

218334



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**James R. Paschall**  
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December 11, 2006



via fax 202-565-9002 and mail - 1 page  
Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: Docket No. AB-290 (Sub-No. 251X), Norfolk Southern Railway Company -  
Abandonment Exemption - At Edenton, North Carolina, In Chowan  
County, North Carolina - Notice of Exemption - Request to Accept Letter  
and Attachment as Completion of Required Report

Dear Mr. Williams:

My letter just faxed to you in this docketed was incorrectly captioned. The caption from a prior letter was carried over. The letter just faxed asked that the letter be accepted as completing the environmental report and fulfilling the environmental conditions in this matter and that those conditions be removed or deemed completed. The letter did not request that the letter be accepted as a consummation notice or for the board to clarify outstanding conditions. We indicated that NSR would consummate the abandonment promptly upon the Board's removal of the remaining conditions or advice that the conditions had been fulfilled and the abandonment exemption could be exercised. I am sorry that I did not see the mistake before I faxed the letter so that this additional letter would not have been needed.

Very truly yours,

James R. Paschall

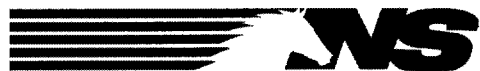
cc via fax 202-565-9000 and copy via e-mail  
Ms. Victoria Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

**ENTERED**  
**Office of Proceedings**

**DEC 22 2006**

**Part of**  
**Public Record**

and copy via e-mail to Ms. Rini Ghosh and Ms. Ann Newman



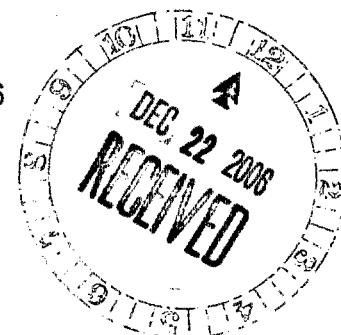
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via fax 202-565-9002 and mail - 3 pages

Honorable Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: Docket No. AB-290 (Sub-No. 251X), Norfolk Southern Railway Company -  
Abandonment Exemption - At Edenton, North Carolina, In Chowan  
County, North Carolina - Notice of Exemption - Request to Accept Letter  
as Required Report and as Consummation Notice or to Clarify  
Outstanding Conditions

Dear Mr. Williams:

In a decision served July 14, 2005, the Board removed several previously imposed conditions to Norfolk Southern Railway Company's (NSR's) consummation of the abandonment of the 0.33-mile rail line at Edenton, NC that is the subject of this proceeding, and clarified or modified others. One of the conditions requires NSR's compliance with the recommendations set forth in the North Carolina Wildlife Resources Commission's letter of May 6, 2005. This condition requires NSR to take certain precautions during salvage operations, which NSR will do. It should prevent no impediment to NSR's consummation of the abandonment of the subject line.

As we reported in a letter dated January 17, 2006, the Board further ordered NSR to submit final salvage plans to the U. S. Army Corps of Engineers (ACOE) prior to beginning salvage activities of the Queen Anne Creek bridge and take action to comply with the reasonable requirements of the Corps. NSR's System Engineer Design and Construction, Mr. Richard P. Dietz, spoke with Ms. Tracey L. Wheeler of ACOE's Wilmington, NC office. Mr. Dietz reported that Ms. Wheeler stated that the ACOE did not require submission of the removal plans and further stated that the removal of the Queen Anne Creek bridge was under the jurisdiction of the Division of Coastal Management (DCM).

Mr. Dietz has consulted with the DCM. That agency determined that NSR only

Honorable Vernon A. Williams  
STB No. AB-290, Sub-No. 251X  
December 11, 2006  
Page 2 of 2

needed to secure a minor permit for removal of the bridge abutments on the creek bank. The Board determined that NSR should secure this permit to complete the environmental consultations in this proceeding.

NSR has secured the permit. A copy is attached. Although the permit was issued in August, the internal distribution of the document was delayed, which is why it is being filed several months after it was issued. NSR believes that it now has substantially complied with the outstanding conditions in this proceeding and that it only need conduct the salvage of the Queen Anne Creek bridge in accordance with the standards and requirements of the DCM permit and its usual best practices. By copy of this letter and the attachments via both fax and e-mail, we are advising the Board's Section of Environmental Analysis (SEA) of the status of NSR's work to satisfy the outstanding conditions imposed in this docket, as required by the Board's July 14, 2005 order.

Therefore, NSR requests that this letter be accepted as the required report to the Board's Section of Environmental Analysis on the remaining conditions, that the Board state that the outstanding conditions in this docket have been satisfied to the extent required to no longer be an impediment to NSR's consummation of the abandonment of the subject line or that the conditions be removed in a formal decision by the Board, as appropriate.

The local government desires that NSR proceed with the removal of the bridge over Queen Anne's Creek. Therefore, NSR wishes to file the notice of consummation of the abandonment as soon as possible and to proceed to a conclusion of the abandonment and the removal work. Thank you for your consideration of this matter.

Very truly yours,

  
James R. Paschall

cc via fax 202-565-9000 and copy via e-mail  
Ms. Victoria Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

and copy via e-mail to Ms. Rini Ghosh and Ms. Ann Newman

Chowan  
Local Government

RW-1  
Permit Number

# CAMA MINOR DEVELOPMENT PERMIT



as authorized by the State of North Carolina, Department of Environment, Health, and Natural Resources and the Coastal Resources Commission for development in an area of environmental concern pursuant to Section 113A-118 of the General Statutes, "Coastal Area Management."

Issued to Norfolk Southern Railway  
authorizing development in Chowan County at Queen Anne Creek (trestle bridge)  
as requested in the permittee's application dated 7-25-06

This permit, issued on 8-17-06, is subject to compliance with the application and site drawing (where consistent with the permit), all applicable regulations and special conditions and notes set forth below. Any violation of these terms may subject permittee to a fine, imprisonment or civil action; or may cause the permit to be null and void.

Remove abandoned railroad trestle over Queen Anne Creek.  
Embankments to be graded to a slope of two to one. Silt fencing to be installed prior to trestle removal. No other land disturbing activity to be done within the thirty foot buffer.

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. From the date of an appeal, any work conducted under this permit must cease until the appeal is resolved.

This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance.

Any maintenance work or project modifications not covered under this permit requires further written permit approval.

All work must cease when this permit expires on December 31, 2008

In issuing this permit it is agreed that this project is consistent with the local Land Use Plan and all applicable ordinances.

This permit may not be transferred to another party without the written approval of the Division of Coastal Management.

Holly Colombo  
Local Permit Officer (signature)

Holly Colombo  
name

PO Box 1030  
address

Edenton NC 27932

\_\_\_\_\_  
Permittee  
(signature required if special conditions above apply to permit)