

# COVINGTON

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October 18, 2021

All Agencies and Officials on the Attached Service List

**Re: Consolidated Rail Corporation—Abandonment  
Exemption—In Schuylkill & Carbon Counties, PA, STB  
Docket No. AB-167 (Sub-No. 1195X)**

To Whom It May Concern:

On or after November 9, 2021, Consolidated Rail Corporation (“Conrail”) plans to request authority from the Surface Transportation Board (“STB”) to abandon an out-of-service line of railroad known as the Tresckow Branch that runs between milepost 0.0 and milepost 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania (the “Line”). Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

Conrail is providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information 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-167 (Sub-No. 1195X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) 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 Conrail's representative directly. Conrail's representative in this matter is Michael L. Rosenthal, who may be contacted by telephone at (202) 662-6000 or by mail at Covington & Burling LLP, 850 Tenth Street, NW, Washington, DC 20001-4956.

Sincerely,



**Tara Summerville**  
Counsel for Consolidated  
Rail Corporation

## COVINGTON

October 18, 2021

Page 2

### Service List:

United States Department of Agriculture  
Natural Resources Conservation Service  
359 East Park Drive, Suite 2  
Harrisburg, PA 17111-2747

Environmental Protection Agency, Region 3  
1650 Arch St.  
Philadelphia, PA 19103

U.S. Army Corp of Engineers  
Philadelphia District  
100 E. Penn Square East  
Philadelphia, PA 19107-3390

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

U.S. Fish & Wildlife Services  
110 Radnor Rd., Suite 101  
State College, PA 16801

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

Communications and Outreach Branch,  
NOAA, N/NGS12  
National Geodetic Survey, SSMC3 #8716  
1315 East-West Highway  
Silver Spring, MD 20910-3282  
ngs.infocenter@noaa.gov

Department of Environmental Protection  
Coastal Zone Management Program  
P.O. Box 2063  
400 Market Street, 15th Floor  
Harrisburg, PA 17105-2063

Pennsylvania Department of Transportation  
Rail Freight & Ports  
555 Walnut St. #8  
Harrisburg, PA 17101

PennDOT  
Engineering District 5  
1002 Hamilton Street  
Allentown, PA 18101

Pennsylvania Department of Environmental  
Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

Pennsylvania Historical and Museum  
Commission  
State Historic Preservation Office  
Commonwealth Keystone Building  
400 North Street, Second Floor  
Harrisburg, PA 17120-0093

Barron L. Hetherington, Chairman  
Schuylkill County Board of Commissioners  
401 North Second Street  
Pottsville, PA 17901

Wayne E. Nothstein, Chairman  
Carbon County Board of Commissioners  
P.O. Box 129  
Jim Thorpe, PA 18229

Dale Wesner, Chairman  
Kline Township Board of Supervisors  
30 5th Street, P.O. Box 338  
Kelayres, PA 18231

Cory Gerhard, Chairman  
Packer Township Board of Supervisors  
2234 Hudson Drive  
Weatherly, PA 18255

**COVINGTON**

October 18, 2021  
Page 3

Joseph Clark, Chairman  
Banks Township Board of Supervisors  
P.O. Box 231  
Treskow, PA 18254

Mayor Dane Watro  
Borough of McAdoo  
23 N Hancock St.  
McAdoo, PA 18237

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

Docket No. AB 167 (Sub-No. [1195X])

**CONSOLIDATED RAIL CORPORATION—ABANDONMENT EXEMPTION—  
IN SCHUYLKILL AND CARBON COUNTIES, PA**

Dated: October 18, 2021

Consolidated Rail Corporation (“Conrail”) submits this Combined Environmental and Historic Report in accordance with 49 C.F.R. §§ 1105.7 and 1105.8. Conrail has fulfilled the requirements of §§ 1105.7 and 1105.8 by consulting with the specified and appropriate public agencies by sending letters requesting comments on the effect of this proposed abandonment on the environment and on matters of historic preservation. Copies of the letters and all responses received to date by Conrail are attached to this Report in Exhibit 2B. Any responses received in the future will be promptly furnished to the Board.

**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.

**Response:** Conrail proposes to abandon an out-of-service line of railroad known as the Tresckow Branch that runs between mileposts 0.0 and 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania (the “Line”).

As the Line has been out of service for more than two years, no commodities are transported on the Line, and no changes in current operations or maintenance practices will result from the proposed abandonment.

Conrail does not intend to salvage the Line. The Line was inactive when it was conveyed to Conrail, and the Line was apparently salvaged long ago. There are no structures on the Line. Following abandonment, Conrail will convey the portion of the right-of-way from milepost 0.0 to milepost 1.55 to a property developer.

Conrail is not aware of any other reasonable alternative to the proposed abandonment.

A map of the proposed abandonment is attached 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.

**Response:** The proposed abandonment will not have any effects on regional or local transportation systems and patterns because the Line has been out of service for more than two years. There is no freight or passenger traffic on the Line to be diverted to other transportation systems or modes as a result of the proposed abandonment.

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.

**Response:**

- (i) Conrail is unaware of any inconsistencies between the proposed abandonment and existing land use plans. Conrail consulted with the Townships of Kline, Packer, and Banks, as

well as Schuylkill and Carbon Counties on this matter by letters dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) Kline Township replied on October 15, 2021, stating that it had no concerns regarding the environmental effects of the proposed abandonment. (*See Exhibit 2B.*) No other comments have been received to date.

(ii) Conrail does not believe the proposed abandonment will have any effect on any prime agricultural land that will be affected. Conrail consulted with the United States Department of Agriculture Natural Resources Conservation Service (“USDA NCRS”) (the agency succeeding to the responsibilities of the Soil Conservation Service) on this matter by letter dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) No comments have been received to date.

(iii) Conrail does not believe the proposed abandonment would have any effect on a designated coastal zone. However, Conrail mailed a copy of the preliminary CEHR to the Pennsylvania Coastal Management Program (“PCMP”) on September 21, 2021, for its information and to provide PCMP an opportunity to comment. (*See Exhibit 2A.*) No comments have been received to date.

(iv) Conrail does not believe the right-of-way is suitable for alternative public use. Following the abandonment, Conrail intends to convey a portion of the right-of-way to a property developer.

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.

**Response:** The Line is out of service and has not handled any local or overhead traffic for over two years. Therefore, the proposed abandonment will have no effect on the transportation of energy resources or recyclable commodities, will not result in any change in overall energy efficiency, and will not cause any diversion from rail 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 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (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. 10502), 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.

**Response:** Because the Line has been out of service for more than two years and has handled no traffic within that period, the propose abandonment will have no impact on rail traffic, rail yard activity, or motor carrier traffic. In addition, the abandonment would not affect the air quality or 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.

**Response:** This assessment inapplicable to the proposed abandonment because the thresholds identified in item 49 C.F.R. § 1105.7(5)(i) have not been surpassed.

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.

**Response:**

(i) Because the Line is out of service, the proposed action would have no effect on public health and safety.

(ii) No hazardous materials would be transported as a result of the proposed abandonment.

(iii) Conrail is unaware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way.

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.

**Response:**

(i) Conrail does not believe that the proposed abandonment is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. Conrail consulted the U.S. Fish and Wildlife Service ("USF&W") on this matter by letter dated September 21, 2021,

requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) No comments have been received to date.

(ii) Conrail does not believe the proposed abandonment would affect any wildlife sanctuaries or refuges, National or State parks or forests. Conrail consulted with the National Parks Service on this matter by letter dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) 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.

**Response:**

(i) Conrail is aware of no inconsistency of the proposed abandonment with Federal, State, or local water quality standards. Conrail consulted with the State Environmental Protection Agency (“SEPA”) and the United States Environmental Protection Agency (“USEPA”) on this matter by letters dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) No comments have been received to date.

(ii) Conrail believes no permits under section 404 of the Clean Water Act would be required for the proposed abandonment and that no designated wetlands or 100-year flood plains would be affected by the proposed abandonment. Conrail consulted with the U.S. Army Corps of Engineers on this matter by letter dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (*See Exhibit 2A.*) The U.S. Army Corps of Engineers replied on September 30, 2021, stating it could not “make any determinations of federal permitting without specific project plans showing any proposed work in relation to existing waters and

wetlands.” (See Exhibit 2B.) As indicated above, however, Conrail does not plan to engage in any salvage activities.

(iii) Conrail believes that no permits under section 402 of the Clean Water Act would be required for the proposed abandonment. Conrail consulted with SEPA and the USEPA on this matter by letters dated September 21, 2021, requesting comments and included a copy of the preliminary CEHR. (See Exhibit 2A.) 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.

**Response:** Conrail does not expect any adverse environmental impact from the proposed abandonment and, therefore, believes there is no need for any mitigating actions.

## **HISTORIC REPORT**

### **Proposed Action and Alternatives**

Conrail proposes to abandon an out-of-service line of railroad known as the Tresckow Branch that runs between mileposts 0.0 and 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania (the “Line”). The Line runs through the U.S. Postal Zip Codes 18237 and 18255.

As the Line has been out of service for more than two years, no commodities are transported on the Line, and no changes in current operations or maintenance practices will result from the proposed abandonment.

Conrail does not intend to salvage the Line. The Line was inactive when it was conveyed to Conrail, and the Line was apparently salvaged long ago. There are no structures on the Line. Following abandonment, Conrail will convey the portion of the right-of-way from milepost 0.0 to milepost 1.55 to a property developer.

Conrail is not aware of any other reasonable alternative to the proposed abandonment.

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

### **Additional Information**

1. A U.S.G.S. topographic map (or an 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.

**Response:** A topographic map is attached as Exhibit 3 and was furnished to the Pennsylvania State Historic Preservation Office along with the 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.

**Response:** The right-of-way is approximately 64 feet wide and 7.7 miles long. The Line begins at Milepost 0.0, at a point historically known as Silverbrook Junction, located in Kline Township, Schuylkill County, then runs in a generally northeasterly direction through Packer Township in Carbon County, then into Banks Township in Carbon County, where it turns in a westerly direction and ends at Milepost 7.7 in Kline Township, Schuylkill County. The surrounding area is rural and has a hilly topography.

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.

**Response:** There are no railroad structures on the property that are 50 years old or older.

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.

**Response:** There are no railroad structures on the property that are 50 years old or older.

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.

**Response:** The Line, which extends approximately 7.7 miles from Silverbrook Jct., PA, to Audenried, PA, was built in 1870 by the Tresckow Railroad, which was controlled Lehigh Coal & Navigation Company (“Lehigh”). *See Central R. Co. of N.J.*, 149 ICC 659, 826 (1929). In 1871, Lehigh leased the Line, which was part of a collection of railroad properties known as the Lehigh & Susquehanna Railroad System (“L & S System”), to the Central Railroad Company of New Jersey (“CNJ”) for 999 years. In 1963, the Interstate Commerce Commission (“ICC”) authorized the Reading Company (“Reading”) to purchase the L & S System from Lehigh, subject to CNJ’s rights. *See Reading Co.—Purchase—Lehigh & S.R. System*, 317 I.C.C. 633 (1963). In 1971, the ICC authorized CNJ to abandon the Line. *See R.D. Timpany, Trustee of the Property of the Central Railroad Co. of New Jersey Abandonment of Its Tresckow Branch, In*

*Carbon County, PA*, FD 26659 (Sub-No. 7) (ICC served Aug. 24, 1971). The Line was apparently taken over by the Lehigh Valley Railroad Company in 1972. See United States Railway Association, *Final System Plan*, Vol. II, p. 504 (1975). The Line, which was identified in the records of the United States Railway Association (“USRA”) as Line Code 0523 and USRA Line No. 1030, was not designated for transfer to Conrail in the USRA’s Final System Plan. In 1976, Conrail acquired the property associated with the Line from the Trustees of the Property of the Reading Company, pursuant to the Order of the Special United States District Court established pursuant to Section 209(b) of the Regional Rail Reorganization Act of 1973, Pub. L. No. 93-236, by conveyance document RDG-CRC-RP-17.

The Line is out of service and has handled no traffic within the past two years.

Consequently, no change in operations is contemplated as a result of the proposed abandonment.

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.

**Response:** Conrail possesses valuation maps of the line; however, there are no structures on the property that are 50 years old or older.

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 CFR 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);

**Response:** Based on readily available information in Conrail’s possession, Conrail believes that the Line is not unusual or noteworthy for inclusion on the National Register of Historic Places. Conrail does not believe that there are any archeological resources or other previously unknown historic properties in the project area. Moreover, there are no bridges or structures on the Line that are 50 years old or older.

Conrail has consulted with the Pennsylvania Historic Preservation Office on this matter by letter dated September 21, 2021, requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties in the project area, and included a copy of the preliminary CEHR. (*See* Exhibit 2A.) No comments have been received to date.

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 wastes), and the surrounding terrain.

**Response:** Based on readily available information in its possession, Conrail is unaware of any prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archeological recovery of resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad 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).

**Response:** Conrail does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment. But, if any additional information is requested, Conrail will promptly supply the necessary information.

## 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-167 (Sub-No. 1195X) was mailed via first class mail and electronic mail where available on October 18, 2021 to the following parties:

|                                                                                                                                                                                    |                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| United States Department of Agriculture<br>Natural Resources Conservation Service<br>359 East Park Drive, Suite 2<br>Harrisburg, PA 17111-2747                                     | PennDOT<br>Engineering District 5<br>1002 Hamilton Street<br>Allentown, PA 18101                                                |
| Environmental Protection Agency Region 3<br>1650 Arch St.<br>Philadelphia, PA 19103                                                                                                | Pennsylvania Department of<br>Environmental Protection<br>400 Waterfront Drive<br>Pittsburgh, PA 15222-4745                     |
| U.S. Army Corp of Engineers<br>Philadelphia District<br>100 E. Penn Square East<br>Philadelphia, PA 19107-3390                                                                     | U.S. Army Corp of Engineers<br>Baltimore District<br>2 Hopkins Plaza<br>Baltimore, MD 21201                                     |
| U.S. Fish & Wildlife Service<br>110 Radnor Rd., Suite 101<br>State College, PA 16801                                                                                               | Barron L. Hetherington, Chairman<br>Schuylkill County Board of Commissioners<br>401 North Second Street<br>Pottsville, PA 17901 |
| National Park Service<br>Northeast Region<br>1234 Market Street, 20th Floor<br>Philadelphia, PA 19107                                                                              | Wayne E. Nothstein, Chairman<br>Carbon County Board of Commissioners<br>P.O. Box 129<br>Jim Thorpe, PA 18229                    |
| Communications and Outreach Branch,<br>NOAA, N/NGS12<br>National Geodetic Survey, SSMC3 #8716<br>1315 East-West Highway<br>Silver Spring, MD 20910-3282<br>ngs.infocenter@noaa.gov | Dale Wesner, Chairman<br>Kline Township Board of Supervisors<br>30 5th Street,<br>P.O. Box 338<br>Kelayres, PA 18231            |
| Department of Environmental Protection<br>Coastal Zone Management Program<br>P.O. Box 2063<br>400 Market Street, 15th Floor<br>Harrisburg, PA 17105-2063                           | Cory Gerhard, Chairman<br>Packer Township Board of Supervisors<br>2234 Hudson Drive<br>Weatherly, PA 18255                      |
| Pennsylvania Department of Transportation<br>Rail Freight & Ports<br>555 Walnut St. #8<br>Harrisburg, PA 17101                                                                     | Joseph Clark, Chairman<br>Banks Township Board of Supervisors<br>PO Box 231<br>Treskow, PA 18254                                |

|                                                                                                                                                                                             |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Pennsylvania Historical and Museum<br>Commission<br>State Historic Preservation Office<br>Commonwealth Keystone Building,<br>Second Floor,<br>400 North Street<br>Harrisburg, PA 17120-0093 | Mayor Dane Watro<br>Borough of McAdoo<br>23 N Hancock St<br>McAdoo, PA 18237 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|



**Tara Summerville**  
Counsel for Consolidated Rail  
Corporation

## **HISTORIC REPORT CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-167 (Sub-No. 1195X) was mailed via first class mail on October 18, 2021 to the following parties:

Pennsylvania Historical and Museum Commission  
State Historic Preservation Office  
Commonwealth Keystone Building, Second Floor,  
400 North Street  
Harrisburg, PA 17120-0093

A handwritten signature in black ink, appearing to read 'Tara Summerville', is positioned above the printed name and title.

**Tara Summerville**  
Counsel for Consolidated  
Rail Corporation

## **EXHIBIT 1 – MAP**



**Consolidated Rail Corporation**  
Proposed Tresckow Branch Abandonment  
Milepost 0.0 to Milepost 7.7  
Schuylkill & Carbon Counties, PA

-  TRESCKOW BRANCH
-  AREA SUBJECT TO SALE
-  ABANDONED LINES
-  ACTIVE LINES

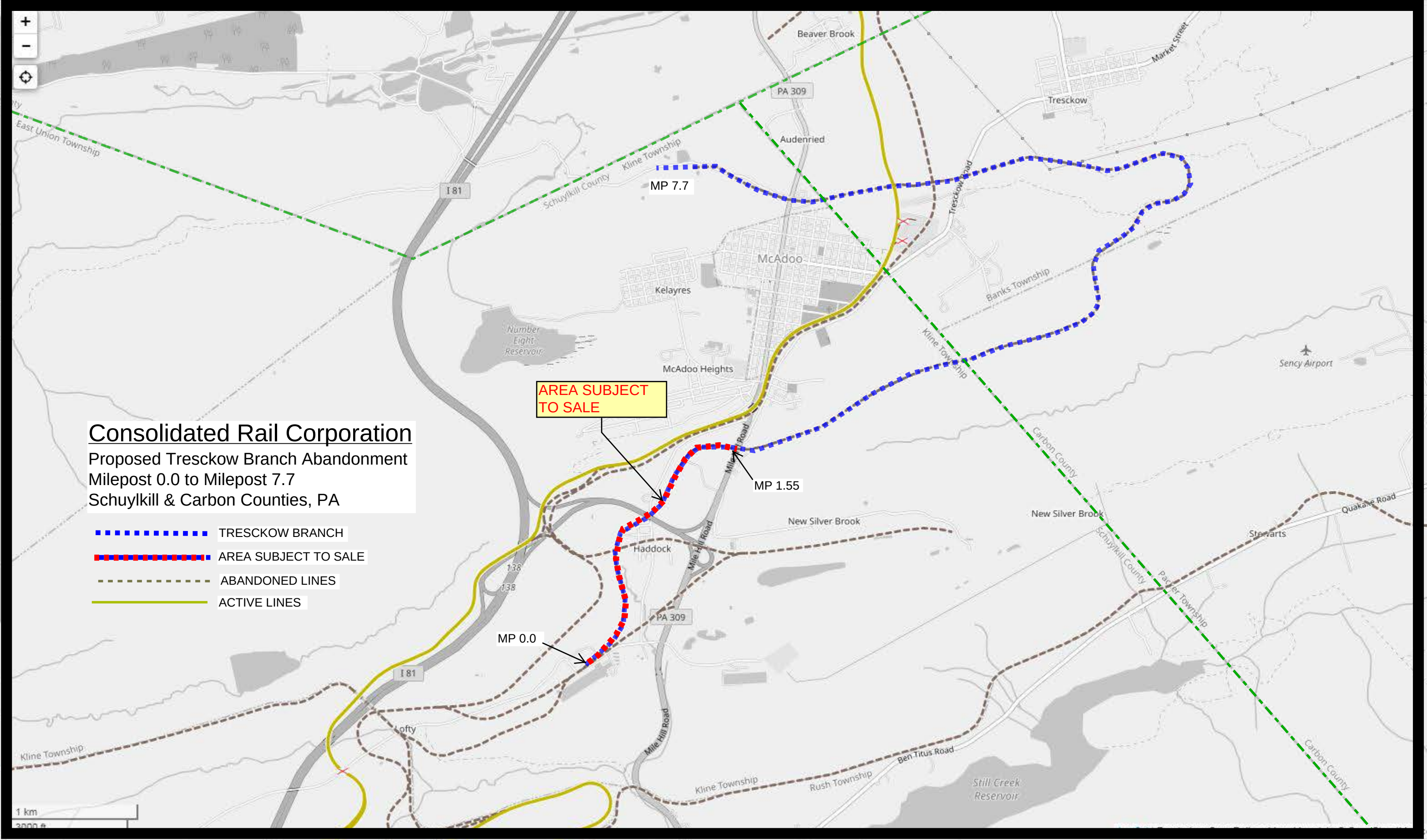
AREA SUBJECT TO SALE

MP 7.7

MP 1.55

MP 0.0

1 km  
3000 ft



## **EXHIBIT 2A – CONSULTATION LETTERS**

# COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG  
LONDON LOS ANGELES NEW YORK PALO ALTO  
SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

Covington & Burling LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956  
T +1 202 662 6000

**By First-Class Mail**

September 21, 2021

All Agencies and Officials on the Attached Service List

**Re: Consolidated Rail Corporation—Abandonment  
Exemption—In Schuylkill & Carbon Counties, PA, STB  
Docket No. AB-167 (Sub-No. 1195X)**

To Whom It May Concern:

Consolidated Rail Corporation (“Conrail”) plans to request authority from the Surface Transportation Board (“STB”) to abandon an out-of-service line of railroad known as the Tresckow Branch that runs between milepost 0.0 and milepost 7.7 in the Township of Kline in Schuylkill County, Pennsylvania, and the Townships of Packer and Banks in Carbon County, Pennsylvania (the “Line”). The Line runs through the U.S. Postal Zip Codes 18237 and 18255. A map showing the Line is enclosed.

In advance of preparing an environmental report as required by STB regulations, Conrail is consulting with appropriate government agencies and officials to identify concerns they may have regarding environmental effects of the proposed abandonment. To assist in the process, Conrail has prepared a preliminary report which is enclosed. We would appreciate your comments on the portions of the preliminary report within the area of your authority.

In addition, we are specifically requesting the assistance of officials and agencies in identifying certain types of potential effects of the proposed action as indicated below:

**LOCAL AND/OR REGIONAL PLANNING AGENCIES:** State whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.

**U.S. DEPARTMENT OF AGRICULTURAL NATURAL RESOURCES CONSERVATION SERVICE:** State the effects of the proposed on any prime agricultural land.

**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.

**NATIONAL PARKS SERVICE:** State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

## COVINGTON

September 21, 2021

Page 2

**STATE WATER QUALITY OFFICIALS:** State whether the proposed action is consistent with applicable Federal, State, or Local water quality standards. Please describe any inconsistencies.

**U.S. ARMY CORPS OF ENGINEERS:** State (1) whether permits under Section 404 of the Clean Water Act are required for the proposed action, and (2) whether any designated wetlands or 100-year flood plains will be affected. Please describe any effects.

**U.S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION AGENCY (OR EQUIVALENT AGENCY):** (1) identify the location of hazardous waste and known hazardous material spills on the right of way and list the types of hazardous materials involved, and (2) state whether permits under Section 402 of the Clean Water Act are required for the proposed action.

We would appreciate your response by email to [tsummerville@cov.com](mailto:tsummerville@cov.com) or by first-class mail to the above address, within 20 days of the date of this letter, so Conrail can include and analyze your comments in the environmental report it will submit to the STB.

If you have any questions about Conrail's proposal or if you need assistance in this matter, please call me at 443-370-9330.

Thank you for your cooperation.

Sincerely,



**Tara Summerville**  
Counsel for Consolidated Rail  
Corporation

Enclosures

## COVINGTON

September 21, 2021

Page 3

### Service List:

United States Department of Agriculture  
Natural Resources Conservation Service  
359 East Park Drive, Suite 2  
Harrisburg, PA 17111-2747

Environmental Protection Agency  
Region 3  
1650 Arch St.  
Philadelphia, PA 19103

U.S. Army Corp of Engineers  
Philadelphia District  
100 E. Penn Square East  
Philadelphia, PA 19107-3390

U.S. Fish & Wildlife Services  
110 Radnor Rd.  
Suite 101  
State College, PA 16801

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

Communications and Outreach Branch,  
NOAA, N/NGS12  
National Geodetic Survey, SSMC3 #8716  
1315 East-West Highway  
Silver Spring, MD 20910-3282  
ngs.infocenter@noaa.gov

Department of Environmental Protection  
Coastal Zone Management Program  
P.O. Box 2063  
400 Market Street, 15th Floor Harrisburg,  
PA 17105-2063

Pennsylvania Department of Transportation  
Rail Freight & Ports  
555 Walnut St. #8  
Harrisburg, PA 17101

PennDOT Engineering District 5  
1002 Hamilton Street  
Allentown, PA 18101

Pennsylvania Department of Environmental  
Protection  
400 Waterfront Drive  
Pittsburg, PA 15222-4745

Pennsylvania Historical and Museum  
Commission  
State Historic Preservation Office  
Commonwealth Keystone Building,  
Second Floor, 400 North Street  
Harrisburg, PA 17120-0093

Barron L. Hetherington, Chairman  
Schuylkill County Board of Commissioners  
401 North Second Street  
Pottsville, PA 17901

Wayne E. Nothstein, Chairman  
Carbon County Board of Commissioners  
P.O. Box 129  
Jim Thorpe, PA 18229

Dale Wesner, Chairman  
Kline Township Board of Supervisors  
30 5th Street, P.O. Box 338  
Kelayres, PA 18231

Cory Gerhard, Chairman  
Packer Township Board of Supervisors  
2234 Hudson Drive  
Weatherly, PA 18255

Joseph Clark, Chairman  
Banks Township Board of Supervisors  
PO Box 231  
Treskow, PA 18254

Mayor Dane Watro  
Borough of McAdoo  
23 N Hancock St  
McAdoo, PA 18237

## **EXHIBIT 2B – AGENCY RESPONSES**

## Summerville, Tara

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**From:** Boyer, James N CIV USARMY CENAP (USA) <James.N.Boyer@usace.army.mil>  
**Sent:** Thursday, September 30, 2021 10:46 AM  
**To:** Summerville, Tara  
**Cc:** Gobble, John A CIV USARMY CENAB (USA); Chandler, Wade B CIV USARMY CENAB (USA); Harrison, Brenda L CIV USARMY CENAB (USA); Schaible, Todd A CIV USARMY CENAP (USA); Weitknecht, Glenn R CIV USARMY CENAP (USA)  
**Subject:** FW: Consolidated Rail Corporation - Abandonment of Out-of-Service Rail Line Known as the Tresckow Branch between Kline, Schuylkill County and Packer/Banks in Carbon County, PA  
**Attachments:** [Untitled].pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

### **[EXTERNAL]**

Ms. Summerville -- I have attached a scanned copy of a letter from you dated September 21, 2021. It was in regard to plans by Conrail to abandon an out-of-service rail line known as the Tresckow Branch that runs between Kline Township in Schuylkill County and the towns of Packer and Banks in Carbon County, PA. You were inquiring as to whether any permits would be required for the proposed abandonment of the rail line. We are currently teleworking, but someone was able to retrieve the letter in the office and send me a scanned copy.

This is to inform you that we cannot make any determinations of federal permitting without specific project plans showing any proposed work in relation to existing waters and wetlands. The Corps of Engineers regulates the discharge of dredged or fill material into Waters of the U.S., including regulated wetlands. We also regulate structures and other work in, over or affecting navigable waters; but there does not appear to be any such navigable waters in the vicinity of this project. Your letter did not indicate whether Conrail (or anyone else) may be proposing any work, such as culvert removal, replacement or modification, that would include any proposed regulated work. You indicate that a portion will be turned over to a developer. I recommend that you share this information with that developer and anyone else who may be proposing any work or improvements associated with this rail line.

I do not see any prior permits for Conrail in Schuylkill or Carbon County indicated in our data base; but since we are not currently in the office, I cannot say for certain whether there may be any older paper permits which do not show up in the electronic file. If you had any such prior permits, such as for culverted crossings of creeks, and you were abandoning those crossings, with no further plans to maintain them, then we would want to coordinate further with you regarding the need to remove any previously authorized, but now abandoned, culverts.

Finally, please be aware that this section of rail line appears to be located partially within the Regulatory boundary of the Philadelphia District of the Corps of Engineers, and partially within the Baltimore District. We are divided based on river basins. Any proposed regulated work (by you or by others) within the Lehigh/Delaware River basin would come under the review of the Philadelphia District. Any such work in the Susquehanna River basin would be reviewed by the Baltimore District. I have copied several individuals at the Baltimore District, so that they are aware of your letter and our response. They may contact you separately, if necessary, regarding any specific information they may have regarding the portion of the line that is within their District. If you have any questions, please let me know.

Jim Boyer  
U.S. Army Corps of Engineers  
Philadelphia District  
Regulatory Branch  
(215) 656-5826 (desk)

(215) 873-9303 (cell)

***Law Office of***  
**===== *Mark Semanchik, Esquire* =====**

***44 North Balliet Street***  
***Frackville, PA 17931***

***(570) 874-4700***

***(570) 874-4034 (fax)***

Writer's E-Mail:  
**marksemanchiklaw@gmail.com**

October 15, 2021

**VIA EMAIL: tsummerville@cov.com**

Ms. Tara Summerville  
Covington & Burling, LLP  
One CityCenter  
850 Tenth Street, NW  
Washington, DC 20001-4956

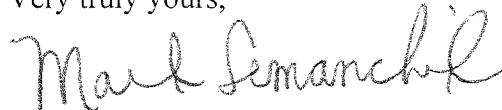
**RE: Consolidated Rail Corporation – Abandonment Exemption –  
In Schuylkill & Carbon Counties, PA, STB  
Docket No. AB-167 (Sub-No. 1195X)**

Dear Ms. Summerville:

I serve as Solicitor for the Kline Township Board of Supervisors and have been authorized to forward this response to your correspondence of September 21, 2021 related to the above.

Be advised that during its regular monthly meeting held on Monday, October 11, 2021, the Board of Supervisors, by a unanimous 3-0 vote, declined making an offer to purchase the section of abandoned Conrail line known as the Tresckow Branch that runs in the Township of Kline. Therefore, please note the Township's disinterest in making an offer to purchase this property. Also, no concerns were raised regarding the environmental effects of the proposed abandonment.

Very truly yours,



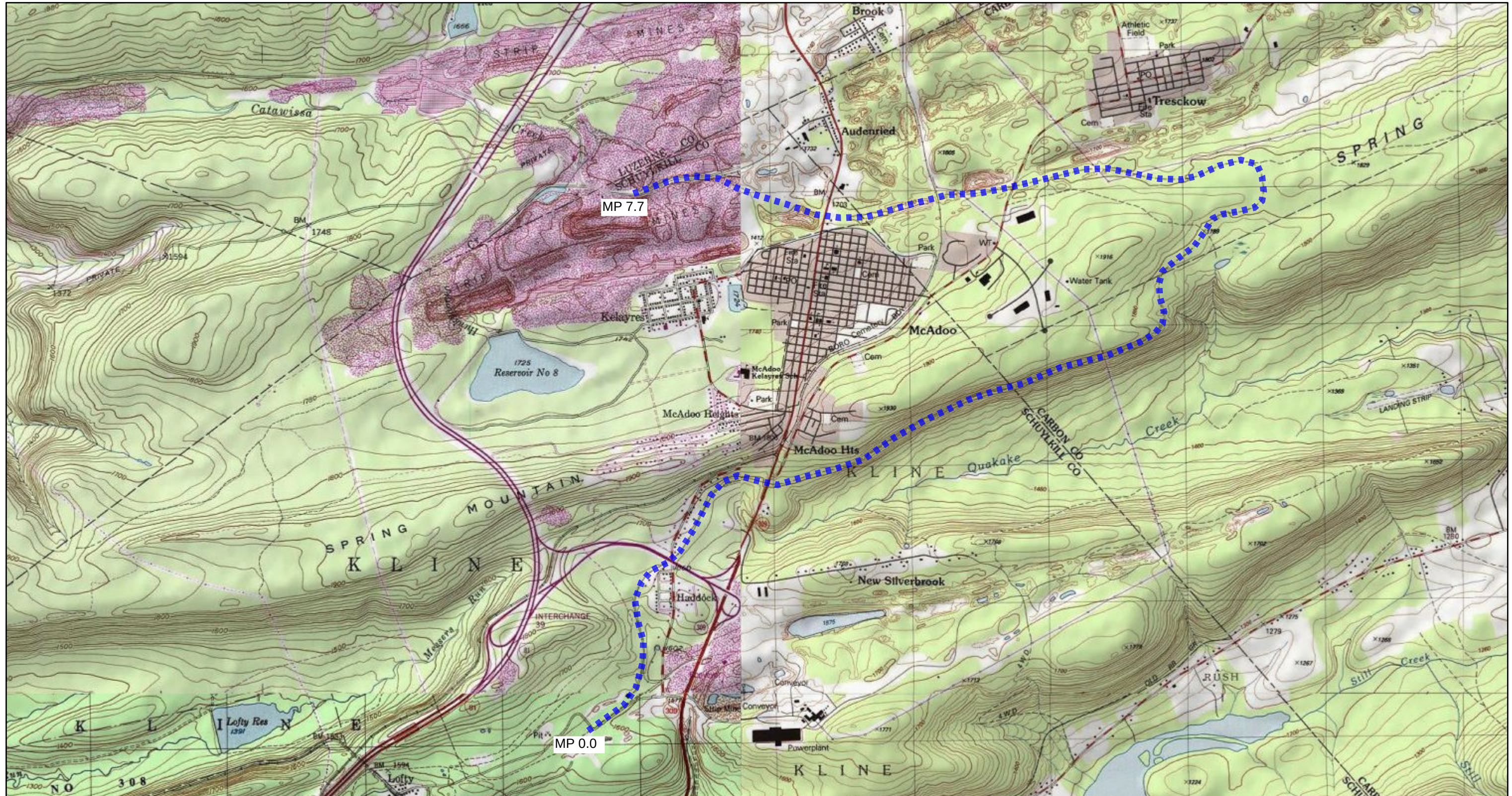
Mark Semanchik, Esquire

MS:alz

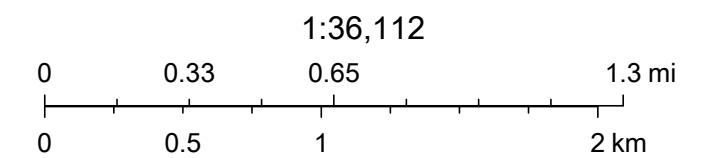
cc: Kline Township

## **EXHIBIT 3 – TOPOGRAPHICAL MAP**

# Tresckow Branch



8/24/2021, 1:11:12 PM



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