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June 2, 2020

ENTERED
Office of Proceedings
June 2, 2020
Part of
Public Record

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

Re: **Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—Abandonment
Exemption—in Greenbrier and Fayette Counties, WV**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 6.39-mile rail line that runs between mileposts CAF 20.61 and milepost CAF 27.0, near Rainelle in Greenbrier and Fayette Counties, West Virginia. The filing fee of \$4,400 has been paid via pay.gov.

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

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FEE RECEIVED
June 2, 2020
SURFACE
TRANSPORTATION BOARD

FILED
June 2, 2020
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 801X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN GREENBRIER AND FAYETTE COUNTIES, WV

VERIFIED NOTICE OF EXEMPTION

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

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: June 2, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 801X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN GREENBRIER AND FAYETTE COUNTIES, WV

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 6.39-mile rail line that runs between mileposts CAF 20.61 and milepost CAF 27.0, near Rainelle in Greenbrier and Fayette Counties, West Virginia (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

In two separate proceedings, covering contiguous track, the Surface Transportation Board (the “Board”) granted CSXT authority to abandon the mileage that makes up the current Line. In a decision served on November 27, 2017 in STB Docket No. AB-55 (Sub-No. 768X), the Board granted CSXT authority to abandon an approximately 6-mile rail line between milepost CAF 21.0 and milepost CAF 27.0. In a decision served on December 20, 2017 in STB Docket Nos. AB-55 (Sub-No. 776X) CSXT was granted authority to abandon an approximately 0.41 rail line between milepost CAF 20.58 and milepost CAF 21.0. The current Line includes all of the line from AB-55 (Sub-No. 768X) and most of the line from AB-55 (Sub-No. 776X). NITUs were

issued in both proceedings and have expired.¹ CSXT and Greenbrier and Fayette Counties reached a trail use agreement but did not file the agreement with the Board, therefore CSXT still has a common carrier obligation over the Line. CSXT is seeking renewed authority to abandon the Line. CSXT and Greenbrier and Fayette Counties have reached a trail use agreement, subject to the Board granting abandonment authority and the issuance of an NITU.

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

1. Proposed consummation date. The proposed consummation date is July 22, 2020.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

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

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

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

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 6.39-mile rail line that runs between mileposts CAF 20.61 and milepost CAF 27.0, near Rainelle in Greenbrier and Fayette Counties, West Virginia (the "Line"). There are no stations on the Line.

¹ In AB-55 (Sub-No. 768X), the Board issued an NITU on April 11, 2017, and an extension on November 17, 2017 which expired on April 6, 2018. In AB-55 (Sub-No. 776X), the Board issued an NITU on May 17, 2018, and extension on February 8, 2019 which expired on May 25, 2019.

(4) Map. See Exhibit B.

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

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Code 25962.

(e) Rural and community impact.

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

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

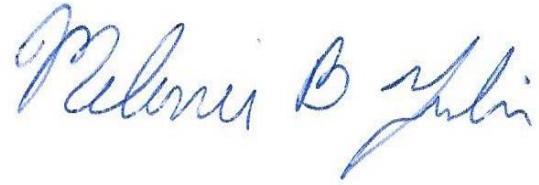
4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

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

6. Environmental Report. See Exhibit D.

7. Historic Report. See Exhibit D.

Respectfully submitted,

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

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

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: June 2, 2020

EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF FLORIDA)
)
COUNTY OF DUVAL) ss.

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

I hereby certify that no local freight traffic has moved over CSXT's 6.39 -mile rail line
between mileposts CAF 20.61 and CAF 27.0, Greenbrier and Fayette WV for two years prior to
the date hereof and that any overhead traffic can be rerouted over other lines. Further, no formal
complaint filed by a user of rail service on the line (or a State or local government entity acting
on behalf of such user) regarding cessation of service over the line either is pending with the
Surface Transportation Board or any U.S. District Court or has been decided in favor of a
complainant within the two-year period. The foregoing certification is made on behalf of CSXT
by the undersigned after due and careful investigation of the matters herein certified and based
on the best of the knowledge, information, and belief of the undersigned.

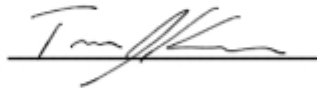


EXHIBIT B-MAP

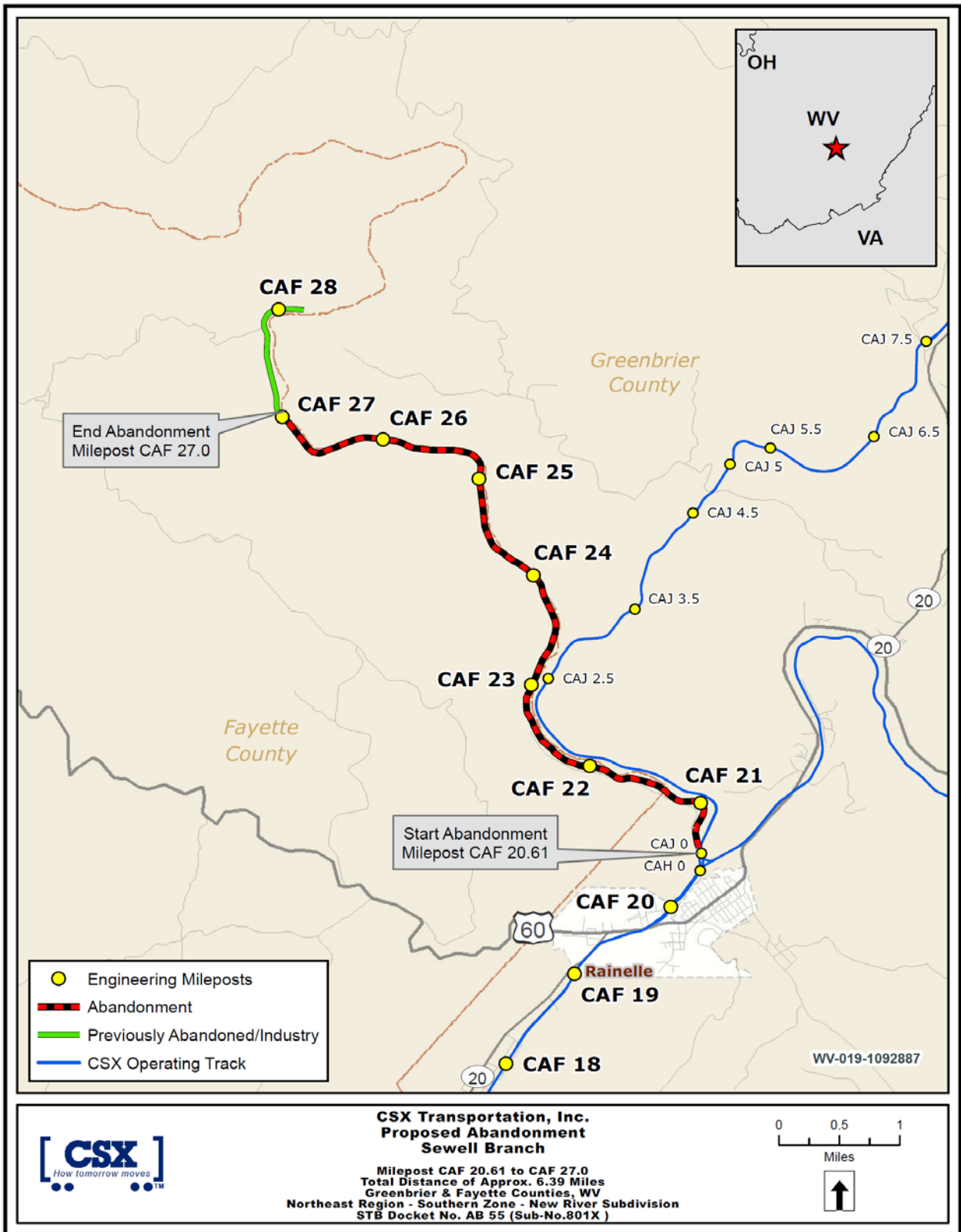


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 801X) was mailed via first class mail on May 21, 2020 to the following parties:

Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV 25301

Military Traffic Management Command

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

National Park Service

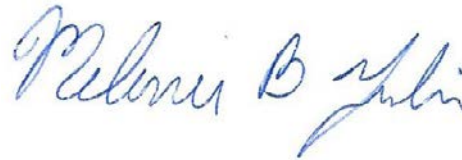
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

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

U.S. Department of Agriculture

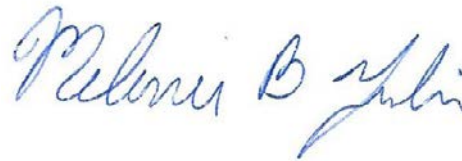
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
June 2, 2020

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 801X) in the following form was advertised on May 28, 2020 in the Fayette Tribune, a newspaper of general circulation in Fayette County, and on June 2, 2020 in The Register-Herald a newspaper of general circulation in Greenbrier County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
June 2, 2020

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about June 2, 2020, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of an approximately 6.39-mile rail line that runs between mileposts CAF 20.61 and CAF 27.0 in Greenville and Fayette Counties, West Virginia. The proceeding will be docketed as No. AB-55 (Sub-No. 801X).

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

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

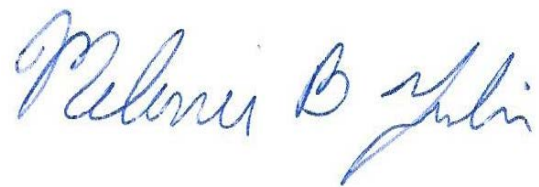
EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 801X) was mailed via first class mail and electronic mail where available on May 13, 2020 to the following parties:

Greenbrier County Robin Yates Loudermilk, County Clerk 912 Court Street N. Lewisburg, WV 24001 Robinloudermilk.greenbrier@hotmail.com	Fayette County Commission Deborah Berry, County Administrator 100 Court Street Post Office Box 307 Fayetteville, WV 25840-0307 Deborah.a.berry@wv.gov
Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103-2029 Davis.ginny@epa.gov	West Virginia Department of Environmental Protection Division Water and Waste Management 601 57 th Street, SE Charleston, WV 25304 CONNIE.J.ANDERSON@WV.GOV
West Virginia Field Office Ecological Services 90 Vance Drive Elkins, WV 26241 Jennifer_l_norris@fws.gov	National Geodetic Survey ngs.infocenter@noaa.gov
Department of Transportation Building 5, Room A-109 1900 Kanawha Boulevard, East Charlestown, WV 25305 dot.secretary@wv.gov	U.S. Army Corp of Engineers Huntington District 502 Eight Street Huntington, WV 25701-2070 Pa2@usace.army.mil
West Virginia Department of Commerce State Capitol Complex 1900 Kanawha Boulevard East Building 3, Suite 600 Charleston, WV 25305 john.r.mcgarritty@wv.gov	Ms. Cindy Butler Executive Director West Virginia Department of Transportation State Rail Authority 120 Water Plant Drive Moorefield, WV 26836 Cindy.k.butler@wv.gov

National Park Service Northeast Region 1234 Market Street Philadelphia, PA 19107	USDA-NRCS 465 Ragland Road Beckley, WV 25801 Suzy.daubert@usda.gov
Division of Natural Resources Wildlife Resources 324 Fourth Ave. South Charleston, WV 25303 Dnr.wildlife@wv.gov	Review and Compliance Staff State Historic Preservation Office WV Division of Culture and History 1900 Kanawha Boulevard East Charleston, WV 25305 susan.m.pierce@wv.gov

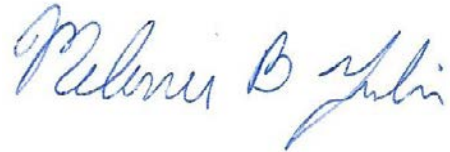


Melanie B. Yasbin
June 2, 2020

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 801X) was mailed via first class mail on May 13, 2020 to the following parties:

Review and Compliance Staff
State Historic Preservation Office
WV Division of Culture and History
1900 Kanawha Boulevard East
Charleston, WV 25305



Melanie B. Yasbin
June 2, 2020

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

Docket No. AB-55 (Sub-No. 801X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN GREENBRIER, AND FAYETTE COUNTIES, WV

Dated: June 2, 2020

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 6.39-mile rail line that runs between mileposts CAF 20.61 and CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, West Virginia (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

In two separate proceedings, covering contiguous track, the Surface Transportation Board (the “Board”) granted CSXT authority to abandon the mileage that makes up the current Line. In a decision served on November 27, 2017 in STB Docket No. AB-55 (Sub-No. 768X), the Board granted CSXT authority to abandon an approximately 6-mile rail line between milepost CAF 21.0 and milepost CAF 27.0. In a decision served on December 20, 2017 in STB Docket

Nos. AB-55 (Sub-No. 776X) CSXT was granted authority to abandon an approximately 0.41 rail line between milepost CAF 20.58 and milepost CAF 21.0. The current Line includes all of the line from AB-55 (Sub-No. 768X) and most of the line from AB-55 (Sub-No.776X). NITUs were issued in both proceedings and have expired. CSXT and Greenbrier and Fayette Counties reached a trail use agreement but did not file the agreement with the Board, therefore CSXT still has a common carrier obligation over the Line.

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

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

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. The proposed abandonment should have no adverse effects on regional or local highway systems and traffic patterns. By email dated May 20, 2020, the West Virginia Division of Highways (WVDOH) has requested that CSXT's contractor provide WVDOH notice when working in a WVDOH right-of-way. (See Exhibit 2).

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. CSXT notified Greenbrier and Fayette Counties by letter dated May 13, 2020

(See Exhibit 2) requesting comments and including a copy of the preliminary CEHR. A copy of the Preliminary CEHR was mailed to the appropriate local and state agencies for their information and further comment. No comments have been received to date.

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated May 13, 2020 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) The State of West Virginia does not have a Coastal Zone Management Program.

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

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

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

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

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

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

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

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

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

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

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement

communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

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

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

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

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT has notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated May 13, 2020 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and including a copy of this preliminary CEHR. Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing threatened and endangered species was

generated on May 11, 2020 finding that the Gray Bat, Indiana Bat, Northern Long-eared Bat, Virginia Big-eared Bat, and the Candy Darter fish, are in the area. The IPaC system determined that the project is within known summer foraging and roosting areas for the Indiana Bat at the WVFO should be contacted. With regard to flowering plants, the Running Buffalo Clover, Small Whorled Pogonia, and Virginia Spiraea may be in the area. The IPaC system did not make a determination for the other listed species. (See Exhibit 2). There are no critical habitats within the project area. CSXT does not believe abandonment will impact the flowering plants listed above. No additional comments have been received to date.

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

CSXT has notified the National Parks Service of the proposed abandonment by letter dated May 13, 2020 (See Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary CEHR. No comments have been received to date.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated May 13, 2020 (See Exhibit 2) requesting assistance in identifying any potential effects on water quality standards and included a copy of the preliminary CEHR. By email dated May 15, 2020, the

West Virginia Division of Water & Waste Management, stated that CSXT' removal of rail material would require grading and therefore is considered construction activity for which a WV/NPDES Construction Stormwater General Permit would be required. (See Exhibit 2).

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

CSXT notified the U.S. Army Corps of Engineers by letter dated May 13, 2020 (See Exhibit 2) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated May 13,

2020 (*See Exhibit 2*) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

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

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

HISTORIC REPORT

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

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

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

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

The right of way width along this right of way is approximately 33 feet from the centerline of track. The Line traverses a few small communities and closely parallels the Meadow River in the heavily forested Appalachian Mountains.

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

Not applicable.

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

Not applicable.

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

The line was built by Thomas and John Raine. The Raine brothers started a lumber mill in 1909 and formed the Meadow River Lumber Company. The brothers built the Spur line which connected with the C&O Railroad and was operated as the Sewell Valley Railroad.

On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railway

Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

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

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

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

There are no CSXT owned structures fifty (50) years old or older that may be eligible for inclusion in the National Register.

CSXT does not know of any archeological resources or any other previously unknown historic properties in the project area.

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

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

This area was impacted by the 1,000 year flood that occurred in June 2016.

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

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

CSXT notified the West Virginia Division of Culture and History by letter dated May 13, 2020 (*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the preliminary CEHR. Received comments will be included in the final CEHR.

EXHIBIT 1 – MAP

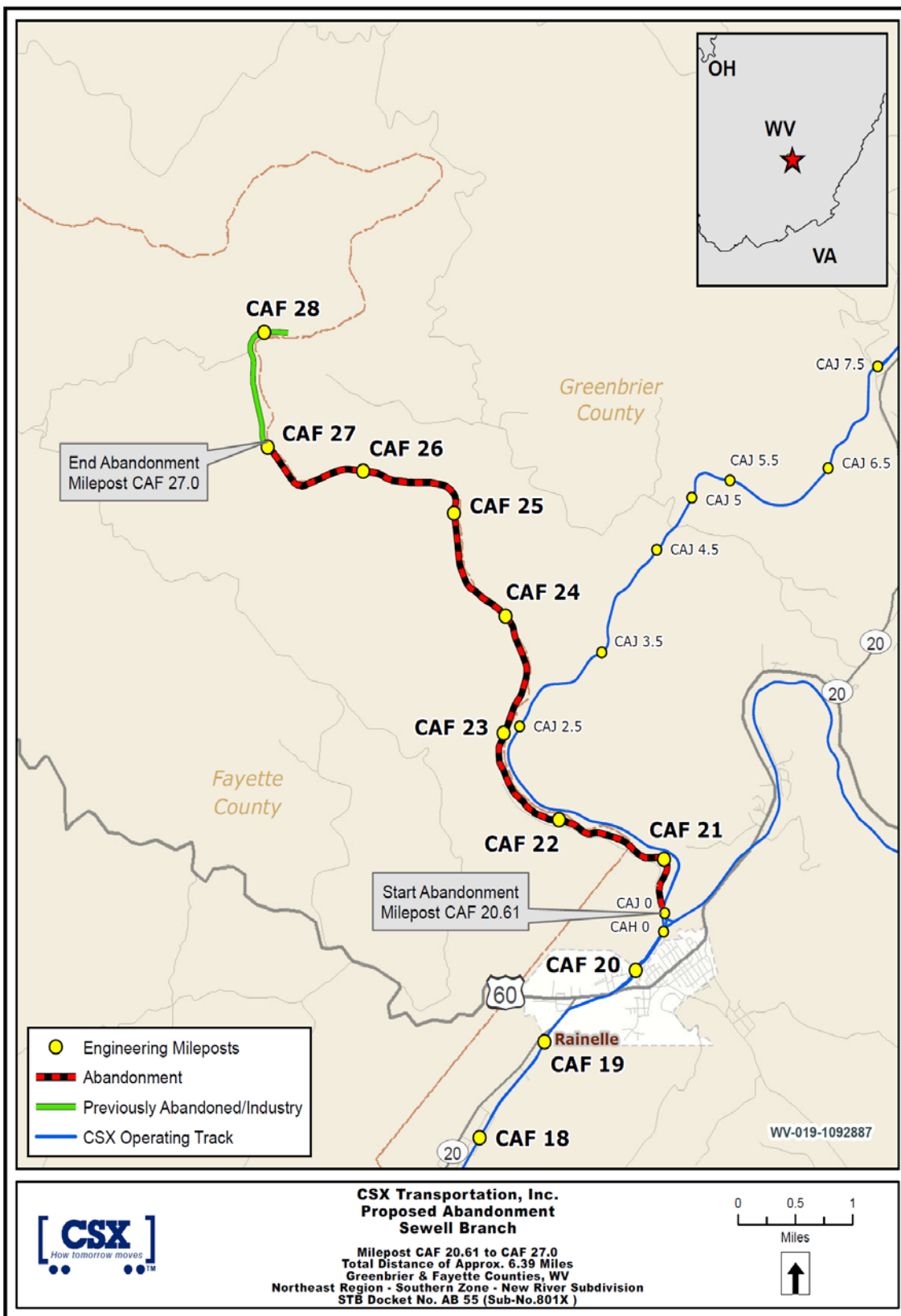


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



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

Gene Payne
Manager Strategic Planning

May 13, 2020

Greenbrier County
Robin Yates Loudermilk, County Clerk
912 Court Street N.
Lewisburg, WV 24001

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Ms. Yates Loudermilk:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

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

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

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land

use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne", followed by a long horizontal flourish.

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 13, 2020

Fayette County Commission
Deborah Berry, County Administrator
100 Court Street
Post Office Box 307
Fayetteville, WV 25840-0307

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Ms. Berry:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

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

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT’s Preliminary CEHR with CSXT’s analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter

so that CSXT can include and analyze your comments in its Final CEHR.

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 13, 2020

Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

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

(i) *“Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.”*

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

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Gene Payne", followed by a long horizontal flourish.

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 13, 2020

West Virginia Department of Environmental Protection
Division Water and Waste Management
601 57th Street, SE
Charleston, WV 25304

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

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

(i) *“Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.”*

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

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

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

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

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

Sincerely,

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

Gene Payne
Enclosures (3)

Melanie Yasbin

From: Adams, Rick D <Rick.D.Adams@wv.gov>
Sent: Friday, May 15, 2020 3:16 PM
To: Melanie Yasbin
Cc: Anderson, Connie J
Subject: FW: [External] CSX Transportation Inc.--Abandonment Exemption--in Greenbrier and Fayette Counties, WV STB Docket No. AB-55 (Sub-No. 801X)
Attachments: 20200513 Final Draft CEHR.pdf; ATT00001.htm;
Abandonment_AB55-801X_WV-019-1092887.pdf; ATT00002.htm; Distribuiton list.pdf;
ATT00003.htm; WV Department of Environmental Protection.pdf; ATT00004.htm

Good Afternoon Ms. Yasbin,

Thank you for the information on the proposed abandonment of the rail line near Rainelle in Greenbrier and Fayette Counties, WV. The removal of CSXT's rail material will require grading therefore is considered construction activity. The WV/NPDES Stormwater Program requires operators of construction sites obtain authorization to discharge stormwater under a WV/NPDES Construction Stormwater General Permit. Based on the information provided this project will be considered a Large Construction Project. The ballast materials that are incompatible with adjacent land use shall be removed and the foundation reshaped to be compatible with the surrounding land use, compliment drainage and satisfactory stabilization established for all disturbed areas.

If you have any questions or require additional assistance, please do not hesitate to contact me.

Thanks,

Rick Adams

Technical Analyst
WVDEP – Division of Water and Waste Management
601 57th Street, SE
Charleston, WV 25304
Office – 304-926-0499 Ext. 43763
Mobile – 304-928-8543
Rick.d.adams@wv.gov



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

Gene Payne
Manager Strategic Planning

May 13, 2020

West Virginia Field Office
Ecological Services
90 Vance Drive
Elkins, WV 26241

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV
Consultation Code: 05E2WV00-2020-SLI-0783

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

(i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

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

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species,

critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
West Virginia Ecological Services Field Office
90 Vance Drive
Elkins, WV 26241-9475
Phone: (304) 636-6586 Fax: (304) 636-7824
<http://www.fws.gov/westvirginiafieldoffice/>



In Reply Refer To:

May 11, 2020

Consultation Code: 05E2WV00-2020-SLI-0783

Event Code: 05E2WV00-2020-E-01747

Project Name: STB Docket No. AB-55 (Sub-No 801X) CSXT--Abandonment Exemption--
Greenbrier and Fayette Counties, WV

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement.

If the official species list you receive identifies any listed, proposed, or candidate species as potentially occurring in the proposed project area, then further section 7 consultation under the ESA is required with the Fish and Wildlife Service. Please submit a project review request to the West Virginia Field Office. To find out what information needs to be submitted with your project review request go to this link: <http://www.fws.gov/westvirginiafieldoffice/projectreview.html>

Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you should submit to our office.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be

completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). For information on bald and golden eagles in your project area please contact the West Virginia Division of Natural Resources, Natural Heritage Program at P.O. Box 67 Elkins, WV 26241, or call 304-637-0245.

Additionally, wind energy projects should follow the Service's wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>; and [http://www.fws.gov/westvirginiafieldoffice/PDF/Communication%20Tower%20Letter%20\(1\).pdf](http://www.fws.gov/westvirginiafieldoffice/PDF/Communication%20Tower%20Letter%20(1).pdf)

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA.

Attachment(s):

- Official Species List

Official Species List

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

This species list is provided by:

West Virginia Ecological Services Field Office
90 Vance Drive
Elkins, WV 26241-9475
(304) 636-6586

Project Summary

Consultation Code: 05E2WV00-2020-SLI-0783

Event Code: 05E2WV00-2020-E-01747

Project Name: STB Docket No. AB-55 (Sub-No 801X) CSXT--Abandonment Exemption-- Greenbrier and Fayette Counties, WV

Project Type: TRANSPORTATION

Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 6.39-mile rail line that runs between mileposts CAF 20.61 and CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, West Virginia (the "Line"). The Line runs through the U.S. Postal Zip Code 25962.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/38.003958945783914N80.78683568163973W>



Counties: Fayette, WV | Greenbrier, WV

Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

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

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

Mammals

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6329	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. This species only needs to be considered under the following conditions: - All activities in this location should consider potential effects to this species. This project is within known summer foraging and roosting areas. Please contact the WVFO. - All activities in this location should consider potential effects to this species. This project is not within a known-use area, but potentially occupied habitat may exist. Please contact the WVFO for additional consultation. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: No known hibernacula or maternity roost trees occur within the action area. Any 'take' that may occur incidental to this project is not prohibited under the final 4(d) rule. Please submit a Streamlined 4(d) Rule Consultation form to the WVFO. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened
Virginia Big-eared Bat <i>Corynorhinus (=Plecotus) townsendii virginianus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8369	Endangered

Fishes

NAME	STATUS
Candy Darter <i>Etheostoma osburni</i> There is proposed critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1396 General project design guidelines: https://ecos.fws.gov/ipac/guideline/design/population/8352/office/51412.pdf	Endangered

Flowering Plants

NAME	STATUS
Running Buffalo Clover <i>Trifolium stoloniferum</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/2529 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/1041/office/51412.pdf	Endangered
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1890 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/742/office/51412.pdf	Threatened
Virginia Spiraea <i>Spiraea virginiana</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/1728 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/1039/office/51412.pdf	Threatened

Critical habitats

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



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

Gene Payne
Manager Strategic Planning

May 13, 2020

Division of Natural Resources
Wildlife Resources
324 Fourth Ave.
South Charleston, WV 25303

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

(i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

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

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact to any federally-listed endangered or threatened species,

critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 13, 2020

U.S. Army Corp of Engineers
Huntington District
502 Eight Street
Huntington, WV 25701-2070

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

CSX Transportation, Inc., ("CSXT") proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the "Line"). The Line runs through the U.S. Postal Zip Code 25962.

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

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

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be

no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 13, 2020

National Park Service
Northeast Region
1234 Market Street
Philadelphia, PA 19107

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

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

Gene Payne
Manager Strategic Planning

May 13, 2020

Ms. Cindy Butler
Executive Director
West Virginia Department of Transportation State Rail Authority
120 Water Plant Drive
Moorefield, WV 26836

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Ms. Butler:

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Enclosures (3)



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Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

May 13, 2020

Department of Transportation
Building 5, Room A-109
1900 Kanawha Boulevard, East
Charlestown, WV 25305

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

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Gene Payne
Enclosures (3)

Melanie Yasbin

From: Cole, Steven B <Steven.B.Cole@wv.gov>
Sent: Wednesday, May 20, 2020 9:59 AM
To: Melanie Yasbin
Cc: Jenkins, David W; Thomas, Lorrie A; Moore, James F; Dunlap, Lisa D; Huffman, Angela M; Irvine, Alice R
Subject: FW: [External] CSX Transportation, Inc.--Abandonment Exemption--in Greenbrier and Fayette Counties, WV STB Docket No. AB-55 (Sub-No. 801X)

Please see the comments below from Mr. Jenkins. Thank you.

From: Jenkins, David W <David.W.Jenkins@wv.gov>
Sent: Wednesday, May 13, 2020 4:21 PM
To: Cole, Steven B <Steven.B.Cole@wv.gov>; Thomas, Lorrie A <Lorrie.A.Thomas@wv.gov>
Cc: Moore, James F <James.F.Moore@wv.gov>; Hylton, Gregory S <Gregory.S.Hylton@wv.gov>; Huffman, Angela M <Angela.M.Huffman@wv.gov>
Subject: Re: [External] CSX Transportation, Inc.--Abandonment Exemption--in Greenbrier and Fayette Counties, WV STB Docket No. AB-55 (Sub-No. 801X)

Good afternoon,

In reviewing those documents it appears the WVDOH will have some impact at the Meadow River Hardwood Lumber plant on Snake Island Road near Rainelle.

CSX Transportation, Inc. does need to make sure the contractor they hire gives me notice when they are working on WVDOH Right-of-Way. Lets just say I have a BAD experience with this issue happening a few years ago.

Did not see anything else.

Regards,

David Jenkins

West Virginia Division of Highways

District Nine Utilities Supervisor

146 Stonehouse Road

Lewisburg, West Virginia 24901-5597

E-Mail: David.W.Jenkins@WV.Gov



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

Gene Payne
Manager Strategic Planning

May 13, 2020

West Virginia Department of Commerce
State Capitol Complex
1900 Kanawha Boulevard East
Building 3, Suite 600
Charleston, WV 25305

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

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

Sincerely,

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Gene Payne
Enclosures (3)



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Gene Payne
Manager Strategic Planning

May 13, 2020

National Geodetic Survey
ngs.infocenter@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

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

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

Sincerely,

Gen. Pa



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

Gene Payne
Manager Strategic Planning

May 13, 2020

Review and Compliance Staff
State Historic Preservation Office
WV Division of Culture and History
1900 Kanawha Boulevard East
Charleston, WV 25305

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

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

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

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural

resources. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

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

Sincerely,

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Enclosures (3)



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Gene Payne
Manager Strategic Planning

May 13, 2020

USDA-NRCS
465 Ragland Road
Beckley, WV 25801

Re: STB Docket No. AB-55 (Sub-No. 801X), CSX Transportation, Inc.—
Abandonment Exemption—in Greenbrier and Fayette Counties, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 6.39-mile rail line on its Florence Division, Sewell Subdivision, between mileposts CAF 20.61 and milepost CAF 27.0 near Rainelle in Greenbrier and Fayette Counties, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25962.

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

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

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

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

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

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

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EXHIBIT 3 – USGS MAPS

