

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC**

LOUIS E. GITOMER  
Lou@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

MELANIE B. YASBIN  
Melanie@lgraillaw.com

300339

February 3, 2020

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

ENTERED  
Office of Proceedings  
February 3, 2020  
Part of  
Public Record

Re: **Docket No. AB-1294X, *Eighteen Thirty Group, LLC*—*Abandonment Exemption—in Allegany County, MD***

**Docket No. AB-1293X, *Georges Creek Railway*—*Discontinuance Exemption—in Allegany County, MD***

Dear Ms. Brown,

Enclosed for electronic filing is a Verified Notice of Exemption Eighteen Thirty Group, LLC (“Eighteen Thirty”) to abandon and Georges Creek Railway (“GCR”) to discontinue service over an approximately 07.54-mile rail line between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD. The filing fees of \$4,400 have 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 3, 2020  
SURFACE  
TRANSPORTATION BOARD

FEE RECEIVED  
February 3, 2020  
SURFACE  
TRANSPORTATION BOARD

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-1294X

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EIGHTEEN THIRTY GROUP, LLC—ABANDONMENT EXEMPTION—  
IN ALLEGANY COUNTY, MD

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Docket No. 1293X

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GEORGES CREEK RAILWAY—DISCONTINUANCE EXEMPTION—  
IN ALLEGANY COUNTY, MD

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VERIFIED NOTICE OF EXEMPTION

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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@lgrailaw.com

Attorneys for: Eighteen Thirty Group, LLC,  
and Georges Creek Railway

Dated: February 3, 2020

BEFORE THE  
SURFACE TRANSPORTATION BOARD

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Docket No. AB-1294X

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EIGHTEEN THIRTY GROUP, LLC—ABANDONMENT EXEMPTION—  
IN ALLEGANY COUNTY, MD

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Docket No. 1293X

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GEORGES CREEK RAILWAY—DISCONTINUANCE EXEMPTION—  
IN ALLEGANY COUNTY, MD

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VERIFIED NOTICE OF EXEMPTION

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Eighteen Thirty Group, LLC (“Eighteen Thirty”) and Georges Creek Railway (“GCR”) file this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for Eighteen Thirty to abandon and GCR to discontinue service over an approximately 7.54-mile rail line between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD (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.

Based on information in the possession of Eighteen Thirty, 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 March 24, 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. Eighteen Thirty Group, LLC and Georges Creek Railway.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105. Eighteen Thirty and GCR are common carriers by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. Eighteen Thirty seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 7.54-mile rail line between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD.

GCR seeks to use the class exemption at 49 C.F.R. § 1152.50 to discontinue service over an approximately 7.54-mile rail line between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD. There are six (6) stations on the Line; Phi Con 10 at milepost BAI 14 (OPSL 56198); Carlos at milepost BAI 18 (OPSL 56195); Delta 3 at milepost BAI 19 (OPSL 56202); Ocean at milepost BAI 20 (OPSL 56200); Lonaconing at milepost BAI 22 (OPSL 55530); and Mine 5 at mile post BAI 24 (OPSL 56215).

(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 21532, 21539, and 21521.

(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.

Eighteen Thirty believes that the property proposed for abandonment is 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, appearing to read "Melanie B. Yasbin".

Louis E. Gitomer, Esq.  
Melanie B. Yasbin, Esq.  
Law Offices of Louis E. Gitomer  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204  
(410) 296-2205  
melanie@lgraillaw.com

Attorneys for: Eighteen Thirty Group, LLC,  
and Georges Creek Railway

Dated: February 3, 2020

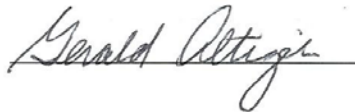
## **EXHIBIT A-VERIFICATION AND CERTIFICATION**

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

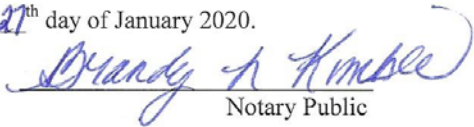
STATE OF MARYLAND            )  
                                          )       ss.  
COUNTY OF ALLEGANY        )

I, GERALD ALTIZER, state that I am MANAGING MEMBER for Georges Creek Railway ("GCR"); 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 the approximately 7.54-mile rail line between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD 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 GCR 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.



SUBSCRIBED AND SWORN TO before me this 27<sup>th</sup> day of January 2020.

My Commission Expires: Nov 29 2022        
Notary Public



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

STATE OF MARYLAND            )  
                                          )  
COUNTY OF ALLEGANY        )        ss.

I, GERALD ALTIZER, state that I am MINORITY OWNER for Eighteen Thirty Group, LLC ("Eighteen Thirty"); 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 the approximately 7.54-mile rail line between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD 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 Eighteen Thirty 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.

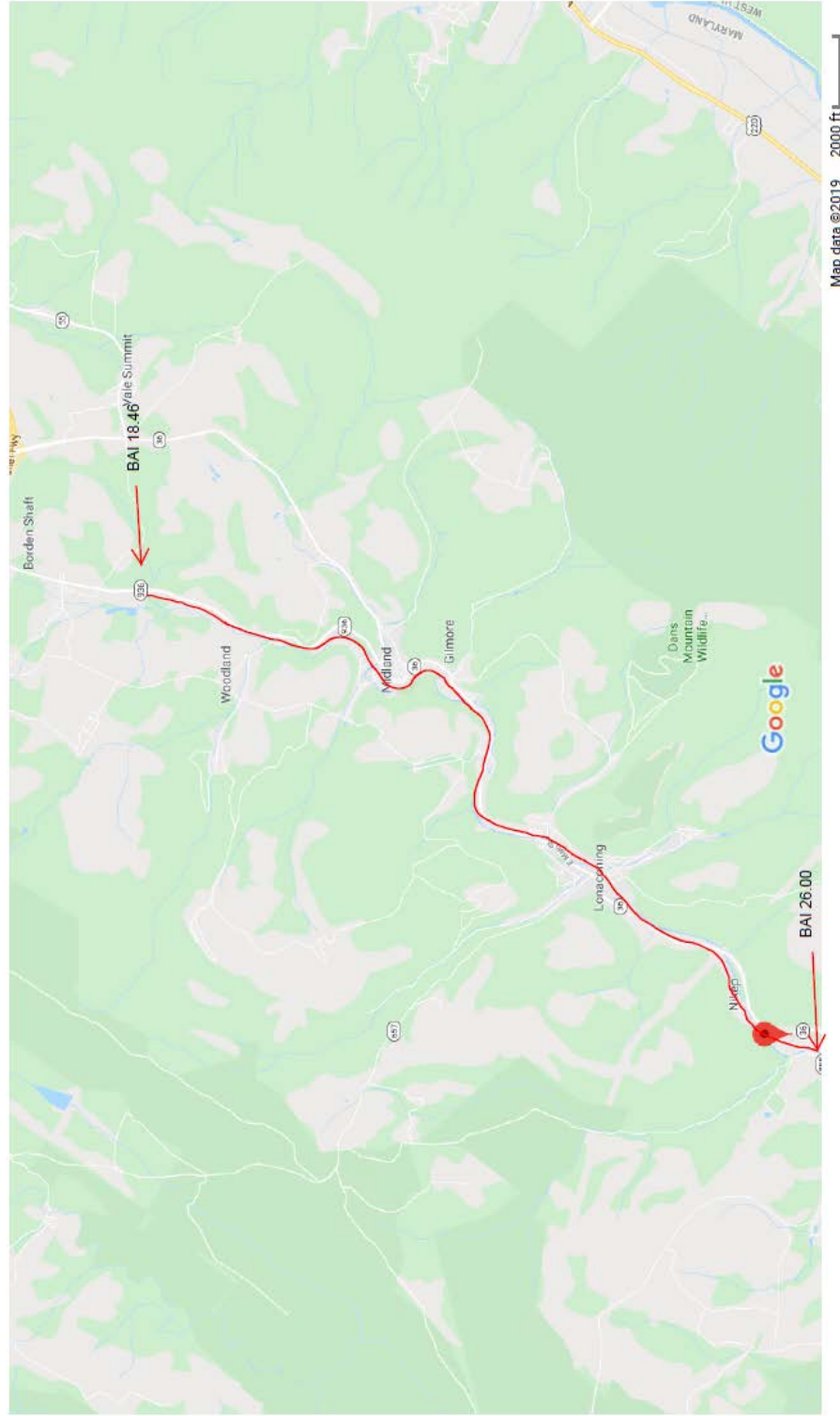
Gerald Altizer

SUBSCRIBED AND SWORN TO before me this 27<sup>th</sup> day of January 2020.

My Commission Expires: NOV 29 2022 Brandy N Kimble  
Notary Public



## **EXHIBIT B-MAP**



Line to be abandoned and discontinued  
 STB Docket No. AB-1294X Eighteen Thirty Group LLC--Abandonment Exemption--in Allegany County, MD  
 STB Docket No. AB-1293X Georges Creek Railway--Discontinuance Exemption--in Allegany County, MD

## **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 Nos. AB-1293X and AB-1294X was mailed via first class mail on January 23, 2020, to the following parties:

Mr. Andrew S. Johnston, Executive Secretary  
Maryland Public Service Commission  
William Donald Schaefer Tower  
6 St. Paul Street, 16<sup>th</sup> Floor  
Baltimore, MD 21202

### **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

### **National Park Service**

Mr. Rick Potts  
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

A handwritten signature in blue ink, reading "Melanie B. Yasbin".

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Melanie B. Yasbin  
February 3, 2020

## CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-1294X) and discontinuance in Docket No. AB-1293 in the following form was advertised on January 29, 2020 in Cumberland-Times, News, a newspaper of general circulation in Allegany County, MD as required by 49 C.F.R. § 1105.7(c) and .12.



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Melanie B. Yasbin  
February 3, 2020

### Notice of Intent to Abandon and Discontinue

Eighteen Thirty Group, LLC (“Eighteen Thirty”) and Georges Creek Railway (“GCR”) give notice that on or about February 3, 2020, they intend to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting Eighteen Thirty to abandon and GCR to discontinue service over an approximately 0.754-mile rail line between milepost BAI 26.00 in Moscow and milepost BAI 18.46 in Shaft, which traverses through United States Postal Service ZIP 21532, 21539, and 21521 in Allegany County, MD. The proceeding will be docketed as Nos. AB-1294X and AB-1293X.

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-1294X was mailed via first class mail on January 14, 2020 to the following parties:

|                                                                                                                           |                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Planning Commission of Allegany County<br>Attn: Angie Patterson<br>701 Kelly Road, Suite 405<br>Cumberland, MD 21502      | Maryland State Clearinghouse<br>Department of State Planning<br>301 West Preston Street<br>Baltimore, MD 21201 |
| Mayor John W. Coburn<br>Lonaconing<br>7 Jackson Street<br>Lonaconing, MD 21539                                            | Environmental Protection Agency<br>Region 3<br>1650 Arch Street<br>Philadelphia, PA 19103                      |
| Environmental Science Center<br>United States Environmental Protection<br>Agency<br>701 Mapes Road<br>Ft. Meade, MD 20755 | National Geodetic Survey<br><a href="mailto:ngs.infocenter@noaa.gov">ngs.infocenter@noaa.gov</a>               |
| U.S. Department of the Interior<br>Fish & Wildlife Service<br>177 Admiral Cochrane Drive<br>Annapolis, MD 21401           | U.S. Army Corps of Engineers<br>Baltimore District<br>2 Hopkins Plaza<br>Baltimore, MD 21201                   |
| National Park Service<br>Northeast Region<br>1234 Market Street<br>Philadelphia, PA 19107                                 | USDA-NRCS<br>Cumberland Service Center<br>12407 Naves Crossroads, NE<br>Cumberland, MD 21502                   |



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Melanie B. Yasbin  
February 3, 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-1294X was mailed via first class mail on January 14, 2020 to the following parties:

Maryland Historic Trust  
Attn: Beth Cole, MHT  
100 Community Place  
Crownsville, MD 21032



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Melanie B. Yasbin  
February 3, 2020

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

Docket No. AB-1294X

EIGHTEEN THIRY GROUP, LLC.—ABANDONMENT EXEMPTION—IN ALLEGANY  
COUNTY, MD

Docket No. AB-1293X

GEORGES CREEK RAILWAY.—DISCONTINUANCE EXEMPTION—  
IN ALLEGANY COUNTY, MD

Dated: February 3, 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.

Eighteen Thirty Group, LLC (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over the approximately 7.54-mile rail line between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD.

Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. Eighteen Thirty 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.

The only alternative to a full abandonment would be for Eighteen Thirty 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) Eighteen Thirty considers the proposed abandonment of the Line to be consistent with existing land use plans. Eighteen Thirty notified Allegany County by letter dated January 14, 2020 (See Exhibit 2) requesting comments and including a copy of this preliminary CEHR. A copy of this Preliminary CEHR has also been mailed to the appropriate local and state agencies for their information and further comment. No comments have been received to date.

(ii) Eighteen Thirty does not believe that there is any prime agricultural land that will be affected. Eighteen Thirty 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 January 14, 2020 (See Exhibit 2) requesting comments and including a copy of this preliminary CEHR. By letter dated January 21, 2020, NRCS states that the Line is not subject to the Farmland Protection Policy Act. (See Exhibit 2).

(iii) The Line does not pass through a designated coastal zone.

(iv) Eighteen Thirty 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 GCR 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.

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

(iii) Eighteen Thirty 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) Eighteen Thirty does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. Eighteen Thirty has notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated January 14, 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 January 22, 2020 finding that the Indiana Bat and Northern Long-eared Bat are in the area but that no critical habitats are within the project area and that there are no refuge lands or fish hatcheries within the project area. (See Exhibit 2). No other comments have been received.

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

Eighteen Thirty has notified the National Parks Service of the proposed abandonment by letter dated January 14, 2020 (See Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and including a copy of this 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) Eighteen Thirty is confident that the proposed abandonment will be consistent with applicable water quality standards. Eighteen Thirty notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated January 14, 2020 (See Exhibit 2) requesting assistance in identifying any potential effects on water quality standards and including a copy of this preliminary CEHR. No comments have been received to date.

(ii) Eighteen Thirty 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. Eighteen Thirty 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. Eighteen Thirty will transport cross-ties

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

Eighteen Thirty notified the U.S. Army Corps of Engineers by letter dated January 14, 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 including a copy of this preliminary CEHR. No comments have been received to date.

(iii) Eighteen Thirty believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. Eighteen Thirty notified the SEPA and the USEPA by letter dated January 14, 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 including a copy of this 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.

Eighteen Thirty does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. Eighteen Thirty 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 Map has been supplied to the State Department of Archeology and Historic Preservation (See Exhibit 3) along with this preliminary CEHR.

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 width of the right-of-way varies between 30 and 50 feet from the center-line track. The rail line traverses many small communities, rivers, and streams. It closely parallels Georges Creek and is located in a mountainous forested area.

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;

There are 9 bridges greater than 50 years old on the Line.

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;

| Location  | Type           | Date Built | Length |
|-----------|----------------|------------|--------|
| BAI 20.20 | Girder (steel) | 1906       | 61'    |
| BAI 20.64 | Girder (steel) | 1906       | 61'    |
| BAI 21.30 | Girder (steel) | 1906       | 14'    |
| BAI 21.60 | Girder (steel) | 1906       | 96'    |
| BAI 22.50 | Girder (steel) | 1906       | 83'    |
| BAI 22.60 | Beam (steel)   | 1906       | 33'    |
| BAI 23.10 | Concrete       | 1906       | 18'    |
| BAI 24.0  | Girder (steel) | 1906       | 120'   |
| BAI 25.40 | Girder (steel) | 1902       | 99'    |

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 property was originally acquired between 1852 and 1905 by the Cumberland and Pennsylvania Railway ("CPRR"). The CPRR was acquired by the Western Maryland Railroad ("WM") in 1944.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O, and WM Railroads. On November

1, 1980, Seaboard Coast Lines Industries Inc., and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railroad Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

In a decision served on October 26, 2005, the Surface Transportation Board authorized the sale of the Line to WMS owned by James Riffin. CSXT and WMS executed a purchase and sale agreement on March 1, 2006. Mr. Riffin filed for bankruptcy. Eighteen Thirty acquired the Line from the bankruptcy trustee.<sup>1</sup> And GCR was granted authority to operate over the Line.<sup>2</sup>

Upon receiving abandonment authority operations and maintenance over the Line will cease.

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;

Eighteen Thirty 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);

Eighteen Thirty GCR believes that the Line is not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also Eighteen Thirty's opinion that there are no archeological resources or other railroad related historic properties in the project area.

There are nine (9) Eighteen Thirty owned structures that are 50 years old or older on this Line that may be eligible for listing in the Nation register.

Eighteen Thirty does not know of any significance or uniqueness to these structures that

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<sup>1</sup> *Eighteen Thirty Group, LLC—Acquisition Exemption—in Allegany County, MD* (Finance Docket No. 35438) (STB served Nov. 17, 2010)

<sup>2</sup> *Georges Creek Railway, LLC—Operation Exemption—in Allegany County, MD* (Finance Docket No. 35437) (STB served Nov. 17, 2010)

would warrant consideration, since to Eighteen Thirty's knowledge, they are not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period, or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

Eighteen Thirty 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.

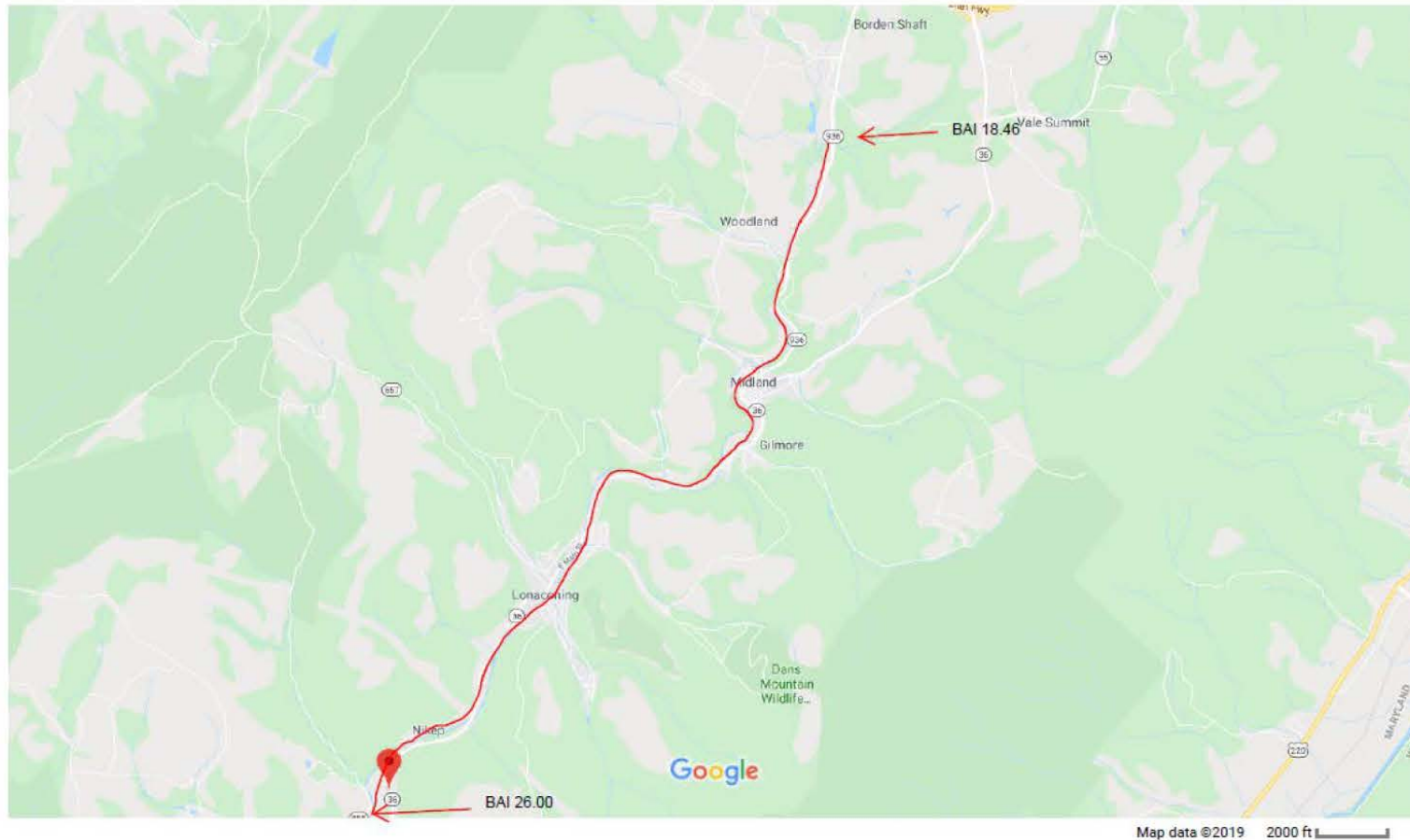
The Line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Eighteen Thirty's records do not indicate 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).

Eighteen Thirty 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, Eighteen Thirty will promptly supply the necessary information.

Eighteen Thirty notified the Maryland Historic Preservation Officer by letter dated January 14, 2020 (*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and including a copy of this preliminary CEHR. No comments have been received to date.

## **EXHIBIT 1 – MAP**



Line to be abandoned and discontinued  
STB Docket No. AB-1294X Eighteen Thirty Group LLC--Abandonment Exemption--in Allegany County, MD  
STB Docket No. AB-1293X Georges Creek Railway--Discontinuance Exemption--in Allegany County, MD

## **EXHIBIT 2 – LETTERS (WITHOUT MAPS)**

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC**

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASBIN  
Melanie@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

Planning Commission of Allegany County  
Attn: Angie Patterson  
701 Kelly Road, Suite 405  
Cumberland, MD 21502

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Ms. Patterson:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), Eighteen Thirty 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 Eighteen Thirty’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.”*

Eighteen Thirty would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is Eighteen Thirty’s Preliminary CEHR with Eighteen Thirty’s analysis of current and future land use. Please respond by email to [melanie@lgraillaw.com](mailto:melanie@lgraillaw.com) or by mail to the above address, within 20 days of the date of this letter so that Eighteen Thirty can include and analyze your comments in its Final CEHR.

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 blue ink, reading "Melanie B. Yasbin". The signature is written in a cursive style with a large initial 'M' and a stylized 'Y'.

Melanie Yasbin  
Enclosure (3)

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC**

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Lou@lgraillaw.com

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TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

Maryland State Clearinghouse  
Department of State Planning  
301 West Preston Street  
Baltimore, MD 21201

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Madam/Sir:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

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Sincerely,

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Melanie Yasbin  
Enclosure (3)

LAW OFFICES OF  
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MELANIE B. YASBIN  
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600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

Mayor John W. Coburn  
Lonaconing  
7 Jackson Street  
Lonaconing, MD 21539

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Mayor Coburn:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

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

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Melanie Yasbin

Enclosure (3)

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Melanie@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

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

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Madam/Sir:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), Eighteen Thirty 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 Eighteen Thirty 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 Eighteen Thirty’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. Eighteen Thirty does not intend to disturb any of the underlying roadbeds and does 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, Eighteen Thirty would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is Eighteen Thirty's Preliminary CEHR with Eighteen Thirty's analysis of current and future land use. Please respond by email to [melanie@lgraillaw.com](mailto:melanie@lgraillaw.com) or by mail to the above address, within 20 days of the date of this letter so that Eighteen Thirty can include and analyze your comments in its Final CEHR.

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Melanie Yasbin  
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600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

Environmental Science Center  
United States Environmental Protection Agency  
701 Mapes Road  
Ft. Meade, MD 20755

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

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TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

U.S. Department of the Interior  
Fish & Wildlife Service  
177 Admiral Cochrane Drive  
Annapolis, MD 21401

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

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

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that Eighteen Thirty 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, Eighteen Thirty 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.

Eighteen Thirty would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is Eighteen Thirty’s Preliminary CEHR with Eighteen Thirty’s analysis of current and future land use. Please respond by email to [melanie@lgraillaw.com](mailto:melanie@lgraillaw.com) or by mail to the above address, within 20 days of the date of this letter so that Eighteen Thirty can include and analyze your comments in its Final CEHR.

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Melanie Yasbin  
Enclosure (3)

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Chesapeake Bay Ecological Services Field Office 177 Admiral Cochrane Drive  
Annapolis, MD 21401-7307

Phone: (410) 573-4599 Fax: (410) 266-9127

<http://www.fws.gov/chesapeakebay/>

<http://www.fws.gov/chesapeakebay/endsppweb/ProjectReview/Index.html>



In Reply Refer To:

Consultation Code: 05E2CB00-2020-SLI-0462 Event Code: 05E2CB00-2020-E-01186

January 22, 2020

Project Name: STB Docket AB-1294X Eighteen Thirty Group, LLC--Abandonment Exemption--  
in Allegany County, MD

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, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. This species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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 Act, 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 website 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.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

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](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the 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>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

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

Attachment(s):

- 1) Official Species List
- 2) USFWS National Wildlife Refuges and Fish Hatcheries
- 3) Wetlands

# 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:

**Chesapeake Bay Ecological Services Field Office**  
177 Admiral Cochrane Drive Annapolis,  
MD 21401-7307  
(410) 573-4599

---

01/22/2020

Event Code: 05E2CB00-2020-E-01186

2

## Project Summary

Consultation Code: 05E2CB00-2020-SLI-0462 Event

Code: 05E2CB00-2020-E-01186

Project Name: STB Docket AB-1294X Eighteen Thirty Group, LLC--Abandonment  
Exemption--in Allegany County, MD

Project Type: \*\* OTHER \*\*

Project Description: Eighteen Thirty Group, LLC ("Eighteen Thirty") proposes to abandon and Georges Creek Railway ("GCR") proposes to discontinue service over the approximately 7.54-mile rail line between milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, all in Allegany County, MD.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/39.57193218795565N78.97472183557119W>



Counties: Allegany, MD

01/22/2020

Event Code: 05E2CB00-2020-E-01186

3

## Endangered Species Act Species

There is a total of 2 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 1 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 Fisheries<sup>1</sup>, 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](https://www.noaa.gov/), 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

Indiana Bat *Myotis sodalis*

There is **final** critical habitat for this species. Your location is outside the critical habitat. Species profile:

<https://ecos.fws.gov/ecp/species/5949>

Endangered

## Northern Long-eared Bat *Myotis septentrionalis*

No critical habitat has been designated for this species.

This species only needs to be considered under the following conditions:

### Threatened

- Projects with a federal nexus that have tree clearing = to or > 15 acres: 1. REQUEST A SPECIES LIST 2. NEXT STEP: EVALUATE DETERMINATION KEYS 3. SELECT EVALUATE under the Northern Long-Eared Bat (NLEB) Consultation and 4(d) Rule Consistency key

Species profile: <https://ecos.fws.gov/ecp/species/9045>

### Critical habitats

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

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01/22/2020

Event Code: 05E2CB00-2020-E-01186

1

## USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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# Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

## FRESHWATER POND

- [PUBHx](#)

## RIVERINE

- [R5UBH](#)
  - [R3UBH](#)
-

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC**

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASBIN  
Melanie@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

U.S. Army Corps of Engineers  
Baltimore District  
2 Hopkins Plaza  
Baltimore, MD 21201

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Madam/Sir:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

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

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) requires that Eighteen Thirty develop responses to the following statements:

*“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, Eighteen Thirty 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.

Eighteen Thirty would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is Eighteen Thirty’s Preliminary CEHR with Eighteen Thirty’s analysis of current and future land use. Please respond by email to [melanie@lgraillaw.com](mailto:melanie@lgraillaw.com) or by

mail to the above address, within 20 days of the date of this letter so that Eighteen Thirty can include and analyze your comments in its Final CEHR.

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 blue ink, appearing to read "Melanie B. Yasbin". The signature is fluid and cursive, with the first name "Melanie" being the most prominent part.

Melanie Yasbin  
Enclosure (3)

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Lou@lgraillaw.com

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TOWSON, MARYLAND 21204-4022  
(410)296-2250  
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January 14, 2020

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

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Madam/Sir:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), Eighteen Thirty 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.

Eighteen Thirty would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is Eighteen Thirty’s Preliminary CEHR with Eighteen Thirty’s analysis of current and future land use. Please respond by email to [melanie@lgraillaw.com](mailto:melanie@lgraillaw.com) or by mail to the above address, within 20 days of the date of this letter so that Eighteen Thirty can include and analyze your comments in its Final CEHR.

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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Melanie Yasbin

Enclosure (3)

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TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

USDA-NRCS  
Cumberland Service Center  
12407 Naves Crossroads, NE  
Cumberland, MD 21502

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Madam/Sir:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), Eighteen Thirty 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.

Eighteen Thirty would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is Eighteen Thirty’s Preliminary CEHR with Eighteen Thirty’s analysis of current and future land use. Please respond by email to [melanie@lgraillaw.com](mailto:melanie@lgraillaw.com) or by mail to the above address, within 20 days of the date of this letter so that Eighteen Thirty can include and analyze your comments in its Final CEHR.

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Melanie Yasbin

Enclosure (3)



United States Department of Agriculture

---

**Natural Resources Conservation Service**

92 Thomas Johnson Drive Frederick, MD 21798  
301.732.8603

January 21, 2020

Melanie B. Yasbin  
600 Baltimore Avenue, Suite 301  
Towson, MD 21204-4022

**RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC Abandonment  
Exemption in Allegany County, MD**

Dear Ms. Yasbin:

I have reviewed the proposed area for the Georges Creek Railway Abandonment Project in Allegany County, MD (the "Line"). For the Farmland Protection Policy Act (FPPA) to apply, there are three criteria that must be met:

- 4) Federal funds must be involved
- 5) The activity involves irreversible conversion of prime, unique or important farmland to non-agricultural use
- 6) None of the exemptions to FPPA apply.

While the first two criteria are met, this project meets the exemption for land already committed to urban development by virtue of its previous designation as a railroad right-of-way, and the stipulation that all permanent disturbance remain within the boundaries of the right-of-way. For the purposes of the FPPA, it is not considered "Farmland". This site is not subject to FPPA and no AD-1006 need be submitted. Please feel free to contact me by telephone at (301) 732-8603 or by email at [jason.martin2@usda.gov](mailto:jason.martin2@usda.gov) if you have any further questions or comments regarding this review.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Martin".

Jason Martin  
Resource Soil Scientist  
USDA-NRCS  
Frederick, MD

Cc: Chad Bucklew, District Conservationist, NRCS

LAW OFFICES OF  
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TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

National Geodetic Survey  
[Ngs.infocenter@noaa.gov](mailto:Ngs.infocenter@noaa.gov)

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Madam/Sir:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

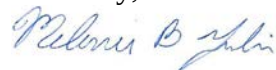
Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), Eighteen Thirty will consummate the abandonment and abandon the Line.

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.

Please advise if there are any geodetic markers which could be affected by the proposed transaction. Any questions can be sent electronically to [melanie@lgraillaw.com](mailto:melanie@lgraillaw.com) by email or mailed to the above address.

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,



Melanie Yasbin  
Enclosure (3)



## PROJECT REVIEW FORM

Request for Comments from the Maryland Historical Trust/  
MDSHPO on State and Federal Undertakings

### MHT USE ONLY

Date Received:

Log Number:

Project Name  County

#### Primary Contact:

Contact Name  Company/Agency   
Mailing Address   
City  State  Zip   
Email  Phone Number  Ext.

#### Project Location:

Address  City/Vicinity   
Coordinates (if known): Latitude  Longitude  Waterway

#### Project Description:

| List federal and state sources of funding, permits, or other assistance (e.g. Bond Bill Loan of 2013, Chapter #; HUD/CDBG; MDE/COE permit; etc.). | Agency Type                          | Agency/Program/Permit Name   | Project/Permit/Tracking Number (if applicable) |
|---------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|------------------------------|------------------------------------------------|
|                                                                                                                                                   | <input type="text" value="Federal"/> | Surface Transportation Board | AB-1295X                                       |
|                                                                                                                                                   | <input type="text"/>                 |                              |                                                |

This project includes (check all applicable): ☐ New Construction ☐ Demolition ☐ Remodeling/Rehabilitation  
☐ State or Federal Rehabilitation Tax Credits ☐ Excavation/Ground Disturbance ☐ Shoreline/Waterways/Wetlands  
Other\Additional Description:

#### Known Historic Properties:

This project involves properties (check all applicable): ☐ Listed in the National Register ☐ Subject to an easement held by MHT  
☐ Included in the Maryland Inventory of Historic Properties ☐ Designated historic by a local government  
☐ Previously subject to archeological investigations  
Property\District\Report Name

#### Attachments:

All attachments are required. Incomplete submittals may result in delays or be returned without comment.

☒ Aerial photograph or USGS Quad Map section with location and boundaries of project clearly marked.  
☒ Project Description, Scope of Work, Site Plan, and/or Construction Drawings.  
☒ Photographs (print or digital) showing the project site including images of all buildings and structures.  
☒ Description of past and present land uses in project area (wooded, mined, developed, agricultural uses, etc).

#### MHT Determination:

|                                                                                                  |                                                                                              |
|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <input type="checkbox"/> There are <b>NO HISTORIC PROPERTIES</b> in the area of potential effect | <input type="checkbox"/> The project will have <b>NO ADVERSE EFFECT WITH CONDITIONS</b>      |
| <input type="checkbox"/> The project will have <b>NO EFFECT</b> on historic properties           | <input type="checkbox"/> The project will have <b>ADVERSE EFFECTS</b> on historic properties |
| <input type="checkbox"/> The project will have <b>NO ADVERSE EFFECT</b> on historic properties   | <input type="checkbox"/> <b>MHT REQUESTS ADDITIONAL INFORMATION</b>                          |

MHT Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

Submit printed copy of form and all attachments by mail to: Beth Cole, MHT, 100 Community Place, Crownsville, MD 21032

Revised 6/21/2013

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC**

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASBIN  
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600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410)296-2250  
FAX (410) 332-0885

January 14, 2020

Maryland Historic Trust  
Attn: Beth Cole, MHT  
100 Community Place  
Crownsville, MD 21032

RE: STB Docket No. AB-1294X Eighteen Thirty Group, LLC—Abandonment Exemption—In  
Allegany County, MD

Dear Ms. Cole:

Eighteen Thirty Group, LLC. (“Eighteen Thirty”) proposes to abandon and Georges Creek Railway (“GCR”) proposes to discontinue service over Eighteen Thirty’s approximately 7.54-mile rail line milepost BAI 26.00 in Moscow, MD and milepost BAI 18.46 in Shaft, MD, in Allegany County, MD (the “Line”). The Line runs through U.S. Postal Zip Codes 21532, 21539, and 21521.

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

In connection with a 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 [melanie@lgraillaw.com](mailto:melanie@lgraillaw.com) by email or mailed to the above address.

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,

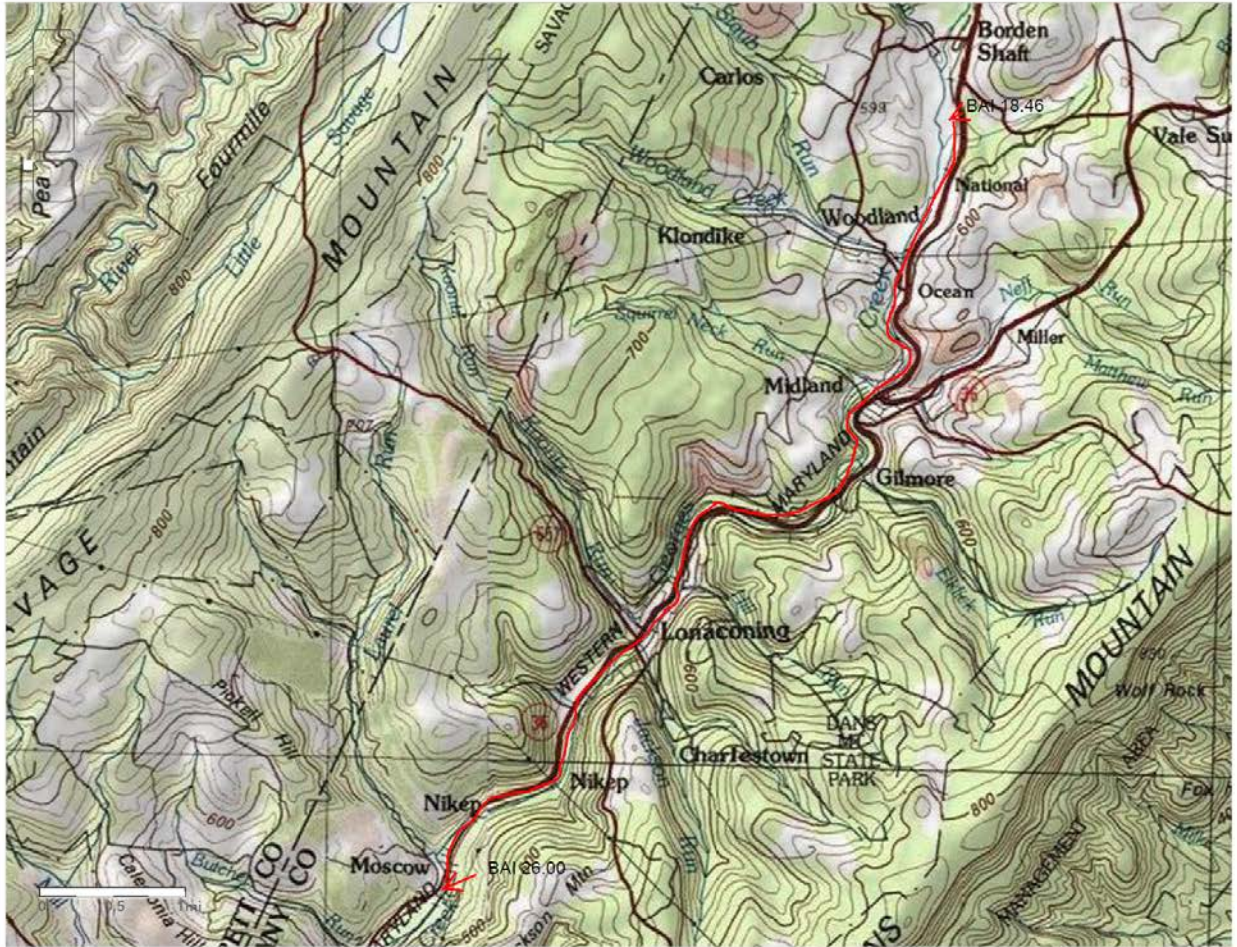
A handwritten signature in blue ink that reads "Melanie B. Yasbin". The signature is written in a cursive, flowing style.

Melanie Yasbin

Enclosure (3)

## **EXHIBIT 3 – USGS MAPS**

— Line to be abandoned and discontinued



STB Docket No. AB- 1294X  
Eighteen Thirty Group, LLC--Abandonment Exemption--in Allegany County, MD  
between milepost BAI 26.0 (near Moscow) and milepost BAI 18.46 (near Carlos)  
STB Docket No. AB-1293X  
Georges Creek Railway --Discontinuance Exemption--in Allegany County, MD  
between milepost BAI 26.0 (near Moscow) and milepost BAI 18.46 (near Shaft)



## **EXHIBIT 4-PHOTOGRAPHS AND BRIDGE INFORMATION**

Bridge BAI 20.20





Bridge BAI 20.64



Bridge BAI 21.30



Bridge BAI 21.60





Bridge BAI 22.6



Bridge BAI 22.50





Bridge BAI 23.10



Bridge BAI 24.00







Bridge BAI 25.40





