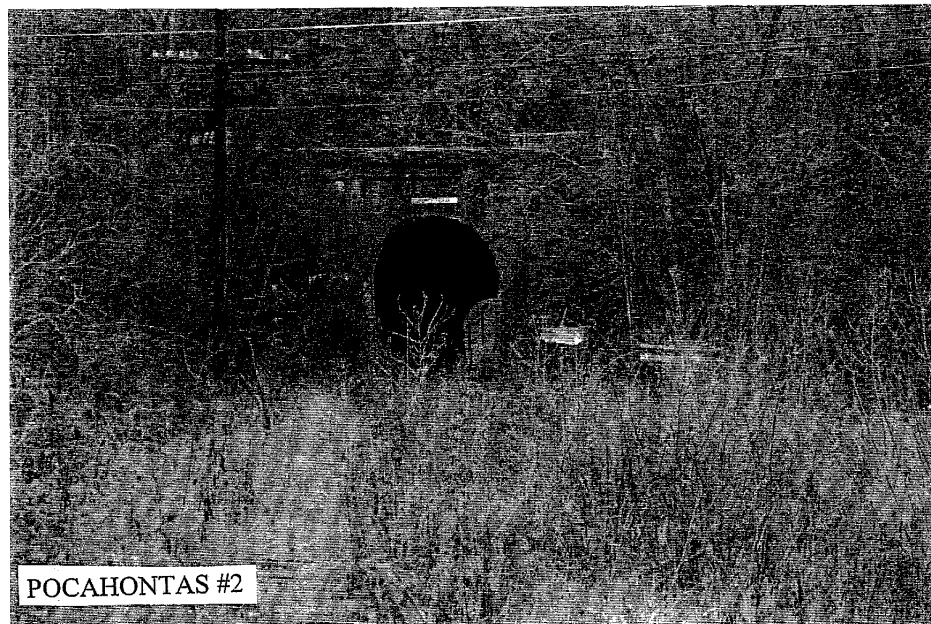
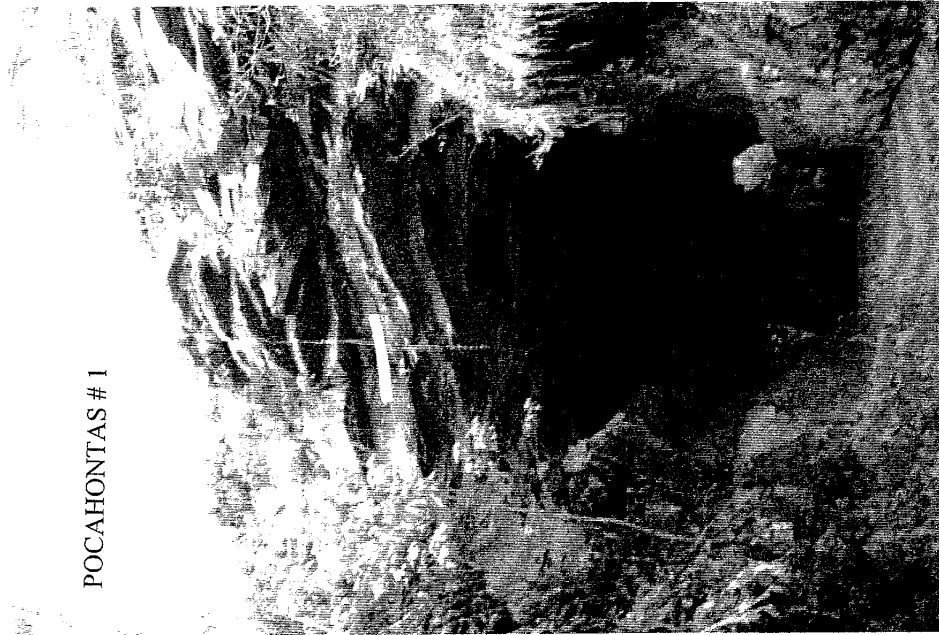
MILEPOST	OPERATING STATION	STRUCTURE	CROSSING	BRANCH/LD	CONSTRUCT. DATE
PO .18		BRIDGE	LAUREL CREEK	POCAHONTAS	1907
PO .31		BRIDGE	LAUREL CREEK	POCAHONTAS	1907
PO .36		BRIDGE	LAUREL CREEK	POCAHONTAS	1907
PO .50		BRIDGE	LAUREL CREEK	POCAHONTAS	1907
PO 1.28		BRIDGE	LAUREL CREEK	POCAHONTAS	1907











**NOTICE OF INTENT TO
ABANDON RAIL SERVICE**

Norfolk Southern Railway Company gives notice that on or about August 29, 2003, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonment, permitting the abandonment of a 1.9 mile line of railroad between milepost 20-0.0, near Bluestone, West Virginia, and milepost 20-1.90, near Pocahontas, Virginia, which traverses through United States Postal Service ZIP Codes 24740 in Mercer County, West Virginia, and 24635 in Tazewell County, Virginia. The proceeding will be docketed as No. AB-290 (Sub-No.222X).

The STB's Section of Environmental Analysis (SEA) 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 5 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue all service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. 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 STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 104.3(a)], and one copy must be served on applicant's representative [See 9 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-27-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757)629-759.

CERTIFICATION OF PUBLICATION EXHIBIT 3 (1 of 2)

State of West Virginia,

To Wit:--

County of Mercer,

I, Connie Burnette

of the Princeton Times, a weekly newspaper published every Thursday, in the City of Princeton, Mercer County, West Virginia, do certify that the notice attached hereto under the caption;

**Legal Notice-Notice of Intent to Abandon
Rail Service**

was published in the said newspaper one time

on the following days, namely; August 1

in the year 20 03

Publication Fee \$38.48

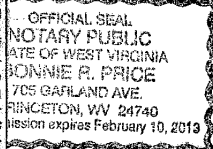
Connie Burnette

Subscribed and sworn to before me this 1st day of August

20 03

My Commission expires 2-10 20 13

Bonnie R. Price
Notary Public



Richlands News-Press CLINCH VALLEY NEWS

P.O. BOX 818
RICHLANDS, VA 24641

P.O. BOX 977
TAZEWELL, VA 24651

THIS IS TO CERTIFY that the attached

Legal Notice
has been published for (1) One

consecutive weeks in the

Richlands News-Press
Clinch Valley News

a weekly newspaper published

at Richlands,
Tazewell, Tazewell County, Virginia,

commencing August 13 2003

Printer's Fee \$ 91.31

Sam Cooper
(Signed Publisher)

By Duloria McElathen

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Norfolk Southern Railway Company gives notice that on or about August 29, 2003, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments, permitting the abandonment of a 1.9-mile line of railroad between milepost PO-0.0, near Bluestone, West Virginia, and milepost PO-1.90, near Pocahontas, Virginia, which traverses through United States Postal Service ZIP Codes 24740 in Mercer County, West Virginia, and 24635 in Tazewell County, Virginia. The proceeding will be docketed as No. AB-290 (Sub-NO. 222X). The STB's Section of Environmental Analysis (SEA) 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 an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/ trails use, also can be filed with the STB. 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 STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001. [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative. [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative:

James R. Paschall,
General Attorney,
Norfolk Southern
Corporation,
Three Commercial
Place, Norfolk, VA
23510-9241,
(757) 629-2759

A13



Norfolk Southern Corporation
Law Department
Three Commercial Place
Norfolk, Virginia 23510-9241

James R. Paschall
General Attorney

Writer's Direct Dial Number
(757) 629-2759

August 19, 2003

Mr. Theodore V. Morrison, Jr., Chairman
Virginia State Corporation Commission
P. O. Box 1197
Richmond, VA 23218

Mr. Boyce Griffith, Chairman
West Virginia Public Service Commission
P. O. Box 812
Charleston, WV 25323

MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd., Suite 130
Newport News, VA 23606-2574

National Park Service
Recreation Resources Assistance Division
1849 C Street, N. W. (2310)
Washington, DC 20240-0001

U. S. Department of Agriculture
Chief of the Forest Service
Sidney R. Yates Federal Building
201 14th Street, SW at Independence Ave., SW
Washington, DC 20250

National Park Service
Land Resources Division
900 Ohio Drive, SW
Washington, DC 20242-0004

Re: STB Docket No. AB-290 (Sub-No. 222X), Norfolk Southern Railway Company –
Abandonment Between Bluestone, West Virginia, and Pocahontas, Virginia

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about September 2, 2003, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 1.9-mile line of railroad lying between Milepost PO-0.0 at Bluestone, Mercer County, West Virginia, and Milepost PO-1.90 at Pocahontas, Tazewell County, Virginia (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall