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Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 646 (Sub-No. 1X)

ATLANTIC AND WESTERN RAILWAY, LIMITED PARTNERSHIP
- ABANDONMENT EXEMPTION -
IN LEE COUNTY, NC

ENVIRONMENTAL/HISTORIC REPORT

(color copies included)

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*Counsel for Atlantic and Western Railway,
Limited Partnership*

Dated: September 13, 2021

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 646 (Sub-No. 1X)

ATLANTIC AND WESTERN RAILWAY, LIMITED PARTNERSHIP
- ABANDONMENT EXEMPTION –
IN LEE COUNTY, NC

ENVIRONMENTAL/HISTORIC REPORT

Atlantic and Western Railway, Limited Partnership (“ATW” or “Applicant”) will be seeking exemption authority for Applicant to abandon the following segment of rail line (the “Subject Line”) between approximately milepost 2.71 and milepost 3.76 in Sanford, NC. ATW has entered into an agreement with the North Carolina Department of Transportation, Rail Division (“NCDOT”) for ATW to transfer the Subject Line to NCDOT for rail banking and public use.

The Subject Line traverses through United States Postal Service ZIP Codes 27330 and 27332. A map of the Subject Line is attached as Exhibit A.

Applicant plans to seek Surface Transportation Board (“STB”) authorization for the abandonment through a notice of exempt abandonment pursuant to the provisions of 49 CFR §1152.50 on or after October 4, 2021. This Report is being filed in connection therewith, and in accordance with the requirements of 49 CFR §§1105.7 and 1105.8.

Applicant prepared this Report through consultation with various state and federal agencies as required by the Board’s regulations. *See* the letters attached as Exhibit B. Since sending the initial consultation letters, ATW has adjusted the end mileposts of the Subject Line. On the west side of the Subject Line, ATW will abandon .11 miles of rail line less beginning the abandonment at 2.71 instead of 2.60 as initially stated in its consultation letters. On the east side,

ATW will abandon .05 of a mile more than it initially stated in its consultation letters extending the abandonment to milepost 3.76 instead of to milepost 3.71. ATW does not believe that these *de minimis* changes would affect any review by the agencies, but ATW is informing these agencies of the milepost adjustments in a letter to the consulting agencies accompanying this Report and is inviting the consulting agencies to submit additional comments if any are necessary. *See* Exhibit B.

Applicant received numerous responses to its initial consultation letters. Because these responses encompass substantially the same segment of rail line as the Subject Line, Applicant is providing the written responses received by Applicant to-date attached as Exhibit C and states as follows:

ENVIRONMENTAL REPORT

(49 CFR 1105.7)

1. PROPOSED ACTION AND ALTERNATIVES

ATW is a Class III railroad that operates in Lee County, NC. Genesee & Wyoming Inc. acquired ATW in 2005.¹ A predecessor of ATW called the Atlantic and Western Railroad Co. constructed the Subject Line in 1903.² ATW intends to abandon between approximately milepost 2.71 and milepost 3.76 in Sanford, NC. The Subject Line is 1.05 miles long. Historically, the Subject Line was used to move lumber and agricultural products, gravel, passengers, feeds, petroleum, fertilizer and alcohol. The Board authorized the abandonment of a

¹ *Genesee & Wyoming Inc., RP Acquisition Co. One and RP Acquisition Co. Two – Control Exemption – Rail Partners, L.P., AN Railway, et al., Atlantic & Western Railway, et al., and KWT Railway, Inc.*, STB Finance Docket No. 34708 (served June 24, 2005).

² *Atlantic and Western Railroad Co.*, Valuation Docket No. 476, 116 I.C.C. 320 (I.C.C. decided Sept. 17, 1926).

connecting segment of the Subject Line from milepost 3.76 to milepost 4.5 in 2005.³ That segment was transferred to NCDOT.

The Subject Line has not been used to provide any rail service since approximately 2016. There is no local or overhead traffic on the Subject Line. Following the abandonment, ATW plans to transfer the Subject Line to NCDOT. ATW intends to remove all of the track and associated track materials between MP 2.71 and MP 2.91. It will salvage and reuse the materials with the exception of the cross ties and ballast, which ATW will dispose of according to ATW's Environmental Policies and applicable legal requirements. ATW intends to leave in place the track and materials on the segment between MP 2.91 and MP 3.76.

2. EFFECTS ON THE TRANSPORTATION SYSTEM

The abandonment will have no effect on the transportation system because there is no overhead traffic over the Subject Line and the last date of local service to or from the Subject Line was in 2016. As such, no traffic will be diverted. Applicant sent a consultation letter regarding the proposed abandonment to NCDOT. *See* the letters attached as part of Exhibit B. Although NCDOT has not specifically responded to the consultation letter, NCDOT is the entity acquiring the Subject Line from ATW for rail banking and public use.

3. LAND USE

(i) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant originally consulted with the following agencies regarding the proposed abandonment that may be concerned with land use issues: US Department of Agriculture Natural Resources Conservation Service – Local (“NRCS

³ *Atlantic and Western Railway, L.P. – Abandonment Exemption – in Lee County, NC*, STB Docket No. AB-646X (served May 13, 2005).

Local”), US Department of Agriculture Natural Resources Conservation Service – National (“NRCS National”), Environmental Protection Agency Region 4 (“EPA Region 4”), U.S. Army Corps of Engineers Raleigh Regulatory Field Office, Wilmington District (“ACE”), National Park Service – National (“NPS National”), National Park Service – Region 2, South Atlantic-Gulf (“NPS Region 2”), U.S. Fish & Wildlife Service – Southeast Region 4 (“FWS Local”), National Geodetic Survey, National Oceanic and Atmospheric Administration (“NGS”), NCDOT, the North Carolina Department of Environmental Quality (“NC DEQ”), the North Carolina Department of Administration, State Environmental Review Clearinghouse (“NC Clearinghouse”), The Honorable T. Chet Mann, Mayor of Sanford, NC and Lee County Manager, John Crumpton.

Copies of ATW’s initial consultation letters and a copy of the letters transmitting this report and informing these agencies of ATW’s milepost adjustment are attached as part of Exhibit B. To date, Applicant has received written responses from the following consulted agencies, copies of which are included as part of Exhibit C:

- NRCS Local Acting State Soil Scientist responded that the abandonment will have “no significant effect upon the environment.”
- NGS provided two comments:
 - First, NGS indicated that if a geodetic survey mark exists and will be disturbed by the abandonment, ATW should consult with NGS at least 90 days prior to beginning salvage activities that will disturb, or destroy any geodetic marks identified nearby.
 - Second, NGS indicated that the NGS database did not find any geodetic survey markers in the area of the proposed abandonment.
- NC Clearinghouse responded with agency comments.
 - NC DEQ reports that eight Superfund Section sites were identified within one mile of the project. “The Superfund Section recommends that site files be reviewed to ensure that appropriate precautions are incorporated into any construction activities that encounter potentially contaminated soil or groundwater.”
 - NC DEQ also reports that NC DEQ permits and/or approvals may need to be obtained and offered guidance.

- The City of Sanford responded that it does not perceive that the proposed abandonment “would have a significant impact upon the environment”.

(ii) NRCS Local responded to Applicant’s consultation letter that the proposed abandonment will not have any adverse effect on any prime agricultural land. *See* Exhibit C.

(iii) Applicant submitted a consultation letter to the NC Division of Coastal Management. The agency responded listing the North Carolina counties that fall within the jurisdiction of the NC Coastal Zone Management Program. Lee County is not included. The NC Division of Coastal Management further stated that the abandonment “does not appear to have the potential for a coastal effect on a coastal county” and that “further coordination with the NC Division of Coastal Management is not required.” A copy of the NC Division of Coastal Management letter is included under Exhibit C.

(iv) Applicant intends to transfer the Subject Line to NCDOT to be acquired for rail banking and used for public use.

4. **ENERGY**

The Subject Line serves no overhead traffic, and no local service has been provided to or from the Subject Line since 2016. As such:

- (i) the proposed abandonment will have no effect on the transportation of energy sources;
 - (ii) the proposed abandonment will have no effect on recyclable commodities;
 - (iii) the proposed abandonment will be no effect on overall energy efficiency;
- and
- (iv) the proposed abandonment will not divert any traffic from rail to motor carriage.

The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(4)(iv).

5. AIR

The proposed abandonment will not result in any increases in rail or truck traffic or rail yard activity. The effects of the proposed abandonment will not exceed the thresholds set forth in 49 CFR 1105.7(e)(5).

6. NOISE

Applicant does not believe that the proposed abandonment will result in any increase in noise levels.

7. SAFETY

Applicant does not believe that the proposed abandonment will have any adverse effect on public health or safety.

8. BIOLOGICAL RESOURCES

(i) Applicant has consulted with the FWS Local, as well as to the following agencies that are potentially concerned with biological resources: NC DEQ, NPS National, NPS Region 2, ACE, NRCS National, and NRCS Local. Copies of these consultation letters are attached as part of Exhibit B. Responses that Applicant received are summarized under section 3(i).

(ii) Applicant does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. Consultation letters were sent to the agencies identified in paragraph 8(i). Applicant has not received any responses from those agencies related to wildlife sanctuaries or refuges or National or State parks or forests.

9. **WATER**

(i) The proposed abandonment and any salvage will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. Applicant consulted with the agencies identified in paragraph 8(i). NC DEQ responded through the NC State Clearinghouse that:

- Eight Superfund Section sites were identified within one mile of the project. “The Superfund Section recommends that site files be reviewed to ensure that appropriate precautions are incorporated into any construction activities that encounter potentially contaminated soil or groundwater.”
- NC DEQ also reports that NC DEQ permits and/or approvals may need to be obtained and offered guidance.

(ii) Applicant sent a consultation letter regarding the proposed abandonment to the U.S. Army Corps of Engineers. A copy of this letter is attached as part of Exhibit B. Applicant has not yet received a response.

(iii) Applicant does not believe that any Clean Water Act permits will be required. Consultation letters were sent NC DEQ and EPA. Copies of these letters are attached as part of Exhibit B. Applicant received a response from NC DEQ as summarized under section 9(i).

10. **PROPOSED MITIGATION**

ATW does not expect any adverse environmental impacts are expected because ATW intends to transfer the Subject Line to the NC DOT for rail banking and public use. As such, no mitigation is proposed.

11. ADDITIONAL INFORMATION FOR RAIL CONSTRUCTION

Not applicable.

12. CONSULTATION

As shown by the copies of letters attached as Exhibit B, Applicant has consulted with the following agencies: NRCS Local, NRCS National, EPA Region 4, ACE, NPS National, NPS Region, FWS Local, NGS, NCDOT, NC DEQ, NC Clearinghouse, The Honorable T. Chet Mann, Mayor of Sanford, NC and Lee County Manager, John Crumpton. Applicant will provide these agencies with a copy of this report noting the revised milepost markers.

13. CERTIFICATIONS

Applicant certifies that:

- (a) It consulted with the agencies listed in 49 CFR 1105.7, as described in paragraph 12 above.
- (b) On this date, it sent copies of this report to each of the agencies consulted as shown on the attached certificate of service.
- (c) Notice of the proposed abandonment was published in the Raleigh News and Observer on August 1, 2021. A copy of the form of notice and the proof of publication are attached as Exhibit D.
- (d) Applicant will not file its verified notice of abandonment until at least twenty (20) days after the consulted agencies have been served with a copy of this report.

HISTORIC REPORT (49 CFR 1105.8)

1. U.S.G.S TOPOGRAPHIC MAP

U.S.G.S. topographic maps showing the location of the proposed abandonment are attached as Exhibit E.

2. DESCRIPTION OF RIGHT OF WAY

Applicant seeks a notice of exemption to abandon the following segment of rail line (the “Subject Line”): between approximately milepost 2.71 and milepost 3.76 in Sanford, NC. The Subject Line is located primarily in an industrial and commercial area of Lee County. The right of way is generally 50 feet wide. The right of way is crossed by three (3) local roadways.

3. PHOTOGRAPHS OF HISTORIC STRUCTURE(S)

No structures over 50 years old exist on the Subject Line. Therefore, Applicant is not including photos in this report.

4. DATES OF CONSTRUCTION OF HISTORIC STRUCTURE(S)

The Subject Line does not contain any structure greater than 50 years old.

5. HISTORY OF CARRIER OPERATIONS IN THE AREA

ATW is a Class III railroad that operates in Lee County, NC. Genesee & Wyoming Inc. acquired ATW in 2005.⁴ A predecessor of ATW called the Atlantic and Western Railroad Co. constructed the Subject Line in 1903.⁵ The Subject Line is 1.05 miles long. Historically, the Subject Line was used to move lumber and agricultural products, gravel, passengers, feeds, petroleum, fertilizer and alcohol. The Board authorized a connecting segment of the Subject

⁴ *Genesee & Wyoming Inc., RP Acquisition Co. One and RP Acquisition Co. Two – Control Exemption – Rail Partners, L.P., AN Railway, et al., Atlantic & Western Railway, et al., and KWT Railway, Inc.*, STB Finance Docket No. 34708 (served June 24, 2005).

⁵ *Atlantic and Western Railroad Co.*, Valuation Docket No. 476, 116 I.C.C. 320 (I.C.C. decided Sept. 17, 1926).

Line from milepost 3.76 to milepost 4.5 to be abandoned in 2005.⁶ That segment was transferred to NCDOT.

There is no local or overhead traffic on the Subject Line. Following the abandonment, ATW plans to transfer the Subject Line to NCDOT. ATW intends to salvage and reuse a portion of the track and materials between milepost 2.71 and milepost 2.91, with the exception of the cross ties and ballast which will be disposed of according to ATW's Environmental Policies and applicable legal requirements. The remainder of the Subject Line will be left in place.

6. SUMMARY OF STRUCTURE DOCUMENTATION

ATW has no documentation for structures over 50 years old because no such structures exist on the Subject line.

7. OPINION REGARDING CRITERIA FOR LISTING

Based on readily available information in ATW's possession, ATW does not believe that the Subject Line or right of way represent an historical resource or that any protective conditions are warranted. Applicant provided notice of its initial proposed abandonment from milepost 2.60 and milepost 3.70 to the North Carolina Historic Preservation Office ("SHPO"). On July 14, 2021, the SHPO responded indicating that it is aware of no historic resources and thus the SHPO states that it has no comment on the project as proposed, a copy of which is included as part of Exhibit F.

Since sending its initial consultation letter to the SHPO, ATW has adjusted the end mileposts of the Subject Line. On the west side of the Subject Line, ATW will abandon .11 miles of rail line less beginning the abandonment at 2.71 instead of 2.60 as initially stated in its

⁶ *Atlantic and Western Railway, L.P. – Abandonment Exemption – in Lee County, NC*, STB Docket No. AB-646X (served May 13, 2005).

consultation letters. On the east side, ATW will abandon .05 of a mile more than it initially stated in its consultation letters extending the abandonment to milepost 3.76 instead of to milepost 3.71. ATW does not believe that the *de minimis* changes will change the SHPO's conclusions; however, ATW is informing the SHPO of the milepost adjustments in a letter accompanying this report and is inviting additional comments if necessary.

8. ENVIRONMENTAL CONDITIONS

ATW is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archeological recovery of resources or the surrounding terrain. Following the abandonment, ATW plans to salvage a portion of the Subject Line and leave another portion in place. ATW will remove all of the track and associated track materials between MP 2.71 and MP 2.91. ATW will salvage and reuse the materials with the exception of the cross ties and ballast, which it will dispose of according to ATW's Environmental Policies and applicable legal requirements. The salvage will take place within the right of way, will be surface work only and would not disturb subsurface resources.

Respectfully submitted,



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jmarks@clarkhill.com

*Counsel for Atlantic and Western
Railway, Limited Partnership*

Dated: September 13, 2021

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of September, 2021, I served a copy of the foregoing Environmental and Historic Report on the persons listed below by email or first class mail, postage prepaid:

Barry Ward, Acting State Conservationist USDA Natural Resources Conservation Service 4407 Bland Road, Suite 117 Raleigh, NC 27609 Barry.ward@usda.gov	John Blevins, Acting Regional Administrator Office of the Regional Administrator US EPA Region 4 Atlanta Federal Center 61 Forsyth Street SW Atlanta, GA 30303-8960 Blevins.John@epa.gov
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corp of Engineers Wilmington District Raleigh Regulatory Field Office 3331 Heritage Trade Drive, Suite 105 Wake Forest, NC 27587 RaleighNCREG@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	Stan Austin, Regional Director Region 2 South Atlantic-Gulf National Park Service 100 Alabama Street, SW 1924 Building Atlanta, GA 30303
Mr. Leopoldo Miranda United States Fish & Wildlife Service Southeast Region 4 1875 Century Boulevard Suite 400 Atlanta, GA 30345	National Geodetic Survey ngs.infocenter@noaa.gov
North Carolina Department of Environmental Quality Raleigh Regional Office 3800 Barrett Drive Raleigh, NC 27609	Meredith McLamb Surface and Encroachments Manager NCDOT Rail Division 1556 Mail Service Center Raleigh, NC 27699-1556 mmclamb@ncdot.gov

Ms. Ramona Bartos Deputy State Historic Preservation Officer North Carolina Historic Preservation Office 4617 Mail Service Center Raleigh, NC 27699-4617 ramona.bartos@ncdcr.gov	John Crumpton Lee County Manager 408 Summit Drive Sanford, NC 27330 jcrumpton@leecountync.gov
The Honorable T. Chet Mann 225 E Weatherspoon Street P.O. BOX 3729 Sanford, NC 27331 chet.mann@sanfordnc.net	North Carolina Department of Administration State Environmental Review Clearinghouse 1301 Mail Service Center Raleigh, NC 27699-1301 state.clearinghouse@doa.nc.gov
Cathy Brittingham Transportation Project Coordinator North Carolina Division of Coastal Management c/o DWR Transportation Permitting Unit 1617 Mail Service Center Raleigh, NC 27699-1617 cathy.brittingham@ncdenr.gov	

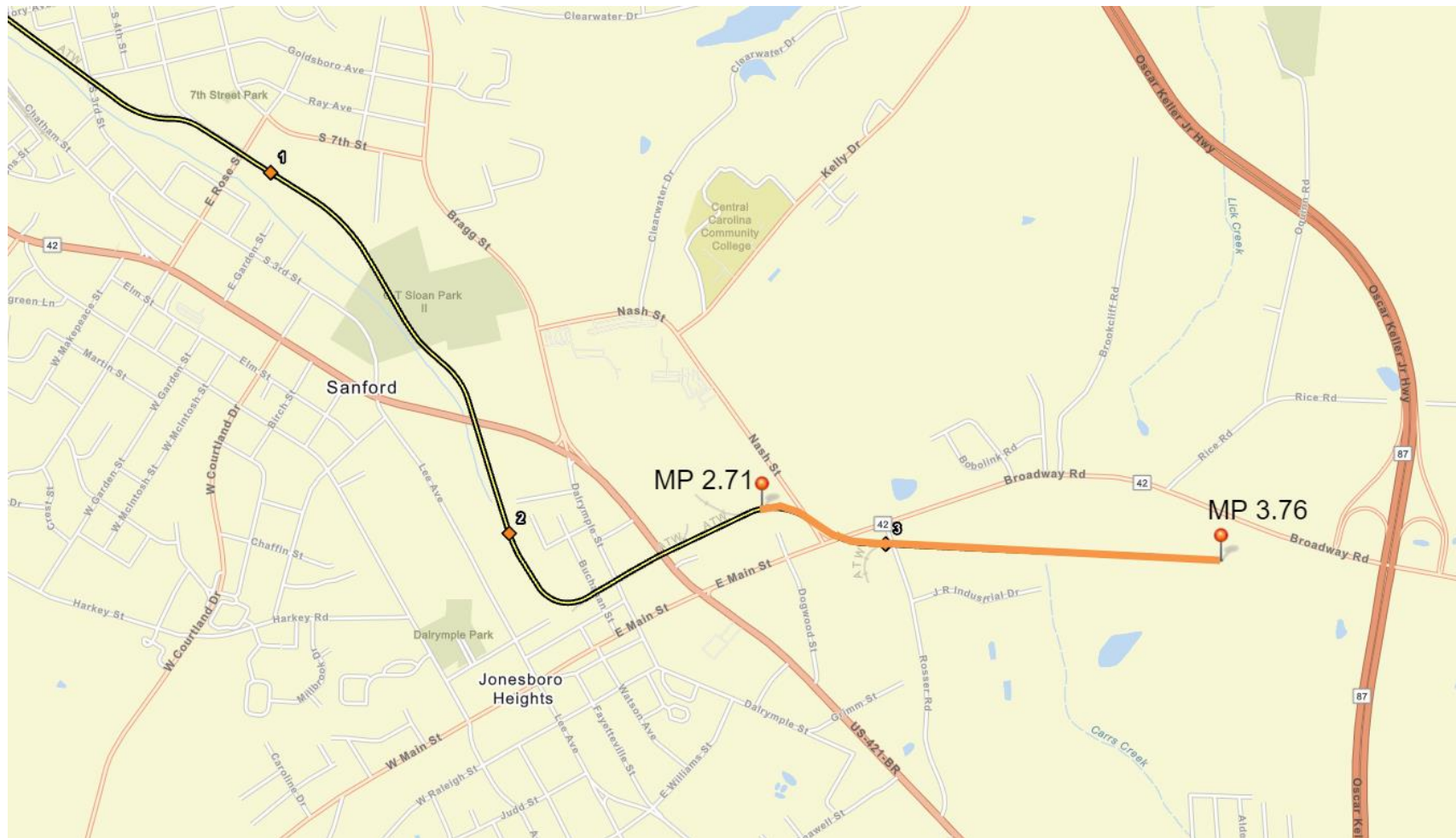


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ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT A

MAP



ATLANTIC AND WESTERN RAILWAY
Milepost (MP) 2.71 to Milepost (MP) 3.76
(Valuation Station 142+93 - Valuation Station 198+37)
Lee County, North Carolina

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT B

CONSULTATION LETTERS

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June 21, 2021

VIA EMAIL

All Agencies on the Service List

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

To Whom it May Concern:

This letter is to advise you that Atlantic and Western Railway, Limited Partnership ("ATW") intends to file for an exemption from the Surface Transportation Board ("STB") to abandon a segment of rail line between approximately milepost 2.60 and milepost 3.70 in Sanford, NC (the "Subject Line").

The Subject Line traverses through United States Postal Service ZIP Codes 27330 and 27332. A map of the Subject Line is enclosed.

ATW plans to seek STB abandonment authorization on or after August 24, 2021 in Surface Transportation Board Docket No. AB 646 (Sub-No. 1X).

Based upon information in ATW's possession, the Subject Line does not contain federally granted rights of way. No local service has been provided on the Subject Line since 2016.

ATW intends to transfer the Subject Line to the North Carolina Department of Transportation ("NC DOT") for rail banking in accordance with the National Trails Systems Act under 16 U.S.C. §1247(d).

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

We would appreciate an expression from you by July 21, 2021 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

June 21, 2021
Page 2

Thank you for your cooperation.

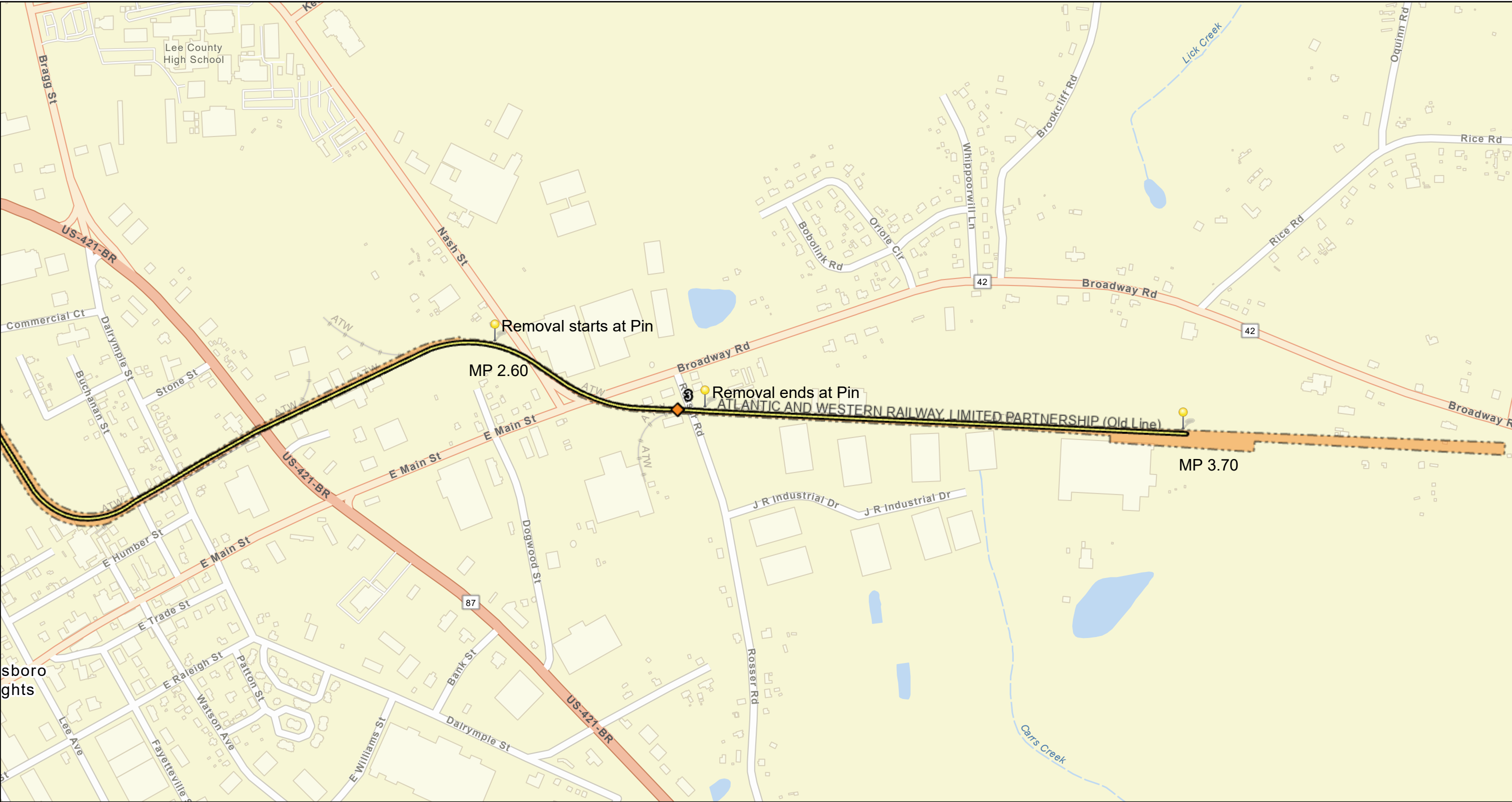
Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks
Counsel for Atlantic and Western Railway,
Limited Partnership

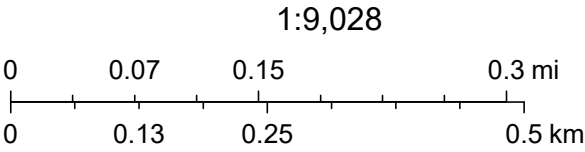
Enclosure

Genesee & Wyoming



6/17/2021, 10:36:42 AM

-  Override 1
-  Track
-  Milepost
-  Property



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Environmental Agency List

Timothy Beard, State Conservationist USDA Natural Resources Conservation Service 4407 Bland Road, Suite 117 Raleigh, NC 27609 tim.beard@nc.usda.gov	John Blevins, Acting Regional Administrator Office of the Regional Administrator US EPA Region 4 Atlanta Federal Center 61 Forsyth Street SW Atlanta, GA 30303-8960 Blevins.John@epa.gov
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corp of Engineers Wilmington District Raleigh Regulatory Field Office 3331 Heritage Trade Drive, Suite 105 Wake Forest, NC 27587 RaleighNCREG@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	Stan Austin, Regional Director Region 2 South Atlantic-Gulf National Park Service 100 Alabama Street, SW 1924 Building Atlanta, GA 30303
Mr. Leopoldo Miranda United States Fish & Wildlife Service Southeast Region 4 1875 Century Boulevard Suite 400 Atlanta, GA 30345	National Geodetic Survey ngs.infocenter@noaa.gov
North Carolina Department of Environmental Quality Raleigh Regional Office 3800 Barrett Drive Raleigh, NC 27609	Meredith McLamb Surface and Encroachments Manager NCDOT Rail Division 1556 Mail Service Center Raleigh, NC 27699-1556 mmclamb@ncdot.gov
The Honorable T. Chet Mann 225 E Weatherspoon Street P.O. BOX 3729 Sanford, NC 27331 chet.mann@sanfordnc.net	John Crumpton Lee County Manager 408 Summit Drive Sanford, NC 27330 jcrumpton@leecountync.gov

North Carolina Department of Administration State Environmental Review Clearinghouse 1301 Mail Service Center Raleigh, NC 27699-1301 state.clearinghouse@doa.nc.gov	
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June 21, 2021

VIA EMAIL

Cathy Brittingham
Transportation Project Coordinator
North Carolina Division of Coastal Management c/o DWR Transportation Permitting Unit
1617 Mail Service Center
Raleigh, NC 27699-1617
cathy.brittingham@ncdenr.gov

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

Dear Ms. Brittingham:

This letter is to advise you that Atlantic and Western Railway, Limited Partnership ("ATW") intends to file for an exemption from the Surface Transportation Board ("STB") to abandon a segment of rail line between approximately milepost 2.60 and milepost 3.70 in Sanford, NC (the "Subject Line").

The Subject Line traverses through United States Postal Service ZIP Codes 27330 and 27332. A map of the Subject Line is enclosed.

ATW plans to seek STB abandonment authorization on or after August 24, 2021 in Surface Transportation Board Docket No. AB 646 (Sub-No. 1X).

Based upon information in ATW's possession, the Subject Line does not contain federally granted rights of way. No local service has been provided on the Subject Line since 2016.

ATW intends to transfer the Subject Line to the North Carolina Department of Transportation ("NC DOT") for rail banking in accordance with the National Trails Systems Act under 16 U.S.C. § 1247(d).

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

Your agency has jurisdiction over coastal zones in North Carolina, please advise if the Subject Line is within the North Carolina coastal zone. According to the N.C. DEQ's website¹, our understanding is that Lee County is not a county subject to the rules and policies of the Coastal Resources Commission, which administers the Coastal Area Management Act. However, if this project is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in North Carolina's coastal zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan.

We would appreciate an expression from you by July 21, 2021 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

Sincerely,

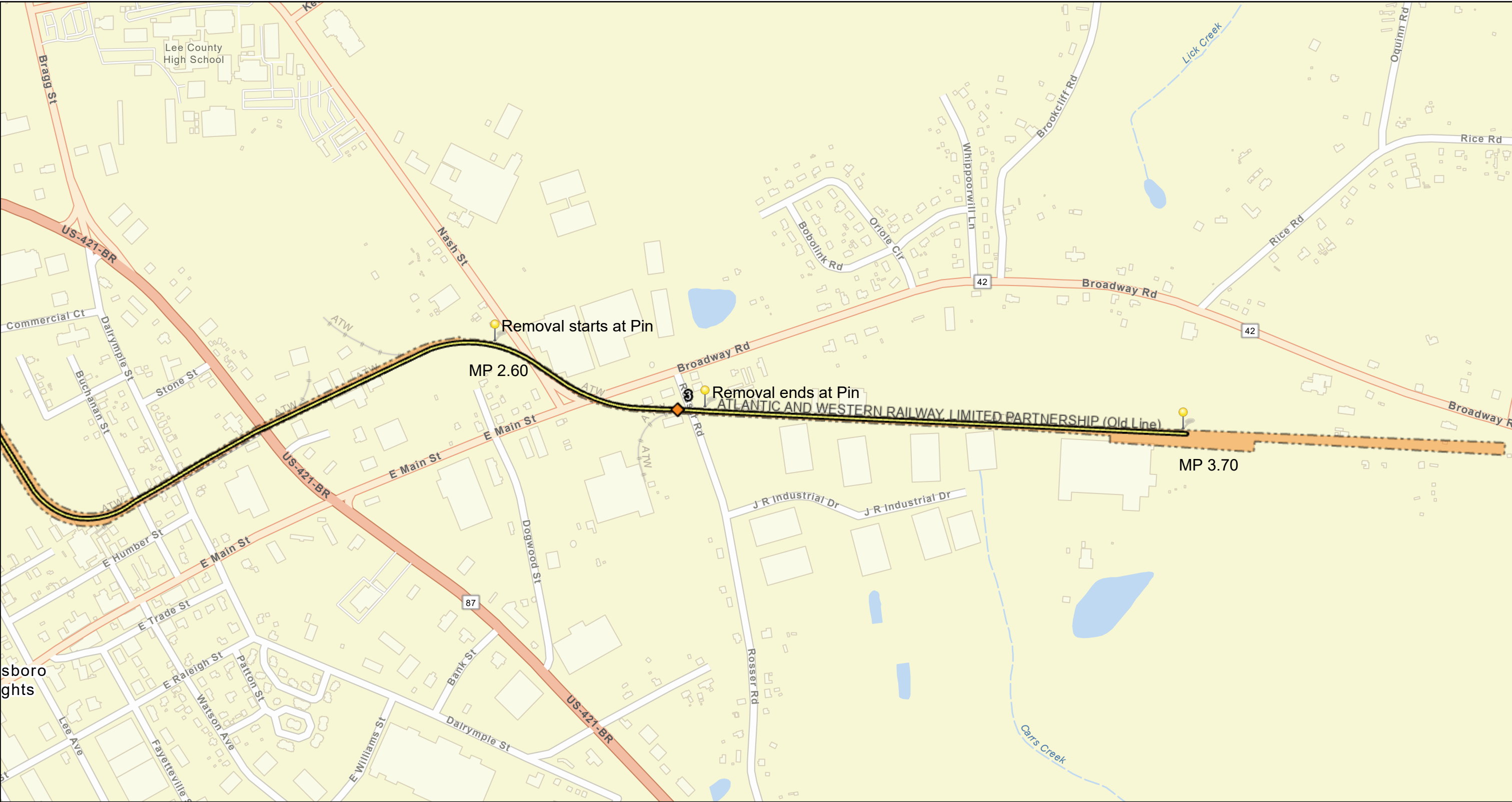


Justin J. Marks
Counsel for Atlantic and Western Railway,
Limited Partnership

Enclosure

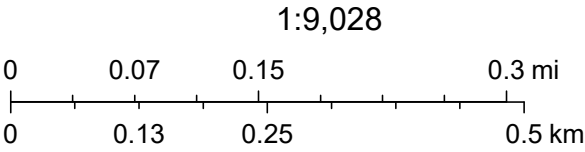
¹ <https://deq.nc.gov/about/divisions/coastal-management/about-coastal-management/cama-counties>

Genesee & Wyoming



6/17/2021, 10:36:42 AM

- Override 1
- Track
- Milepost
- Property



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

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September 13, 2021

VIA EMAIL

Chrystal Best
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NC Department of Administration
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Raleigh, NC 27699-1301

crystal.best@doa.nc.gov

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

Dear Ms. Best:

As stated in my June 21, 2021 letter to you, on or after October 4, Atlantic and Western Railway, Limited Partnership ("ATW") expects to file with the Surface Transportation Board (the "STB" or the "Board") a Notice of Exempt Abandonment seeking authority to abandon a segment of rail line in Sanford, NC (the "Subject Line").

On July 26, 2021, your agency provided ATW comments by those North Carolina environmental agencies that reviewed ATW's letter seeking comment on the railroad's intent to abandon the Subject Line described as extending between approximately milepost 2.60 and milepost 3.70. Those comments have been incorporated into the attached Environmental and Historic Report ("E/H Report") that ATW will be submitting to the STB. The E/H Report describes the proposed action and any expected environmental effects, as well as a map of the affected area.

Since sending the ATW's initial consultation letters to you, ATW has adjusted the end mileposts of the Subject Line. On the west side of the Subject Line, ATW will abandon .11 miles of rail line less than originally stated, beginning the abandonment at 2.71 instead of 2.60. On the east side, ATW will abandon .06 of a mile more than it initially stated, extending the abandonment to milepost 3.76 instead of to milepost 3.71. If this revision to the length of the Subject Line to be abandoned impacts any of the consulted agencies' prior analysis, please let me know or contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, Washington, DC, telephone (202) 245-0245 and refer to the above Docket No. AB 646 (Sub-No. 1X).

Otherwise, we are providing this E/H Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If you believe any of the information within the E/H Report is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact OEA. OEA will generally issue a draft Environmental Analysis 25 days after the filing of the Notice of Exemption. Because the applicable statutes and regulations impose deadlines for processing this action, your written comments – if any – to OEA filed directly with the Board's Office of Proceedings via e-filing (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly.

Thank you for your cooperation.

Sincerely,



Justin J. Marks
Counsel for Atlantic and Western Railway,
Limited Partnership

Enclosure

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

September 13, 2021

VIA EMAIL

Ngs.infocenter@noaa.gov

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

Dear Ms. Brooks:

Thank you for your July 9, 2021 email stating that a search of the NGS database did not find any NGS geodetic survey markers in the area of the rail line that Atlantic and Western Railway, Limited Partnership ("ATW") proposes to abandon in Sanford, NC (the "Subject Line"). ATW intends to file a Notice of Exempt Abandonment with the Surface Transportation Board ("STB" or the "Board") on or after August 24, 2021.

Your comment has been incorporated into the attached Environmental and Historic Report ("E/H Report") that ATW will be submitting to the STB. The E/H Report describes the proposed action and any expected environmental effects, as well as a map of the affected area.

Since sending the ATW's initial consultation letters to you, ATW has adjusted the end mileposts of the Subject Line. On the west side of the Subject Line, ATW will abandon .11 miles of rail line less than originally stated, beginning the abandonment at 2.71 instead of 2.60. On the east side, ATW will abandon .06 of a mile more than it initially stated, extending the abandonment to milepost 3.76 instead of to milepost 3.71. The Subject Line remains entirely in Lee County.

If this revision to the length of the Subject Line to be abandoned impacts your prior analysis, please let me know or contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, Washington, DC, telephone (202) 245-0245 and refer to the above Docket No. AB 646 (Sub-No. 1X).

Otherwise, we are providing this E/H Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If you believe any of the information within the E/H Report is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact OEA. OEA will generally issue a draft Environmental Analysis 25 days after the filing of the Notice of Exemption. Because the applicable statutes and regulations impose deadlines for processing this action, your written comments – if any – to OEA filed directly

September 13, 2021
Page 2

with the Board's Office of Proceedings via e-filing (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly.

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is fluid and cursive, with the first name "Justin" and last name "Marks" clearly legible.

Justin J. Marks
Counsel for Atlantic and Western Railway,
Limited Partnership

Enclosure

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

September 13, 2021

VIA EMAIL

Barry Ward
Acting State Soil Scientist
USDA
Natural Resources Conservation Service
4407 Bland Road, Suite 117
Raleigh, NC 27609

Barry.ward@usda.gov

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

Dear Mr. Ward:

Thank you for your July 9, 2021 letter stating that the Atlantic and Western Railway, Limited Partnership's ("ATW") proposal to abandon a line of railroad in Sanford, NC (the "Subject Line") is outside of the parameters of the need for an AD-1006 since no Farmland conversion will take place.

Your comment has been incorporated into the attached Environmental and Historic Report ("E/H Report") that ATW will be submitting to the Surface Transportation Board ("STB" or the "Board"). The E/H Report describes the proposed action and any expected environmental effects, as well as a map of the affected area. ATW intends to file a Notice of Exempt Abandonment with the STB to abandon the Subject Line on or after October 4, 2021.

Since sending the ATW's initial consultation letters to you, ATW has adjusted the end mileposts of the Subject Line. On the west side of the Subject Line, ATW will abandon .11 miles of rail line less than originally stated, beginning the abandonment at 2.71 instead of 2.60. On the east side, ATW will abandon .06 of a mile more than it initially stated, extending the abandonment to milepost 3.76 instead of to milepost 3.71. The Subject Line remains entirely in Lee County.

If this revision to the length of the Subject Line to be abandoned impacts your prior analysis, please let me know or contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, Washington, DC, telephone (202) 245-0245 and refer to the above Docket No. AB 646 (Sub-No. 1X).

Otherwise, we are providing this E/H Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If you believe any of the information within the E/H Report is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact OEA. OEA will generally issue a draft Environmental Analysis 25 days after the filing of the Notice of Exemption. Because the applicable statutes and regulations impose deadlines for processing this action, your written comments – if any – to OEA filed directly with the Board's Office of Proceedings via e-filing (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly.

Thank you for your cooperation.

Sincerely,



Justin J. Marks
Counsel for Atlantic and Western Railway,
Limited Partnership

Enclosure

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

September 13, 2021

VIA EMAIL

All Agencies on the Service List

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

To Whom it May Concern:

On June 21, 2021 the Atlantic and Western Railway, Limited Partnership ("ATW") sent you a letter seeking your comment on its proposal to file a Notice for Exempt Abandonment to abandon a segment of rail line between approximately milepost 2.60 and milepost 3.70 in Sanford, NC (the "Subject Line"). Since sending ATW's initial consultation letters to you, ATW has adjusted the end mileposts of the Subject Line. On the west side of the Subject Line, ATW will abandon .11 miles of rail line less than originally stated, beginning the abandonment at 2.71 instead of 2.60. On the east side, ATW will abandon .06 of a mile more than it initially stated, extending the abandonment to milepost 3.76 instead of to milepost 3.71. The Subject Line remains entirely in Lee County.

As stated in our prior letter, ATW plans to seek STB abandonment authorization on or after October 4, 2021 in Surface Transportation Board Docket No. AB 646 (Sub-No. 1X). Attached is an Environmental and Historic Report ("E/H Report") describing the proposed action and any expected environmental or historic effects, as well as a map of the affected area.

We are providing this E/H Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If you believe any of the information within the E/H Report is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, Washington, DC, telephone (202) 245-0245 and refer to the above Docket No. AB 646 (Sub-No. 1X). OEA will generally issue a draft Environmental Analysis 25 days after the filing of the Notice of Exemption. Because the applicable statutes and regulations impose deadlines for processing this action, your written comments – if any – to OEA filed directly with the Board's Office of Proceedings via e-filing (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly.

September 13, 2021
Page 2

Thank you for your cooperation.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive style with a large, stylized "J" and "M".

Justin J. Marks
Counsel for Atlantic and Western Railway,
Limited Partnership

Enclosure

Environmental Agency List

Barry Ward, Acting State Conservationist USDA Natural Resources Conservation Service 4407 Bland Road, Suite 117 Raleigh, NC 27609 Barry.ward@usda.gov	John Blevins, Acting Regional Administrator Office of the Regional Administrator US EPA Region 4 Atlanta Federal Center 61 Forsyth Street SW Atlanta, GA 30303-8960 Blevins.John@epa.gov
United States Department of Agriculture Natural Resources Conservation Service Office of the Chief 1400 Independence Ave., SW Room 5105-A Washington, DC 20250	U.S. Army Corp of Engineers Wilmington District Raleigh Regulatory Field Office 3331 Heritage Trade Drive, Suite 105 Wake Forest, NC 27587 RaleighNCREG@usace.army.mil
National Park Service 1849 C Street, NW Washington, DC 20240	Stan Austin, Regional Director Region 2 South Atlantic-Gulf National Park Service 100 Alabama Street, SW 1924 Building Atlanta, GA 30303
Mr. Leopoldo Miranda United States Fish & Wildlife Service Southeast Region 4 1875 Century Boulevard Suite 400 Atlanta, GA 30345	National Geodetic Survey ngs.infocenter@noaa.gov
North Carolina Department of Environmental Quality Raleigh Regional Office 3800 Barrett Drive Raleigh, NC 27609	Meredith McLamb Surface and Encroachments Manager NCDOT Rail Division 1556 Mail Service Center Raleigh, NC 27699-1556 mmclamb@ncdot.gov
The Honorable T. Chet Mann 225 E Weatherspoon Street P.O. BOX 3729 Sanford, NC 27331 chet.mann@sanfordnc.net	John Crumpton Lee County Manager 408 Summit Drive Sanford, NC 27330 jcrumpton@leecountync.gov

North Carolina Department of Administration State Environmental Review Clearinghouse 1301 Mail Service Center Raleigh, NC 27699-1301 state.clearinghouse@doa.nc.gov	
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ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT C

AGENCY RESPONSES



STATE OF NORTH CAROLINA
DEPARTMENT OF ADMINISTRATION

Roy Cooper
GOVERNOR

Pamela B. Cashwell
Secretary

July 26, 2021

Justin Marks
Atlantic and Western Railway
c/o Clark Hill
1001 Pennsylvania Avenue NW
Washington, DC 20004-

Re: SCH File # 21-E-0000-0930 Proposal to abandon a segment of rail line between milepost 2.60 and Milepost 3.70 in Sanford, NC. STB Docket No. AB-646, Sub No. 1X

Dear Justin Marks:

The above referenced environmental impact information has been submitted to the State Clearinghouse under the provisions of the National Environmental Policy Act. According to G.S. 113A-10, when a state agency is required to prepare an environmental document under the provisions of federal law, the environmental document meets the provisions of the State Environmental Policy Act. Attached to this letter for your consideration are comments made by the agencies in the review of this document.

If any further environmental review documents are prepared for this project, they should be forwarded to this office for intergovernmental review.

Should you have any questions, please do not hesitate to call.

Sincerely,

CRYSTAL BEST
State Environmental Review Clearinghouse

Attachments

Mailing Address:
NC DEPARTMENT OF ADMINISTRATION
1301 MAIL SERVICE CENTER
RALEIGH, NC 27699-1301

Telephone: (919)807-2425
Fax: (919)733-9571
COURIER: #51-01-00
Email: state.clearinghouse@doa.nc.gov
Website: www.ncadmin.nc.gov

Location:
116 WEST JONES STREET
RALEIGH, NORTH CAROLINA



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

To: Crystal Best
State Clearinghouse
NC Department of Administration

From: Lyn Hardison
Division of Environmental Assistance and Customer Service
Washington Regional Office

RE: 21-0930
Environmental Review - Proposal to abandon a segment of rail
line between milepost 2.60 and Milepost 3.70 in Sanford, NC.
STB Docket No. AB-646, Sub No. 1X.
Lee County

Date: July 23, 2021

The Department of Environment Quality has reviewed the proposal for the referenced project. Based on the information provided, eight (8) contamination sites were identified within one mile of the project site. In addition, several of our agencies have identified permits that may be required and offered some valuable guidance. The comments are attached for the applicant's review.

The Department will continue to be available to assist the applicant with any question or concerns.

Thank you for the opportunity to respond.

Attachments



North Carolina Department of Environmental Quality
217 West Jones Street | 1601 Mail Service Center | Raleigh, North Carolina 27699-1601
919.707.8600

State of North Carolina Department of Environmental Quality
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Raleigh
Project Number: 21-0930 Due Date: 7/19/2021
County: Lee

After review of this project it has been determined that the DEQ permit(s) and/or approvals indicated may need to be obtained in order for this project to comply with North Carolina Law. Questions regarding these permits should be addressed to the Regional Office indicated on the reverse of the form. All applications, information and guidelines relative to these plans and permits are available from the same Regional Office.

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
☐	Permit to construct & operate wastewater treatment facilities, non-standard sewer system extensions & sewer systems that do not discharge into state surface waters.	Application 90 days before begins construction or award of construction contracts. On-site inspection may be required. Post-application technical conference usual.	30 days (90 days)
☐	Permit to construct & operate, sewer extensions involving gravity sewers, pump stations and force mains discharging into a sewer collection system	Fast-Track Permitting program consists of the submittal of an application and an engineer's certification that the project meets all applicable State rules and Division Minimum Design Criteria.	30 days (N/A)
☐	NPDES - permit to discharge into surface water and/or permit to operate and construct wastewater facilities discharging into state surface waters.	Application 180 days before begins activity. On-site inspection. Pre-application conference usual. Additionally, obtain permit to construct wastewater treatment facility-granted after NPDES. Reply time, 30 days after receipt of plans or issue of NPDES permit-whichever is later.	90-120 days (N/A)
☐	Water Use Permit	Pre-application technical conference usually necessary.	30 days (N/A)
☐	Well Construction Permit	Complete application must be received and permit issued prior to the installation of a groundwater monitoring well located on property not owned by the applicant, and for a large capacity (>100,000 gallons per day) water supply well.	7 days (15 days)
☐	Dredge and Fill Permit	Application copy must be served on each adjacent riparian property owner. On-site inspection. Pre-application conference usual. Filling may require Easement to Fill from N.C. Department of Administration and Federal Dredge and Fill Permit.	55 days (90 days)
☐	Permit to construct & operate Air Pollution Abatement facilities and/or Emission Sources as per 15 A NCAC (2Q.O100 thru 2Q.O300)	Application must be submitted and permit received prior to construction and operation of the source. If a permit is required in an area without local zoning, then there are additional requirements and timelines (2Q.O113).	90 days
☒	Any open burning associated with subject proposal must be in compliance with 15 A NCAC 2D.1900	N/A	60 days (90 days)
☒	Demolition or renovations of structures containing asbestos material must be in compliance with 15 A NCAC 20.1110 (a) (1) which requires notification and removal prior to demolition. Contact Asbestos Control Group 919-707-5950	Please Note - The Health Hazards Control Unit (HHCU) of the N.C. Department of Health and Human Services, must be notified of plans to demolish a building, including residences for commercial or industrial expansion, even if no asbestos is present in the building.	60 days (90 days)
☒	The Sedimentation Pollution Control Act of 1973 must be properly addressed for any land disturbing activity. An erosion & sedimentation control plan will be required if one or more acres are to be disturbed. Plan must be filed with and approved by applicable Regional Office (Land Quality Section) at least 30 days before beginning activity. A NPDES Construction Stormwater permit (NCG010000) is also usually issued should design features meet minimum requirements. A fee of \$65 for the first acre or any part of an acre. An express review option is available with additional fees.		20 days (30 days)
☐	Sedimentation and erosion control must be addressed in accordance with NCDOT's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		(30 days)
☐	Sedimentation and erosion control must be addressed in accordance with _____ Local Government's approved program. Particular attention should be given to design and installation of appropriate perimeter sediment trapping devices as well as stable Stormwater conveyances and outlets.		Based on Local Program
☐	Compliance with 15A NCAC 2H .0126 - NPDES Stormwater Program which regulates three types of activities: Industrial, Municipal Separate Storm Sewer System & Construction activities that disturb ≥1 acre.		30-60 days (90 days)
☐	Compliance with 15A NCAC 2H 1000 -State Stormwater Permitting Programs regulate site development and post-construction stormwater runoff control. Areas subject to these permit programs include all 20 coastal counties, and various other counties and watersheds throughout the state.		45 days (90 days)

State of North Carolina Department of Environmental Quality
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Raleigh
Project Number: 21-0930 Due Date: 7/19/2021
County: Lee

	PERMITS	SPECIAL APPLICATION PROCEDURES or REQUIREMENTS	Normal Process Time (statutory time limit)
☐	Mining Permit	On-site inspection usual. Surety bond filed with DEQ Bond amount varies with type mine and number of acres of affected land. Affected area greater than one acre must be permitted. The appropriate bond must be received before the permit can be issued.	30 days (60 days)
☐	Dam Safety Permit	If permit required, application 60 days before begin construction. Applicant must hire N.C. qualified engineer to: prepare plans, inspect construction, and certify construction is according to DEQ approved plans. May also require a permit under mosquito control program. And a 404 permit from Corps of Engineers. An inspection of site is necessary to verify Hazard Classification. A minimum fee of \$200.00 must accompany the application. An additional processing fee based on a percentage or the total project cost will be required upon completion.	30 days (60 days)
☐	Oil Refining Facilities	N/A	90-120 days (N/A)
☐	Permit to drill exploratory oil or gas well	File surety bond of \$5,000 with DEQ running to State of NC conditional that any well opened by drill operator shall, upon abandonment, be plugged according to DEQ rules and regulations.	10 days N/A
☐	Geophysical Exploration Permit	Application filed with DEQ at least 10 days prior to issue of permit. Application by letter. No standard application form.	10 days N/A
☐	State Lakes Construction Permit	Application fee based on structure size is charged. Must include descriptions & drawings of structure & proof of ownership of riparian property	15-20 days N/A
☐	401 Water Quality Certification	Compliance with the T15A 02H .0500 Certifications are required whenever construction or operation of facilities will result in a discharge into navigable water as described in 33 CFR part 323.	60 days (130 days)
☐	Compliance with Catawba, Goose Creek, Jordan Lake, Randleman, Tar Pamlico or Neuse Riparian Buffer Rules is required. Buffer requirements: http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits/401-riparian-buffer-protection-program		
☐	Nutrient Offset: Loading requirements for nitrogen and phosphorus in the Neuse and Tar-Pamlico River basins, and in the Jordan and Falls Lake watersheds, as part of the nutrient-management strategies in these areas. DWR nutrient offset information: http://deq.nc.gov/about/divisions/water-resources/planning/nonpoint-source-management/nutrient-offset-information		
☐	CAMA Permit for MAJOR development	\$250.00 - \$475.00 fee must accompany application	75 days (150 days)
☐	CAMA Permit for MINOR development	\$100.00 fee must accompany application	22 days (25 days)
☐	Abandonment of any wells, if required must be in accordance with Title 15A. Subchapter 2C.0100.		
☐	Notification of the proper regional office is requested if "orphan" underground storage tanks (USTS) are discovered during any excavation operation.		
☒	Plans and specifications for the construction, expansion, or alteration of a public water system must be approved by the Division of Water Resources/Public Water Supply Section prior to the award of a contract or the initiation of construction as per 15A NCAC 18C .0300 et. seq., Plans and specifications should be submitted to 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. All public water supply systems must comply with state and federal drinking water monitoring requirements. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
☒	If existing water lines will be relocated during the construction, plans for the water line relocation must be submitted to the Division of Water Resources/Public Water Supply Section at 1634 Mail Service Center, Raleigh, North Carolina 27699-1634. For more information, contact the Public Water Supply Section, (919) 707-9100.		30 days
☐	Plans and specifications for the construction, expansion, or alteration of the _____ water system must be approved through the _____ delegated plan approval authority. Please contact them at _____ for further information.		

State of North Carolina Department of Environmental Quality
INTERGOVERNMENTAL REVIEW PROJECT COMMENTS

Reviewing Regional Office: Raleigh
Project Number: 21-0930 Due Date: 7/19/2021
County: Lee

Other Comments (attach additional pages as necessary, being certain to comment authority)

Division	Initials	No comment	Comments	Date Review
DAQ	MRF	☐	See checked boxes above.	7/9/2021
DWR-WQROS (Aquifer & Surface)	JSB &	☒	&	7/6/2021
DWR-PWS	SG	☐	See checked boxes above.	7/13/2021
DEMLR (LQ & SW)	CDA	☐	see checked boxes	7/15/2021
DWM – UST		☐		/ /
Other Comments		☐		/ /

REGIONAL OFFICES

Questions regarding these permits should be addressed to the Regional Office marked below.

- | | | |
|--|--|--|
| ☐ Asheville Regional Office
2090 U.S. 70 Highway
Swannanoa, NC 28778-8211
Phone: 828-296-4500
Fax: 828-299-7043 | ☒ Fayetteville Regional Office
225 Green Street, Suite 714,
Fayetteville, NC 28301-5043
Phone: 910-433-3300
Fax: 910-486-0707 | ☐ Mooreville Regional Office
610 East Center Avenue, Suite 301,
Mooreville, NC 28115
Phone: 704-663-1699
Fax: 704-663-6040 |
| ☒ Raleigh Regional Office
3800 Barrett Drive,
Raleigh, NC 27609
Phone: 919-791-4200
Fax: 919-571-4718 | ☐ Washington Regional Office
943 Washington Square Mall,
Washington, NC 27889
Phone: 252-946-6481
Fax: 252-975-3716 | ☐ Wilmington Regional Office
127 Cardinal Drive Ext.,
Wilmington, NC 28405
Phone: 910-796-7215
Fax: 910-350-2004 |
| | ☐ Winston-Salem Regional Office
450 Hanes Mill Road, Suite 300,
Winston-Salem, NC 27105
Phone: 336-776-9800
Fax: 336-776-9797 | |



MEMORANDUM

TO: Michael Scott, Division Director through Sharon Brinkley

FROM: Drew Hammonds, Eastern District Supervisor - Solid Waste Section

DATE: July 7, 2021

SUBJECT: Review: SW 21-0930– Lee County (ER – Atlantic and Western Railway – Proposal to abandon a segment of rail line between milepost 2.60 and milepost 3.70 in Sanford)

The Division of Waste Management, Solid Waste Section (Section) has reviewed the documents submitted for the subject project in Lee County, NC. Based on the information provided in these documents, the Section at this time does not see an adverse impact on the surrounding communities and likewise knows of no situations in the communities, which would affect this project.

As always for any planned or proposed projects, it is recommended that during any land clearing, demolition and construction, Atlantic and Western Railway and/or its contractors would make every feasible effort to minimize the generation of waste, to recycle materials for which viable markets exist, and to use recycled products and materials in the development of this project where suitable. **Any waste generated by and of the projects that cannot be beneficially reused or recycled must be disposed of at a solid waste management facility permitted by the Division. The Section strongly recommends that Atlantic and Western Railway require all contractors to provide proof of proper disposal for all generated waste to permitted facilities.**

Permitted solid waste management facilities are listed on the Division of Waste Management, Solid Waste Section portal site at: <https://deq.nc.gov/about/divisions/waste-management/waste-management-rules-data/solid-waste-management-annual-reports/solid-waste-permitted-facility-list>

Questions regarding solid waste management for this project should be directed to Mrs. Davy Conners, Environmental Senior Specialist, Solid Waste Section, at (919) 707-8290.

cc: Davy Conners, Environmental Senior Specialist



ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
MICHAEL SCOTT
Director



Date: July 16, 2021

To: Michael Scott, Director
Division of Waste Management

Through: Janet Macdonald
Inactive Hazardous Sites Branch – Special Projects Unit

From: Bonnie S. Ware
Inactive Hazardous Sites Branch

Subject: NEPA Project # 21-0930, Atlantic and Western Railway, Lee County, North Carolina

The Superfund Section has reviewed the proximity of sites under its jurisdiction to the Atlantic and Western Railway project. Proposal to abandon a segment of rail line between milepost 2.60 and Milepost 3.70 in Sanford, NC.

Eight (8) Superfund Section sites were identified within one mile of the project as shown on the attached report. The Superfund Section recommends that site files be reviewed to ensure that appropriate precautions are incorporated into any construction activities that encounter potentially contaminated soil or groundwater. Superfund Section files can be viewed at: <http://deq.nc.gov/waste-management-laserfiche>.

Please contact Janet Macdonald at 919.707.8349 if you have any questions concerning the Superfund Section review portion of this SEPA/NEPA inquiry.



North Carolina Department of Environmental Quality | Division of Waste Management
217 West Jones Street | 1646 Mail Service Center | Raleigh, North Carolina 27699-1646
919.707.8200

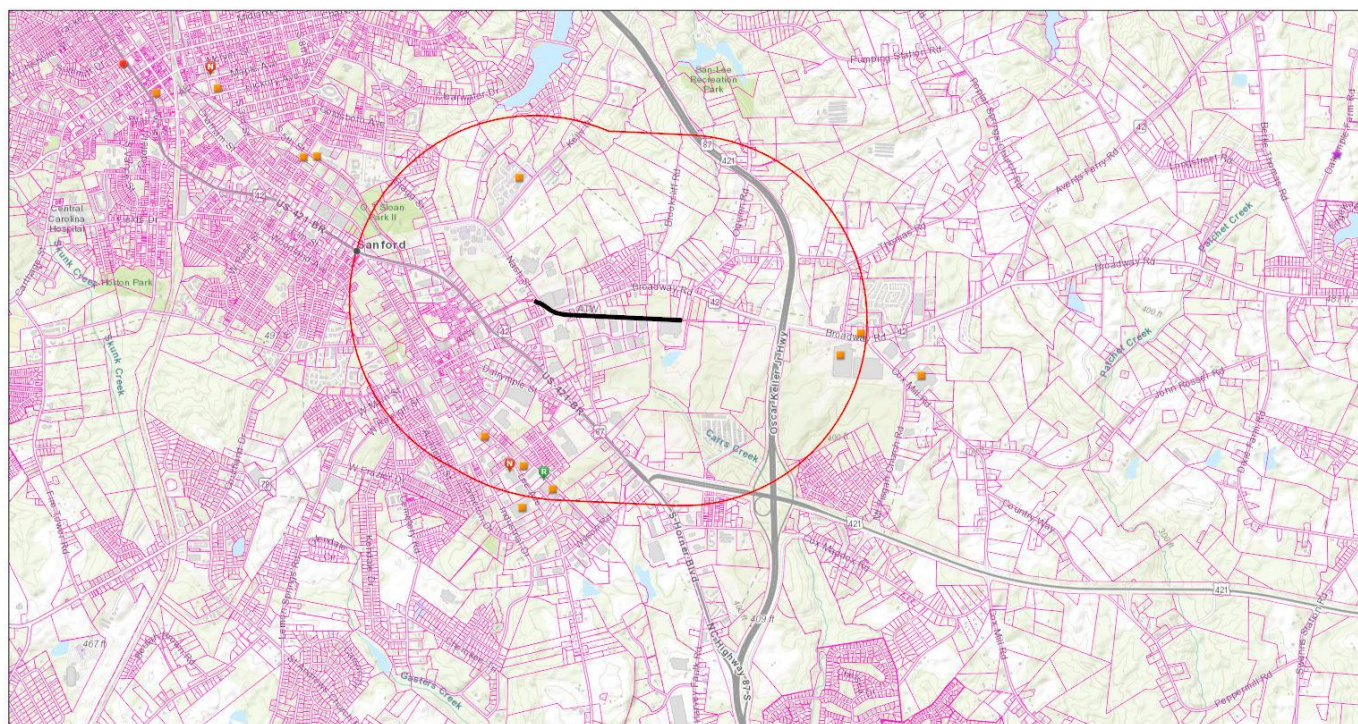


SUPERFUND SECTION SITES ONLY : SEPA/NEPA

Area of Interest (AOI) Information

Area : 3,055.68 acres

Jul 16 2021 14:44:56 Eastern Daylight Time



NC Brownfields Location_View
 Recorded
 No Further Interest
 Pre Regulatory Landfill Sites
 DSCA_Certified - Copy
 Inactive Hazardous Sites
 Parcels (Polygons) - Parcels

1:36,112
 0 0.38 0.75 1.5 mi
 0 0.5 1 2 km

Lee County, NC, State of North Carolina DOT, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

Superfund Section Sites Only : 21-0930, Lee County

Summary

Name	Count	Area(acres)	Length(mi)
Certified DSCA Sites	0	N/A	N/A
Federal Remediation Branch Sites	0	N/A	N/A
Inactive Hazardous Sites	6	N/A	N/A
Pre-Regulatory Landfill Sites	0	N/A	N/A
Brownfields Program Sites	2	N/A	N/A

Inactive Hazardous Sites

#	EPAID	SITENAME	Count
1	NONCD0001030	BLR	1
2	NONCD0002531	STANLEY FASTENING	1
3	NONCD0003065	PANTRY 219	1
4	NONCD0003104	LEE AVE PCE CONTAMINATION	1
5	NCD003218161	CORNELL-DUBILIER ELECTRONICS	1
6	NCD057037178	PFIZER INC/COTY DIVISION	1

Brownfields Program Sites

#	BF_ID	BF_Name	Count
1	1701113053	Static Control	1
2	1603112053	PTH Park	1

Department of Environmental Quality

Project Review Form

Project Number: 21-0930

County: Lee

Date Received: 6-23-2021

Due Date: 7-19-2021

Project Description: *Environmental Review - Proposal to abandon a segment of rail line between milepost 2.60 and Milepost 3.70 in Sanford, NC. STB Docket No. AB-646, Sub No. 1X*

This Project is being reviewed as indicated below:

Regional Office	Regional Office Area	In-House Review
☐ Asheville	☒ Air	☐ Air Quality
☐ Fayetteville	☒ DWR	☐ Parks & Recreation
☐ Mooresville	☒ DWR - Public Water	☒ Waste Mgmt
☒ Raleigh	☒ DEMLR (LQ & SW)	☐ Water Resources Mgmt (Public Water, Planning & Water Quality Program)
☐ Washington	☒ DWM - <u>Ken Currie</u>	☐ DWR-Transportation Unit <u>Rob Ridings</u>
☐ Wilmington		
☐ Winston-Salem		

Manager Sign-Off/Region:	Date: 7/19/21	In-House Reviewer/Agency: Melodi Deaver, Hazardous Waste Section
--------------------------	------------------	---

Response (check all applicable)

☐ No objection to project as proposed. ☒ No Comment
☐ Insufficient information to complete review ☐ Other (specify or attach comments)

If you have any questions, please contact:

Lyn Hardison at lyn.hardison@ncdenr.gov or (252) 948-3842
943 Washington Square Mall Washington NC 27889
Courier No. 16-04-01

**Department of Environmental Quality
Project Review Form**

Project Number: 21-0930

County: Lee

Date Received: 6-23-2021

Due Date: 7-19-2021

Project Description: *Environmental Review - Proposal to abandon a segment of rail line between milepost 2.60 and Milepost 3.70 in Sanford, NC. STB Docket No. AB-646, Sub No. 1X*

This Project is being reviewed as indicated below:

Regional Office	Regional Office Area	In-House Review	
☐ Asheville	☒ Air	☐ Air Quality	☐ Coastal Management
☐ Fayetteville	☒ DWR	☐ Parks & Recreation	☐ Marine Fisheries
☐ Mooresville	☒ DWR - Public Water	☒ Waste Mgmt	☐ Military Affairs
☒ Raleigh	☒ DEMLR (LQ & SW)	☐ Water Resources Mgmt (Public Water, Planning & Water Quality Program)	☐ DMF-Shellfish Sanitation
☐ Washington	☒ DWM - <u>Ken Currie</u>	☐ DWR-Transportation Unit <u>Rob Ridings</u>	☐ Wildlife
☐ Wilmington			☒ Wildlife - DOT <u>Travis</u>
☐ Winston-Salem			

Manager Sign-Off/Region:

Date:

In-House Reviewer/Agency:

6/29/2021

Lyn Hardison / NCDENR

Response (check all applicable)

☐ No objection to project as proposed.

☒ No Comment

☐ Insufficient information to complete review

☐ Other (specify or attach comments)

If you have any questions, please contact:

Lyn Hardison at lyn.hardison@ncdenr.gov or (252) 948-3842
943 Washington Square Mall Washington NC 27889
Courier No. 16-04-01

Control No.: 21-E-0000-0930

Date Received: 6/23/2021

County.: LEE

Agency Response: 7/23/2021

Review Closed: 7/23/2021

LYN HARDISON
CLEARINGHOUSE COORDINATOR
DEPT OF ENVIRONMENTAL QUALITY

Project Information

Type: National Environmental Policy Act ironmental Review

Applicant: Atlantic and Western Railway

Project Desc.: Proposal to abandon a segment of rail line between milepost 2.60 and Milepost 3.70 in Sanford, NC. STB Docket No. AB-646, Sub No. 1X

As a result of this review the following is submitted:

☐ No Comment

☐ Comments Below

☒ Documents Attached

Reviewed By: LYN HARDISON

Date: 7/23/2021

Control No.: 21-E-0000-0930

Date Received: 6/23/2021

County.: LEE

Agency Response: 7/23/2021

Review Closed: 7/23/2021

JOSEPH HUDYNIA
CLEARINGHOUSE COORDINATOR
DEPT OF AGRICULTURE

Project Information

Type: National Environmental Policy Act ironmental Review

Applicant: Atlantic and Western Railway

Project Desc.: Proposal to abandon a segment of rail line between milepost 2.60 and Milepost 3.70 in Sanford, NC. STB Docket No. AB-646, Sub No. 1X

As a result of this review the following is submitted:

☒ No Comment

☐ Comments Below

☐ Documents Attached

Reviewed By: JOSEPH HUDYNIA

Date: 7/16/2021

Control No.: 21-E-0000-0930

Date Received: 6/23/2021

County.: LEE

Agency Response: 7/23/2021

Review Closed: 7/23/2021

JINTAO WEN
CLEARINGHOUSE COORDINATOR
DPS - DIV OF EMERGENCY MANAGEMENT

Project Information

Type: National Environmental Policy Act ironmental Review

Applicant: Atlantic and Western Railway

Project Desc.: Proposal to abandon a segment of rail line between milepost 2.60 and Milepost 3.70 in Sanford, NC. STB Docket No. AB-646, Sub No. 1X

As a result of this review the following is submitted:

☒ No Comment

☐ Comments Below

☐ Documents Attached

Reviewed By: JINTAO WEN

Date: 7/19/2021

Marks, Justin J.

From: Brittingham, Cathy <cathy.brittingham@ncdenr.gov>
Sent: Tuesday, July 27, 2021 2:18 PM
To: Marks, Justin J.
Subject: RE: [External] Railroad Abandonment in Lee County, NC

[External Message]

Dear Mr. Marks:

Thank you for sending me information about the intent of the Atlantic and Western Railway Limited Partnership to file for an exemption from the Surface Transportation Board to abandon a segment of rail line in Sanford, NC, which is in Lee County, and to transfer the subject line to the N.C. Department of Transportation for rail banking in accordance with the National Trails Systems Act.

Please note that in North Carolina, there are 20 counties that fall within the jurisdiction of the N.C. Coastal Management Program (Beaufort, Bertie, Brunswick, Camden, Carteret, Chowan, Craven, Currituck, Dare, Gates, Hertford, Hyde, New Hanover, Onslow, Pamlico, Pasquotank, Pender, Perquimans, Tyrrell and Washington). In some cases, the N.C. Division of Coastal Management may have the ability to review a project for consistency with the N.C. Coastal Management Program in a “non-coastal” county if it can be demonstrated that the project could have a coastal effect on a coastal county.

After reviewing the information that you provided, the proposed project does not appear to have the potential for a coastal effect on a coastal county. Therefore, further coordination with the N.C. Division of Coastal Management is not required.

Please let me know if you have any questions or concerns.

Sincerely,

Cathy Brittingham

Cathy Brittingham, Transportation Project Coordinator
N.C. Division of Coastal Management
(919) 707-9149 phone
cathy.brittingham@ncdenr.gov

Mailing Address: :
c/o DWR Transportation Permitting Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

Physical Address:
512 North Salisbury Street
Archdale Building
12th Floor, Room 1204C
Raleigh, NC 27604

Please visit <https://deg.nc.gov/about/divisions/coastal-management/> for more information about the N.C. Division of Coastal Management.

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Marks, Justin J. <jmarks@ClarkHill.com>
Sent: Monday, June 21, 2021 12:35 PM
To: Brittingham, Cathy <cathy.brittingham@ncdenr.gov>
Subject: [External] Railroad Abandonment in Lee County, NC

CAUTION: External email. Do not click links or open attachments unless you verify. Send all suspicious email as an attachment to [Report Spam](#).

Good afternoon:

Attached please find a letter seeking your comment – if any – pertaining to a railroad abandonment by the Atlantic and Western Railway, Limited Partnership in Lee County, NC.

Thank you,

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004
+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)
jmarks@clarkhill.com | www.clarkhill.com

Marks, Justin J.

From: deborah.brooks <ngs.infocenter@noaa.gov>
Sent: Friday, July 9, 2021 12:16 PM
To: Marks, Justin J.
Subject: [JIRA] (IMOV-8134) Railroad Abandonment in Lee County, NC

[External Message]

A comment is added on your issue:

Re: Railroad Abandonment in Lee County, NC

Good Afternoon Atty. Marks,

A search of NGS' database did not find any NGS geodetic survey markers in the area of your proposed abandonment.

Regards,
Deborah Brooks
NGS Infocenter
301-713-3242

National Geodetic Survey



United States Department of Agriculture

Natural Resources
Conservation Service

June 23, 2021

North Carolina
State Office

Justin J. Marks
Clark Hill

4407 Bland Rd.
Suite 117
Raleigh
North Carolina 27609
Voice (704) 680-3541
Fax (844) 325-2156

Dear Mr. Marks

The following information is in response to your request soliciting comments regarding the Atlantic and Western Railway Abandonment Project

Projects are subject to Farmland Protection Policy Act (FPPA) requirements if they may irreversibly convert farmland (directly or indirectly) to nonagricultural use and are completed by a Federal agency or with assistance from a Federal agency.

For the purpose of FPPA, farmland includes prime farmland, unique farmland, and land of statewide or local importance. Farmland subject to FPPA requirements does not have to be currently used for cropland. It can be forest land, pastureland, cropland, or other land, but not water or urban built-up land. Farmland means prime or unique farmlands as defined in section 1540(c)(1) of the Act or farmland that is determined by the appropriate state or unit of local government agency or agencies with concurrence of the Secretary to be farmland of statewide or local importance.

"Farmland" does not include land already in or committed to urban development or water storage. Farmland ``already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. Farmland already in urban development also includes lands identified as ``urbanized area" (UA) on the Census Bureau Map, or as urban area mapped with a ``tint overprint" on the USGS topographical maps, or as ``urban-built-up" on the USDA Important Farmland Maps. See over for more information.

The area in question appears to be outside of the parameters of the need for an AD-1006, since no conversion will take place. I see no significant effect upon the environment for this project. It appears likely it will be an improvement upon the natural environment.

If you have any questions, please feel free to call me at (910) 624-2060 cell.

Sincerely,

Barry Ward

Barry Ward
Acting State Soil Scientist

The Natural Resources Conservation Service
is an agency of the Department of Agriculture's
Farm Production and Conservation (FPAC).

An Equal Opportunity Provider, Employer, and Lender



P.O. Box 3729
Sanford, NC 27331-3729

(919) 777-1110
FAX: (919) 775-8205
Email: hal.hegwer@sanfordnc.net

City of Sanford

Hal Hegwer
City Manager

August 9, 2021

Justin J. Marks
Counsel for Atlantic and Western Railway
Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004

Mr. Marks,

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

This letter is in response to your letter dated June 21, 2021, which informed the City of Sanford that Atlantic and Western Railway intends to file to abandon a segment of rail line between approximate mileposts 2.60 and 3.70 in Sanford. We do not perceive that this proposed abandonment would have a significant impact upon the environment nor do we have any additional concerns at this time.

Please contact me if you need have any questions or need any additional information.

Sincerely,

Hal Hegwer
City Manager

Marks, Justin J.

From: Hal Hegwer <hal.hegwer@sanfordnc.net>
Sent: Friday, August 13, 2021 4:54 PM
To: Marks, Justin J.
Subject: RE: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption

[External Message]

Justin,

Thanks for the feedback. We are still good with the revised plan

Thanks.

Hal Hegwer
City Manager
City of Sanford
P.O. Box 3729
Sanford, NC 27331-3729
Phone: 919-777-1110
Fax: 919-775-8205

From: Marks, Justin J. <jmarks@ClarkHill.com>
Sent: Friday, August 13, 2021 3:59 PM
To: Hal Hegwer <hal.hegwer@sanfordnc.net>
Subject: RE: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption

Thank you. I will incorporate your comments into the Environmental and Historical Report that ATW is preparing for the abandonment. One quick note, since sending you my previous letter, ATW has adjusted the exact mileposts it intends to abandon: on the west side of the Subject Line, ATW will abandon 0.11 miles of rail line less beginning the abandonment at 2.71 instead of 2.60 as initially stated in the consultation letter. On the east side, ATW will abandon .05 of a mile more than it initially stated in its consultation letters extending the abandonment to milepost 3.76 instead of to milepost 3.71.

All of that is to say, ATW will now be abandoning from milepost 2.71 to milepost 3.76.

If this changes your analysis in anyway, please let me know.

I will send you a copy of ATW's Environmental and Historical Report when it is complete.

Thanks,

Justin

Justin J. Marks

Attorney at Law

Clark Hill

1001 Pennsylvania Ave. N.W., Suite 1300 South, Washington, DC 20004

+1 202.772.0916 (office) | +1 703.215.6938 (cell) | +1 202.772.0930 (fax)
jmarks@clarkhill.com | www.clarkhill.com

From: Hal Hegwer <hal.hegwer@sanfordnc.net>

Sent: Monday, August 9, 2021 3:54 PM

To: Marks, Justin J. <jmarks@ClarkHill.com>

Subject: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption

[External Message]

Justin,

Please see the attached letter concerning the railway abandonment. I am sorry for the delayed response. An original is being mailed to you.

Have a nice day..

Hal Hegwer
City Manager
City of Sanford
P.O. Box 3729
Sanford, NC 27331-3729
Phone: 919-777-1110
Fax: 919-775-8205

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT D

NEWSPAPER NOTICE



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
20539	109850	Print Legal Ad - IPL0034814		\$642.55	1	70 L

Attention: Kevin Richman

ENOTICE

1701 RD ISLAND AVE NW
WASHINGTON, DC 20036

ATW Sanford Abandonment

Notice of Intent To Abandon Rail Service

Atlantic and Western Railway, Limited Partnership gives notice that on or about August 24, 2021, it intends to file with the Surface Transportation Board, Washington, DC, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to permit the abandonment of 1.05 miles of railroad line between approximately milepost 2.71 and extending to milepost 3.76 in Sanford, NC, traversing through United States Postal Service ZIP Code 27330 and 27332. The proceeding will be docketed as No. AB 646 (Sub-No. 1X).

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 Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC or by calling that office at (202) 245-0245.

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 Office of Proceedings either via e-filing or addressed to 395 E. Street S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Justin J. Marks, Clark Hill PLC, 1001 Pennsylvania Ave. N.W. Suite 1300 South, Washington, DC 20004; (202) 772-0916; jmarks@clarkhill.com.
IPL0034814
Aug 1 2021

STATE OF NORTH CAROLINA COUNTY OF WAKE

Before the undersigned, a Notary Public of Dallas County, Texas, duly commissioned and authorized to administer oaths, affirmations, etc., personally appeared Crystal Trunick, who being duly sworn or affirmed, according to law, doth depose and say that he or she is Accounts Receivable Specialist of the News & Observer Publishing Company, a corporation organized and doing business under the Laws of the State of North Carolina, and publishing a newspaper known as The News & Observer, Wake and State aforesaid, the said newspaper in which such notice, paper, document, or legal advertisement was published was, at the time of each and every such publication, a newspaper meeting all of the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina, and that as such he or she makes this affidavit; and is familiar with the books, files and business of said corporation and by reference to the files of said publication the attached advertisement for ENOTICE was inserted in the aforesaid newspaper on dates as follows:

No. of Insertions: 1

Beginning Issue of: 08/01/2021

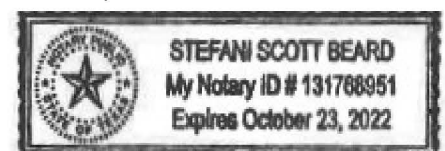
Ending Issue of: 08/01/2021

Crystal Trunick

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

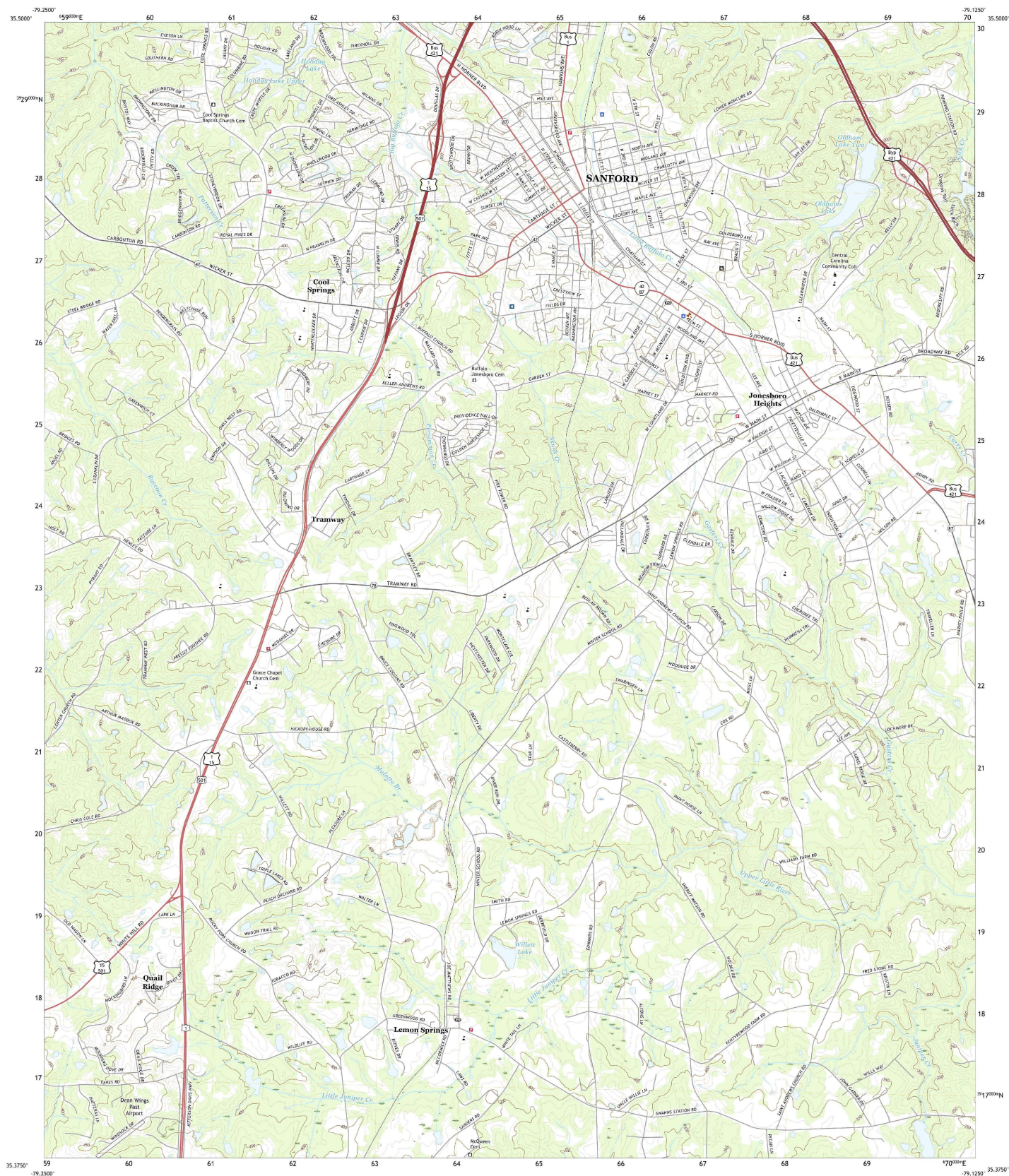


Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

ENVIRONMENTAL/HISTORIC REPORT

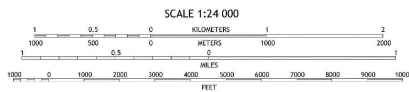
EXHIBIT E

TOPOGRAPHICAL MAPS



Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
2000-meter geocentric Transverse Mercator, Zone 17S
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery: U.S. Census Bureau, 2016
Roads: U.S. Census Bureau, 2016
Hydrography: National Hydrography Dataset, 1990-2016
Contours: National Elevation Dataset, 2008
Boundaries: Multiple sources; see metadata file 2017-2018
Wetlands: FWS National Wetlands Inventory 1983



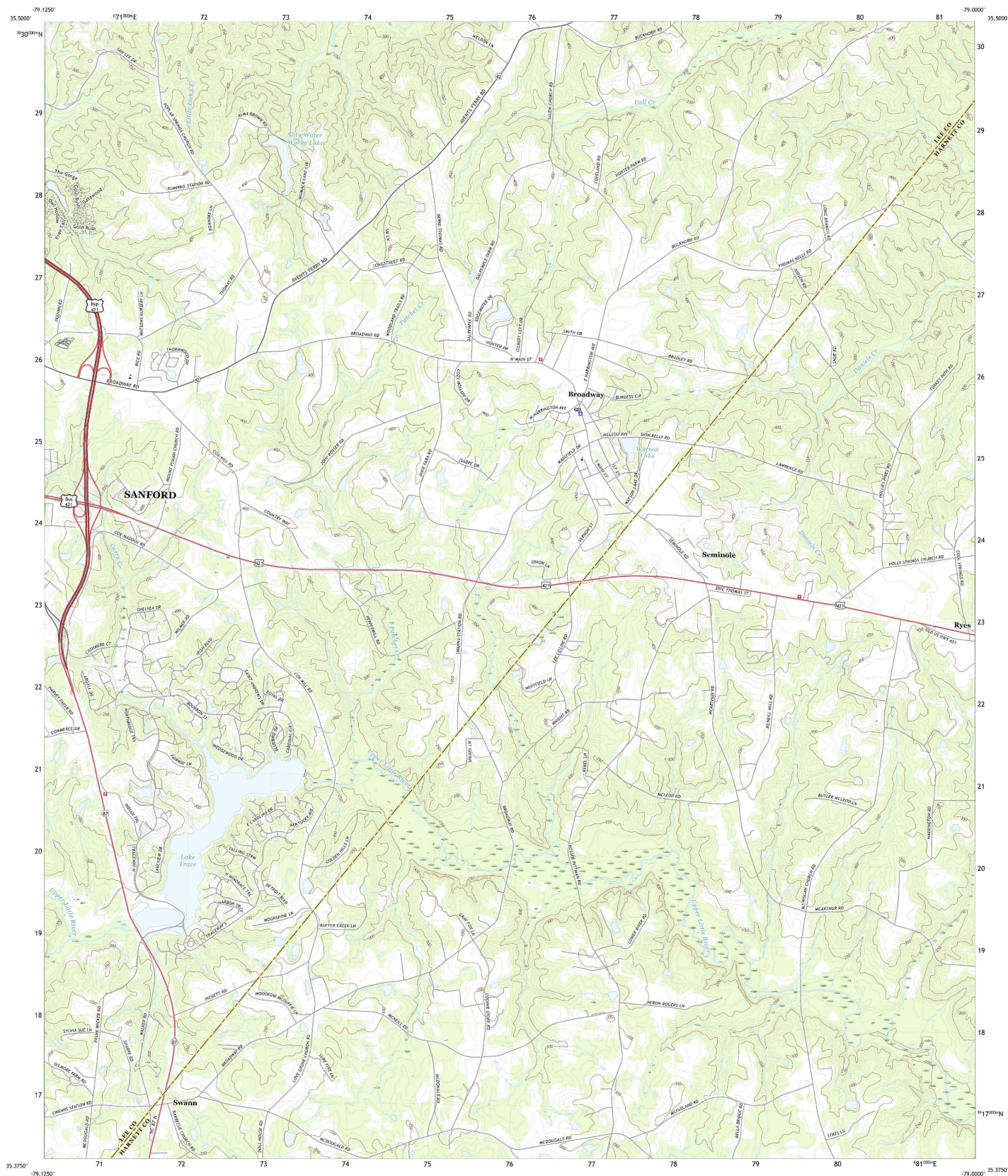
SCALE 1:24 000
CONTOUR INTERVAL 10 FEET
NORTH AMERICAN DATUM OF 1983
This map was produced to conform with the
National Geospatial Program US Topo Project Standard, 2011.
A metadata file associated with this product is draft version 0.6.18



ROAD CLASSIFICATION

Expressway: Red line with double yellow center
Secondary Hwy: Red line with single yellow center
Road: Red line
Interstate Route: Blue shield with red border
US Route: White shield with red border
State Route: White circle with red border

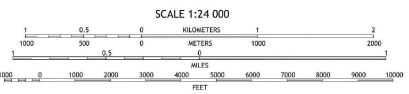
SANFORD, NC
2019



Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid/Universal Transverse Mercator, Zone 17S
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery: MAP, June 2016, November 2016
Roads: U.S. Census Bureau, 2016
Names: GARS, 1902-2019
Hydrography: National Hydrography Dataset, 1999 - 2018
Contours: National Elevation Dataset, 2008
Boundaries: Multiple sources; see metadata file 2017-2018
Wetlands: FWS National Wetlands Inventory 1983



BROADWAY, NC
2019

ENVIRONMENTAL/HISTORIC REPORT

EXHIBIT F

SHPO CORRESPONDENCE

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

June 21, 2021

VIA EMAIL

Ms. Ramona Bartos
Deputy State Historic Preservation Officer
North Carolina Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617
ramona.bartos@ncdcr.gov

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

To Whom it May Concern:

This letter is to advise you that Atlantic and Western Railway, Limited Partnership ("ATW") intends to file for an exemption from the Surface Transportation Board ("STB") to abandon a segment of rail line between approximately milepost 2.60 and milepost 3.70 in Sanford, NC (the "Subject Line").

The Subject Line traverses through United States Postal Service ZIP Codes 27330 and 27332. A map of the Subject Line is enclosed.

ATW plans to seek STB abandonment authorization on or after August 24, 2021 in Surface Transportation Board Docket No. AB 646 (Sub-No. 1X).

Based upon information in ATW's possession, the Subject Line does not contain federally granted rights of way. No local service has been provided on the Subject Line since 2016.

ATW intends to transfer the Subject Line to the North Carolina Department of Transportation ("NC DOT") for rail banking in accordance with the National Trails Systems Act under 16 U.S.C. § 1247(d).

In advance of preparing a historical report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to the historical effects of the proposed abandonment.

We would appreciate an expression from you by July 21, 2021 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon

June 21, 2021
Page 2

historical resources (or expressing any concerns that you have). If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (202) 772-0916.

Thank you for your cooperation.

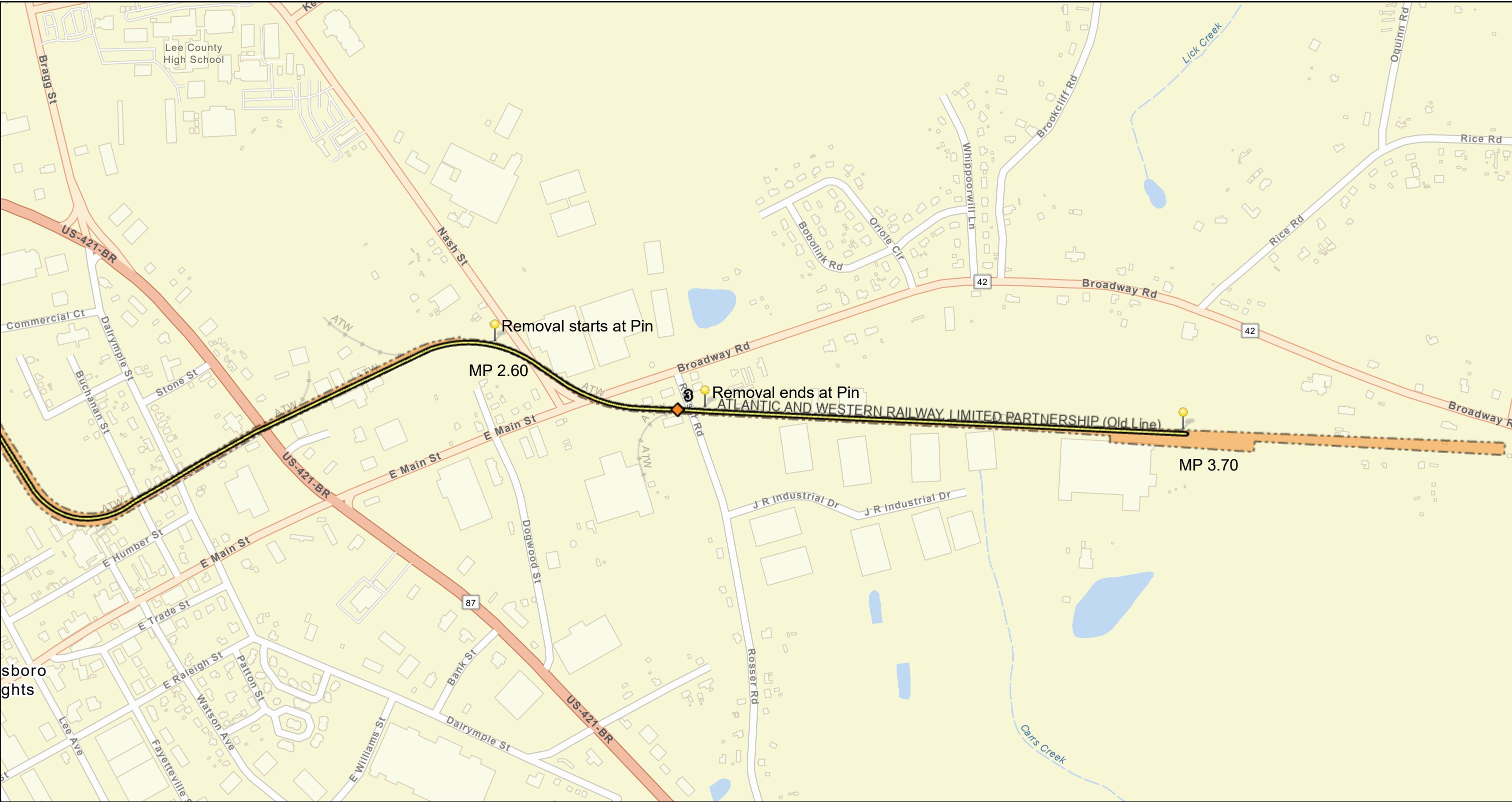
Sincerely,

A handwritten signature in blue ink, reading "Justin J. Marks". The signature is written in a cursive style with a large, stylized "J" and "M".

Justin J. Marks
Counsel for Atlantic and Western Railway,
Limited Partnership

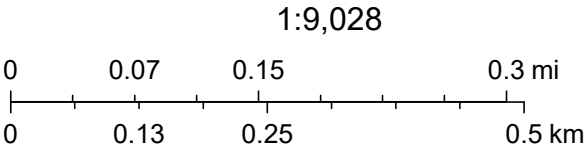
Enclosure

Genesee & Wyoming



6/17/2021, 10:36:42 AM

- Override 1
- Track
- Milepost
- Property



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



**North Carolina Department of Natural and Cultural Resources
State Historic Preservation Office**

Ramona M. Bartos, Administrator

Governor Roy Cooper

Secretary D. Reid Wilson

July 14, 2021

Justin J. Marks
Clark Hill
1001 Pennsylvania Avenue Northwest, Suite 1300 South
Washington, DC 20004

jmarks@ClarkHill.com

Re: Abandon Atlantic and Western railroad, from Nash Street to Rosser Road, Sanford, Lee County,
ER 21-1555

Dear Mr. Marks:

Thank you for your email of June 21, 2021, regarding the above-referenced undertaking. We have reviewed the submittal and offer the following comments.

We have conducted a review of the project and are aware of no historic resources which would be affected by the project. Therefore, we have no comment on the project as proposed.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

Thank you for your cooperation and consideration. If you have questions concerning the above comment, contact Renee Gledhill-Earley, environmental review coordinator, at 919-814-6579 or environmental.review@ncdcr.gov. In all future communication concerning this project, please cite the above referenced tracking number.

Sincerely,

A handwritten signature in blue ink that reads "Renee Gledhill-Earley".

for Ramona Bartos, Deputy
State Historic Preservation Officer

Justin J. Marks
T (202) 772-0916
F +12027720919
Email:jjmarks@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue N.W.
Suite 1300 South
Washington, DC 20004
T (202) 772-0909
F (202) 772-0919

September 13, 2021

VIA EMAIL

Ms. Ramona Bartos
Deputy State Historic Preservation Officer
North Carolina Historic Preservation Office
4617 Mail Service Center
Raleigh, NC 27699-4617
ramona.bartos@ncdcr.gov

Re: Atlantic and Western Railway, Limited Partnership – Abandonment Exemption –
in Lee County, NC
Surface Transportation Board Docket No. AB 646 (Sub-No. 1X)

Dear Ms. Bartos:

Thank you for your July 14, 2021 letter stating that the your agency is aware of no historic resources which would be affected by the Atlantic and Western Railway, Limited Partnership ("ATW") proposal to file with the Surface Transportation Board (the "STB" or the "Board") a Notice of Exempt Abandonment seeking authority to abandon a segment of rail line in Sanford, NC (the "Subject Line"). ATW intends to file its Notice with the STB on or after October 4, 2021.

Your comment has been incorporated into the attached Environmental and Historic Report ("E/H Report") that ATW will be submitting to the STB. The E/H Report describes the proposed action and any expected environmental effects, as well as a map of the affected area.

Since sending the ATW's initial consultation letters to you, ATW has adjusted the end mileposts of the Subject Line. On the west side of the Subject Line, ATW will abandon .11 miles of rail line less than originally stated, beginning the abandonment at 2.71 instead of 2.60. On the east side, ATW will abandon .06 of a mile more than it initially stated, extending the abandonment to milepost 3.76 instead of to milepost 3.71. The Subject Line remains entirely in Lee County.

If this revision to the length of the Subject Line to be abandoned impacts your prior analysis, please let me know or contact the Office of Environmental Analysis ("OEA"), Surface Transportation Board, Washington, DC, telephone (202) 245-0245 and refer to the above Docket No. AB 646 (Sub-No. 1X).

Otherwise, we are providing this E/H Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If you

September 13, 2021
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believe any of the information within the E/H Report is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact OEA. OEA will generally issue a draft Environmental Analysis 25 days after the filing of the Notice of Exemption. Because the applicable statutes and regulations impose deadlines for processing this action, your written comments – if any – to OEA filed directly with the Board's Office of Proceedings via e-filing (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly.

Thank you for your cooperation.

Sincerely,



Justin J. Marks
Counsel for Atlantic and Western Railway,
Limited Partnership

Enclosure