

From: [Bishop, Seth R](#)
To: [Assenza, Adam](#)
Subject: RE: [EXTERNAL] AB-55-816-X: CSX Rail line abandonment in Pike Co., KY
Date: Tuesday, August 20, 2024 7:56:03 PM

You don't often get email from seth_bishop@fws.gov. [Learn why this is important](#)

Adam,

The attached letter you sent with our stamp is our concurrence for this project that there is no potential for adverse effects to any listed species. Unless some aspect of the project has changed from what was proposed in the original submittal, then no further coordination with our office is required. If you need something additional for your Section 7 consultation, please let me know.

Thanks,
Seth

[Seth R. Bishop](#)
[Fish and Wildlife Biologist](#)
[U.S. Fish and Wildlife Service](#)
[Kentucky Field Office](#)
[330 West Broadway, Room 265](#)
[Frankfort, KY 40601](#)
[\(502\) 545-4532](#)

From: Assenza, Adam <Adam.Assenza@stb.gov>
Sent: Friday, August 16, 2024 2:59 PM
To: Bishop, Seth R <seth_bishop@fws.gov>
Subject: [EXTERNAL] AB-55-816-X: CSX Rail line abandonment in Pike Co., KY

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Seth,

Apologies for the telephone tag. I wanted to confirm that you have received our Draft EA and determination and had a chance to read our recommended environmental condition in case you had any comments. While I don't believe there's any reason for concern or additional mitigation, correspondence between FWS and CSX suggested that additional lead-agency correspondence or entries in IPaC may be necessary.

If that's not the case, feel free to disregard and we will recommend that the Board impose the same condition requiring CSX to conduct abandonment-related salvage activities during the northern long-eared bat's inactive season, between November 15 and March 30 in Pike County. The Final EA is due for service on August 26, with the draft EA comment period ending August 21.

Thanks,

Adam Assenza

Environmental Protection Specialist (he/him)

Office of Environmental Analysis

Surface Transportation Board

395 E Street SW

Washington, DC 20423

P: 202-245-0301

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 55 (Sub-No. 816X)

**CSX Transportation, Inc.– Abandonment Exemption –
In Pike County, Ky.**

BACKGROUND

In this proceeding, CSX Transportation, Inc. (CSXT) filed a notice of exemption under 49 C.F.R. 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Pike County, Kentucky. The rail line proposed for abandonment extends approximately 5.1 miles from milepost CML 9.0 to milepost CML 14.1 (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to CSXT, the Line begins northwest of Maynard Hill Road and generally runs parallel to Zebulon Highway in a southeasterly direction. The Line is known as the Winns Branch, Big Sandy Subdivision, and was originally part of the Chesapeake and Ohio Railway's (C&O) Coon Creek Subdivision. In 1972, the C&O became part of Chessie System and then merged into CSXT in 1987 where it continued to support the coal industry. As more U.S. utilities switched to natural gas, the demand for coal shipments from Winns Branch continued to fall. According to CSXT, all of the coal producers or support industries on the Line eventually closed, including the Kinney Branch Mining, Standard Elkhorn Mining, Primary Energies and Tri-State Salvage & Construction.

ENVIRONMENTAL REVIEW

CSXT submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line, including salvage. CSXT served the E&H Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation

Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)]¹ implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to CSXT, no local traffic has moved over the Line over the last two years, and overhead traffic on the Line has been rerouted. Therefore the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. If abandonment authority is granted, CSXT intends to remove the rail, the crossties, and possibly the upper layer of ballast, but does not intend to disturb any subgrade or subgrade structures. Any structures, such as bridges, trestles, culverts, and tunnels would not be salvaged. CSXT does not intend to construct any new access roads. According to CSXT, abandonment is consistent with existing land use plans in the area, and no prime agricultural land would be affected. CSXT also states that there are 13 road crossings (4 public road crossings and 9 private road crossings) on the Line, all of which can be closed.

CSXT requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. USFWS submitted comments identifying three endangered species—the northern long-eared bat (*Myotis septentrionalis*), gray bat (*Myotis grisescens*), and Indiana bat (*Myotis sodalis*)—that may be affected by the proposed abandonment, as well as the proposed endangered tricolor bat (*Perimyotis subflavus*) and candidate monarch butterfly (*Danaus plexippus*). USFWS stated that “significant impacts to federally listed species are not likely to result from this project as currently proposed.” In its E&H Report, CSXT stated that it would conduct abandonment-related salvage during the northern long-eared bat's inactive period, between November 15 and March 30, to avoid any adverse effects to the species. Therefore, OEA has determined that these federally listed threatened or endangered species would not be affected because of the limited scope of CSXT's abandonment, the absence of critical habitat in the project area, and CSXT's commitment to conduct salvage activities

¹ The E&H Report is available for viewing on the Board's website at www.stb.gov by clicking “Search STB Records;” selecting “Filings” in the “Search for” dropdown menu; entering “AB” “55” “816” “X” sequentially in the four boxes for “Docket Number,” then selecting “Search.” The E&H Report was filed on July 11, 2024.

between November 15 and March 31. Accordingly, OEA recommends that any decision granting abandonment authority include a condition requiring CSXT to conduct any abandonment-related salvage activities between November 15 and March 31 to minimize potential impacts to the northern long-eared bat. OEA is providing USFWS Kentucky Ecological Services Field Office a copy of this Draft EA for its review.

On July 10, 2024, the Kentucky Department for Environmental Protection (DEP) submitted comments recommending that CSXT: (1) develop a Groundwater Protection Plan (GPP) for protection of groundwater resources; (2) utilize best management practices to reduce runoff from project activities into nearby waters; (3) obtain permits from the Division of Water, Water Resources Branch for work in portions of the project within the regulated floodplain; (4) determine if the Line is within the 1% annual chance floodplain and, if so, obtain a stream construction permit; (5) determine if a Floodplain General Permit or Individual Permit is required; (6) determine if a 404 permit from the US Army Corps of Engineers (Corps) or 401 Water Quality Certification is required if working below the top of a bank, within a stream channel, or within wetlands; (7) take reasonable precaution to prevent particulate matter from becoming airborne; (8) report any underground storage tanks (USTs) encountered during the project to the Kentucky Division of Waste Management (KDWM), UST Branch; (9) dispose of any solid waste generated by this project at a permitted facility; and (10) use the Kentucky Biological Assessment Tool to determine potential impacts to federally or state listed species.

Accordingly, OEA recommends that any Board decision granting abandonment authority include a condition requiring CSXT to consult with DEP prior to commencement of any abandonment-related salvage activities regarding the concerns listed in DEP's July 10, 2024 letter. OEA also recommends a condition requiring CSXT to notify KDWM, UST Branch, if any UST's are encountered during abandonment-related salvage activities. Lastly, as OEA has not heard from the Corps, but the Line is in close proximity to local waterways, OEA recommends a condition requiring CSXT to consult with the Corps prior to commencement of any abandonment-related activities and comply with its reasonable requirements.

The Line is not located within a coastal zone. Accordingly, no federal consistency review under Section 307 of the Coastal Zone Management Act of 1972 is required.

OEA believes that any air emissions associated with abandonment activities would be temporary and would not have a significant impact on air quality. Similarly, any noise-related impacts from the proposed abandonment would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the following agencies for review and comment: DEP; USFWS; KDWM, UST Branch; and the Corps.

HISTORIC REVIEW

CSXT served the E&H Report on the Kentucky Heritage Council (State Historic Preservation Office or SHPO), pursuant to 49 C.F.R. § 1105.8(c).² OEA has not heard from the SHPO and therefore has not been able to consider the SHPO's opinion before determining if the Line may be potentially eligible for listing on the National Register of Historic Places (National Register). Accordingly, OEA is recommending a condition requiring CSXT to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at [www. https://www.stb.gov/resources/environmental/historic-preservation-overview](https://www.stb.gov/resources/environmental/historic-preservation-overview).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.³ The database indicated that the Cherokee Nation and the Eastern Band of Cherokee Indians may have knowledge regarding properties of traditional, religious and cultural significance within the right-of-way (the APE) of the proposed abandonment. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:⁴

1. CSX Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108,

² Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overiewing historic preservation at <https://www.stb.gov/resources/environmental/historic-preservation-overview>.

³ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed July 7, 2024).

⁴ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Kentucky Heritage Council (SHPO) and the public. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

2. Prior to commencement of any abandonment-related salvage activities, CSX Transportation, Inc. shall consult with the Kentucky Department of Environmental Protection (DEP) regarding the concerns listed in DEP's letter dated July 10, 2024.
3. If CSX Transportation, Inc. (CSXT) encounters any underground storage tanks (USTs) during any abandonment-related salvage activities, CSXT shall notify the Kentucky Division of Waste Management (KDWM), UST Branch.
4. Prior to commencement of any abandonment-related salvage activities, CSX Transportation, Inc. shall consult with the U.S. Army Corps of Engineers (Corps) regarding its requirements and, if applicable, shall comply with its reasonable requirements.
5. To address the U.S. Fish and Wildlife Service's concerns regarding the northern long-eared bat, CSXT shall conduct abandonment-related salvage activities during the northern long-eared bat's inactive season between November 15 and March 30.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's

website.⁵

TRAIL USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Adam Assenza, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 55 (Sub-No. 816X). If you have any questions, please contact Adam Assenza by email at adam.assenza@stb.gov or by phone at 202-245-0301.

Date made available to the public: August 5, 2024.

Comment due date: August 21, 2024.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

⁵ Board decisions are available for viewing on the Board's website at www.stb.gov by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "55" "816" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁶ Id.

Attachment



Kevin Hardee
Joint Facilities

June 18, 2024
U.S. Fish & Wildlife Services
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
kentuckyes@fsw.gov

RECEIVED

By FWS at 9:13 am, Jun 20, 2024

500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Significant impacts to federally listed species are not likely to result from this project as currently proposed. Project re-coordination is needed if the project changes or if new species or critical habitats are listed that could be impacted by the project.

Seth Bishop

Digitally signed by Seth Bishop
Date: 2024.06.24 15:03:30 -04'00'

for Kentucky Field Supervisor
U.S. Fish and Wildlife Service

Date

Re: Project Code: 2024-0002144; STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment Exemption—in Pike County, KY

Dear Madam/Sir:

CSX Transportation, Inc., ("CSXT") proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the "Line"). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

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

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

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

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

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

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

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

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do..>

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

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

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0467 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov



In Reply Refer To:

04/30/2024 17:43:08 UTC

Project Code: 2024-0083842

Project Name: CSXT Abandonment Exemption—Pike County, KY AB-55 (Sub-No. 816X)

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

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

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

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

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
(502) 695-0467

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

PROJECT SUMMARY

Project Code: 2024-0083842

Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

Project Type: Abandonment of Rail Line

Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.53159745,-82.45556540539137,14z>



Counties: Pike County, Kentucky

MAMMALS

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: • The project area includes potential gray bat habitat. Species profile: https://ecrs.fws.gov/ecp/species/6329 General project design guidelines: https://ipac.ecosphere.fws.gov/project/YLV5TB6HNVASJNFWJG8B7LHVM/documents/generated/6422.pdf	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: • The project area includes 'potential' habitat. All activities in this location should consider possible effects to this species. Species profile: https://ecrs.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/YLV5TB6HNVASJNFWJG8B7LHVM/documents/generated/6422.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecrs.fws.gov/ecp/species/8045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/YLV5TB6HNVASJNFWJG8B7LHVM/documents/generated/6422.pdf	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecrs.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecrs.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yasbin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0467 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov



In Reply Refer To:

04/30/2024 17:48:53 UTC

Project code: 2024-0083842

Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

Subject: Consistency letter for the project named 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)' for the endangered Indiana bat and its critical habitat in the proposed project location, pursuant to the Indiana Bat Determination Key (DKey)

Dear Melanie Yashin:

The U.S. Fish and Wildlife Service (Service) received on **April 30, 2024** your effect determination(s) for the 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)' using the Indiana Bat DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Indiana Bat DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Indiana Bat (<i>Myotis sodalis</i>)	Endangered	NLAA

Consultation Status

Consultation with the Service is not complete. The above effect determination(s) becomes applicable when the lead federal action agency or designated non-federal representative submits them as a request to the Service to rely on the Indiana Bat DKey in order to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead federal action agency or

designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator." They will need to enter the record locator **E36-142552905**

The Service recommends that your agency contact the Kentucky Ecological Services Field Office or re-evaluate the Action in IPaC if: 1) the scope, timing, duration, or location of the Action changes, 2) new information reveals the Action may affect listed species or designated critical habitat, or 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Kentucky Ecological Services Field Office should take place before project changes are final or resources committed.

In addition to the Indiana bat, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Gray Bat *Myotis grisescens* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

To address effects to other federally listed or proposed species and/or their designated critical habitat, you can request project-specific review by following the instructions in the "Next Steps" section of your species list letter, or you may use another determination key, if available.

Additional Coordination

To request additional technical assistance or consultation, please contact the Kentucky Ecological Services Field Office . When you contact the office, please provide all relevant site-specific information regarding the proposed Action. The Kentucky Ecological Services Field Office will respond within 30 to 60 days of your submittal.

Action Description

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

1. Name

CSXT Abandonment Exemption—Pike County, KY AB-55 (Sub-No. 816X)

2. Description

The following description was provided for the project CSXT Abandonment Exemption—Pike County, KY AB-55 (Sub-No. 816X):

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Wmms Branch-Big Sandy Subdivision, in Pike County, KY

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.53159745,-82.45556540539137,14z>



QUALIFICATION INTERVIEW

1. Will the proposed action involve Federal funding, permitting, or authorization, or will it be carried out by a Federal Agency?

Yes

2. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead Federal Agency for this action.

No

3. Are you the lead Federal Action Agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

Yes

4. [Semantic] Is the Action Area within 1/2-mile of a known Indiana bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact the Field Office listed in the letterhead of this letter.

Automatically answered

No

5. If you have determined that the Indiana bat is unlikely to occur to within your project's Action Area or that your project is unlikely to have any potential impacts on the Indiana bat, you may wish to make a "No Effect" determination for the Indiana bat. Would you like to make a No Effect determination for the Indiana bat?

Note: A "No Effect" determination does not require concurrence from the Service; however, you should document the supporting information for this determination in your files. This documentation would typically demonstrate a lack of suitable habitat within the action area, show that no impacts to suitable habitat would occur, or provide information that the species is not reasonably certain to occur in the action area even though suitable habitat is present. If you believe the Indiana bat may be affected by your project or if you would like assistance in making a determination, please answer "no" and continue through the key.

No

6. Will the proposed Action involve construction or operation of wind turbines?

No

7. Will the proposed Action involve blazing, other than a fireworks display?

No

8. Will the proposed Action involve a new point source discharge from a facility other than a water treatment plant or storm water system?

No

9. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

10. Will the proposed Action include the removal, replacement, repair and/or maintenance of an existing bridge?

No

11. Will the proposed Action involve perennial stream loss that would require an individual permit under 404 of the Clean Water Act?

No

12. Will the proposed Action involve discharge of sediment into a stream?

No

13. Does the Action Area contain any caves (including their associated sinkholes, fissures, or other karst features), rockshelters, underground quarries, or abandoned mine portals (including associated underground workings)?

No

14. Will the proposed project result in the removal of trees?

No

15. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service under the standing analyses that supports this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the Indiana bat.

What determination do you want to make for the Indiana bat:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unknown," additional coordination with the Service is recommended.

May affect – not likely to adversely affect (NLAA)

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yashin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0467 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To: 04/30/2024 17:51:53 UTC
Project code: 2024-0083842
Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. B16X)
Subject: Consistency letter for the project named 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. B16X)' for specified threatened and endangered species that may occur in your proposed project location consistent with the Kentucky Determination Key (DKey)

Dear Melanie Yasbin:

The U.S. Fish and Wildlife Service (Service) received on April 30, 2024 your effect determination(s) for the 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. B16X)' (Action) using the Kentucky (DKey) within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Kentucky DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Gray Bat (<i>Myotis grisescens</i>)	Endangered	NLAA

Consultation Status

Consultation with the Service is not complete. The above effect determination(s) becomes applicable when the lead federal action agency or designated non-federal representative submits them as a request to the Service to rely on the Kentucky DKey in order to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead federal action agency or

designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator." They will need to enter the record locator 836-142553488

If there is no federal action agency for this project, the information in this letter is provided to you as technical assistance in your planning. Species with NLAA determinations are consistent with the programmatic evaluation in the standing analysis of proposed Actions the Kentucky Ecological Services Field Office has identified that typically do not result in significant adverse effects to that species.

The Service recommends that your agency contact the Kentucky Ecological Services Field Office or re-evaluate the Action in IPaC if: 1) the scope, timing, duration, or location of the Action changes, 2) new information reveals the Action may affect listed species or designated critical habitat, or 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Kentucky Ecological Services Field Office should take place before project changes are final or resources committed.

The following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

To address effects to other federally listed or proposed species and/or their designated critical habitat, you can request project-specific review by following the instructions in the "Next Steps" section of your species list letter, or you may use another determination key, if available.

Additional Coordination

To request additional technical assistance or consultation, please email your request to KentuckyES@fws.gov and include relevant site-specific information. The Kentucky Ecological Services Field Office will respond within 30 days of your submittal.

Action Description

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

1. Name

CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

2. Description

The following description was provided for the project 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)':

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.53159745,-82.45556540539137,14z>



QUALIFICATION INTERVIEW

1. Will the proposed Action involve Federal funding, permitting, or authorization, or will it be carried out by a Federal Agency?
Yes
2. Are you the lead Federal Action Agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?
Yes
3. [Hidden Semantic] Does the action area intersect critical habitat?
Automatically answered
No
4. Will the proposed Action involve construction or operation of wind turbines?
No
5. Will the proposed Action involve blasting (other than a fireworks display)?
No
6. Will the proposed Action involve a new point source discharge from a facility other than a water treatment plant or storm water system?
No
7. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g. leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?
No
8. Will the proposed Action include the removal, replacement, repair and/or maintenance of an existing bridge or culvert?
No
9. Will the proposed Action involve perennial stream loss that would require an individual permit under 404 of the Clean Water Act?
No
10. Will the proposed Action involve discharge of sediment into a stream?
No
11. Does the Action Area contain any caves (including their associated sinkholes, fissures, or other karst features), rockshelters, underground quarries, or abandoned mine portals (including associated underground workings)?
No
12. [Hidden Semantic] Does the Action Area intersect the Kentucky AOI of the gray bat?
Automatically answered
Yes
13. Will the proposed Action involve drilling or boring?
No

14. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the gray bat.

What is your effect determination for the gray bat?

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect - not likely to adversely affect" determinations. If you choose "May affect - likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. "May affect - not likely to adversely affect"

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yasbin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0467 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov



In Reply Refer To: 04/30/2024 18:04:11 UTC
Project code: 2024-0083842
Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

Federal Nexus: yes
Federal Action Agency (if applicable): Surface Transportation Board

Subject: Technical assistance for 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)'

Dear Melanie Yashin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 30, 2024, for 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)' (here forward, Project). This project has been assigned Project Code 2024-0083842 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.**

Determination for the Northern Long-Eared Bat

Based on your IPaC submission and the standing analysis for the Dkey, your project has reached the determination of "May Affect" the northern long-eared bat.

Next Steps

Your action may qualify for the Interim Consultation Framework for the northern long-eared bat. To determine if it qualifies, review the Interim Consultation Framework posted here <https://www.fws.gov/library/collections/interim-consultation-framework-northern-long-eared-bat>. If you determine it meets the requirements of the Interim Consultation Framework, follow the procedures outlined there to complete section 7 consultation.

If your project does **not** meet the requirements of the Interim Consultation Framework, please contact the Kentucky Ecological Services Field Office for further coordination on this project. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of "May Affect".

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Action Description

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

1. Name

CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

2. Description

The following description was provided for the project 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)':

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.53159745,-82.45556540539137,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of "may affect" for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer 'yes' if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

3. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

5. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

6. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

7. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

8. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer "No" below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project's action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a "no effect" determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer "No" and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

9. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

10. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

12. Will the action cause effects to a bridge?

No

13. Will the action result in effects to a culvert or tunnel?

No

14. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures.

No

15. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) known or suspected to contain roosting bats?

No

16. Will the action directly or indirectly cause construction of one or more new roads that are open to the public?

Note: The answer may be yes when a publicly accessible road either (1) is constructed as part of the proposed action or (2) would not occur but for the proposed action (i.e., the road construction is facilitated by the proposed action but is not an explicit component of the project).

No

17. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?
No
20. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?
No
21. Will the proposed action involve blasting?
No
22. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?
No
23. Will the proposed action involve the use of herbicide or other pesticides (e.g., fungicides, insecticides, or rodenticides)?
No
24. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>
No
25. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>
No
26. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?
No
27. Will the action result in the use of prescribed fire?
No
28. Will the action cause noises that are louder than ambient baseline noises within the action area?
Yes

29. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?
Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

No

IPAC USER CONTACT INFORMATION

Agency: Private Entity
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City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board