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Attorney at Law

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851 Twelfth Street
Oakmont, PA 15139

Of Counsel to:

Vuono & Gray LLC

2310 Grant Building

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

ENTERED
Office of Proceedings

AUG - 2 2004

Part of
Public Record

July 28, 2004



Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Finance Docket No. AB-865 (Sub. No. 1X) Honeycreek Railroad, Inc. –
Abandonment Between Sulfur Springs and New Castle, Indiana in Henry County,
Indiana

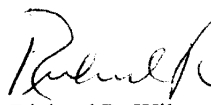
Dear Sir:

Enclosed for filing please find the original and ten copies of the Notice of Exemption and a check in the amount of \$2,800 for the filing fee submitted on behalf of the Honeycreek Railroad, Inc. in connection with its exempt abandonment of its entire line of railroad between Sulfur Springs and New Castle, Indiana in Henry County, Indiana.

Copies of these reports have been served on all parties and governmental agencies that were consulted in connection with the preparation of this report as required by STB regulations.

Very truly yours,

RICHARD R. WILSON, P.C.


Richard R. Wilson

FEE RECEIVED
AUG - 2 2004
SURFACE
TRANSPORTATION BOARD

FILED
AUG - 2 2004
SURFACE
TRANSPORTATION BOARD

RRW/bab

Enclosures

xc: Honey Creek Railroad, Inc.
Section of Environmental Analysis

FEE RECEIVED

AUG - 2 2004

Before the
SURFACE TRANSPORTATION BOARD

TRANSPORTATION BOARD



DOCKET NO. AB-865X

**HONEY CREEK RAILROAD, INC. - ABANDONMENT
BETWEEN SULFER SPRINGS AND NEW CASTLE, INDIANA
IN HENRY COUNTY, INDIANA
HONEY CREEK RAILROAD, INC. -**

NOTICE OF EXEMPTION

FILED

AUG - 2 2004

**SURFACE
TRANSPORTATION BOARD**

**ENTERED
Office of Proceedings**

AUG - 2 2004

Part of
Public Record

RICHARD R. WILSON, ESQ.
Counsel for Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.
127 Lexington Avenue
Suite 100
Altoona, PA 16601
(814) 944-5302
(814) 944-6978 FAX

Before the
SURFACE TRANSPORTATION BOARD

DOCKET NO. 865X

**HONEY CREEK RAILROAD, INC. - ABANDONMENT
BETWEEN SULFUR SPRINGS AND NEW CASTLE, INDIANA
IN HENRY COUNTY, INDIANA**

NOTICE OF EXEMPTION

Honey Creek Railroad, Inc. ("HCR") files this Notice of Exemption pursuant to the Board's regulations at 49 C.F.R. §1152.50. This Notice of Exemption is for HCR's abandonment of its entire line of railroad between Sulfur Springs and New Castle, IN in Henry County, IN a distance of approximately 5.9 miles. A map showing the line is attached as Appendix A.

In accordance with the Board's regulations, HCR makes the following responses:

Response to 49 C.F.R. §1152.50(d)(2):

1. Proposed Consummation Date. HCR intends to consummate the proposed abandonment of this line of railroad on or after the effective date of this Notice of Exemption.

2. Certification Required in §1152.50(b). The required certification is set forth as Exhibit 1 to this Notice of Exemption.

3. Information Required in §1152.22(a)(1-4), (7), (8) and (e)(4).

(a) **General.**

(1) **Exact name of application:** Honey Creek Railroad, Inc.

(2) **Whether the applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105:** HCR is a non-operating common carrier by railroad subject to the provisions of Title 49, United States Code.

(3) **Whether the carrier which owns or operates the line of railroad to be abandoned or over which service is to be discontinued is part of any railroad system:** HCR is not part of any other railroad system.

(4) **Relief sought:** HCR seeks authority to abandon its entire line of railroad extending from Sulfur Springs to New Castle, IN (see Appendix A).

(5) **Name, title and address of representative of applicant to whom correspondence should be sent:** Richard R. Wilson, Esq., 127 Lexington Avenue, Suite 100, Altoona, PA 16601, (814) 944-5302.

(6) **List of all United States Postal Service zip codes that the line proposed for abandonment transverses:** The line in question passes through the following United States Postal Service zip code: 47362

(b) **Rural and Community Impact.**

(1) **Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restrictions on the title to the property, including any reversionary interest which would affect the transfer of title or the use of property for other than rail purposes, this should be disclosed:**

The involved property is appropriate for other public uses including use as a recreational trail. HCR is not aware of any reversionary interest which would affect the transfer of title or the use of the property for non-rail purposes.

4. Level of Labor Protection. HCR is a non-operating railroad common carrier and has no employees. Accordingly, the imposition of labor protection would be meaningless.

5. Certificates of Compliance with Notice Requirements of §1152.50(d)(1).
The required certificate is set forth as Exhibit 2 to this Notice of Exemption.

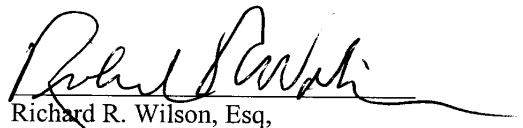
6. Environmental and Historical Reports. An Environmental Report and a Historical Report prepared in accordance with 49 C.F.R. §1105.7 is attached as Appendix B to this Notice of Exemption. These Environmental and Historical Reports were filed with the Board Section of Energy and Environment on May 19, 2004.

7. Verification. The required verification is set forth as Exhibit 3 to this Notice of Exemption.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By:


Richard R. Wilson, Esq,
Counsel for Honey Creek Railroad, Inc.

Dated: July 27, 2004

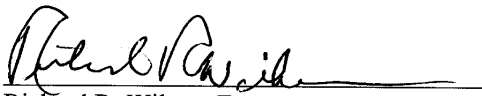
EXHIBIT 1

Certification Required in 49 C.F.R. §1152.50(d)

In accordance with 49 C.F.R. §1152.50(d), I hereby certify that, with respect to the line subject to the Notice of Exemption in Docket No. AB-865X:

- (1) No local traffic has moved over the line for at least two years prior to the date hereof;
- (2) There is no overhead traffic on the line; and
- (3) No formal complaint filed by a user of rail service on the line (or state or local government agency acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period prior to the date hereof.

The foregoing certification is made on behalf of HCR, by the undersigned, and after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.


Richard R. Wilson, Esq.

Dated: July 27, 2004

EXHIBIT 2

Certification of Compliance with Notice Requirement of
(A) 49 C.F.R. §1152.50(d)(1) and (B) 49 C.F.R. §1105.11

In accordance with 49 C.F.R. §1152.50(d)(2), I hereby certify that:

(A) On June 17, 2004, I served, by U.S. First Class mail, postage prepaid, the notice required by 49 C.F.R. §1152.50(d)(1) upon the Public Utility Commission or equivalent agency of the state of Indiana in which the line proposed for abandonment in Docket No. AB-865X is situated and upon the Military Traffic Management Command of the U.S. Department of Defense and other addressees as required by Board regulations.

(B) On May 19, 2004, I served, by U.S. First Class mail, postage prepaid, the notice required by 49 C.F.R. §1105.11 upon the designated agencies of the states in which line proposed for abandonment in Docket No. AB-865X is situated.

(C) On July 8, 2004, I had the appropriate newspaper notice set forth at 49 C.F.R. §1105.12 published in a newspaper of general circulation in Henry County, IN.


Richard R. Wilson, Esq.

Dated: July 27, 2004

EXHIBIT 3

VERIFICATION

STATE OF INDIANA)
)
COUNTY OF HENRY)

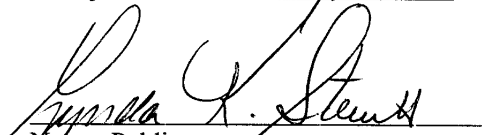
William E. Smith, being duly sworn, states that he is authorized to verify and file with the Surface Transportation Board the forgoing Notice of Exemption in Docket No AB-865X on behalf of Honey Creek Railroad, Inc.; that he has carefully examine all of the statements in the Notice of Exemption; and that he has knowledge of the facts and matters relied upon in that Notice of Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.



William E. Smith

Sworn to and subscribed before me

this 21st day of June, 2004


Notary Public Lynda K. Sterrett

My Commission expires: 4-20-09

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USGS 67 km E of Indianapolis, Indiana, United States 05 Apr 1998

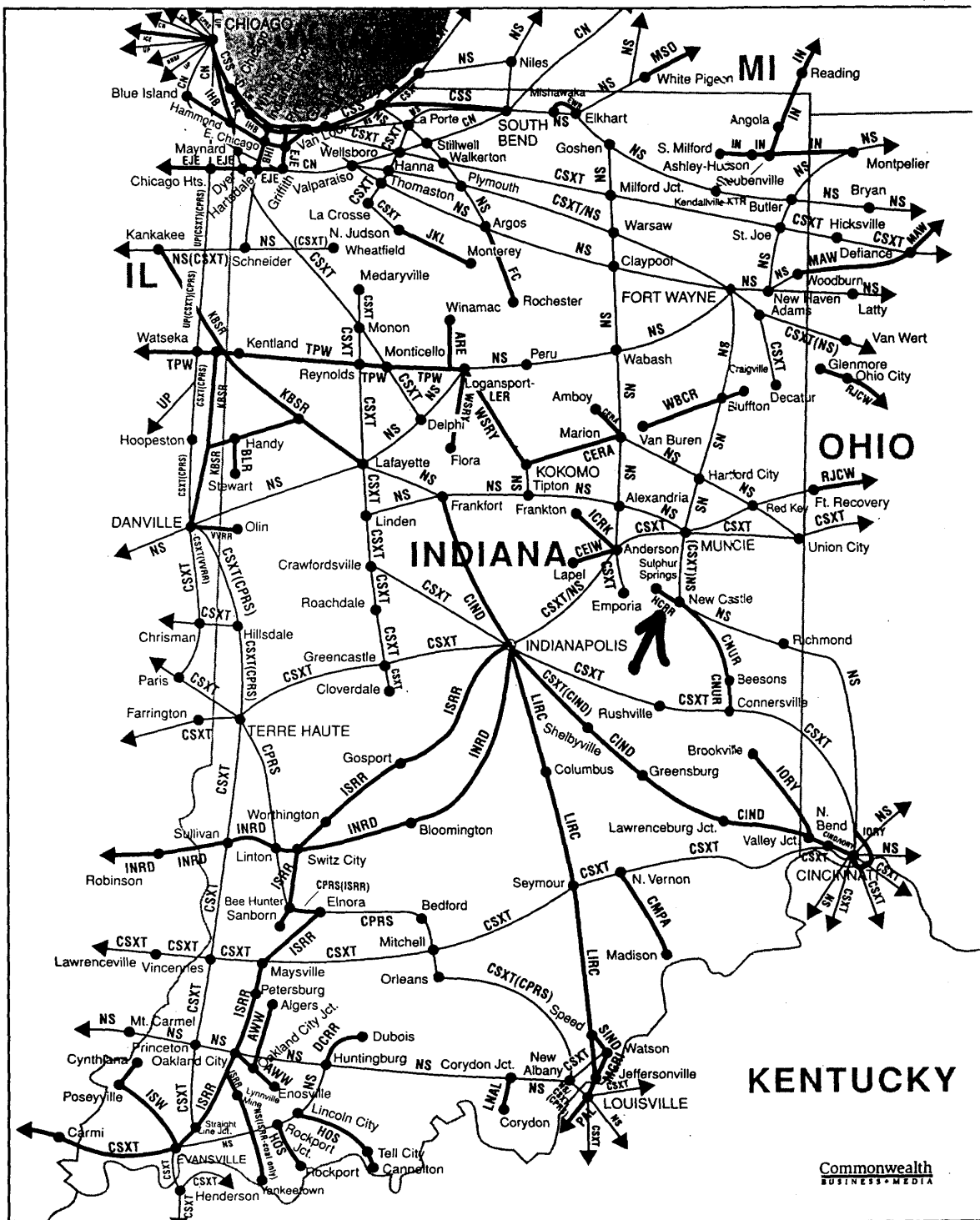


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Image courtesy of the U.S. Geological Survey
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APPENDIX A

REGION 14
IN

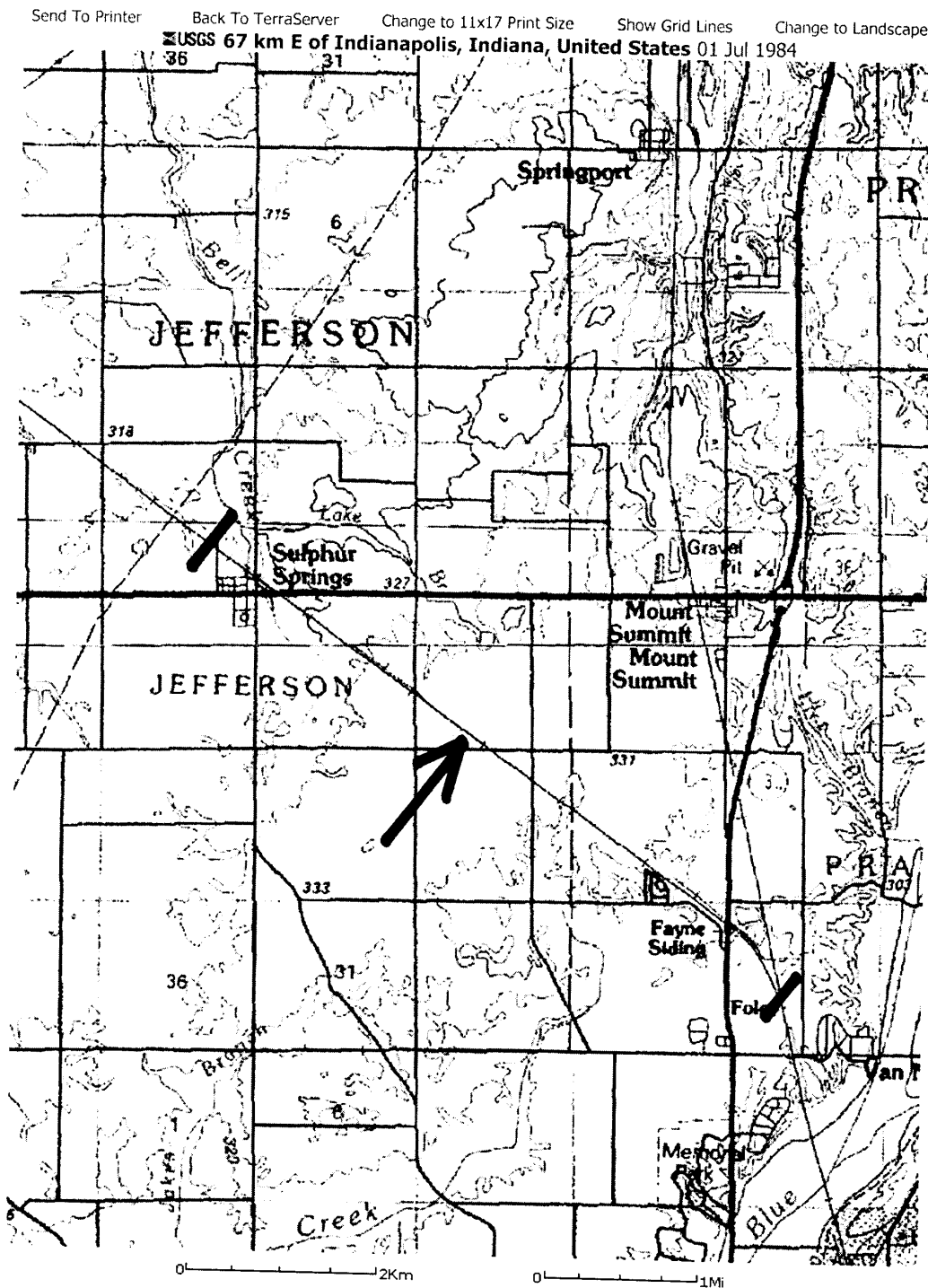


Image courtesy of the U.S. Geological Survey
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-865X

**HONEY CREEK RAILROAD, INC. - ABANDONMENT
BETWEEN SULFER SPRINGS AND NEW CASTLE, INDIANA
IN HENRY COUNTY, INDIANA**

ENVIRONMENTAL REPORT

Filed by:
Richard R. Wilson, Esq.
Attorney for Honey Creek Railroad, Inc.

Richard R. Wilson, P.C.
Richard R. Wilson, Esq.
127 Lexington Avenue
Altoona, PA 16601
(814) 944-5302

Dated: May 19, 2004

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-865X

**HONEY CREEK RAILROAD, INC. - ABANDONMENT
BETWEEN SULFUR SPRINGS AND NEW CASTLE, INDIANA
IN HENRY COUNTY, INDIANA**

ENVIRONMENTAL REPORT

Honey Creek Railroad, Inc. ("HCR") files this Environmental Report pursuant to the Board's regulations at 49 C.F.R. §1105.7. This Environmental Report is for HCR's abandonment of its entire rail line between Sulfur Springs and New Castle, Indiana in Henry County, Indiana. A map showing this line is attached to this Environmental Report (Exhibit A). In accordance with the aforesaid regulations and based on written responses received from governmental agencies set forth in Exhibit B, HCR makes the following responses:

The following information is provided in accordance with 49 C.F.R. §1105(7)(e):

1. Alternatives.

Have alternatives to the proposed action (e.g., no action or partial approval) been considered? If so, summarize the major environmental impacts associated with each alternative.

Answer: In view of the fact that there has been no overhead traffic and no local traffic on the rail line for over two years, HCR believes there are no alternatives to

abandonment. HCR is owned by Mr. William Smith who also owns the only shipper on this rail line which was acquired on August 2, 1993 from Consolidated Rail Corporation in order to preserve rail access to that single grain elevator (See ICC Notice of Exemption F.D. 32332 Exhibit C). Subsequent changes in market conditions have eliminated the need for further rail service. Given the absence of any traffic or freight revenues, HCR believes there is no alternative but abandonment.

2. Transportation Systems.

a. Will existing regional or local transportation systems or patterns be substantially affected? If so, describe the effect.

Answer: There will be no affect on regional or local transportation systems.

b. Will traffic (passenger or freight) be diverted to other transportation modes or systems? If so, quantify the extent of the expected diversion.

Answer: There is no passenger or freight traffic on the line and no diversions will occur. Traffic formerly transported on the line was diverted to alternative modes by the grain shipper without adverse affect on regional or local transportation systems.

3. Land Use.

a. Is the proposed action consistent with regional and/or local land use plans (local and/or regional planning agencies should be consulted in this regard)? If not, describe any inconsistency.

Answer: The proposed action is not inconsistent with regional or local land use plans.

b. Is a designated coastal zone management area involved?

Answer: The land does not fall within a designated coastal zone management area.

c. Are designated wet lands or 100 year flood plains affected? If so, describe the effects.

Answer: No designated wetlands or 100 year flood plain will be affected by this abandonment.

d. Are prime agricultural lands, as designated by the Soil Conservation Service, affected? If so, describe the effects.

Answer: No prime agricultural land will be affected.

4. Energy.

a. Will the development or transportation of energy resources be affected? If so, describe the effects.

Answer: The development or transportation of energy resources will not be affected by the proposed action inasmuch as this rail line has been out of service for over two years and was utilized solely for the transportation of grain.

b. Will the movement and/or recovery of recyclable commodities be affected? If so, describe the effects.

Answer: This abandonment will have no affect on the movement and/or recovery of recyclable commodities since there has been no traffic on this line for over two years and it was previously used solely for the transportation of grain.

c. Will the proposed action cause diversion of traffic from rail to motor carriers in excess of (a) 1,000 rail carloads per year; or (b) the average of 50 rail carloads per year for all or any part of an affected rail line?

Answer: The proposed abandonment will not cause any diversion from rail to motor carrier inasmuch as such diversion has occurred over two years ago.

5. Air.

Will the proposed action result in (1) a minimum increase in rail traffic of 50% or three trains per day on an affected rail line, (2) an increase in rail yard activity of 20% as measured in carload activity, or (3) an increase in motor vehicle traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10% of the average daily traffic on a given highway segment?

Answer: No.

6. Noise.

If any of the thresholds identified in Item (5) are surpassed, will the proposed action cause an increase in noise levels exceeding either (1) a four decibel increment increase or (2) a 65 decibel increase.

Answer: The above thresholds will be not be exceeded.

7. Safety.

Will public health or safety (including vehicle delay time at railroad grade crossings) be affected?

Answer: There will be no affect on public health or safety including grade crossing delay times as a result of the proposed abandonment. The abandonment of this line will actually facilitate public safety by eliminating local grade crossings and the continued maintenance requirements for same.

8. Wildlife.

a. Will endangered or threatened species be affected or will the critical habitats be destroyed or modified?

Answer: No destruction or modification of critical habitats or affect on endangered or threatened species will be occasioned by this abandonment or rail salvage operations.

b. Will wildlife sanctuaries or refuges, national or state parks or forests be affected?

Answer: No wildlife sanctuaries or refuges, national or state parks or forests will be affected by the abandonment.

9. Water.

a. Is the proposed action consistent with applicable federal, state and/or local water quality standards?

Answer: No action inconsistent with federal, state and/or local water quality standards is contemplated.

b. Will permits under Section 403 of the Federal Water Pollution Control Act be required?

Answer: No permits under Section 403 will be required.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By: 
Richard R. Wilson, Esq.

RICHARD R. WILSON, P.C.
127 Lexington Avenue
Altoona, PA 16601
(814) 944-5302

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 19th day of May, 2004 he did a
serve a true and correct copy of the foregoing Environmental Report upon the following
by first class mail, postage prepaid at the addresses set forth below:

Henry County Highway Department
202 W. County Rd. 50 N
New Castle, IN 47362

Henry County Bldg. Dept.
Planning Office
210 S 12 Street
New Castle, IN 47362

National Park Service – Midwest Region
Regional Director
1709 Jackson Street
Omaha, NE 68102

Henry County Commissioners
101 S. Main Street
New Castle, IN 47362

Mayor Sherman Boles
City of New Castle
New Castle, IN

Indiana Dept. of Natural Resources
402 West Washington Street
Indianapolis, IN 46204

The Honorable Katherine L. Davis
Lt. Governor and Commissioner of Agriculture
Office of the Commissioner of Agriculture
ISTA Center, Suite 414
150 W. Market Street
Indianapolis, IN 46204-2810

Indiana Dept. of Environmental Mgt.
P.O. Box 6015
Indianapolis, IN 46206-6015

Mr. Thomas Iurino
National Park Service Recreation Resource
Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

Supervisor, U.S. Dept. of Interior
Fish & Wild Life Service – Region 3
1 Federal Drive
BHW Federal Bldg.
Ft. Snelling, MN 55111

U. S. Army Engineer Dist., Louisville
P.O. Box 59
600 Martin Luther King Place
Louisville, KY 40201-0059

Railroad Section Manager
Indiana Dept. of Transportation
100 N. Senate Avenue
IGC-N Room N901
Indianapolis, IN 46204-2219

Henry County Planning Office
100 S. Main Street
New Castle, IN 47362

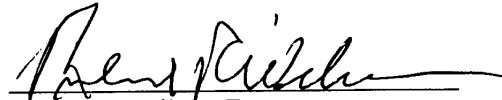
Ms. Jane Hardisty
State Conservationist
National Resource Conservation Service
Indiana State Office
6013 Lakeside Blvd.
Indianapolis, IN 46278-2933

Indiana Historical Bureau
140 N. Senate Avenue
Indianapolis, IN 46204-2296

United States Environmental Protection Agency
Region 577
West Jackson Blvd.
Chicago, IL 60604-3590

Railroad Section Manager
Indiana Dept. of Transportation
100 N. Senate Avenue
IGC-N Room N901
Indianapolis, IN 46204-2219

Henry County Planning Office
100 S. Main Street
New Castle, IN 47362


Richard R. Wilson, Esq.

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USGS 67 km E of Indianapolis, Indiana, United States 01 Jul 1984

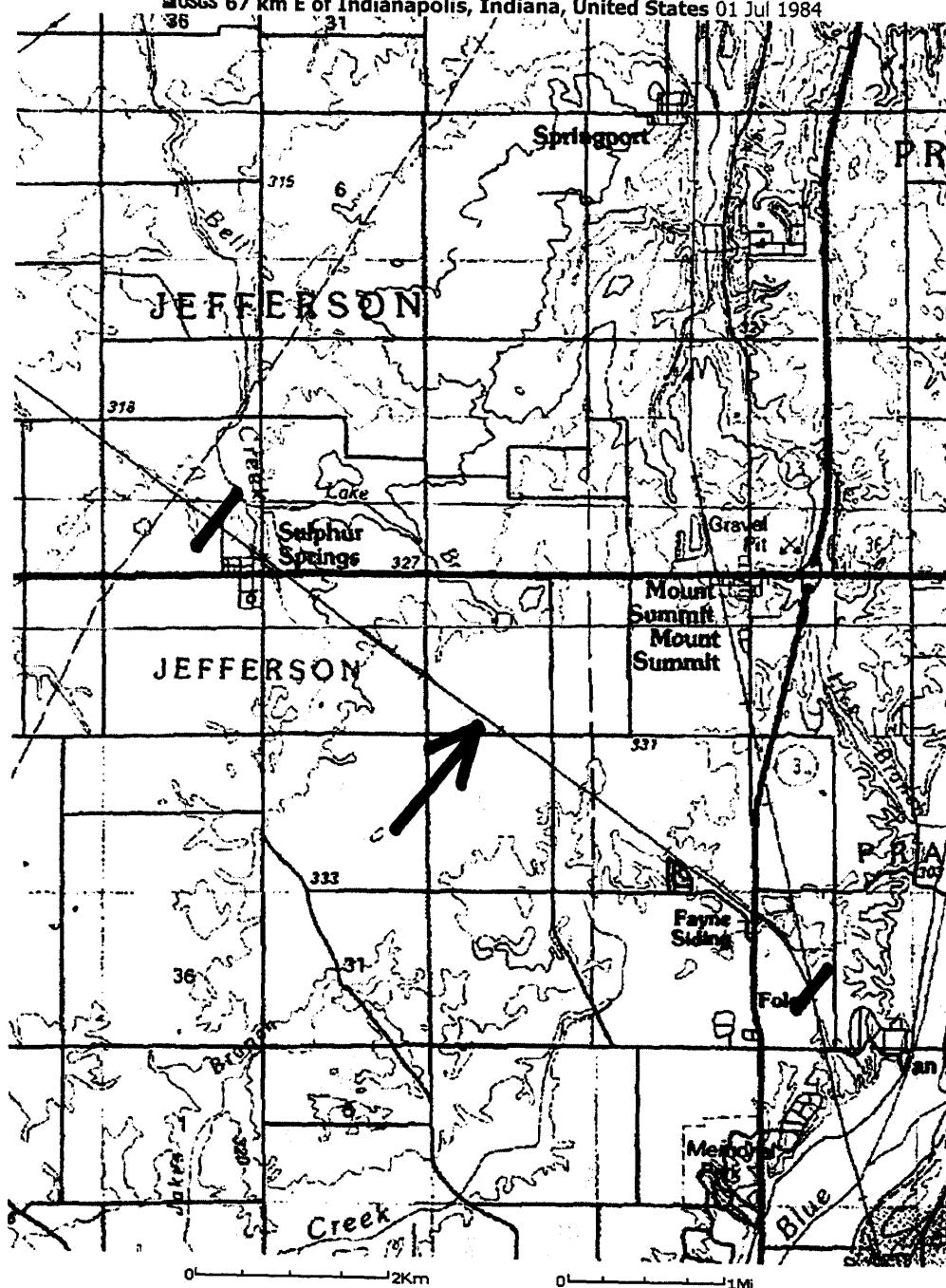
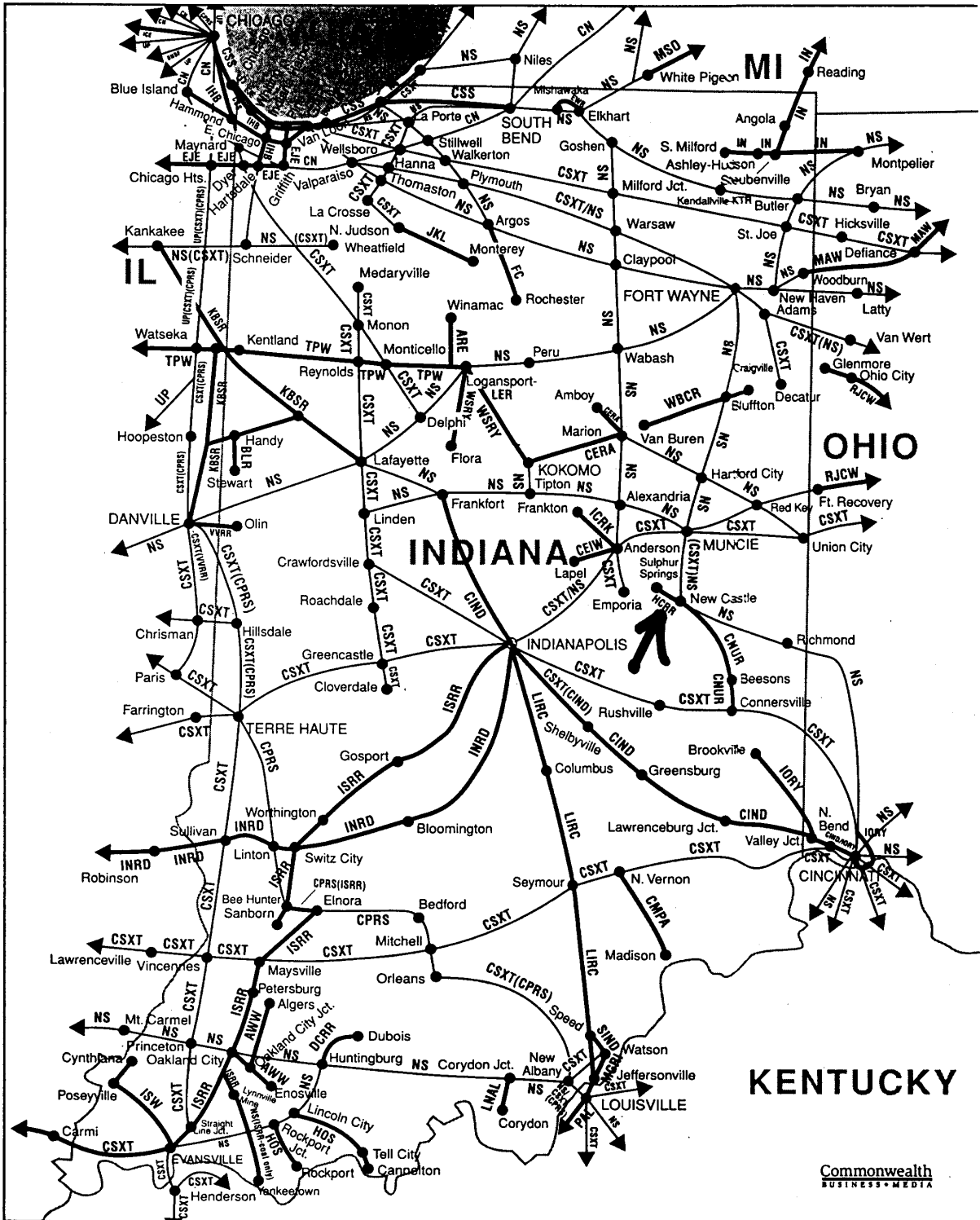


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EXHIBIT A

REGION 14
IN

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

**127 Lexington Avenue, Suite 100
Altoona, PA 16601**

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rrwilson@charterpa.com

Of Counsel to:
Vuono & Gray LLC
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 19, 2004

Henry County Highway Department
202 W. County Rd. 50 N
New Castle, IN 47362

Henry County Bldg. Dept./Planning Office
210 S 12 Street
New Castle, IN 47362

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. –
Abandonment Between Sulfur Springs and New Castle, Indiana in Henry County,
Indiana

Dear Sir:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Describe the effects of the proposed transaction on regional or local transportation systems and patterns.
2. Describe the effect of the proposed action on transportation of energy resources.
3. State whether the proposed acts will result in an increase or decrease in overall energy efficiency.
4. Describe any effects the proposed action may have on public health and safety.

Henry County Highway Department
Henry County Bldg./Panning Office
February 19, 2004
Page 2

Would you please respond to these questions in writing no later than March 1, 2004?
Your responses will be included within the environmental and historical report which is to be
filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in black ink, appearing to read "Richard R. Wilson", written in a cursive style.

Richard R. Wilson, Esq.

RRW/bab

xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

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(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 18, 2004

National Park Service – Midwest Region
Regional Director
1709 Jackson Street
Omaha, NE 68102

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Sir:

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1. Will wildlife sanctuaries or refugees, national or state parks or forests be affected? If so, identify each affected site and describe the impact.

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.



Richard R. Wilson, Esq.

RRW/bab

xc: Honey Creek Railroad, Inc.

Enclosures

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

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(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

Henry County Commissioners
101 S. Main Street
New Castle, IN 47362

Mayor Sherman Boles
City of New Castle
New Castle, IN 47362

Re: Docket No. AB-865 (Sub No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Gentlemen:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

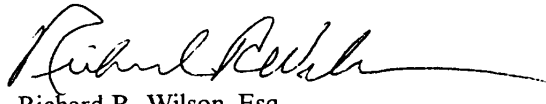
1. Will existing regional or local transportation systems or patterns be substantially affected? If so, describe the effect.
2. Is the proposed action consistent with regional and/or local land use plans? If not, describe any inconsistency.
3. Will public health or safety be affected? If so, describe the effect.
4. Is the proposed action consistent with applicable local water quality standards? If not, describe any inconsistency.

Henry County Commissioners
Mayor Sherman Boles
February 3, 2004
Page 2

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, appearing to read "Richard R. Wilson", followed by a long horizontal flourish.

Richard R. Wilson, Esq.

RRW/bab
xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

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851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

The Honorable Katherine L. Davis
Lt. Governor and Commissioner of Agriculture
Office of the Commissioner of Agriculture
ISTA Center, Suite 414
150 W. Market Street
Indianapolis, IN 46204-2810

Re: Docket No. AB-865, (Sub. No. 1X) Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

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1. Is any prime agricultural lands, as designated by the soil conservation service, affected? If so, describe the effects.

The Honorable Katherine Davis
February 3, 2004
Page 2

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Very truly yours,

RICHARD R. WILSON, P.C.

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Richard R. Wilson, Esq.

RRW/bab

xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

**127 Lexington Avenue, Suite 100
Altoona, PA 16601**

(814) 944-5302
(888) 454-3817 (Toll Free)
(814) 944-6978 FAX
rrwilson@charterpa.com

Of Counsel to:
Vuono & Gray LLC
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

Indiana Department of Natural Resources
402 West Washington Street
Indianapolis, IN 46204

Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, IN 46206-6015

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Sirs:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Is a designated costal zone management area involved?
2. Are designated wetlands or 100 year flood plains affected, and if so, describe the effects.
3. Will the proposed action result in any impact with respect to air quality or compliance with Clear Air Act requirements?
4. Will the proposed transaction have any adverse affect on an endangered or threatened species or areas designated as critical habitats, and if so, describe the effects.
5. Will the proposed action have any affect on wildlife sanctuaries or refugees, national or state parks or forest? If so, describe the affects.

Indiana Department of Natural Resources
Indiana Department of Environmental Management
February 3, 2004
Page 2

6. Will the proposed action be consistent with federal and state or local water qualities standards?

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, appearing to read "Richard R. Wilson".

Richard R. Wilson, Esq.

RRW/bab

xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

**127 Lexington Avenue, Suite 100
Altoona, PA 16601**

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Pittsburgh, PA 15219
(412) 471-1800
(412) 471-4477 FAX

February 3, 2004

Supervisor, U.S. Department of Interior
Fish and Wild Life Service – Region 3
1 Federal Drive
BHW Federal Bldg.
Ft. Snelling, MN 55111

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Sir:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Will endangered or threatened species or will critical habitats be destroyed or modified? If so, describe the affects.
2. Will wildlife sanctuaries, national or state parks or forests be affected?

Supervisor, U.S. Department of Interior
February 3, 2004
Page 2

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, appearing to read "Richard R. Wilson".

Richard R. Wilson, Esq.

RRW/bab

xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

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851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

Mr. Thomas Iurino
National Park Service Recreation Resource
Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Sir:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Will wildlife sanctuaries or refugees, national or state parks or forests be affected? If so, identify each affected site and describe the impact.

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.



Richard R. Wilson, Esq.

RRW/bab

xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

**127 Lexington Avenue, Suite 100
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Pittsburgh, PA 15219
(412) 471-1800
(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

U.S. Army Engineer District, Louisville
P.O. Box 59
600 Dr. Martin Luther King Place
Louisville, KY 40201-0059

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Sir:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Will the proposed action require permits under Section 404 of the Clean Water Act (33 U.S.C. §1344)?
2. Are there any designated wetlands or 100 year flood plains which would be affected by the proposed transaction?

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.



Richard R. Wilson, Esq.

RRW/bab

xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

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(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

Railroad Section Manager
Indiana Department of Transportation
100 N. Senate Avenue
IGC-N Room N901
Indianapolis, IN 46204-2219

Henry County Planning Office
100 S. Main Street
New Castle, IN 47362

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. –
Abandonment Between Sulfur Springs and New Castle, Indiana in Henry County,
Indiana

Dear Sir:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Describe the effects of the proposed transaction on regional or local transportation systems and patterns.
2. Describe the effect of the proposed action on transportation of energy resources.
3. State whether the proposed acts will result in an increase or decrease in overall energy efficiency.
4. Describe any effects the proposed action may have on public health and safety.

Railroad Section Manager
Henry County Planning Office
February 3, 2004
Page 2

Would you please respond to these questions in writing no later than March 1, 2004?
Your responses will be included within the environmental and historical report which is to be filed
with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in black ink, appearing to read "Richard R. Wilson", with a long horizontal flourish extending to the right.

Richard R. Wilson, Esq.

RRW/bab
xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

**Attorney at Law
A Professional Corporation
127 Lexington Avenue, Suite 100
Altoona, PA 16601**

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Of Counsel to:
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2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

Ms. Jane Hardisty
State Conservationist
National Resource Conservation Service – Indiana State Office
6013 Lakeside Blvd.
Indianapolis, IN 46278-2933

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Ms. Hardisty:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Are prime agricultural lands, as designated by the sole conservation service, affected? If so, describe the effects.

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.



Richard R. Wilson, Esq.

RRW/bab

xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

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Pittsburgh, PA 15219
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(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

Indiana Historical Bureau
140 N. Senate Avenue
Indianapolis, IN 46204-2296

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Sir:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line and aerial photographs of the line. The line extends approximately 6 miles over level, flat terrain and there are no significant structures or historical sites to be photographed. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. With respect to this line, are any sites or structures listed in the national register of historic places?
2. Will sites or structures 50 years old or older be affected?
3. Will culturally significant locations, architectural sites, or unique land forms be affected?

Indiana Historical Bureau
February 3, 2004
Page 2

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, appearing to read "Richard R. Wilson".

Richard R. Wilson, Esq.

RRW/bab
xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

127 Lexington Avenue, Suite 100

Altoona, PA 16601

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Of Counsel to:

Vuono & Gray LLC

2310 Grant Building

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

851 Twelfth Street
Oakmont, PA 15139

February 3, 2004

United States Environmental Protection Agency
Region 577
West Jackson Blvd.
Chicago, IL 60604-3590

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. – Abandonment
Between Sulfur Springs and New Castle, Indiana in Henry County, Indiana

Dear Sir:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Are any designated wetland or 100 year flood planes affected? If so, describe the effects.
2. Will the proposed action result in any impact on air quality, water quality, or noise? If so, describe the effect.
3. Will endangered or threatened species be affected or will critical habitats destroyed or modified?
4. Will wildlife sanctuaries or refugees, national or state parks or forests be affected?

United States Environmental Protection Agency
February 3, 2004
Page 2

Would you please respond to this question in writing no later than March 1, 2004. Your responses will be included within the environmental and historical report which is to be filed with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in cursive script, appearing to read "Richard R. Wilson".

Richard R. Wilson, Esq.

RRW/bab
xc: Honey Creek Railroad, Inc.

RICHARD R. WILSON, P.C.

Attorney at Law

A Professional Corporation

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Altoona, PA 16601**

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Of Counsel to:

Vuono & Gray LLC

2310 Grant Building

Pittsburgh, PA 15219

(412) 471-1800

(412) 471-4477 FAX

851 Twelfth Street

Oakmont, PA 15139

February 3, 2004

Railroad Section Manager
Indiana Department of Transportation
100 N. Senate Avenue
IGC-N Room N901
Indianapolis, IN 46204-2219

Henry County Planning Office
100 S. Main Street
New Castle, IN 47362

Re: Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc. –
Abandonment Between Sulfur Springs and New Castle, Indiana in Henry County,
Indiana

Dear Sir:

Please be advised that Honey Creek Railroad, Inc. is preparing to abandon its entire rail line between Sulfur Springs and New Castle, Indiana. The line has been out of service for more than two years. Enclosed is a copy of a rail map indicating the location of this line. In connection with its application for authority to abandon this line, federal regulations at 49 C.F.R. §1105.7(c) require the railroad to consult with various agencies and obtain information required for the preparation of an environmental and historical report. We have enclosed a draft report for your review and comment. In that connection, would you please advise us regarding any of the following matters:

1. Describe the effects of the proposed transaction on regional or local transportation systems and patterns.
2. Describe the effect of the proposed action on transportation of energy resources.
3. State whether the proposed acts will result in an increase or decrease in overall energy efficiency.
4. Describe any effects the proposed action may have on public health and safety.

Railroad Section Manager
Henry County Planning Office
February 3, 2004
Page 2

Would you please respond to these questions in writing no later than March 1, 2004?
Your responses will be included within the environmental and historical report which is to be filed
with the Surface Transportation Board of the U.S. Department of Transportation.

Very truly yours,

RICHARD R. WILSON, P.C.

A handwritten signature in dark ink, appearing to read "Richard R. Wilson", with a long horizontal flourish extending to the right.

Richard R. Wilson, Esq.

RRW/bab
xc: Honey Creek Railroad, Inc.



Indiana Department of Natural Resources

Joseph E. Kernan, Governor
John Goss, Director

Office of Legal Counsel
Indiana Government Center South
402 West Washington Street, W-255L
Indianapolis, IN 46204

February 27, 2004

By First Class Mail & Fax
(2 Pages) To: (814) 944-6978

Mr. Richard R. Wilson
Attorney at Law
127 Lexington Avenue, Suite 100
Altoona, PA 16601

RE: Docket No. Ab-865 (Sub. No. IX)
Honey Creek Railroad, Inc.
Abandonment Between Sulfur Springs and New Castle in Henry County, Indiana

Dear Mr. Wilson:

As requested in your letter of February 3, 2004, please find enclosed a copy of the Department's concerns and comments relative to the above railroad abandonment.

Please incorporate the enclosed information into your report to be filed with the U.S. Department of Transportation.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Ih N Boyko", is written over the typed name.

Ihor N. Boyko
Legal Counsel

Enclosure

cc: Christie L. Kiefer
Environmental Coordinator
Division of Water

THIS IS NOT A PERMIT

**State of Indiana
DEPARTMENT OF NATURAL RESOURCES
Division of Water
Early Coordination/Environmental Assessment**

DNR #: ER-10725 **Request Received:** February 12, 2004

Requestor: Indiana Department of Natural Resources
Office of Legal Counsel
Ihor N. Boyko
402 West Washington Street
Indianapolis, IN 46204

Project: Honey Creek Railroad Abandonment, Docket# AB-865 (Sub No. 1X)

County/Site info: Henry

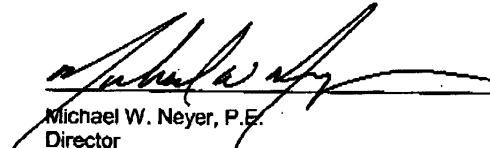
Regulatory Assessment: The Indiana Department of Natural Resources has reviewed the above referenced project per your request. Our agency offers the following comments for your information and in accordance with the National Environmental Policy Act of 1969.
Formal approval by the Department of Natural Resources under the regulatory programs administered by the Division of Water is not required for this abandonment project. However, any work proposed on the bridge over Bell Creek may require prior approval from our agency under the Flood Control Act (IC 14-28-1), unless the work qualifies for exemption.

Natural Heritage Database: The Natural Heritage Program's data have been checked.
To date, no plant or animal species listed as state or federally threatened, endangered, or rare have been reported to occur in the project vicinity.

Fish & Wildlife Comments: A few small wetland areas exist along the railroad. These wetland areas will not be negatively impacted by this project.

Outdoor Rec. Comments: This project will have no impact on Land and Water Conservation Fund property or scenic streams, trails, or rivers.

Contact Staff: Christie L. Kiefer, Environ. Coordinator, Environmental Unit
Our agency appreciates this opportunity to be of service. Please do not hesitate to contact the above staff member at (317) 232-4160 or 1-877-928-3755 (toll free) if we can be of further assistance.



Michael W. Neyer, P.E.
Director
Division of Water

Date: February 25, 2004



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

FEB 24 2004

REPLY TO THE ATTENTION OF:

B-19J

Richard R. Wilson, P.C.
127 Lexington Avenue, Suite 100
Altoona, Pennsylvania 16601

Re: Docket No. AB-865, (Sub No. 1X), *Honey Creek Railroad, Inc.* -
Abandonment Exemption

Dear Mr. Wilson:

The U.S. Environmental Protection Agency (U.S. EPA) has received a letter and draft Environmental and Historic Reports concerning a proposed abandonment of rail line in Henry County, Indiana. Our comments in this letter are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act.

We appreciate the opportunity to comment on these documents during the draft stage. Even though the proposed petition includes abandonment only, we feel the following issues may be relevant if Honey Creek Railroad, Inc. intends to proceed with removal of rail equipment at some point in the future.

- Removal and ultimate disposal of rails and ballast should be conducted according to applicable environmental regulations;
- Per the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Indiana;
- Storing and fueling of construction equipment should take place in upland areas, away from water bodies, floodplains or other sensitive habitat;
- Prevention and/or control of spills (i.e., fuels, lubricants or other pollutants) from construction equipment should be conducted according to applicable environmental regulations;
- Portions of the ROW which the railway owns or intends to sell for trails use are recommended to be revegetated with native flora. Long-term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife, improved aesthetics, and decreases erosion; and
- Culvert maintenance should be planned at least once per season to prevent blockage and damaging floods, while bridge maintenance activities should be planned yearly. Disposal of obstruction materials should take place away from the streambed, and the use of equipment in

the streambed should be minimized and scheduled to coincide with periods of low or normal flow. Consideration of native flora to revegetate around culvert ends and bridge foundations to prevent erosion should be addressed. In particular, provision of maintenance activities for culverts and bridges should be provided until the property is sold, at which time maintenance activities will be transferred to the new owner via specific real estate provisions.

We look forward to reviewing the revised Environmental and Historic Reports for this railroad. Should you have any questions, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206 or via e-mail at kowal.kathleen@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ken G. Ellen for K.W.", is written in dark ink.

Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: David Navecky, Surface Transportation Board

United States Department of Agriculture



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46268

February 12, 2004

Richard R. Wilson, P.C.
Attorney at Law
127 Lexington Ave., Suite 100
Altoona, PA 16601

Dear Mr. Wilson:

The proposed project to abandon the entire rail line between Sulfur Springs and New Castle, Indiana in Henry County, Indiana, as referred to in your letter dated February 3, 2004, will not cause a conversion of prime farmland.

If you need additional information, please contact Phil Bousman at 317-290-3200, extension 385.

Sincerely,

A handwritten signature in cursive script that reads "Jane E. Hardisty".

JANE E. HARDISTY
State Conservationist

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

FWS/NWRS-RE - General

February 25, 2004

Mr. Richard R. Wilson
Attorney at Law
127 Lexington Avenue
Suite 100
Altoona, Pennsylvania 16601

Dear Mr. Wilson:

Thank you for the opportunity to comment on the proposed abandonment of the rail line between Sulfur Springs and New Castle, Indiana, in Henry County, Indiana; STB Docket No. AB-865 (Sub. No. 1X), Honey Creek Railroad, Inc.

We have researched our ownership in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

Patrick G. Carroll
Senior Realty Officer
Division of Realty

HENRY COUNTY PLANNING COMMISSION
Henry County Office Buildings
1201 Race Street, Suite 214
NEW CASTLE, IN 47362

Terri Roberts
Zoning Administrator

PHONE 765-529-7408
Fax 765-521-7072

February 27, 2004

To: Richard Wilson
127 Lexington Avenue, Suite 100
Altoona, PA 16601

RE: Docket No. AB-865 (Sub. 1X), Honey Creek Railroad, Inc.
Abandonment between Sulphur Springs and New Castle, IN
In Henry County.

Dear Sir:

Here are the answers to the questions from paperwork dated 2/19/04.

- 1. None to my knowledge*
- 2. None to my knowledge*
- 3. To my knowledge neither an increase or decrease.*
- 4. None to my knowledge*

If you have further questions please feel free to contact my office

Sincerely,

Terri Roberts
Terri Roberts
Zoning Administrator



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059
FAX: (502) 315-6677
<http://www.lrl.usace.army.mil/>

March 4, 2004

Operations Division
Regulatory Branch (North)
ID no. 200400171-jea

Mr. Richard R. Wilson
127 Lexington Avenue, Suite 100
Altoona, Pennsylvania 16601

Dear Mr. Wilson:

This is in response to your letter dated February 3, 2004 requesting our review and comments on a draft environmental and historical report. This report is associated with the proposed abandonment of the entire rail line between Sulfur Springs and New Castle in Henry County, Indiana. This request was made on behalf of the Honey Creek Railroad, Incorporated.

We do not have any comments on the general environmental impacts of the proposed project. This agency is not funded or authorized to provide general environmental assessments for all federally related development proposals. Our lack of comments on specific potential environmental impacts should not be construed as concurrence that no significant environmental damage would result from the project.

1. The proposed improvement may impact the following waterway(s) under our jurisdiction:

Bell Creek and an unnamed tributary of Gander Run

2. Current and/or future plans to develop the waterway(s) include:

None

3. The following Corps of Engineer's projects and/or studies are located within the area:

None

4. The depth or elevation of Ordinary High Water (OHW) is:

____ Feet mean sea level.

 X The OHW elevation is the line on the bank established by the changing water surface and indicated by physical characteristics such as a clear natural line impressed on the bank; shelving; changes in the character of the soil; destruction of terrestrial vegetation; and other indications as determined upon inspection of the area. If additional information is needed for the OHW you may contact our Hydrology & Hydraulics Branch by calling (502) 315-6456.

5. The project site is within flood elevations:

 X Flood plain information is available by writing this office directly and requesting a floodplain delineation for a specific area. However, we are required by law to collect a fee for this service. The fee varies with the scope and complexity of the request. If you are interested in receiving this service please re-submit this request to the above address, ATTN: CELRL-PMP or call (502) 315-6892 and we will provide information on the fee schedule. Otherwise you may be able to obtain this information from local agency sources such as planning commissions.

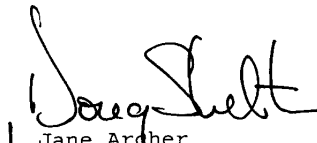
6. Wetlands:

 are located on the site as indicated on the attached sheet.

 X To our knowledge, no wetland mapping of your proposed project site has been done, nor does the Corps of Engineers have any future plans to delineate and map jurisdictional wetlands for public or private use. If you suspect wetlands would be impacted by the discharge of dredged or fill material, a wetland delineation report conforming to the "Corps of Engineers Wetland Delineation Manual, Technical Report Y-87-1," would have to be submitted. Members of our regulatory staff having expertise in this area, would evaluate and verify the wetland delineation report as part of our review process. If you need assistance in preparing a wetland delineation, there are several environmental consultants in your geographic area having this expertise.

7. If based on your coordination with the State Historic Preservation Officer, it is determined that the project may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the Department of the Army permit application must include information stating which historic property may be affected by the proposed work and/or a vicinity map indicating the location of the historic property.

8. If your project would impact any "waters of the United States," including jurisdictional wetlands, then you should submit a Department of the Army (DA) permit application for review by this office. Copies of DA permit application forms can be obtained by writing to the above address ATTN: CELRL-OP-FN or by calling (502) 315-6733.


Jane Archer
Project Manager
Regulatory Branch



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015
(317) 232-8603
(800) 451-6027
www.IN.gov/idem

March 10, 2004

Richard Wilson
Richard R. Wilson, P.C.
127 Lexington Avenue, Suite 100
Altoona, PA 16601

Dear Richard Wilson

RE: Henry County; Abandonment of Honey Creek Railroad, Inc., Rail Line Between Sulfur Springs and New Castle, Docket No. AB-865 (Sub. NO. 1X)

The Indiana Department of Environmental Management (IDEM) has reviewed the above-noted project with respect to applicable environmental rules, law and standards. Our review did not raise any specific comment regarding the environmental requirements for your proposed project. IDEM recommends that you consider the following issues as you move forward:

WATER AND BIOTIC QUALITY

1. Section 404 of the Clean Water Act requires that you obtain a permit from the U.S. Army Corps of Engineers (USACE) before dredging and/or filling in any wetlands or other waters of the state of Indiana, such as rivers, lakes, streams, and ditches. Thus, as a project owner or sponsor, it is your responsibility to ensure that no wetlands are disturbed without the proper permit. Although you may initially refer to the U.S. Fish and Wildlife Service National Wetland Inventory maps as a means of identifying potential areas of concern, please be mindful that those maps do not depict jurisdictional wetlands.

A valid jurisdictional wetlands determination can only be made by the Corps of Engineers, using the 1987 Wetland Delineation Manual. Much of northern Indiana is served by the Corps of Engineers District Office in Detroit, while the central and southern portions of the state are served by their Louisville District Office. Contacts for these offices can be found at: www.in.gov/idem/water/planbr/401/reglinks.html. IDEM recommends that, to the extent possible, impacts to wetlands and other resources simply be avoided.

2. In the event a Section 404 wetlands permit is required from the Corps of Engineers, you also must obtain a Section 401 Water Quality Certification from the IDEM Office of Water Quality. Even if the Corps of Engineers determines that the activity or area associated with your project is not under their jurisdiction, you may still need to obtain authorization for the project from this office. The relocation, channelization, widening, or other such alteration of a stream would also require a 401 Water Quality Certification. Contact the Office of Water Quality at 317-233-8488 for additional information. In general, IDEM is opposed to such changes to streams, and would require additional information in order to provide more project specific comments.
3. If your project will involve over a 0.5 acre of wetland impact, stream relocation, or other large-scale alterations to waterbodies such as the creation of a dam or a water diversion, you should seek additional input from Section 401 Water Quality Certification staff. Consult this web site: www.in.gov/idem/water/planbr/401/staff.html for the appropriate staff contact to discuss your project further.
4. The physical disturbance of the stream and riparian vegetation, especially large trees overhanging any affected waterbodies should be limited to only that which is absolutely necessary to complete the project. The shade provided by the large overhanging trees helps maintain proper stream temperatures and dissolved oxygen for aquatic life.
5. For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of five (5), or more, acres of total land area, contact the Office of Water Quality - Permits Branch (317-233-0468) regarding the need for of a Rule 5 Storm Water Permit. (See: www.in.gov/idem/guides/permit/water/stormwaterconstruction.html and www.in.gov/idem/water/npdes/permits/wetwthr/storm/rule5.html). If the land disturbing activity results in the disturbance of less than five (5) acres of total land area, but is part of a larger common plan of development or sale (such as the development of a subdivision or industrial park), it is still subject to storm water permitting. In addition, new federal standards lowering the acreage threshold for which a permit is required, are expected to take effect later this year. Hence, if your project area is greater than one acre, and you intend to begin your project after October 31, 2003, you should first check with IDEM to see whether the new Rule 5, one acre permitting threshold has taken affect.
6. Regardless of the size of your project, IDEM recommends that appropriate structures and techniques be utilized both during the construction phase, and after completion of the project, to minimize soil erosion. The use of straw bale barriers, silt fencing, earthen berms or other appropriate techniques around disturbed areas are recommended to prevent soil from leaving the construction site. Information and assistance regarding control of construction-related soil erosion are available from the Soil and Water Conservation District (SWCD) offices, co-located with the local field office of the USDA Natural Resource Conservation Service (NRCS) in each county. (To find a SWCD office: www.agry.purdue.edu/swq/swcd.htm)
7. For projects involving work within floodways of waterbodies, contact the Department of Natural Resources - Division of Water (317/232-4160) regarding the need for permits.
8. For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources - Division of Fish and Wildlife (317/232-4080) for addition project input.

9. For projects involving water main construction, water main extensions, and new public water supplies, contact the Office of Water Quality - Drinking Water Branch (317-308-3299) regarding the need for permits. (www.in.gov/idem/guides/permit/water/drinkingwater.html)
10. For projects involving effluent discharges to waters of the State of Indiana, contact the Office of Water Quality - Permits Branch (317-233-0468) regarding the need for a National Pollutant Discharge Elimination System (NPDES) permit.
11. For projects involving the construction of wastewater facilities and sewer lines, contact the Office of Water Quality - Permits Branch (317-232-8675) regarding the need for permits. (www.in.gov/idem/guides/permit/water/wwconstructionpermits.html)

AIR QUALITY

The above-noted project should be designed to minimize any impact on ambient air quality in, or near, the project area. The project must comply with all federal and state air pollution regulations. Consideration should be given to the following:

1. Regarding open burning, and disposing of organic debris generated by land clearing activities; some types of open burning are allowed (www.in.gov/idem/guides/permit/air/openburning.html#maintenance) under specific conditions (www.in.gov/idem/guides/permit/air/openburning.html#conditionsallowed). You also can seek an open burning variance from IDEM. See: www.in.gov/idem/guides/permit/air/openburning.html#variances.

However, IDEM generally recommends that you take vegetative wastes to a registered yard waste composting facility or that the waste be chipped or shredded with composting on site (you must register with IDEM if more than 2,000 pounds is to be composted; contact 317/232-0066). The finished compost can then be used as a mulch or soil amendment. You also may bury any vegetative wastes (such as leaves, twigs, branches, limbs, tree trunks and stumps) onsite, although burying large quantities of such material can lead to subsidence problems, later on.

2. Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. For example, wetting the area with water, constructing wind barriers, or treating dusty areas with chemical stabilizers (such as calcium chloride or several other commercial products). Dirt tracked onto paved roads from unpaved areas should be minimized. See: www.in.gov/idem/guides/permit/air/fugitivedust.html.

Additionally, if construction or demolition is conducted in a wooded area where blackbirds have roosted or abandoned buildings or building sections in which pigeons or bats have roosted for 3-5 years precautionary measures should be taken to avoid an outbreak of histoplasmosis. This disease is caused by the fungus *Histoplasma capsulatum*, which stems from bird or bat droppings that have accumulated in one area for 3-5 years. The spores from this fungus become airborne when the area is disturbed and can cause infections over an entire community downwind of the site. The area should be wetted down prior to cleanup or demolition of the project site. For more detailed information on histoplasmosis prevention and control, please contact the Acute Disease Control Division of the Indiana State Department of Health at (317) 233-7272.

3. Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. See 326 IAC 8-5-2, Asphalt Paving Rule (www.ri.org/legislative/iac/t03260/a00080.pdf)
4. With respect to asbestos removal: all facilities slated for renovation or demolition (except residential buildings that have (4) four or fewer dwelling units and which will not be used for commercial purposes) must be inspected by an Indiana-licensed asbestos inspector prior to the commencement of any renovation or demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, any subsequent demolition, renovation, or asbestos removal activities must be performed in accordance with the proper notification and emission control requirements.

If no asbestos is found where a renovation activity will occur, or if the renovation involves removal of less than 260 linear feet of RACM off of pipes, less than 160 square feet of RACM off of other facility components, or less than 35 cubic feet of RACM off of all facility components, the owner or operator of the project does not need to notify IDEM before beginning the renovation activity.

For questions on asbestos demolition and renovation activities, you can also call IDEM's Lead/Asbestos section at 1-888-574-8150.

However, in all cases where a demolition activity will occur (even if no asbestos is found), the owner or operator must still notify IDEM 10 working days prior to the demolition, using the form found at www.in.gov/icpr/webfile/formsdiv/44593.pdf.

Anyone submitting a renovation/demolition notification form will be billed a notification fee based upon the amount of friable asbestos containing material to be removed or demolished. Projects that involve the removal of more than 2,600 linear feet of friable asbestos containing materials on pipes, or 1,600 square feet or 400 cubic feet of friable asbestos containing material on other facility components, will be billed a fee of \$150 per project; projects below these amounts will be billed a fee of \$50 per project. All notification remitters will be billed on a quarterly basis.

For more information about IDEM policy regarding asbestos removal and disposal, visit: www.in.gov/idem/guides/permit/waste/asbestosremoval.html.

5. With respect to lead-based paint removal: IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. IDEM is particularly concerned that young children exposed to lead can suffer from learning disabilities. Although lead-based paint abatement efforts are not mandatory, any abatement that is conducted within housing built before January 1, 1978, or a child-occupied facility is required to comply with all lead-based paint work practice standards, licensing and notification requirements. For more information about lead-based paint removal visit: www.in.gov/idem/guides/permit/waste/leadabatement.html.
6. If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). A registration or permit may be

required under 326 IAC 2 (View at: www.ai.org/legislative/iac/t03260/a00020.pdf.) New sources that use or emit hazardous air pollutants may be subject to Section 112 of the Clean Air Act and corresponding state air regulations governing hazardous air pollutants.

7. For more information on air permits visit: www.in.gov/ideM/guides/permit/air/index.html, or to initiate the IDEM air permitting process, please contact the Office of Air Quality Permit Reviewer of the Day at (317) 233-0178 or OAMPROD@dem.state.in.us.

LAND QUALITY

In order to maintain compliance with all applicable laws regarding contamination and/or proper waste disposal, IDEM recommends that:

1. If the site is found to contain any areas used to dispose of solid or hazardous waste, you need to contact the Office of Land Quality (OLQ) at 317-308-3103.
2. If any contaminated soils are discovered during this project, they may be subject to disposal as either special or hazardous waste. Please contact the OLQ at 317-308-3103 to obtain information on proper disposal procedures.
3. If PCBs are subsequently found at this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding management of any PCB wastes from this site.
4. If there are any asbestos disposal issues related to this site, please contact the Industrial Waste Section of OLQ at 317-308-3103 for information regarding the management of asbestos wastes." (Asbestos removal is addressed above, under Air Quality.)

The IDEM Office of Land Quality reserves the right to provide additional comments, or to undertake other appropriate actions, if additional information becomes available that reveals potential waste disposal or contamination problems at the site.

FINAL REMARKS

Should you need to obtain any environmental permits in association with this proposed project, please be mindful that IC 13-15-8 requires that you notify all adjoining property owners and/or occupants within ten days your submittal of each permit application. However, if you are seeking multiple permits, you can still meet the notification requirement with a single notice if all required permit applications are submitted with the same ten day period. For additional information and forms: www.in.gov/ideM/guides/permit/landdevelopment/notification.html.

IDEM reserves the right for further review if the scope of the project, or any of its aspects, should change significantly from that which has been proposed, or we are made aware of factors which could have detrimental environmental effects.

Please note that this letter does not constitute a permit, license, endorsement or any other form of approval on the part of either the Indiana Department of Environmental Management or any other Indiana state agency.

The IDEM makes all information pertaining to environmental reviews available to the public. During regular business hours these files are accessible in the IDEM file room is located in Room N1201, Indiana Government Center North, 100 North Senate Avenue, Indianapolis.

Should you have any questions relating to our review or recommendations, please feel free to contact me at 317-233-4638 or at dparry@dem.state.in.us.

Sincerely,

A handwritten signature in black ink that reads "David Parry". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David Parry
Environmental Review Coordinator
Office of Planning and Assessment

Project No. 4725

FR-7035-01
DO

SERVICE DATE

SEP 20 1993

INTERSTATE COMMERCE COMMISSION

NOTICE OF EXEMPTION

[Finance Docket No. 32332]

HONEY CREEK RAILROAD, INC.
--ACQUISITION AND OPERATION EXEMPTION--
LINE OF CONSOLIDATED RAIL CORPORATION

Honey Creek Railroad, Inc. (Honey Creek), a non-carrier, has filed a notice of exemption to acquire and operate approximately 5.95 miles of rail line owned by Consolidated Rail Corporation in Henry County, IN. The line extends generally between milepost 104.1, which is located at the intersection of the line with the main line of the Norfolk & Western Railway Company, and milepost 110.05, which is located at the intersection of the line with County Road 600N, all of which is located in Prairie, Jefferson, and Sulphur Springs Townships. This exemption became effective on September 3, 1993.¹

Any comments must be filed with the Commission and served on: William B. Keaton, Esq., Keaton and Keaton, P.C., 126 West Second Street, Rushville, IN 46173-1874.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.

¹ The parties had expected to consummate the proposed transaction on or before September 4, 1993, but stated that they would not do so before the effective date of this notice.

— EXHIBIT C

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-865X

**HONEY CREEK RAILROAD, INC. - ABANDONMENT
BETWEEN SULFER SPRINGS AND NEW CASTLE, INDIANA
IN HENRY COUNTY, INDIANA**

HISTORICAL REPORT

Filed by:
Richard R. Wilson, Esq.
Attorney for Honey Creek Railroad, Inc.

Richard R. Wilson, P.C.
Richard R. Wilson, Esq.
127 Lexington Avenue
Altoona, PA 16601
(814) 944-5302

Dated: May 19, 2004

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Docket No. AB-865X

**HISTORICAL REPORT OF HONEY CREEK RAILROAD - ABANDONMENT
BETWEEN SULFER SPRINGS AND NEW CASTLE, INDIANA
IN HENRY COUNTY, INDIANA**

Pursuant to a Notice of Exemption to be filed under 49 C.F.R. Part 1152.50, Honey Creek Railroad, Inc. ("HCR") proposes to abandon service over approximately 5.9 miles of rail line between New Castle, Indiana and Sulfer Springs, Indiana. The sections of this Historical Report are numbered in the same sequence as the information requests set forth at 49 C.F.R. Part 1105.8. Also enclosed is correspondence from the Indiana State Historic Preservation Officer.

Contents Required by 49 U.S.C. §1105.8(d)

- (1) Map. A U.S.G.S. topographical map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

A scaled map of the subject line is appended hereto as Exhibit A.¹ There are no railroad structures along the line that are 50 years old or older.

- (2) Description of the Right-of-Way. A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area.

¹ Aerial photographs and topographical maps of the U.S. Geological Survey are available for this line at www.terraserver-usa.com.

The subject line is a single track line in Henry County, IN. The underlying right-of-way is approximately eighty feet in width and 5.9 miles in length. The line runs generally northwest from New Castle, IN to Sulpher Springs, IN through flat rural agriculture terrain.

- (3) Photographs of Structures. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediate surround area.

See response to subparagraph (1).

- (4) Date(s) of Construction. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.

This information is unknown.

- (5) History of Operations. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.

The subject line was built in the mid 1800's by a predecessor railroad of the Pennsylvania Railroad Company. In 1976, the line was made a part of Consolidate Rail Corporation under the Final System Plan. Conrail sold the line to HCR in 1993. See ICC Finance Docket 32332.

No traffic has originated or terminated on the line for at least two (2) years. There is no prospect of future rail traffic sufficient to support needed track repairs and maintenance.

- (6) Documents in Possession of Carrier. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.

HCR does not have any such documents in its possession, other than deeds and a valuation map for the line.

- (7) Historic Structures. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Preservation Office, local historical societies or

universities).

There are no historic structures or structures available for listing as historic structures on the subject line. To the best of HCR's knowledge, information and belief, the likelihood that there are archeological resources or any other previously unknown historic properties within the right of way is very slim. These opinions are based on in HCR's knowledge of the line, information obtained by HCR from Conrail, and the response of the Indiana State Historic Preservation Officer dated March 1, 2004.

- (8) Conditions Affecting Recovery of Resources. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surround terrain.

To the best of HCR's knowledge, information and belief, there are no known prior subsurface ground disturbances or fill, or environmental conditions (naturally occurring or man-made) that might affect archeological recovery of resources.

Respectfully submitted,

RICHARD R. WILSON, P.C.

By:


Richard R. Wilson, Esq.
Attorney for Railroad Ventures, Inc.

Richard R. Wilson, P.C.
Richard R. Wilson, Esq.
127 Lexington Avenue
Altoona, PA 16601
(814) 944-5302

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 19th day of May, 2004 he did a
serve a true and correct copy of the foregoing Environmental Report upon the following
by first class mail, postage prepaid at the addresses set forth below:

Henry County Highway Department
202 W. County Rd. 50 N
New Castle, IN 47362

Henry County Bldg. Dept.
Planning Office
210 S 12 Street
New Castle, IN 47362

National Park Service – Midwest Region
Regional Director
1709 Jackson Street
Omaha, NE 68102

Henry County Commissioners
101 S. Main Street
New Castle, IN 47362

Mayor Sherman Boles
City of New Castle
New Castle, IN

Indiana Dept. of Natural Resources
402 West Washington Street
Indianapolis, IN 46204

The Honorable Katherine L. Davis
Lt. Governor and Commissioner of Agriculture
Office of the Commissioner of Agriculture
ISTA Center, Suite 414
150 W. Market Street
Indianapolis, IN 46204-2810

Indiana Dept. of Environmental Mgt.
P.O. Box 6015
Indianapolis, IN 46206-6015

Mr. Thomas Iurino
National Park Service Recreation Resource
Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

Supervisor, U.S. Dept. of Interior
Fish & Wild Life Service – Region 3
1 Federal Drive
BHW Federal Bldg.
Ft. Snelling, MN 55111

U. S. Army Engineer Dist., Louisville
P.O. Box 59
600 Martin Luther King Place
Louisville, KY 40201-0059

Railroad Section Manager
Indiana Dept. of Transportation
100 N. Senate Avenue
IGC-N Room N901
Indianapolis, IN 46204-2219

Henry County Planning Office
100 S. Main Street
New Castle, IN 47362

Ms. Jane Hardisty
State Conservationist
National Resource Conservation Service
Indiana State Office
6013 Lakeside Blvd.
Indianapolis, IN 46278-2933

Indiana Historical Bureau
140 N. Senate Avenue
Indianapolis, IN 46204-2296

United States Environmental Protection Agency
Region 577
West Jackson Blvd.
Chicago, IL 60604-3590

Railroad Section Manager
Indiana Dept. of Transportation
100 N. Senate Avenue
IGC-N Room N901
Indianapolis, IN 46204-2219

Henry County Planning Office
100 S. Main Street
New Castle, IN 47362


Richard R. Wilson, Esq.

Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape
USGS 67 km E of Indianapolis, Indiana, United States 05 Apr 1998

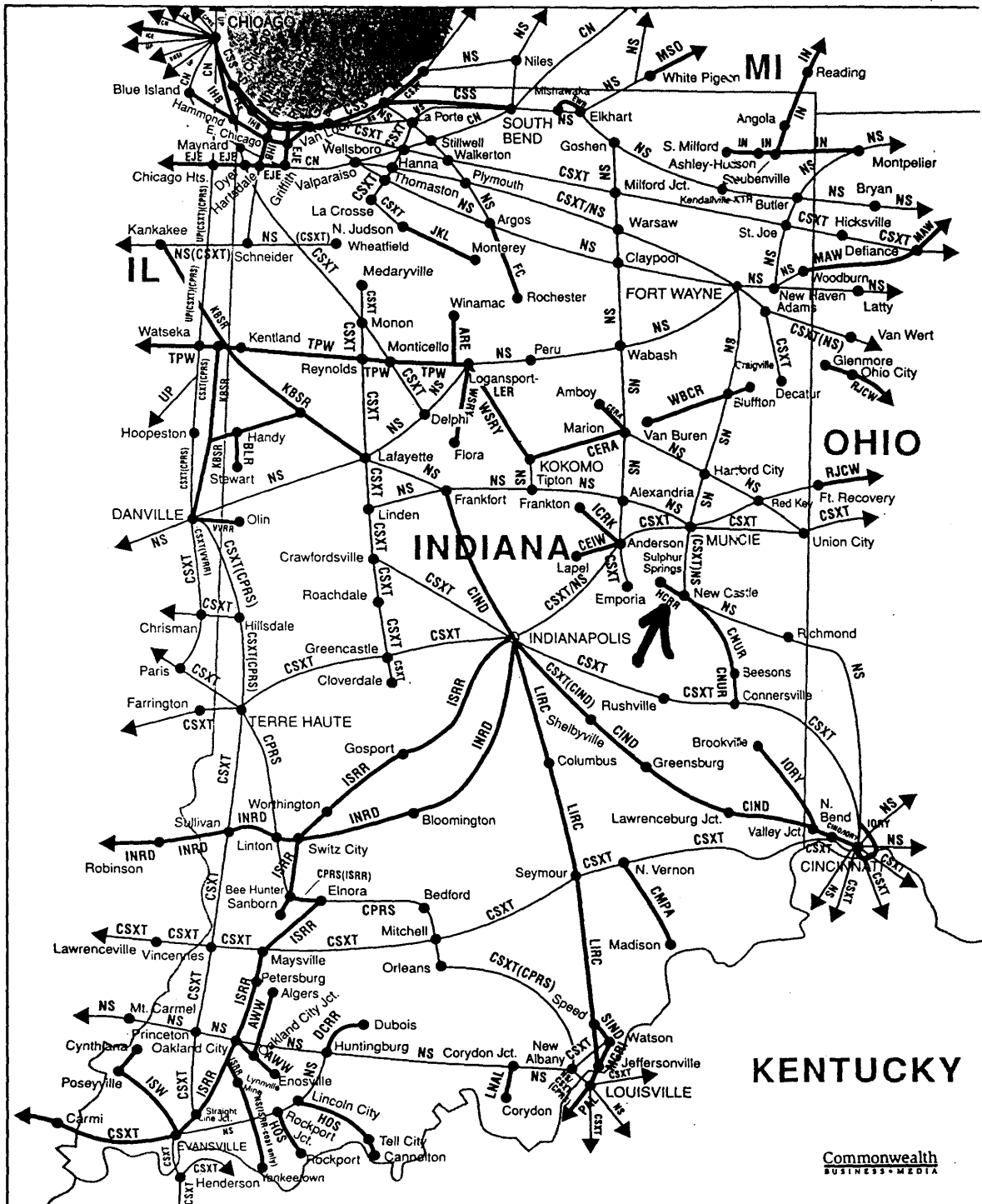


Image courtesy of the U.S. Geological Survey
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EXHIBIT A

REGION 14

IN



Send To Printer Back To TerraServer Change to 11x17 Print Size Show Grid Lines Change to Landscape

USGS 67 km E of Indianapolis, Indiana, United States 01 Jul 1984

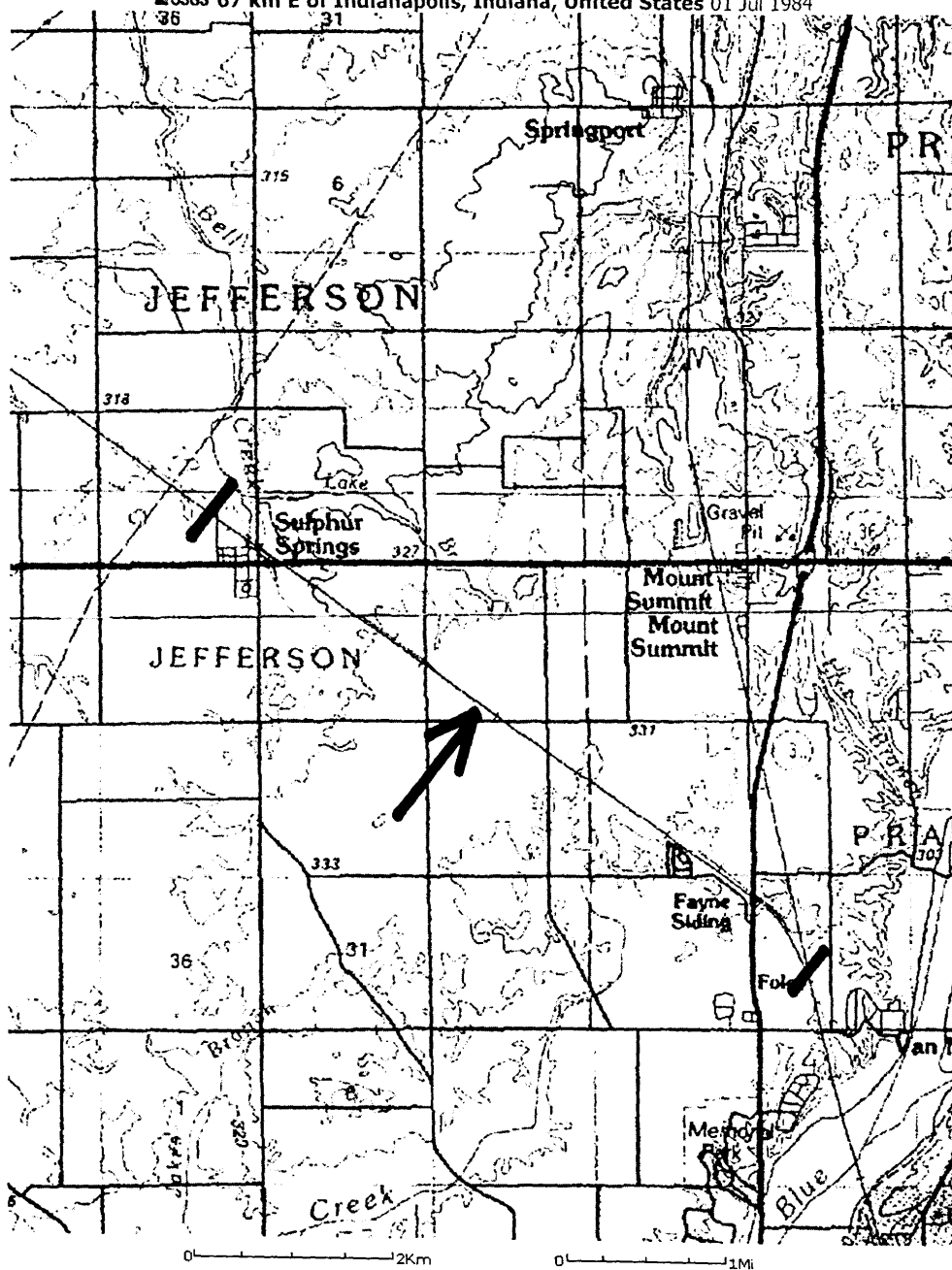


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DNR

Indiana Department of Natural Resources

Division of Historic Preservation & Archaeology • 402 W. Washington Street, W274 • Indianapolis, IN 46204-2739
Phone 317-232-1646 • Fax 317-232-0693 • dhpa@dnr.state.in.us

Joseph E. Kernan, Governor
John R. Goss, Director



March 1, 2004

Richard R. Wilson
127 Lexington Avenue, Suite 100
Altoona, Pennsylvania 16601

Federal Agency: Surface Transportation Board ("STB")

Re: Honey Creek Railroad, Inc.'s abandonment of 5.9 miles of line between Sulfur Springs and New Castle
(Docket #AB-865 [Sub. No. 1X])

Dear Mr. Wilson:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the staff of the Indiana State Historic Preservation Officer ("Indiana SHPO") has conducted an analysis of the materials dated February 3, 2004, and received on February 10, 2004, for the above indicated project in Jefferson and Prairie townships, Henry County, Indiana.

Based upon the documentation available to the staff of the Indiana SHPO, we have not identified any historic buildings, structures, districts, objects, or archaeological resources listed in or eligible for inclusion in the National Register of Historic Places within the probable area of potential effects.

At this time, it would be appropriate for the STB to analyze the information that has been gathered from the Indiana SHPO, the general public, and any other consulting parties and make the necessary determinations and findings. Refer to the following comments for guidance:

- 1) If the STB believes that a determination of "no historic properties affected" accurately reflects its assessment, then it shall provide documentation of its finding as set forth in 36 C.F.R. § 800.11 to the Indiana SHPO, notify all consulting parties, and make the documentation available for public inspection (36 C.F.R. §§ 800.4[d][1] and 800.2[d][2]).
- 2) If, on the other hand, the STB finds that an historic property may be affected, then it shall notify the Indiana SHPO, the public and all consulting parties of its finding and seek views on effects in accordance with 36 C.F.R. §§ 800.4 (d)(2) and 800.2(d)(2). Thereafter, the STB may proceed to apply the criteria of adverse effect and determine whether the project will result in a "no adverse effect" or an "adverse effect" in accordance with 36 C.F.R. § 800.5.

We look forward to receiving notice of the STB's findings. *A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference.* If you have questions about our comments, please call our office at (317) 232-1646. Questions about archaeological issues should be directed to Bill Mangold. Questions about historic buildings or structures pertaining to this project should be directed to Shana Kelso.

Very truly yours,

Shana Kelso

for: Jon C. Smith
Deputy State Historic Preservation Officer

JCS:WLM:SNK:snk

cc: Elaine K. Kaiser, Surface Transportation Board

EXHIBIT B

An Equal Opportunity Employer
Printed on Recycled Paper

CERTIFICATE OF SERVICE

Richard R. Wilson hereby certifies that on this 28th day of July, 2004 he did
serve a true and correct copy of the foregoing Notice of Exemption upon the following
by first class mail, postage prepaid at the addresses set forth below:

Henry County Highway Department
202 W. County Rd. 50 N
New Castle, IN 47362

Henry County Bldg. Dept.
Planning Office
210 S 12 Street
New Castle, IN 47362

National Park Service – Midwest Region
Regional Director
1709 Jackson Street
Omaha, NE 68102

Henry County Commissioners
101 S. Main Street
New Castle, IN 47362

Mayor Sherman Boles
City of New Castle
New Castle, IN

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402 West Washington Street
Indianapolis, IN 46204

The Honorable Katherine L. Davis
Lt. Governor and Commissioner of Agriculture
Office of the Commissioner of Agriculture
ISTA Center, Suite 414
150 W. Market Street
Indianapolis, IN 46204-2810

Indiana Dept. of Environmental Mgt.
P.O. Box 6015
Indianapolis, IN 46206-6015

Mr. Thomas Iurino
National Park Service Recreation Resource
Assistance Division
P.O. Box 37127
Washington, DC 20013-7127

Supervisor, U.S. Dept. of Interior
Fish & Wild Life Service – Region 3
1 Federal Drive
BHW Federal Bldg.
Ft. Snelling, MN 55111

U. S. Army Engineer Dist., Louisville
P.O. Box 59
600 Martin Luther King Place
Louisville, KY 40201-0059

Railroad Section Manager
Indiana Dept. of Transportation
100 N. Senate Avenue
IGC-N Room N901
Indianapolis, IN 46204-2219

Henry County Planning Office
100 S. Main Street
New Castle, IN 47362
Service

Ms. Jane Hardisty
State Conservationist
National Resource Conservation

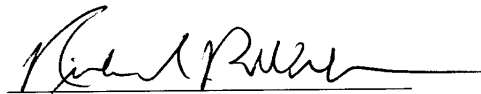
Indiana Historical Bureau
140 N. Senate Avenue
Indianapolis, IN 46204-2296

United States Environmental Protection Agency
Region 577
West Jackson Blvd.
Chicago, IL 60604-3590

Henry County Planning Office
100 S. Main Street
New Castle, IN 47362

Indiana State Office
6013 Lakeside Blvd.
Indianapolis, IN 46278-2933

Railroad Section Manager
Indiana Dept. of Transportation
100 N. Senate Avenue
IGC-N Room N901
Indianapolis, IN 46204-2219

A handwritten signature in dark ink, appearing to read "Richard R. Wilson", with a long horizontal flourish extending to the right.

Richard R. Wilson, Esq.