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June 21, 2022

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ENTERED
Office of Proceedings
June 21, 2022
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. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon County, MI**

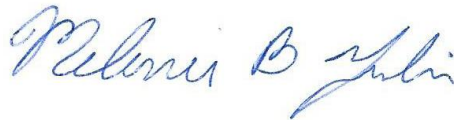
**Docket No. AB- 364 (Sub-No. 17X), Michigan Shore Railroad division, Mid-Michigan
Railroad, Inc.—Discontinuance of Service Exemption—in Muskegon County, MI**

Dear Ms. Brown:

Enclosed for electronic filing is a joint Verified Notice of Exemption for CSX Transportation, Inc. (“CSXT”) to abandon, and for Michigan Shore Railroad division, Mid-Michigan Railroad, Inc. (“MMRR”) to discontinue service over, an approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on the South Horn Spur in Muskegon County, MI (the “Line”). CSXT’s filing fee of \$4,400 and MMRR’s filing fee of \$4,400 has been paid via pay.gov.

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

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

FILED
June 21, 2022
SURFACE TRANSPORTATION
BOARD

Enclosure FEE RECEIVED
June 21, 2022
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 807X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MUSKEGON COUNTY, MI

Docket No. AB-364 (Sub-No. 17X)

MICHIGAN SHORE RAILROAD DIVISION, MID-MICHIGAN RAILROAD, INC.—
DISCONTINUANCE OF SERVICE—IN MUSKEGON COUNTY, MI

VERIFIED NOTICE OF EXEMPTION

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Philadelphia, PA 19103
(215) 640-8523
ehocky@clarkhill.com

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@lgrailaw.com

Attorneys for: MICHIGAN SHORE
RAILROAD DIVISION,
MID-MICHIGAN RAILROAD, INC

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: June 21, 2022

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 807X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MUSKEGON COUNTY, MI

Docket No. AB-364 (Sub-No. 17X)

MICHIGAN SHORE RAILROAD DIVISION, MID-MICHIGAN RAILROAD, INC.—
DISCONTINUANCE OF SERVICE—IN MUSKEGON COUNTY, MI

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 and Michigan Shore Railroad division, Mid-Michigan Railroad, Inc. (“MMRR”) to discontinue service over an approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on the South Horn Spur in Muskegon County, MI (the “Line”). CSXT is the owner of the Line, and MMRR is the lessee of 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.

CSXT intends to sell a 2-mile portion of the Line between mileposts CGCS 56.35 and milepost CGCS 58.35 to the City of Muskegon, for trail use through the NITU process.

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 August 9, 2022.
2. Verification required by 49 C.F.R. § 1104.5. *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 applicants. CSX Transportation, Inc. and Michigan Shore Railroad division, Mid-Michigan Railroad, Inc.

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

(3) Relief sought. CSXT and MMRR each seek to use the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon and for MMRR to discontinue service over an approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on the South Horn Spur in Muskegon County, MI. There are no stations on the Line.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representatives of applicants to whom correspondence should be sent. For CSXT: Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgrailaw.com. For MMRR: Eric M. Hocky, Clark Hill PLC, 2001 Market Street, Suite 2610, Philadelphia, PA 19103, (215) 640-8523, ehocky@clarkhill.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 49441.

(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.

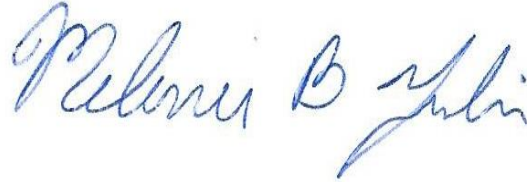
CSXT believes that the property proposed for abandonment may be suitable for other purposes but may be subject to reversionary interests that may affect transfer of title for other than rail purposes. CSXT intends to sell a 2-mile portion of the Line between mileposts CGCS 56.35 and milepost CGCS 58.35 to the City of Muskegon, for trail use through the NITU process.

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 and Historic Report. A combined Environmental and Historic Report of CSXT is attached as Exhibit D.¹

Respectfully submitted,



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Attorneys for: MICHIGAN SHORE
RAILROAD DIVISION,
MID-MICHIGAN RAILROAD, INC

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: June 21, 2022

¹ MMRR is not required to prepare and file an environmental and historic report in connection with its proposed discontinuance of service. See 49 C.F.R. §1105.6(c) and §1105.8(b). See also *Blacklands Railroad, Inc. – Discontinuance Exemption – In Rusk County, Tex.*, STB Docket No. AB 1108X (served April 3, 2013); *CSX Transportation, Inc. – Discontinuance of Service Exemption - In Raleigh County, W. Va.*, STB Docket No. AB 55 (Sub-No. 725X) (served September 11, 2012); *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008).

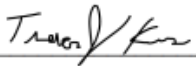
EXHIBIT A-VERIFICATION AND CERTIFICATION

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

I, Trevor Knaus, state that I am Mgr Cost & Contribution 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 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur (the "Line") for two years prior to the date hereof. The Line is located in Muskegon, Michigan. 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.

Date: 6/8/2022



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

I, Leonard Wagner, state that I am President for Michigan Shore Railroad division, Mid-Michigan Railroad, Inc. ("MMRR"); 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 MMRR freight traffic has moved over CSXT's 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on CSXT's South Horn Spur (the "Line") for two years prior to the date hereof. The Line is located in Muskegon, Michigan. 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 MMRR 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.



Date: June 20, 2022

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 and discontinuance in Docket Nos. AB-55 (Sub-No. 807X) and AB-364 (Sub-No. 17X), respectively, was mailed via first class mail on June 10, 2022, to the following parties:

State Public Service Commission

Michigan Public Service Commission
PO Box 30221
Lansing, MI 48909
Mpsc_commissioners@michigan.gov

Military Traffic Management Command

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

National Park Service

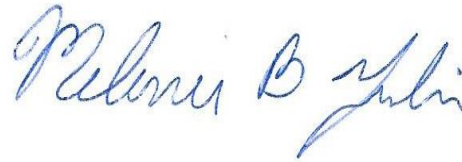
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

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

U.S. Department of Agriculture

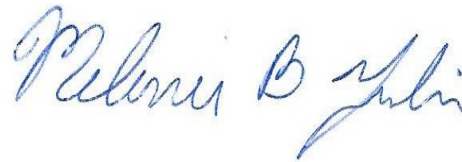
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
June 21, 2022

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment and discontinuance in Docket Nos. AB-55 (Sub-No. 806X) and AB-364 (Sub-No. 17X), respectively, in the following form was advertised on June 17, 2022, in the Muskegon County Legal News, a newspaper of general circulation in Erie County, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
June 21, 2022

Notice of Intent to Abandon and Discontinue Service

CSX Transportation, Inc. (“CSXT”) and Michigan Shore Railroad division, Mid-Michigan Railroad, Inc. (“MMRR”) give notice that on or about June 21, 2022, 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 CSXT to abandon and MMRR to discontinue service over 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI. The proceeding will be docketed as Nos. AB-55 (Sub-No. 806X) and AB-364 (Sub-No 17X), respectively.

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 applicants’ representatives: for CSXT: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com; and for MMRR: Eric M. Hocky, 2001 Market Street, Suite 2620, Philadelphia, PA 19103, ehocky@clarkhill.com.

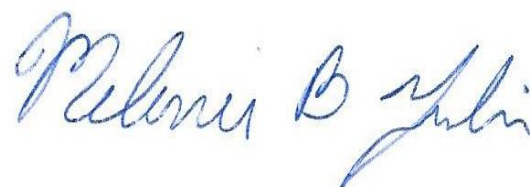
**EXHIBIT D– COMBINED CSXT ENVIRONMENTAL AND
HISTORIC REPORT**

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 CSXT Environmental and Historic Report in Docket No. AB-55 (Sub-No. 807X) was mailed via first class mail or electronic mail where available on May 31, 2022, to the following parties:

Muskegon County Commissioner Doug Brown browndo@muskegoncounty.net	National Park Service Midwest Regional Office 601 Riverfront Dr. Omaha, NE 68102
Environmental Protection Agency Region 5 77 W. Jackson Blvd. Chicago, IL 60604 r5hotline@epa.gov	Michigan Department of Environment, Great Lakes and Energy Grand Rapids District Office State Office Building, 5th Floor 350 Ottawa Avenue NW, Unit 10, Grand Rapids, MI 49503-2341 EGLE-Assist@Michigan.gov
U.S. Fish & Wildlife Service Michigan Ecological Services Field Office 2651 Coolidge Road Suite 101 East Lansing, MI 48823-6360	National Geodetic Survey RRAE@noaa.gov
Michigan Department of Transportation Office of Rail State Transportation Building 425 W. Ottawa St. P.O. Box 30050 Lansing, MI 48909 FordO@Michigan.gov	U.S. Army Corps of Engineers Detroit District 477 Michigan Ave Detroit, MI 48226 LREpao@usace.army.mil
City of Muskegon Frank Peterson, City Manager 933 Terrace St. Muskegon, MI 49440 (231) 724-6724	USDA-NRCS Fremont Service Center 940 Rex St. Fremont, MI 49412-1037 kelly.bishop@usda.gov

City of Muskegon Jake Eckholm, Director of Economic Development 933 Terrace Street Muskegon, MI 49443	Coastal Resources Management Program, Matt Smar Federal Consistency Specialist Water Resources Division EGLE SmarM@Michigan.gov
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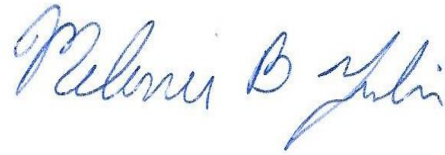


Melanie B. Yasbin
June 21, 2022

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 CSXT Environmental and Historic Report in Docket No. AB-55 (Sub-No. 807X) was submitted via the Michigan SHPO's website on May 31, 2022, to the following parties:

State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

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

Melanie B. Yasbin
June 21, 2022

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

Docket No. AB-55 (Sub-No. 807X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN MUSKEGON COUNTY, MI

Docket No.-364 (Sub-No. 17X)

MID-MICHIGAN RAILROAD, INC.—DISCONTINUANCE OF SERVICE—IN
MUSKEGON COUNTY, MI

Dated: June 21, 2022

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 and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

CSXT intends to sell a 2-mile portion of the Line between mileposts CGCS 56.35 and milepost CGCS 58.35 to the City of Muskegon, for trail use through the NITU process.

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.

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. The purpose of this abandonment is to sell a 2-mile portion of the Line to the City of Muskegon for trail use through the NITU process. CSXT notified Muskegon County by letter dated May 31, 2022, (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 May 31, 2022 (See Exhibit 2) requesting

comments and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT notified the Michigan Coastal Resource Management Program by letter dated May 31, 2022, (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. On June 13, 2022, CSXT requested a CZMA consistency certification concurrence for the abandonment and salvage of the Line. (See Exhibit 2). CZMA responded by email on June 13, 2022, stating that it would send a response after the public notice period closes (four weeks). (See Exhibit 2).

(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 effect on 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 14 public crossings on the Line.

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

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

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

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT has notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated May 31, 2022 (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 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 March 24, 2022, finding the Northern Log-eared Bat, Indiana Bat, Piping Plover, Red Knot, Eastern Massasauga, Karner Blue Butterfly, and Monarch Butterfly may be in the area

but that there are no critical habitats within the project area (See Exhibit 2). A USF&W verification letter dated April 6, 2022, states that USF&W will provide notification within “30 calendar days if it determines that proposed action does not meet the criteria for a ‘may affect, not likely to adversely affect’ for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here.” Those terms include watching MDNR's "60-Second Snakes: The Eastern Massasauga Rattlesnake(EMR)" video, review the EMR factsheet or call 517-351-2555 to increase human safety and awareness of EMR and reporting any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the USF&W within 24 hours. (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 May 31, 2022 (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. Based on the USF&W March 24, 2022 letter, are no USF&W national wildlife refuge lands or fish hatcheries within the project area. No comments have been received to date.

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

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated May 31, 2022 (*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 May 31, 2022 (*See Exhibit 2*) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-

year flood plains will be affected by the proposed abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated May 31, 2022 (*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 is one bridge on the Line that may be 50 years old or older but CSXT does not have information on when it was build. The bridge is a timber open deck bridge that spans approximately 42 feet over the inlet that leads to the Ruddiman Lagoon.

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 begins in Muskegon just east of 11th Street. The Line moves northwest following W Western Ave. At the end of W Western Ave. the Line turns southwest running past Lakeshore Yacht Harbor. The Line runs parallel to the Muskegon Lakeshore Trail and Lakeshore Drive. The Line continues to run parallel to Lakeshore Drive crossing the inlet that leads to Ruddiman Lagoon. The Line then crosses Estes Street., Torrent Street, Mann Street, and McCracken Street. The Line continues behind the Lakeshore Federal Credit Union still running roughly parallel to the Lakeshore Drive. Following Lakeshore Drive, the Line crosses Cottage Grove Street, Sampson Ave, and Millard Ave. The Line ends near Keaton Ct.

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

Not applicable.

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

Unknown.

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 is a spur track located off what was originally the Lake Shore and Michigan Southern Railway. The Lake Shore and Michigan Southern Railway was established in 1833 and sometimes referred to as the Lake Shore, was a major part of the New York Central Railroad's Water Level Route from Buffalo, New York, to Chicago, Illinois, primarily along the south shore of Lake Erie (in New York, Pennsylvania and Ohio) and across northern Indiana. The line's trackage remains a major rail transportation corridor used by Amtrak passenger trains and several freight lines. In 1998, its ownership was split at Cleveland between CSXT to the east and Norfolk Southern in the west.

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 bridge on the Line is 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 Michigan Historic Preservation Office by letter dated May 31, 2022 (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 June 8, 2022, the SHPO stated that “Section 106 requires federal agency to take into account the effect of their undertakings on historic properties” and “[i]t is the responsibility of the federal agency, not the SHPO, to fulfill the requirements of Section 106.” (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

May 31, 2022

Muskegon County
Commissioner Doug Brown
browndo@muskegoncounty.net

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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

May 31, 2022

City of Muskegon
Jake Eckholm, Director of Economic Development
933 Terrace Street
Muskegon, MI 49443

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 31, 2022

City of Muskegon
LeighAnn Mikesell, Interim City Manager
933 Terrace St.
Muskegon, MI 49440

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Ms. Mikesell:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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

May 31, 2022

Environmental Protection Agency
Region 5
77 W. Jackson Blvd.
Chicago, IL 60604
r5hotline@epa.gov

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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 blue ink, appearing to read "Gene Payne", with a long horizontal flourish extending to the right.

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 31, 2022

Michigan Department of Environment, Great Lakes and Energy
Grand Rapids District Office
State Office Building, 5th Floor 350
Ottawa Avenue NW, Unit 10,
Grand Rapids, MI 49503-2341
EGLE-Assist@Michigan.gov

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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,

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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

May 31, 2022

Coastal Resources Management Program
Matt Smar
Federal Consistency Specialist
Water Resources Division
EGLE
SmarM@Michigan.gov

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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(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.”*

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

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

Sincerely,

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

Gene Payne
Enclosures (3)

Melanie Yasbin

From: Payne, Gene <Gene_Payne@csx.com>
Sent: Monday, June 13, 2022 8:36 AM
To: SmarM@Michigan.gov
Cc: Melanie Yasbin
Subject: CSX Transportation, Inc.--Abandonment Exemption--in Muskegon, MI, STB Docket No. AB-55 (Sub-No. 807X)

Good morning Matt –

CSX would like to move forward and request a CZMA consistency certification concurrence for the abandonment/salvage of our rail line in Muskegon, MI. The proposed activity complies with the enforceable policies of Michigan's approved coastal management program and will be conducted in a manner consistent with such program.

Please let us know if you need anything further.

Thank you,
Gene

Gene Payne | CSX Transportation
Office (904) 359-3739 || E-mail Gene_Payne@csx.com

This email transmission and any accompanying attachments may contain CSX privileged and confidential or business proprietary information intended only for the use of the intended addressee. Any dissemination, distribution, forwarding, copying, or action taken in reliance on the contents of this email by anyone other than the intended recipient is strictly prohibited. If you have received this email in error please immediately delete it, destroy all copies, and notify the sender at the above CSX email address.

Melanie Yasbin

From: Smar, Matt (EGLE) <SMARM@michigan.gov>
Sent: Monday, June 13, 2022 10:16 AM
To: Payne, Gene
Cc: Melanie Yasbin
Subject: RE: CSX Transportation, Inc.--Abandonment Exemption--in Muskegon, MI, STB Docket No. AB-55 (Sub-No. 807X)

Good morning Gene – I'll put together a public notice for the CZMA consistency review and try to get it approved for posting in this Friday's EGLE Environmental Calendar. I would expect to send you a response promptly after the public notice period closes (four weeks). Please e-mail me if you have questions.

All the best,
Matt

Matt Smar
Federal Consistency Specialist
Water Resources Division
EGLE
SMarm@michigan.gov

From: Payne, Gene <Gene_Payne@csx.com>
Sent: Monday, June 13, 2022 8:36 AM
To: Smar, Matt (EGLE) <SMARM@michigan.gov>
Cc: Melanie Yasbin <melanie@lgrailaw.com>
Subject: CSX Transportation, Inc.--Abandonment Exemption--in Muskegon, MI, STB Docket No. AB-55 (Sub-No. 807X)

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Good morning Matt –

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Please let us know if you need anything further.

Thank you,
Gene

Gene Payne | CSX Transportation
Office (904) 359-3739 || E-mail Gene_Payne@csx.com

This email transmission and any accompanying attachments may contain CSX privileged and confidential or business proprietary information intended only for the use of the intended addressee. Any dissemination, distribution, forwarding, copying, or action taken in reliance on the contents of this email by anyone other than the intended



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

Gene Payne
Manager Strategic Planning

May 31, 2022

Michigan Ecological Services Field Office
2651 Coolidge Road Suite 101
East Lansing, MI 48823-6360

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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

Michigan Ecological Services Field Office

2651 Coolidge Road Suite 101

East Lansing, MI 48823-6360

Phone: (517) 351-2555 Fax: (517) 351-1443

<http://www.fws.gov/midwest/EastLansing/>

In Reply Refer To:

March 24, 2022

Project Code: 2022-0023613

Project Name: CSXT Abandonment in Muskegon County

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:

Official Species List

The attached species list identifies any Federally threatened, endangered, proposed and candidate species that may occur within the boundary of your proposed project or may be affected by your proposed project. The list also includes designated critical habitat if present within your proposed project area or affected by your project. This list is provided to you as the initial step of the consultation process required under section 7(c) of the Endangered Species Act, also referred to as Section 7 Consultation.

Under 50 CFR 402.12(e) (the regulations that implement section 7 of the Endangered Species Act), the accuracy of this species list should be verified after 90 days. You may verify the list by visiting the IPaC website (<https://ipac.ecosphere.fws.gov/>) at regular intervals during project planning and implementation. To update an Official Species List in IPaC: from the My Projects page, find the project, expand the row, and click Project Home. In the What's Next box on the Project Home page, there is a Request Updated List button to update your species list. Be sure to select an "official" species list for all projects.

Consultation requirements and next steps

Section 7 of the Endangered Species Act of 1973 requires that actions authorized, funded, or carried out by Federal agencies not jeopardize Federally threatened or endangered species or adversely modify designated critical habitat. To fulfill this mandate, Federal agencies (or their designated non-Federal representative) must consult with the Fish and Wildlife Service if they determine their project may affect listed species or critical habitat.

There are two approaches to evaluating the effects of a project on listed species.

Approach 1. Use the All-species Michigan determination key in IPaC. This tool can assist you in

making determinations for listed species for some projects. In many cases, the determination key will provide an automated concurrence that completes all or significant parts of the consultation process. Therefore, we strongly recommend screening your project with the **All-Species Michigan Determination Key (Dkey)**. For additional information on using IPaC and available Determination Keys, visit https://www.fws.gov/midwest/EastLansing/te/pdf/MIFO_IPAC_instructions_v1_Jan2021.pdf. Please carefully review your Dkey output letter to determine whether additional steps are needed to complete the consultation process.

Approach 2. Evaluate the effects to listed species on your own without utilizing a determination key. Once you obtain your official species list, you are not required to continue in IPaC, although in most cases using a determination key should expedite your review. If the project is a Federal action, you should review our section 7 step-by-step instructions before making your determinations: <http://www.fws.gov/midwest/endangered/section7/s7process/index.html>. If you evaluate the details of your project and conclude “no effect,” document your findings, and your listed species review is complete; you do not need our concurrence on “no effect” determinations. If you cannot conclude “no effect,” you should coordinate/consult with the Michigan Ecological Services Field Office. The preferred method for submitting your project description and effects determination (if concurrence is needed) is electronically to EastLansing@fws.gov. Please include a copy of this official species list with your request.

For all **wind energy projects** and **projects that include installing communications towers that use guy wires**, please contact this field office directly for assistance, even if no Federally listed plants, animals or critical habitat are present within your proposed project area or may be affected by your proposed project.

Migratory Birds

Please see the “Migratory Birds” section below for important information regarding incorporating migratory birds into your project planning. Our Migratory Bird Program has developed recommendations, best practices, and other tools to help project proponents voluntarily reduce impacts to birds and their habitats. The Bald and Golden Eagle Protection Act prohibits the take and disturbance of eagles without a permit. If your project is near an eagle nest or winter roost area, see our Eagle Permits website at <https://www.fws.gov/midwest/eagle/permits/index.html> to help you avoid impacting eagles or determine if a permit may be necessary.

Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/administrative-orders/executive-orders.php>.

We appreciate your consideration of threatened and endangered species during your project planning. Please include a copy of this letter with any request for consultation or correspondence

about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries
- Migratory Birds
- 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:

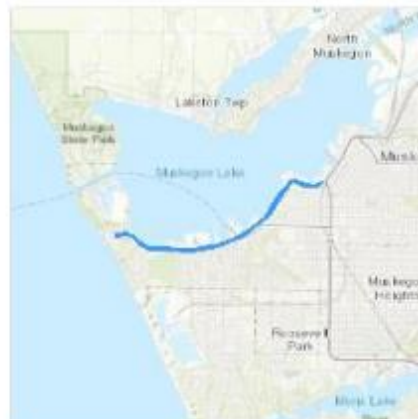
Michigan Ecological Services Field Office
2651 Coolidge Road Suite 101
East Lansing, MI 48823-6360
(517) 351-2555

Project Summary

Project Code: 2022-0023613
Event Code: None
Project Name: CSXT Abandonment in Muskegon County
Project Type: Abandonment of Rail Line
Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon and Mid-Michigan Railroad, Inc. ("MMRR") proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the "Line"). The Line runs through the U.S. Postal Zip Code 49441.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.22213205,-86.27979900633872,14z>



Counties: Muskegon County, Michigan

Endangered Species Act Species

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

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

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

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

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

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/V42Q5YLJ4VGEJNZEQD2UCBNF3Q/documents/generated/5663.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/V42Q5YLJ4VGEJNZEQD2UCBNF3Q/documents/generated/5664.pdf	Threatened

Birds

NAME	STATUS
Piping Plover <i>Charadrius melodus</i> Population: [Great Lakes watershed DPS] - Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.) There is final critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6039	Endangered
Red Knot <i>Calidris canutus rufa</i> There is proposed 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: Only actions that occur along coastal areas during the Red Knot migratory window of MAY 1 - SEPTEMBER 30. Species profile: https://ecos.fws.gov/ecp/species/1864	Threatened

Reptiles

NAME	STATUS
Eastern Massasauga (=rattlesnake) <i>Sistrurus catenatus</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: For all Projects: Project is within EMR Range Species profile: https://ecos.fws.gov/ecp/species/2202 General project design guidelines: https://ipac.ecosphere.fws.gov/project/V42Q5YLJ4VGEJNZEQD2UCBNF3Q/documents/generated/5280.pdf	Threatened

Insects

NAME	STATUS
Karner Blue Butterfly <i>Lycaeides melissa samuelis</i> There is proposed critical habitat for this species. The location of the critical habitat is not available. Species profile: https://ecos.fws.gov/ecp/species/6656	Endangered
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

Flowering Plants

NAME	STATUS
Pitcher's Thistle <i>Cirsium pitcheri</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/8153	Threatened

Critical habitats

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

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.

Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
American Golden-plover <i>Pluvialis dominica</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Dec 1 to Aug 31

NAME	BREEDING SEASON
Black-billed Cuckoo <i>Coccyzus erythrophthalmus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9399	Breeds May 15 to Oct 10
Bobolink <i>Dolichonyx oryzivorus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Jul 31
Canada Warbler <i>Cardellina canadensis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Cerulean Warbler <i>Dendroica cerulea</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/2974	Breeds Apr 22 to Jul 20
Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680	Breeds elsewhere
Golden-winged Warbler <i>Vermivora chrysoptera</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8745	Breeds May 1 to Jul 20
Lesser Yellowlegs <i>Tringa flavipes</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9679	Breeds elsewhere
Red-headed Woodpecker <i>Melanerpes erythrocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
Ruddy Turnstone <i>Arenaria interpres morinella</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Rusty Blackbird <i>Euphagus carolinus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
Wood Thrush <i>Hylocichla mustelina</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

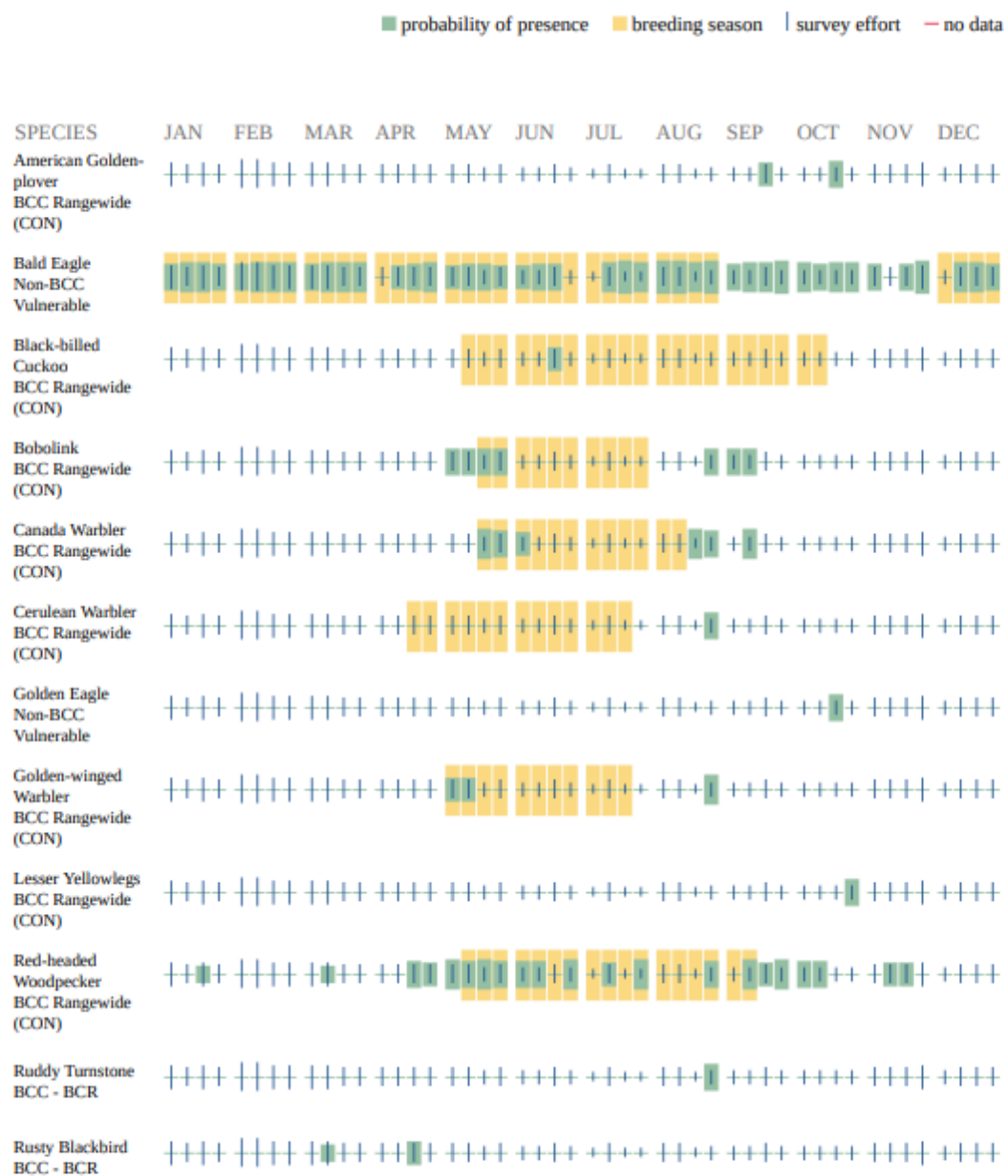
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



SPECIES	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Wood Thrush BCC Rangewide (CON)	++++	++++	++++	++++						++++	++++	++++

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwiderstandardconservationmeasures.pdf>

Migratory Birds FAQ

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

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3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

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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.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED. PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

IPaC User Contact Information

Agency: The Law Offices of Louis E. Gitomer, LLC

Name: Melanie Yasbin

Address: 600 Baltimore Ave, Suite 301

City: Towson

State: MD

Zip: 21204

Email melanie@lgrailaw.com

Phone: 4102962205



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Michigan Ecological Services Field Office
2651 Coolidge Road Suite 101

East Lansing, MI 48823-6360

Phone: (517) 351-2555 Fax: (517) 351-1443

<http://www.fws.gov/midwest/EastLansing/>



In Reply Refer To:

April 06, 2022

Project code: 2022-0023613

Project Name: CSXT Abandonment in Muskegon County

Subject: Verification letter for the project named 'CSXT Abandonment in Muskegon County' for specified threatened and endangered species that may occur in your proposed project location consistent with the Michigan Endangered Species Determination Key (Michigan DKey)

Dear Melanie Yasbin:

The U.S. Fish and Wildlife Service (Service) received on **April 06, 2022** your effect determination(s) for the 'CSXT Abandonment in Muskegon County' (the Action) using the Michigan DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Michigan DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Eastern Massasauga (=rattlesnake) (<i>Sistrurus catenatus</i>)	Threatened	NLAA
Indiana Bat (<i>Myotis sodalis</i>)	Endangered	No effect
Karner Blue Butterfly (<i>Lycaeides melissa samuelis</i>)	Endangered	No effect
Northern Long-eared Bat (<i>Myotis septentrionalis</i>)	Threatened	No effect
Piping Plover (<i>Charadrius melodus</i>)	Endangered	NLAA
Pitcher's Thistle (<i>Cirsium pitcheri</i>)	Threatened	No effect
Red Knot (<i>Calidris canutus rufa</i>)	Threatened	NLAA

The Service will notify you within 30 calendar days if we determine that this proposed Action does not meet the criteria for a "may affect, not likely to adversely affect" (NLAA) determination for Federally listed species in Michigan. If we do not notify you within that timeframe, you may proceed with the Action under the terms of the NLAA concurrence provided here. This verification period allows the Michigan Ecological Services Field Office to apply local

knowledge to evaluation of the Action, as we may identify a small subset of actions having impacts that were unanticipated. In such instances, the Michigan Ecological Services Field Office may request additional information to verify the effects determination reached through the Michigan DKey.

Your agency has met consultation requirements by informing the Service of your “No Effect” determination(s). No consultation is required for species that you determined will not be affected by the Action.

Please provide sufficient project details on your project homepage in IPaC (Define Project, Project Description) to support your conclusions and the Service’s 30-day review period. Failure to disclose important aspects of your project that would influence the outcome of your effects determinations may negate your determinations and invalidate this letter. If you have site-specific information that leads you to believe a different determination is more appropriate for your project than what the Dkey concludes, you can and should proceed based on the best available information.

The Service recommends that you contact the Service or re-evaluate the project in IPaC if: 1) the scope or location of the proposed Action is changed; 2) new information reveals that the action may affect listed species or designated critical habitat in a manner or to an extent not previously considered; 3) the Action is modified in a manner that causes effects to listed species or designated critical habitat; or 4) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Service should take place before project changes are final or resources committed.

For non-Federal representatives: Please note that when a project requires consultation under section 7 of the Act, the Service must consult directly with the Federal action agency unless that agency formally designates a non-Federal representative (50 CFR 402.08). Non-Federal representatives may prepare analyses or conduct informal consultations; however, the ultimate responsibility for section 7 compliance under the Act remains with the Federal agency. If the Federal agency concurs with your determination, the project as proposed has completed section 7 consultation. All documents and supporting correspondence should be provided to the Federal agency for their records.

Bald and Golden Eagles:

Bald eagles, golden eagles, and their nests are protected under the Bald and Golden Eagle Protection Act (54 Stat. 250, as amended, 16 U.S.C. 668a-d) (Eagle Act). The Eagle Act prohibits, except when authorized by an Eagle Act permit, the “taking” of bald and golden eagles and defines “take” as “pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb.” The Eagle Act’s implementing regulations define disturb as “...to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.”

If the Action may impact bald or golden eagles, additional coordination with the Service under the Eagle Act may be required. For more information on eagles and conducting activities in the vicinity of an eagle nest, please visit <https://www.fws.gov/midwest/eagle/>. In addition, the

Service developed the National Bald Eagle Management Guidelines (May 2007) in order to assist landowners in avoiding the disturbance of bald eagles. The full Guidelines are available at <http://www.fws.gov/midwest/eagle/pdf/NationalBaldEagleManagementGuidelines.pdf>.

If you have further questions regarding potential impacts to eagles, please contact Chris Mensing, Chris_Mensing@fws.gov or 517-351-2555.

Wetland impacts:

Section 404 of the Clean Water Act of 1977 (CWA) regulates the discharge of dredged or fill material into waters (including wetlands) of the United States. Regulations require that activities permitted under the CWA (including wetland permits issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE)) not jeopardize the continued existence of species listed as endangered or threatened. Permits issued by the U.S. Army Corps of Engineers must also consider effects to listed species pursuant to section 7 of the Endangered Species Act. The Service provides comments to the agencies that may include permit conditions to help avoid or minimize impacts to wildlife resources including listed species. For this project, we consider the conservation measures you agreed to in the determination key and/or as part of your proposed action to be non-discretionary. If you apply for a wetland permit, these conservation measures should be explicitly incorporated as permit conditions. Include a copy of this letter in your wetland permit application to streamline the threatened and endangered species review process.

Action Description

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

1. Name

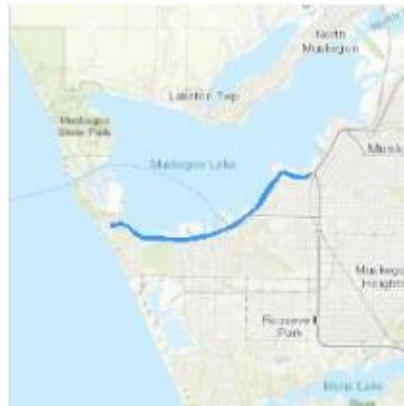
CSXT Abandonment in Muskegon County

2. Description

The following description was provided for the project 'CSXT Abandonment in Muskegon County':

CSX Transportation, Inc., ("CSXT") proposes to abandon and Mid-Michigan Railroad, Inc. ("MMRR") proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the "Line"). The Line runs through the U.S. Postal Zip Code 49441.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@43.22215595,-86.27977254648368,14z>



Qualification Interview

1. This determination key is intended to assist the user in the evaluating the effects of their actions on Federally listed species in Michigan. It does not cover other prohibited activities under the Endangered Species Act (e.g., for wildlife: import/export, Interstate or foreign commerce, possession of illegally taken wildlife, purposeful take for scientific purposes or to enhance the survival of a species, etc.; for plants: import/export, reduce to possession, malicious destruction on Federal lands, commercial sale, etc.) or other statutes. Click yes to acknowledge that you must consider other prohibitions of the ESA or other statutes outside of this determination key.
Yes
 2. Is the action the approval of a long-term (i.e., in effect greater than 10 years) permit, plan, or other action?
No
 3. Is the action being funded, authorized, or carried out by a Federal agency?
Yes
 4. Does the action involve the installation or operation of wind turbines?
No
 5. Does the action involve purposeful take of a listed animal?
No
 6. Does the action involve a new communication tower?
No
 7. Does the activity involve aerial or other large-scale application of any chemical (including insecticide, herbicide, etc.)?
No
 8. Will your action permanently affect local hydrology by impacting 1/2 acre or more of wetland; or by increasing or decreasing groundwater or surfacewater elevations?
No
 9. Will your action temporarily affect local hydrology by impacting 1/2 acre or more of wetland; or by increasing or decreasing groundwater or surfacewater elevations?
No
 10. Will your project have any direct impacts to a stream or river (e.g., Horizontal Directional Drilling (HDD), hydrostatic testing, stream/road crossings, new storm-water outfall discharge, dams, other in-stream work, etc.)?
No
 11. Does your project have the potential to indirectly impact the stream/river or the riparian zone (e.g., cut and fill, horizontal directional drilling, hydrostatic testing, construction, vegetation removal, discharge, etc.)?
Yes
-

12. Will your action disturb the ground or existing vegetation? This includes any off road vehicle access, soil compaction, digging, seismic survey, directional drilling, heavy equipment, grading, trenching, placement of fill, pesticide application, vegetation management (including removal or maintenance using equipment or chemicals), cultivation, development, etc.
- Yes
13. Does your action area occur entirely within an already developed area with no natural habitat or trees present? For the purposes of this question, "already developed areas" are already paved, covered by existing structures, manicured lawns, industrial sites, or cultivated cropland, AND do not contain trees that could be roosting habitat. Be aware that listed species may occur in areas with natural, or semi-natural, vegetation immediately adjacent to existing utilities (e.g. roadways, railways) or within utility rights-of-way such as overhead transmission line corridors, and can utilize suitable trees, bridges, or culverts for roosting even in urban dominated landscapes (so these are NOT considered "already developed areas" for the purposes of this question).
- No
14. [Hidden Semantic] Does the action intersect the Eastern massasauga rattlesnake area of influence?
- Automatically answered**
- Yes
15. Does your action involve prescribed fire?
- No
16. Have you determined that the area is not occupied by Eastern massasauga rattlesnake using the accepted survey [protocol](#) or an otherwise approved survey method? Only answer yes here if you have already coordinated with the Service on the survey effort to ensure the level of effort was sufficient to determine presence/absence. If you have conducted a survey in coordination with the Service, email a copy of your survey report to MIFO_Dkey@fws.gov with "Survey Report" in subject line, and upload the survey report(s) here in the next step of this key.
- No
17. Will this action occur entirely in the Eastern massasauga rattlesnake inactive season (October 2 through April 30)?
- No
18. Will this action occur entirely in the Eastern massasauga rattlesnake active season (May 1 through October 1)?
- No
19. Will the action result in permanent loss of more than one acre of wetland or conversion of more than 10 acres of uplands of potential Eastern massasauga rattlesnake habitat (uplands associated with high quality wetland habitat) to other land uses?
- No

20. Will you use [wildlife safe materials](#) for erosion control and site restoration and eliminate the use of erosion control products containing plastic mesh netting or other similar material that could ensnare Eastern massasauga rattlesnake?

N/A

21. Will you watch MDNR's ["60-Second Snakes: The Eastern Massasauga Rattlesnake \(EMR\)"](#) video, review the [EMR factsheet](#) or call 517-351-2555 to increase human safety and awareness of EMR?

Yes

22. Will all action personnel report any Eastern massasauga rattlesnake observations, or observation of any other listed threatened or endangered species, during action implementation to the Service within 24 hours?

Yes

23. [Hidden Semantic] Does the action intersect the Karner blue butterfly area of influence?

Automatically answered

Yes

24. Will the action occur in oak savanna, oak or pine barrens, openings within oak forest, old fields in association with oak forest, or openings or rights-of-way with abundant native grasses and wildflowers?

No

25. [Hidden Semantic] Does the action area intersect the piping plover area of influence?

Automatically answered

Yes

26. Will the action occur in suitable piping plover habitat?

Note: Piping plover habitat consists of Great Lakes islands and mainland shorelines that support, or have the potential to support, open, sparsely vegetated sandy habitats, such as sand spits or sand beaches, that are associated with wide, unforested systems of dunes and inter-dune wetlands.

No

27. Will the action occur during the piping plover migration season (April 1 through May 1 in spring OR August 15 through September 15 in the fall)?

Yes

28. [Hidden Semantic] Does the action area intersect the rufa red knot area of influence?

Automatically answered

Yes

29. Will the action occur during the red knot migration windows (May 15-June 15 or July 1-September 30)?

Yes

30. Will the action modify beaches, dunes, mudflats, peat banks, sandbars, shoals, or other red knot habitats? For example, the following actions may modify red knot habitat: groins, jetties, sea walls, revetments, bulkheads, rip-rap, beach nourishment, nearshore dredging, dredge spoil disposal, sand mining/borrowing, beach bulldozing, sandbagging, sand fencing, vegetation planting/alteration/removal, deliberate or possible introduction of non-native vegetation, beach raking/mechanized grooming, boardwalks, aquaculture development.

No

31. Will the action result in increased human disturbance or predation? For example, is the action likely to indirectly increase access or use of red knot habitats by humans and/or predators at times of year that the birds are typically present (e.g., commercial/residential development, beach access structures, boardwalks, pavilions, bridges/roads/ferries/trails, marinas, posts or other avian predator perches, structures or habitat features likely to encourage predator nesting/denning, trash cans or other predator attractants, feral cat colonies, policy changes likely to increase human use).

No

32. [Hidden Semantic] Does the action area intersect the area of influence for Pitcher's thistle?

Automatically answered

Yes

33. Does the action area include Great Lakes shoreline sand dunes?

No

34. [Hidden Semantic] Does the action area intersect the Indiana bat area of influence?

Automatically answered

Yes

35. The project has the potential to affect Indiana bat. Does the action area contain any known or potential bat hibernacula (natural caves, abandoned mines, or underground quarries)?

No

36. Has a presence/absence bat survey following the Service's Range-wide [Indiana Bat Summer Survey Guidelines](#) been conducted within the action area within the last 5 years?

No

37. Does the action involve removal/modification of a human structure (barn, house or other building) known to contain roosting Indiana bats?

No

38. Does the action include removal/modification of an existing bridge or culvert?

No

39. Does the action include tree cutting/trimming, prescribed fire, and/or pesticide application?

No

40. [Hidden Semantic] Does this project intersect the northern long-eared bat area of influence?

Automatically answered

Yes

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

Automatically answered

No

42. Will the action involve Tree Removal as defined in the 4(d) rule for northern long-eared bat?

No

IPaC User Contact Information

Agency: The Law Offices of Louis E. Gitomer, LLC

Name: Melanie Yasbin

Address: 600 Baltimore Ave, Suite 301

City: Towson

State: MD

Zip: 21204

Email: melanie@lgrailaw.com

Phone: 4102962205

Lead Agency Contact Information

Lead Agency: Surface Transportation Board



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

Gene Payne
Manager Strategic Planning

May 31, 2022

U.S. Army Corps of Engineers
Detroit District
477 Michigan Ave
Detroit, MI 48226
LREpao@usace.army.mil

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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

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

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

Based upon the above described actions, CSXT would appreciate your concurrence in its position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 31, 2022

National Park Service
Midwest Regional Office
601 Riverfront Dr.
Omaha, NE 68102

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 31, 2022

Michigan Department of Transportation
Office of Rail
State Transportation Building
425 W. Ottawa St.
P.O. Box 30050
Lansing, MI 48909
FordO@Michigan.gov

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

May 31, 2022

National Geodetic Survey
RRAE@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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)

Melanie Yasbin

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Tuesday, June 7, 2022 1:51 PM
To: Melanie Yasbin
Subject: [JIRA] (IMOV-9323) CSX Transportation, Inc.--Abandonment Exemption--in Muskegon, MI, STB Docket No. AB-55 (Sub-No. 807X)

A comment is added on your issue:

Re: CSX Transportation, Inc.--Abandonment Exemption--in Muskegon, MI, STB Docket No. AB-55 (Sub-No. 807X)

Good Afternoon Atty. Yasbin,

This is the data sheet information contained within the above attached file **MuskegonMI_BenchMark.txt**, which you were unable to open.

1 National Geodetic Survey, Retrieval Date = JUNE 1, 2022

OL0621 *****

OL0621 WATER LEVEL - This is a Water Level Survey Control Monument.

OL0621 DESIGNATION - A 317 RESET

OL0621 PID - OL0621

OL0621 STATE/COUNTY- MI/MUSKEGON

OL0621 COUNTRY - US

OL0621 USGS QUAD - MUSKEGON WEST (2017)

OL0621

OL0621 *CURRENT SURVEY CONTROL

OL0621

OL0621* NAD 83(1986) POSITION- 43 13 03.2 (N) 086 19 16.7 (W) HD_HELD2

OL0621* NAVD 88 ORTHO HEIGHT - 178.285 (meters) 584.92 (feet) ADJUSTED

OL0621

OL0621 GEOID HEIGHT - -33.901 (meters) GEOID18

OL0621 DYNAMIC HEIGHT - 178.247 (meters) 584.80 (feet) COMP

OL0621 MODELED GRAVITY - 980,407.5 (mgal) NAVD 88

OL0621

OL0621 VERT ORDER - FIRST CLASS II

OL0621

OL0621.The horizontal coordinates were established by autonomous hand held GPS

OL0621.observations and have an estimated accuracy of +/- 10 meters.

OL0621.

OL0621.The orthometric height was determined by differential leveling and

OL0621.adjusted by the NATIONAL GEODETIC SURVEY

OL0621.in January 2016.

OL0621

OL0621.Significant digits in the geoid height do not necessarily reflect accuracy.
 OL0621.GEOID18 height accuracy estimate available here.
 OL0621
 OL0621.This Water Level Mark is designated as VM 21153
 OL0621.by the CENTER FOR OPERATIONAL OCEANOGRAPHIC PRODUCTS AND SERVICES.
 OL0621
 OL0621.Click photographs - Photos may exist for this station.
 OL0621
 OL0621.The dynamic height is computed by dividing the NAVD 88
 OL0621.geopotential number by the normal gravity value computed on the
 OL0621.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45
 OL0621.degrees latitude ($g = 980.6199$ gals.).
 OL0621
 OL0621.The modeled gravity was interpolated from observed gravity values.
 OL0621
 OL0621; North East Units Estimated Accuracy
 OL0621;SPC MI S - 192,627. 3,841,207. MT (+/- 10 meters HH2 GPS)
 OL0621
 OL0621_U.S. NATIONAL GRID SPATIAL ADDRESS: 16TEN5512385198(NAD 83)
 OL0621
 OL0621 SUPERSEDED SURVEY CONTROL
 OL0621
 OL0621 NAVD 88 (02/05/16) 178.289 (m) 584.94 (f) SUPERSEDED 3 0
 OL0621
 OL0621.Superseded values are not recommended for survey control.
 OL0621
 OL0621.NGS no longer adjusts projects to the NAD 27 or NGVD 29 datums.
 OL0621.See file dsdata.pdf to determine how the superseded data were derived.
 OL0621
 OL0621_MARKER: DV = VERTICAL CONTROL DISK
 OL0621_SETTING: 35 = SET IN A MAT FOUNDATION OR CONCRETE SLAB OTHER THAN
 OL0621+WITH SETTING: PAVEMENT
 OL0621_SP_SET: LIGHT BASE
 OL0621_STAMPING: A 317 RESET 1993
 OL0621_MARK LOGO: NGS
 OL0621_MAGNETIC: N = NO MAGNETIC MATERIAL
 OL0621_STABILITY: C = MAY HOLD, BUT OF TYPE COMMONLY SUBJECT TO
 OL0621+STABILITY: SURFACE MOTION
 OL0621_SATELLITE: THE SITE LOCATION WAS REPORTED AS NOT SUITABLE FOR
 OL0621+SATELLITE: SATELLITE OBSERVATIONS - May 17, 2014
 OL0621
 OL0621 HISTORY - Date Condition Report By
 OL0621 HISTORY - 1993 MONUMENTED NGS
 OL0621 HISTORY - 20130102 GOOD MIDT
 OL0621 HISTORY - 20140517 GOOD COOPS
 OL0621

OL0621 STATION DESCRIPTION

OL0621

OL0621'DESCRIBED BY NATIONAL GEODETIC SURVEY 1993

OL0621'IN MUSKEGON, ALONG LAKE SHORE DIVE AT THE Y-FORK INTERSECTION OF
OL0621'EDGEWATER STREET. STATION IS ON PROPERTY OF THE VIKINGS LODGE, AT
OL0621'3132 LAKESHORE DRIVE. PERMISSION TO ESTABLISH STATION WAS OBTAINED
OL0621'FROM MR. WILLIAM JANDT WHO AT THE PRESENT TIME IS CHIEF OF THE
OL0621'VIKINGS LODGE, IN THE CONCRETE BASE OF THE MERCURY VAPOR LIGHT
OL0621'STANDARD, WHICH SHINES ON PARKING LOT OF THE VIKINGS LODGE, 77.6 FEET
OL0621'(23.7 M) WEST FROM THE NORTHWEST CORNER OF THE VIKINGS LODGE
OL0621'BUILDING, 60.5 FEET (18.4 M) NORTHEAST FROM THE CENTER OF LAKESHORE
OL0621'DRIVE, 36.0 FEET (11.0 M) EAST FROM A 24-INCH ASPEN TREE, 17.5 FEET
OL0621'(5.3 M) NORTHWEST FROM THE CENTER ONE OF THREE ENTRANCES INTO THE
OL0621'PARKING LOT OF THE VIKINGS LODGE, 0.5 FEET (15.2 CM) NORTHEAST FROM A
OL0621'CARSONITE WITNESS POST AND 0.5 FEET (15.2 CM) SOUTHWEST FROM THE
OL0621'LIGHT STANDARD. STATION IS ABOUT LEVEL WITH LAKESHORE DRIVE.

OL0621

OL0621 STATION RECOVERY (2013)

OL0621

OL0621'RECOVERY NOTE BY MICHIGAN DEPARTMENT OF TRANSPORTATION 2013 (MCW)

OL0621'RECOVERED AS DESCRIBED

OL0621

OL0621 STATION RECOVERY (2014)

OL0621

OL0621'RECOVERY NOTE BY NOAA COOPS 2014 (MRF)

OL0621'RECOVERED AS DESCRIBED.

=====

1 National Geodetic Survey, Retrieval Date = JUNE 1, 2022

OL0358 *****

OL0358 DESIGNATION - X 316

OL0358 PID - OL0358

OL0358 STATE/COUNTY- MI/MUSKEGON

OL0358 COUNTRY - US

OL0358 USGS QUAD - MUSKEGON WEST (2017)

OL0358

OL0358 *CURRENT SURVEY CONTROL

OL0358

OL0358* NAD 83(1986) POSITION- 43 13 44.88 (N) 086 16 22.27 (W) HD_HELD1

OL0358* NAVD 88 ORTHO HEIGHT - 179.189 (meters) 587.89 (feet) ADJUSTED

OL0358

OL0358 GEOID HEIGHT - -33.879 (meters) GEOID18

OL0358 DYNAMIC HEIGHT - 179.152 (meters) 587.77 (feet) COMP

OL0358 MODELED GRAVITY - 980,406.3 (mgal) NAVD 88

OL0358

OL0358 VERT ORDER - FIRST CLASS II

OL0358

OL0358.The horizontal coordinates were determined by differentially corrected
 OL0358.hand held GPS observations or other comparable positioning techniques
 OL0358.and have an estimated accuracy of +/- 3 meters.
 OL0358.
 OL0358.The orthometric height was determined by differential leveling and
 OL0358.adjusted by the NATIONAL GEODETIC SURVEY
 OL0358.in June 1991.
 OL0358
 OL0358.Significant digits in the geoid height do not necessarily reflect accuracy.
 OL0358.GEOID18 height accuracy estimate available here.
 OL0358
 OL0358.Click photographs - Photos may exist for this station.
 OL0358
 OL0358.The dynamic height is computed by dividing the NAVD 88
 OL0358.geopotential number by the normal gravity value computed on the
 OL0358.Geodetic Reference System of 1980 (GRS 80) ellipsoid at 45
 OL0358.degrees latitude ($g = 980.6199$ gals.).
 OL0358
 OL0358.The modeled gravity was interpolated from observed gravity values.
 OL0358
 OL0358; North East Units Estimated Accuracy
 OL0358;SPC MI S - 193,822.8 3,845,171.4 MT (+/- 3 meters HH1 GPS)
 OL0358
 OL0358_U.S. NATIONAL GRID SPATIAL ADDRESS: 16TEN5904786516(NAD 83)
 OL0358
 OL0358 SUPERSEDED SURVEY CONTROL
 OL0358
 OL0358.No superseded survey control is available for this station.
 OL0358
 OL0358_MARKER: I = METAL ROD
 OL0358_SETTING: 49 = STAINLESS STEEL ROD W/O SLEEVE (10 FT.+)
 OL0358_STAMPING: X 316 1984
 OL0358_MARK LOGO: NGS
 OL0358_PROJECTION: FLUSH
 OL0358_STABILITY: B = PROBABLY HOLD POSITION/ELEVATION WELL
 OL0358_SATELLITE: THE SITE LOCATION WAS REPORTED AS SUITABLE FOR
 OL0358+SATELLITE: SATELLITE OBSERVATIONS - January 02, 2013
 OL0358_ROD/PIPE-DEPTH: 23.2 meters
 OL0358
 OL0358 HISTORY - Date Condition Report By
 OL0358 HISTORY - 1984 MONUMENTED NGS
 OL0358 HISTORY - 19940724 GOOD USPSQD
 OL0358 HISTORY - 20130102 GOOD MIDT
 OL0358 HISTORY - 20180515 GOOD MIDT
 OL0358
 OL0358 STATION DESCRIPTION

OL0358

OL0358'DESCRIBED BY NATIONAL GEODETIC SURVEY 1984

OL0358'IN MUSKEGON.

OL0358'IN MUSKEGON, LOCATED AT THE WEST END OF WESTERN AVENUE, ABOUT
OL0358'20.72 METERS (68.0 FT) NORTHEAST OF THE CENTER OF A TURN AROUND
OL0358'CIRCLE, SET 10.51 METERS (34.5 FT) WEST OF THE CENTER OF THE WEST
OL0358'ENTRANCE LEADING NORTH TO THE WESTRAN CORPORATION, 10.97 METERS
OL0358'(36.0 FT) NORTH OF THE CENTER OF WESTERN AVENUE, 15.60 METERS
OL0358'(51.2 FT) SOUTHEAST OF THE SOUTHEAST RAIL, 14.44 METERS (47.4 FT) EAST
OL0358'OF THE WEST END POST OF A CHAIN LINK SECURITY FENCE, 20.20 METERS
OL0358'(66.3 FT) NORTHWEST AND ACROSS WESTERN AVENUE FROM A POWERLINE POLE
OL0358'WITH A STREET LIGHT ATTACHED, AND 0.3 METER (1.0 FT) SOUTH OF THE
OL0358'SECURITY FENCE. NOTE, ROD DRIVING RATE MET AND ROD ANCHORED.
OL0358'THE MARK IS 0.42 METERS SE FROM A WITNESS POST.
OL0358'THE MARK IS ABOVE LEVEL WITH WESTERN AVENUE.

OL0358

OL0358 STATION RECOVERY (1994)

OL0358

OL0358'RECOVERY NOTE BY US POWER SQUADRON 1994

OL0358'RECOVERED IN GOOD CONDITION.

OL0358

OL0358 STATION RECOVERY (2013)

OL0358

OL0358'RECOVERY NOTE BY MICHIGAN DEPARTMENT OF TRANSPORTATION 2013 (MCW)

OL0358'RECOVERED AS DESCRIBED EXCEPT FOR THE SECURITY FENCE IS GONE.

OL0358

OL0358 STATION RECOVERY (2018)

OL0358

OL0358'RECOVERY NOTE BY MICHIGAN DEPARTMENT OF TRANSPORTATION 2018 (JP)

OL0358'RECOVERED IN GOOD CONDITION.

If you encounter any difficulty or need anything else, please call me.

Regards,

Deborah Brooks
Communications Specialist
NGS Info Center
301-832-1063

National Geodetic Survey



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

Gene Payne
Manager Strategic Planning

May 31, 2022

State Historic Preservation Office
300 N. Washington Square
Lansing, MI 48913

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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

Gene Payne
Enclosures (3)



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STRATEGIC FUND
STATE HISTORIC PRESERVATION OFFICE

QUENTIN L. MESSER, JR.
PRESIDENT

June 8, 2022

GENE PAYNE
CSX TRANSPORTATION INC
500 WATER STREET J801
JACKSONVILLE FL 32202

RE: ER22-802 STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon MI, Muskegon County (STB)

Dear Mr. Payne:

The State Historic Preservation Officer (SHPO) received your request for comment. It appears that you are initiating consultation with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act of 1966, as amended. The Section 106 regulations specify what is required for a Section 106 review [36 CFR § 800.11]. The information that you have sent is incomplete. The SHPO cannot initiate the Section 106 review process until we receive complete project information.

Section 106 requires federal agencies to take into account the effect of their undertakings on historic properties. The Section 106 regulations specify what is required for a Section 106 review [36 CFR § 800.11]. **It is the responsibility of the federal agency, not the SHPO, to fulfill the requirements of Section 106.** In some instances, the federal agency may delegate legal responsibility to a state, local, or tribal government. Consultants or designees contracted to prepare information, analyses, or recommendations, are not recognized as federally delegated authorities. The federal agency or their delegate must determine whether the proposed activity is an undertaking that has the potential to cause effects to historic properties, identify the appropriate State Historic Preservation Officer and initiate consultation, involve the public and any identified consulting parties, consult with Native American tribes, determine the area of potential effects (APE), identify any historic properties within the APE, and apply the criteria of adverse effects to any historic properties identified within the APE, as specified in the regulations at 36 CFR Part 800. **The SHPO cannot conduct such research on an agency's behalf.**

Applications for Section 106 consultation may be submitted by anyone with delegated authority from a federal agency, but the Michigan SHPO requires that all identification of historic properties, both archaeological and architectural, be completed by individuals meeting the applicable federal qualifications outlined in [36 CFR Part 61](#). The Michigan SHPO provides a list of individuals meeting the federal qualifications for Architectural History, History and Archaeology on our website at <https://www.mplace.org/4a776e/globalassets/documents/shpo/programs-and-services/archaeology/archaeology-in-michigan/archaeologist-architectural-historian-and-historian-consultants-list.pdf>.



300 NORTH WASHINGTON SQUARE • LANSING, MICHIGAN 48913
michigan.gov/shpo • (517) 335-9840

Applicants and/or consultants must either obtain a letter from the federal agency formally delegating authority to consult with the Michigan SHPO or the application will need to come directly from the federal agency.

If an agency/applicant believes that the use of qualified professionals is not necessary, based on you their project, then they must document the reason for that decision thoroughly, but understand that if the SHPO disagrees, the review may be delayed until adequate documentation is received.

The **mandatory application** form and instructions for submitting projects for review under Section 106 is made available on our website at www.michigan.gov/shposection106. Incomplete applications and projects not submitted on the application forms will be sent back to the applicant without comment. Section 106 applications may be submitted electronically via our online portal at <https://app.smartsheet.com/b/form/666db3059c9d40828eafdbb66e61a2fc>

Once the required information is received in full by the SHPO, we can proceed with the review. **The Section 106 process for this project is not complete.** If you have any questions, please contact the Cultural Resource Management section of the SHPO at (517) 335 2721 or by e-mail at GrennellB@michigan.gov.

Thank you for your cooperation.

Sincerely,



Brian G. Grennell
Cultural Resource Management Coordinator

BGG



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

Gene Payne
Manager Strategic Planning

May 31, 2022

USDA-NRCS
Fremont Service Center
940 Rex St.
Fremont, MI
49412-1037
kelly.bishop@usda.gov

Re: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon, MI

Dear Madam/Sir:

CSX Transportation, Inc. (“CSXT”) proposes to abandon and Mid-Michigan Railroad, Inc. (“MMRR”) proposes to discontinue service over the approximately 3.81-mile rail line that runs between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the “Line”). The Line runs through the U.S. Postal Zip Code 49441.

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)

EXHIBIT 3 – USGS MAPS

