
OWLETT & LEWIS, P.C.



Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

May 9, 2022

304516

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street SW
Washington, DC 20024

ENTERED
Office of Proceedings
May 9, 2022
Part of
Public Record

Re: Growth Resources of Wellsboro Foundation – Abandonment Exemption
Tioga County, Pennsylvania
Surface Transportation Board Docket No. AB 1320X

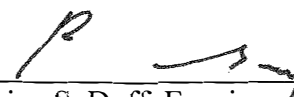
Dear Ms. Brown:

Enclosed for filing in the above referenced docket is a Notice for Exemption for the Growth Resources of Wellsboro Foundation to abandon a line of railroad in Wellsboro, PA. The filing fee has been paid via pay.gov. If there are any questions related to this filing, please contact me.

Very truly yours,

OWLETT & LEWIS, P. C.

By:


Brian S. Duff, Esquire

FILED
May 9, 2022
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
May 9, 2022
SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION

-ABANDONMENT EXEMPTION-

IN TIOGA COUNTY, PENNSYLVANIA

NOTICE OF EXEMPTION

Brian S. Duff
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
(570) 723-1451
BSD@OwlettLewis.com

*Counsel for Growth Resources of
Wellsboro Foundation*

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION

- ABANDONMENT EXEMPTION -

IN TIOGA COUNTY, PENNSYLVANIA

**VERIFIED NOTICE OF EXEMPTION OF
GROWTH RESOURCES OF WELLSBORO FOUNDATION
PURSUANT TO 49 C.F.R. § 1152.50**

Growth Resources of Wellsboro Foundation ("GROW") is filing this Notice of Exemption under the Board's class exemption procedures at 49 C.F.R. Part 1152.50, Subpart F, seeking exemption authority to abandon a segment of rail line between Milepost .624 and Milepost 3.815 ("Line") in Wellsboro, Tioga County, PA segments of rail line. The rail line will be re-used for public purpose, specifically for the construction of the Pine Creek Rail Trail Extension/Marsh Creek Greenway and other trail network extensions.

The Wellsboro Passenger Station (Station), currently vacant, is located at milepost 2.94. A map of the entire rail line to be vacated, and the location of the Station is attached as Exhibit A.

No local service has been provided since approximately September 12, 2016, and there is no overhead traffic on the Line. GROW intends to sell the Line to the Tioga County Board of Commissioners for the purpose of constructing the Marsh Creek Greenway, along with other trail networks and open space. Over \$5 million has been secured from federal, state, and local sources to fund the greenway. Time is of the essence due to the fact that a portion of these funds were secured in 2019.

Based on the information in our possession, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

This Notice of Exemption is being filed pursuant to the requirements of 49 C.F.R. §1152.50 regarding exemptions for inactive rail lines. In accordance with these requirements, GROW hereby provides the following information to support this request for an abandonment exemption:

1. The exact name of the Applicant is Growth Resources of Wellsboro Foundation
2. GROW purchased this line in 2012, there has been no local service since September 12, 2016

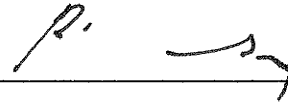
3. The request by GROW is an exemption for abandonment of the rail line between Milepost 0.624 and Milepost 3.815, Wellsboro, Tioga County, PA.
4. A map of the Line is attached hereto as Exhibit A.
5. The representative of GROW to whom correspondence should be sent is:

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
Phone: (570) 723-1451
6. The Line traverses through United States Postal Service Zip Code 16901.
7. GROW fully understands that Line is suitable for the construction of the Marsh Creek Greenway project, along with additional trail networks and open space. GROW has entered into a sales agreement with Tioga County Board of Commissioners for the purchase of this Line. The sales agreement is attached as Exhibit B.
8. GROW proposes to consummate the abandonment on or after July 15, 2022.
9. GROW certifies that:
 - a. No local traffic has moved over the Line since approximately September 12, 2016. The Line is not a through line; therefore, no overhead traffic exists.
 - b. No formal complaint by a user of rail service on the Line, or a state or local government entity acting on behalf of such user, regarding cessation of service over the Line is pending with the Board or any U.S. District Court or has been decided in favor of the complainant within the last two-year period.
10. Although no employees of GROW will be affected by the proposed abandonment, GROW recognizes that its abandonment of the Line will be made subject to the standard employee protective conditions set forth in *Oregon Short Line Railroad Co – Abandonment—Goshen*, 360 I.C.C. 91 (1979).
11. GROW has prepared a combined Environmental/Historic Report (“EHR”) and served the agencies identified in 49 C.F.R. §1105.7(b) and the Pennsylvania State Historical Preservation Office, on April 8, 2022, more than twenty days prior to this filing. Copies of the distribution letters and the E&HR are attached as Exhibit C.
12. GROW certifies that it has complied with the legal (newspaper) notice requirements of 49 C.F.R. §1105.11. Notice of the proposed abandonment was published in the Wellsboro Gazette on March 24, 2022. A copy of the form of notice and a copy of the proof of publications are attached as Exhibit D.

13. GROW certifies that it has complied with the notice requirements of 49 C.F.R. §1162.50(d)(1). A copy of the notice dated April 22, 2022, sent to the required governmental agencies is attached hereto as Exhibit E.

For the reasons set forth above, the Board should find that GROW proposed abandonment satisfies the exemption requirements of 49 C.F.R. §1152.50 and should issue the appropriate notice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'B. S. Duff', is written over a horizontal line.

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
Phone: (570) 723-1451

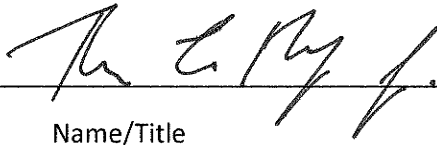
**ATTORNEY FOR GROWTH RESOURCES OF
WELLSBORO FOUNDATION**

DATED: May 9, 2022

VERIFICATION

I hereby verify on behalf of Growth Resources of Wellsboro Foundation, under penalty of perjury, that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

Executed on May 9, 2022



Name/Title

Thomas L. Rudy, Jr., President

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION

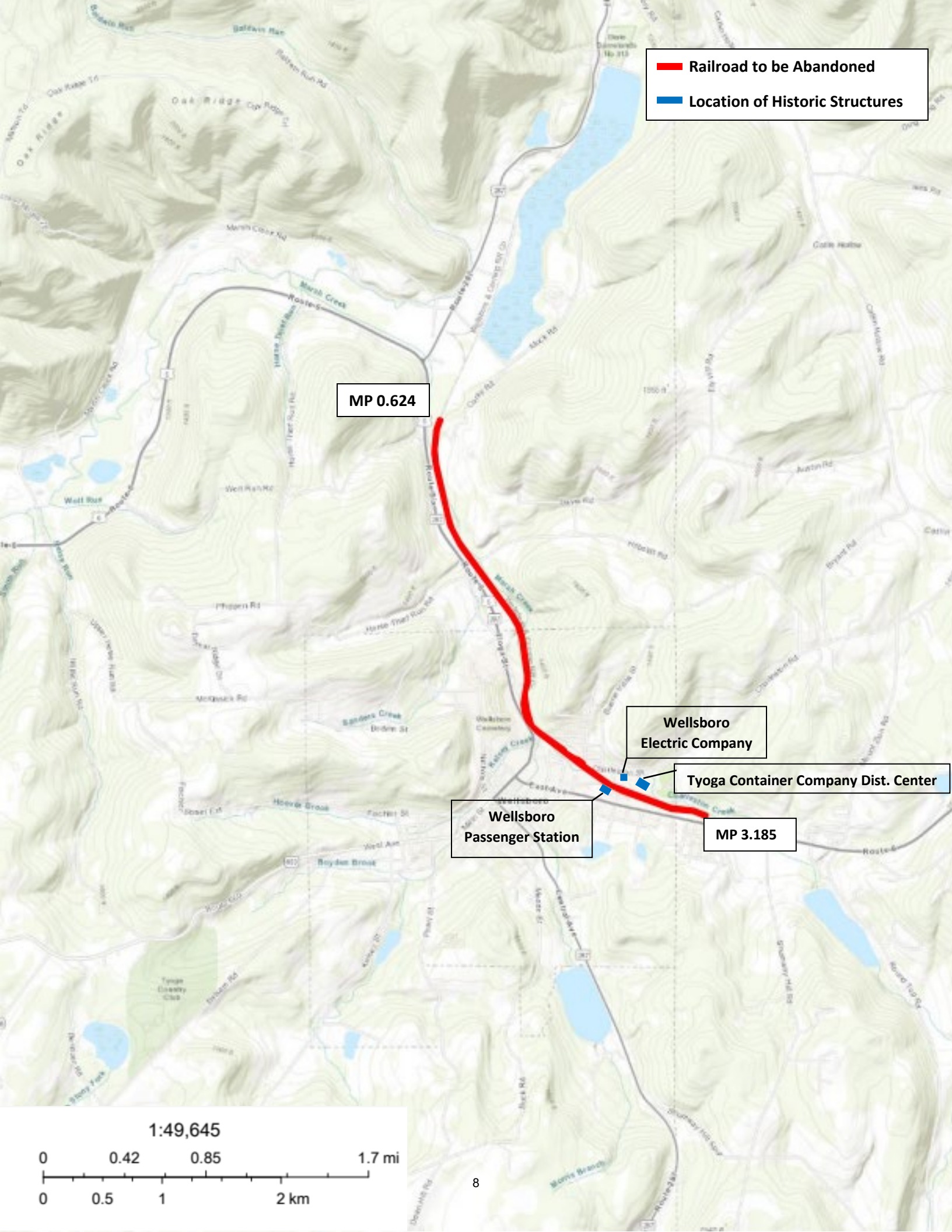
-ABANDONMENT EXEMPTION-

IN TIOGA COUNTY, PENNSYLVANIA

EXEMPTION NOTICE

EXHIBIT A

MAP



Railroad to be Abandoned

Location of Historic Structures

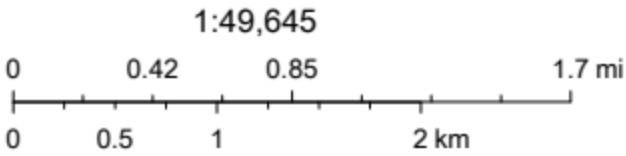
MP 0.624

**Wellsboro
Electric Company**

Tyoga Container Company Dist. Center

**Wellsboro
Passenger Station**

MP 3.185



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION

-ABANDONMENT EXEMPTION-

IN TIOGA COUNTY, PENNSYLVANIA

EXEMPTION NOTICE

EXHIBIT B

SALES AGREEMENT BETWEEN

GROWTH RESOURCES OF WELLSBORO FOUNDATION
AND
TIOGA COUNTY BOARD OF COMMISSIONERS

COMMERCIAL AGREEMENT OF SALE

This Commercial Agreement of Sale (this "Agreement"), dated **April 6, 2022**, is between: Growth Resources of Wellsboro Foundation, a Pennsylvania non-profit (hereinafter referred to as "Seller") and the County of Tioga, Pennsylvania (hereinafter referred to as "Buyer").

1. Final Approval by Tioga County Board of Commissioners. It is expressly understood and agreed by the parties that notwithstanding anything in this Agreement to the contrary, upon execution of this Agreement by Buyer, such signature constitutes merely preliminary approval of this Agreement, and that this Agreement does not constitute a final, binding and legally enforceable agreement against Buyer unless and until it is approved by the Tioga County Board of Commissioners after satisfactory completion of all municipal requirements at a duly called and constituted meeting, presently scheduled to occur on July 12, 2022, after expiration of the Due Diligence Period herein, at which point the Commissioners shall provide final written approval of this Agreement as provided herein. Unless and until this Agreement is approved by the Commissioners as aforesaid, the County shall have no obligation to purchase the Property as defined herein and may terminate this Agreement at will.
2. Termination by Seller. Notwithstanding anything in this Agreement to the contrary, Seller shall have the absolute and unconditional right to terminate this Agreement for any reason whatsoever within forty-five (45) days of complete execution of this Agreement, by delivering written notice to Buyer of such termination.
3. Property. Seller hereby agrees to sell and convey to Buyer, who hereby agrees to purchase all that certain lot or piece of ground situate in Tioga County, Pennsylvania, and being more particularly described as Parcel Nos. #04-05.00-110, Parcel # 39-01.00-109 and approximately 5.8 acres of Parcel # 09-02.00-081, as more particularly described on **Exhibit "A"** which is attached hereto and made a part hereof by reference, together with all appurtenant rights, easements, improvements and fixtures now or hereafter located thereon (collectively, the "Property"). It is understood and agreed that Parcel # 09-02.00-081 may require a recorded lot line revision and survey prior to closing.
4. Purchase Price and Initial Deposit. The purchase price for the Property shall be Forty-One Thousand Dollars (\$41,000.00) (the "Purchase Price"). The Buyer will place into escrow the sum of One Thousand Dollars (\$1,000) (the "Initial Deposit") upon final approval by the Commissioners of Tioga County as described herein unless Buyer elects to terminate this Agreement as provided herein.
5. Appraisal and Financing Contingencies.
 - a. Seller understands and agrees that in accordance with Tioga County municipal requirements, the Purchase Price must be supported by an appraisal of the Property which is valued equal to or in excess of the Purchase Price. If for any

reason a qualified appraisal is not obtained by the Buyer, or if the appraiser giving such valuation of the Property rescinds or modifies his/her appraisal such that the Property is not appraised at a value equal to or in excess of the Purchase Price, the Buyer reserves the right to terminate this Agreement upon written notice to the Seller, with any money or other deposits of the Buyer returned to Buyer.

- b. It is understood and agreed that Buyer will be applying for a Pennsylvania Department of Conservation & Natural Resources ("DCNR") C2P2 Grant or other qualified State or Federal trail grant subsidy (hereinafter a "Grant") which is intended by Buyer to finance such amounts of the Purchase Price hereunder as the Buyer deems satisfactory in its sole discretion. If for any reason Buyer no longer qualifies for, is rejected for, or is denied financing for a Grant which will fund the purchase of the Property and/or satisfactory acquisition costs hereunder, the Buyer reserves the right to terminate this Agreement by written notice to the Seller, with any money or other deposits of the Buyer returned to Buyer. Buyer reserves the sole and absolute discretion to determine whether the terms of any such Grant are acceptable to Buyer.
6. Date and Place of the Closing. Settlement of the sale and purchase of the Property (the "Closing") shall be on or before July 29, 2022 (the "Closing Date"). The Closing shall be held at such time and location as mutually agreed to by the parties or if the parties are unable to agree, at such location as designated by the Buyer.
7. Warranty Deed. Conveyance of the Property from Seller will be by fee simple deed of special warranty; provided, however, that if Seller is unable to convey fee simple title by deed of special warranty that is insurable at regular rates without exceptions that the Buyer determines are unsatisfactory in the Buyer's sole and exclusive discretion, the Buyer may elect, in its sole and absolute discretion, to accept title by quitclaim deed. If a special warranty deed cannot be issued as aforesaid and a quitclaim deed is unsatisfactory to Buyer in its sole and absolute discretion, Buyer shall have the right to terminate this Agreement upon written notice to Seller, with any money or other deposits of the Buyer returned to Buyer.
8. Realty Transfer Taxes. It is understood and agreed that the deed conveying the Property herein shall be in lieu of condemnation by the Buyer and that consequently, payment of realty transfer taxes is exempt pursuant to 61 Pa. Code § 91.193(b)(1)(i). The Buyer will, prior to Closing, issue an appropriate statute, ordinance, resolution, plan or order for the condemnation, appropriation or acquisition of the Property prior to Closing in order to facilitate this tax exemption, as provided in 61 Pa. Code § 91.193(b)(1)(i).
9. Allocation and Proration of Taxes and Assessments.
 - a. If Seller has paid or is obligated to pay any non-delinquent taxes or assessments due and owing at time of the Closing, non-delinquent taxes and assessments (if

any) will be adjusted pro-rata on a daily basis between Buyer and Seller, reimbursing where applicable, together with any other lienable municipal service. The charges are to be pro-rated for the periods covered. Seller will reimburse Buyer up to and including the Closing Date. The amounts as computed shall be adjusted when the final tax assessment and tax rates are determined.

- b. If the calculation of an item listed in any of the subsections above shall prove to be incorrect or either party discovers an item which should have been included in the adjustments but which was omitted therefrom, the party in whose favor the error or omission was made shall pay or credit the sum necessary to correct such error or omission to the other party promptly following receipt of proof of such error or omission from such other party.
10. Possession. Possession is to be delivered by deed and physical possession to the Property free of man-made obstructions or hazards created by Seller, clear of any litter, rubbish or debris caused or created by Seller, at the time and day of the Closing.
11. Zoning Classification. [Intentionally Omitted]
12. Utilities. [Intentionally Omitted]
13. Seller's Provision of Property Information to Buyer. Seller shall promptly upon execution of this Agreement provide Buyer with all information and supporting documentation within its possession or control regarding:
 - a. All knowledge of structural alterations or earth movements upon the Property;
 - b. All information regarding bridges situate upon the Property, including but not limited to, studies, drawings, schematics, blueprints, designs, reports, or evaluations;
 - c. All environmental matters known to Seller, including but not limited to the presence or potential presence of hazardous materials and any materials for which Buyer could become liable under State or Federal law.
 - d. All knowledge of subsidence, sinkholes, mine drainage, abandoned mines, or any other earth condition affecting the stability of the land or safety of persons traversing upon it.
 - e. Names, addresses and telephone numbers of any contractors who worked on any material portion of the Property for Seller.
 - f. Names, addresses and telephone numbers of any maintenance personnel who regularly work on or in the Property for Seller.

- g. Any Property operating expenses, including but not limited to security, cleaning, and grounds keeping.
- h. Any other information reasonably requested by Seller which could affect the Seller's use of the Property as a public trailway.

14. Inspections Contingency.

- a. Buyer, at its own expense, shall have the right until July 1, 2022 (the "Due Diligence Period") to have the Property and any and all parts of the Property inspected or reviewed by inspectors, engineers, architects, attorneys, accountants, contractors, electricians, surveyors, appraisers, itself and others of its choosing. Such inspections or reviews may be for any purpose deemed appropriate such as, but not limited to, obtaining information regarding: the structural integrity of the land or bridges; the sufficiency of the Property for Buyer's intended use as a public trailway; environmental matters; zoning and governmental restrictions; termite, pest, or insect infestation or damage; flood plain verification; the existence and extent of electromagnetic fields or microwave emissions; water penetration; property boundary confirmation; square foot verification; the risk of application of historic preservation regulations or other land use restrictions; title encumbrances and restrictions; State or Federal Government approvals or permits required; whether the Property and Buyer's intended use of the Property conform to all applicable ordinances and other applicable rules, regulations, and laws; the dimensions and boundaries of the Property, location of improvements and other survey matters; whether all utilities are available and are of sufficient capacity for Buyer's desired use of the Property; whether all permits, licenses, and approvals which are required for the desired use of the Property may be obtained from applicable authorities; and any other items or matters that Buyer may select. Seller shall ensure unimpeded access for such inspections. Seller shall also permit Buyer and its representatives and inspectors to interview persons who have knowledge of the Property, such as but not necessarily limited to maintenance personnel, for the purpose of obtaining knowledge of the Property.
- b. If after the expiration of the Due Diligence Period Buyer is dissatisfied with the condition of the Property or any matter related to the Property, then Buyer may terminate this Agreement until and including at the County Commissioner meeting currently scheduled on July 12, 2022, or, if rescheduled, cancelled or postponed, until such time as the County Commissioners hold such meeting in July, 2022. In the event Buyer timely elects to so terminate this Agreement, this Agreement will be null and void, and all money or other deposits delivered to or on behalf of Seller shall be returned within five (5) days thereof.

15. Bulk Sales. If requested by the Buyer in writing on or before Closing, the Seller shall, promptly upon written request of the Buyer, provide all notices to, and obtain all consents and clearances from, the Pennsylvania Department of Revenue, any other government or taxing authority and any creditors pursuant to any bulk sales or similar laws that may be applicable to the transactions contemplated by this Agreement. Seller shall and hereby agrees to indemnify Buyer for any damages suffered by Buyer as a result of Seller's failure to pay any tax attributable to periods ending on or before the Closing.
16. Representations of Seller. Seller hereby warrants and represents that the following are true on the date of this Agreement and will be true as of the Closing Date:
- a. Seller has good, absolute, and marketable title to the Property, subject to no lease, mortgage, pledge, lien, charge, or security interest, whatsoever that will not be discharged prior or at the time of the Closing, or any encumbrance or restriction.
 - b. The execution and performance of this Agreement and the documents necessary to close have been and will be duly authorized by all prerequisite proceedings by Seller, and, when so delivered, constitute a legal and binding obligation. There is no agreement between Seller and any other party for the sale of any portion of the Property, and Seller is not bound by or subject to any contractual or other obligation that would be violated by Seller's execution or performance of this Agreement.
 - c. Seller is a non-profit corporation duly organized and in good standing under the laws of Commonwealth of Pennsylvania.
 - d. Execution and delivery of this Agreement and consummation of the transactions contemplated hereby do not conflict with or result in a breach of any of the terms, provisions, or conditions of any statute, regulation, or court or administrative order, Seller's organizational documents, by-laws or the like, or any agreement, lease, or other agreement or instrument to which Seller is party, or by which it is bound, nor does the execution of this Agreement and consummation of the transaction contemplated hereby constitute a default thereunder.
 - e. Seller shall not sell, dispose of, transfer or encumber any part of the Property after the execution of this Agreement.
 - f. There are no adverse or other parties in possession of the Property or any part thereof and no party has been granted any license, lease or other right or interest relating to the use or possession of the Property, or any part thereof.
 - g. Seller and the Property are not in violation of any applicable statute, law, ordinance, decree, order, rule, regulation of any governmental body, nor is Seller in default of, any provision of any promissory note, indenture or any evidence of

indebtedness or security therefor, lease, contract, purchase or other commitment or any other agreement to which Seller is a party or by which Seller is bound which may result in any adverse effect on the Property or the transactions contemplated by this Agreement.

- h. The operations and activities of Seller conducted on the Property complies in all material respects with all applicable federal, state and local laws, including, without limitation, health and safety statutes and regulations.
- i. There is no suit, claim, action or proceedings now pending or threatened before any court, administrative or regulatory body, or any governmental agency, nor is Seller aware of any grounds therefor, to which Seller is a party or which may result in any judgment, order, decree, liability or other determination which will, or could have any material adverse effect upon the Property or the transactions contemplated by this Agreement, and no such judgment, order or decree has been entered against Seller nor any such liability incurred which has, or could have, such effect.
- j. Seller has obtained all material permits that are required under federal, state and local laws for the ownership, use and operation of the Property and all such permits are in effect.
- k. No public improvement or assessments have been made against the Property which remain unpaid and no notice by any government or public authority has been served upon Seller or anyone on Seller's behalf, including notices relating to violations of zoning, building, safety or fire ordinances which remain uncorrected, and that Seller knows of no condition that would constitute violation of any such ordinances which remains uncorrected nor of other potential notices (including violations) and assessments.
- l. All information provided to Buyer is true, complete and accurate. No warranty or representation by Seller, nor any information in any certificate, exhibit, schedule or other document furnished or to be furnished by Seller, contains or will contain any untrue statement of a material fact or omits or will fail to state a material fact or omits or will fail to state a material fact necessary to make the statements contained therein not misleading.
- m. Environmental Representations.
 - i. For the purposes of this Agreement, the following terms shall be defined as follows:
 - (1) "Cleanup" means all actions required to: (1) cleanup, remove, treat or remediate Hazardous Substances, Oils, Pollutants or

Contaminants (as hereinafter defined) in the indoor or outdoor environment; (2) prevent the Release (as hereinafter defined) of Hazardous Substances, Oils, Pollutants or Contaminants; (3) perform pre-remedial studies and investigations and post-remedial monitoring and care; or (4) respond to any government requests for information or documents in any way relating to cleanup, removal, treatment or remediation or potential cleanup of Hazardous Substances, Oils, Pollutants or Contaminants in the indoor or outdoor environment.

- (2) “Environmental Laws” means all foreign, federal, state and local laws, regulations, rules and ordinances relating to pollution or protection of the environment, including without limitation the Comprehensive Environmental Response Compensation and Liability Act (“CERCLA”) and the Resource Conservation and Recovery Act (“RCRA”), laws relating to Releases or threatened Releases of Hazardous Substances, Oils, Pollutants or Contaminants into the indoor or outdoor environment and all laws and regulations with regard to record keeping, notification, disclosure and reporting requirements respecting Hazardous Substances, Oils, Pollutants or Contaminants.
- (3) “Environmental Liabilities and Costs” means all liabilities, obligations, responsibilities, obligations to conduct Cleanup, losses, damages, deficiencies, punitive damages, consequential damages, treble damages, costs and expenses fines, penalties, restitution and monetary sanctions, interest, direct or indirect, known or unknown, absolute or contingent, past, present or future, resulting from any claim or demand, by any Person, whether based in contract, tort, implied or express warranty, strict liability, joint and several liability, criminal or civil statute, including any Environmental Law, or arising from environmental, health or safety conditions, the Release or threatened Release of Hazardous Substances, Oils, Pollutants or Contaminants into the environment, as a result of past or present ownership, leasing or operation of any properties, owned, leased or operated by Seller, including, without limitation, any of the foregoing incurred in connection with the conduct of any Cleanup.
- (4) “Environmental Reports” means all environmental reports or environmental data compilation that refers or relates to the Property, and all copies of any correspondence to or from Seller and the Environmental Protection Agency, the Pennsylvania Department of Environmental Protection, or any third party that

refers or relates to the environmental condition of the Property.

- (5) “Hazardous Substances, Oils, Pollutants or Contaminants” means all substances defined as such in the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. §300.5, to the extent such substances have been designated, listed or identified or with respect to which the Environmental Protection Administration Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act, or defined as such by, or regulated as such under, any Environmental Law, in each case as of the date hereof.
 - (6) “Release” means, when used as a noun, any release, spill, emission, discharge, leaking, pumping, injection, deposit, disposal, discharge, dispersal, leaching or migration into the indoor or outdoor environment or into or out of the Property, including the movement of Hazardous Substances, Oils, Pollutants or Contaminants through or in the air, soil, surface water, groundwater or property and, when used as a verb, the occurrence of any of the above.
 - ii. Except as expressly provided in subsection (iii) below, Seller makes no representations or warranties whatsoever regarding the Property’s compliance with Federal or State environmental rules, regulations, statutes, ordinances and/or orders.
 - iii. Seller has not received nor has any actual knowledge of any notice or order from any governmental agency or private or public entity advising it that it is responsible for or potentially responsible for Cleanup or paying for the cost of Cleanup of any Hazardous Substances, Oils, Pollutants or Contaminants or any other waste or substance.
17. Representations to Survive the Closing. All of the warranties and representations contained herein, including all statements contained in any exhibit or certificate or other instrument delivered by or on behalf of Seller to Buyer pursuant to this Agreement or in connection with the transactions contemplated by it are a material part of the consideration for the sale of the Property and the inducement for Buyer to buy the Property, and the same shall survive the Closing for a period of four (4) years and shall not be merged into the deed.
18. No Assumption of Liabilities. Buyer is assuming no liabilities of Seller, whether related to the Property or otherwise. Seller as promptly as practicable after the Closing shall satisfy in full all of its debts, liabilities, and obligations associated with the Property.

19. Notices and Assessments.

- a. Seller will pay any municipal claim for improvements, assessments or otherwise against the Property if the ordinance or resolution authorizing the work or improvement is adopted prior to the date of the Closing. Seller shall not be responsible for payment of any municipal claim against the Property if the ordinance or resolution authorizing the work or improvement is adopted on or after the date of the Closing.
- b. Seller will deliver to Buyer within one day of Seller's receipt of the same, but in all events prior to the Closing Date, any notice of any uncorrected violation of laws or ordinances.

20. Title, Title Contingency and Costs.

- a. The Property is to be conveyed free and clear of all liens, encumbrances, and easements, excepting however the following: existing deed restrictions, easements of roads, easements of record, privileges or rights of public service companies, and prior grants, reservations or leases of coal, oil, gas, timber and/or other mineral rights as shown by instruments of record so long as the same are acceptable to Buyer in Buyer's sole discretion; further provided that any such exceptions may not inhibit the Property from being used in Buyer's sole discretion as a public trailway; otherwise the title to the Property will be good and marketable and such as will be insured by a reputable title insurance company at the regular rates.
- b. Any survey or surveys which may be required by the reputable title insurance company or such title insurance company's agent issuing title insurance in connection with Buyer's purchase of the Property (individually or collectively, the "Title Company") for the preparation of an adequate legal description of the Property (or the correction thereof), will be secured and paid for by Buyer. Any survey or surveys desired by Buyer will be secured and paid for by Buyer.
- c. Buyer will pay for the following: (1) title search and title insurance; (2) appraisal fees and charges paid in advance, if any; and (3) Buyer's customary settlement costs.
- d. Buyer's obligations hereunder are contingent upon Buyer receiving from the Title Company at Buyer's expense, a commitment in a form acceptable to Buyer and its counsel for an owner's policy of title insurance at standard rates, and in an amount not less than the value of the Property, insuring title thereto to be good and marketable, free and clear of all encumbrances and restrictions except as otherwise permitted hereunder, which insurance shall include coverage for all appurtenant easements and servitudes, and contain zoning, contiguity, access,

encroachment or comprehensive endorsements, or such other endorsements as Buyer shall reasonably deem necessary. Without limiting the generality of the foregoing, Seller shall at the Closing deliver to the title insurance company issuing said policy a seller affidavit and such other affidavits and/or indemnity agreements as Title Company may reasonably require to omit from the policy any exception for encumbrances and restrictions.

- e. Buyer shall have received delivery of such other instruments and documents as may reasonably be required by Buyer, or which may be required by the Title Company to consummate the transactions herein contemplated.
21. Indemnification. Seller shall defend, indemnify and hold Buyer harmless from and against any loss, cost, damage and expense, including judgments and reasonable attorneys' fees, which may be suffered or incurred by Buyer by reason of: (i) any third party claims for breach of contract (including, without limitation, any Leases) incurred or attributable to the ownership or operation of the Property prior to the Closing; (ii) any third party claim for tort liability incurred or attributable to the ownership or operation of the Property prior to the Closing; and/or (iii) any claim to fees or commissions associated with the sale of the Property by any licensed real estate broker or other person who can claim a right to a commission or finder's fee as a procuring cause of the sale contemplated herein. The foregoing indemnification shall apply regardless of whether the claim, cause of action or suit is asserted or filed before or after the Closing and shall survive the Closing.
22. Conditions Precedent.
- a. Buyer's obligations under this Agreement are subject to the satisfaction of the following conditions precedent which may be waived in whole or in part by Buyer (excepting final approval by the Commissioners as stated below):
 - i. Final approval of this Agreement by the Tioga County Commissioners as provided in Section 1 of this Agreement (non-waivable);
 - ii. Performance in all material respects of the obligations and covenants of, and deliveries required of, Seller under this Agreement.
 - iii. Subject to the other provisions of this Agreement, all of Seller's representations and warranties made in this Agreement shall be true and correct in all material respects as of the Closing Date as if then made, other than those representations or warranties made as of a specific date, or with reference to previously dated materials, in which event such representations and warranties shall be true and correct in all material respects as of the date thereof or as of the date of such materials, as applicable.

- iv. At Closing, Seller shall deliver to the Title Company counterparts of each of the following documents, each executed by Seller (and notarized if required) and in form and substance reasonably acceptable to the Title Company:
 - (1) The customary form of special warranty deed duly executed by Seller, notarized and in recordable form;
 - (2) A customary affidavit of title (addressing, among other things, the status of mechanics' liens and parties in possession);
 - (3) A closing statement showing the applicable closing adjustments;
 - (4) Foreign Investment in Real Property Tax Act of 1980 affidavit;
 - (5) A good standing certificate for Seller from the state of its formation (or equivalent), and an executed consent and resolution of the Seller authorizing the sale of the Property in accordance with this Agreement and an executed incumbency certificate (or equivalent) of Seller;
 - (6) All realty transfer tax forms and any other filings, forms or documents required in order to record the deed;
 - (7) A payoff letter or release with respect to any mortgages or similar encumbrances on the Property;
 - (8) An executed certificate stating that all of Seller's representations and warranties contained herein are true and correct in all material respects as of the Closing; and
 - (9) Such other customary documents as Buyer or the Title Company may reasonably request.
- b. Seller's obligations under this Agreement are subject to satisfaction of the following conditions precedent which may be waived in whole or in part by Seller:
 - i. Buyer shall have paid or tendered payment of the Purchase Price pursuant to the terms hereof;
 - ii. At Closing, Buyer shall deliver to the Title Company counterparts of each of the following documents, each executed by Buyer (and notarized if

required):

- (1) A closing statement showing the applicable closing adjustments; and
- (2) Such other customary documents as Seller or the Title Company may reasonably request.

23. Default.

- a. In the event of a default by Buyer, Seller is limited to retaining the Initial Deposit paid by Buyer as liquidated damages, and Buyer and Seller will be released from further liability or obligation and this Agreement will be null and void. It is hereby agreed that, without resale, Seller's damages will be difficult of ascertainment and that the Initial Deposit deposit constitutes a reasonable liquidation thereof and not a penalty.
- b. In the event of a default by Seller, Buyer may elect to either:
 - i. Waive any claim for loss of bargain, in which event Seller hereby agrees to repay to Buyer the Initial Deposit and all monies paid on account; or
 - ii. Proceed with either or both of the following remedies:
 - (1) An action for specific performance;
 - (2) An action at law for damages including loss of bargain;

Provided, however, that no such election of the remedies under subsections (b)(ii)(1) and/or (2) shall be final or exclusive until full satisfaction shall have been received. In the event that Buyer commences a legal action to enforce the terms of this Agreement and substantially prevails it shall be entitled to reimbursement from the Seller for its costs of litigation, including reasonable attorneys' fees.

24. Delivery of Initial Deposit after Termination or Default. In the event either Seller or Buyer become entitled to the Initial Deposit upon cancellation or termination of this Agreement and/or as a result of a breach of this Agreement in accordance with its terms, Buyer and Seller covenant and agree to deliver a letter of instruction to the holder of the Initial Deposit directing said holder to promptly deliver the Initial Deposit to the party entitled thereto. In the event either party hereto fails or refuses to sign or deliver such an instruction letter when the other party is entitled to disbursement of the Initial Deposit, such party shall pay, upon the final order of a court with appropriate jurisdiction, all reasonable attorneys' fees incurred by the party so entitled to the Initial Deposit in

connection with the recovery thereof.

25. Cumulative Remedies. Except as otherwise provided, the remedies afforded in this Agreement are cumulative to each other and to all other remedies provided by law.
26. Coal Notice. THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHTS OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL SUCH COAL AND IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SERVICE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 894.) "Buyer acknowledges that it may not be obtaining the right of protection against subsidence resulting from coal mining operations, and that the property described herein may be protected from damage due to mine subsidence by private contract with the owners of the economic interests in the coal. This acknowledgment is made for the purpose of complying with the provisions of Section 14 of the Bituminous Mine Subsidence and the Land Conservation Act of April 27, 1966." Buyer agrees to sign the deed from Seller which will contain the aforesaid provision.
27. Maintenance and Risk of Loss.
 - a. Seller will maintain the Property specified herein in its present condition.
 - b. Seller shall bear risk of loss from fire of other causes until time of the Closing.
28. Condemnation. Except for any matters initiated or advised by Buyer prior to this Agreement, Seller has no knowledge of any current or pending condemnation or eminent domain proceedings that would affect the Property. If any portion of the Property should be subject to previously undisclosed condemnation or eminent domain proceedings after the signing of this Agreement, Seller shall immediately advise Buyer in writing of such proceedings. Buyer shall have the option of terminating this Agreement by providing written notice to Seller within fifteen (15) days after Buyer receives said notice from Seller, in which case Seller shall return to Buyer all money paid on account of the Purchase Price by Buyer.
29. Sewage Facility. The Pennsylvania Sewage Facilities Act of January 24, 1966, No. 537 P.L. 1535, as amended, requires that there be a statement regarding the availability of a community sewage system. Seller does not make any representations or warranties that a community sewage system exists or is available, and Buyer is not relying upon any such representations or warranties.
30. Binding on Successors. This Agreement and all of its terms and conditions shall extend

to and be binding upon the parties hereto and upon their respective successors and assigns.

31. Assignment. The parties shall not assign any of their respective rights or obligations hereunder.
32. Choice of Law. This Agreement shall be construed, interpreted and enforced with the laws of the Commonwealth of Pennsylvania; provided, however, that if conflict or choice of law rules would choose the law of another state, the parties waive such rules and agree that Pennsylvania substantive, procedural and constitutional law shall nonetheless govern.
33. Gender. All personal pronouns used in this Agreement shall include the other genders whether used in the masculine or feminine or neuter gender, and the singular shall include the plural and vice versa whenever and as often as may be appropriate.
34. Further Instruments and Actions. Each party shall deliver any further instruments and take any further action that may be reasonably requested by the other in order to carry out the provisions and purposes of this Agreement.
35. Notice. All notice requirements under the provisions of this Agreement or by application of statutory or common law will be addressed to the appropriate party, at the address, telefax number, and/or email address listed below:

If to Seller: Growth Resources of Wellsboro Foundation
 P.O. Box 502
 114 Main Street
 Wellsboro, PA 16901

with a copy to: Brian S. Duff, Esquire
 Owlett & Lewis, P.C.
 One Charles Street
 P.O. Box 878
 Wellsboro, PA 16901
 (570) 723-1451
 BSD@owlettlewis.com

If to Buyer: Marc Rice, Assistant Chief Clerk/Risk Manager
 Tioga County Courthouse
 118 Main Street, Wellsboro, PA 16901
 Phone: (570) 723-8207
 Email: mrice@tiogacountypa.us

with a copy to: Adam T. Petrun, Esq.

Cafardi Ferguson Wyrick Weis + Gabriel, LLC
2605 Nicholson Road, Suite 2201
Sewickley, PA 15143
Phone: (412) 515-8900
Email: apetrun@cfwwg.com

36. Merger of Prior Agreements and Representations. This Agreement constitutes the entire agreement between the parties hereto with respect to the Property, and it is understood and agreed that all undertakings and agreements theretofore made between Buyer and Seller are merged herein. No representation, promise or inducement not included herein shall be binding upon any party hereto.
37. Execution. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute but one and the same instrument. An electronic transmission of a party's signature shall be considered an original of said signature.
38. Exclusivity. Seller acknowledges that it intends to convey the Property to Buyer and until Buyer terminates this Agreement, if ever, Seller shall not market the Property or negotiate with any other party.
39. Business Day. If the day on which any act, matter or thing is to be done under or pursuant to this Agreement is not a "Business Day" (as hereinafter defined), that act, matter or thing must be done on the next succeeding Business Day. The terms "Business Day" shall mean any day other than a weekend or holiday, or any day during which bank or similar financial institutions in Pittsburgh, Pennsylvania are open to the public for regular conduct of business.
40. Construction. This Agreement shall be construed without regard to any presumption or other rule requiring construction against the party causing this Agreement to be drafted.
41. No Oral Modifications. This Agreement cannot be changed or terminated orally or in any manner other than by a written agreement executed by both parties.
42. Partial Invalidity or Unenforceability. In the event that a court of competent jurisdiction shall determine that any provision of this Agreement is invalid or unenforceable under applicable law, then this Agreement shall be deemed modified by the court as is minimally necessary to render such provision, as so amended, not invalid or unenforceable under applicable law. The parties agree to be bound by the court's modification except that the parties may appeal the court's ruling on any issue to the appropriate appellate court or courts.
43. Knowledge of Parties. Where any warranty or representation contained in this

Agreement is expressly qualified by reference to the best knowledge of the party making such warranty or representation, or similar language, such party hereby confirms that it has made due and diligent inquiry as to the matters that are the subject of such warranty or representation.

44. Headings. The headings of the various sections used herein are for reference purposes only, and shall not in any way affect the meaning or interpretation of this Agreement.
45. Waiver of Breach. No failure to enforce a breach of this Agreement shall constitute a waiver of any other or subsequent breach.

IN WITNESS WHEREOF, Seller and Buyer have executed and signed this Agreement.

SELLER:

Growth Resources of Wellsboro Foundation

By: Thomas L. Rudy, Jr. {SEAL}
Thomas L. Rudy, Jr., President

Date: 4/6/22

BUYER:

County of Tioga, Pennsylvania

By: Roger L. Bunn {SEAL}

Date: 4/6/2022

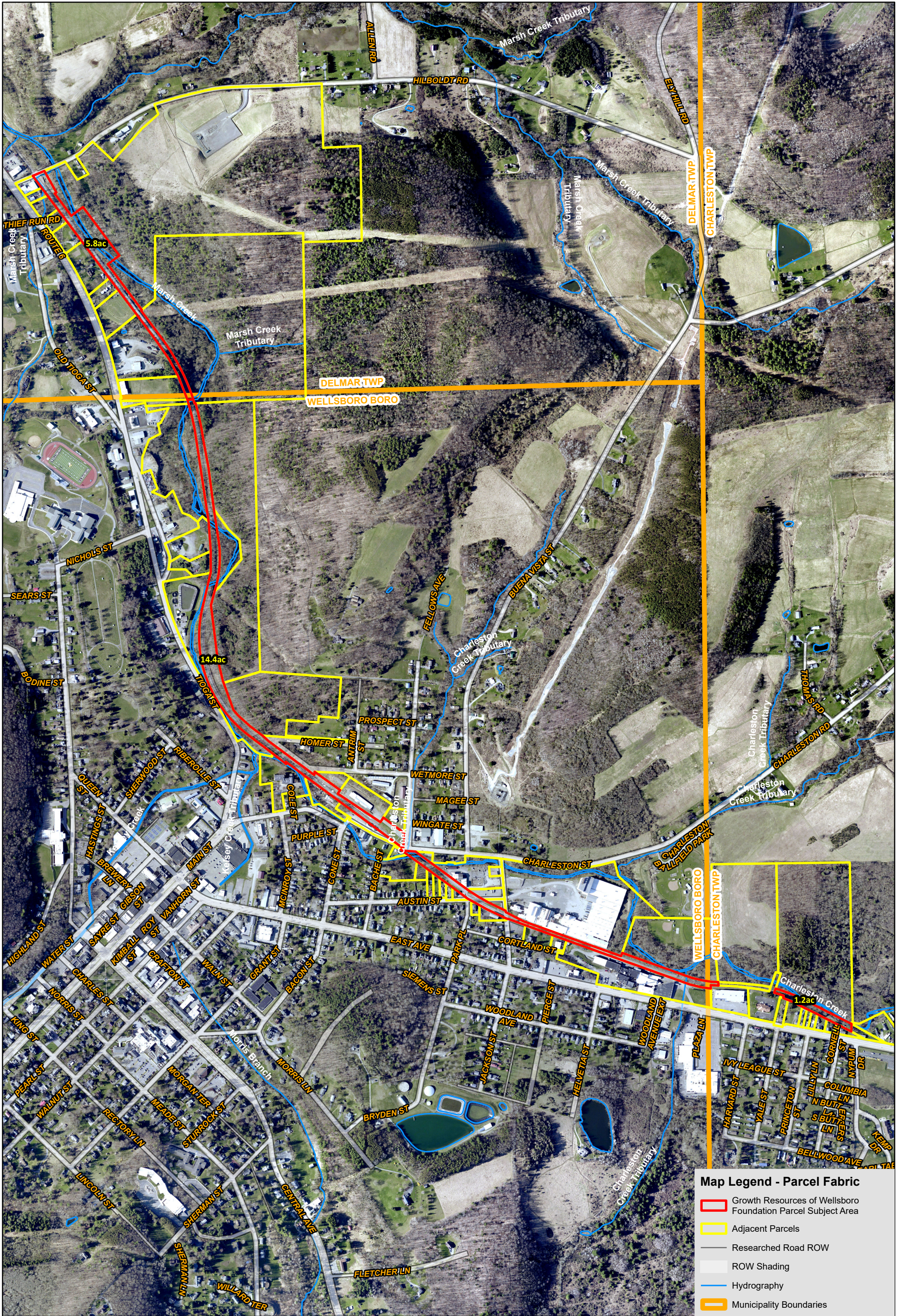
(SUBJECT TO FINAL APPROVAL BELOW
BY THE BOARD OF COMMISSIONERS OF
THE COUNTY OF TIOGA AS SPECIFIED IN
PARAGRAPH 1 HEREOF)

FINAL APPROVAL:

County of Tioga, Pennsylvania

By: _____ {SEAL}

Date: _____



County of Tioga, PA
And its employees, make no claims as to the completeness, accuracy, or content of any data contained herein, and makes no representation of any kind, including but not limited to, the warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein.

Growth Resources of Wellsboro Foundation
Subject Area Total Calculated Acres: 21.4 Acres
Map Type/Date: Aerial Imagery, 1/28/2022

Created by: Tioga County (PA) GIS Dept.

1 inch = 800 feet

0 400 800 1,600 Feet
Aerial Imagery: Leaf-Off Flight, Spring of 2020 (If Shown)



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION

-ABANDONMENT EXEMPTION-

IN TIOGA COUNTY, PENNSYLVANIA

EXEMPTION NOTICE

EXHIBIT C

**CERTIFICATION OF COMPLIANCE
ENVIRONMENTAL AND HISTORIC
REPORT REQUIREMENTS**

Abandonment Application
Surface Transportation Board Docket No. AB 1320X

AFFIDAVIT OF SERVICE

I, Brian S. Duff, Esquire, attorney for Growth Resources of Wellsboro Foundation (“GROW”), do hereby certify that on April 8, 2022, a true and correct copy of GROW’s “Environmental Report/Historical Report” was served on the following agencies via US Mail, first-class, postage-prepaid, addressed as follows:

Angela Watson, Director
Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
555 Walnut Street, #8
Harrisburg, PA 17101
Via email: angelwatso@pa.gov

Jared Dressler, Regional Director
PA Department of Environmental Protection
208 West Third Street, Suite 101
Williamsport, PA 17701

Lauren Imgrund
Deputy Secretary for Conservation and Technical Services
PA Department of Conservation and Natural Resources
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

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

Kyla Hastie, Deputy Regional Director
U.S. Fish and Wildlife Service
North Atlantic-Appalachian Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9587
Nmihcast@fws.gov

Ms. Denise Coleman, State Conservationist
USDA Natural Resources Conservation Service
Pennsylvania State Office
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747
Denise.Coleman@usda.gov

Dave Mitchell, Regional Director
Pennsylvania Game Commission – Northcentral Region
1566 South Route 44 Highway
P.O. Box 5038
Jersey Shore, PA 17740

Gay Vietzke, Regional Director
National Park Service
Interior Region 1 Office
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Ray Sauvajot, Associate Director
Natural Resource Stewardship and Science National Park Service
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

U.S. Army Corps of Engineers
North Atlantic Division
Philadelphia District The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
stephen.rochette@usace.army.mil
edward.c.voigt@usace.army.mil

Kristina Peacock-Jones
PA Department of Environmental Protection
Coastal Resource Management
Rachel Carson State Office Building
400 Market Street
P.O. Box 8468
Harrisburg, PA 17105-8468
Ra-epcoastalzone@pa.gov

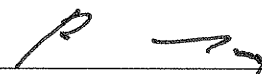
Terrell Erickson, Northeast Region
USDA Natural Resources Conservation Service
14th and Independence Ave., SW, Room 4080-S
Washington, DC 20250

Jeff Jalbrzikowski, P.S. GISP, CFS
NOAA/NOS/National Geodetic Survey
125 South Oval Mall
318 Mendenhall Lab
Columbus, OH 43228
Jeff.Jalbrzikowski@noaa.gov

OWLETT & LEWIS, P.C.

5/9/22

Date

By: 

Brian S. Duff, Esquire
Attorney for GROW
PA ID # 85997
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
(570) 723-1451

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

April 6, 2022

Jared Dressler, Regional Director
PA Department of Environmental Protection
208 West Third Street, Suite 101
Williamsport, PA 17701

*Re: Growth Resources Of Wellsboro Foundation – Proposed Abandonment
Tioga County, PA
Surface Transportation Board Docket No. AB 1320X*

To Whom It May Concern:

Growth Resources of Wellsboro (“GROW”) gives notice that on or about May 2, 2022, it intends to file with the Surface Transportation Board (“STB”) in Washington, DC, a Notice of Exemption under 49 CFR §1152 Subpart F – Exempt Abandonment to permit the abandonment of one segment of railroad line totaling 3.191 miles between milepost 0.624 (near Mary Worthington Lane) and mile post 3.815 (near the Charleston Township line) in Tioga County, PA. The line traverses through zip code 16901. The proceeding will be docketed as No. AB 1320X. GROW intends to transfer and/or convey the abandoned line to the County of Tioga for the purpose of constructing the Pine Creek Rail Trail Extension/Marsh Creek Greenway. The Greenway is a 3.2-mile, non-motorized trail that will link downtown Wellsboro to the Pine Creek Rail Trail. The Greenway will provide a recreational asset, while creating a transportation alternative to U.S. Route 6.

Attached is an Environmental Report and Historic Report (ER/HR) describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area. This report is being provided 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, 395 E Street SW, Washington, DC

PA Department of Environmental Protection
April 6, 2022
Page 2 of 2

20423, telephone number 202-245-0238 and refer to the above Docket No. AB 1320X. Your written comments to OEA, along with a copy to me, would be appreciated within three 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 regarding this proposal, please contact me: Brian S. Duff, Esquire, Owlett & Lewis, P.C., One Charles Street, P.O. Box 878, Wellsboro, PA 16901 or by email at BSD@OwlettLewis.com.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

April 6, 2022

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
555 Walnut Street, #8
Harrisburg, PA 17101

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Tioga County, PA
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OWLETT & LEWIS, P. C.

By: _____


Brian S. Duff, Esquire

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

April 6, 2022

Lauren Imgrund
Deputy Secretary for Conservation and Technical Services
PA Department of Conservation and Natural Resources
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

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PA Department of Conservation and Natural Resources
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OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

April 6, 2022

Dave Mitchell, Regional Director
Pennsylvania Game Commission – Northcentral Region
1566 South Route 44 Highway
P.O. Box 5038
Jersey Shore, PA 17740

*Re: Growth Resources Of Wellsboro Foundation – Proposed Abandonment
Tioga County, PA
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Pennsylvania Game Commission – Northcentral Region
April 6, 2022
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OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

April 6, 2022

Kristina Peacock-Jones
PA Department of Environmental Protection
Coastal Resource Management
P.O. Box 8468
Harrisburg, PA 17105-8468

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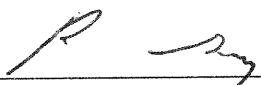
PA Department of Environmental Protection
April 6, 2022
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OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

April 6, 2022

U.S. Army Corps of Engineers
North Atlantic Division, Philadelphia District
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

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U.S. Army Corps of Engineers
April 6, 2022
Page 2 of 2

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If there are any questions regarding this proposal, please contact me: Brian S. Duff, Esquire, Owlett & Lewis, P.C., One Charles Street, P.O. Box 878, Wellsboro, PA 16901 or by email at BSD@OwlettLewis.com.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

April 6, 2022

Terrell Erickson, Northeast Region
USDA Natural Resources Conservation Service
14th and Independence Ave. SW, Room 4080-S
Washington, DC 20250

*Re: Growth Resources Of Wellsboro Foundation – Proposed Abandonment
Tioga County, PA
Surface Transportation Board Docket No. AB 1320X*

To Whom It May Concern:

Growth Resources of Wellsboro (“GROW”) gives notice that on or about May 2, 2022, it intends to file with the Surface Transportation Board (“STB”) in Washington, DC, a Notice of Exemption under 49 CFR §1152 Subpart F – Exempt Abandonment to permit the abandonment of one segment of railroad line totaling 3.191 miles between milepost 0.624 (near Mary Worthington Lane) and mile post 3.815 (near the Charleston Township line) in Tioga County, PA. The line traverses through zip code 16901. The proceeding will be docketed as No. AB 1320X. GROW intends to transfer and/or convey the abandoned line to the County of Tioga for the purpose of constructing the Pine Creek Rail Trail Extension/Marsh Creek Greenway. The Greenway is a 3.2-mile, non-motorized trail that will link downtown Wellsboro to the Pine Creek Rail Trail. The Greenway will provide a recreational asset, while creating a transportation alternative to U.S. Route 6.

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April 6, 2022
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April 6, 2022

Gay Vietzke, Regional Director
National Park Service
Interior Region 1 Office
1234 Market Street, 20th Floor
Philadelphia, PA 19107

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National Park Service
April 6, 2022
Page 2 of 2

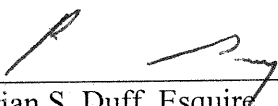
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April 6, 2022

Kyla Hastie, Deputy Regional Director
U.S. Fish and Wildlife Service
North Atlantic-Appalachian Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9587

*Re: Growth Resources Of Wellsboro Foundation – Proposed Abandonment
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U.S. Fish & Wildlife Service
April 6, 2022
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Attorneys at Law

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www.OwlettLewis.com

April 6, 2022

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

*Re: Growth Resources Of Wellsboro Foundation – Proposed Abandonment
Tioga County, PA
Surface Transportation Board Docket No. AB 1320X*

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U.S. Environmental Protection Agency
April 6, 2022
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April 6, 2022

Ms. Denise Coleman, State Conservationist
USDA Natural Resources Conservation Service
Pennsylvania State Office
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747

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April 6, 2022

Jeff Jalbrzikowski, P.S. GISP, CFS
NOAA/NOS/National Geodetic Survey
125 South Oval Mall
318 Mendenhall Lab
Columbus, OH 43228

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Tioga County, PA
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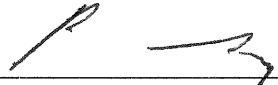
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April 6, 2022

Ray Sauvajot, Associate Director
Natural Resource Stewardship and Science National Park Service
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

*Re: Growth Resources Of Wellsboro Foundation – Proposed Abandonment
Tioga County, PA
Surface Transportation Board Docket No. AB 1320X*

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U.S. Department of the Interior
April 6, 2022
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Very truly yours,

OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1320X

**GROWTH RESOURCES OF WELLSBORO FOUNDATION
-ABANDONMENT EXEMPTION-
TIOGA COUNTY, PENNSYLVANIA**

ENVIRONMENTAL/HISTORIC REPORT

(color copies included)

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street,
P.O. Box 878
Wellsboro, PA 16901
Phone (570) 723-1451
Fax (570) 723-1490
BSD@OwlettLewis.com

Counsel for Growth Resources of
Wellsboro Foundation

Dated: April 8, 2022

Before the
SURFACE TRANSPORTATION BOARD

STB Docket No. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION
-ABANDONMENT EXEMPTION-
TIOGA COUNTY, PENNSYLVANIA

ENVIRONMENTAL/HISTORIC REPORT

Growth Resources Foundation of Wellsboro (“GROW” or “Applicant”) will be seeking exemption authority for Application to abandon the following segment of rail line (“Subject Line”):

- i. Rail line situated between mile post 0.624 (near Mary Worthington Lane) and mile post 3.815 (near the Charleston Township line) in Tioga County, PA; and

The Subject Line traverses through United State Postal Service ZIP Code 16901. A map of the Subject Line is attached as Exhibit A.

The Subject Line includes the derailing area, which is the current location of the Wellsboro Passenger Station at 35 Charleston Street. The Passenger Station was built in approximately 1891 according to Sanborn Fire Insurance Maps (See **Exhibit D Sanborn Maps of Passenger Station**). The Passenger Station is listed as a contributing resource to the Wellsboro Historic District. **The proposed railroad abandonment and construction of the Marsh Creek Greenway will have no impact on this structure. There are no alterations planned to this structure within the scope of this project.** The impact of the project is limited to the removal and salvaging of the railroad siding in the right-of-way and the construction the Marsh Creek Greenway. See **Exhibit E, Site Pictures, and Photograph Key** for pictures of the Passenger Station.

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 May 2, 2022. This Report is being filed in connection therewith, and in accordance with the requirements of 49 CFR §§1105.7 and 1105.8. To prepare this Report, Applicant consulted with various state and federal agencies as required by the Board’s regulations. See the letters as Exhibit B. Based on the written responses received by Applicant to date (Exhibit C), Applicant states as follows:

ENVIRONMENTAL REPORT

(49 CFR 1105.7)

I. **PROPOSED ACTION AND ALTERNATIVES**

GROW is a nonprofit organization that strives to enhance the quality of life in the Wellsboro area through sustainable economic development. GROW acquired the Subject Line in 1992.

The Subject Line to be abandoned is approximately 3.191 miles and includes the derailling area, which is the current location of the Wellsboro Passenger Station at 35 Charleston Street. The Passenger Station is listed as a contributing resource to the Wellsboro Historic District.

The Subject Line was originally part of the “Wellsboro and Lawrenceville Railroad,” which was completed in 1872. The line extended south to the coal mines at Antrim and north to connect with the Blossburg and Corning Railroad. In 1873, these two railroads were merged to form the Corning, Cowanesque and Antrim Railway, which was leased to the Fall Brook Coal Company Railway. In 1892, the Fall Brook Railway was reorganized to include three additional holdings, and began offering passenger service between Lyons, New York and Williamsport, PA, passing through Wellsboro. In 1899, the Fall Brook Railway was leased to the New York Central and Hudson River Railroad, which reorganized as the New York Central Railroad in 1914. The New York Central Railroad was succeeded by the Penn Central Transportation Company in 1968, which was then succeeded by Conrail in 1976. In 1988 Conrail ceased operation of its line between Wellsboro and Jersey Shore, Pennsylvania. The only line remaining was that between Gang Mills, New York and Wellsboro, Pennsylvania. On December 31, 1992, Conrail ceased operations between Gang Mills and Wellsboro. The line was purchased by Growth Resources of Wellsboro and began operations on the Wellsboro & Corning rail line under the North Shore Railroad to maintain freight operations. No freight has moved on this line since 2016. Tioga Central began operating scenic passenger excursion trains on this line in 1994. The excursion trains were operated by Wellsboro and Corning Railroad as a wholly owned subsidiary of Genesee & Wyoming Inc. The excursions ceased in 2019 and no local traffic has moved over the line for at least two years. As of December 9, 2021, Genesee & Wyoming Railroad removed the passenger train operating agreement for 2022 and all renewal terms going forward. See Exhibit F, Growth Resources of Wellsboro Operating Agreement for a letter detailing the end of future operations on this rail line.

There is no local or overhead traffic on the Subject Line. Following the abandonment, GROW intends to sell the Subject Line, which includes 28.35 acres of railroad and right-of-way, to Tioga County for the purpose of constructing the Pine Creek Rail Extension/Marsh Creek Greenway (Greenway). This Greenway is a 3.2-mile non-motorized trail that will strategically connect downtown Wellsboro with the current terminus of the Pine Creek Rail Trail at Wellsboro Junction in Delmar Township. The development of the Marsh Creek Greenway would provide Wellsboro residents with the opportunity to safely walk and bike to the 62-mile trail owned by the Pennsylvania Department of Conservation and Natural Resources (DCNR) and safely connect three population centers in Pennsylvania—Wellsboro, Lock Haven, and Jersey Shore.

The proposed railroad abandonment and construction of the Marsh Creek Greenway will have no impact on the passenger station. There are no alterations planned to this structure within the scope of this project. The impact of the project is limited to the removal and salvaging of the railroad siding in the right-of-way and the construction the Marsh Creek Greenway.

II. 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 approximately September 12, 2016; excursion passenger train service ended in 2019 and the Genesee & Wyoming Railroad removed the passenger train operating agreement for 2022 and all renewal terms going forward. As such, no traffic will be diverted. Applicant sent a consultation letter regarding the proposed abandonment to the Pennsylvania Department of Transportation, Bureau of Rail Freight, Ports and Waterways (PennDOT). See letters attached as part of Exhibit B. No response was received from PennDOT. **Note: PennDOT is an active partner in the funding and construction of the Greenway.**

III. LAND USE

- i. The Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. The proposed reuse of the abandonment is consistent with local land use patterns. Applicant consulted with the following agencies regarding the proposed abandonment that may be concerned with land use issues: Pennsylvania Department of Transportation, Bureau of Rail Freight, Ports and Waterways (“PennDOT”); Pennsylvania Department of Environmental Protection, Northcentral Regional Office (“PA DEP NC Region”); Pennsylvania Department of Conservation and Natural Resources (“PA

DCNR”); Environmental Protection Agency Region 3 (“EPA Region 3”); U.S. Fish and Wildlife Service, North Atlantic-Appalachian Regional Office (“FWS North Atlantic-Appalachian Regional”); US Department of Agriculture Natural Resources Conservation Service, National (“USDA National”); US Department of Agriculture Natural Resources Conservation Service, Local (“USDA Local”); Pennsylvania Game Commission (“PA GC”); National Park Service – Northeast Region (“NPS Northeast Region”); National Park Service – National (“NPS National”); U.S. Army Corps of Engineers – North Atlantic Division (“ACE North Atlantic”); Pennsylvania Department of Environmental Protection, Coastal Resource Management (“PA DEP CRM”), National Geodetic Survey, National Oceanic and Atmospheric Administration (“NGS). Copies of these letters are attached as part of Exhibit B. Applicant has received written responses from the following consulted agencies, copies of which are included as part of Exhibit C.

- a. PA DCNR has responded with a letter of support. A copy of the letter is included as part of Exhibit C.
 - b. USDA, Natural Resources Conservation Service, requested a copy of the shapefile to determine if the project impacted any of their interests, namely easements and dams. This abandonment does not impact USDA’s easements or dams. The Agency was informed of the reuse of the property to be abandoned. The Agency responded that a prime farmland and statewide farmland soils review will be required if the Greenway receives federal funding. See Email Conversations included as part of Exhibit C.
 - c. The Pennsylvania Department of Environmental Protection, Coastal Resources Management (CRM) Program has responded with a determination that the abandonment is located outside of Pennsylvania’s Coastal Zones and will therefore not impact upon these zones. CRM therefore concurs that the proposed activity is consistent with our enforceable policies.
- ii. Applicant does not believe that the proposed abandonment will have any adverse effect on any prime agricultural land. Consultation notices were sent to the potentially concerned agencies list in paragraph 3(i) above.
 - iii. Applicant submitted a consultation letter to the Pennsylvania Coastal Resources Management Program. Applicant has not yet received a response.

- iv. Applicant acknowledges the right of way will be suitable for the construction of the Greenway. This reuse is consistent with local land use ordinances and zoning. Delmar Township and the Borough of Wellsboro participate in the Marsh Creek Greenway's Trail Advisory Committee. The Greenway project has been included as a recommendation in the following Plans and Studies:
 - a. Tioga County Comprehensive Plan
 - b. Wellsboro Enhancement Strategy and Mobility Plan
 - c. Northern Tier Regional Planning and Development Commission Comprehensive Economic Development Strategy
 - d. Wellsboro Borough, Charleston Township, Delmar Township and Duncan Township Multi-Municipal

4. **ENERGY**

The Subject Line serves no overhead traffic, and no local service has been provided to or from the Subject Line since approximately September 12, 2016, therefore,

- 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**

The 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 safety or health. The proposed Greenway will improve public safety by creating a non-motorized trail connecting downtown Wellsboro to the Pine Creek Rail Trail. Pedestrians and cyclists are currently using U.S. Route 6 which has resulted in pedestrians being struck by vehicles. The Greenway will also improve public health by providing access to a 62-mile trail.

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: PCG, PA DCNR, NPS National, NPS Interior Region 1 Office, ACE, NRCS National, and NRCS Local. Copies of the consultation letters are attached as part of Exhibit B. Applicant received a response from DCNR, attached as part of Exhibit C.
- 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 the paragraph 8(i) and Applicant has not received any responses.

9. WATER RESOURCES

- 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 PA DEP Northcentral Regional Office and has not received any responses. PA DEP has provided letters of support for the Greenway project as part of federal funding applications.
- ii. Applicant sent a consultation letter regarding the proposed abandonment to the U.S. Army Corps of Engineers. A copy of the letter is attached as part of Exhibit B. The Applicant has not received any response.

10. PROPOSED MITIGATION

Since no adverse environmental impacts are expected as a result of the abandonment, no mitigation is proposed.

11. ADDITIONAL INFORMATION FOR RAIL CONSTRUCTION

Not applicable.

12. CONSULTATION

As noted previously, GROW has consulted with the following agencies in connection with the preparation of this environmental report: Pennsylvania Department of Transportation, Bureau of Rail Freight, Ports and Waterways (“PennDOT”); Pennsylvania Department of Environmental Protection, Northcentral Regional Office (“PA DEP NC Region”); Pennsylvania Department of Conservation and Natural Resources (“PA DCNR”); Environmental Protection Agency Region 3 (“EPA Region 3”); U.S. Fish and Wildlife Service, North Atlantic-Appalachian Regional Office (“FWS North Atlantic-Appalachian Regional”); US Department of Agriculture Natural Resources Conservation Service, National (“USDA National”); US Department of Agriculture Natural Resources Conservation Service, Local (“USDA Local”); Pennsylvania Game Commission (“PA GC”); National Park Service – Northeast Region (“NPS Northeast Region”); National Park Service – National (“NPS National”); U.S. Army Corps of Engineers – North Atlantic Division (“ACE North Atlantic”); Pennsylvania Department of Environmental Protection, Coastal Resource Management (“PA DEP CRM”), National Geodetic Survey, National Oceanic and Atmospheric Administration (“NGS”).

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 Wellsboro Gazette on March 24, 2022. A copy of the form of notice, and the proof of publication, are attached as Exhibit G.
- 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 map showing the location of the proposed abandonment are attached as **Exhibit A-U.S.G.S Topographic Map**.

2. Right of Way

The Subject line is located primarily along the Marsh Creek in Tioga County, Pennsylvania. It abuts rural, commercial, and residential areas. The right of way is approximately sixty-six feet wide (33 feet on each side of the tracks). The right of way grows to approximately 100 feet on each side of the tracks in certain areas of the track due to the natural topography of the landscape. The rail line crosses the creek at five points of the section for proposed abandonment.

3. Photographs of Historic Structures

Three buildings located on or in the immediate vicinity of the Subject Line is estimated to be 50 years old or older.

- 1) Wellsboro Passenger Station
- 2) Wellsboro Electric Company
- 3) Tioga Container Company Distribution Center

Photographs of these buildings are included in **Exhibit E. Site Photographs and Photograph Key**.

4. Dates of Construction of Historic Structures

- 1) **Wellsboro Passenger Station**— Sanborn Fire Insurance maps are available for the Borough of Wellsboro dating back to 1885. The first Sanborn map to show the existence of the Passenger Station is from October 1891 (See **Exhibit D. Sanborn Maps**). The prior map from December 1885 lists the location of the Warren Depot Freight Company along Charleston Street and Fellows Ave, but the passenger station does not appear until the 1891 map. The Fall Brook Railway began offering passenger service that passed through Wellsboro in 1892, so it is likely that this structure is estimated to be built in 1891. The extent of any alterations to the building after construction is unknown.
- 2) **Wellsboro Electric Company**— Sanborn Fire Insurance maps are available for the Borough of Wellsboro dating back to 1885. The first Sanborn map to show the existence of the Wellsboro Electric Company building is from 1891 (See **Exhibit D. Sanborn Maps**). The Wellsboro Electric Company website lists that it has been an electrical service provider for Wellsboro since 1894. The extent of any alterations to the building after construction is unknown.
- 3) **Tioga Container Company Distribution Center**—Sanborn Fire Insurance maps are available for the Borough of Wellsboro dating back to 1885. The first Sanborn map to show the existence of the Wellsboro Electric Company building is from 1891 (See **Exhibit D. Sanborn Maps**). This

building is listed as the former location of United Glass Company. The extent of any alterations to the building after construction is unknown.

5. History of Carrier Operations in the Area

The Subject Line was originally part of the “Wellsboro and Lawrenceville Railroad,” which was completed in 1872, which extended south to the coal mines at Antrim and north to connect with the Blossburg and Corning Railroad. In 1873, these two railroads were merged to form the Corning, Cowanesque and Antrim Railway, which was leased to the Fall Brook Coal Company Railway. In 1892, the Fall Brook Railway was reorganized to include three additional holdings, and began offering passenger service between Lyons, New York and Williamsport, Pennsylvania, passing through Wellsboro.

In 1899, the Fall Brook Railway was leased to the New York Central and Hudson River Railroad, which reorganized as the New York Central Railroad in 1914. The New York Central Railroad was succeeded by the Penn Central Transportation Company in 1968, which was then succeeded by Conrail in 1976.

In 1988 Conrail ceased operation of its line between Wellsboro and Jersey Shore, Pennsylvania. The only line remaining was that between Gang Mills, New York and Wellsboro, Pennsylvania. On December 31, 1992, Conrail ceased operations between Gang Mills and Wellsboro. The line was purchased by Growth Resources of Wellsboro and began operations on the Wellsboro & Corning rail line under the North Shore Railroad to maintain freight operations. No freight has moved on this line since 2016.

Tioga Central began operating scenic passenger excursion trains on this line in 1994. The excursion trains were operated by Wellsboro and Corning Railroad as a wholly owned subsidiary of Genesee & Wyoming Inc. The excursions ceased in 2019 and no local traffic has moved over the line for at least 2 years. As of December 9, 2021, Genesee & Wyoming Railroad removed the passenger train operating agreement for 2022 and all renewal terms going forward. See **Exhibit F, Growth Resources of Wellsboro Operating Agreement** for a letter detailing the removal of future operations on this rail line.

6. Summary of Structure Documentation

The applicant is unaware of any additional documents in its possession that might be useful documenting a structure that is found to be historic.

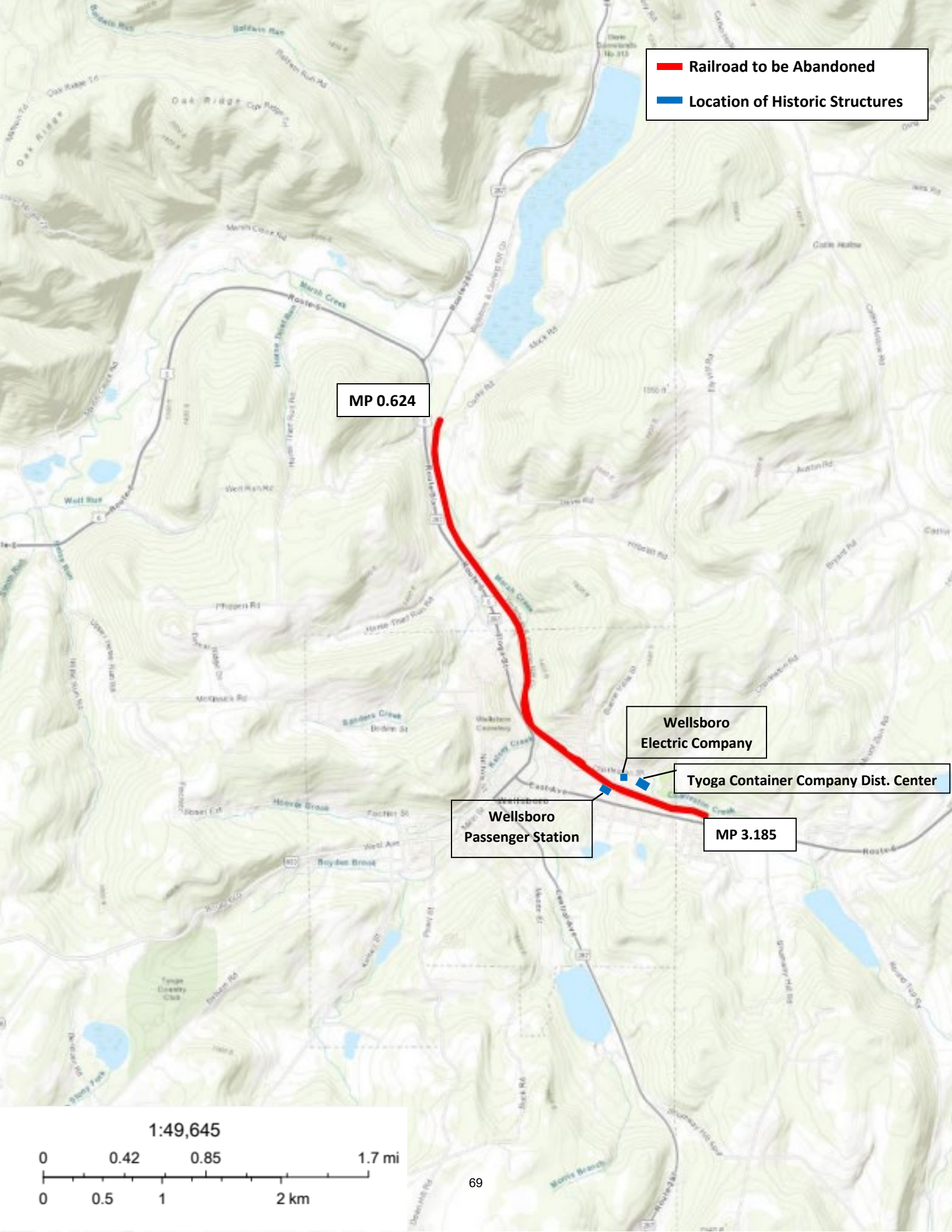
7. Opinion Regarding Criteria for Listing

Based on readily available information in GROW’s possession, does not believe that any protective historic conditions should be placed upon the salvage of the track which is standard gauge and has been continuously maintained over the years. Applicant has given notice of the proposed abandonment to the Pennsylvania State Historic Preservation Office – (‘SHPO’). Response from SHPO is attached as Exhibit H.

8. Environmental Conditions

The applicant 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. Applicant intends to salvage the track – its salvage will take place within the right of way, will be surface work only and would not disturb subsurface resources.

EXHIBIT A
RAIL ABANDONMENT MAP



Railroad to be Abandoned

Location of Historic Structures

MP 0.624

**Wellsboro
Electric Company**

Tyoga Container Company Dist. Center

**Wellsboro
Passenger Station**

MP 3.185

1:49,645

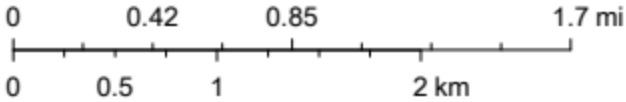


EXHIBIT B

LETTERS TO AGENCIES

Abandonment Application
Surface Transportation Board Docket No. AB 1320X

AFFIDAVIT OF SERVICE

I, Brian S. Duff, Esquire, attorney for Growth Resources of Wellsboro Foundation (“GROW”), do hereby certify that on January 11, 2022 I sent notice of GROW’s intent to abandon certain railroad track, along with a copy of the map showing the proposed railroad track to be abandoned, to the following agencies via US Mail, first-class, postage-prepaid, addressed as follows:

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
555 Walnut Street, #8
Harrisburg, PA 17101

Jared Dressler, Regional Director
Pennsylvania Department of Environmental Protection
208 West Third Street
Suite 101
Williamsport, PA 17701

Lauren Imgrund
Deputy Secretary for Conservation and Technical Services
PA Department of Conservation and Natural Resources
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

Thomas D’Allesandro
U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029
Dalessandro.thomas@Epa.gov

Kyla Hastie, Deputy Regional Director
U.S. Fish and Wildlife Service
North Atlantic-Appalachian Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9587
Northeast@fws.gov

Ms. Denise Coleman, State Conservationist
USDA Natural Resources Conservation Service
Pennsylvania State Office
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747
Denise.Coleman@usda.gov

Dave Mitchell, Regional Director
Pennsylvania Game Commission
Northcentral Region
1566 South Route 44 Highway
P.O. Box 5038
Jersey Shore, PA 17740

Gay Vietzke, Regional Director
National Park Service
Interior Region 1 Office
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Ray Sauvajot, Associate Director
Natural Resource Stewardship and Science
National Park Service
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

U.S. Army Corps of Engineers
North Atlantic Division, Philadelphia District
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
stephen.rochette@usace.army.mil
miledward.c.voigt@usace.army.mil

Kristina Peacock-Jones
PA Department of Environmental Protection
Coastal Resource Management
Rachel Carson State Office Building
400 Market Street
P.O. Box 8468
Harrisburg, PA 17105-8468
ra-epcoastalzone@pa.gov

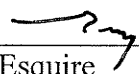
Terrell Erickson, Northeast Region
USDA Natural Resources Conservation Service
14th and Independence Ave., SW, Room 4080-S
Washington, DC 20250

Jeff Jalbrzikowski, P.S., GISP, CFS
NOAA/NOS/National Geodetic Survey
125 South Oval Mall
318 Mendenhall Lab
Columbus, OH 43228
Jeff.Jalbrzikowski@noaa.gov

OWLETT & LEWIS, P.C.

11/11/22

Date

By:  

Brian S. Duff, Esquire
Attorney for GROW
PA ID # 85997
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
(570) 723-1451

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
555 Walnut Street, #8
Harrisburg, PA 17101

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Sir or Madam:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Public health or safety;



PA Department of Transportation
Bureau of Rail Freight, Ports and Waterways
January 11, 2022
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6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
8. Designated wetlands and 100-year-old floodplains;
9. Endangered or threatened species and critical habitats;
10. Wildlife sanctuaries or refuges and national or state parks or forests;
11. Prime agricultural land, and soil and natural resource conservation;
12. Existing or potential safety hazards;
13. Coastal Zone Management Areas; and
14. The need for permits under Section 402 or 404 of the Clean Water Act.

We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

Teresa K. Sparacino, Vice President
Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
Phone (570) 723-1451
E-mail: BSD@OwlettLewis.com



PA Department of Transportation
Bureau of Rail Freight, Ports and Waterways
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Jared Dressler, Regional Director
Pennsylvania Department of Environmental Protection
208 West Third Street, Suite 101
Williamsport, PA 17701

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Mr. Dressler:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

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Jared Dressler, Regional Director
Pennsylvania Department of Environmental Protection
January 11, 2022
Page 2 of 3

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9. Endangered or threatened species and critical habitats;
10. Wildlife sanctuaries or refuges and national or state parks or forests;
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14. The need for permits under Section 402 or 404 of the Clean Water Act.

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225 Grandview Avenue, Suite 301
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Email: tsparacino@deltaone.com

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E-mail: BSD@OwlettLewis.com

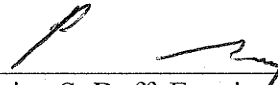
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Jared Dressler, Regional Director
Pennsylvania Department of Environmental Protection
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Lauren Imgrund
Deputy Secretary for Conservation and Technical Services
PA Department of Conservation and Natural Resources
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Lauren:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

Lauren Imgrund
Deputy Secretary for Conservation and Technical Services
PA Department of Conservation and Natural Resources
January 11, 2022
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5. Public health or safety;
6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
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11. Prime agricultural land, and soil and natural resource conservation;
12. Existing or potential safety hazards;
13. Coastal Zone Management Areas; and
14. The need for permits under Section 402 or 404 of the Clean Water Act.

We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

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Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

Brian S. Duff, Esquire
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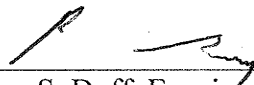
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Lauren Imgrund
Deputy Secretary for Conservation and Technical Services
PA Department of Conservation and Natural Resources
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Kyla Hastie, Deputy Regional Director
U.S. Fish and Wildlife Service
North Atlantic-Appalachian Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9587

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Kyla:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

Kyla Hastie, Deputy Regional Director
U.S. Fish and Wildlife Service
January 11, 2022
Page 2 of 3

5. Public health or safety;
6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
8. Designated wetlands and 100-year-old floodplains;
9. Endangered or threatened species and critical habitats;
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11. Prime agricultural land, and soil and natural resource conservation;
12. Existing or potential safety hazards;
13. Coastal Zone Management Areas; and
14. The need for permits under Section 402 or 404 of the Clean Water Act.

We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

Teresa K. Sparacino, Vice President
Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
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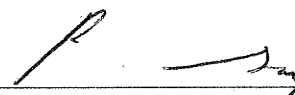
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Kyla Hastie, Deputy Regional Director
U.S. Fish and Wildlife Service
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Thomas D'Allesandro
U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Mr. D'Allesandro:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

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3. Energy consumption and efficiency;
4. Air emissions and noise levels;



Thomas D'Allesandro
U.S. Environmental Protection Agency
January 11, 2022
Page 2 of 3

5. Public health or safety;
6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
8. Designated wetlands and 100-year-old floodplains;
9. Endangered or threatened species and critical habitats;
10. Wildlife sanctuaries or refuges and national or state parks or forests;
11. Prime agricultural land, and soil and natural resource conservation;
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14. The need for permits under Section 402 or 404 of the Clean Water Act.

We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

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225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
Phone (570) 723-1451
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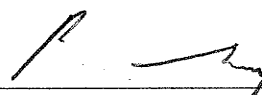


Thomas D'Allesandro
U.S. Environmental Protection Agency
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Ms. Denise Coleman, State Conservationist
USDA Natural Resources Conservation Service
Pennsylvania State Office
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Ms. Coleman:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;



Ms. Denise Coleman, State Conservationist
USDA Natural Resources Conservation Service
January 11, 2022
Page 2 of 3

5. Public health or safety;
6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
8. Designated wetlands and 100-year-old floodplains;
9. Endangered or threatened species and critical habitats;
10. Wildlife sanctuaries or refuges and national or state parks or forests;
11. Prime agricultural land, and soil and natural resource conservation;
12. Existing or potential safety hazards;
13. Coastal Zone Management Areas; and
14. The need for permits under Section 402 or 404 of the Clean Water Act.

We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

Teresa K. Sparacino, Vice President
Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

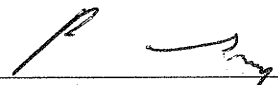
Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
Phone (570) 723-1451
E-mail: BSD@OwlettLewis.com

Ms. Denise Coleman, State Conservationist
USDA Natural Resources Conservation Service
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Dave Mitchell, Regional Director
Pennsylvania Game Commission
Northcentral Region
1566 South Route 44 Highway
P.O. Box 5038
Jersey Shore, PA 17740

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Mr. Mitchell:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;



Dave Mitchell, Regional Director
Pennsylvania Game Commission
January 11, 2022
Page 2 of 3

5. Public health or safety;
6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
8. Designated wetlands and 100-year-old floodplains;
9. Endangered or threatened species and critical habitats;
10. Wildlife sanctuaries or refuges and national or state parks or forests;
11. Prime agricultural land, and soil and natural resource conservation;
12. Existing or potential safety hazards;
13. Coastal Zone Management Areas; and
14. The need for permits under Section 402 or 404 of the Clean Water Act.

We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

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Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
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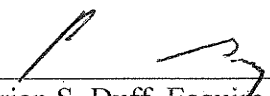
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Dave Mitchell, Regional Director
Pennsylvania Game Commission
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Gay Vietzke, Regional Director
National Park Service
Interior Region 1 Office
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Gay:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

Gay Vietzke, Regional Director
National Park Service
January 11, 2022
Page 2 of 3

5. Public health or safety;
6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
8. Designated wetlands and 100-year-old floodplains;
9. Endangered or threatened species and critical habitats;
10. Wildlife sanctuaries or refuges and national or state parks or forests;
11. Prime agricultural land, and soil and natural resource conservation;
12. Existing or potential safety hazards;
13. Coastal Zone Management Areas; and
14. The need for permits under Section 402 or 404 of the Clean Water Act.

We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

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Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

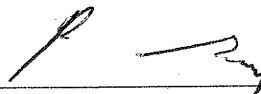
Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
Phone (570) 723-1451
E-mail: BSD@OwlettLewis.com

Gay Vietzke, Regional Director
National Park Service
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Ray Sauvajot, Associate Director
Natural Resource Stewardship and Science
National Park Service
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Ray:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;



Ray Sauvajot, Associate Director
Natural Resource Stewardship and Science
January 11, 2022
Page 2 of 3

5. Public health or safety;
6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
8. Designated wetlands and 100-year-old floodplains;
9. Endangered or threatened species and critical habitats;
10. Wildlife sanctuaries or refuges and national or state parks or forests;
11. Prime agricultural land, and soil and natural resource conservation;
12. Existing or potential safety hazards;
13. Coastal Zone Management Areas; and
14. The need for permits under Section 402 or 404 of the Clean Water Act.

We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

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Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
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Wellsboro, PA 16901
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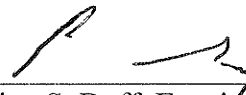
Q

Ray Sauvajot, Associate Director
Natural Resource Stewardship and Science
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

U.S. Army Corps of Engineers
North Atlantic Division, Philadelphia District
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Sir or Madam:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

In order to prepare an environmental and historic report as required by STB regulations, 49 C.F.R. § 1105.7, GROW is advising you of the proposed abandonment so that you may assist in identifying any potential effects the abandonment may have on the following:

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U.S. Army Corps of Engineers
North Atlantic Division, Philadelphia District
January 11, 2022
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5. Public health or safety;
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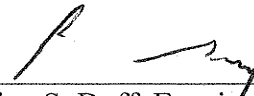
Q

U.S. Army Corps of Engineers
North Atlantic Division, Philadelphia District
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Kristina Peacock-Jones
PA Dept of Environmental Protection, Coastal Resource Management
Rachel Carson State Office Building
400 Market Street
P.O. Box 8468
Harrisburg, PA 17105-8468

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Kristina:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

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2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;

Kristina Peacock-Jones
PA Department of Environmental Protection
January 11, 2022
Page 2 of 3

5. Public health or safety;
6. Hazardous waste;
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225 Grandview Avenue, Suite 301
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Phone (570) 723-1451
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Kristina Peacock-Jones
PA Department of Environmental Protection
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Jeff Jalbrzikowski, P.S., GISP, CFS
NOAA/NOS/National Geodetic Survey
125 South Oval Mall
318 Mendenhall Lab
Columbus, OH 43228

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Jeff:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

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Jeff Jalbrzikowski, P.S., GISP, CFS
NOAA/NOS/National Geodetic Survey
January 11, 2022
Page 2 of 3

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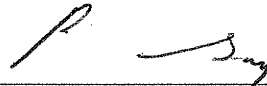
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Jeff Jalbrzikowski, P.S., GISP, CFS
NOAA/NOS/National Geodetic Survey
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 11, 2022

Terrell Erickson, Northeast Region
USDA Natural Resources Conservation Service
14th and Independence Ave., SW, Room 4080-S
Washington, DC 20250

Re: Growth Resources of Wellsboro Foundation ("GROW") – Abandonment
Exemption – Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

Dear Terrell:

This letter is to advise that Growth Resources of Wellsboro ("GROW") intends to file a notice of exemption with the Surface Transportation Board ("STB") for the abandonment of approximately 2.25 miles of rail line situated between milepost 0.505 (near Mary Worthington Lane) and Milepost 3.000 (near Fellows Avenue) in Wellsboro, Tioga County, Pennsylvania ("the Line"). The notice of exemption will be filed pursuant to 49 C.F.R. § 1152.50(b), which covers the abandonment of rail lines that had no local traffic move over the line for at least two (2) years. A map showing the location of the Line is enclosed for your reference. This segment is critical for the construction of the Marsh Creek Greenway, a 3.2-mile non-motorized trail that will connect downtown Wellsboro to the Pine Creek Rail Trail.

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Terrell Erickson, Northeast Region
USDA Natural Resources Conservation Service
January 11, 2022
Page 2 of 3

5. Public health or safety;
6. Hazardous waste;
7. Bodies of water and overall water quality under applicable federal, state or local standards;
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We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

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Email: tsparacino@deltaone.com

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
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P.O. Box 878
Wellsboro, PA 16901
Phone (570) 723-1451
E-mail: BSD@OwlettLewis.com

Q

Terrell Erickson, Northeast Region
USDA Natural Resources Conservation Service
January 11, 2022
Page 3 of 3

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Abandonment Application
Surface Transportation Board Docket No. AB 1320X

AFFIDAVIT OF SERVICE

I, Brian S. Duff, Esquire, attorney for Growth Resources of Wellsboro Foundation (“GROW”), do hereby certify that on January 25, 2022 I sent notice of GROW’s intent to abandon certain railroad track, along with a copy of the map showing the proposed railroad track to be abandoned, to the following agencies via US Mail, first-class, postage-prepaid, addressed as follows:

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
555 Walnut Street, #8
Harrisburg, PA 17101

Jared Dressler, Regional Director
Pennsylvania Department of Environmental Protection
208 West Third Street
Suite 101
Williamsport, PA 17701

Lauren Imgrund
Deputy Secretary for Conservation and Technical Services
PA Department of Conservation and Natural Resources
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17105

Thomas D’Alessandro
U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029
Dalessandro.thomas@Epa.gov

Kyla Hastie, Deputy Regional Director
U.S. Fish and Wildlife Service
North Atlantic-Appalachian Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9587
Northeast@fws.gov

Ms. Denise Coleman, State Conservationist
USDA Natural Resources Conservation Service
Pennsylvania State Office
359 East Park Drive, Suite 2
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Jersey Shore, PA 17740

Gay Vietzke, Regional Director
National Park Service
Interior Region 1 Office
1234 Market Street, 20th Floor
Philadelphia, PA 19107

Ray Sauvajot, Associate Director
Natural Resource Stewardship and Science
National Park Service
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

U.S. Army Corps of Engineers
North Atlantic Division, Philadelphia District
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
stephen.rochette@usace.army.mil
edward.c.voigt@usace.army.mil

Kristina Peacock-Jones
PA Department of Environmental Protection
Coastal Resource Management
Rachel Carson State Office Building
400 Market Street
P.O. Box 8468
Harrisburg, PA 17105-8468
ra-epcoastalzone@pa.gov

Terrell Erickson, Northeast Region
USDA Natural Resources Conservation Service
14th and Independence Ave., SW, Room 4080-S
Washington, DC 20250

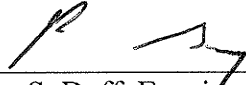
Jeff Jalbrzikowski, P.S., GISP, CFS
NOAA/NOS/National Geodetic Survey
125 South Oval Mall
318 Mendenhall Lab
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Jeff.Jalbrzikowski@noaa.gov

OWLETT & LEWIS, P.C.

11/25/22

Date

By:



Brian S. Duff, Esquire
Attorney for GROW
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January 25, 2022

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stephen.rochette@usace.army.miledward.c.voigt@usace.army.mil

Re: Growth Resources of Wellsboro (GROW) Abandonment
Exemption, Tioga County, PA
Milepost .0505 to Milepost 3.815
Surface Transportation Board Docket No. AB 1320 X

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January 25, 2022

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6. Hazardous waste;
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9. Endangered or threatened species and critical habitats;
10. Wildlife sanctuaries or refuges and national or state parks or forests;
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13. Coastal Zone Management Areas; and
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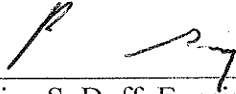
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Brian S. Duff, Esquire
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January 25, 2022

Kyla Hastie, Deputy Regional Director
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Northeast@fws.gov

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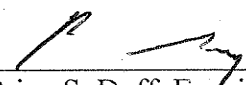
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January 25, 2022

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January 25, 2022

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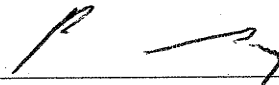
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U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

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January 25, 2022

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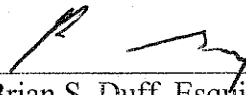
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Thomas D'Alessandro
U.S. Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029
Dalessandro.thomas@Epa.gov

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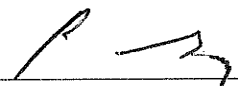
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Lauren Imgrund
Deputy Secretary for Conservation and Technical Services
PA Department of Conservation and Natural Resources
Rachel Carson State Office Building
400 Market Street
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2. Regional or local transportation systems and patterns, including alternative transportation modes

January 25, 2022

Page 2 of 3

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5. Public health or safety;
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10. Wildlife sanctuaries or refuges and national or state parks or forests;
11. Prime agricultural land, and soil and natural resource conservation;
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13. Coastal Zone Management Areas; and
14. The need for permits under Section 402 or 404 of the Clean Water Act.

Please include this additional length of rail line in your review. We would appreciate your review and comments as soon as possible so that any comments can be included in the Environmental/Historic Report being prepared in connection with this abandonment in accordance with 49 C.F.R § 1105.7. Your written comments should reference Docket No. AB 1320 X with a copy sent to the following addresses:

Teresa K. Sparacino, Vice President
Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011
Email: tsparacino@deltaone.com

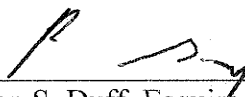
January 25, 2022
Page 3 of 3

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street,
P.O. Box 878
Wellsboro, PA 16901
Phone (570) 723-1451
E-mail: BSD@OwlettLewis.com

A copy of the Environmental/Historic Report will be forwarded to you at least twenty (20) days before GROW's notice of exemption is filed with the STB. If you should have any questions or need additional information, please feel free to contact me at (570) 723-1451.

Very truly yours,

OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 25, 2022

Terrell Erickson, Northeast Region
USDA Natural Resources Conservation Service
14th and Independence Ave., SW, Room 4080-S
Washington, DC 20250

Re: Growth Resources of Wellsboro (GROW) Abandonment
Exemption, Tioga County, PA
Milepost .0505 to Milepost 3.815
Surface Transportation Board Docket No. AB 1320 X

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January 25, 2022

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Email: tsparacino@deltaone.com

Q

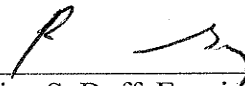
January 25, 2022
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Brian S. Duff, Esquire
Owlett & Lewis, P.C.
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Very truly yours,

OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 25, 2022

Dave Mitchell, Regional Director
Pennsylvania Game Commission
Northcentral Region
1566 South Route 44 Highway
P.O. Box 5038
Jersey Shore, PA 17740

Re: Growth Resources of Wellsboro (GROW) Abandonment
Exemption, Tioga County, PA
Milepost .0505 to Milepost 3.815
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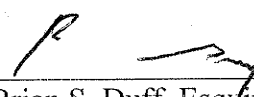
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Owlett & Lewis, P.C.
One Charles Street,
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Very truly yours,

OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 25, 2022

Jared Dressler, Regional Director
Pennsylvania Department of Environmental Protection
208 West Third Street
Suite 101
Williamsport, PA 17701

Re: Growth Resources of Wellsboro (GROW) Abandonment
Exemption, Tioga County, PA
Milepost .0505 to Milepost 3.815
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Q

January 25, 2022

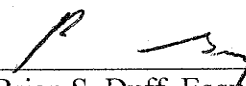
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Very truly yours,

OWLETT & LEWIS, P. C.

By: 
Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 25, 2022

Ms. Denise Coleman, State Conservationist
USDA Natural Resources Conservation Service
Pennsylvania State Office
359 East Park Drive, Suite 2
Harrisburg, PA 17111-2747
Denise.Coleman@usda.gov

Re: Growth Resources of Wellsboro (GROW) Abandonment
Exemption, Tioga County, PA
Milepost .0505 to Milepost 3.815
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OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

January 25, 2022

Pennsylvania Department of Transportation
Bureau of Rail Freight, Ports and Waterways
555 Walnut Street, #8
Harrisburg, PA 17101

Re: Growth Resources of Wellsboro (GROW) Abandonment
Exemption, Tioga County, PA
Milepost .0505 to Milepost 3.815
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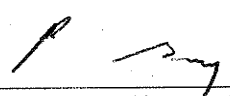
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Very truly yours,

OWLETT & LEWIS, P. C.

By: 

Brian S. Duff, Esquire

Enclosures

EXHIBIT C
AGENCY RESPONSE LETTERS/EMAILS



February 2, 2022

Teresa K. Sparacino, Vice President
Delta Development Group, Inc.
225 Grandview Avenue, Suite 301
Camp Hill, PA 17011

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street, PO Box 878
Wellsboro, PA 16901

RE: Growth Resources of Wellsboro (GROW) Abandonment
Exemption, Tioga County, PA
Milepost .0505 to Milepost 3.815
Surface Transportation Board Docket No. AB 1320 X

To Whom it May Concern:

I am writing to you in support of approving Growth Resources of Wellsboro request for an abandonment exemption for rail line located in Wellsboro, Tioga County. As outlined below, this piece of rail line would create a vital link from downtown Wellsboro to the Marsh Creek Greenway. DCNR strongly supports these types of connections to communities as they are proven to positively impact local economies, provide greater access to the outdoors for all citizens and promote environmentally friendly transportation alternatives.

It is one of DCNR's top priorities (according to the State Comprehensive Outdoor Recreation Plan and Pennsylvania Land and Water Trail Network Strategic Plan) to *close Priority Trail Gaps in Pennsylvania's statewide land and water trail network with the overall goal of having a trail within 10 minutes of every Pennsylvanian*. In 2014, DCNR identified the Marsh Creek Greenway as one of the state's Priority Trail Gaps (#158) due to the vital connection it will make between the 62-mile Pine Creek Rail Trail and the Borough of Wellsboro. To date, DCNR has awarded nearly \$1M to support the planning, acquisition, and development of the Marsh Creek Greenway. It is our opinion that the reuse of this line as a multi-use trail will greatly enhance the regional and local alternative transportation systems, as well as advance the establishment of a statewide trail network.

DCNR looks forward to continuing to support the development of the Marsh Creek Greenway.

Sincerely,

A handwritten signature in blue ink that reads "Lauren S. Imgrund".

Lauren S. Imgrund
Deputy Secretary, Conservation & Technical Services

From: [Plowden, Yuri - NRCS, Harrisburg, PA](#)
To: [Teresa Sparacino](#)
Cc: [Katie Hall](#)
Subject: RE: [External Email]FW: Growth Resources of Wellsboro Foundation - Abandonment Exemption - Tioga County, PA - Surface Transportation Board Docket No. AB 1320X
Date: Tuesday, February 22, 2022 4:43:37 PM

Hi Teresa,

Thank you for the message you left on my voice mail. When we are sent a project for review, we are interested in whether or not it will impact any of our interests, namely our easements and our dams. We will do a prime farmland and statewide farmland soils review if the project will receive federal funding. Otherwise, your use of the latest soil survey information on web soil survey will provide you with an up to date inventory of the farmland classification. It looks like you have done this for your project. If you have other questions or need clarifications, please do not hesitate to contact me. I will be in meetings until about 10:30am tomorrow.

Yuri Plowden
State Soil Scientist
Natural Resources Conservation Service
359 E. Park Drive, Suite 2
Harrisburg, PA 17111
717-237-2207 (o)
717-514-8303 (work cell)
Best phone number to reach me during COVID19 is the work cell

From: Teresa Sparacino <tsparacino@deltaone.com>
Sent: Friday, February 18, 2022 11:30 AM
To: Plowden, Yuri - NRCS, Harrisburg, PA <yuri.plowden@usda.gov>
Cc: Katie Hall <khall@deltaone.com>
Subject: [External Email]FW: Growth Resources of Wellsboro Foundation - Abandonment Exemption - Tioga County, PA - Surface Transportation Board Docket No. AB 1320X

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Hi Yuri,

To follow up on my voice mail, Delta is working with Growth Resources to prepare the environmental assessment for the RR abandonment. Please see my colleague's email below regarding the soils.

As Brian probably explained to you, the rail line tracks will be removed and a non-motorized trail will be constructed. The surrounding area will include bio-swales and other stormwater management practices to protect the environment.

Please let me know if you have additional questions.

Teresa

Teresa K. Sparacino

Vice President

Delta Development Group, Inc.

225 Grandview Avenue, Suite 301

Camp Hill, PA 17011

Office: 717.441.1318

Cell: 717.448.4831

www.deltaone.com

From: Katie Hall <khall@deltaone.com>

Sent: Thursday, February 17, 2022 5:55 PM

To: Teresa Sparacino <tsparacino@deltaone.com>

Subject: RE: Growth Resources of Wellsboro Foundation - Abandonment Exemption - Tioga County, PA - Surface Transportation Board Docket No. AB 1320X

Hi Teresa,

Here is the soil survey info. This soil survey is for the EDA scope of work, so it does include the acreage for the Patterson Trailhead Facility—however, that is a former rail yard and not actively farmed.

Here is a brief summary of the soils:

As shown in the NRCS Web Soil Survey mapping, approximately 12.0% of the project site has soils that are defined as “not prime farmland”. Approximately 64.8% of the site includes soils defined as “prime farmland” including ChB, Ph, Po, and Pp. The remaining 23.3% of the site includes soils such as Ow, VoB, and VoC, which are considered “farmland of statewide importance”. The project site for proposed abandonment is currently a railroad bed. The project engineers will begin consultation with the NRCS regarding Prime Farmland once a land development plan is finalized.

NRCS SOIL SURVEY TYPES				
MAP UNIT SYMBOL	MAP UNIT NAME	ACRES ON AOI	PERCENT OF AOI	FARMLAND SOIL CLASSIFICATION
ChB	Chenango gravelly loam, 2 to 12 percent slopes	1.9	6.0%	All areas are prime farmland
OTF	Oquaga and Lordstown channery loams, 25 to 70 percent slopes, extremely stony	0.4	1.2%	Not prime farmland
Ow	Orrville silt loam	1.5	4.9%	Farmland of statewide importance

Ph	Philo silt loam	0.7	2.2%	All areas are prime farmland
Po	Pope soils	17.5	56.1%	All areas are prime farmland
Pp	Pope fine sandy loam, high bottom	0.1	0.5%	All areas are prime farmland
VoB	Volusia channery silt loam, 3 to 8 percent slopes	1.9	6.1%	Farmland of statewide importance
VoC	Volusia channery silt loam, 8 to 15 percent slopes	3.8	12.3%	Farmland of statewide importance
VoD	Volusia channery silt loam, 15 to 25 percent slopes	1.1	3.7%	Not prime farmland
VoD3	Volusia channery silt loam, 15 to 25 percent slopes, eroded	1.7	5.5%	Not prime farmland
WyD	Wyoming gravelly sandy loam, 20 to 30 percent slopes	0.5	1.6%	Not prime farmland
TOTAL FOR AREA OF INTEREST		379.0	100.0%	

SOURCE: USDA NRCS Web Soil Mapper

From: Teresa Sparacino <tsparacino@deltaone.com>

Sent: Thursday, February 17, 2022 4:58 PM

To: Katie Hall <khall@deltaone.com>

Subject: FW: Growth Resources of Wellsboro Foundation - Abandonment Exemption - Tioga County, PA - Surface Transportation Board Docket No. AB 1320X

Teresa K. Sparacino

Vice President

Delta Development Group, Inc.

225 Grandview Avenue, Suite 301

Camp Hill, PA 17011

Office: 717.441.1318

Cell: 717.448.4831

www.deltaone.com

From: Brian Duff <BSD@owlett-lewis.com>

Sent: Thursday, February 17, 2022 4:24 PM

To: Marc Rice <mrice@tiogacountypa.us>; Teresa Sparacino <tsparacino@deltaone.com>

Subject: FW: Growth Resources of Wellsboro Foundation - Abandonment Exemption - Tioga County, PA - Surface Transportation Board Docket No. AB 1320X

CAUTION: This email originated from outside of the organization. Do not click on links or open attachments unless

you recognize the sender's email address and know the content is safe.

Marc and Teresa,

Please see below and see attached. When she called, she was specifically requesting a "shapefile." Are you familiar with what that is, and whether or not that is something we can even provide them?

Brian

Brian S. Duff, Esquire
Owlett & Lewis, P.C.
One Charles Street,
P.O. Box 878
Wellsboro, PA 16901
Phone (570) 723-1451
Fax (570) 723-1490
E-mail: BSD@OwlettLewis.com

"Attorneys with a Tradition of Providing Estate Planning, Tax Counseling and Business Representation Since 1888."

*****NOTE*****

E-mail sent through the Internet is not secure. Owlett & Lewis, P.C. recommends that you do not send any confidential or sensitive information to us via electronic mail, including social security numbers, account numbers, or personal identification numbers. The information contained in this email message may contain attorney-client privileged and confidential information and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Nothing in this email is intended to be an electronic signature or an agreement of any kind under applicable law unless otherwise expressly indicated. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer. Messages sent to and from our office may be monitored.

From: Plowden, Yuri - NRCS, Harrisburg, PA <yuri.plowden@usda.gov>

Sent: Thursday, February 17, 2022 4:22 PM

To: Brian Duff <BSD@owlettLewis.com>

Subject: Growth Resources of Wellsboro Foundation - Abandonment Exemption - Tioga County, PA - Surface Transportation Board Docket No. AB 1320X

Dear Mr. Duff,

According to the information you sent pertaining to the abandonment of a section of rail line in Tioga County, PA, this project will not impact any of NRCS' easements or dams. However, if this project will receive federal funding, then it is subject to the Farmland Protection Policy Act and will need to be evaluated.

Since this is a corridor project, the attached CPA-106 form will need to have parts I, III, VI, and VII filled out by the federal agency providing funding. Consultants can fill this out on behalf of the federal agencies, but I need to know which agency is providing the funding.

In addition to the CPA-106, I will need a shapefile, or a web soil survey map of the project footprint that includes the soils legend with acreages. The maps that were sent show the rail line areas that will be abandoned, but also additional areas owned by Growth. Will those areas be impacted by this project? Those would need to be included in the shapefile or web soil survey map, and accounted for in the CPA-106. Web soil survey can be accessed at this link: [Web Soil Survey - Home \(usda.gov\)](https://websoilsurvey.sc.egov.usda.gov/).

Yuri Plowden
State Soil Scientist
Natural Resources Conservation Service
359 E. Park Drive, Suite 2
Harrisburg, PA 17111
717-237-2207 (o)
717-514-8303 (work cell)
Best phone number to reach me during COVID19 is the work cell

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

March 31, 2022

Brian S. Duff
Owlett and Lewis, P.C.
One Charles Street
P.O. Box 878
Wellsboro, PA 16901

Re: CZMA Federal Consistency: Growth of Wellsboro Abandonment STB No. AB 1320 X

Dear Mr. Duff:

The Pennsylvania Coastal Resource Management (CRM) Program has reviewed the information for the Growth of Wellsboro Abandonment Project (Project) received in this office on January 11 and January 27, 2022. The proposed activity includes the abandonment of a rail line situated between milepost 0.505 and milepost 3.815 in Wellsboro, Tioga County.

The Project is subject to CRM's federal consistency review under Section 307 of the Coastal Zone Management Act (16 U.S.C. § 1456) and the National Oceanic and Atmospheric Administration regulations at 15 C.F.R. Part 930 Subpart D -- Consistency for Federal License and Permit Activities.

The Project is located outside of Pennsylvania's Coastal Zones and will not impact upon them. CRM therefore concurs that the proposed activity is consistent with our enforceable policies.

Please note that this determination pertains only to the federal consistency review requirements under the Federal Coastal Zone Management Act of 1972, as amended, and does not constitute a waiver from further Department of Environmental Protection review or permits.

Sincerely,

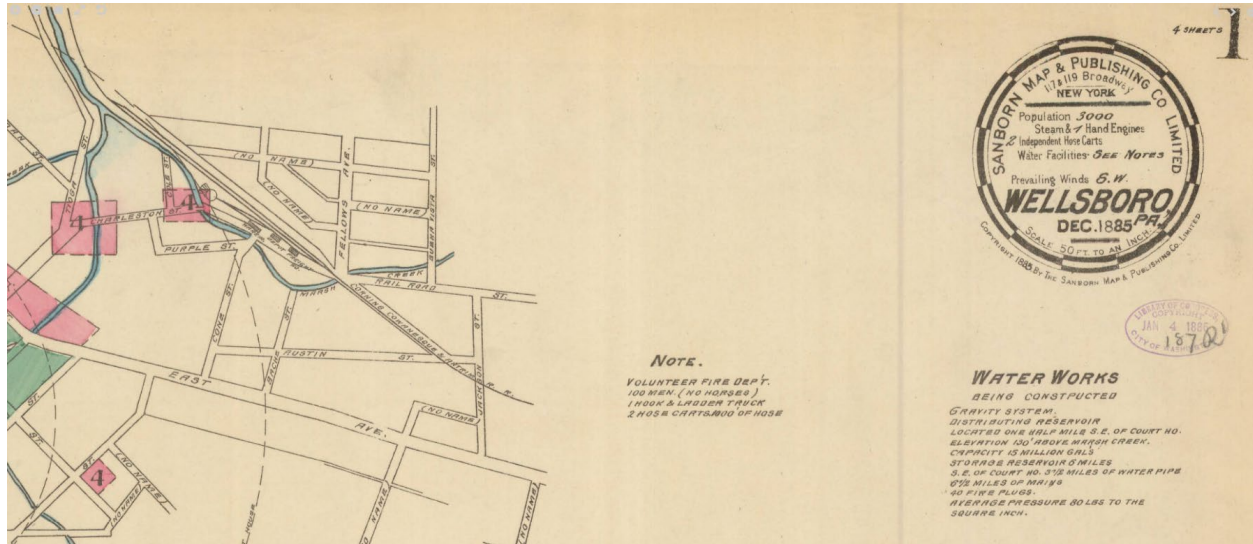


Matthew D. Walderon
Federal Consistency Coordinator
Coastal Resources Management Program

EXHIBIT D

SANBORN MAPS/HISTORIC STRUCTURES

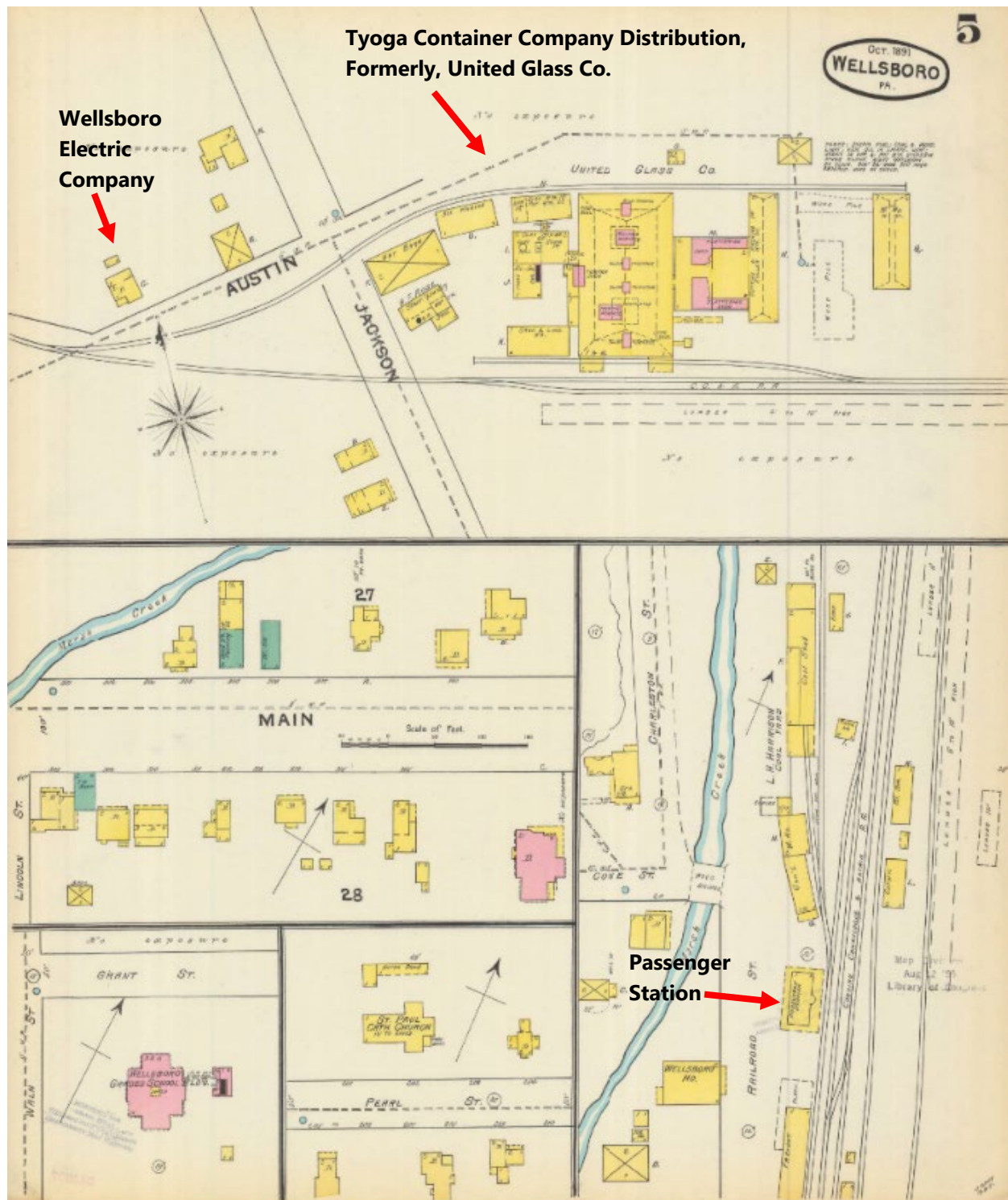
Exhibit D. Sanborn Maps



SANBORN FIRE INSURANCE MAP, BOROUGH OF WELLSBORO CHARLESTON STREET, DECEMBER 1885

Source: <https://libraries.psu.edu/about/collections/sanborn-fire-insurance-maps>

**Tioga Railroad Abandonment
Tioga County, PA**

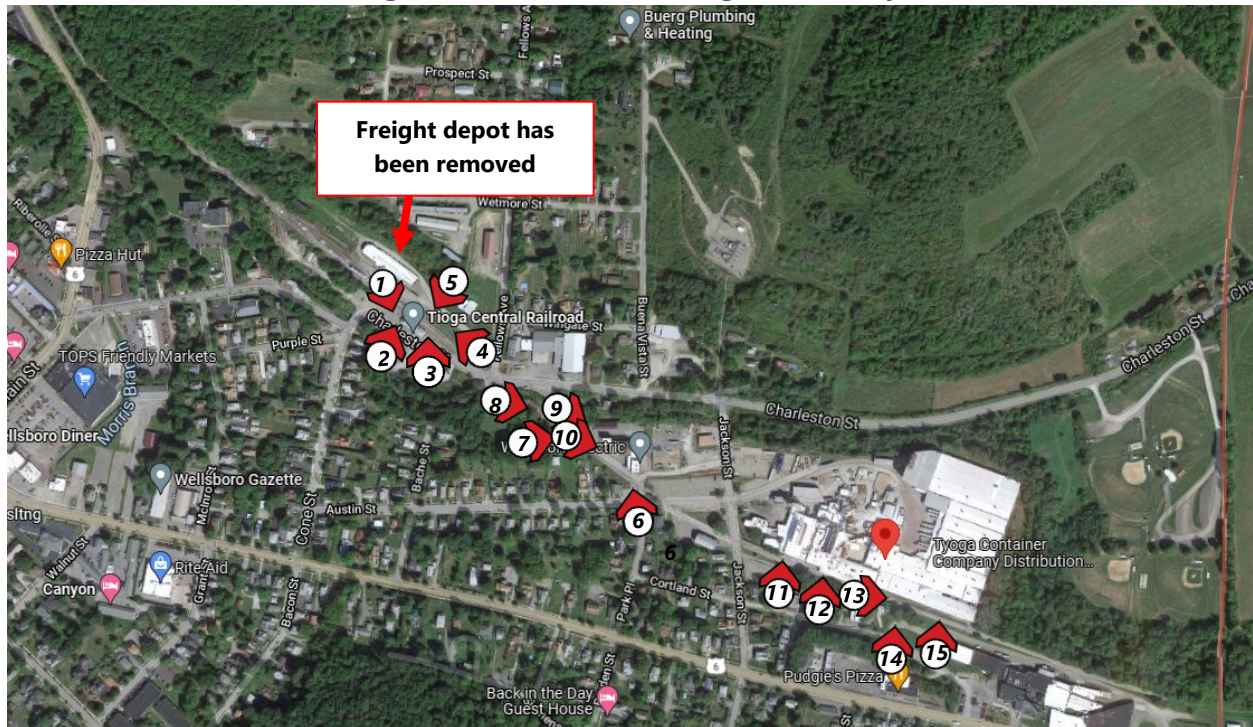


SANBORN FIRE INSURANCE MAP, BOROUGH OF WELLSBORO CHARLESTON STREET, OCTOBER 1891

Source: <https://libraries.psu.edu/about/collections/sanborn-fire-insurance-maps>

EXHIBIT E
SITE PICTURES AND PHOTOGRAPHS

Exhibit E. Site Photographs and Photograph Key



PHOTOGRAPH KEY

**Tioga Railroad Abandonment
Tioga County, PA**



PHOTO 1: View of the Passenger Station from Charleston Street looking southeast.



PHOTO 2: View of the Passenger Station from Charleston Street looking north.

**Tioga Railroad Abandonment
Tioga County, PA**



PHOTO 3: View of the Passenger Station from Charleston Street looking north.



PHOTO 4: View of the Passenger Station from Charleston Street looking northwest.

**Tioga Railroad Abandonment
Tioga County, PA**



PHOTO 5: View of the Passenger Station from railroad tracks looking south.



PHOTO 6: View of the Wellsboro Electric Company Building from the railroad tracks facing north.

**Tioga Railroad Abandonment
Tioga County, PA**



PHOTO 7: View of the Wellsboro Electric Company Building from the railroad tracks facing east.



PHOTO 8: View of the Wellsboro Electric Company Building from the railroad tracks facing east.



PHOTO 9: View of the Wellsboro Electric Company Building facing southeast.



PHOTO 10: View of the Wellsboro Electric Company Building facing southeast.



PHOTO 11: View of the Tyoga Container Company Distribution Building from rail line facing north.



PHOTO 12: View of the Tyoga Container Company Distribution Building facing northeast.



PHOTO 13: View of the Tyoga Container Company Distribution Building from rail line facing east.



PHOTO 14: View of the Tyoga Container Company Distribution Building facing north.



PHOTO 15: View of the Tyoga Container Company Distribution Building facing north.

EXHIBIT F
REMOVAL – PASSENGER
EXCURSION LINE SERVICE

Attorneys at Law

One Charles Street
P.O. Box 878, Wellsboro, PA 16901
www.OwlettLewis.com

December 9, 2021

Genesee & Wyoming Railroad
Attn: Brian M. Stussie, Assistant VP of Operations
Northeast Region Railroads
101 BP Lane
Butler, PA 16001

Sent via Email, US Mail
brian.stussie@gwrr.com

In Re: Growth Resources of Wellsboro ("GROW") Operating Agreement

Dear Brian:

The Board of Directors of GROW recently voted to remove any and all reference to operation of an excursion train and/or passenger train from the Operating Agreement, both for 2022 and for any and all renewal terms going forward, *in exchange for* G&W providing any and all reasonable support and cooperation regarding the abandonment of all railroad track south of the Wellsboro Junction (from MP .505 to MP 3.815), in order to facilitate extension of the Pine Creek Rail Trail into the Borough of Wellsboro.

In the event that the Operating Agreement gets renewed by G&W for another 5-year term (1/1/2023-12/31/2027), it will be renewed with Section 9(i) deleted in its entirety and replaced with "Intentionally Omitted." In the event of renewal, it would be GROW's expectation that a formal Amendment or Addendum to the Operating Agreement is signed by both parties, formally deleting the existing Section 9(i) and formally ratifying the remainder of the Operating Agreement.

If you should have any questions regarding this matter, please contact me.

Very truly yours,

OWLETT & LEWIS, P. C.

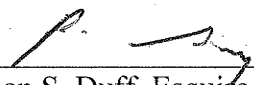
By: 
Brian S. Duff, Esquire

EXHIBIT G
PROOF OF PUBLICATION
NOTICE OF ABANDONMENT

AFFP

NOTICE OF INTENT RAIL SERVICE

Affidavit of Publication

STATE OF PENNSYLVANIA } SS
COUNTY OF TIOGA }

Pat Patterson, being duly sworn, says:

That he is Publisher of the Wellsboro/Mansfield Gazette, a daily newspaper of general circulation, printed and published in Wellsboro/Mansfield, Tioga County, Pennsylvania; that the publication, a copy of which is attached hereto, was published in the said newspaper on

March 24, 2022

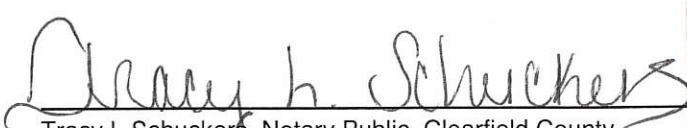
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Publisher

Subscribed to and sworn to me this 24th day of March 2022.


Tracy L. Schuckers, Notary Public, Clearfield County,
Tioga County, Pennsylvania

My commission expires: April 08, 2025

00001000 00502932

Janice Chamberlain
Tioga County Commissioners
118 Main Street
Wellsboro, PA 16901

Commonwealth of Pennsylvania - Notary Seal
Tracy L. Schuckers, Notary Public
Clearfield County
My commission expires April 8, 2025
Commission number 1275895
Member, Pennsylvania Association of Notaries

Legals

NOTICE OF INTENT TO ABANDON RAIL SERVICE

Growth Resources of Wellsboro (GROW) gives notice that on or about May 2, 2022, it intends to file with the Surface Transportation Board, Washington, D.C., a Notice of Exemption under 49 CFR §1152 Subpart F – Exempt Abandonment to permit the abandonment of one segment of railroad line totaling 3.191 miles between milepost 0.624 (near Mary Worthington Lane) and milepost 3.815 (near the Charleston Township line) in Tioga County, PA. The line traverses through zip code 16901. The proceeding will be docketed as No. AB 1320X.

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 parties 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.

GROW intends to transfer and/or convey the abandoned line to the County of Tioga for the purpose of constructing the Pine Creek Rail Trail Extension/Marsh Creek Greenway. The Greenway is a 3.2-mile, non-motorized trail that will link downtown Wellsboro to the Pine Creek Rail Trail. The Greenway will provide a recreational asset, while creating a transportation alternative to U.S. Route 6.

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, D.C. 20423-0001 [See 49 CFR § 1104.1(a) and §1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR §1104.12(a)].

Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238.

Copies of any comments or requests for conditions should be served on the applicants' representative: Brian S. Duff, Esquire, Owlett & Lewis, P.C., One Charles Street, P.O. Box 878, Wellsboro, PA 16901.

3/24/2022

EXHIBIT H

SHPO RESPONSE



Pennsylvania State Historic Preservation Office

PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION

February 25, 2022

Katie Hall
Delta Development Group
225 Grandview Ave
Camp Hill PA 17011

RE: ER Project # 2022PR00432.001, Tioga Marsh Creek Greenway and Patterson Trailhead Facility, Surface Transportation Board, Charleston Township, Tioga County

Dear Katie Hall:

Thank you for submitting information concerning the above referenced project. The Pennsylvania State Historic Preservation Office (PA SHPO) reviews projects in accordance with state and federal laws. Section 106 of the National Historic Preservation Act of 1966, and the implementing regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation, is the primary federal legislation. The Environmental Rights amendment, Article 1, Section 27 of the Pennsylvania Constitution and the Pennsylvania History Code, 37 Pa. Cons. Stat. Section 500 et seq. (1988) is the primary state legislation. These laws include consideration of the project's potential effects on both historic and archaeological resources.

Above Ground Resources

No Above Ground Concerns - Environmental Review - No Effect - Above Ground

Based on the information received and available within our files, it is our opinion that the proposed project will have No Effect on above ground historic properties, including historic buildings, districts, structures, and/or objects, should they exist. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinstate consultation with our office using PA-SHARE.

No Above Ground Concerns - Environmental Review - No Effect - Historic Properties Present - Above Ground

The following historic properties, listed in or eligible for the National Register of Historic Places, are located in the project area of potential effect: Wellsboro Historic District, Resource # 1995RE44943. Based on the information received and available in our files, in our opinion, the proposed project will have No Effect on these historic properties. Should the scope of the project change and/or should you be made aware of historic property concerns, you will need to reinstate consultation with our office using PA-SHARE.

For questions concerning above ground resources, please contact Cheryl Nagle at chnagle@pa.gov.

Archaeological Resources

No Archaeological Concerns - Environmental Review - No Effect - Archaeological

Based on the information received and available in our files, in our opinion, the proposed project should have No Effect on archaeological resources. Our analysis indicates that archaeological resources are potentially located in this project area. Should the scope of the project be amended to include additional ground-disturbing activity and/or should you be made aware of historic property concerns, you will need to reinitiate consultation with our office using PA-SHARE.

For questions concerning archaeological resources, please contact Casey Hanson at chanson@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Emma Diehl". The signature is fluid and cursive, with a long horizontal stroke at the end.

Emma Diehl
Environmental Review Division Manager

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION

-ABANDONMENT EXEMPTION-

IN TIOGA COUNTY, PENNSYLVANIA

EXEMPTION NOTICE

EXHIBIT D

**CERTIFICATION OF
PUBLICATION**

AFFP

NOTICE OF INTENT RAIL SERVICE

Affidavit of Publication

STATE OF PENNSYLVANIA } SS
COUNTY OF TIOGA }

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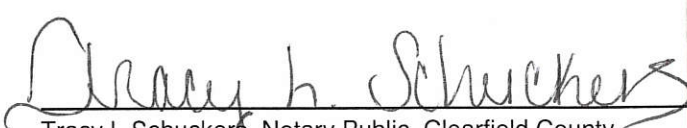
That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Publisher

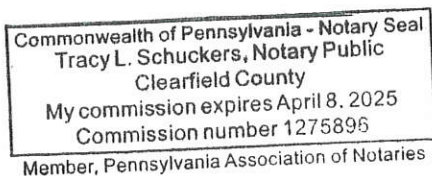
Subscribed to and sworn to me this 24th day of March 2022.


Tracy L. Schuckers, Notary Public, Clearfield County,
Tioga County, Pennsylvania

My commission expires: April 08, 2025

00001000 00502932

Janice Chamberlain
Tioga County Commissioners
118 Main Street
Wellsboro, PA 16901



Legals

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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, D.C. 20423-0001 [See 49 CFR § 1104.1(a) and §1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR §1104.12(a)].

Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238.

Copies of any comments or requests for conditions should be served on the applicants' representative: Brian S. Duff, Esquire, Owlett & Lewis, P.C., One Charles Street, P.O. Box 878, Wellsboro, PA 16901.

3/24/2022

Certificate of Publication

49 C.F.R. 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon” was published in the form prescribed by the Board For a Notice of Exemption (49 C.F.R. §1105.12). The notice was published one time on March 24, 2022, in the Wellsboro/Mansfield Gazette, a newspaper of general circulation in Tioga County, Pennsylvania, where the line is located. See attachment 1- Proof of Publication

May 9, 2022

/s/ Brian S. Duff

Brian S. Duff
Attorney for Growth Resources of
Wellsboro Foundation

NOTICE OF INTENT TO ABANDON RAIL SERVICE

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GROW intends to sell the abandoned line to the County of Tioga for the purpose of constructing the Pine Creek Rail Trail Extension/Marsh Creek Greenway. The Greenway is a 3.2-mile, non-motorized trail that will link downtown Wellsboro to the Pine Creek Rail Trail. The Greenway will provide a recreational asset, while creating a transportation alternative to U.S. Route 6.

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Copies of any comments or requests for conditions should be served on the applicants' representative: Brian S. Duff, Esquire, Owlett & Lewis, P.C., One Charles Street, P.O. Box 878, Wellsboro, PA 16901.

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB DOCKET NO. AB 1320X

GROWTH RESOURCES OF WELLSBORO FOUNDATION

-ABANDONMENT EXEMPTION-

IN TIOGA COUNTY, PENNSYLVANIA

EXEMPTION NOTICE

EXHIBIT E

**CERTIFICATION OF
10-DAY NOTICE**

Abandonment Application
Surface Transportation Board Docket No. AB 1320X

AFFIDAVIT OF SERVICE

I, Brian S. Duff, Esquire, attorney for Growth Resources of Wellsboro Foundation (“GROW”), do hereby certify that on April 22, 2022, a true and correct copy of GROW’s “Notice of Intent to file Exemption” was served on the following agencies via US Mail, first-class, postage-prepaid, addressed as follows:

U.S. Department of the Interior -
National Park Service
RTCA Program
1849 C Street, NW
Washington, DC 20240

United States Department of the Army
Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

Office of Chief of Forest Service
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250-1111

Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

OWLETT & LEWIS, P.C.

5/9/22

Date

By:


Brian S. Duff, Esquire
Attorney for GROW
PA ID # 85997
One Charles Street
P.O. Box 878
Wellsboro, PA 16901
(570) 723-1451

April 22, 2022

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

Re: Growth Resources Of Wellsboro Foundation – Abandonment Exemption –
Tioga County, PA
Surface Transportation Board Docket No. AB 1320X

To Whom It May Concern:

This letter is being sent to you pursuant to the requirements of 49 C.F.R. §1152.50 (d), to advise you the Growth Resources of Wellsboro Foundation (“GROW”) intends to file a notice for exemption for GROW to abandon a segment of rail line described below, by filing a verified notice of exemption pursuant to the provisions of 49 C.F.R., Part 1152 Subpart F.

GROW expects to file the notice of exemption with the Surface Transportation Board (“STB”) on or about May 2, 2022, under STB Docket No. AB 1320X. GROW will invoke the STB’s exemption procedures to abandon a segment of rail line between Milepost .624 and Milepost 3.815 (“Line”) in the Wellsboro, Tioga County, PA segments of rail line. The rail line will be re-used for public purpose, specifically for the construction of the Pine Creek Rail Trail Extension/Marsh Creek Greenway and other trail network extensions.

The subject line traverses through United States Postal Service Zip Code 16901 in Tioga County, PA.

Based upon information in GROW’S possession, the subject line does not contain federally granted rights-of-way. Any documentation in GROW’S possession will be made available to those requesting it.

Sincerely,

Brian S. Duff, Esquire
Counsel to Growth Resources of Wellsboro Foundation