

LAW OFFICES OF
SCHUSTER, BUTTREY & WING
Professional Association
79 Hanover Street
P.O. Box 388
Lebanon, New Hampshire 03766
Practice of Law in New Hampshire and Vermont

308091

ENTERED
Office of Proceedings
March 15, 2024
Part of
Public Record

Barry C. Schuster
barry@ivylegal.com

Telephone
603-448-4780
Fax
603-448-3683

February 22, 2024

All agencies on the Service List

Re: The State of New Hampshire – Abandonment Exemption –
in Lebanon, Grafton County, NH
Surface Transportation Board Docket No. AB 1120 (Sub-No. 2X)

Dear Madam/Sir:

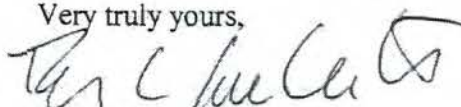
On October 26, 2023, on behalf of the State of New Hampshire (“the State”), I sent you a letter advising you and inviting comment on its intention to file a notice for exemption for it to abandon a segment of rail line in the City of Lebanon, Grafton County, New Hampshire 03766, beginning at Railroad Milepost B141.00, Station 3568+49 and proceeding westerly and ending at Railroad Milepost B141.30, Station 3584+41.54, a distance of approximately 0.3 miles.

Attached is an Environmental Report and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area. Also enclosed is a copy of the notice published in the newspaper.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, Washington, DC, telephone 202-245-0245 and refer to the above Docket No. AB 979 (Sub-No. 3X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me at 603-448-4780 or barry@ivylegal.com.

Very truly yours,



Barry C. Schuster

BCS/sf
encl.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO. AB-1120 (Sub-No. 2X)

**THE STATE OF NEW HAMPSHIRE
- ABANDONMENT EXEMPTION -
IN GRAFTON COUNTY, NH**

ENVIRONMENTAL/HISTORIC REPORT

New England Central Railroad, Inc. ("NECR") and the State of New Hampshire ("the State" or the "Applicant") will be seeking exemption authority for NRCR to discontinue its rail common carrier obligation over a section of line of railroad ("the Line") and to allow the State to abandon the Line beginning at Railroad Milepost B141.00, Station 3568+49 and proceeding westerly and ending at Railroad Milepost B141.30, Station 3583+49.5 in Lebanon, Grafton County, New Hampshire, a distance of approximately 0.3 miles. A map showing the location of the line to be abandoned is attached to this Notice as Exhibit A.

To prepare this report, applicant consulted with various state and federal agencies as required by the Board's regulations. See letters attached as Exhibit B. Based on the written responses received by the applicant to date, applicant states as follows:

ENVIRONMENTAL REPORT - 49 CFR § 1105.7

1. Proposed Action and Alternatives

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

Response: The State seeks to discontinue service and abandon a line of railroad, ("the Line"), of approximately 0.3 miles beginning at Railroad Milepost B141, Station 3568+49 and

proceeding westerly and ending at Railroad Milepost B141.30, Station 3584+41.54, which traverses through United States Postal Service ZIP Code 03766 in Lebanon, Grafton County, New Hampshire. Maps showing the Line's location are attached hereto as Exhibit A.

No rail shipments of any kind on the Line have occurred in well over two years, and no reasonable possibility for the development of new rail traffic exists. Following abandonment and discontinuance of service, two bridges located along the Line, the railbed and subgrade of the Line will remain in place and not be disturbed but the tracks, ties, and other track material will be salvaged.

2. Transportation System

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

Response: The State does not anticipate that existing regional or local transportation systems or patterns will be affected by the proposed discontinuance and abandonment. No rail service is currently provided on the Line. No traffic will be diverted to other transportation systems or modes as a result of the proposed discontinuance and abandonment. There is no overhead traffic on the Line, and no passenger trains are operated over the Line. The State's representative has contacted and requested comments from the New Hampshire Department of Transportation.

3. Land Use

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

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

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S. C. 10906 and explain why.

Response: The State does not foresee any inconsistency with regional and/or local land use

plans, and has contacted and requested comments from State and Federal agencies. The response from the City of Lebanon in which the line is located stated that it supports the abandonment.

Correspondence from City attached as Exhibit C.

(ii) The proposed discontinuance and abandonment of the Line will not affect any prime or unique agricultural land. Comments have been requested from the identified state and federal agencies. Correspondence attached herein as Exhibit B.

(iii) This track does not appear within any designated Coastal Zone Management Area and, accordingly, the proposed discontinuance and abandonment will not result in any coastal impacts.

(iv) The rail and other salvageable materials will be removed from the Line subsequent to abandonment and will be used for trail use and the right-of-way of the Line is suitable for an alternative public use under 49 U.S.C. § 10905 as a trail and the State will work to reach a trail use agreement that complies with the National Trails System Act, 16 U.S.C. § 1247(d).

4. Energy

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

Response: (i) The proposed abandonment will not have any effect on the transportation of energy resources. No energy resource commodities move on the Line and the State foresees little or no possibility that such on-line traffic would develop in the future.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this discontinuance and abandonment. No recyclable commodities move over the Line and the State foresees little possibility that any on-line recyclable commodity traffic would develop in the future.

(iii) Abandonment will not result in an increase or decrease in overall energy efficiency. There is no freight traffic on the Line, thus, there will be no changes in existing transportation patterns or energy usage as a result of the proposed discontinuance and abandonment.

(iv) Abandonment of the Line will not cause the diversion of any rail carloads or motor carriers.

5. Air

- (i) *If the proposed action will result in either:*
- (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*
 - (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or*
 - (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*
- (ii) *If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*
- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*
 - (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or*
 - (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*
- (iii) *If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

Response:

Grafton County is not a class I or nonattainment area under the Clean Air Act.

Discontinuance and abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 CFR § 1105.7(e)(5).

6. Noise

If any of the thresholds identified in item (5)(f) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: None of the thresholds identified in 49 C.F.R. § 1105.7(c)(5)(i) will be exceeded as a result of the abandonment.

7. Safety

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no adverse effect upon public health or safety.

All salvage activities will comply with all applicable rules and regulations. No hazardous materials are transported on the Line and no such shipments would be diverted as a result of the discontinuance and abandonment.

8. Biological Resources

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The Line is located in a generally wooded area in Lebanon, NH. The Line runs near Interstate 89 and N.H. Route 4. The Line also runs along and crosses the Mascoma River. After discontinuance and abandonment, the rail, ties and other track material will be salvaged and the railbed will remain in place. There is a potential for the abandoned corridor to be used for trail purposes, thus, the State does not believe that any critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, or that any endangered or threatened species are present in the area or would be adversely affected. Applicant sent a consultation letter regarding the proposed abandonment to US Fish and Wildlife Service. A copy of that letter is attached but Applicant has not received a response.

(ii) The Line does not pass through and is not adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests and, accordingly, none will be adversely affected. Applicant has contacted and requested comments from the National Park Service but Applicant has not received a response.

9. Water

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

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S. C. 1344) are required for the proposed action and whether any designated wetlands or 1 00-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S. C. 1342) are required for the proposed action. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: The proposed abandonment and any salvage will be handled in a manner consistent with applicable local, state and federal standards. The State does not anticipate discharge of any materials into navigable waters that would require permits under Sections 402 and 404 of the Clean Water Act. To the State's knowledge no 100-year flood plains would be affected by the discontinuance and abandonment.

10. Mitigation

Response: No environmental impacts are expected and no mitigation is proposed.

11. Consultation

Applicant has consulted with the following agencies:

- N.H. Department of Environmental Services
- State Coastal Zone Management
- U.S. Environmental Protection Agency
- U.S. Army Corps of Engineers
- N.H. Department of Transportation
- N.H. Division of Historical Resources
- National Geodetic Survey
- N.H. State Water Quality
- Natural Resources Conservation Service
- U.S. Fish and Wildlife Service
- City of Lebanon
- NH DOT, Department of Rail & Public Transportation
- U.S. Department of Agriculture - National Park Service
- U.S. Department of the Interior- National Park Service, Land Resources Division

12. Certification

Applicant certifies that:

- a. It consulted with the agencies listed in 49 CFR 1105.7, as described in paragraph 11 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 Valley News on February 12, 2024. A copy of the form of notice and a certification of publication are attached as Exhibit D.

d. Applicant will not file its verified notice of abandonment until at least twenty (20) days after the consulted agencies have been served with a copy of this report.

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. Map

Maps of the Line and its location are attached hereto as Exhibit A.

2. Description of Line

The State of New Hampshire ("the State") proposes to abandon and the New England Central Railroad ("NECR") proposes to discontinue service and operating rights under its lease with the State, between railroad milepost 141.00 at Station 3568+49 and proceeding westerly to milepost B141.30 at Station 3584+41.54 in Lebanon, Grafton County, New Hampshire, a distance of approximately 0.3 miles.

Following abandonment and discontinuance of service and operating rights the Line segment will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structure is removed, a contractor will smooth the roadbed to a level surface.

3. Photographs

The line crosses two bridges located within the segment that is proposed to be abandoned which will remain following abandonment. See photographs attached as Exhibit E.

4. Information on Structures

Other than the two bridges on the line, there are no structures or buildings on the Line which are fifty years old.

5. History of Operations

The Line is leased to NECR by the State and was previously used for general freight traffic. The State confirms that there have been no rail shipments of any kind on the Line in well over two years and no reasonable possibility for the development of new rail traffic exists. The Line between Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49, approximately 0.97 miles, was abandoned in 2015. Docket No. AB-1120X, Docket No. 1120 (SUB-NO. 1X). The Line between Railroad milepost 80.68 at Boscawen in Merrimack County and milepost 140 at Lebanon, in Grafton County, NH, consisting of a 59.32 mile segment was abandoned in December 1991, see Docket No. AB-32 (Sub-No. 45X).

6. Historic Criteria

The State's representative has contacted and requested comments from the State Historic Preservation Office within the New Hampshire Division of Historical Resources ("NHDHR"). See correspondence attached as Exhibit C.

Based on readily available information in applicant's possession, applicant does not believe that the Line or right of way represent an historical resource or that any protective

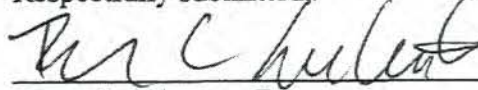
conditions are warranted. However, Applicant has notified the New Hampshire State Historic Preservation Office providing notice of the proposed abandonment. The agency has not responded to Applicant's letter.

7. Environmental Conditions

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. Salvage work would take place within the right of way, would be surface work only and would not disturb subsurface resources. Exhibit F.

February 22, 2024

Respectfully submitted,



Barry C. Schuster, Esq.
Schuster, Buttrey & Wing, P.A.
79 Hanover St., PO Box 388
Lebanon, NH 03766
(603) 448-4780; fax (603) 448-3683
barry@ivylegal.com

CERTIFICATION OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORT

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the foregoing Environmental and Historic Report was sent by email or first class mail to the following parties:

State Environmental Protection Agency
N.H. Department of Environmental Services
Central Office, 29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

STATE COASTAL ZONE MANAGEMENT
Mary Power, Program Manager
State Coastal Program
29 Hazen Drive 03301
PO Box 95
Concord, NH 03302-0095

Regional Environmental Protection Agency
Regional EPA- Region 1
5 Post Office Square - Suite 100
Boston, MA 02109-3912

NATURAL RESOURCES CONSERVATION SERVICE
USDA NRCS, NH State Office
Rick Ellsmore, State Conservationist
Federal Building
2 Madbury Road
Durham, NH 03824-2043

U.S. ENVIRONMENTAL PROTECTION AGENCY
US EPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101
Washington, DC 20460-0002

US ARMY CORPS OF ENGINEERS
U.S. Army Corps of Engineers, New England District
Public Affairs Office
696 Virginia Road
Concord, MA 01742

STATE CLEARINGHOUSE (DOT)
N.H. Department of Transportation
Christopher Clement, Commissioner
John O. Morton Building
PO Box 483 | 7 Hazen Drive
Concord, NH 03302-0483

STATE HISTORIC PRESERVATION OFFICE
Elizabeth H. Muzzey,
Director and State Historic Preservation Officer
N.H. Division of Historical Resources
19 Pillsbury Street - 2nd floor
Concord, NH 03301-3570

NATIONAL GEODETIC SURVEY
National Geodetic Survey, Geodetic Service Division
ngs.infocenter@noaa.gov

Debra A. Howland, Executive Director
N.H. Public Utilities Commission.
21 South Fruit Street, Suite 10,
Concord, N.H. 03301-2429

Greg Comstock, State Water Quality
29 Hazen Drive 03301, PO Box 95
Concord, NH 03302-0095

Charlie Stockman
National Park Service,
Rivers, Trails & Conservation Assistance
1201 Eye St., NW 9th Floor
Org Code 2220, Washington, D.C. 20005

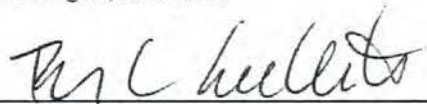
FISH AND WILDLIFE SERVICES
U.S. Fish and Wildlife Service
New England Ecological Services Field Office
Northeast Region (5)
70 Commercial St., Suite 300
Concord, NH 03301-5094

CITY OF LEBANON
Shaun Mulholland, City Manager
Lebanon City Council
51 North Park Street
Lebanon, NH 03766

Michelle "Shelley" Winters, Administrator
NH DOT, Department of Rail & Public Transportation
Room G25
JOM Building
PO Box 483 | 7 Hazen Drive
Concord, NH 03302-0483

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

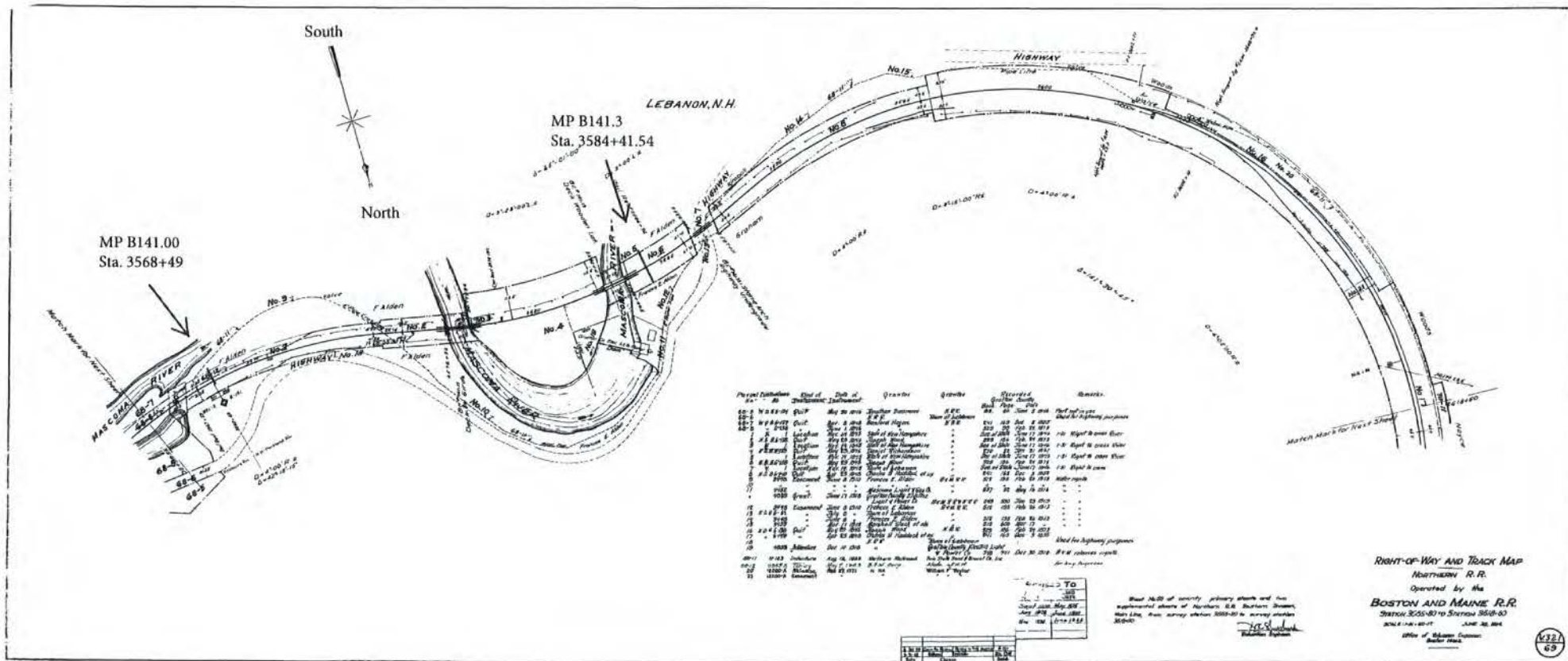
U.S. Department of the Interior
National Park Service, Land Resources Division
1849 C. Street, N.W.
Washington, D.C. 20240

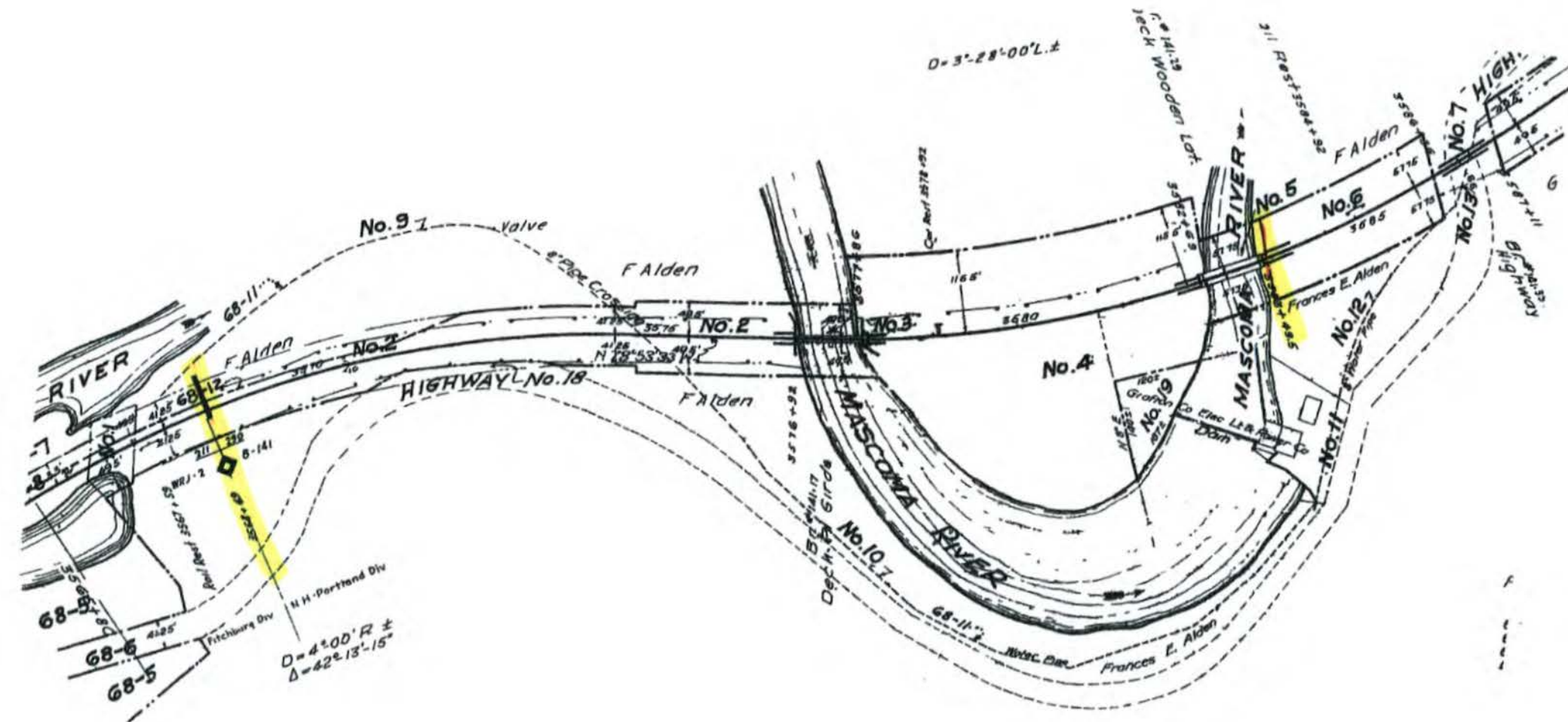

Barry C. Schuster, Esq.
Schuster, Buttrey & Wing, P.A.
79 Hanover St., PO Box 388
Lebanon, NH 03766
(603) 448-4780; fax (603) 448-3683
barry@ivylegal.com

ENVIRONMENTAL/HISTORIC REPORT

Exhibit A

Maps/Plans

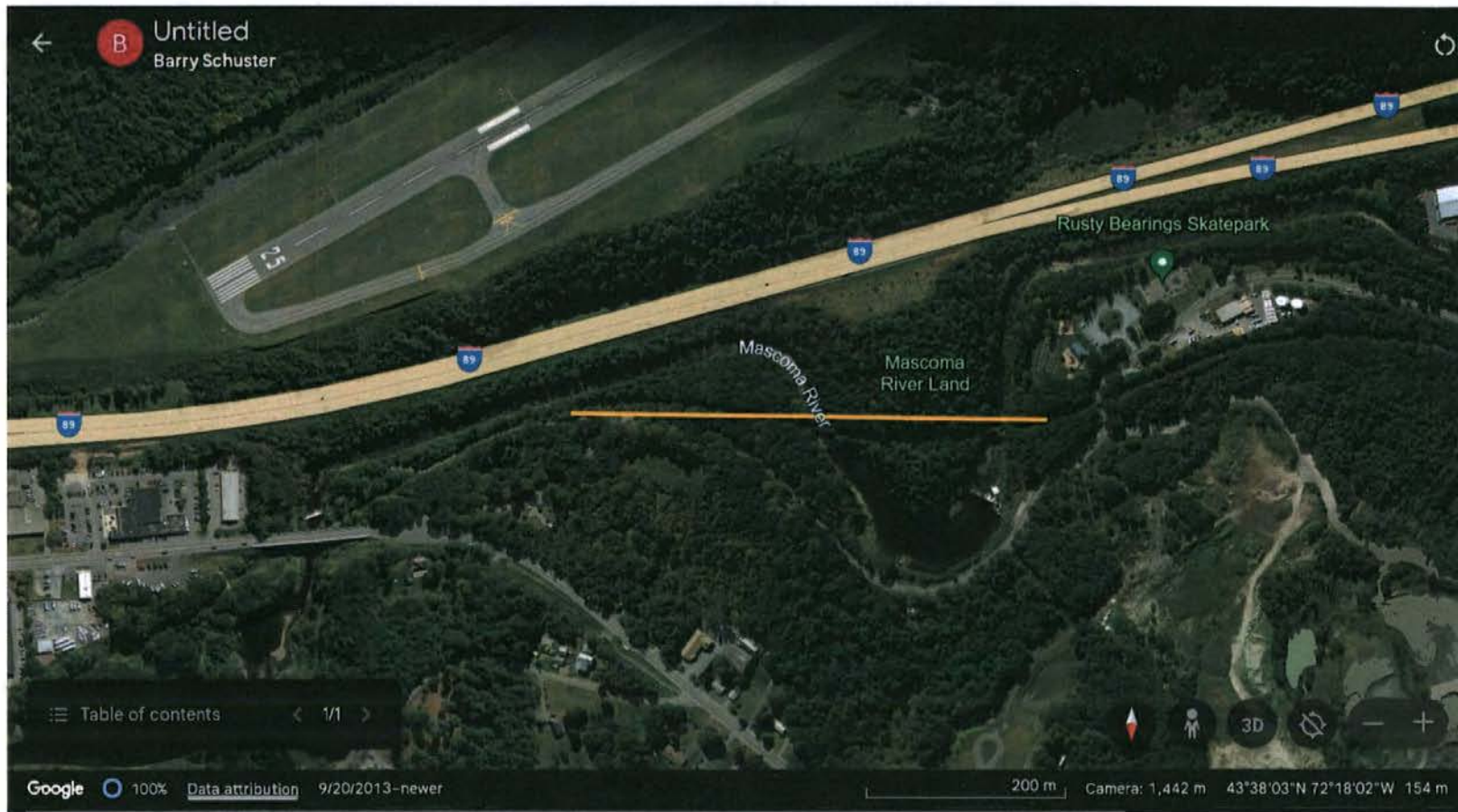




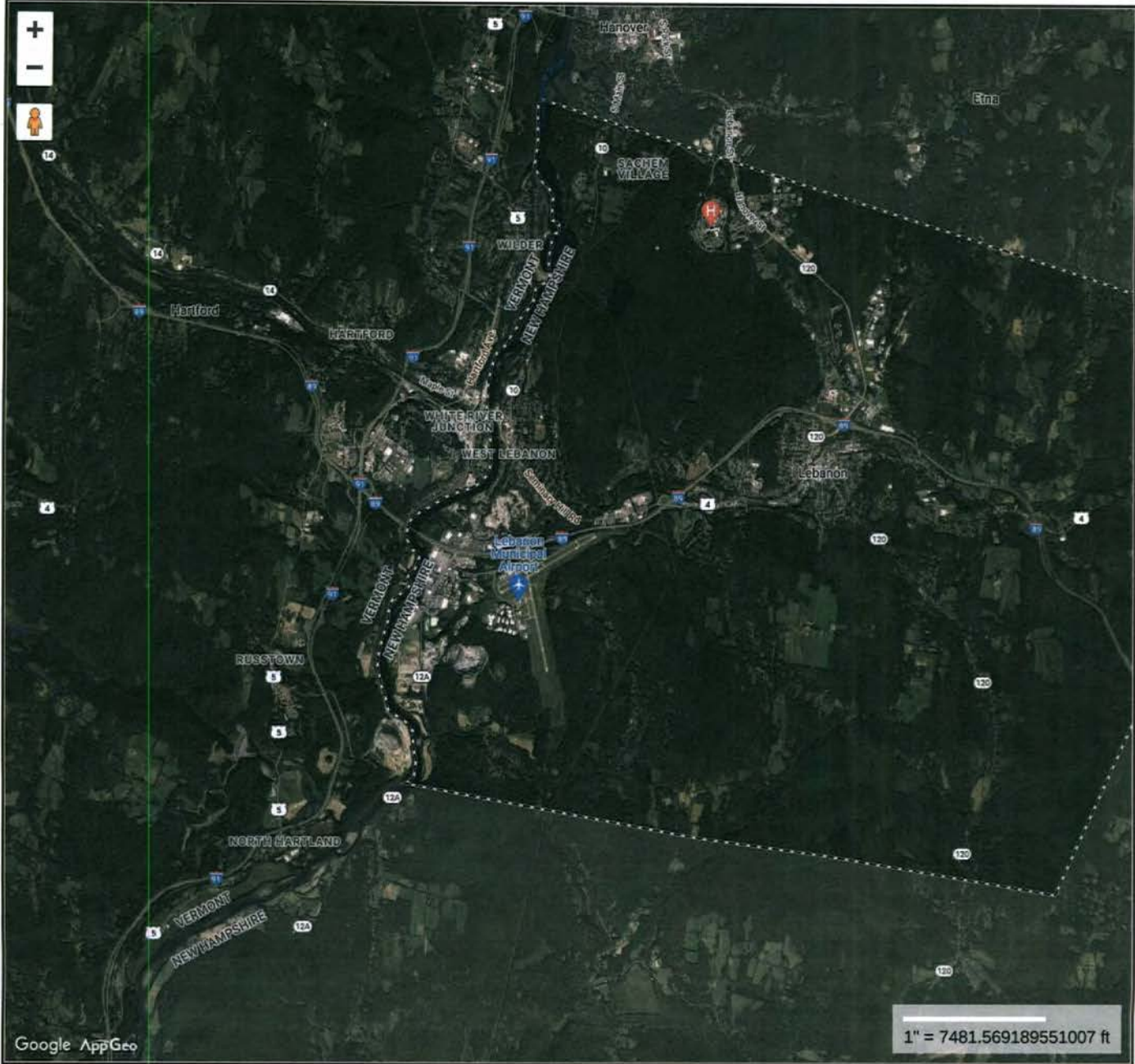
South



North



map



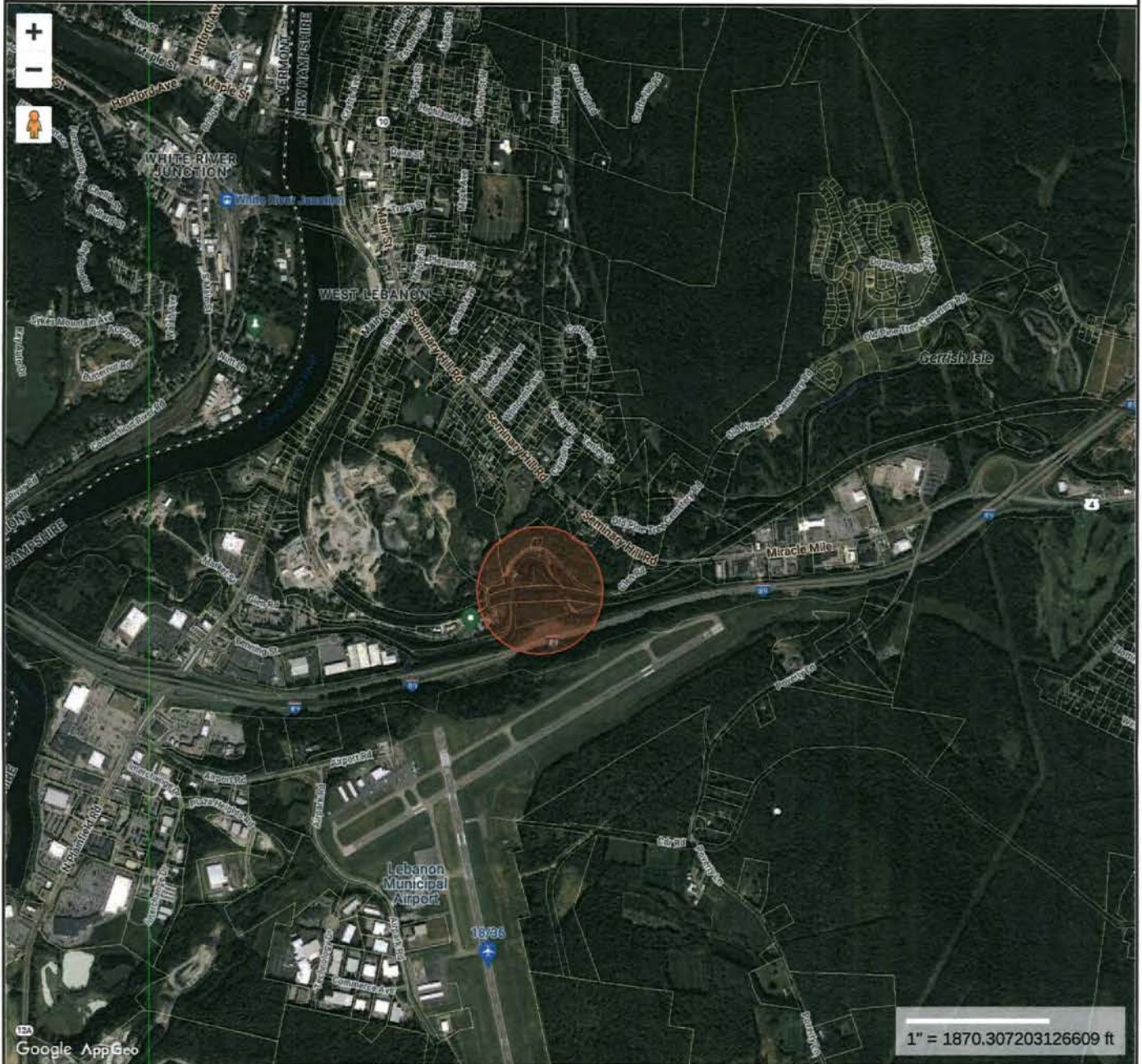
MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/20/2023
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.

map2



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Lebanon, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/20/2023
Data updated 11/18/2018

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

ENVIRONMENTAL/HISTORIC REPORT

Exhibit B

Consultation Letters

LAW OFFICES OF
SCHUSTER, BUTTREY & WING
Professional Association
79 Hanover Street
P.O. Box 388
Lebanon, New Hampshire 03766
Practice of Law in New Hampshire and Vermont

Barry C. Schuster
barry@ivylegal.com

Telephone
603-448-4780
Fax
603-448-3683

October 26, 2023

VIA EMAIL AND FIRST-CLASS MAIL

ALL AGENCIES ON THE
ATTACHED SERVICE LIST

Re: The State of New Hampshire – Abandonment Exemption –
in Grafton County, NH
Surface Transportation Board Docket No. AB 1120 (Sub-No. 2X)
Environmental/Historic Consultation

Dear Sir/Madam:

On or about December 28, 2023, the State of New Hampshire (“the State”) anticipates filing a notice of exemption to abandon rail operations over approximately .3 miles (3/10th of a mile) of rail line from Railroad Milepost B141.00, Station 3568+49 to Railroad Milepost B141.30, Station 3584+41.54 in Lebanon, New Hampshire (the “Subject Line”).¹ The Subject Line traverses through United States Postal Service ZIP Code 03766. A map and aerial view of the Subject Line are attached as Exhibits.

The State plans to seek Surface Transportation Board (“STB”) authorization for the abandonment of the Subject Line through a notice of exempt abandonment pursuant to the provisions of 49 CFR § 1152.50 on or after December 28, 2023 in STB Docket No. AB 1120 (Sub No. 2X).

Based upon information in the State’s possession, the Subject Line does not contain federally granted rights of way.

This proposed abandonment requires review by the STB. We will be preparing an Environmental and Historic Report (the “Report”) that will provide the basis of the environmental review that the STB’s Office of Environmental Analysis (OEA) will conduct for

¹ The rail carrier that holds operating authority to operate the Subject Line, New England Central Railroad, Inc. (“NECR”), will join the State’s notice of exemption to simultaneously discontinue rail service. The NECR discontinuance will be docketed as STB Docket No. AB 1315 (Sub-No. 1X). NECR is not required to file an environmental/historical report to discontinue its operating authority on the Subject Line.

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

For purposes of evaluating the environmental or historical resources impact that would result from abandonment of the line, the proposed action includes abandoning and discontinuing rail service and salvaging equipment and materials that are present on the Subject Line. All equipment and materials that are removed from the Subject Line would either be reused, sold as scrap, or disposed of in accordance with applicable environmental regulations.

We would appreciate your comments by November 28, 2023 that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment or any historic elements, and expressing any concerns that you have. Your comments on the potential impact of this abandonment will be incorporated into the Report to be filed on or about December 28, 2023. A copy of this report will be provided to you, after which additional comments can be submitted directly to the OEA.

Thank you very much for your assistance.

Very truly yours,

Barry C. Schuster

BCS/sf

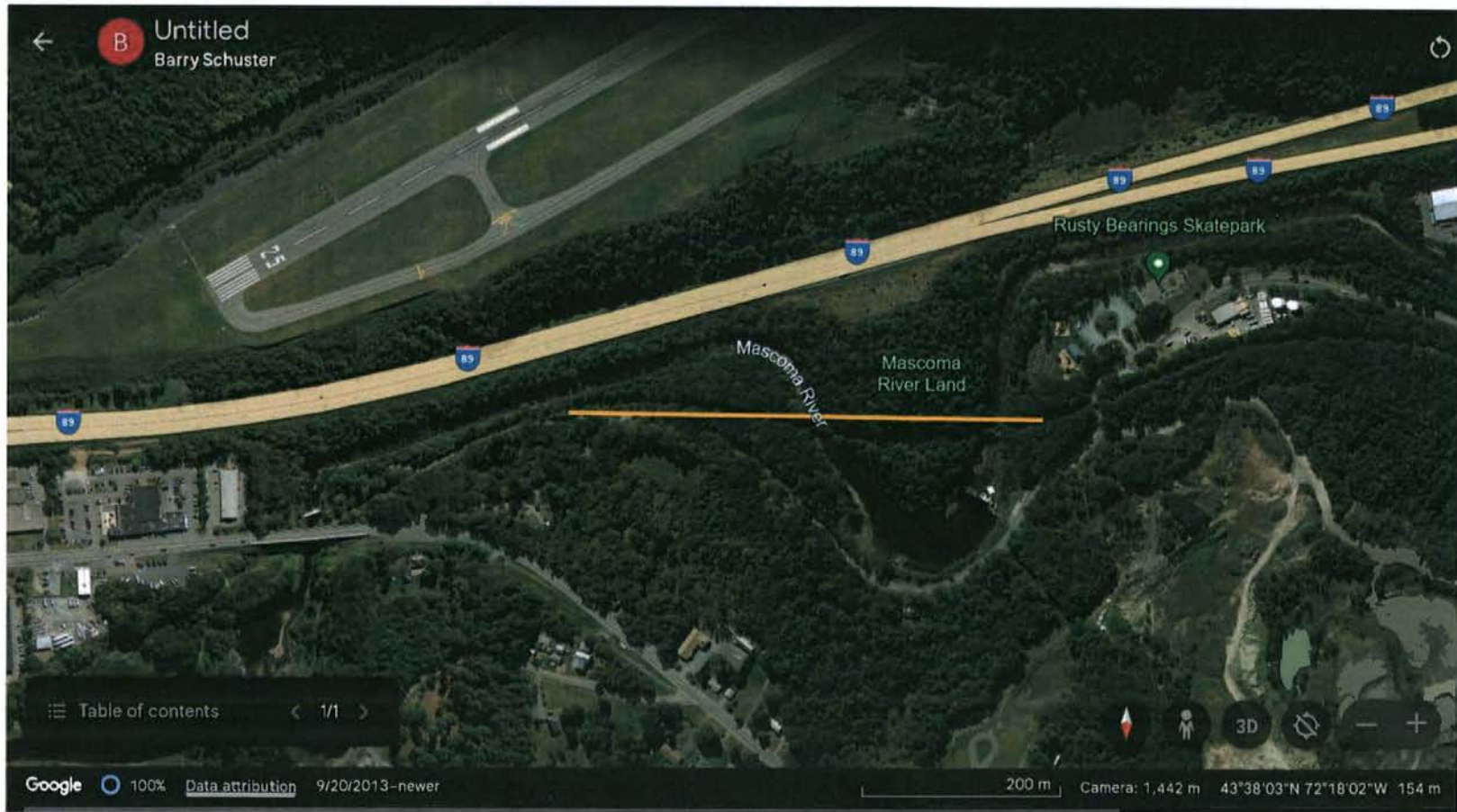
encl.

cc: Agencies on Service List

South



North



SERVICE LIST
ENVIRONMENTAL AND HISTORIC REPORTS

Joint Notice of Discontinuance of Service and Notice of Exemption for Abandonment,
State of New Hampshire and New England Central Railroad, of rail line located in Lebanon,
Grafton County, New Hampshire, Zip Code 03766.

STB Docket No. AB-1120X (SUB-NO.2X) and Docket No. 1315 (SUB-NO. 1X).

STATE ENVIRONMENTAL
PROTECTION AGENCY

N.H. Department of Environmental Services
Central Office
29 Hazen Drive 03301 PO Box 95
Concord, NH 03302-0095

REGIONAL ENVIRONMENTAL
PROTECTION AGENCY

Regional EPA- Region 1
5 Post Office Square - Suite 100
Boston, MA 02109-3912
1-888-372-7341

STATE COASTAL ZONE
MANAGEMENT

Mary Power
Program Manager
State Coastal Program
29 Hazen Drive, PO Box 95, 03301
Concord, NH 03302-0095

NATURAL RESOURCES
CONSERVATION SERVICE

USDA NRCS, NH State Office
Rick Ellsmore, State Conservationist
Federal Building
2 Madbury Road
Durham, NH 03824-2043

U.S. ENVIRONMENTAL PROTECTION
AGENCY

US EPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Mail Code 1101
Washington, DC 20460-0002

FISH AND WILDLIFE SERVICES
U.S. Fish and Wildlife Service
New England Ecological Services Field
Office

Northeast Region (5)
70 Commercial St., Suite 300
Concord, NH 03301-5094

US ARMY CORPS OF ENGINEERS
COUNTY

U.S. Army Corps of Engineers
New England District
Public Affairs Office
696 Virginia Road
Concord, MA 01742

COUNTY/CITY

Shaun Mulholland, City Manager
Lebanon City Council
51 North Park Street
Lebanon, NH 03766

STATE CLEARINGHOUSE (DOT)

N.H. Department of Transportation
Christopher Clement, Commissioner
John O. Morton Building
PO Box 483 | 7 Hazen Drive
Concord, NH 03302-0483

Michelle "Shelley" Winters, Administrator
NH DOT, Department of Rail & Public
Transportation
Room G25
JOM Building
PO Box 483 | 7 Hazen Drive
Concord, NH 03302-0483

STATE HISTORIC PRESERVATION
OFFICE
Elizabeth H. Muzzey,
Director and State Historic Preservation
Officer
N.H. Division of Historical Resources
19 Pillsbury Street - 2nd floor
Concord, NH 03301-3570

NATIONAL GEODETIC SURVEY
by email - ngs.infocenter@noaa.gov
National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Greg Comstock, NH State Water Quality
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

NATIONAL PARK SERVICE
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation
Division
Rivers and Trails Conservation Program
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

Mr Tom Tidwell
Chief of the Forest Service
U.S Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

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

ENVIRONMENTAL/HISTORIC REPORT

Exhibit C

City of Lebanon, NH, Letter



CITY of LEBANON, NH

City Manager's Office
51 North Park Street
Lebanon, NH 03766
(603) 448-4220
www.LebanonNH.gov

October 30, 2023

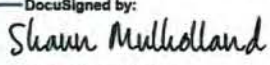
Law Offices of Schuster, Buttrey & Wing
79 Hanover Street, PO Box 388
Lebanon, New Hampshire 03766

RE: The State of New Hampshire – Abandonment Exemption
in Grafton County, NH
Surface Transportation Board Docket No. AB 1120(Sub-No.2X)
Environmental/Historic Consultation

Dear Attorney Schuster,

The City of Lebanon has no objections or concerns to the environmental or historical effects of the proposed abandonment. We fully support the abandonment and discontinuation of rail service and salvaging equipment and materials.

Sincerely,

DocuSigned by:

Shaun Mulholland
City Manager

ENVIRONMENTAL/HISTORIC REPORT

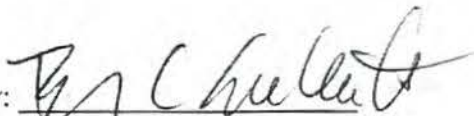
Exhibit D

Newspaper Publication Notice

CERTIFICATE OF PUBLICATION and SERVICE

The undersigned hereby certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for abandonment and discontinuance notices of exemption (49 C.F.R. § 1105.12). The notice of the proposed Abandonment in Docket No. AB-1120 (Sub-No. 2X) and Docket No. 1315 (SUB-NO. 1X) in the following form was published one time on February 12, 2024, in the *Valley News*, a newspaper of general circulation in Grafton County, New Hampshire as required by 49 C.F.R. § 1105.12.

February 22, 2024

by: 
Barry C. Schuster, Esq., Bar #2280

Legals

AG SELF STORAGE SAFE • SECURE • SIMPLE

PUBLIC NOTICE OF SALE

Notice is hereby given that on February 27th, 2024 at 2pm, AG Self Storage (located at 1299 Route 14 in White River Junction, Vermont) will hold a public online auction on StorageTreasuries.com. The contents of the self storage unit leased to the following named person, in accordance with Vermont Lien Law, will be auctioned to the highest bidder.

Lydia Marcotte, Unit #75, 50SF.

NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE AND TO ABANDON LINE OF RAILROAD

The State of New Hampshire ("the State") and New England Central Railroad, Inc. ("NECR") give notice that, on or about March 14, 2024, they intend to file with the Surface Transportation Board (The Board), Washington, DC 20423, a notice of exemption pursuant to 49 C.F.R. 1152 Subpart F-Exempt Abandonments, permitting the joint Notice of Exemption Abandonment and Discontinuance for an approximately 0.3 mile line of railroad beginning at Railroad Milepost B141.00, Station 3568+49 and proceeding westerly and ending at Railroad Milepost B141.30, Station 3584+41.54 which traverses through United States Postal Service ZIP Code 03766 in Lebanon, Grafton County, New Hampshire. The interrelated proceedings will be docketed as STB No. AB-1120 (Sub-No. 2X) for the State and STB No. AB-1315 (Sub-No. 1X) for NECR. The proposed action entails the State's abandonment of, and NECR's discontinuance of rail service over, the Line.

The Board's Office of Environmental Analysis ("OEA") will generally prepare an Environmental Assessment ("EA") which will normally be available 60 days after the filing of the petition for exemption. Comments on environmental

Legals

and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Room 1100, Washington, DC 20423-0001 or by calling OEA at 202-245-0305.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use can also be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance), must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423-0001 [See 49 C.F.R. 11.04(a) and 11.04.3(a)], and one copy must be served on the applicant's representative [See 49 C.F.R. 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 State's representative: c/o Schuster, Buttrey & Wing, P.A., Attn: Barry C. Schuster, Esq., 79 Hanover St., PO Box 388, Lebanon, NH 03766, 603-448-4782, barry@divylegal.com, and NECR's representative c/o Justin J. Marks, Esq., Clark Hill PLC, 1001 Pennsylvania Ave., N.W., Suite 1300, South Washington, DC 20004, 202-772-0916, jmarks@clarkhill.com.

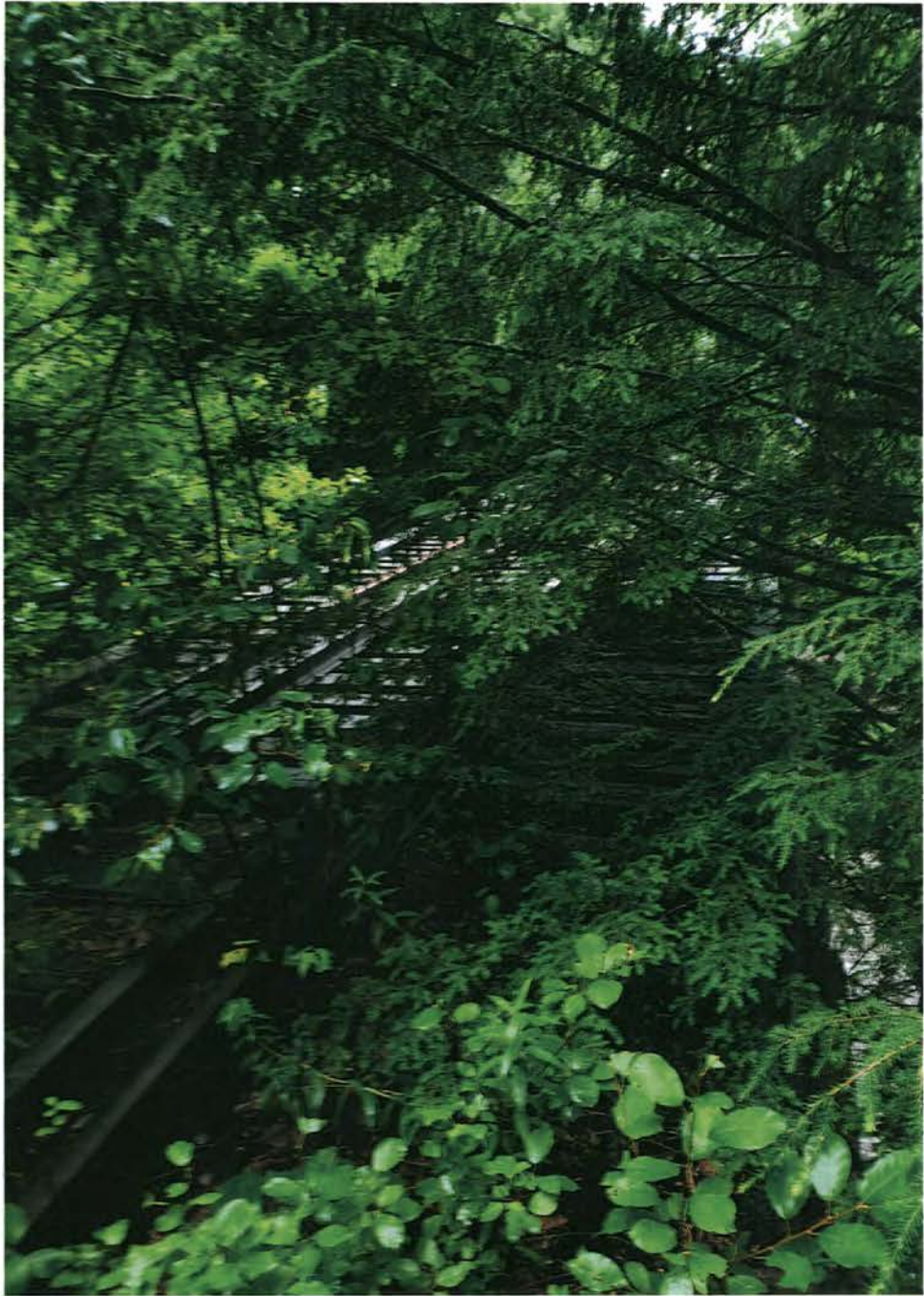
**This publication supports
real news. Subscribe to
the Valley News today.**

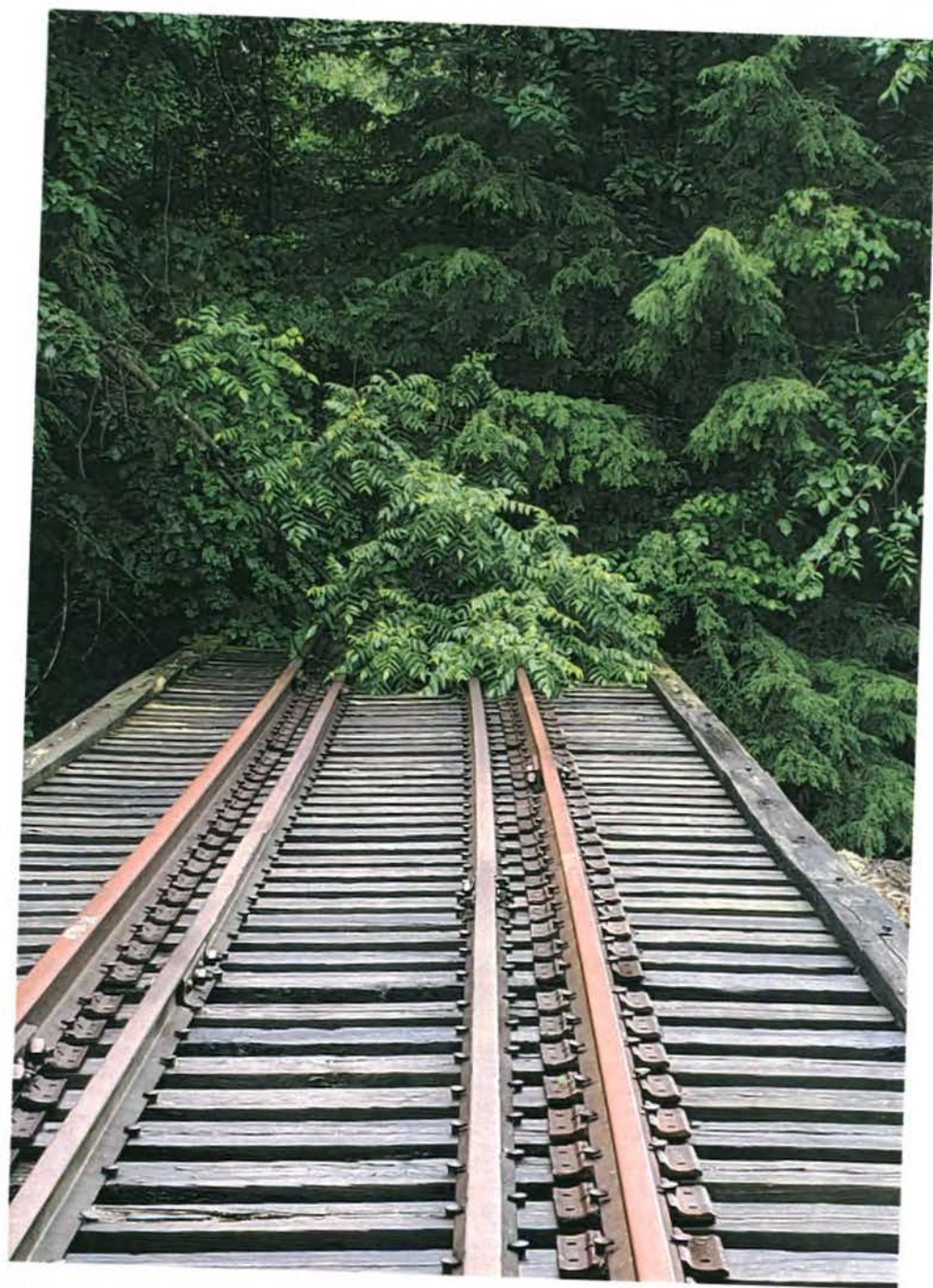
ENVIRONMENTAL/HISTORIC REPORT

Exhibit E

Photographs









ENVIRONMENTAL/HISTORIC REPORT

Exhibit F

NH Natural Heritage Bureau



NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

To: Paul Coats, City of Lebanon
51 N. Park St
Lebanon, NH 03766
Paul.Coats@lebanonnh.gov

From: NHB Review
NH Natural Heritage Bureau
Main Contact: Ashley Litwinenko - nhbreview@dncr.nh.gov

cc:

Date: 10/31/2023 (valid until 10/31/2024)

Re: DataCheck Review by NH Natural Heritage Bureau and NH Fish & Game

Permits: NHDES - Shoreland Standard Permit, NHDES - Wetland Permit by Notification (PBN), USCEQ - Federal: NEPA Review

NHB ID: NHB23-2992

Town: Lebanon

Location: Northern Rail Road

Project Description: Converting abandoned rail line into a rail trail from the current terminus near Glen Road to the area near the Stone Arch Bridge, all within the rail line. Then through Riverside Community Park along the Mascoma River to Rt 12a. Two bridge crossings include decking the bridges and railings, but no work in or around the abutments or bridge structure.

Next Steps for Applicant:

NHB's database has been searched for records of rare species and exemplary natural communities. Please carefully read the comments and consultation requirements below.

NHB Comments: Please send NHB proposed plans and representative photos during the growing season of proposed impact areas. Please also indicate if any sandy, muddy, or boggy substrate of the river are proposed to be impacted.

NHFG Comments: No comments at this time.

NHB Consultation

If this NHB DataCheck letter includes records of rare plants and/or natural communities/systems, please contact NHB and provide any requested supplementary materials by emailing nhbreview@dncr.nh.gov.



NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

If this NHB DataCheck letter DOES NOT include any records of rare plants and/or natural communities/systems, no further consultation with NHB is required.

NH Fish and Game Department Consultation

If this NHB DataCheck letter DOES NOT include ANY wildlife species records, then, based on the information submitted, no further consultation with the NH Fish and Game Department pursuant to Fis 1004 is required.

If this NHB DataCheck letter includes a record for a threatened (T) or endangered (E) wildlife species, consultation with the New Hampshire Fish and Game Department under Fis 1004 may be required. To review the Fis 1000 rules (effective February 3, 2022), please go to <https://www.wildlife.nh.gov/wildlife-and-habitat/nongame-and-endangered-species/environmental-review>. All requests for consultation and submittals should be sent via email to NHFGreview@wildlife.nh.gov or can be sent by mail, and **must include the NHB DataCheck results letter number and "Fis 1004 consultation request" in the subject line.**

If the NHB DataCheck response letter does not include a threatened or endangered wildlife species but includes other wildlife species (e.g., Species of Special Concern), consultation under Fis 1004 is not required; however, some species are protected under other state laws or rules, so coordination with NH Fish & Game is highly recommended or may be required for certain permits. While some permitting processes are exempt from required consultation under Fis 1004 (e.g., *statutory permit by notification, permit by rule, permit by notification, routine roadway registration, docking structure registration, or conditional authorization by rule*), coordination with NH Fish & Game may still be required under the rules governing those specific permitting processes, and it is recommended you contact the applicable permitting agency. For projects not requiring consultation under Fis 1004, but where additional coordination with NH Fish and Game is requested, please email NHFGreview@wildlife.nh.gov, and include the NHB DataCheck results letter number and "review request" in the email subject line.

Contact NH Fish & Game at (603) 271-0467 with questions.



NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

NHB Database Records:

The following record(s) have been documented in the vicinity of the proposed project.

Please see the map and detailed information about the record(s) on the following pages.

Plant species	State ¹	Federal	Notes
Appalachian barren-strawberry (<i>Geum fragarioides</i>)	T	--	Occurs in sandplains, disturbed openings, mesic forests, dry forests, and thin woods. Threats include development, logging activities, recreational activities, trail development, and exotic species invasions.
mudflat spikesedge (<i>Eleocharis intermedia</i>)*	E	--	
Virginia stickseed (<i>Hackelia virginiana</i>)	T	--	This species is found in moist or dry woods, including floodplain forests. Threats would primarily be major alterations to their habitat.

¹Codes: "E" = Endangered, "T" = Threatened, "SC" = Special Concern, "--" = an exemplary natural community, or a rare species tracked by NH Natural Heritage that has not yet been added to the official state list.

An asterisk (*) indicates that the most recent report for that occurrence was 20 or more years ago.

Disclaimer: NHB's database can only tell you of known occurrences that have been reported to NHFG/NHB. Known occurrences are based on information gathered by qualified biologists or members of the public, reported to our offices, and verified by NHB/NHFG.

However, many areas have never been surveyed, or have only been surveyed for certain species.

NHB recommends surveys to determine what species/natural communities are present onsite.



NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

NHB23-2992



NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

NH823-2992

EOCODE:

PDROS1S012*010*NH

New Hampshire Natural Heritage Bureau - Plant Record

Appalachian barren-strawberry (*Geum fragarioides*)

Legal Status

Federal: Not listed
State: Listed Threatened

Conservation Status

Global: Demonstrably widespread, abundant, and secure
State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Fair quality, condition and/or landscape context ('C' on a scale of A-D).
Comments on Rank: Fairly abundant and reproducing but adjacent to developed/developing areas.

Detailed Description: 2020: Plants occur in two patches, one atop roadway embankment (West Patch) and one along roadside (East Patch). West Patch: approximately 40' x 15', 30% in flower. East Patch: approximately 20' x 15', extending to culvert, 10% in flower. 2016: 50-75 plants observed growing in small clumps. 2007: An estimated 101-1000 stems found in three patches, 55x10 ft., 20x20 ft. and 15x15 ft. Vigorous. 10% with immature fruit. 2002: An estimated 101-300 plants were found in a population area of ca. 15 x 25 ft. The plants covered about 66-75% of this area.

General Area: 2020: Plants occur along shrubby roadside, with some invasive species present. Associates include birch saplings (*Betula* sp.), red oak saplings (*Quercus rubra*), honeysuckle (*Lonicera* sp.), strawberry (*Fragaria* sp.), blunt-lobed hepatica (*Anemone americana*), Canada-mayflower (*Maianthemum canadense*), goldenrod (*Solidago* sp.), red columbine (*Aquilegia canadensis*), bush-honeysuckle (*Diervilla lonicera*), cinquefoil (*Potentilla* sp.), shadbush (*Amelanchier* sp.), multiflora rose (*Rosa multiflora*), and barberry (*Berberis* sp.). 2007: Wide variety of woodland and roadside species listed, including invasives, e.g. barberry (*Berberis* sp.) and honeysuckle (*Lonicera* sp.). 2002: Mixed forest and open roadside bank on Windsor loamy find sand of 3-8% slope. Associated plants species include Antennaria sp. (pussy-toes), *Toxicodendron rydbergii* (Rydberg's poison ivy), *Aquilegia canadensis* (wild columbine), *Pinus strobus* (white pine), and *Potentilla* sp. (cinquefoil). Plant species found in area immediately to the west include *Adiantum pedatum* (northern maidenhair fern), *Hepatica* sp. (hepatica), *Viburnum acerifolium* (maple-leaved viburnum), *Quercus rubra* (red oak), *Anemone quinquefolia* (wood anemone), *Tsuga canadensis* (hemlock), and *Amelanchier* sp. (shadbush).

General Comments: --

Management Comments: 2020: The West Patch is more open and seems more secure. The East Patch is more overgrown. Both would benefit from trimming of roadside vegetation, specifically red oak saplings. 2007: Potential for damage from routine road maintenance. Potential spread of invasives also a threat.

Location

Survey Site Name: Glen Road near Mascoma River
Managed By:

NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

NHB23-2992

EOCODE:

PDROS1S012*010*NH

County: Grafton

Town(s): Lebanon

Size: .4 acres

Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: 2020: From Exit 20 on I-89 in Lebanon, head north on Route 12A/South Main Street. After crossing Mascoma River, head east on Glen Road. At about 0.6 miles, go under railroad bridge and pass intersection with Elm Street West on left. Park at gravel pulloff on right just after. Plants are about 0.1 mile further down the road (northeast of parking area), on north side of Glen Road. 2007, 2002: Glen Road is a short road (1.75 mi.) joining Routes US 4/NH 10 with Rte. 12A. Plants are 0.45 miles from Rtes. US 4/NH 10 and 1.3 miles from Rt. 12A, on the north side of Glen Road opposite an impoundment of the Mascoma River, immediately west of a brown house, on the upper slope and top of a 5 foot road bank (43.636000N, 72.303633W). Visible, when in bloom, from the road.

Dates documented

First reported: 2002-05-04

Last reported: 2020-05-12

NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

NHB23-2992

EOCODE:

PMCYPO90V0*003*NH

New Hampshire Natural Heritage Bureau - Plant Record

mudflat spikesedge (*Eleocharis intermedia*)

Legal Status

Federal: Not listed

State: Listed Endangered

Conservation Status

Global: Demonstrably widespread, abundant, and secure

State: Critically imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Not ranked

Comments on Rank: --

Detailed Description: 2012: Searched for, not found. 1879: Specimen collected.

General Area: --

General Comments: --

Management: --

Comments:

Location

Survey Site Name: Mascoma River, mouth of

Managed By: Bascetta

County: Grafton

Town(s): Lebanon

Size: 7.7 acres

Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: 1879: Mouth of Mascoma River.

Dates documented

First reported: 1879-09

Last reported: 1879-09

NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

NHB23-2992

EOCODE: PDBOROGU0*026*NH

New Hampshire Natural Heritage Bureau - Plant Record

Virginia stickseed (*Hackelia virginiana*)

Legal Status

Federal: Not listed
State: Listed Threatened

Conservation Status

Global: Demonstrably widespread, abundant, and secure
State: Imperiled due to rarity or vulnerability

Description at this Location

Conservation Rank: Not ranked
Comments on Rank: --

Detailed Description: 2011: Area 1: 29 plants observed. Area 2: 214 plants spread among 10 clumps. Overall 70% with mature fruit and a total of 256 plants counted.

General Area: 2011: Associated plants include sugar maple (*Acer saccharum*), white snakeroot (*Ageratina altissima*), common blackberry (*Rubus allegheniensis*), Virginia creeper (*Parthenocissus quinquefolia*), hair sedge (*Bulbostylis capillaris*), bluecurls (*Trichostema dichotomum*), celandine (*Chelidonium majus*), common dayflower (*Commelina communis*), fireweed (*Erechtites hieraciifolia*), and hay-scented fern (*Dennstaedtia punctilobula*).

General Comments: 2011: DOT road-re-alignment planned. Plants found as part of environmental review request. Potential impacts to some of population in Area 2. Seed collected as mitigation measure for 12% of plants that may be impacted.

Management Comments: 2011: Some evidence of herbicide treatment along RR corridor and a roadside patch was recently mowed. Avoid direct impacts from herbicide and mowing, while allowing for continued adequate light and lack of competition, and adequate nearby suitable habitat.

Location

Survey Site Name: Rte. 12A
Managed By:

County: Grafton
Town(s): Lebanon
Size: 2.6 acres

Elevation:

Precision: Within (but not necessarily restricted to) the area indicated on the map.

Directions: 2011: From Interstate 89 take exit 20. Turn right at the end of ramp onto Rte. 12A. Drive 0.8 miles to gravel pull-off on the right. Park here. Plants are located along the RR tracks on top of the bluffs east of the pull off, in an open area just south of an old red house, also just south of the bridge over the RR, and at one location just south of the pull-off east of the utility pole 7P10.

NHB DataCheck Results Letter

NH Natural Heritage Bureau

Please note: maps and NHB record pages are **confidential** and shall be redacted from public documents.

NHB23-2992

EOCODE: PDBOROGOU0*026*NH

Dates documented

First reported: 2011-08-11

Last reported: 2011-08-11