

LAW OFFICES OF  
**LOUIS E. GITOMER, LLC**

LOUIS E. GITOMER  
Lou@lgraillaw.com

MELANIE B. YASBIN  
Melanie@lgraillaw.com  
410-296-2205

600 BALTIMORE AVENUE, SUITE 301  
TOWSON, MARYLAND 21204-4022  
(410) 296-2250 • (202) 466-6532  
FAX (410) 332-0885

December 14, 2017

Ms. Victoria Rutson  
Chief, Office of Environmental Assessment  
Surface Transportation Board  
395 E Street S.W.  
Washington, D.C. 20423

RE: Docket No. AB-55 (Sub-No. 776X), *CSX Transportation, Inc.—Abandonment  
Exemption—in Greenbrier County, WV*

Dear Ms. Rutson:

Enclosed please find a copy of the Fish and Wildlife Services determination that this abandonment will have “no effect” on federally listed endangered or threatened species.

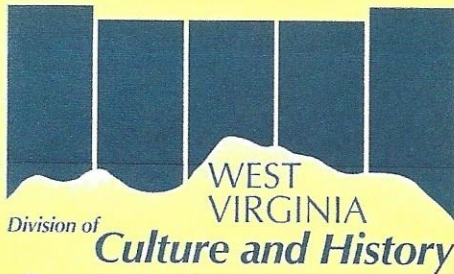
Also enclosed please find a copy of the West Virginia State Historic Preservation Office’s letter dated December 4, 2017 finding that there are no historic properties along the line.

Sincerely yours,



Melanie B. Yasbin  
Attorney for CSX Transportation, Inc.

Enclosures



December 4, 2017

Mr. Gene Payne  
CSX  
500 Water Street-J-316  
Jacksonville, Florida 32202

RE: Abandonment Notice of Exemption Docket AB 55 (Sub-No. 776X)  
FR#: 18-108-GB

Dear Mr. Payne:

We have reviewed the above-mentioned project to determine its effects to cultural resources. As required by Section 106 of the National Historic Preservation Act of 1966, as amended, and its implementing regulations, 36 CFR § 800: "Protection of Historic Properties," we submit our comments.

According to submitted information, CSX Transportation, Inc. (CSX) proposes to abandon approximately 0.42 miles of rail line between Railroad Mileposts CAF 28.58 and 21.0. This rail line, located near the community of Rainelle in Greenbrier County, is also known as the Sewell Valley Subdivision. The abandonment of this line will result in the removal of the rail, crossties, and possibly upper layer of ballast, but CSX does not plan on disturbing the subgrade or any subgrade structures.

We previously reviewed the immediate northern portion of this line from CAF 21.0 to CAF 27.0 (FR# 17-69-Multi). It is our opinion that this addition of 0.42 miles from CAF 20.58 to CAF 21.0 expands the previous abandonment. On November 18, 2016, we commented as follows:

Sewell Valley Subdivision rail line, which is encompassed by the proposed project's Area of Potential Effects (APE), is not eligible for or included in the National Register of Historic Places. While this segment of the railroad was originally constructed by brothers, Thomas and John Raine, in 1909 as a spur line to connect their company, Meadow River Lumber Company, with the C&O Railroad, it was later absorbed into the CSX rail network. The northern portion of this rail line has already been abandoned and converted into a trail. No railroad traffic has used this line in the past two years, and no additional railroad-related structures will be impacted by this proposed project. In our opinion, this rail line lacks the integrity and significance necessary to be eligible for the National Register of Historic Places.

Therefore, it is our opinion that there are no historic properties along this 0.42 mile railroad abandonment. No further consultation is necessary regarding architectural resources; however, we ask that you contact our office if your project should change.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Ernest E. Blevins, Structural Historian, at (304) 558-0240.*

Sincerely,

A handwritten signature in blue ink that reads "Susan M. Pierce". The signature is fluid and cursive, with the first name "Susan" being more prominent.

Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/EEB

**The Culture Center**  
1900 Kanawha Blvd., E.  
Charleston, WV 25305-0300

**Randall Reid-Smith, Commissioner**

Phone 304.558.0220 • [www.wvculture.org](http://www.wvculture.org)  
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

West Virginia Field Office  
694 Beverly Pike  
Elkins, West Virginia 26241



Contact Name: Gene Payne

Email Address or Fax Number: floyd\_payne@csx.com

FWS File # 2018-i-0160 All future correspondence should clearly reference this file #.

Project: CSX Transportation - Rail Line Abandonment (STB Docket No. AB-55, Sub-No. 776X), Greenbrier County, WV

Date of Letter Request: November 2, 2017

This is in response to your letter requesting threatened and endangered species information in regard to the proposed project listed above. These comments are provided pursuant to the Endangered Species Act (ESA, 87 Stat. 884, as amended; 16 U. S. C. 1531 *et seq.*).

We have made a "no effect" determination that the project will not affect federally listed endangered or threatened species. Therefore no biological assessment or further section 7 consultation under the ESA is required with the Fish and Wildlife Service. Should project plans change or amendments be proposed that we have not considered in your proposed action, or if additional information on listed and proposed species becomes available, or if new species become listed or critical habitat is designated, this determination may be reconsidered.

Definitive determinations of the presences of waters of the United States, including wetlands, in the project area and the need for permits, if any, are made by the U.S. Army Corps of Engineers. They may be contacted at Huntington District, Regulatory Branch, 502 Eighth Street, Huntington, West Virginia, 25701, telephone (304) 399-5710.

*Amanda Selmer*

12/8/2017

Reviewer's signature and date

*Barbara Douglas*

for 12/13/2017

Field Supervisor's signature and date