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February 25, 2021

301672

ENTERED
Office of Proceedings
February 25, 2021
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

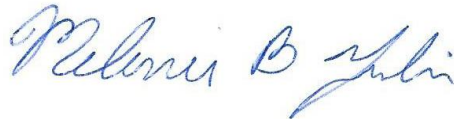
Re: **Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, Seth Branch from milepost CLN 0.3 to milepost CLN 10.2 in Boone County, West Virginia. The filing fee of \$4,600 has been paid via pay.gov.

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

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FILED
February 25, 2021
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
February 25, 2021
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 803X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN BOONE, 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: February 25, 2021

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 803X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN BOONE, 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 9.9-mile rail line that runs between mileposts CLN 0.3 and milepost CLN10.2, in Boone County, 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 in a decision served on January 6, 2017, in STB Docket No. AB-55 (Sub-No. 769X), the Board granted CSXT authority to discontinue service over the Line. Pursuant to that decision, CSXT filed a letter with the Board on February 9, 2017, consummating the discontinuance.

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 April 16, 2021.
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 9.9-mile rail line that runs between mileposts CLN 0.3 and milepost CLN10.2, in Boone County, West Virginia (the “Line”). There is one station on the Line, Prenter at milepost CLN 10 (FSAC 82243/OPSL 64790). The station can be closed.

(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 25181.

(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.

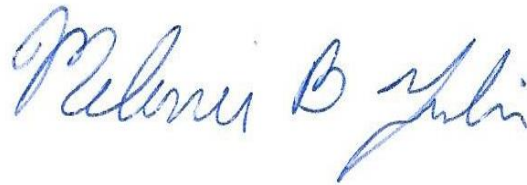
4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

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,



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: February 25, 2021

EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF FLORIDA)
) ss.
COUNTY OF DUVAL)

I, Trevor Knaus, state that I am 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 freight traffic has moved over CSXT's 9.9 mile rail line on its Florence Division, Coal River Subdivision, Seth Branch from Railroad Milepost CLN 0.3 to CLN 10.2 for two years prior to the date hereof. The 9.9 mile line is located in Boone County, West Virginia. Since this is not a through line, no overhead traffic has operated; therefore, none needs to be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



EXHIBIT B-MAP

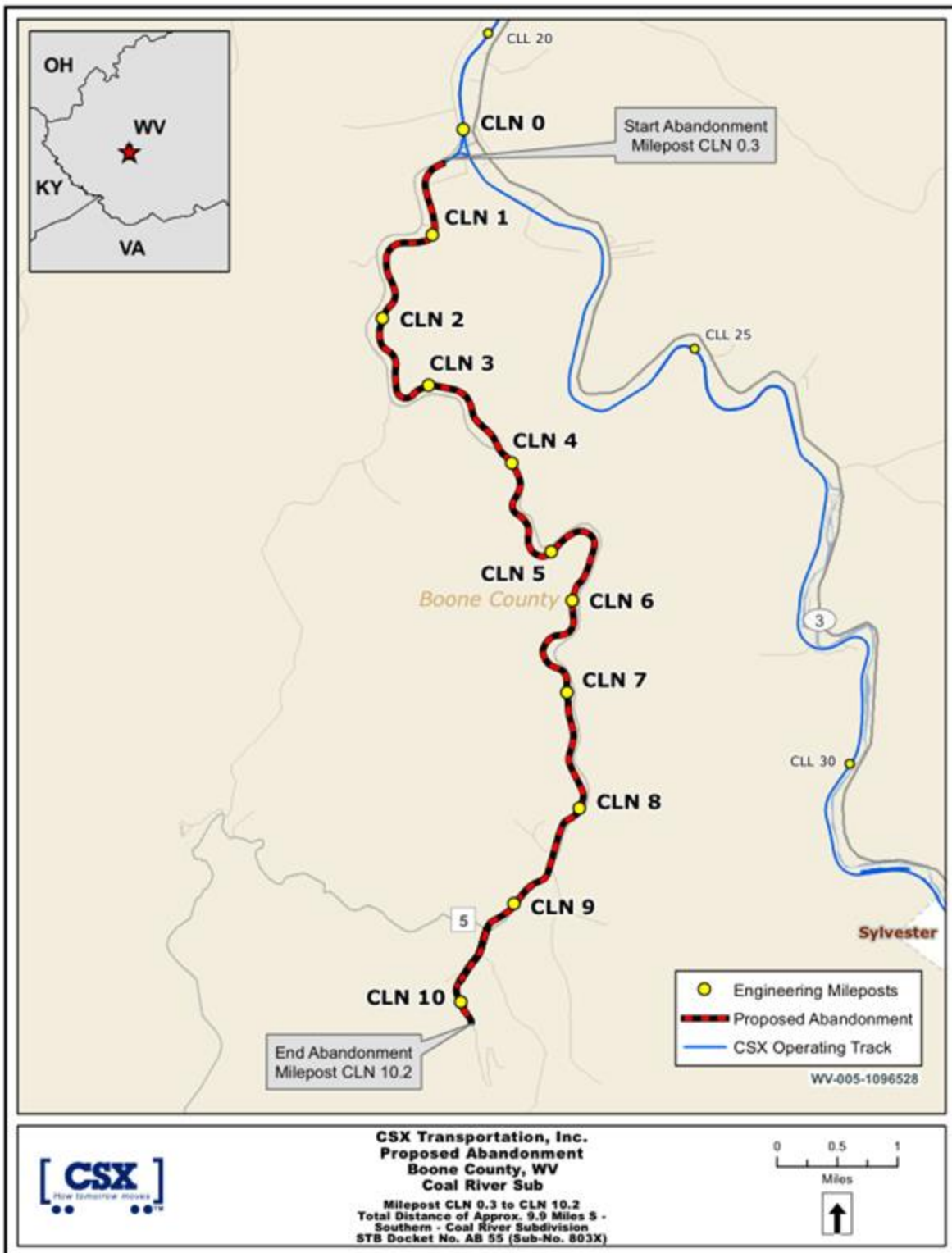


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

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. 803X) was mailed via first class mail on February 12, 2021 to the following parties:

State Public Service Commission

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

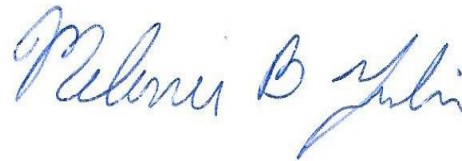
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

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

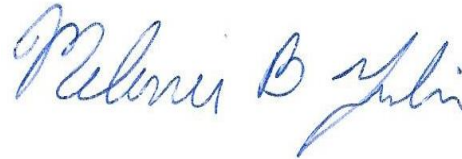
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
February 25, 2021

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 769X) in the following form was advertised on February 24, 2021 in the Coal Valley News, a newspaper of general circulation in Boone County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
February 25, 2021

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about February 25, 2021, 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 9.9-mile rail line that runs between mileposts CLN 0.3 and CLN 10.2 in Boone County, West Virginia. The proceeding will be docketed as No. AB-55 (Sub-No. 803X).

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.

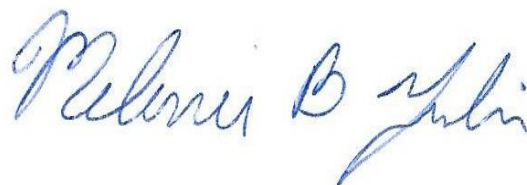
EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

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. 803X) was mailed via first class mail and electronic mail where available on February 5, 2021 to the following parties:

Boone County Commissioners Courthouse Annex 206 Court St # 300 Madison, WV 25130	
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 Sheila_davis@fws.gov	National Geodetic Survey RRAE@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.mcgarrrity@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 1550 Earl L. Core Road, Suite 200 Morgantown, WV 26505 jon.bourdon@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
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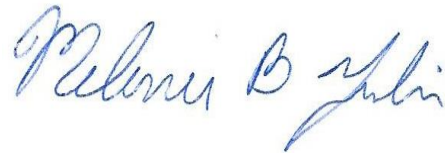


Melanie B. Yasbin
February 25, 2021

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. 803X) was mailed via first class mail on February 5, 2021 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
February 25, 2021

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

Docket No. AB-55 (Sub-No. 803X)

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

Dated: February 25, 2021

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 9.9-mile rail line that runs between mileposts CLN 0.3 and CLN 10.2 on its Florence Division, Coal River Subdivision, Seth Branch, in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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 in a decision served on January 6, 2017, in STB Docket No. AB-55 (Sub-No. 769X), the Board granted CSXT authority to discontinue service over the Line. Pursuant to that decision, CSXT filed a letter with the Board on February 9, 2017, consummating the discontinuance.

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

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

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

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier.

The proposed abandonment should have no adverse effects on regional or local highway systems and traffic patterns.

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

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. CSXT notified Boone County by letter dated February 5, 2021, (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. A copy of the Preliminary CEHR was sent to the appropriate local and state agencies for their information and further comment. 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 February 5, 2021 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. By letter dated February 8, 2021, the State Conservationist found no effects to surrounding prime and locally important farmland would occur because of the abandonment (See Exhibit 2).

(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 five crossings on the Line, two public and three private, that were closed after the discontinuance.

(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 February 5, 2021 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the preliminary CEHR. Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing threatened and endangered species was generated on February 1, 2021, finding the Gray Bat, Indiana Bat, Northern Log-eared Bat, Fanshell Clam, Pink Mucket, and Sheepnose Mussel, are in the area. There are no critical habitats within the project area. By letter dated February 22, 2021, the West Virginia Division of Natural Resources, Wildlife Resources Section, stated that the part of the abandonment is within a summer habitat buffer for the endangered Indiana bat and to coordination with the US Fish and Wildlife Service. (See Exhibit 2).

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

CSXT has notified the National Parks Service of the proposed abandonment by letter dated February 5, 2021 (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 February 5, 2021 (*See Exhibit 2*) requesting assistance in identifying any potential effects on water quality standards and included a copy of the preliminary CEHR. No comments have been received to date.

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

of action, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

CSXT notified the U.S. Army Corps of Engineers by letter dated February 5, 2021 (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 February 5, 2021 (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 three 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 90 feet wide. The Line traverses a few small communities and closely parallels Laurel Creek where it branches off from the Big Coal River. It then follows Prenter Road.

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;

See Exhibit 4.

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;

Bridge at milepost CLN 0.50 is a through plate girder build in 1913 over Laurel Creek.

Bridge at milepost CLN 3.80 is a deck beam through plate girder build in 1913 over Hopkins Fork.

Bridge at milepost CLN 9.30 is a laced timber bridge build in 1950 over Lavina Fork.

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 the Chesapeake and Ohio Railway Company to serve a former coal mine. 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);

CSXT believes that the bridges on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. CSXT does not know of any archeological resources or any other previously unknown historic properties in the project area.

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

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

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs

of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

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

CSXT notified the West Virginia Division of Culture and History by letter dated February 5, 2021 (*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. By letter dated February 18, 2021, the SHPO has determined “that the proposed project will affect no architectural properties eligible for inclusion in the National Register of Historic Places.” The SHPO also concluded that the bridges on the Line show no distinctive characteristics that indicate eligibility on the National Register. Nor is there a connection to individuals that “would indicate consideration for nomination.” (*See Exhibit 2*).

EXHIBIT 1 – MAP

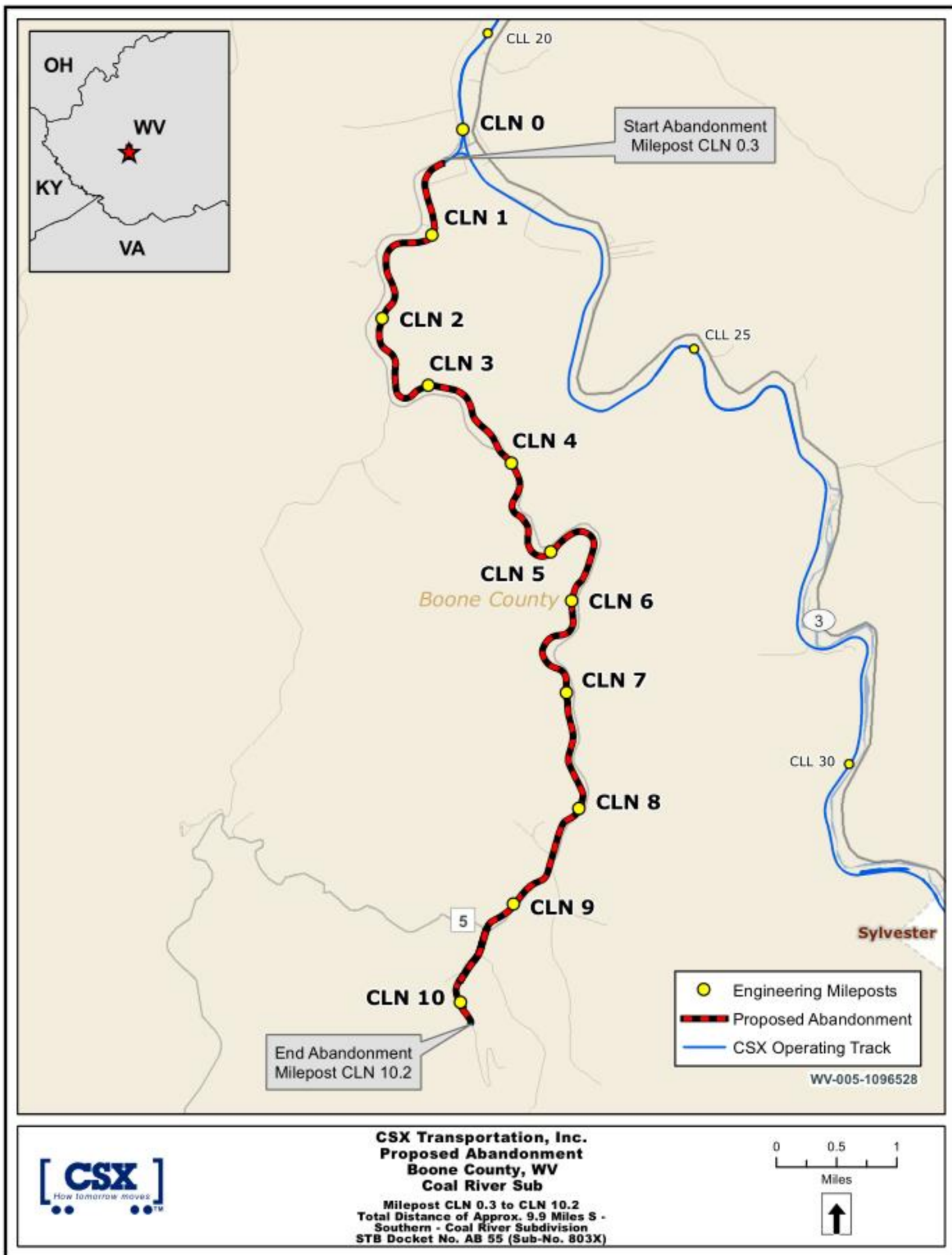


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



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

Gene Payne
Manager Strategic Planning

February 5, 2021

Boone County Commissioners
Courthouse Annex
206 Court St # 300
Madison, WV 25130

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Ms. White:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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 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

February 5, 2021

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

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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 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

February 5, 2021

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. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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)



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

Gene Payne
Manager Strategic Planning

February 5, 2021

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

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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:

February 01, 2021

Consultation Code: 05E2WV00-2021-SLI-0288

Event Code: 05E2WV00-2021-E-00701

Project Name: Boone County Abandonment

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

To Whom It May Concern:

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: 05E2WV00-2021-SLI-0288

Event Code: 05E2WV00-2021-E-00701

Project Name: Boone County Abandonment

Project Type: TRANSPORTATION

Project Description: Abandonment of a approx. 9.9 mile rail line between milepost CLN 0.3 and milepost CLN 10.2

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.051311049999995,-81.61305505387344,14z>



Counties: Boone County, West Virginia

Endangered Species Act Species

There is a total of 6 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 5 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. The location of the critical habitat is not available. 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

Clams

NAME	STATUS
Fanshell <i>Cyprogenia stegaria</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: This project occurs within a watershed known to support this species. Review the project design guidelines for more information about next steps and contacting the WVFO. Species profile: https://ecos.fws.gov/ecp/species/4822 General project design guidelines: https://ecos.fws.gov/docs/tess/ipac_project_design_guidelines/doc6470.pdf	Endangered
Pink Mucket (pearlymussel) <i>Lampsilis abrupta</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: This project occurs within a watershed known to support this species. Review the project design guidelines for more information about next steps and contacting the WVFO. Species profile: https://ecos.fws.gov/ecp/species/7829 General project design guidelines: https://ecos.fws.gov/docs/tess/ipac_project_design_guidelines/doc6463.pdf	Endangered
Sheepnose Mussel <i>Plethobasus cyphus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: This project occurs within a watershed known to support this species. Review the project design guidelines for more information about next steps and contacting the WVFO. Species profile: https://ecos.fws.gov/ecp/species/6903 General project design guidelines: https://ecos.fws.gov/docs/tess/ipac_project_design_guidelines/doc6465.pdf	Endangered

Critical habitats

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



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:
Consultation code: 05E2WV00-2021-TA-0288
Event Code: 05E2WV00-2021-E-00702
Project Name: Boone County Abandonment

February 01, 2021

Subject: Verification letter for the 'Boone County Abandonment' project under the January 5, 2016, Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and Activities Excepted from Take Prohibitions.

Dear Melanie Yasbin:

The U.S. Fish and Wildlife Service (Service) received on February 01, 2021 your effects determination for the 'Boone County Abandonment' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take" [\[1\]](#) prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based upon your IPaC submission, the Action is consistent with activities analyzed in the PBO. The Action may affect the northern long-eared bat; however, any take that may occur as a result of the Action is not prohibited under the ESA Section 4(d) rule adopted for this species at 50 CFR §17.40(o). Unless the Service advises you within 30 days of the date of this letter that your IPaC-assisted determination was incorrect, this letter verifies that the PBO satisfies and concludes your responsibilities for this Action under ESA Section 7(a)(2) with respect to the northern long-eared bat.

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

This IPaC-assisted determination allows you to rely on the PBO for compliance with ESA Section 7(a)(2) only for the northern long-eared bat. It **does not** apply to the following ESA-protected species that also may occur in the Action area:

- Fanshell *Cyprogenia stegaria* Endangered
- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Pink Mucket (pearlymussel) *Lampsilis abrupta* Endangered
- Sheepnose Mussel *Plethobasus cyphus* Endangered

If the Action may affect other federally listed species besides the northern long-eared bat, a proposed species, and/or designated critical habitat, additional consultation between you and this Service office is required. If the Action may disturb bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act is recommended.

[1]Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct [ESA Section 3(19)].

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

Boone County Abandonment

2. Description

The following description was provided for the project 'Boone County Abandonment':

Abandonment of a approx. 9.9 mile rail line between milepost CLN 0.3 and milepost CLN 10.2

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@38.051311049999995,-81.61305505387344,14z>

**Determination Key Result**

This Federal Action may affect the northern long-eared bat in a manner consistent with the description of activities addressed by the Service's PBO dated January 5, 2016. Any taking that may occur incidental to this Action is not prohibited under the final 4(d) rule at 50 CFR §17.40(o). Therefore, the PBO satisfies your responsibilities for this Action under ESA Section 7(a)(2) relative to the northern long-eared bat.

Determination Key Description: Northern Long-eared Bat 4(d) Rule

This key was last updated in IPaC on May 15, 2017. Keys are subject to periodic revision.

This key is intended for actions that may affect the threatened northern long-eared bat.

The purpose of the key for Federal actions is to assist determinations as to whether proposed actions are consistent with those analyzed in the Service's PBO dated January 5, 2016.

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may

affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions* to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

1. Is the action authorized, funded, or being carried out by a Federal agency?

Yes

2. Have you determined that the proposed action will have "no effect" on the northern long-eared bat? (If you are unsure select "No")

No

3. Will your activity purposefully **Take** northern long-eared bats?

No

4. [Semantic] Is the project action area located wholly outside the White-nose Syndrome Zone?

Automatically answered

No

5. [Semantic] Is the project action area located within 0.25 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

6. [Semantic] Is the project action area located within 150 feet of a known occupied northern long-eared bat maternity roost tree?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency

Automatically answered

No

Project Questionnaire

If the project includes forest conversion, report the appropriate acreages below.

Otherwise, type '0' in questions 1-3.

1. Estimated total acres of forest conversion:

0

2. If known, estimated acres of forest conversion from April 1 to October 31

0

3. If known, estimated acres of forest conversion from June 1 to July 31

0

If the project includes timber harvest, report the appropriate acreages below.

Otherwise, type '0' in questions 4-6.

4. Estimated total acres of timber harvest

0

5. If known, estimated acres of timber harvest from April 1 to October 31

0

6. If known, estimated acres of timber harvest from June 1 to July 31

0

If the project includes prescribed fire, report the appropriate acreages below.

Otherwise, type '0' in questions 7-9.

7. Estimated total acres of prescribed fire

0

8. If known, estimated acres of prescribed fire from April 1 to October 31

0

9. If known, estimated acres of prescribed fire from June 1 to July 31

0

If the project includes new wind turbines, report the megawatts of wind capacity below. Otherwise, type '0' in question 10.

10. What is the estimated wind capacity (in megawatts) of the new turbine(s)?

0



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

Gene Payne
Manager Strategic Planning

February 5, 2021

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

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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)



DIVISION OF NATURAL RESOURCES

Wildlife Resources Section
Elkins Operations Center
738 Ward Rd., PO Box 67
Elkins, WV 26241
Telephone 304-637-0245
Fax 304-637-0250

Stephen S. McDaniel
Director

February 22, 2021

Ms. Melanie Yasbin
The Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204

Dear Ms. Yasbin:

We have reviewed Natural Heritage Program files for information on rare, threatened, and endangered (RTE) species and sensitive habitats for the area of the proposed CSX Transportation Abandonment project in Boone County, WV (STB Docket No. AB-55 (Sub-No. 803X).

We have no known records of any RTE species at the project site; however, a portion of this project (between CLN2 and CLN3) falls within a summer habitat buffer for the endangered Indiana bat. It will be necessary to coordinate with the US Fish and Wildlife Service, especially if any tree removal is anticipated. The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review. This response is valid for two years.

The information provided above is the product of a database search and retrieval. This information does not satisfy other consultation or permitting requirements for disturbances to the natural resources of the state, and further consultation may be required. Additionally, any concurrence requirements for federally listed species must come from the US Fish and Wildlife Service.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, or barbara.d.sargent@wv.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barbara Sargent".

Barbara Sargent
Environmental Resources Specialist
Environmental Coordination
Operations Unit



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

Gene Payne
Manager Strategic Planning

February 5, 2021

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

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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

February 5, 2021

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

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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

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

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Floyd_Payne@CSX.com 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 dark ink, appearing to read "Gene Payne", with a long, sweeping horizontal line extending to the right.

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

February 5, 2021

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. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Ms. Butler:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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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

February 5, 2021

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

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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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

February 5, 2021

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. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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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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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

February 5, 2021

National Geodetic Survey
RRAE@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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,

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

February 5, 2021

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. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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,

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

Gene Payne
Enclosures (3)



West Virginia Department of
**ARTS, CULTURE
AND HISTORY**

The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Curator
Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562
EEO/AA Employer

February 18, 2021

Gene Payne
Manager Strategic Planning
CSX Transportation Inc.
500 Water St. J801
Via email: Floyd_payne@csx.com

RE: CSX track abandonment
FR#: 21-327-BO

Dear Mr. Payne:

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

According to the submitted information CSX Transportation Incorporated proposes to abandon approximately 10 miles of track in Boone County, West Virginia. Work includes removal of rails, crossties, and some upper ballast. It is our understanding that no subgrade materials will be disturbed and bridge structures will remain in place.

Architectural Resources:

We have reviewed the submitted information and determined that the proposed project will affect no architectural properties eligible for or included in the National Register of Historic Places. The project includes 3 bridges over 45 years of age, none show distinctive characteristics that indicate eligibility. Additionally, there appear to be no connections to individuals that would indicate consideration for nomination. According to the project description, each structure will remain in place. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Stephen L. Gifford, Structural Historian, at (304) 558-0240.*

Sincerely,

Benjamin M. Riggle signed electronically for Susan M. Pierce 4:45pm 2/18/2021

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/SLG



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

Gene Payne
Manager Strategic Planning

February 5, 2021

USDA-NRCS
1550 Earl L. Core Road, Suite 200
Morgantown, WV 26505

Re: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc.—Abandonment
Exemption—in Boone County, WV

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 9.9-mile rail line on its Florence Division, Coal River Subdivision, between mileposts CLN 0.3 and milepost CLN 10. in Boone County, WV (the “Line”). The Line runs through the U.S. Postal Zip Code 25181.

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.

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 Agriculture
Natural Resources Conservation Service
1550 Earl Core Road, Suite 200
Morgantown, WV 26505
(304) 284-7540 (Phone)
(855) 857-6448 (Fax)

February 8, 2021

Gene Payne
Manager Strategic Planning
500 Water St. J801
Jacksonville, FL 32202
Gene_Payne@csx.com

Subject: STB Docket No. AB-55 (Sub-No. 803X), CSX Transportation, Inc. –Abandonment Exemption—in Boone, WV

Mr Payne,

The Web Soil Survey was utilized as the official source of soil survey information to review the proposed rail line abandonment project area referenced above. The project area as provided by Mrs. Yasbin is 9.9 miles long with a 90 foot width, all of which is focused on the rail line and right-of-way access. The soil maps show the rail line falling within the prime farmland soil map unit *Ch – Chagrin fine sandy loam, 0 to 3 percent slopes, occasionally flooded* and the locally important farmland soil map unit *Po – Potomac sandy loam*.

Despite the soil survey mapping, historical earth moving activities used to construct the rail line and rights-of-way have altered the project area such that it does not meet the definition of farmland, and as such is exempt from 7 CFR 658. Provided that abandonment activities are conducted within the limits described above, no effects to the surrounding prime and locally important farmland will occur.

If you have any questions about this report please contact Jared Beard, State Soil Scientist at jared.beard@usda.gov or 304-284-7597.

Sincerely,

JON BOURDON Digitally signed by JON BOURDON
Date: 2021.02.08 15:37:21 -05'00'

JON BOURDON
State Conservationist

CC: Melanie Yasbin, The Law Offices of Louis E. Gitomer, LLC, melanie@lgrailaw.com
Jared Beard, NRCS, State Soil Scientist, Morgantown, WV
Suzy Daubert, NRCS, Assistant State Conservationist-Field Operations, Beckley, WV

EXHIBIT 3 – USGS MAPS

EXHIBIT 4 – BRIDGE PHOTOS

Bridge milepost CLN 0.50



Bridge milepost CLN 3.80



Bridge milepost CLN 9.30

