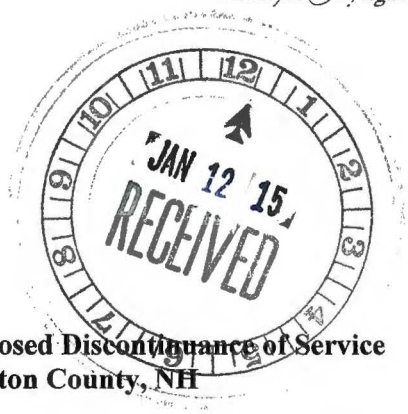
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ENTERED
Office of Proceedings
January 23, 2015
Part of
Public Record

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
Claude T. Buttrey
Bryce M. Wing
Ashley J. Romeo-Boles

Telephone
603-448-4780
Fax
603-448-3683
*Ashleyrb@ivylegal.com*

January 6, 2015




Ms. Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

**Re: Docket: AB-1120X and 1120 (Sub-No. 1X) - Proposed Discontinuance of Service and Abandonment Exemptions in Lebanon, Grafton County, NH**

Dear Ms. Brown:

Enclosed for filing in the above-captioned proceeding are an original and eleven copies of the Joint Verified Notice of Exemption for Claremont Concord Railroad Corporation ("CCRC") and the State of New Hampshire ("the State"), dated January 6, 2015, to discontinue service and abandon approximately a 0.97 mile segment of rail line beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 which traverses through United States Postal Service ZIP Code 03766 in Lebanon, Grafton County, New Hampshire. (Exhibit A).

A check in the amount of $3,800, representing the appropriate fee for this filing, is attached. Also attached is a request for a waiver of the filing fee as it is in the best interest of the public. Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it in the attached self-addressed envelope.

In accordance with 49 CFR § 1152.60(c), a computer disk containing the text of the draft Federal Register notice of this verified notice for exemption in MS Word 2010 also is enclosed. For convenience, this disk also contains the text of the Notice of Exemption.

FEE RECEIVED
January 23, 2015
SURFACE
TRANSPORTATION BOARD

F I L E D
January 23, 2015
SURFACE
TRANSPORTATION BOARD

The original copy of the Environmental/Historic Report (Exhibit C) has been provided directly to the Board's Office of Environmental Analysis.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Very truly yours,

Ashley Romeo-Boles

Ashley Romeo-Boles, Esq.
Authorized on behalf of
Claremont Concord Railroad Corporation
The State of New Hampshire

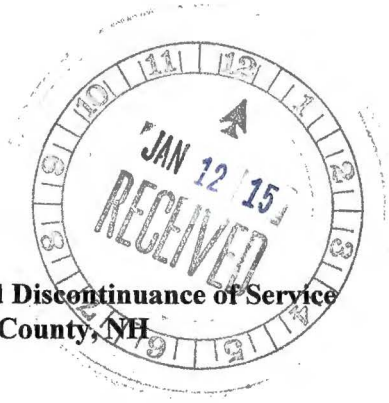


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Fax
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*Ashleyrb@ivylegal.com*

January 6, 2015




Ms. Cynthia T. Brown
Chief, Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, S.W., Room 1034
Washington, DC 20423-0001

**Re: Docket: AB-1120X and 1120 (Sub-No. 1X) - Proposed Discontinuance of Service and Abandonment Exemptions in Lebanon, Grafton County, NH**

Filing Fee Waiver Request

Dear Ms. Brown:

Enclosed in the above-captioned proceeding is a request for a waiver of fees regarding the filing of the enclosed Joint Verified Notice of Exemption for Claremont Concord Railroad Corporation ("CCRC") and the State of New Hampshire ("the State"), to discontinue service and abandon approximately a 0.97 mile segment of rail line beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 which traverses through United States Postal Service ZIP Code 03766 in Lebanon, Grafton County, New Hampshire. (Exhibit A).

This request for the filing fee waiver is being made as it is in the public's best interest. A waiver in the filing fee will conserve some of the funds set aside for the Mascoma Greenway Project, so they may be used in the actual creation and maintenance of the trail corridor, as opposed to this initial phase to abandon the railroad corridor. The filing fee funds could instead be used to facilitate an efficient and timely transition from the railroad corridor to a public trail use by enabling the purchase of the design and materials to enclose the bridge located within the section to be abandoned so as to make it safe for pedestrian access. Also, the funds could be

used to pay for the equipment to remove the track, ties and other railroad materials, prior to allowing its use as a public trail. Waiving the filing fee will greatly assist the public use of this corridor and facilitate a more timely maintenance schedule, given that the funds would be available immediately, as opposed to seeking donor contributions after the filing, which may take time to acquire.

As a result, it is in the public's best interest that the Surface Transportation Board grant this request to waive the filing fee associated with this Joint Notice of Discontinuance of Service and Abandonment.

If you have any questions regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Very truly yours,

Ashley Romeo-Boles

Ashley Romeo-Boles, Esq.
Authorized on behalf of
Claremont Concord Railroad Corporation
The State of New Hampshire



**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1120X**

---

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

---

**DOCKET NO. 1120 (SUB-NO. 1X)**

---

**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

---

# JOINT VERIFIED NOTICE OF EXEMPTION ABANDONMENT AND DISCONTINUANCE




Brian W. Buonamano, Bar #20346
Assistant Attorney General
Bureau of Transportation and Construction
Department of Justice
Office of the Attorney General
33 Capitol St.
Concord, NH 03301
(603) 271-139

Attorney for the State of New Hampshire;
Authorized Representative for the
Claremont Concord Railroad Corporation

01

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1120X**

---

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

---

**DOCKET NO. 1120 (SUB-NO. 1X)**

---

**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

---

**JOINT VERIFIED NOTICE OF EXEMPTION ABANDONMENT AND DISCONTINUANCE**

Pursuant to 49 U.S.C. § 10502 and the regulations of the Surface Transportation Board ("the Board") at 49 C.F.R. §§ 1121 and 1152.50, Claremont Concord Railroad Corporation ("CCRC") and the State of New Hampshire ("the State") hereby jointly submit this Discontinuance of Service and Verified Notice of Exemption for Abandonment. CCRC and the State submit this Verified Notice of Exemption to the Board for an exemption from the prior approval requirements of 49 U.S.C. § 10903 for CCRC to discontinue its rail common carrier obligation over the line of railroad ("the Line") and to allow the State to abandon the Line beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 in Lebanon, Grafton County, New Hampshire, a distance of approximately 0.97 miles. A map showing the location of the line to be

abandoned is attached to this Notice as Exhibit B. A draft Federal Register notice in the form prescribed by 49 C.F.R. § 1152.60(c) is attached hereto as Appendix D.

CCRC intends to file its discontinuance exemption and the State intends to file its verified notice of abandonment exemption with the Board on or about December 17, 2014. CCRC and the State hereby invoke the Board's two-year-out-of-service class exemption procedures. After abandonment, the railbed and subgrade of the Line will remain in place and not be disturbed, but the rails, ties and other track material will be removed and salvaged. The Line proposed to be abandoned is appropriate for use for other public purposes, including recreation. The State has agreed to undertake the subject abandonment as a means to permit the section of the Line to be used as a rail trail under the Board's interim trails use processes. In accordance with the requirements of 49 C.F.R. §1152.50(d)(2), CCRC and the State submit the following information:

**CERTIFICATION: 49 C.F.R. § 1152.5O(B)**

CCRC and the State jointly certify that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of Chris Freed, President of CCRC (Exhibit B). See also, Certification of Jeff Brillhart, Acting Commissioner at New Hampshire Department of Transportation (Exhibit B).

CCRC currently leases the subject Line from the State. CCRC is seeking to invoke the discontinuance of service class exemption procedures to be relieved of its common carrier obligations over the Line. CCRC hereby certify that the Line satisfies the criteria for its discontinuance of common carrier service under the class exemption procedures, because, during

the past two years, CCRC has provided no local or overhead common carrier service over the Line, nor has CCRC or the State received any requests for common carrier service over the Line.

The State, as owner of the Line, concurs in CCRC's decision to terminate its leasehold interest in the Line and to discontinue CCRC's common carrier status over it. Given the long-standing inactivity and absence of traffic on the Line, the State has elected concurrently with CCRC's discontinuance notice to invoke the Board's class exemption procedures to abandon the Line, rather than to assume primary responsibility to provide common carrier service over it following CCRC's proposed discontinuance.

**PROPOSED CONSUMMATION DATE: 49 C.F.R. § 1152.50(d)(2)**

CCRC and the State propose that the consummation date for discontinuance of service and abandonment of the Line will both be consummated no sooner than 50 days after the Board's acceptance of this joint notice of exemption filing.

**ADDITIONAL INFORMATION REQUIRED: 49 C.F.R. §§ 1152.22(A)(1)-(4), (7)-(8) AND (E)(4)**

CCRC is a common carrier by railroad, subject to 49 U.S.C. Subtitle IV Ch. 105 and the Board's jurisdiction. CCRC is independently owned and is a common carrier by railroad, subject to 49 U.S.C. Subtitle IV Ch. 105 and the Board's jurisdiction. CCRC's complete name and address is: Claremont Concord Railroad Corporation, P.O. Box 848, Columbia, PA 17512.

The representative of the State and CCRC to whom correspondence regarding these proceedings should be sent is as follows:

Ashley J. Romeo-Boles, Esq., Schuster, Buttrey & Wing, P.A.
79 Hanover St., PO Box 388, Lebanon, NH 03766;

(603) 448-4782; fax (603) 448-3683. ashleyrb@ivylegal.com.

## DESCRIPTION OF LINE TO BE ABANDONED

CCRC and the State jointly seek to discontinue service and abandon the railroad line that extends a total distance of approximately 0.97 miles. The Line is located beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 which traverses through United States Postal Service ZIP Code 03766 in Lebanon, Grafton County, New Hampshire. See Exhibit B for the Map showing the Line to be abandoned.

Pursuant to 49 C.F.R. § 1152.60(d), the State and CCRC state that, based on information in their possession, the Line does not contain any federally granted rights-of-way. Any documentation in their possession will be made available promptly to those requesting it. Additionally, the State and CCRC are not aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes, other than an easement granted July 29, 1986 by Boston & Maine to AT&T for and to maintain an underground fiber optic cable within the line segment to be abandoned.

## JURISDICTION AND STATUTORY STANDARDS

The Board has jurisdiction over the proposed discontinuance of service by CCRC and abandonment of the Line by the State pursuant to 49 U S.C. § 10903. Generally, a common carrier by rail must obtain authority from the Board under § 10903 before discontinuing service and abandoning a line of railroad. However, 49 U.S.C. § 10502 requires the Board to exempt a person, transaction or service from the statutory and regulatory requirements otherwise

applicable to a rail carrier when the Board determines that: (1) application of those requirements is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope or (b) regulation is not needed to protect shippers from an abuse of market power. Additionally the railroad is statutorily obligated to protect the interests of employees.

***A. Detailed Scrutiny Under 49 U.S.C. § 10903 Is Not Necessary To Carry Out The Rail Transportation Policy Of 49 U.S.C. § 10101***

Granting the State and CCRC an exemption to discontinue service and abandon the Line is consistent with the goals articulated in the National Rail Transportation Policy, 49 U.S.C. § 10101. Additionally the proposed action is of limited scope and regulation is not necessary to protect the remaining on-Line customers from market power abuse. The statutory exemption procedure of § 10502 obviates the need for the expensive and time-consuming processes attendant to a proceeding under § 10903, including the costs of preparing an application. Therefore, CCRC and the State respectfully request that the Board grant their joint petition for discontinuance of service and abandonment. In granting the petition, none of the other rail transportation policy criteria will be adversely affected.

***B. The Transaction Is Of Limited Scope***

The transaction for which exemption is sought consists solely of the discontinuance of service and abandonment of a portion of the Line totaling approximately 0.97 miles on which no shippers are located. There has been no service over the Line for over twenty years. Also, there are currently no pending cases or decisions and no formal complaints have been filed by a user of the Line regarding cessation of service or alleging unlawful impediment to service. Further, any overhead traffic on the line can be rerouted over other lines. The proposed discontinuance of

service and abandonment clearly is of limited scope and the Board should grant CCRC and the State an exemption to the formal abandonment proceeding.

***C. Regulation Is Not Necessary To Protect Shippers From An Abuse Of Market Power***

This transaction will not and cannot subject shippers to any market power abuse. As stated, there are no shippers located on the Line that CCRC and the State seek to abandon. There also have not been any shippers for many years on this Line. Accordingly, regulation of this abandonment by the Board is not necessary to protect any shipper from an abuse of market power.

**LABOR PROTECTION**

Finally, CCRC and the State do not anticipate any adverse impact on employment levels as a result of the proposed discontinuance of service and abandonment as there has been no traffic over the Line in many years. Nevertheless, they agree that the appropriate level of employee protection to be imposed on this abandonment is that established in Oregon Short Line R. Co - Abandonment - Goshen, 360 I.C.C. 91 (1979).

**PUBLIC PURPOSES AND/OR TRAIL USE**

The Line is suitable for other public purposes or trail use. There are no known restrictions on the Title of property, including any reversionary interest which would affect transfer of title or use of the property for other than rail purposes. However, AT&T does have an easement for, and maintains, an underground fiber optic cable within the Line segment to be abandoned.

**CERTIFICATIONS**

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R.§1152.50(d)(l) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a Certificate of Compliance with the advance notice requirements for the Environmental and Historic Reports as set forth at 49 C.F.R.§ 1105.11.

**ENVIRONMENTAL REPORT**

As is reflected in the Certificate of Compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), CCRC's and the State's representative has prepared a combined Environmental and Historic Report in anticipation of the proposed joint discontinuance of service and abandonment of the Line, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the Report is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 Certification).

WHEREFORE, CCRC respectfully requests that the Board exempt from the prior approval requirements of 49 U.S.C. § 10903 the discontinuance of service by CCRC and the abandonment by the State of the Line extending from Railroad Milepost B140 to Railroad Milepost B141 in Lebanon, Grafton County, NH.

Respectfully Submitted,

STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION

Dated: January 6 2015

by: _____
Brian W. Buonamano, Bar #20346
Assistant Attorney General
Bureau of Transportation and Construction

Department of Justice
Office of the Attorney General
33 Capitol St.
Concord, NH 03301
(603) 271-139

CLAREMONT CONCORD RAILROAD CORPORATION

by: Ashley Romeo-Boles
Ashley Romeo-Boles, Esq.,
Representative for the CCRC
Schuster, Buttrey & Wing, PA
79 Hanover St., PO Box 388
Lebanon, NH 03766

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21st day of October 2014, a copy of the foregoing Joint Notice of Verified Exemption for the State of New Hampshire and Claremont Concord Railroad Corporation was served by first class mail, postage prepaid, upon the agencies specified in 49 C.F.R. § 1152.50(d)(1) as follows:

N.H. Department of Transportation
Dept. of Rail & Public Transportation
John O. Morton Building
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

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

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

National Park Service
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

Railroads For National Defense Program
Military Surface Deployment
& Distribution Command
Transportation Engineering Agency
1 Soldier Way Bldg.
1900 W Scott AFB, IL 62225-5006

Public Service of NH
780 N. Commercial Street,
Manchester, NH 03101

Railroads For National Defense Program
Military Surface Deployment & Distribution Command
Transportation Engineering Agency
1 Soldier Way. Bldg.
1900W Scott AFB,IL 62225-5006

Exhibit A: Map Diagram showing where line to be abandoned is located.

Exhibit B: draft Federal Register notice

Exhibit C: Certifications of Chris Freed, President of CCRC

Exhibit D: Certification of Christopher D. Clement, Sr., Commissioner at New Hampshire Department of Transportation

Exhibit E: Certificates of Service and Publication; Certificate of Compliance

Respectfully Submitted,

Dated: January 6, 2015

by: _____

Brian W. Buonamano, Bar #20346
Assistant Attorney General
Bureau of Transportation and Construction
Department of Justice
Office of the Attorney General
33 Capitol St.
Concord, NH 03301
(603) 271-1392

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1120X**

---

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

---

**DOCKET NO. 1120 (SUB-NO. 1X)**

---

**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

---

**JOINT VERIFIED NOTICE OF EXEMPTION ABANDONMENT AND DISCONTINUANCE**

# VERIFICATIONS

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF Pennsylvania

COUNTY OF York

AFFIDAVIT OF CHRIS FREED

I, Chris Freed, state that I am President of the Claremont Concord Railroad Corporation ("CCRC"), applicant herein. I verify under penalty of perjury under the laws of the United States of America that I am authorized to make this verification by CCRC to verify and file with the Surface Transportation Board the foregoing application in STB Docket No. AB-1120X and 1120 (Sub-No. 1X) - Proposed Discontinuance of Service and Abandonment Exemptions in Lebanon, Grafton County, New Hampshire. I certify that I am qualified and authorized to file this pleading and that I have carefully examined all of the statements in the application as well as the exhibits attached thereto and made a part thereof. I further declare that I am competent to testify and give this affidavit based upon my personal knowledge of the facts and matters relied upon in the application, and that the following facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

Chris Freed
**CHRIS FREED**

STATE OF Pennsylvania

COUNTY OF York

On this 7th day of October, 2014, personally appeared **CHRIS FREED**, before me the undersigned officer, and made solemn oath that the foregoing statements are true to the best of his knowledge and belief.

June M. Massey-Brown
Justice of the Peace/Notary Public

My commission expires:

NOTARIAL SEAL
JUNE M MASSEY-BROWN
Notary Public
WEST MANCHESTER TWP, YORK COUNTY
My Commission Expires Dec 10, 2014

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1120X**

---

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

---

**DOCKET NO. 1120 (SUB-NO. 1X)**

---

**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

---

**JOINT VERIFIED NOTICE OF EXEMPTION ABANDONMENT AND DISCONTINUANCE**

# EXHIBIT A

# CERTIFICATIONS

## CERTIFICATION

STATE OF PENNSYLVANIA:
COUNTY OF YORK:

Chris Freed makes oath and says that he is President for Claremont Concord Railroad Corporation; that the 0.97 miles of rail line between Milepost B140, Station 3517+06 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 in Lebanon, Grafton County, New Hampshire, over which service is to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in *favor* of the complainant within the two-year period.

Chris Freed
**CHRIS FREED**

On this 27th day of October, 2014, personally appeared **CHRIS FREED**, before me the undersigned officer, and made solemn oath that the foregoing statements are true to the best of his knowledge and belief.

June M. Massey-Brown
Justice of the Peace/Notary Public

My commission expires:

NOTARIAL SEAL
JUNE M MASSEY-BROWN
Notary Public
WEST MANCHESTER TWP. YORK COUNTY
My Commission Expires Dec 10, 2014

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF NEW HAMPSHIRE

COUNTY OF MERRIMACK

AFFIDAVIT OF DAVID J. BRILLHART

I, David J. Brillhart, Assistant Commissioner and Acting Commissioner at the New Hampshire Department of Transportation, for the State of New Hampshire ("the State"), applicant herein, hereby verify on behalf of the State, under penalty of perjury, that the facts pertaining to the State as set forth in the foregoing joint abandonment and discontinuance of service notice of exemption are true and correct to the best of my knowledge, information, and belief. In addition, I hereby certify that I am qualified and authorized to tender this Verification.

DAVID J. BRILLHART,
Acting Commissioner at NH Department of Transportation

STATE OF NEW HAMPSHIRE
COUNTY OF Merrimack

On this 17th day of December, 2014, personally appeared **DAVID J BRILLHART**, before me the undersigned officer, and made solemn oath that the foregoing statements are true to the best of his knowledge and belief.

~~Justice of the Peace~~/Notary Public

My commission expires:

DAWN M. DOSSETT
Notary Public-New Hampshire
My Commission Expires Sept. 28, 2016

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1120X**

---

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

---

**DOCKET NO. 1120 (SUB-NO. 1X)**

---

**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

---

**JOINT VERIFIED NOTICE OF EXEMPTION ABANDONMENT AND DISCONTINUANCE**

# EXHIBIT B

# MAP


New Hampshire
DOT
Department of Transportation
MP B 140, Station 3517+06
State of N.H. - Northern Railroad
10
4
89
MP B 141, Station 3568+49
1,000
500
0
1,000 Feet
N
Discontinuance of Service
Exemption
Nothern Railroad
Lebanon, NH

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1120X**

---

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

---

**DOCKET NO. 1120 (SUB-NO. 1X)**

---

**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

---

**JOINT VERIFIED NOTICE OF EXEMPTION ABANDONMENT AND DISCONTINUANCE**

# EXHIBIT C

# CERTIFICATES OF SERVICE/PUBLICATION

## CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of October 2014, a copy of the foregoing Joint Notice of Verified Exemption for the State of New Hampshire and Claremont Concord Railroad Corporation was served by first class mail, postage prepaid, upon the agencies specified in 49 C.F.R. § 1152.50(d)(1) as follows:

N.H. Department of Transportation
Dept. of Rail & Public Transportation
John O. Morton Building
PO Box 483, 7 Hazen Drive
Concord, NH 03302-0483

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

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

National Park Service
Mr. Rick Potts
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

Railroads for National Defense Program
Military Surface Deployment
& Distribution Command
Transportation Engineering Agency
1 Soldier Way Bldg.
1900W Scott AFB, IL 62225-5006

Public Service of NH
780 N. Commercial Street
Manchester, NH 03101

Ashley Romeo-Boles

Ashley Romeo-Boles, Esq.
December 16, 2014

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
Claude T. Buttrey
Bryce M. Wing
Ashley J. Romeo-Boles

Telephone
603-448-4780
Fax
603-448-3683
*AshleyRB@ivylegal.com*

October 17, 2014

Railroads For National Defense Program
Military Surface Deployment & Distribution Command,
Transportation Engineering Agency
1 Soldier Way. Bldg. 1900W
Scott AFB, Il., 62225-5006

**Re: Docket: AB-1120X and 1120 (Sub-No. 1X) - Proposed Discontinuance of Service and Abandonment Exemptions in Lebanon, Grafton County, NH**

Dear Sir or Madam,

Please be advised that Claremont Concord Railroad Corporation ("CCRC") and the State of New Hampshire ("the State") will file a Joint Verified Notice of Exemption with the Surface Transportation Board ("Board") on or before December 15, 2014 in accordance with 49 CFR § 1152.50. The Line CCRC and the State seek to discontinue and abandon is approximately 0.97 miles and is located beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 which traverses through United States Postal Service ZIP Code 03766 in Lebanon, Grafton County, New Hampshire. For your convenience, we have attached a map for your reference.

The purpose of the proposed action is to discontinue service, abandon the Line, salvage the track and improvements and enter into an agreement for its use for trail purposes. No local or overhead traffic has moved over the line for at least two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's and State's possession will be made available promptly to those requesting it.

CCRC and the State are advising you of the proposed action so you may assist in identifying any potential effects of the proposed abandonment. Because of the nature of the proposed action, we foresee no adverse effects. If there are any questions concerning this proposal please contact me directly by the above phone number or email address. Thank you for your assistance.

Very truly yours,

Ashley Romeo-Boles

Ashley J. Romeo-Boles, Esq.

20

**CERTIFICATE OF PUBLICATION**

The undersigned hereby certifies that a "Joint Notice of Intent to Discontinue Rail Service and to Abandon Line of Railroad" 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-1120X and the Discontinuance of Service in Docket No. 1120 (Sub-No. 1X) in the following form was published one time on November 8, 2014 in the *Valley News*, and one time on November 13, 2014 in the *Union Leader*, both of which are newspapers of general circulation in Grafton County, New Hampshire as required by 49 C.F.R. § 1105.12.

Respectfully Submitted,

December 16, 2014

by: Ashley J. Romeo-Boles

Ashley J. Romeo-Boles, Esq., Bar #264865

NOV 20 2014

# VALLEY NEWS

P.O. Box 877
White River Junction, VT 05001
603-298-8711 or 1-800-874-2226

It is hereby certified by the undersigned that the Valley News is a daily newspaper of general circulation, printed in the English language and published in Lebanon in Grafton County and the State of New Hampshire; and that the attached order, notice, publication or advertisement of

Ashley Romeo-Boles, Schuster, Buttrey & Wing, P.A.,
79 Hanover St., PO Box 388, Lebanon, NH 03766.

was published in said newspaper on the following date: **November 8, 2014.**

The Valley News has been continuously published as a daily newspaper, and entered as second class mail matter at the post office at White River Junction, Vermont, each for a period of more than one year next presided the date of the first publication of the above described order, notice, and/or advertisement.

Ad Number: **224445** Class Code: **1000- Legals**
Tagline: Notice of Intent to Abandon Rail Service

Kelly J. Vigue
Representative of Valley News

Exhibit: Copy of the Notice

## ILES

SED AND CARS, RTS AND TRAILERS
you trade. 5774.

patch.com

SL 2.0L, 4 cyl, power seat, s, leather, 30k

5 door, 4 cyl, seat, locks &

ltima 2.5S, 4 power seat, s, 24k mi.

L 6 cyl, FWD, seat, locks & er & roof, 31k

4 cyl, manual, ocks, windows eats, 51k mi

Town & Coun V6, AT, A/C, ks & windows,

rne CXL V6, seat, locks & s, 49k mi.

2 door, 4 cyl, r locks & win-

Pacifica Wgn power seat, s, touring, 83k

a 2500 HD V8, A/C, w/Fisher mi.

skate S/L V8, power seat, ws, 177k mi.,

Sport 2 door, A/C, power dows, w/low

Miracle Mile, NH 03766 3-3343

ders tch

## ITS

### VO PARTS
brake cables, urn signal $15. 1-3689

### ERGLASS
cond. w/24' kes 6' walk-in od blue/silver 603-306-2804

### RIMS
8 lug univer- in box. 17x8.0, 603-306-7352 or

### RIMS
8 lug univer- in box. 16x7.0, 603-306-7352 or

## 901 AUTO PARTS

### NEW FRONT BUMPER
for 1999-2000 Honda Civics asking $80 email civictuner8899@aol.com or call 603-542-8427

### RED FRONT BUMPER
For 1997-2002 Subaru Forester asking $40 email civictuner8899@aol.com or call 603-542-8427

### SILVER REAR
Bumper for 1996-2000 Honda Civic hatchbacks asking $50 civictuner8899@aol.com or 603-542-8427

### TIRE CHAINS
bought for Ford F-150, brand new still in box. T50-15TR, 750-15LT, 700-17. $155. 802-295-9149

### TONNEAU COVER
for a 1/2' bed $100. Call 802-369-0314

## 904 AUTOS WANTED

### WE BUY CARS & TRUCKS
Complete-delivered. $300 & up for Model Year 2004 and Newer. General Auto Salvage Co. Certified NH Green Yard. 1-800-562-3845

## 909 CLASSIC CARS

### 1940'S ERA CANADIAN MILITARY TRUCKS,
1 Ford, 1 Chevy. Many extra parts, restoration started, no time to complete. Must go before winter $3,500 for both. Kevin, 603-448-6545

### 1971 VW BUG
Sky blue, sport wheels, 64k mi. registered, inspected and fun. Has new breaks, exhaust, carburetor, distributor and cooling fan on engine. Gas tank has been replaced. $5000. 603-838-4292

## 910 TRUCKS

### 2001 FORD F250 XLT
4X4, V10 engine, 73k mi. 8ft to 10ft Blizzard snowplow, insert dump body with rollout cover. Call 802-295-3968

### 2004 F150 SUPER CREW
FX 4 dr, 4wd, AT, V8, 102k, new tires, extremely clean truck, black, $10,295. Call 802-457-9001 or 802-457-2238

### 2004 FORD F250
Super Duty 4x4 ext. cab, 8' bed, undercoated yearly, 152k, $8900 802-295-5802 or 603-306-6631call or text.

## 913 TRUCK PARTS

### BED LINER
Never used for 6' short bed pick up. $25. 802-457-2398

## 914 TRAILERS

### FIFTH WHEEL HITCH PRO SERIES 15000
$150, call 603-448-6471

### UTILITY TRAILER
Great for small jobs and trips to the dump. Can tow behind car or ATV. $300 603-632-5402

## 925 SNOWMOBILES

### 2005 SABERCAT 700
2k mi $2800, 2001 Z-370 800 mi $1600. 802-369-0498

## 940 BOATS & MOTORS

### 4.5 HP SEARS GAME
Fisher motor. 1980, 1981 Mercury 4.5 HP, runs excellent, incl. 5 gal gas cans. $375 motors for both 603-448-0074

## 1000 LEGALS

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

The State of New Hampshire ("the State") and Claremont Concord Railroad Corporation ("CCRC") gives notice that, on or about December 15, 2014, 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 discontinuance and abandonment of an approximately 0.97 mile line of railroad beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 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-1120X for the State and STB No. AB-1120 (Sub-No.1X) for CCRC. The proposed action entails the State's abandonment of, and CCRC'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 25 days after the filing of the petition for exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Room 1100, Washington, DC 20423-0001 or by calling OEA at 202-245-0395.

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. 1104.1(a) and 1104.3(a)), and one copy must be served on the applicants' 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 applicant's representative: Schuster, Buttrey & Wing, P.A., Attn: Ashley Romeo Bates, 79 Hanover St., PO Box 358, Lebanon, NH 03766, 603-448-4782, ashleyrb@ivylegal.com.



**THE GRAFTON COUNTY** Commissioners are accepting **SEALED BIDS** for the sale of one (1) used Crown Victoria Police Interceptor

Year: 2009
Color: Brown
Make: Ford 4 Door Crown Victoria Police Interceptor
Mileage: 176,033
VIN: 2FAHP71V49X135097

Vehicle is being sold "AS IS"

SEALED BIDS should be mailed to:
Grafton County Commissioners' Office
3855 Dartmouth College Highway - Box 1
North Haverhill, NH 03774

Envelopes must be marked **SEALED CRUISER BID** and must be received by December 1st 2014 by 3:30 PM and will be opened on December 2nd 2014 by the Commissioners. NO Faxes will be accepted

The vehicle may be seen at the Grafton County Sheriff's Dept. in North Haverhill, New Hampshire and for further information you may contact Sgt. Ryan Kelly at 603-787-2111 Ext. 3003

Once sold, the vehicle must be removed from the premises within 10 days, or a storage fee of $25.00 a day will be charged.

Payment must be made by certified/bank check payable to Grafton County. No Pick-ups can be made on the weekends or weekdays before 8:00AM or after 3:30 PM

## 1000 LEGALS

The Grafton County Commissioners reserve the right to reject any or all bids.

**TOWN OF HARTFORD SELECTBOARD MEETING AGENDA**
6pm, Wed., Nov. 12
Temporary Town Office
95 Railroad Row, Ste 304
WRJ, VT 05001

I. Call to Order Selectboard Meeting and Pledge of Allegiance
II. Order of Agenda
III. Citizen, Selectboard Comments & Announcements
IV. Board Reports, Motions & Ordinances:
a. Consider Dylan Kreis for appointment to Hartford Community Resilience Organization. (3min)
b. Set Schedule for Tour of Hartford. (5min)
c. Discuss Capital Improvement Plan (30min)
d. Discuss Hartford School Amended Agreement for Wendell A. Barwood Arena (15min)
V. Consent Agenda: (The following items will be considered for approval and moved as a block unless there is a request to exempt any one or more items from this list) (Mot. & Sig. Req.):
a. Payroll of 11/10/2014
b. AP Processing Report of 11/3/14
c. Meeting Minutes: 10/28/14
d. Future Meeting Dates: Public Hearing & Selectboard Meeting on 11/25/14, 12/9/14 Budget Workshop, 12/11/14 Budget Workshop
VI. Town Manager's Report
a. Project Updates
VII. Commission Meeting Reports
VIII. Old Business
a. Charter Discussion
IX. Executive Session (1 VSA 313: Contracts, Real Estate, Personnel, Litigation) (Mot. Req.)
a. Personnel - Union Negotiation
b. Litigation - Wood
X. Adjournment (Mot. Req.)


**JUST AROUND THE CORNER**
Savings in time and energy are just around the corner when you read the ads in the
VALLEY NEWS

**Union Leader Corp.**
100 William Loeb Drive, Manchester, NH 03109 OR
P.O. Box 9555 Manchester, NH 03108-9555

It is hereby certified by the undersigned that the Union Leader Corporation is a daily newspaper of general circulation, printed in the English language and published in Manchester, Hillsborough County, New Hampshire; and that the attached order, notice, publication or advertisement of

Ashley Romeo-Boles, Schuster, Buttrey & Wing, P.A.,
79 Hanover St., PO Box 388, Lebanon, NH 03766.

was published in said newspaper on the following date: November 13, 2014.

The Union Leader Corporation has been continuously published as a daily newspaper, and entered as a second class mail matter at the post office at Manchester, NH, each for a period of more than one year next presided the date of the first publication of the above described order, notice, and/or advertisement.

Ad Number: 1329720 Class Code: Legal Notice
Tagline: Notice of Intent to Abandon Rail Service

Heidi A Gagnon
Representative of Union Leader Corporation

Exhibit: Copy of the Notice

HEIDI A. GAGNON
MY COMMISSION EXPIRES JULY 13, 2016
NOTARY PUBLIC NEW HAMPSHIRE

A deposit of Five Thousand ($5,000.00) Dollars in the form of a certified check or bank treasurer's check or other check satisfactory to Mortgagee's attorney will be required to be delivered at or before the time a bid is offered. The successful bidder(s) will be required to execute a purchase and sale agreement immediately after the close of the bidding. The balance of the purchase price shall be paid within thirty (30) days from the sale date in the form of a certified check, bank treasurer's check or other check satisfactory to Mortgagee's attorney. The Mortgagee reserves the right to bid at the sale, to reject any and all bids, to continue the sale and to amend the terms of the sale by written or oral announcement made before or during the foreclosure sale. The description of the premises contained in said mortgage shall control in the event of an error in this publication.

Dated at Newton, Massachusetts, on November 5, 2014.

**FEDERAL NATIONAL MORTGAGE ASSOCIATION**
By its Attorneys,
Erika L. Vogel, Esquire
HARMON LAW OFFICES, P.C.
150 California Street
Newton, MA 02458
(603) 669-7963
201403-0659 - PRF

(UL - Nov. 13, 20, 27)

## Legal Notice

**NOTICE OF FORECLOSURE SALE**

Pursuant to a power of sale contained in a certain mortgage deed given by **JO ANN ST PIERRE AND RICHARD J. ST PIERRE** to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR UNITED SECURITY FINANCIAL CORP., its successors and assigns, as lender, dated April 1, 2013, recorded in the Hillsborough County Registry of Deeds at Book 8546, Page 1741, assigned to UNITED SECURITY FINANCIAL CORP., by assignment(s) recorded or to be recorded in said Registry, said assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 70 Charlotte Street) in Manchester, Hillsborough County, New Hampshire, at:

PUBLIC AUCTION

on December 18, 2014 at 12:00 PM., local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from, or under them.

Said premises will be sold subject to any unpaid taxes, liens, or enforceable encumbrances entitled to precedence over the said mortgage.

Said premises will be sold "as is" in all respects, including but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations, or others claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

Terms of sale will be Five Thousand Dollars ($5,000.00) cash or certified check satisfactory to the said holder, to be paid at the time of the sale, and the balance to be paid on delivery of foreclosure deed within forty-five (45) days thereafter. The said holder reserves the right to waive any of the above terms at its discretion. The said holder reserves the right to cancel or postpone the sale to such subsequent dates as the holder may deem necessary or desirable.

NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
By its Attorneys,
Ashley Ross-Boles, Esquire
Sheehan Phinney Bass + Green PA
PO Box 3701
Manchester, NH 03105-3701
(603) 627-8161

(UL - Nov. 13, 20, 27)

## Legal Notice

**NOTICE OF FORECLOSURE SALE**

Pursuant to a power of sale contained in a certain mortgage deed given by **PATRICIA M. LAUGELIN f/k/a PATRICIA M. HERMAN** to Beacon Mortgage Company, LLC, its successors or assigns, as lender, dated October 18, 2005, recorded in the Grafton County Registry of Deeds at Book 3207, Page 23, assigned to NEW HAMPSHIRE HOUSING FINANCE AUTHORITY by assignment(s) recorded or to be recorded in said Registry, said assignee, in execution of said power, for mortgage conditions broken, will sell on the mortgaged premises (street address: 636 West Main Street) in Littleton, Grafton County, New Hampshire, at:

**PUBLIC AUCTION**

on **December 5, 2014** at **2:30 P.M.**, local time, all of said holder's right, title and interest in and to the real estate described in said mortgage deed.

This foreclosure sale will be made for the purpose of foreclosure of all rights of redemption of the said mortgagor(s) therein possessed by them and any and all persons, firms, corporations or agencies claiming by, from or under them.

Said premises will be sold "as is" in all respects, including, but not limited to, the physical condition of the premises and the rights, if any, of any occupants of the premises.

To the mortgagor(s) and any and all persons, firms, corporations, or others claiming by, from or under them: YOU ARE HEREBY NOTIFIED THAT YOU HAVE THE RIGHT TO PETITION THE SUPERIOR COURT FOR THE COUNTY IN WHICH THE MORTGAGED PREMISES ARE SITUATED WITH SERVICE UPON THE MORTGAGEE, AND UPON SUCH BOND AS THE COURT MAY REQUIRE, TO ENJOIN THE SCHEDULED FORECLOSURE SALE.

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NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
By its Attorneys,
Ekasi Petersen, Esquire
HARMON LAW OFFICES, P.C.
150 California Street
Newton, MA 02458
(603) 669-7963
201211-0911 - PEL

(UL - Nov. 13, 20, 27)

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NEW HAMPSHIRE HOUSING FINANCE AUTHORITY
By its Attorneys,
Ekasi Petersen, Esquire
HARMON LAW OFFICES, P.C.
150 California Street
Newton, MA 02458
(603) 669-7963
201211-0911 - PEL

(UL - Nov. 13, 20, 27)

## Legal Notice

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The State of New Hampshire ("the State") and Claremont Concord Railroad Corporation ("CCRC") gives notice that, on or about December 15, 2014, 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 discontinuance and abandonment of an approximately 0.17 mile line of railroad beginning at Railroad Milepost 0140, Station 3515+00 on map v32.1-68 and ending at Railroad Milepost 0141, Station 3588+49 on map v32.1-69 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-1120X for the State and STB No. AB-1120 (Sub-No.1X) for CCRC. The proposed action entails the State's abandonment of, and CCRC'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 25 days after the filing of the petition for exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the 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. 1104.1(a) and 1104.3(a)], and one copy must be served on the applicants' 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 applicant's representative: Schuster, Bailey & Wing, P.A., Attn: Ashley Ross-Boles, 70 Hanover St., PO Box 868, Lebanon, NH 03766, (603) 448-4752, ashleyrb@svlegal.com.

(UL - Nov. 13)

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1120X**

---

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

---

**DOCKET NO. 1120 (SUB-NO. 1X)**

---

**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

---

**JOINT VERIFIED NOTICE OF EXEMPTION ABANDONMENT AND DISCONTINUANCE**

# EXHIBIT D

# CERTIFIED ENVIRONMENTAL AND HISTORIC REPORT

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

---

**DOCKET NO. AB-1120X**

---

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

---

**DOCKET NO. 1120 (SUB-NO. 1X)**

---

**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

---

COMBINED ENVIRONMENTAL/HISTORIC REPORT

The State of New Hampshire ("the State") and Claremont Concord Railroad Corporation ("CCRC") jointly submit this combined Environmental/Historic Report in compliance with the reporting requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence is attached. It is the conclusion of this Report that the proposed abandonment, if implemented, will not significantly affect either the quality of the human environment or the conservation of energy resources.

## ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(c)

### 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:** CCRC and the State seek to discontinue service and abandon a line of railroad, ("the Line"), of approximately 0.97 miles beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69, which traverses through United States Postal Service ZIP Code 03766 in Lebanon, Grafton County, New Hampshire.

CCRC and the State believe 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. Following abandonment and discontinuance of service 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. There are two bridges located along the Line and the State Historic Preservation Office within the New Hampshire Historical Society has been contacted to determine whether any historic structures will be affected by the abandonment. See correspondence attached herein.

CCRC's and the State's representative has contacted and requested comments from the Grafton County Board of Supervisors as well as the Mayor of Lebanon, NH.

A map delineating the Line proposed for discontinuance and abandonment is attached hereto as Appendix A. CCRC's and the State's representative's letter to federal, state and local government agencies is attached as Appendix B. Responses to the letter or other comments received can be found in Appendix C.

**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:** CCRC and the State do 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. Thus, 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 and CCRC's representative has contacted and requested comments from the New Hampshire Department of Transportation. See correspondence attached herein. CCRC will comply with all applicable rules and regulations when performing the discontinuance and related activities and will employ good engineering practices.

**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:** (i) CCRC and the State do not foresee any inconsistency with regional and/or local land use plans, but has contacted and requested comments from NOAA/National Geodetic Survey. See correspondence attached herein.

(ii) CCRC and the State believe that the proposed discontinuance and abandonment of the Line will not affect any prime or unique agricultural land. The State's representative has contacted and requested comments from the Natural Resources Conservation Service of the United States Department of Agriculture.

(iii) This track does not appear to be within a designated Coastal Zone Management Area and, accordingly, the proposed discontinuance and abandonment will not affect any land or water uses in such an area or result in any coastal impacts. The State's representative has contacted the Office of Water at the U.S. Environmental Protection Agency to determine whether the proposed abandonment is consistent with applicable federal, state and local water quality standards. The State's representative has also contacted its regional EPA Office. See correspondence attached herein. The rail and other salvageable materials will be removed from the Line subsequent to abandonment. CCRC and the State will follow all rules and regulations for the removal of such materials. The railbed will remain in place, and no re-grading will be done.

(iv) 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 CCRC and the State foresee 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 CCRC and the State foresee 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) *Not applicable.* Abandonment of the Line will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile per year to 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:** (i) *Not applicable.*

(ii) *Not applicable.* Grafton County is not a class I or nonattainment area under the Clean Air Act. In any event, discontinuance and abandonment of the Line will not result in traffic increases which exceed the thresholds specified in 49 C.F R. § 1 105.7(e)(5)(ii)(A), (B) or (C).

(iii) *Not applicable.* No ozone depleting materials are transported over the Line, and no such shipments would be diverted as a result of this abandonment.

The State's representative has contacted and requested comments from the New Hampshire Department of Environmental Services ("NHDES") and the U.S. Environmental Protection Agency ("EPA"). The State's representative will contact all appropriate agencies as necessary and comply with all applicable regulations in its abandonment of the Line.

**6. Noise**

*If any of the thresholds identified in item (5)(0 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:** *Not applicable.* 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.

(ii) *Not applicable.* No hazardous materials are transported on the Line, and in any event no such shipments would be diverted as a result of the discontinuance and abandonment.

(iii) There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way of the Line.

**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 residential and commercial buildings as well as Interstate 89 and Route 4. The Line also runs along and across the Mascoma River in places. 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, CCRC and the State do 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. The State's and CCRC's representative has contacted the U.S. Fish & Wildlife Service ("USFWS"). See correspondence and accompanying research attached herein. Their representative also has requested comments from the NHDES. As of the date of the filing, the NHDES has not responded.

(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. The State's representative has contacted and requested comments from the National Park Service ("NPS"). As of the date of the filing, the NPS has not responded.

**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 US.* 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:** Any water quality effects of the proposed abandonment should be minimal. The Line crosses the Mascoma River in several places. The Line is not within a Coastal Zone. CCRC and the State do not anticipate discharge of any materials into navigable waters that would require permits under Sections 402 and 404 of the Clean Water Act. To CCRC's and the State's knowledge no 100-year flood plains would be affected by the discontinuance and abandonment.

There is a potential wetlands area located in the Line to be abandoned. The parties will take all steps necessary to reduce and minimize any potential effects. There may be fill placed in the wetlands to provide a suitable walking trail, or the trail may be moved to another location nearby so as to minimize wetlands impact. Those plans are still being worked out and the U.S. Army Corps of Engineers, New England District was contacted and is in the process of providing comments regarding the wetlands. Information on the proposed abandonment has also been provided to the U.S. EPA and USFWS. See correspondence attached herein.

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

### 1. Map

A map of the Line is attached hereto as Appendix A.

### 2. Description of Line

The State of New Hampshire ("the State") proposes to abandon and the Claremont Concord Railroad Corporation ("CCRC") proposes to discontinue service and operating rights under its lease with the State, between railroad milepost 140 at Station 3515+69 on map v32.1-68 to approximately railroad milepost B141 at Station 3568+49 on map v32.1-69 in Lebanon, Grafton County, New Hampshire, a distance of approximately 0.97 miles. The right-of-way width ranges from 41 feet to 82.5 feet. Pursuant to the Board's policy, the railroad's right-of-way will constitute the Area of Potential Effect ("APE") for this undertaking.

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

There are two bridges located within the segment that is proposed to be abandoned. See attached photographs.

**4. Information on Structures**

There are no buildings on the Line which are fifty years old or older. One bridge was built in 1912 and the other bridge was built in 1914.

**5. History of Operations**

The Line is leased to CCRC by the State and was previously used for general freight traffic. CCRC and the State believe 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 milepost 80.68 at Boscawen and milepost 140 at Lebanon, in Merrimack and Grafton Counties, NH, consisting of a 59.32 mile segment was abandoned in December 1991, see Docket No. AB-32 (Sub-No. 45X).

**6. Engineering Documents**

CCRC and the State will provide copies of any documents in its possession upon request.

**7. 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 herein. The NHDHR has indicated that no historic properties will be affected by the discontinuance and abandonment. The NHDHR has made a *Determination of Eligibility* for the Northern Railroad, incorporated in 1844, which has been listed because it is considered to be one of the oldest and longest in the State of New Hampshire. The file has been reviewed at the NHDHR and a Request for Project Relief has been filed with the Cultural

Resources Department at the NH Department of Transportation.

**8. Ground Disturbances**

CCRC and the State report that there are may be some archaeological resources in the area. The National Geodetic Survey has been contacted. While some potentially affected markers were flagged by the National Geodetic Survey, all of those markers are located at or near the Lebanon Airport and will not be affected by the discontinuance and abandonment. See correspondence attached herein. Access to the line is generally good.

## CERTIFICATIONS

A certification that the foregoing Report has been served on each of the agencies designated in 49 C.F.R. §§ 1105.7(b), 1105.7(c) and 1105.8(c) and that CCRC and the State have consulted with all appropriate agencies in preparing this Report is attached herein. A certification that, in accordance with 49 C.F.R. § 1105.12, the State has published its verified notice for a proposed abandonment in two newspapers of general circulation, one time, in the county through which the Line passes, is attached herein as Exhibit C.

## COMBINED ENVIRONMENTAL AND HISTORIC REPORT CERTIFICATE OF SERVICE

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 Combined Environmental and Historic Report in Docket Numbers: AB-1120X and 1120 (Sub-No. 1X) was mailed via first class mail on November 7, 2014 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

REGIONAL ENVIRONMENTAL PROTECTION AGENCY
Regional EPA- Region 1
5 Post Office Square - Suite 100
Boston, MA 02109-3912

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

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
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

Georgia A. Tuttle, MD, Mayor
10 Mack Ave. West Lebanon, NH 03784

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 Street
NW 9th Floor, Org Code 2220,
Washington, DC 20005

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

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

COUNTY
Gregory D. Lewis, 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

Dick Mackay,
Friends of the Northern Rail Trail
PO Box 567
Hanover, NH 03755

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

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

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

Ashley Romeo-Boles

Ashley Romeo-Boles, Esq.
December 16, 2014

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

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**DOCKET NO. AB-1120X**

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

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**DOCKET NO. 1120 (SUB-NO. 1X)**

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**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

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**APPENDICES TO ENVIRONMENTAL/HISTORICAL REPORT**


Map(s) Showing Line Location ..... Appendix A

Photographs of the Line ..... Appendix A

The State's and the CCRC's Representative's Letter ..... Appendix B

Agency Responses ..... Appendix C

Draft Federal Register Notice ..... Appendix D

# APPENDIX A

## Site Map

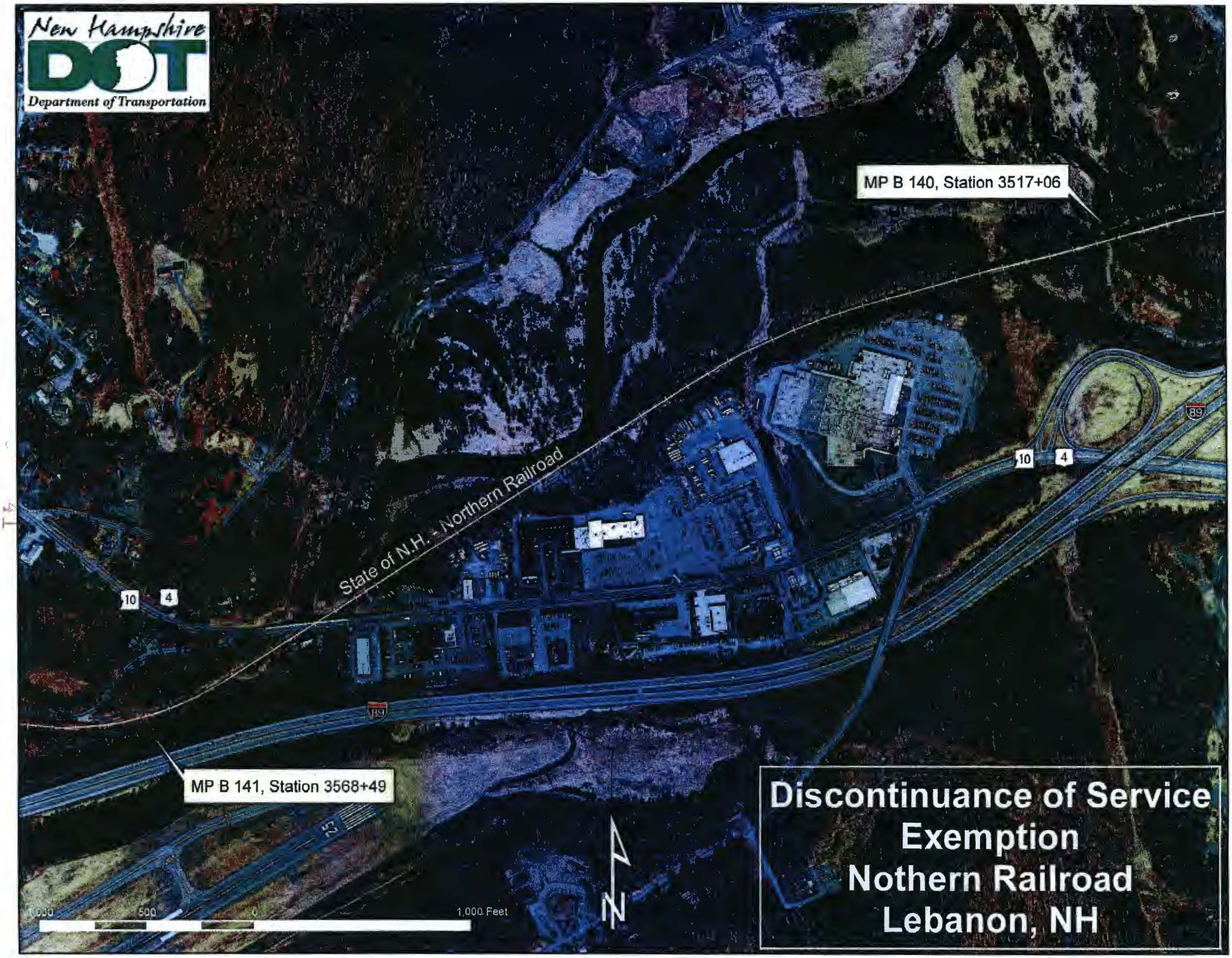

New Hampshire
DOT
Department of Transportation
MP B 140, Station 3517+06
State of N.H. - Northern Railroad
10
4
89
MP B 141, Station 3568+49
N
1,000
500
0
1,000 Feet
Discontinuance of Service
Exemption
Nothern Railroad
Lebanon, NH



Photo 417 desc.: Lebanon, Thru Plate Girder Bridge (140.83) with OH Deck Plate Girder (140.84)
File Name: 0061C Direction: west Date taken: Nov. 11, 2013



Photo 418 description: Lebanon, Gate house and dam south of Thru Plate Girder Bridge (140.83)
File Name: 0059C Direction: west Date taken: Nov. 11, 2013



Photo 407 description: Lebanon, Half Thru Plate Girder bridge over I-89 (139.77)
File Name: 0031C Direction: north Date taken: Nov. 11, 2013



Photo 408 description: Lebanon, Deck Plate Girder bridge over Mascoma River (140.04)
File Name: 0048C Direction: east Date taken: Nov. 11, 2013

# APPENDIX B

# Agency 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
Claude T. Buttrey
Bryce M. Wing
Ashley J. Romeo-Boles

Telephone
603-448-4780
Fax
603-448-3683
*Ashleyrb@ivylegal.com*

November 7, 2014

Georgia A. Tuttle, MD,
Mayor of Lebanon, NH
10 Mack Ave.
West Lebanon, NH 03784

**Re: Docket: AB-1120X and 1120 (Sub-No. 1X) - Proposed Discontinuance of Service and Abandonment Exemptions in Lebanon, Grafton County, NH**

Dear Mrs. Tuttle,

The State of New Hampshire ("the State") and Claremont Concord Railroad Corporation ("CCRC") are planning to jointly file a Discontinuance of Service and Notice of Exemption with the Surface Transportation Board ("the Board") for approval to abandon approximately 0.97 miles of railroad line ("the Line") beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 in Lebanon, Grafton County, New Hampshire. Attached is a combined Environmental/Historic Report describing the proposed action and any expected environmental and/or historic effects, as well as a map of the affected area.

The purpose of the proposed action is to discontinue service, abandon the Line, salvage the track and improvements and enter into an agreement for its use for trail purposes. There has been no traffic on the line for at least two (2) years.

We are providing this draft preliminary Report so that you may review the information that will form the basis for the Board'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 Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, telephone (202) 245-0295 and refer to the above Docket number.

CCRC and the State are advising you of the proposed action so you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or state parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments to the enclosed Report. The applicable statutes and regulations impose stringent deadlines for processing this action, therefore, your written comments to SEA (with a copy to Ashley Romeo-Boles) 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 Ashley Romeo-Boles directly. She may be contacted by telephone at (603) 448-4782, by mail at 79 Hanover St., PO Box 388, Lebanon, NH 03766, (603) 448-4782, or by e-mail at ashleyrb@ivylegal.com.

If your comments have not been received in four weeks, the State will take the position before the Board that there are no environmental impacts for the proposed abandonment within your agency's jurisdiction. If there are any questions concerning this proposal please contact Ashley Romeo-Boles directly by the above phone number or email address. You may email the response or you may return the form in the self-addressed return envelope which is also enclosed for your convenience.

Thank you for your assistance.

Very truly yours,

Ashley Romeo-Boles

Ashley J. Romeo-Boles, Esq.

# APPENDIX C

# Agency Responses

**Ashley Romeo-Boles**

**From:** Kern, Mark <kern.mark@epa.gov>
**Sent:** Tuesday, November 25, 2014 9:34 AM
**To:** Ashley Romeo-Boles
**Cc:** LeClair, Jacqueline
**Subject:** Abandonment of railroad in Lebanon, NH

Hi Ashley,

I have looked through the material. They are abandoning less than 1 mile of railroad in Lebanon, NH. They will remove the track and allow it to be used for a trail. They will not do any re-grading and there are no impacts to waters of the US, therefore EPA has no concerns with the proposed action.

Thank you,

Mark Kern EPA
617-918-1589 kern.mark@epa.gov

DEC 05 2014

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**WASHINGTON, DC 20460**

DEC - 1 2014

**OFFICE OF WATER**

Ms. Ashley Romeo-Boles
Law Offices of Shuster, Buttery & Wing
79 Hanover Street
Post Office Box 388
Lebanon, New Hampshire 03766

Dear Ms. Romeo-Boles:

Thank you for your letter of November 7, 2014, to the U.S. Environmental Protection Agency (EPA) regarding Docket: AB-1120X and 1120 (Sub-No. 1X) Proposed Discontinuance of Service and Abandonment Exemptions in Lebanon, Graton County New Hampshire.

We have referred your letter to Ms. Jacqueline LeClair of our Region 1 office in Boston, MA. The EPA Region 1 has responsibility for actions in the State of New Hampshire. Ms. LeClair's office will respond to your letter. You can contact Ms. LeClair at 617-918-1549 or at leclair.jacqueline@epa.gov.

Sincerely,

John F. Goodin

for John Goodin, Acting Director
Wetlands Division

## Ashley Romeo-Boles

**From:** Simon Monroe <simon.monroe@noaa.gov>
**Sent:** Wednesday, November 12, 2014 4:56 PM
**To:** Ashley Romeo-Boles
**Cc:** Surface Transportation Board; Lucy Hall; Simon Monroe
**Subject:** NGS Response, STB Docket AB-1120X +1120 (SUB NO. 001X)

**Follow Up Flag:** Follow up
**Flag Status:** Flagged

Thank you for sharing your railroad abandonment environmental report for

LEBANON, Grafton County, NEW HAMPSHIRE.

Approximately 01 geodetic survey marks may be located in the area described. These marks may or may not be disturbed.

If marks will be disturbed by the abandonment, [THE RAILROAD] shall

consult with the National Geodetic Survey (NGS) at least 90 days prior to

beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

http://geodesy.noaa.gov/marks/railroads/

|----|------|-
-|----------|----------|----------|----|-|----------

|....|OD1076|. 1|88/ADJUSTED|N433809.....|W0721743.....|B...|N|B 49 X

City of Lebanon

51 North Park Street
Lebanon, New Hampshire 03766

December 17, 2014

United States Department of Transportation
Surface Transportation Board

Dear Surface Transportation Board:

The City of Lebanon, New Hampshire offers this letter of endorsement to the Claremont Concord Railroad Corporation and State of New Hampshire Department of Transportation's Abandonment and Discontinuation of the Northern Rail Line in Grafton County, New Hampshire.

The City of Lebanon has been pursuing the conversion of the former Northern Rail Line to a rail trail for many years, given that rail service ended along this section in 1970. The official STB Abandonment of the described Abandonment Exemption supports the City of Lebanon's Master Plan to renew economic vitality and sustainable living initiatives, while also accomplishing our region's Long Range Multi-modal Transportation Plan's strategies.

We hope the Notice of Exemption gains your approval, and we invite you to contact us if you have questions or concerns.

Sincerely,

Gregory Lewis
City Manager

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## Ashley Romeo-Boles

**From:** Kristoff, Richard C NAE <Richard.C.Kristoff@usace.army.mil>
**Sent:** Tuesday, November 25, 2014 8:49 AM
**To:** Ashley Romeo-Boles
**Subject:** RE: Proposed Discontinuance of Service and Abondonment Lebanon, NH (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ok, if the fill is placed within the wetland the project will likely need an authorization from the Corps and likely the State DES. Do you need an official letter from us or is the email suitable. For us to make a further determination we would need to see a set of plans showing the resource areas.
Thanks,
Rick

-----Original Message-----
From: Ashley Romeo-Boles [mailto:AshleyRB@Ivylegal.com]
Sent: Tuesday, November 25, 2014 8:39 AM
To: Kristoff, Richard C NAE
Subject: [EXTERNAL] RE: Proposed Discontinuance of Service and Abondonment Lebanon, NH (UNCLASSIFIED)

Hello Rick,

To the best of my understanding, there would be no fill used in the waterways as part of the abandonment and subsequent trail use.

However, I have just learned that there is a part of the line which has been designated as a wetland (behind Timken aerospace in Lebanon, NH), it is unclear if there will be some fill added to that area to allow for a suitable walking path or if the trail will be cut up higher on the slope so as to limit and minimize any impact in the wetlands area. That being said, it is likely that there will be some wetland impacts associated with the Greenway project.

Thank you,
Ashley

-----Original Message-----
From: Kristoff, Richard C NAE [mailto:Richard.C.Kristoff@usace.army.mil]
Sent: Monday, November 24, 2014 12:34 PM
To: Ashley Romeo-Boles
Subject: Proposed Discontinuance of Service and Abondonment Lebanon, NH (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Hello Ms. Romeo-Boles,

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My name is Rick Kristoff. I work for the Corps of Engineers and have been handed the letter your office submitted to us regarding abandonment of a rail line and converting it into a path. I was wondering if any type of fill with waters of the US will occur to complete this project? If not, we may not have any authority to regulate this activity.
Thanks,
Rick

Richard Kristoff
Regulatory Division
U.S. Army Corps of Engineers, New England District
696 Virginia Road
Concord, MA 01742-2751
(978) 318-8171

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

## Ashley Romeo-Boles

**From:** Black, Laura <Laura.Black@dcr.nh.gov>
**Sent:** Tuesday, November 25, 2014 11:48 AM
**To:** Ashley Romeo-Boles
**Subject:** FW: Docket AB-1120X and 1120 (Sub-No.1X)

FYI, without attachment.

Laura S. Black
Special Projects and Compliance Specialist
New Hampshire Division of Historical Resources

---

**From:** Black, Laura
**Sent:** Tuesday, November 25, 2014 11:46 AM
**To:** 'RutsonV@stb.dot.gov'
**Cc:** Christina St. Louis (Christina.St.Louis@dcr.nh.gov)
**Subject:** Docket AB-1120X and 1120 (Sub-No.1X)

Dear Ms. Rutson:

My office recently received a letter and draft Environmental/Historic Report for the proposed railroad abandonment project under Docket AB-1120X and 1120 (Sub-No.1X). The letter directed us to send our comments to your office. The draft report will need to be updated/revised subsequent to Section 106 consultation. At this time our comment is limited to informing STB that we are beginning consultation and will follow-up with informed comments at a later date.

Understanding that the time-frame available for Section 106 consultation under STB's regulations is very tight, I have already been in contact with the applicant to guide them in compiling the information necessary for the NH Division of Historical Resources, other consulting parties, and STB to make informed decisions regarding historic properties. Attached, please find a copy of my recent communications with the applicant. Within the e-mail is a PDF of DHR's letter to the applicant and attachments. I have also followed up with the applicant to assist them in navigating a process which is unfamiliar to them.

Please feel free to contact me if you have any questions or concerns, or if STB would like to discuss the project with the DHR while conducting your own review of the abandonment application.

Thank you,

Laura S. Black
Special Projects and Compliance Specialist
New Hampshire Division of Historical Resources
19 Pillsbury Street, Concord, NH 03301
603-271-6438 Fax: 603-271-3433

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NORTHERN RAIL TRAIL
GRAFTON COUNTY N.H.

SEA
1925 K Street
Washington DC 20423

Nov. 24, 2014

Re: Docket: AB-1120X
Proposed Discontinuance & Abandonment in Lebanon, NH

Gentlemen,

On behalf of the Friends of the Northern Rail Trail, Grafton County, NH, I express strong support for the proposed abandonment. This section has not seen regular freight service in over 40 years and passenger service in 50. Adding this portion to the existing rail trail will add greatly to the non-motorized transportation alternatives in the City of Lebanon, as well as provide recreational enjoyment to the greater community.

Yours Sincerely,

Dick Mackay
Chair, FNRT, GC

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE

New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
http://www.fws.gov/newengland

December 16, 2014

Reference:

| Project | Location |
|---|---|
| Railroad abandonment | Lebanon, NH |
| Docket AB-1120X & 1120 (Sub-No. 1X) | |

Ashley J. Romeo-Boles, Esq.
Schuster, Buttrey & Wing
79 Hanover Street
P.O. Box 388
Lebanon, NH 03766

Dear Ms. Romeo-Boles:

This responds to your recent correspondence requesting information on the presence of federally listed and/or proposed endangered or threatened species in relation to the proposed activity referenced above. These comments are provided in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531, *et seq.*).

Based on information currently available to us, no federally listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service are known to occur in the project area. Preparation of a Biological Assessment or further consultation with us under section 7 of the Endangered Species Act is not required. No further Endangered Species Act coordination is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

To obtain updated lists of federally listed or proposed threatened or endangered species and critical habitats, it is not necessary to contact this office. Instead, please visit the U.S. Fish and Wildlife Service's Environmental Conservation Online System website for the Information, Planning, and Conservation System:

http://ecos.fws.gov/ipac/ (accessed October 2014)

By following the procedures outlined on the website, you should be able to generate a species list or a no species present determination for your project. There are also links to listed species documents that may allow you to conclude if habitat for a listed species is present in the project

area. If no such habitat exists, then no federally listed species are present in the project area and there is no need to contact us for further consultation. If the above conclusion cannot be reached, further consultation with this office is advised. Information describing the nature and location of the proposed activity that should be provided to us for further informal consultation can be found at the above-referenced site.

Thank you for your coordination. Please contact Maria Tur of this office at 603-223-2541, extension 12, if we can be of further assistance.

Sincerely yours,

Thomas R. Chapman
Supervisor
New England Field Office

U.S. Fish and Wildlife Service

# Trust Resources List

**This resource list is to be used for planning purposes only — it is not an official species list.**

**Endangered Species Act species list information for your project is available online and listed below for the following FWS Field Offices:**

**New England Ecological Services Field Office**
70 COMMERCIAL STREET, SUITE 300
CONCORD, NH 3301
(603) 223-2541
http://www.fws.gov/newengland

## *Project Counties:*

Grafton, NH

## *Project Type:*

Recreation Construction / Maintenance

## *Endangered Species Act Species List (USFWS Endangered Species Program).*

There are a total of 3 threatened or endangered species on your 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 fishes may appear on the species list because a project could cause downstream effects on the species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section below for critical habitat that lies within your project area. Please contact the designated FWS office if you have questions.

**Species that should be considered in an effects analysis for your project:**

| Clams | Status | | Has Critical Habitat | Contact |
|---|---|---|---|---|
| Dwarf wedgemussel (*Alasmidonta heterodon*) Population: Entire | Endangered | species info | | New England Ecological Services Field Office |
| Flowering Plants | | | | |

# Trust Resources List

| | | | | |
|---|---|---|---|---|
| Small Whorled pogonia (*Isotria medeoloides*) | Threatened | species info | | New England Ecological Services Field Office |
| Mammals | | | | |
| Canada Lynx (*Lynx canadensis*) Population: (Contiguous U.S. DPS) | Threatened | species info | | New England Ecological Services Field Office |

**Critical habitats within your project area:**

*There are no critical habitats within your project area.*

## *FWS National Wildlife Refuges (USFWS National Wildlife Refuges Program).*

*There are no refuges found within the vicinity of your project.*

## *FWS Migratory Birds (USFWS Migratory Bird Program).*

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). 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)). The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. For more information regarding these Acts see: http://www.fws.gov/migratorybirds/RegulationsandPolicies.html.

All project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project. To meet these conservation obligations, proponents should identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts. The Service's Birds of Conservation Concern (2008) report identifies species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become listed under the Endangered Species Act as amended (16 U.S.C 1531 et seq.).

For information about Birds of Conservation Concern, go to:
http://www.fws.gov/migratorybirds/CurrentBirdIssues/Management/BCC.html.

U.S. Fish and Wildlife Service

# Trust Resources List

To search and view summaries of year-round bird occurrence data within your project area, go to the Avian Knowledge Network Histogram Tool links in the Bird Conservation Tools section at: http://www.fws.gov/migratorybirds/CCMB2.htm.

For information about conservation measures that help avoid or minimize impacts to birds, please visit: http://www.fws.gov/migratorybirds/CCMB2.htm.

**Migratory birds of concern that may be affected by your project:**
There are **13** birds on your Migratory birds of concern list. The underlying data layers used to generate the migratory bird list of concern will continue to be updated regularly as new and better information is obtained. User feedback is one method of identifying any needed improvements. Therefore, users are encouraged to submit comments about any questions regarding species ranges (e.g., a bird on the USFWS BCC list you know does not occur in the specified location appears on the list, or a BCC species that you know does occur there is not appearing on the list). Comments should be sent to the ECOS Help Desk.

| Species Name | Bird of Conservation Concern (BCC) | Species Profile | Seasonal Occurrence in Project Area |
|---|---|---|---|
| American bittern (*Botaurus lentiginosus*) | Yes | species info | Breeding |
| Bald eagle (*Haliaeetus leucocephalus*) | Yes | species info | Year-round |
| Bay-breasted Warbler (*Dendroica castanea*) | Yes | species info | Breeding |
| Bicknell's thrush (*Catharus bicknelli*) | Yes | species info | Breeding |
| Black-billed Cuckoo (*Coccyzus erythropthalmus*) | Yes | species info | Breeding |
| Blue-winged Warbler (*Vermivora pinus*) | Yes | species info | Breeding |
| Canada Warbler (*Wilsonia canadensis*) | Yes | species info | Breeding |
| Common tern (*Sterna hirundo*) | Yes | species info | Breeding |
| Olive-Sided flycatcher (*Contopus cooperi*) | Yes | species info | Breeding |

# Trust Resources List

| | | | |
|---|---|---|---|
| Peregrine Falcon (*Falco peregrinus*) | Yes | species info | Breeding |
| Pied-billed Grebe (*Podilymbus podiceps*) | Yes | species info | Breeding |
| Short-eared Owl (*Asio flammeus*) | Yes | species info | Wintering |
| Wood Thrush (*Hylocichla mustelina*) | Yes | species info | Breeding |

## *NWI Wetlands (USFWS National Wetlands Inventory).*

The U.S. Fish and Wildlife Service is the principal Federal agency that provides information on the extent and status of wetlands in the U.S., via the National Wetlands Inventory Program (NWI). In addition to impacts to wetlands within your immediate project area, wetlands outside of your project area may need to be considered in any evaluation of project impacts, due to the hydrologic nature of wetlands (for example, project activities may affect local hydrology within, and outside of, your immediate project area). It may be helpful to refer to the USFWS National Wetland Inventory website. The designated FWS office can also assist you. Impacts to wetlands and other aquatic habitats from your project may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal Statutes. Project Proponents should discuss the relationship of these requirements to their project with the Regulatory Program of the appropriate U.S. Army Corps of Engineers District.

**Data Limitations, Exclusions and Precautions**

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery and/or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

# Trust Resources List

**Exclusions** - Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

**Precautions** - Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

**The following wetland types intersect your project area in one or more locations:**

| Wetland Types | NWI Classification Code | Total Acres |
|---|---|---|
| Freshwater Emergent Wetland | PEM1/UBFh | 3.6642 |
| Freshwater Emergent Wetland | PEM1Eb | 79.1027 |
| Freshwater Emergent Wetland | PEM1Ed | 2.1402 |
| Freshwater Emergent Wetland | PEM1Eh | 4.2215 |
| Freshwater Emergent Wetland | PEM1/SS1Eb | 62.9672 |
| Freshwater Emergent Wetland | PEM1/FO5Fb | 1.1537 |
| Freshwater Emergent Wetland | PEM1Ex | 1.6883 |
| Freshwater Emergent Wetland | PEM1Fb | 18.0948 |
| Freshwater Emergent Wetland | PEM1/UBFb | 0.4748 |
| Freshwater Emergent Wetland | PEM1E | 99.4958 |
| Freshwater Emergent Wetland | PEM1F | 6.6497 |
| Freshwater Emergent Wetland | PEM1C | 19.131 |
| Freshwater Emergent Wetland | PEM1A | 4.4849 |
| Freshwater Emergent Wetland | PEM1B | 2.9994 |
| Freshwater Emergent Wetland | PEM1Fx | 2.7495 |

# Trust Resources List

| | | |
|---|---|---|
| Freshwater Emergent Wetland | PEM1Hh | 9.081 |
| Freshwater Emergent Wetland | PEM1/UBF | 1.4559 |
| Freshwater Emergent Wetland | PEM1/SS1C | 4.5051 |
| Freshwater Emergent Wetland | PEM1/SS1E | 40.5175 |
| Freshwater Emergent Wetland | PEM1/FO5Eb | 2.3524 |
| Freshwater Emergent Wetland | PEM1Ba | 2.47 |
| Freshwater Forested/Shrub Wetland | PFO5/SS1Eb | 2.7711 |
| Freshwater Forested/Shrub Wetland | PSS1/EM1Eb | 97.2197 |
| Freshwater Forested/Shrub Wetland | PFO4Cb | 0.9394 |
| Freshwater Forested/Shrub Wetland | PSS1/FO4E | 23.7227 |
| Freshwater Forested/Shrub Wetland | PFO2/4E | 2.1173 |
| Freshwater Forested/Shrub Wetland | PSS3B | 1.0462 |
| Freshwater Forested/Shrub Wetland | PFO1/4E | 53.7331 |
| Freshwater Forested/Shrub Wetland | PSS3E | 2.0229 |
| Freshwater Forested/Shrub Wetland | PSS1/EM1E | 81.6302 |
| Freshwater Forested/Shrub Wetland | PSS1/EM1C | 2.0195 |
| Freshwater Forested/Shrub Wetland | PSS1/EM1B | 2.4964 |
| Freshwater Forested/Shrub Wetland | PSS1/EM1A | 22.6485 |
| Freshwater Forested/Shrub Wetland | PFO4Ba | 2.3755 |
| Freshwater Forested/Shrub Wetland | PFO1/EM1E | 29.728 |
| Freshwater Forested/Shrub Wetland | PSS1Fb | 9.0661 |
| Freshwater Forested/Shrub Wetland | PFO1/4B | 11.6616 |
| Freshwater Forested/Shrub Wetland | PFO4/SS1Eb | 1.8196 |
| Freshwater Forested/Shrub Wetland | PSS1Eh | 9.5027 |
| Freshwater Forested/Shrub Wetland | PFO1/SS1C | 40.8412 |
| Freshwater Forested/Shrub Wetland | PSS1Ed | 1.3386 |

# Trust Resources List

| | | |
|---|---|---|
| Freshwater Forested/Shrub Wetland | PFO1/SS1E | 22.4672 |
| Freshwater Forested/Shrub Wetland | PSS4E | 3.3671 |
| Freshwater Forested/Shrub Wetland | PFO5Fb | 35.8233 |
| Freshwater Forested/Shrub Wetland | PFO5Eb | 1.4338 |
| Freshwater Forested/Shrub Wetland | PSS4/EM1C | 0.3305 |
| Freshwater Forested/Shrub Wetland | PSS4Ba | 0.6123 |
| Freshwater Forested/Shrub Wetland | PFO4/2E | 3.157 |
| Freshwater Forested/Shrub Wetland | PFO2Ba | 1.0414 |
| Freshwater Forested/Shrub Wetland | PFO5F | 40.7144 |
| Freshwater Forested/Shrub Wetland | PFO4/1E | 55.9227 |
| Freshwater Forested/Shrub Wetland | PSS1/FO1E | 3.4334 |
| Freshwater Forested/Shrub Wetland | PSS1/FO1C | 1.6627 |
| Freshwater Forested/Shrub Wetland | PSS3Eh | 0.8006 |
| Freshwater Forested/Shrub Wetland | PSS1/FO1A | 16.2877 |
| Freshwater Forested/Shrub Wetland | PFO4/1B | 5.8261 |
| Freshwater Forested/Shrub Wetland | PFO1Eb | 7.1046 |
| Freshwater Forested/Shrub Wetland | PFO1Eh | 2.9795 |
| Freshwater Forested/Shrub Wetland | PFO4B | 8.8976 |
| Freshwater Forested/Shrub Wetland | PFO4E | 355.6292 |
| Freshwater Forested/Shrub Wetland | PSS1/FO4Eb | 13.9969 |
| Freshwater Forested/Shrub Wetland | PFO1/EM1Eb | 1.0701 |
| Freshwater Forested/Shrub Wetland | PFO4/2Ba | 6.1824 |
| Freshwater Forested/Shrub Wetland | PSS1/FO5Eb | 1.2326 |
| Freshwater Forested/Shrub Wetland | PFO4Eb | 10.4339 |
| Freshwater Forested/Shrub Wetland | PSS1Eb | 70.4448 |
| Freshwater Forested/Shrub Wetland | PFO6Fb | 1.9639 |

# Trust Resources List

| | | |
|---|---|---|
| Freshwater Forested/Shrub Wetland | PFO4Eh | 0.8462 |
| Freshwater Forested/Shrub Wetland | PSS3Ba | 9.3669 |
| Freshwater Forested/Shrub Wetland | PSS1/3E | 1.1056 |
| Freshwater Forested/Shrub Wetland | PFO5/UBFb | 25.3974 |
| Freshwater Forested/Shrub Wetland | PSS1/USA | 2.014 |
| Freshwater Forested/Shrub Wetland | PFO1/4Eb | 1.4114 |
| Freshwater Forested/Shrub Wetland | PFO4/SS1E | 3.8272 |
| Freshwater Forested/Shrub Wetland | PSS1B | 1.744 |
| Freshwater Forested/Shrub Wetland | PSS1A | 24.6728 |
| Freshwater Forested/Shrub Wetland | PFO1C | 59.4074 |
| Freshwater Forested/Shrub Wetland | PSS1/4Eb | 1.5161 |
| Freshwater Forested/Shrub Wetland | PSS1C | 37.2106 |
| Freshwater Forested/Shrub Wetland | PFO1A | 55.9536 |
| Freshwater Forested/Shrub Wetland | PSS1F | 0.6936 |
| Freshwater Forested/Shrub Wetland | PSS1E | 195.7893 |
| Freshwater Forested/Shrub Wetland | PFO1E | 139.5082 |
| Freshwater Pond | PUBFx | 1.7407 |
| Freshwater Pond | PUBGh | 0.7925 |
| Freshwater Pond | PUBGx | 0.2623 |
| Freshwater Pond | PUBHh | 72.1427 |
| Freshwater Pond | PAB3Hb | 3.3074 |
| Freshwater Pond | PUBHb | 15.1894 |
| Freshwater Pond | PUBHx | 9.1004 |
| Freshwater Pond | PUB/EM1Fb | 11.3974 |
| Freshwater Pond | PUB/EM1Eb | 0.8441 |
| Freshwater Pond | PUBH | 80.5184 |

# Trust Resources List

| | | |
|---|---|---|
| Freshwater Pond | PUBF | 13.9986 |
| Freshwater Pond | PUB/FO5Fb | 0.9466 |
| Freshwater Pond | PUBKh | 8.5547 |
| Freshwater Pond | PUB/FO5F | 0.8477 |
| Freshwater Pond | PUB/EM1Fx | 0.9431 |
| Freshwater Pond | PUB/EM1F | 0.5552 |
| Freshwater Pond | PUBFb | 79.9052 |
| Freshwater Pond | PUBFh | 1.7187 |
| Lake | L1UBH | 430.1557 |
| Lake | L2USAh | 6.3478 |
| Lake | L2USA | 0.2576 |
| Lake | L1UBHh | 4123.5167 |
| Other | PUSC | 4.0496 |
| Other | PUSCh | 0.7545 |
| Riverine | R2USC | 4.2615 |
| Riverine | R2USA | 57.0866 |
| Riverine | R3UBH | 108.3565 |
| Riverine | R2UBH | 11.989 |
| Riverine | R3USA | 47.2693 |

# IPaC - Information, Planning, and Conservation System

## Environmental Conservation Online System

(http://www.fws.gov)
IPaC Home Page (/ipac/) Initial Project Scoping (/ipac/wizard/chooseLocation!prepare.action)
Project Builder () Updated Species List (/ipac/resubmit.jsp) FAQs (/ipac/faqs.jsp)

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Step 1 (/ipac/wizard/chooseLocation!prepare.action)
Location

Step 2 (/ipac/wizard/chooseActivities!prepare.action)
Activities

Step 3 (/ipac/wizard/trustResourceList!prepare.action)
Trust resources list

Step 4
Conservation measures

## Conservation Measures (CM) Report

**Caution!**
This portion of the IPaC system is still under development and testing by the U.S. Fish & Wildlife Service. Conservation Measures obtained at this time should not be used as authoritative recommendations for your project.

**Project Counties:**
Grafton, NH

**Project type:** Recreation Construction / Maintenance

### Conservation Measures (Grouped by Category)

FWS Endangered Species conservation measures are not available for your project online.

**BEFORE THE**
**SURFACE TRANSPORTATION BOARD**

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**DOCKET NO. AB-1120X**

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

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**DOCKET NO. 1120 (SUB-NO. 1X)**

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**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

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**JOINT VERIFIED NOTICE OF EXEMPTION ABANDONMENT AND DISCONTINUANCE**

# APPENDIX D

# DRAFT NOTICE OF EXEMPTION [CAPTION SUMMARY]

*Federal Register Notice*

**DOCKET NO. AB-1120X**

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

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**DOCKET NO. 1120 (SUB-NO. 1X)**

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**CLAREMONT CONCORD RAILROAD CORPORATION**
**- DISCONTINUANCE OF SERVICE EXEMPTION -**
**IN GRAFTON COUNTY, NH**

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**Notice of Petition for Exemption to Discontinue Service and Abandon**

The State of New Hampshire ("the State") and the Claremont Concord Railroad Corporation ("CCRC") gives notice that on or about December 20, 2015, it intends to file with the Surface Transportation Board, Washington, DC 20423, a petition for Discontinuance of Service and exemption under 49 C.F.R. § 1152 for CCRC to discontinue its rail common carrier obligation over the line of railroad ("the Line") and to allow the State to abandon the Line beginning at Railroad Milepost B140, Station 3515+69 on map v32.1-68 and ending at Railroad Milepost B141, Station 3568+49 on map v32.1-69 in Lebanon, Grafton County, New Hampshire, which traverses through United States Postal Service ZIP Code 03766, a distance of approximately 0.97 miles.

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

The interest of railroad employees will be protected by the conditions specified in

Oregon Short Line R. Co. -- Abandonment - Goshen. 360 I.C.C. 91 (1979).

Appropriate offers of financial assistance to continue rail service can be filed with the Board pursuant to 49 U.S.C. 10904 and will be due 120 days after the application is filed or 10 days after the application is granted by the Board, whichever occurs sooner.

All interested parties should be aware that following abandonment of rail service and salvage of the line, the Line may be suitable for other public uses, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking under 49 U.S.C. 10905 also can be filed with the Board and will be due no later than 10 days after notice of the filing of the petition for exemption is published in the Federal Register.

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. St., SW., Washington, DC 20423-0001 [See 49 C.F.R. 11 04.l(a) and 11 04.3(a)], and one copy must be served on applicants' representative [See 49 C.F.R. 1104.1 2(a)].

Written comments and protests, including all requests for public use and trail use conditions, must indicate the proceeding designation STB No. AB11 (Sub-No. 18X) and should be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, Washington, DC 20423-0001, no later than February 5, 2015. Interested persons may file a written comment or protest with the Board to become a party to this abandonment proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant: Ashley J. Romeo-Boles, Esq., at Schuster, Buttrey & Wing, P.A., 79 Hanover St., PO Box 388, Lebanon, NH 03766, (603) 448-4782, ashleyrb@ivylegal.com. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service.

Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

CCRC and the State have certified that: (1) no local traffic has moved over the Line for at least 2 years; (2) there is no overhead traffic on the subject line because the subject Line is not a "through line;" (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F .R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50( d)(l) (notice to governmental agencies) have been met.

The line sought to be abandoned will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. CCRC's and the State's representative to whom inquiries may be made concerning sale or subsidy terms is Ashley J. Romeo-Boles, Esq., at Schuster, Buttrey & Wing, P.A., 79 Hanover St., PO Box 388, Lebanon, NH 03766, (603) 448-4782, ashleyrb@ivylegal.com.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions may be directed to the Board's Office of Public Assistance,

Government Affairs and Compliance at (202) 245-0233. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

The CCRC and the State have filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. The Board's Office of Environmental Analysis ("OEA") will generally prepare an environmental assessment ("EA") which will normally be available 30 days after the filing of the notice of exemption. Questions concerning environmental issues may be directed to the Board's OEA. Any EA (or environmental impact statement ("EIS"), if necessary) prepared by the OEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Interested persons may obtain a copy of the EA (or EIS) by writing to the OEA, Room 1100, Surface Transportation Board, Washington, DC 20423 or by calling OEA at (202) 245-0295. Comments on environmental and historic preservation matters must be filed no later than fifteen (15) days after the EA becomes available to the public and will be addressed in the Board's decision. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CCRC shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by CCRC's filing of a notice of consummation by December 2015, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: _____, 2015.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.