

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410)296-2250
FAX (410) 332-0885 300567

April 27, 2020

ENTERED
Office of Proceedings
April 27, 2020
Part of
Public Record

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

Re: **Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch from milepost ZF 0.0 to milepost ZF 13.65, in Dickenson County, VA. The filing fee of \$4,400 has been paid via pay.gov.

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

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FILED
April 27, 2020
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
April 27, 2020
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 799X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN DICKENSON COUNTY, VA

VERIFIED NOTICE OF EXEMPTION

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

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: April 27, 2020

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 799X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN DICKENSON COUNTY, VA

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch from milepost ZF 0.0 to milepost ZF 13.65, in Dickenson County, VA (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. By decision served on dated November 17, 2017, CSXT was granted authority to discontinue service over the Line. CSXT notified the Board of its consummation of the discontinuance by letter dated May 2, 2018.

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 June 16, 2020.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.

3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

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

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

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

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch from milepost ZF 0.0 to milepost ZF 13.65, in Dickenson County, VA. There are no stations on the Line.

(4) Map. *See* Exhibit B.

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

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Codes 24226, 24228, and 24230.

(e) Rural and community impact.

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

would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

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

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

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

6. Environmental Report: See Exhibit D.

7. Historic Report. See Exhibit D.

Respectfully submitted,



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

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

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: April 27, 2020

EXHIBIT A-VERIFICATION AND CERTIFICATION

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

STATE OF FLORIDA)
) ss.
COUNTY OF DUVAL)

I, Trevor Knaus, state that I am
Cost Contribution Analyst for CSX Transportation, Inc. ("CSXT"); that I declare
under penalty of perjury that the foregoing is true and correct. Further, I certify that I am
qualified and authorized to file this traffic verification. Executed on April 7, 2020.

I hereby certify that no freight traffic has moved over CSXT's 13.65 mile rail line on its
Florence Division, Kingsport Subdivision, Fremont Branch from Railroad Milepost ZF 0.0 to ZF
13.65, in Dickenson County, VA for two years prior to the date hereof and that overhead traffic
on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail
service on the line (or a State or local government entity acting on behalf of such user) regarding
cessation of service over the line either is pending with the Surface Transportation Board or any
U.S. District Court or has been decided in favor of a complainant within the two-year period.
The foregoing certification is made on behalf of CSXT by the undersigned after due and careful
investigation of the matters herein certified and based on the best of the knowledge, information,
and belief of the undersigned.

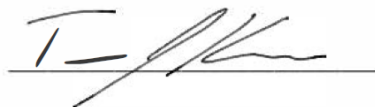


EXHIBIT B-MAP

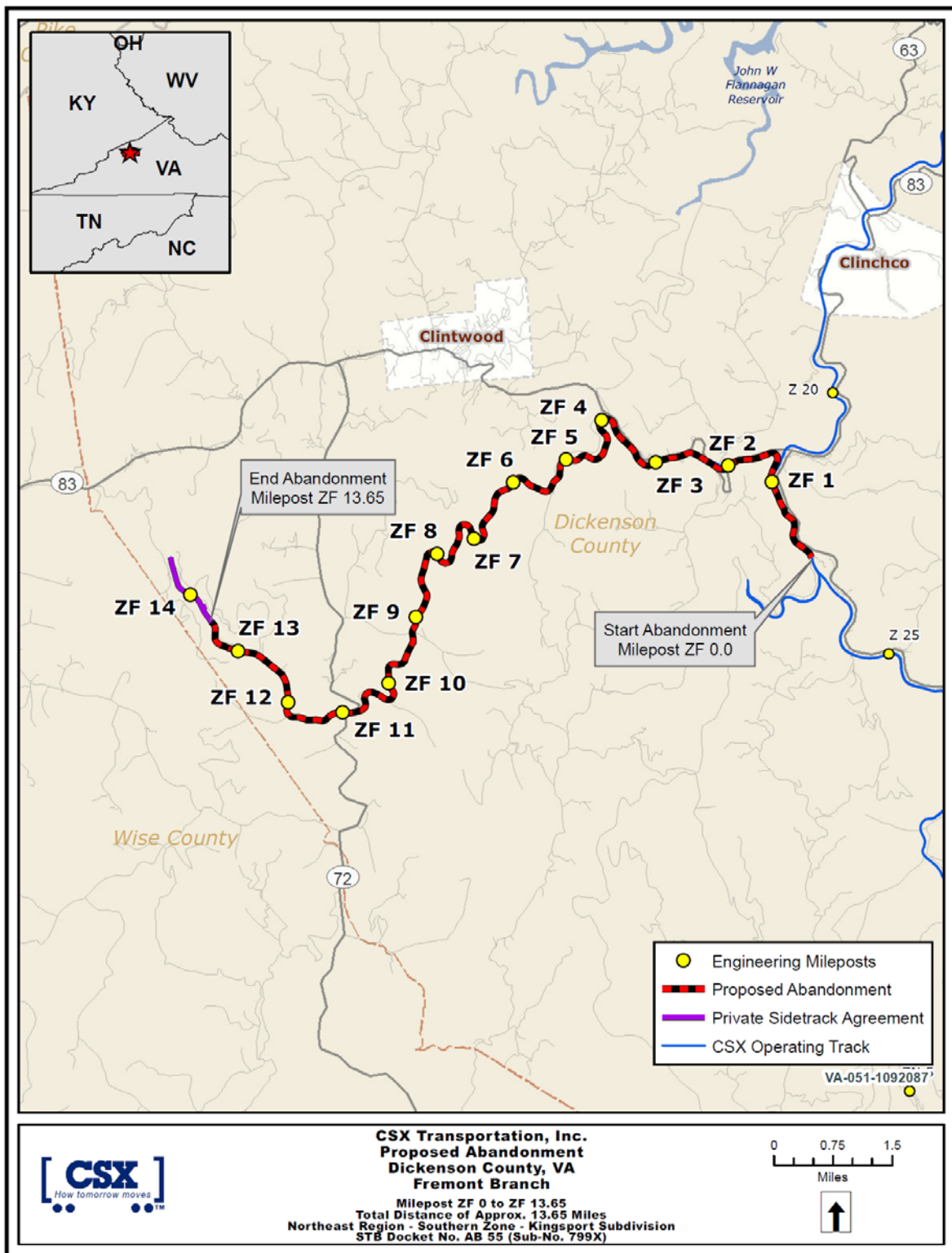


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 799X) was mailed via first class mail and sent via electronic mail where addresses were available on April 17, 2020, to the following parties:

State Public Service Commission

State Corporation Commission
Utility & Railroad Safety
P.O. Box 1197
Richmond, VA 23218
Cody.walker@scc.virginia.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
April 27, 2020

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 757X) in the following form was advertised on April 22, 2020, in the Dickenson Star, a newspaper of general circulation in Dickenson County, VA as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
April 27, 2020

Certificate of Publication



I, **Karen Tate**, General Manager of The Dickenson Star, a newspaper published once a week on Wednesdays in the Town of Clintwood, in Dickenson County, State of Virginia, do hereby certify that the order of publication, copy of which is hereby attached, of

Notice of Intent to Abandon

was published for 1 issues _____ weeks,

beginning _____ ending April 22, 2020

Publishers fee, \$ 116⁴⁴

Karen Tate

General Manager

NOTICE OF INTENT TO ABANDON

CSX Transportation, Inc. ("CSXT") gives notice that on or about April 27, 2020, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments permitting the abandonment of an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch from milepost ZF 0.0 to milepost ZF 13.65, which traverses through United States Postal Service ZIP Codes 24226, 24228, and 24230, in Dickenson County, VA. The proceeding will be docketed as No. AB-55 (Sub-No. 799X).

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 also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as 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 may be
directed to the Board's Office
of Public Assistance, Govern-
mental Affairs, and Compli-
ance at (202) 245-0238.
Copies of any comments or
requests for conditions
should be served on the
applicant's representative:
Louis E. Gitomer, 600
Baltimore Avenue, Suite 301,
Towson, MD 21204,
(410) 296-2250,
Lou@lgrailaw.com
4-22-20

**EXHIBIT D– COMBINED ENVIRONMENTAL AND
HISTORICAL REPORT**

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 799X) was mailed via first class mail and sent via electronic mail where addresses were available on April 6, 2020 to the following parties:

United States Department of Agriculture Natural Resources Conservation Service Lebanon Service Center 140 Highland Dr. Lebanon, VA 24266-4632 Cameron.clark@usda.gov Wess.stanley@usda.gov	Environmental Protection Agency Region 3 1650 Arch Street Philadelphia, PA 19103-2029 Davis.ginny@epa.gov
U.S. Army Corp of Engineers Huntington District 502 Eight Street Huntington, WV 25701-2070 Pa2@usace.army.mil	U.S. Fish & Wildlife Service Virginia Field Office 66669 Short Lane Gloucester, VA 23061 troy_anderson@fsw.gov
National Park Service Region 1 1234 Market Street 20 th Floor Philadelphia, PA 19107	National Geodetic Survey ngs.infocenter@noaa.gov
Department of Game and Inland Fisheries 7870 Villa Park Drive, Suite 400 Henrico, VA 23228 dgifweb@dgif.virginia.gov	Virginia Department of Rail and Public Transportation 600 East Main Street, Suite 2102 Richmond, VA 23219 drptpr@drpt.virginia.gov
Virginia Department of Environmental Quality P.O. Box 1105 Richmond, VA 23218 Ann.regn@deq.virginia.gov	Industrial Development Authority of Dickenson County Ms. Mitzi Sykes, Director msykes@dickensonva.org

Dickenson County Board of Supervisors Ms. Rhonda Sluss P.O. Box 1098 818 Happy Valley Drive Clintwood, VA 24228 rsluss@dickensonva.org	Virginia Department of Historic Resources 2801 Kensington Ave Richmond, VA 23221 804-482-6446 Randy.jones@dhr.virginia.gov
Virginia Department of Conservation and Recreation 600 East Main Street 24 th Floor Richmond, VA 23219 pco@dcv.virginia.gov	Virginia Economic Development Partnership 901 E. Cary Street Richmond, VA 23219 info@vedp.org



Melanie B. Yasbin
April 27, 2020

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

Docket No. AB-55 (Sub-No. 799X)

**CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN DICKENSON COUNTY, VA**

Dated: April 27, 2020

ENVIRONMENTAL REPORT

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

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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. The only alternative to a full abandonment would be for CSXT not to abandon the Line. CSXT was granted authority to discontinue service on the Line by a Surface Transportation Board (“Board”) decision dated November 17, 2017. CSXT notified the Board of its consummation of the discontinuance by letter dated May 2, 2018.

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

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

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

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

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

(i) CSXT considers the proposed abandonment of the Line to be consistent with existing land use plans. CSXT notified Dickenson County by letter dated April 6, 2020 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. A copy of the Preliminary CEHR was also mailed to the appropriate local and state agencies for their information and further comment. No comments have been received to date.

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated April 6, 2020 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. No comments have been received to date.

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

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

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

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

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

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

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

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

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

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

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

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three

decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

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

(i) The proposed abandonment will have no detrimental effects on public health and safety.

The four public crossings and five private crossings on the Line can be closed.

(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 notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated April 6, 2020 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and including a copy of this preliminary CEHR. Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing threatened and endangered species was generated on April 2, 2020 finding that the Indiana Bat and Northern Long-eared Bat, Big Sandy Crayfish and Virginia Spiraea, flowering plant, are in the area. The IPaC system determined that action may affect the Northern Long-eared

Bat, but no taking would occur. The IPaC system did not make a determination for the other listed. (See Exhibit 2). There are no refuge lands or fish hatcheries within the project area. No additional comments have been received to date.

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

CSXT notified the National Parks Service of the proposed abandonment by letter dated April 6, 2020 (See Exhibit 2) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary CEHR. No comments have been received to date.

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

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated April 6, 2020 (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 April 6, 2020 (*See Exhibit 2*) requesting assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated April 6, 2020 (*See Exhibit 2*) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the preliminary CEHR. No comments have been received to date.

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

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

HISTORIC REPORT

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

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

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 is approximately 100 feet. The Line starts East of Coney Creek and runs northwest. The Line crosses Coney Creek and Herndon Road continuing north and following the McClure River. The Line turns west before Hale Mountain Road and follows Dickenson Highway. Continuing in a westerly direction the Line crosses Dickenson Highway, Rose Ridge, and Dickenson Highway again. The Line follows Dickenson Highway and Camp Creek. It then turns south near the junction of Camp Creek and Cranes Nest River. The Line follows Cranes Nest River southwest crossing Darrells Drive. The line crosses Cranes Nest River and continues follow the river. The Line crosses Coeburn Road and follows the Lick Fork west. The line turns north crossing Route 665. Continuing to follow Lick Fork the line moves northwest ending south of the bend in Lickfork Road.

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

There are two bridges greater than 50 years old on the Line. All photographs are labeled by milepost location under Exhibit 4.

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

The bridge at milepost ZF 5.40 over the Cranes Nest River is a deck plate Girder built in 1969.

The bridge at milepost ZF 9.20 over Long Fork Creek is a deck beam construction built in 1969.

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

The Line was originally part of the Clinchfield Railroad. The Line was jointly leased by the Atlantic Coast Line Railroad and Louisville and Nashville Railroad. On July 1, 1967, the Atlantic Coast Line merged with the Seaboard Air Line Railroad to form the Seaboard Coast Line (SCL). In 1972 The Family Lines was adopted to identify the Louisville and Nashville Railroad

and the SCL, including the Clinchfield. On November 1, 1980, Seaboard Coast Line Industries Inc. and Chessie System Inc. merged and became CSX Corporation. On January 1, 1983, the merger of The Family Lines' affiliates formed the Seaboard System Railroad Inc., which name was changed on July 1, 1986 to CSX Transportation Inc.

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 Line is not unusual or noteworthy for inclusion on the National Register of Historic Places. CSXT believes that the bridges on the Line are not unusual or noteworthy for inclusion on the National Register of Historic Places. It is also CSXT's opinion that there are no archeological resources or other railroad related 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 Pennsylvania Historic Preservation Officer by letter dated April 6, 2020 (*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the preliminary CEHR. No comments have been received to date.

EXHIBIT 1 – MAP

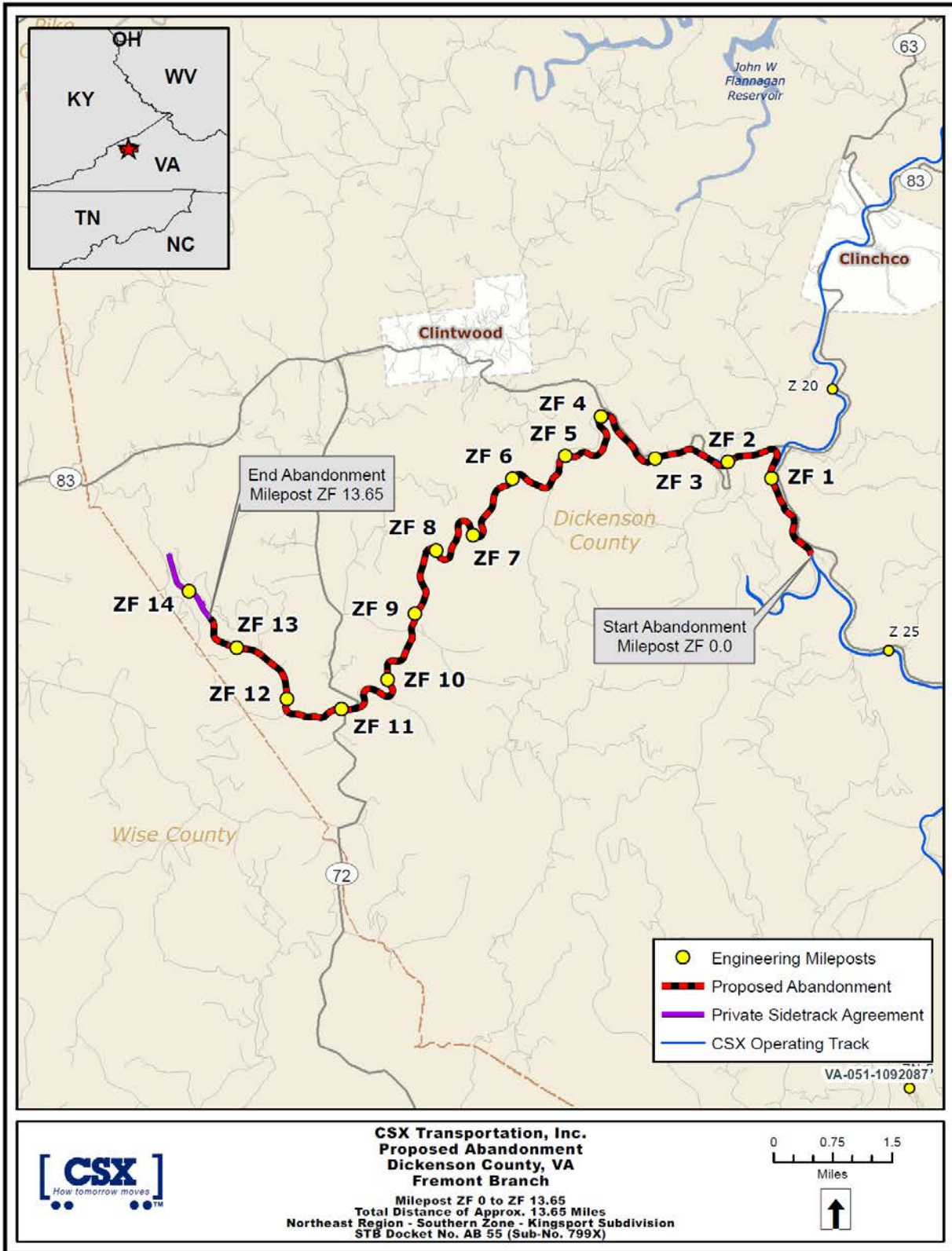


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



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

Gene Payne
Manager Strategic Planning

April 6, 2020

Dickenson County Board of Supervisors
Ms. Rhonda Sluss
P.O. Box 1098
818 Happy Valley Drive
Clintwood, VA 24228

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Ms. Sluss:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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

April 6, 2020

Industrial Development Authority of Dickenson County
Ms. Mitzi Sykes, Director
msykes@dickensonva.org

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Ms. Sykes:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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, sweeping horizontal line extending to the right.

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

April 6, 2020

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

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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

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

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

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

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

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

April 6, 2020

Virginia Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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

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

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

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

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

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

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

April 6, 2020

U.S. Fish & Wildlife Service
Virginia Field Office
66669 Short Lane
Gloucester, VA 23061

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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

Virginia Ecological Services Field Office 6669 Short Lane
Gloucester, VA 23061-4410

Phone: (804) 693-6694 Fax: (804) 693-9032

<http://www.fws.gov/northeast/virginiafield/>



In Reply Refer To:

Consultation Code: 05E2VA00-2020-SLI-2988 Event Code: 05E2VA00-2020-E-08369

April 02, 2020

Project Name: CSX Transportation, Inc.--Abandonment Exemption--Dickenson County, VA,
AB-55 (Sub-No. 799X)

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Any activity proposed on National Wildlife Refuge lands must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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

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

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

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

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

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- USFWS National Wildlife Refuges and Fish Hatcheries

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:

Virginia Ecological Services Field Office

6669 Short Lane

Gloucester, VA 23061-4410

(804) 693-6694

Project Summary

Consultation Code: 05E2VA00-2020-SLI-2988 Event

Code: 05E2VA00-2020-E-08369

Project Name: CSX Transportation, Inc.--Abandonment Exemption--Dickenson County, VA, AB-55 (Sub-No. 799X)

Project Type: Guidance

Project Description: CSXT Transportation, Inc. proposes to abandon an approximately 13.65 mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between milepost ZF 0 and milepost 13.65 in Dickenson County, VA.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/37.109039755961106N82.38271177592551W>

Northern Long-eared Bat *Myotis septentrionalis* No critical habitat has been designated for this species. Species profile: <https://ecos.fws.gov/ecp/species/9045>

Threatened

Crustaceans

NAME

STATUS

Big Sandy Crayfish *Cambarus callainus*

There is **proposed** critical habitat for this species. Your location overlaps the critical habitat. Species profile: <https://ecos.fws.gov/ecp/species/8285>

Threatened

Flowering Plants

NAME

STATUS

Virginia Spiraea *Spiraea virginiana*

No critical habitat has been designated for this species. Species profile: <https://ecos.fws.gov/ecp/species/1728>

Threatened

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Critical habitats

There are 2 critical habitats wholly or partially within your project area under this office's jurisdiction.

NAME

STATUS

Big Sandy Crayfish *Cambarus callainus*

<https://ecos.fws.gov/ecp/species/8285#crithab>

Proposed

Guyandotte River Crayfish *Cambarus veteranus*

For information on why this critical habitat appears for your project, even though Guyandotte River Crayfish is not on the list of potentially affected species at this location, contact the local field office. <https://ecos.fws.gov/ecp/species/10375#crithab>

Proposed

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.

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Virginia Ecological Services Field Office 6669 Short Lane
Gloucester, VA 23061-4410

Phone: (804) 693-6694 Fax: (804) 693-9032

<http://www.fws.gov/northeast/virginiafield/>



In Reply Refer To:

Consultation Code: 05E2VA00-2020-TA-2988 Event Code: 05E2VA00-2020-E-08372

April 02, 2020

Project Name: CSX Transportation, Inc.--Abandonment Exemption--Dickenson County, VA,
AB-55 (Sub-No. 799X)

Subject: Verification letter for the 'CSX Transportation, Inc.--Abandonment Exemption--
Dickenson County, VA, AB-55 (Sub-No. 799X)' project under the January 5, 2016,
Programmatic Biological Opinion on Final 4(d) Rule for the Northern Long-eared Bat and
Activities Excepted from Take Prohibitions.

Dear Melanie Yasbin:

—

The U.S. Fish and Wildlife Service (Service) received on April 02, 2020 your effects determination for the 'CSX Transportation, Inc.--Abandonment Exemption--Dickenson County, VA, AB-55 (Sub-No. 799X)' (the Action) using the northern long-eared bat (*Myotis septentrionalis*) key within the Information for Planning and Consultation (IPaC) system. This IPaC key assists users in determining whether a Federal action is consistent with the activities analyzed in the Service's January 5, 2016, Programmatic Biological Opinion (PBO). The PBO addresses activities excepted from "take"^[1] prohibitions applicable to the northern long-eared bat under the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

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

Please report to our office any changes to the information about the Action that you submitted in IPaC, the results of any bat surveys conducted in the Action area, and any dead, injured, or sick northern long-eared bats that are found during Action implementation. If the Action is not

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completed within one year of the date of this letter, you must update and resubmit the information required in the IPaC key.

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

- Big Sandy Crayfish, *Cambarus callainus* (Threatened)
- Indiana Bat, *Myotis sodalis* (Endangered)
- Virginia Spiraea, *Spiraea virginiana* (Threatened)

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

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

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Action Description

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

1. Name

CSX Transportation, Inc.--Abandonment Exemption--Dickenson County, VA, AB-55 (Sub-No. 799X)

2. Description

The following description was provided for the project 'CSX Transportation, Inc.--Abandonment Exemption--Dickenson County, VA, AB-55 (Sub-No. 799X)':

CSXT Transportation, Inc. proposes to abandon an approximately 13.65 mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between milepost ZF 0 and milepost 13.65 in Dickenson County, VA.

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/37.109039755961106N82.38271177592551W>



Determination Key Result

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

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

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Event Code: 05E2VA00-2020-E-08372

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

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

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

Federal actions that may cause prohibited take of northern long-eared bats, affect ESA-listed species other than the northern long-eared bat, or affect any designated critical habitat, require ESA Section 7(a)(2) consultation in addition to the use of this key. Federal actions that may affect species proposed for listing or critical habitat proposed for designation may require a conference under ESA Section 7(a)(4).

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Determination Key Result

This project may affect the threatened Northern long-eared bat; therefore, consultation with the Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.) is required. However, based on the information you provided, this project may rely on the Service's January 5, 2016, *Programmatic Biological Opinion on Final*

4(d) Rule for the Northern Long-Eared Bat and Activities Excepted from Take Prohibitions to fulfill its Section 7(a)(2) consultation obligation.

Qualification Interview

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

Yes

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

No

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

No

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

Automatically answered

No

5. Have you contacted the appropriate agency to determine if your project is near a known hibernaculum or maternity roost tree?

Location information for northern long-eared bat hibernacula is generally kept in state Natural Heritage Inventory databases – the availability of this data varies state-by-state. Many states provide online access to their data, either directly by providing maps or by providing the opportunity to make a data request. In some cases, to protect those resources, access to the information may be limited. A web page with links to state Natural Heritage Inventory databases and other sources of information on the locations of northern long-eared bat roost trees and hibernacula is available at www.fws.gov/midwest/endangered/mammals/nleb/nhisites.html.

Yes

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6. Will the action affect a cave or mine where northern long-eared bats are known to hibernate (i.e., hibernaculum) or could it alter the entrance or the environment (physical or other alteration) of a hibernaculum?

No

7. Will the action involve Tree Removal?

No

04/02/2020

Event Code: 05E2VA00-2020-E-08372

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Project Questionnaire

**If the project includes forest conversion, report the appropriate acreages below.
Otherwise, type '0' in questions 1-3.**

1. Estimated total acres of forest conversion:

0

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

0

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

0

**If the project includes timber harvest, report the appropriate acreages below.
Otherwise, type '0' in questions 4-6.**

4. Estimated total acres of timber harvest

0

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

0

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

0

**If the project includes prescribed fire, report the appropriate acreages below.
Otherwise, type '0' in questions 7-9.**

7. Estimated total acres of prescribed fire

0

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

0

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

0

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

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

0



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

Gene Payne
Manager Strategic Planning

April 6, 2020

Virginia Department of Conservation and Recreation
600 East Main Street
24th Floor
Richmond, VA 23219
pco@dcv.virginia.gov

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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

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

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

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

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

Sincerely,

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

Gene Payne
Enclosures (3)



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

Gene Payne
Manager Strategic Planning

April 6, 2020

Department of Game and Inland Fisheries
7870 Villa Park Drive, Suite 400
Henrico, VA 23228

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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Enclosures (3)



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Gene Payne
Manager Strategic Planning

April 6, 2020

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

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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.

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Gene Payne
Enclosures (3)



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Jacksonville, Florida 32202
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Gene Payne
Manager Strategic Planning

April 6, 2020

National Park Service
Region 1
1234 Market Street
20th Floor
Philadelphia, PA 19107

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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.

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Gene Payne



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

Gene Payne
Manager Strategic Planning

April 6, 2020

Virginia Department of Rail and Public Transportation
600 East Main Street, Suite 2102
Richmond, VA 23219

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
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Email: Gene_Payne@csx.com

Gene Payne
Manager Strategic Planning

April 6, 2020

Virginia Economic Development Partnership
901 E. Cary Street
Richmond, VA 23219

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

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Enclosures (3)



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Gene Payne
Manager Strategic Planning

April 6, 2020

National Geodetic Survey
ngs.infocenter@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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

Re: CSX Transportation, Inc. --Abandonment Exemption--in Dickenson County, VA STB Docket No. AB-55 (Sub-No. 799X)

Thank you for informing the National Geodetic Survey (NGS) of CSX Transportation Inc., CSXT's decision to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA.

There could be geodetic survey marks located in the area described, and any marks still present could be disturbed by the abandonment. While it is illegal to disturb or destroy a mark, sometimes disturbing or destroying a mark is unavoidable. In such cases, the mark can often be preserved or reset with advanced planning. NGS provides the public with tools to search for and locate survey marks, see the NGS Data Explorer (<https://geodesy.noaa.gov/NGSDataExplorer/>).

If a mark will be disturbed by the abandonment, CSXT should consult with NGS at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic marks identified nearby. Information is available online to help reset marks or report disturbed/destroyed marks: <https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml> <<https://www.google.com/url?q=https://geodesy.noaa.gov/surveys/mark-recovery/index.shtml&sa=D&ust=1560385764139000&usq=AFQjCNGDkoXCHtBcDJBsXm2KQLkhcwYDxQ>>.

This notice is also being shared with Scott Lokken, (scott.lokken@noaa.gov, 919-571-4047 (O), 240-678-2167 (C)) the Regional Geodetic Advisor, so he may work with any interested local agencies or stakeholders.

If you have additional questions, email NGS.Infocenter@noaa.gov.

Sincerely,

Deborah M. Brooks

Communications Specialist

deborah.brooks@noaa.gov

More information on preserving marks, mark resets, and destroyed marks.

Preserving Marks

Significant resources were invested to create an extensive geodetic network across the United States by establishing precise coordinates at physical survey marks. Disturbing or destroying these marks reduces geodetic control

available to local surveyors, so please make every effort to preserve this valuable network.

Mark Resets

If a mark is about to be destroyed (e.g., due to planned construction), it may be possible to reset the mark and retain the geodetic control. Review the Bench Mark Reset Procedures (https://geodesy.noaa.gov/PUBS_LIB/Benchmark_4_1_2011.pdf) or contact your closest geodetic advisor (<https://geodesy.noaa.gov/ADVISORS/index.shtml>). Please do not attempt to reset a mark that has been separated from the base. Any remnants of destroyed marks must be properly discarded and not reused in any manner, as this is a violation of Federal law.

Destroyed Marks

If it is determined that a mark has been destroyed, please provide enough photo evidence to show how this determination was made. To submit this information to NGS, follow the instructions regarding “destroyed marks” on the Mark Recovery Entry web page (https://geodesy.noaa.gov/cgi-bin/recvy_entry_www.prl)



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

Gene Payne
Manager Strategic Planning

April 6, 2020

Virginia Department of Historic Resources
2801 Kensington Ave
Richmond, VA 23221

Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 13.65-mile rail line on its Florence Division, Kingsport Subdivision, Fremont Branch between mileposts ZF 0 and milepost ZF 13.65 Dickenson County, VA (the “Line”). The Line runs through the U.S. Postal Zip Code 24226, 24228, and 24230.

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

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

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources. Any questions can be sent electronically to Floyd_Payne@CSX.com by email or through the United States Postal Service (USPS).

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

Sincerely,

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Gene Payne
Enclosures (3)



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Jacksonville, Florida 32202
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Gene Payne
Manager Strategic Planning

April 6, 2020

USDA – NRCS
Lebanon Service Center
140 Highland Dr.
Lebanon, VA 24266-4632

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Re: STB Docket No. AB-55 (Sub-No. 799X), CSX Transportation, Inc.—Abandonment
Exemption—in Dickenson County, VA

Dear Madam/Sir:

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

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

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

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

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

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

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EXHIBIT 3 – USGS MAPS

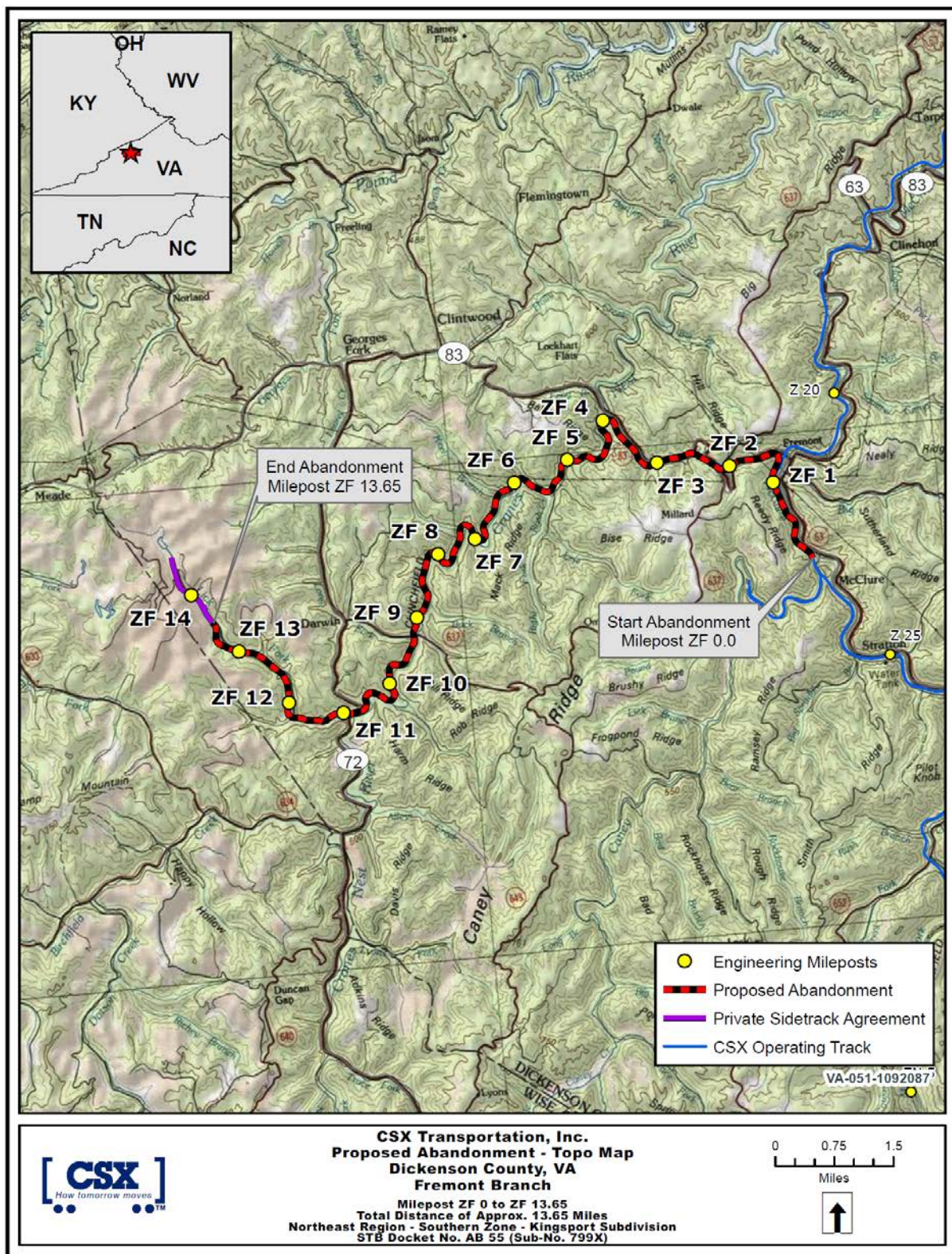


EXHIBIT 3 – USGS MAPS

Milepost ZF 5.40



Bridge milepost 9.2

