



216876

Steven C. Armbrust
Counsel
(Admitted in the State of New York only)

Law Department
500 Water Street
Speed Code J-150
Jacksonville, FL 32202
Fax (904) 245-3357
Telephone (904) 359-1229
Email: steven_armbrust@CSX.com

June 28, 2006

Via Overnight Express Mail (Return Receipt Requested)

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Room 700
Washington, D. C. 20006



RE: Docket No. AB-55 (Sub-No. 671X), *CSX Transportation, Inc.—
Abandonment Exemption—in Logan County, West Virginia*

Dear Secretary Williams:

Enclosed are the original and 10 copies of a Verified Notice of Exemption (the "Notice") for abandonment in the above-entitled proceeding, and a check for the filing fee of \$3,100.

CSX Transportation, Inc. respectfully requests that to the extent the Board receives this filing before June 30, 2006, the filing date be postponed until June 30, 2006.

Please time and date stamp the additional copy of this letter and return it to me in the self-addressed, stamped envelope. Thank you for your assistance.

If you have any questions please call or email me.

ENTERED
Office of Proceedings

JUN 29 2006

Part of
Public Record

Enclosures

FEE RECEIVED

JUN 29 2006

SURFACE
TRANSPORTATION BOARD

Sincerely yours,

Steven C. Armbrust

FILED

JUN 29 2006

SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 671X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN LOGAN COUNTY, WEST VIRGINIA

VERIFIED NOTICE OF EXEMPTION



FEE RECEIVED

JUN 29 2006

**SURFACE
TRANSPORTATION BOARD**

ENTERED
Office of Proceedings

JUN 29 2006

Part of
Public Record

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202
(904) 359-1229

Counsel for: CSX TRANSPORTATION, INC.

Dated: June 30, 2006

FILED

JUN 29 2006

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 671X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN LOGAN COUNTY, WV

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon a 1.4-mile rail line on its Southern Region, Huntington Division – East, Logan and Southern Subdivision, from Stirrat (Railroad Milepost CME 10.0) to the end of track at Sarah Ann (Railroad Milepost CME 11.4), in Logan County, West Virginia (the “Line”). No local or overhead rail traffic has moved over the Line during the past two years.

1. Proposed consummation date. The proposed consummation date is August 23, 2006.
2. Certification required by 49 C.F.R. § 1152.50(b). See Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).
 - (a) *General.*

(1) Exact name of applicant. CSX Transportation, Inc.

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon a 1.4-mile rail line on its Southern Region, Huntington Division – East, Logan and Southern Subdivision, from Stirrat (Railroad Milepost CME 10.0) to the end of track at Sarah Ann (Railroad Milepost CME 11.4), in Logan County, West Virginia. There are no stations on the Line.

- (4) Maps. See Exhibit B.

- (7) Name, title, and address of representative of applicant to whom correspondence should be sent. Steven C. Armbrust, CSX Transportation, Inc., 500 Water St., J-150, Jacksonville, Florida, 32202 (fax: 904-245-3357).

- (8) List of all United States Postal Service ZIP Codes that the line proposed for abandonment traverses. The Line traverses ZIP Code 25644.

(e) Rural and community impact. Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If

the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

CSXT believes that the properties proposed for abandonment may be suitable for other purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

4. The level of labor protection. The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. -- Abandonment -- Goshen, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report, etc. See Exhibit D. Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

7. Historic Report. See Exhibit E.

8. Letter of Support. Stirrat Coal Company, a former customer of CSXT who has not received any freight shipments in over two years, has provided CSXT with a letter of non-opposition to this abandonment, attached as Exhibit F.

Respectfully submitted,



Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, Florida 32202
(904) 359-1229

Counsel for: CSX TRANSPORTATION, INC.

Dated: June 30, 2006

EXHIBIT A

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

[See attached]

STATE OF FLORIDA)
) SS.
COUNTY OF DUVAL)

I hereby certify that no local traffic has moved over CSXT's 1.4-mile rail line on its Southern Region, Huntington Division West, Logan and Southern Subdivision, between Railroad Milepost CME 10.0 and end of track at Railroad Milepost CME 11.4, Logan County, West Virginia, for at least two years prior to the date hereof, and that any overhead traffic on the line can be rerouted over other lines. Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of CSXT by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Ellen M. Preslar
Ellen M. Preslar

SUBSCRIBED AND SWORN TO before me this 16th day of June, 2006.

My Commission Expires: _____

6th day of June, 2006.
Suzanne K. Lucas
 Notary Public

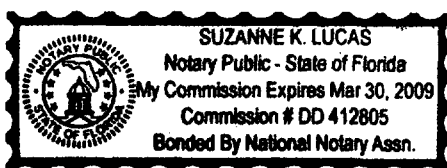
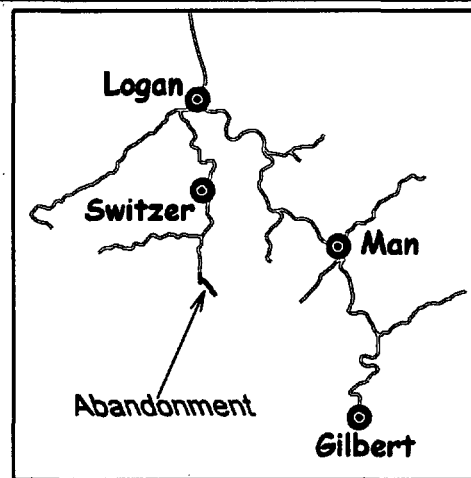
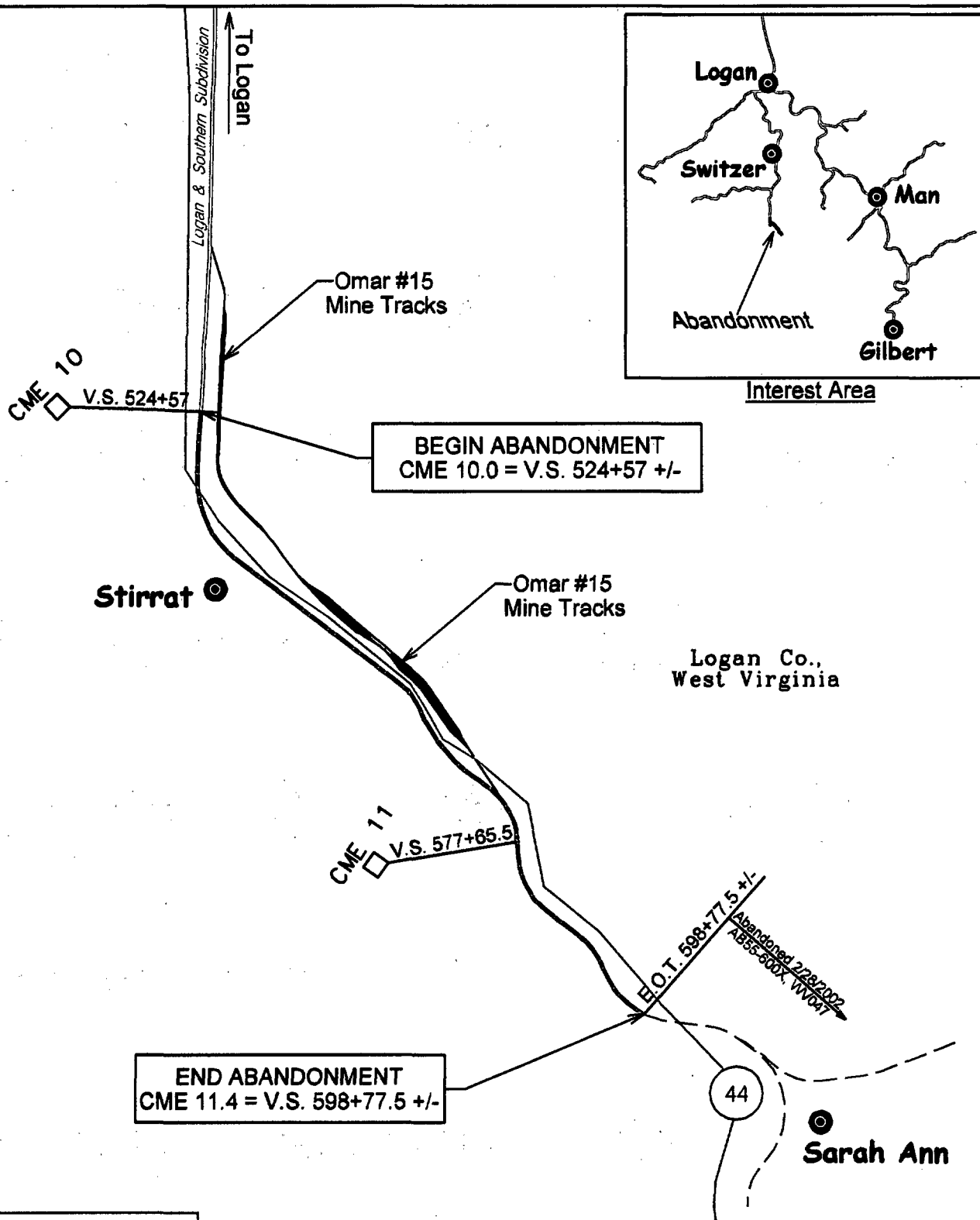


EXHIBIT B

MAPS



LEGEND

CSXT Operating Corridor
Proposed Abandonment
Total Distance - 1.4 Miles +/-

SOUTHERN REGION
HUNTINGTON - EAST DIVISION
LOGAN & SOUTHERN SUBDIVISION
CME 10.0 - CME 11.4 (E.O.T.)
STB Docket No. AB55
(Sub. No. 671X)

CSX TRANSPORTATION

Proposed Abandonment of a Portion of the LOGAN & SOUTHERN Subdivision

Stirratt to near Sarah Ann, Logan County, WV
CME 10.0 - CME 11.4

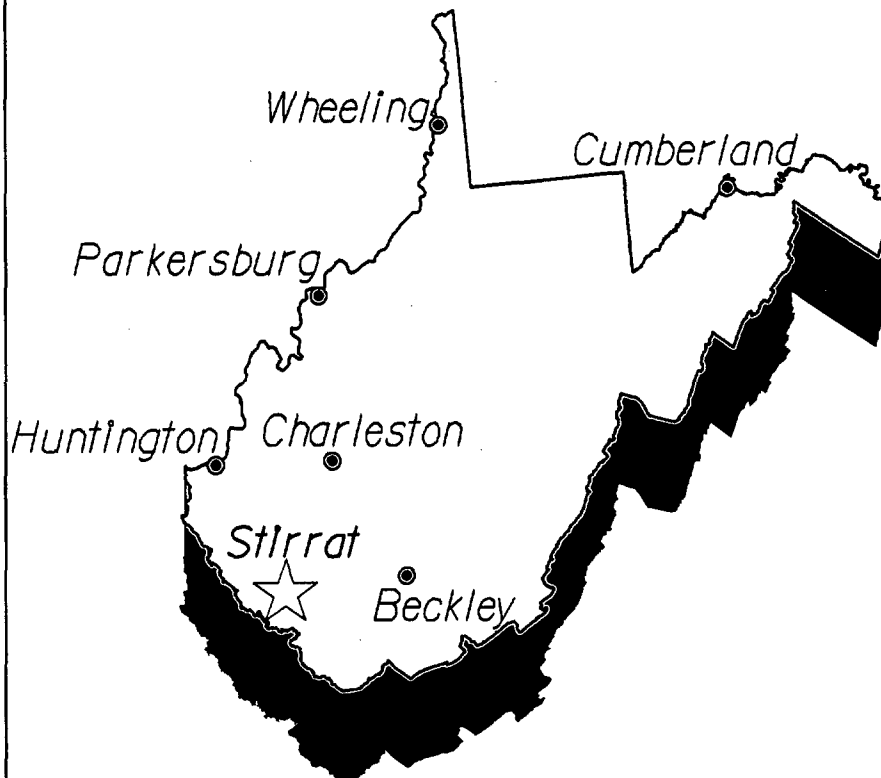


SCALE: 1" = 1/4 Mile

Revised: May 9, 2008
Drawn By: L. Fenwick

10

Stirrat, West Virginia



AREA MAP

Proposed Abandonment of 1.4 Miles +/-
STB Docket No. AB 55 - Sub. No. 671X
Milepost CME 10.0 - CME 11.4 (E.O.T.)
Logan County, West Virginia

EXHIBIT C

CERTIFICATES OF SERVICE AND PUBLICATION

[See attached]

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 671X) was mailed via first class mail on June 14, 2006, to the following parties:

State Public Service Commission

Jon W. McKinney, Chairman
West Virginia Public Service Commission
201 Brooks Street
Charleston, West Virginia 25301

Military Surface Deployment and Distribution Command Transportation Engineering Agency

SDDCTEA
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd.
Suite 130
Newport News, Virginia 23606-2574

National Park Service

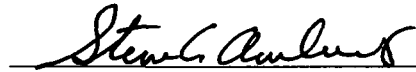
Mr. D. Thomas Ross
Assistant Director
U.S. Department of Interior
National Park Service (Org code 2220)
Recreation and Conservation
1849 C Street, N.W.
Washington, D.C. 20240-0001

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1201 Eye St., N.W.
Washington, DC 20005

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Auditors' Building
14th Street and Independence Avenue, S.W.
Washington, D.C. 20250

A handwritten signature in black ink, appearing to read "Steven C. Armbrust", is written over a horizontal line.

Steven C. Armbrust

June 27, 2006

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 671X) was advertised on June 28, 2006 in The Logan Banner, a newspaper of general circulation in Logan County, West Virginia, as required by 49 C.F.R. § 1105.12.

A handwritten signature in black ink, reading "Steven C. Armbrust", written over a horizontal line.

Steven C. Armbrust

June 28, 2006

EXHIBIT D
ENVIRONMENTAL REPORT

[See attached]

ENVIRONMENTAL REPORT

CSX TRANSPORTATION, INC.

DOCKET AB-55 (SUB-NO. 671X)

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) PROPOSED ACTION AND ALTERNATIVES

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

CSX Transportation (CSXT) proposes to abandon 1.4 miles of rail line between Railroad Milepost CME 10.0 near Stirrat to the end of track at Railroad Milepost CME 11.4 near Sarah Ann in Logan County, West Virginia. This line was previously used to ship coal, however, the line has not had any originating or terminating traffic in over two years. Abandonment of this portion of the line will have no negative impact on current or future coal operations.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2)

(2) TRANSPORTATION SYSTEM

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

There is no CSXT passenger or freight traffic on this line. There will be no effect on existing regional or local transportation systems or patterns.

(3) LAND USE

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

Applicant has not received a response to its May 11, 2006 inquiry to the Logan County Planning Department, Barrackville Planning Department or the City of Fairmont Planning Department seeking information regarding this statement. (See Attachment 3)

Based on the fact that the line has not generated any traffic in over two years and will have no negative impact on current or future rail coal operations, Applicant believes the proposed action is not inconsistent with local land use plans.

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

Applicant received a response dated May 18, 2006 from the U.S. Department of Agriculture, Natural Resources Conservation Service for Logan County, West Virginia, stating *"The above referenced project does not impact Prime and Unique Farmland, Statewide Important Farmland, or Locally Important Farmland."* (See Attachment 4)

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

The State of West Virginia does not have a coastal zone management program.

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

The properties to be abandoned may be suitable for other public purposes, but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

(4) ENERGY

- (i) Describe the effect of the proposed action on transportation of energy resources.

Since this line has not been used in over two years for the transportation of coal, Applicant does not anticipate any adverse impact on the future transportation of energy resources.

- (ii) Describe the effect of the proposed action on recyclable commodities.

The proposed action will have no effect on the movement and/or recovery of recyclable commodities.

- (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed action will not result in an increase or decrease in overall energy efficiency.

- (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversion of rail traffic to motor carriage.

(5) AIR

- (i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The above thresholds will not be exceeded.

- (ii) If the proposed action affects a class I or non-attainment area under the Clean Air Act; and will it result in either: (A) an increase in rail

traffic of a least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or (B) an increase in rail yard activity of a least 20% (measured by carload activity), or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

The above thresholds will not be exceeded.

- (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service; safety practices (including any speed restriction); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Not applicable.

(6) NOISE

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more, or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

The above thresholds will not be exceeded.

(7) SAFETY

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

Applicant believes that the abandonment will result in an improvement to public safety by the elimination of two road crossings.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more

hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

Not applicable.

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

Applicant's records do not indicate any hazardous waste sites or sites where there have been hazardous material spills on this line segment.

(8) BIOLOGICAL RESOURCES

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

Applicant has not received a response to its inquiry of May 11, 2006, to the U. S. Department of the Interior, Fish and Wildlife Service, Elkins, West Virginia, seeking information regarding this statement. (See Attachment 5)

Based upon Applicant's intention to remove only the track material and the upper layer of ballast, we do not believe that any federally endangered or threatened species will be negatively affected or critical habitats modified if the line is abandoned.

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

Based upon Applicant's review of the area, the line is not within any wildlife sanctuaries or refuges, National or State parks or forests.

(9) WATER

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

Applicant received an email response dated June 5, 2006 from Mr. Randolph Ramsey of the Office of Water Resources, WV Division of Environmental Protection, Charleston, West Virginia, stating "A Construction Storm Water Permit Registration is not required for this activity..." (See Attachment 6)

Applicant does not contemplate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies.

- (ii) Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.**

Applicant has not received a response to its inquiry of May 11, 2006, to the U.S. Army Corps of Engineers in Huntington, West Virginia seeking information regarding this statement. (See Attachment 7)

Applicant is not aware of any designated wetlands or 100-year flood plains within the proposed project.

Upon receiving abandonment authority, removal of material will be accomplished by use of the right of way for access, along with existing public and private crossings, and no new access roads are contemplated. We do not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail line and will not be discarded along the right of way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be

implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, Applicant does not believe a permit under Section 404 of the Clean Water Act will be required.

- (iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U. S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

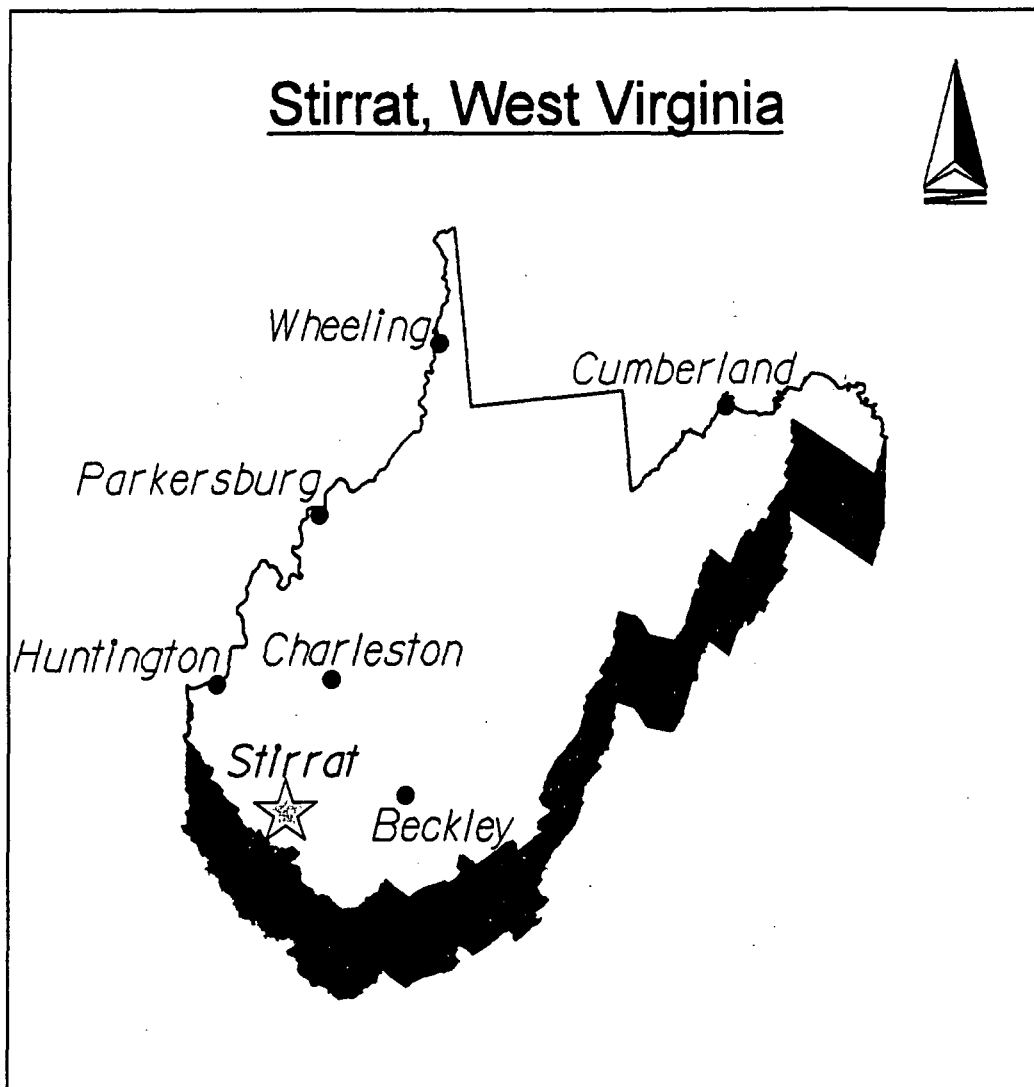
Applicant has not received a response to its May 11, 2006, letter to the U. S. Environmental Protection Agency, Region 3, Philadelphia, PA, and the West Virginia Department of the Environmental Protection Agency, Charleston, West Virginia, seeking information regarding this statement. (See Attachments 6 and 8)

Based upon the course of action described in Section 9 (ii), Applicant does not believe a permit under Section 402 of the Clean Water Act will be required.

10. MITIGATION

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Applicant does not anticipate any adverse environmental impacts in the project area as a result of this abandonment, however, if mitigation is necessary, Applicant will comply with State and Federal regulations and obtain any necessary permits required.

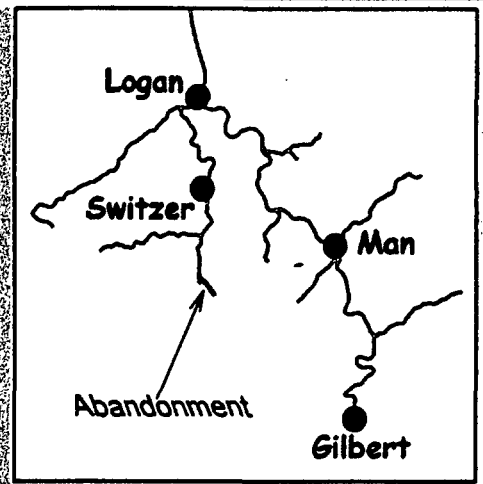


AREA MAP

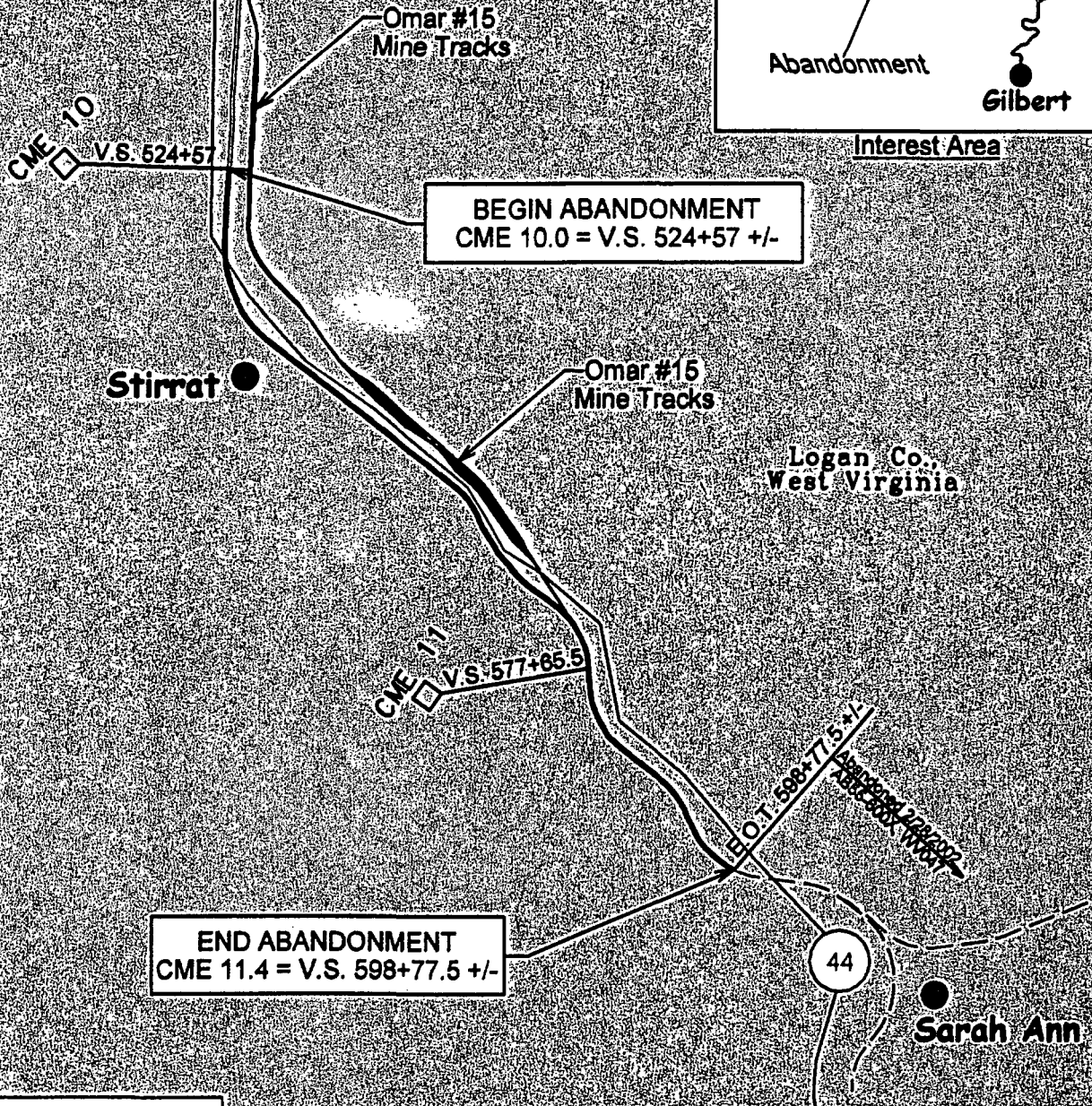
Proposed Abandonment of 1.4 Miles +/-
STB Docket No. AB 55 - Sub. No. 671X
Milepost CME 10.0 - CME 11.4 (E.O.T.)
Logan County, West Virginia

SOUTHERN REGION - HUNTINGTON DIVISION EAST - LOGAN & SOUTHERN SUBDIVISION

Attachment 2



Interest Area



LEGEND

CSXT Operating Corridor
 Proposed Abandonment
 Total Distance - 1.4 Miles +/-

SOUTHERN REGION
 HUNTINGTON - EAST DIVISION
 LOGAN & SOUTHERN SUBDIVISION
 CME 10.0 - CME 11.4 (E.O.T.)
 STB Docket No. AB55
 (Sub. No. 671X)

CSX TRANSPORTATION

Proposed Abandonment of a Portion of the LOGAN & SOUTHERN Subdivision

Stirrat to near Sarah Ann, Logan County, WV
 CME 10.0 - CME 11.4



SCALE: 1" = 1/4 Mile

Revised: May 9, 2006
 Drawn By: L. Fenwick

Attachment 3



Dave Geraci
Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

May 11, 2006

Logan County Planning Department
300 Stratton Street
County Courthouse
Logan, WV 25601-3924

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Stirrat (Railroad Milepost CME 10.0) to the end of track near Sarah Ann (Railroad Milepost CME 11.4), Logan County, West Virginia as depicted on the attached map. The proposed abandonment will have no impact on current or future mine operations at Stirrat.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(3)(i) require that we develop a response to the following statement:

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

I would appreciate your advice as to the existence of a long-range comprehensive planning map for Logan County and the line's relationship to such planning.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Geraci", with a long horizontal line extending to the right.

Attachment

United States Department of Agriculture



NRCS

Natural
Resources
Conservation
Service

465 Ragland Road
Beckley, WV 25801

Attachment 4

Dave Geraci
CSX Transportation
500 Water Street - J200
Jacksonville, Florida 32202

RE: Rail Line Abandonment near Sarah Ann, Logan County, WV

May 18, 2006

Mr. Geraci:

The above referenced project does not impact Prime and Unique Farmland, Statewide Important Farmland, or Locally Important Farmland. The completed AD-1006 is attached. If you have any further questions, please contact me anytime.

Sincerely,

Robert N. Pate

Robert N. Pate
Resource Soil Scientist
Robert.Pate@wv.usda.gov
(304) 255-9225 x129

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FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request <u>5/11/06</u>			
Name of Project <u>Rail Line Abandonment</u>		Federal Agency Involved <u>—</u>			
Proposed Land Use		County and State <u>Logan Co., WV</u>			
PART II (To be completed by NRCS)		Date Request Received By NRCS <u>5/13/06</u>		Person Completing Form: <u>Rob Pate</u>	
Does the site contain Prime, Unique, Statewide or Local Important Farmland? (If no, the FPPA does not apply - do not complete additional parts of this form)		YES ☐	NO ☒	Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount of Farmland As Defined in FPPA Acres: %			
Name of Land Evaluation System Used	Name of State or Local Site Assessment System	Date Land Evaluation Returned by NRCS <u>5/18/06</u>			
PART III (To be completed by Federal Agency)		Alternative Site Rating			
		Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly		<u>0</u>			
B. Total Acres To Be Converted Indirectly		<u>0</u>			
C. Total Acres In Site		<u>0</u>			
PART IV (To be completed by NRCS) Land Evaluation Information					
A. Total Acres Prime And Unique Farmland					
B. Total Acres Statewide Important or Local Important Farmland					
C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted					
D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value					
PART V (To be completed by NRCS) Land Evaluation Criterion Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)					
PART VI (To be completed by Federal Agency) Site Assessment Criteria (Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)		Maximum Points	Site A	Site B	Site C
1. Area In Non-urban Use		(15)			
2. Perimeter In Non-urban Use		(10)			
3. Percent Of Site Being Farmed		(20)			
4. Protection Provided By State and Local Government		(20)			
5. Distance From Urban Built-up Area		(15)			
6. Distance To Urban Support Services		(15)			
7. Size Of Present Farm Unit Compared To Average		(10)			
8. Creation Of Non-farmable Farmland		(10)			
9. Availability Of Farm Support Services		(5)			
10. On-Farm Investments		(20)			
11. Effects Of Conversion On Farm Support Services		(10)			
12. Compatibility With Existing Agricultural Use		(10)			
TOTAL SITE ASSESSMENT POINTS		160			
PART VII (To be completed by Federal Agency)					
Relative Value Of Farmland (From Part V)		100			
Total Site Assessment (From Part VI above or local site assessment)		160			
TOTAL POINTS (Total of above 2 lines)		260			
Site Selected:		Date Of Selection		Was A Local Site Assessment Used? YES ☐ NO ☐	
Reason For Selection:					
Name of Federal agency representative completing this form: _____ Date: _____					

(See Instructions on reverse side)

Form AD-1006 (03-02)

STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

- Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006.
- Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)
- Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, statewide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days. In the event NRCS fails to complete a response within the required period, the agency may proceed as though the site were not farmland.)
- Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.
- Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.
- Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form.
- Step 7 - The Federal agency involved in the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA and the agency's internal policies.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

Part I: When completing the "County And State" questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

Part III: When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities) that will cause a direct conversion.

Part VI: Do not complete Part VI if a State or Local site assessment is used.

Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, powerline and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points..

Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, FPPA suggests the agency consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites).

In rating alternative sites, Federal agencies shall consider each of the criteria and assign points within the limits established in the FPPA rule. Sites most suitable for protection under these criteria will receive the highest total scores, and sites least suitable, the lowest scores.

Part VII: In computing the "Total Site Assessment Points" where a State or local site assessment is used and the total maximum number of points is other than 160, adjust the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

$\frac{\text{Total points assigned Site A}}{\text{Maximum points possible}} = \frac{180}{200} \times 160 = 144 \text{ points for Site A}$

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.



Dave Geraci
Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 359-1086
FAX: (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

May 11, 2006

U. S. Department of the Interior
Fish & Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Stirrat (Railroad Milepost CME 10.0) to the end of track near Sarah Ann (Railroad Milepost CME 11.4), Logan County, West Virginia as depicted on the attached map. The proposed abandonment will have no impact on current or future mine operations at Stirrat.

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

- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not adversely impact any endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks or forests.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

We would appreciate your comments; and, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Geraci", written over a horizontal line.

Attachment

Attachment 6

Geraci, Dave

From: Randolph Ramsey [RRAMSEY@wvdep.org]
Sent: Monday, June 05, 2006 1:40 PM
To: Geraci, Dave
Subject: Abandonment of rail line Permitting.

Dave,

I am in receipt of your letter dated May 11, 2006 in regard to whether a Construction Storm Water Permit Registration for the activity you have proposed in this letter. A Construction Storm Water Permit Registration is **not** required for this activity under 47CSR10 of the Code of State Regulations. The language reads like this:

2.8 "Construction Activity" means clearing grading and excavation that result in a land disturbance of equal to or greater than one acre in size. Construction activity also includes disturbance of less than one acre total land area that is part of a large common plan of development or sale if the common plan will ultimately disturb equal to or greater than one acre. **Construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.**

Please contact me if you have any further questions.

Thank you, Randolph.

(304) 926-0499, ext. 1092



TRANSPORTATION
Dave Geraci

Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 369-1088
FAX: (904) 369-1111
E-Mail: Dave_Geraci@CSX.com

May 11, 2006

District Engineer
Attention: ORHOP-F
U.S. Army Corps of Engineers
502 8th Street
Huntington, WV 25701-2070

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Stirrat (Railroad Milepost CME 10.0) to the end of track near Sarah Ann (Railroad Milepost CME 11.4), Logan County, West Virginia as depicted on the attached map. The proposed abandonment will have no impact on current or future mine operations at Stirrat.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7(9)(ii) require that we develop a response to the following statement:

"Based on consultation with the U. S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plains will be affected. Describe the effects."

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not adversely impact any wetlands or 100-year flood plains, and that no permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) will be required.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

We would appreciate your comments; and, if you have any questions, please feel free to call me.

Sincerely,

A handwritten signature, likely of Dave Geraci, consisting of a stylized 'D' followed by a horizontal line.

Attachment



Dave Geraci
Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Phone: (904) 369-1086
FAX: (904) 369-1111
E-Mail: Dave_Geraci@CSX.com

May 11, 2006

United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Stirrat (Railroad Milepost CME 10.0) to the end of track near Sarah Ann (Railroad Milepost CME 11.4), Logan County, West Virginia as depicted on the attached map. The proposed abandonment will have no impact on current or future mine operations at Stirrat.

This action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (9) (i) and (iii) require that we develop a response to the following statements:

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

(iii) "State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."

Since there will be no new construction or removal of rail material, and the underlying roadbed will not be disturbed, it is CSXT's position that the proposed project will not negatively impact any Federal, State or local water quality standards and that no permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) are required.

Enclosed, please find a distribution list of all parties that have been copied of the proposed action.

We would appreciate receiving your letter of concurrence; and, if you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Geraci", written over a horizontal line.

Attachment

**ENVIRONMENTAL REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. AB-55 (Sub-No. 671X) was mailed via first class mail on June 5, 2006 to the following parties:

Logan County Planning Department
300 Stratton Street
County Courthouse
Logan, WV 25601-3924

United States Environmental Protection Agency
Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

WV Dept of Environmental Protection
Division of Water & Waste Management
601 57th Street, SE
Charleston, WV 25304-2345

U. S. Department of the Interior
Fish & Wildlife Service
West Virginia Field Office
694 Beverly Pike
Elkins, WV 26241

District Engineer
Attention: ORHOP-F
U.S. Army Corps of Engineers
502 8th Street
Huntington, WV 25701-2070

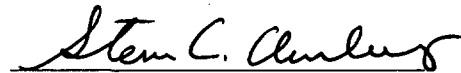
USDA - NRCS
465 Ragland Road
Beckley, WV 25801
Mr. Fred Cutlip, Director
Community Development Division
Governor's Office of Community
and Industrial Development
Building #6, Room 553
Charleston, WV 25305

Mr. Bill Hartman
Executive Director
West Virginia Railroad Maintenance Authority
Division of Railroad Maintenance Authority
120 Water Plant Drive
Moorefield, WV 26836

Mr. Charles Hill
West Virginia State Rail Authority
120 Water Plant Drive
Moorfield, WV 26836

Northeast Region
Regional Director
National Park Service
U. S. Custom House
200 Chestnut Street, Fifth Floor
Philadelphia, PA 19106

National Geodetic Service (NOAA) at 'NGS.InfoCenter@noaa.gov' (via email)

A handwritten signature in cursive script, reading "Steven C. Armbrust".

Steven C. Armbrust

June 28, 2006

EXHIBIT E

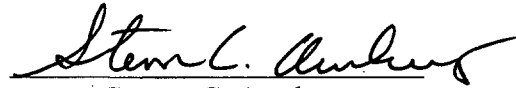
HISTORIC REPORT

[See attached]

**HISTORIC REPORT
CERTIFICATE OF SERVICE**

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Historic Report in Docket No. AB-55 (Sub-No. 671X) was mailed via first class mail on May 16, 2006, to the following person:

Ms. Susan M. Pierce
Deputy State Historical Preservation Officer
for Resource Protection
Department of Culture & History
The Cultural Center
Capitol Complex
Charleston, West Virginia



Steven C. Armbrust

June 27, 2006



Dave Geraci
Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
Tel. (904) 359-1086
Fax (904) 359-1111
E-Mail: Dave_Geraci@CSX.com

May 16, 2006

Ms. Susan M. Pierce
Deputy State Historic Preservation Officer
for Resource Protection
Department of Culture & History
The Cultural Center
Capitol Complex
Charleston, WV 25305

RE: CSX Transportation, Inc.
Proposed Line Abandonment
Logan County, West Virginia
Docket AB-55 (Sub-No. 671X)

Dear Ms. Pierce:

Please be advised that on June 30, 2006, CSX Transportation, Inc. (CSXT) expects to file with the Surface Transportation Board ("Board") a Notice of Exemption seeking authority to abandon service from Railroad Milepost CME 10 near Stirrat to the end of track at Railroad Milepost CME 11.4 near Sarah Ann, a distance of 1.4 miles in Logan County, West Virginia, as shown in the attached historic report.

In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching a Historic Report covering the above-proposed abandonment.

I will appreciate receiving your letter confirming that this project will have no impact upon cultural resources. If you have questions, please feel free to call me.

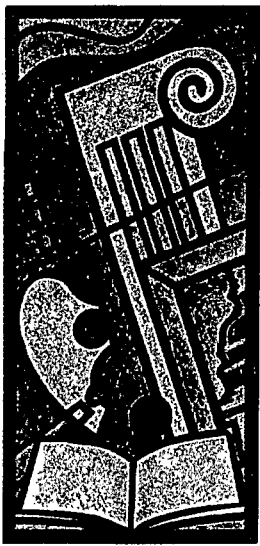
Sincerely,

Attachments

Copy:

STB - SEA, 1925 K Street NW - Suite 534, Washington, DC 20423-0001

Mr. Steve Armbrust, CSXT Counsel, 500 Water Street - J200, Jacksonville, FL 32202



WEST VIRGINIA
DIVISION OF
CULTURE & HISTORY

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

Phone 304.558.0220
Fax 304.558.2779
TDD 304.558.3562
www.wvculture.org

EEO/AA Employer

June 19, 2006

CSX Transportation
500 Water Street - J200
Jacksonville, FL 32202

RE: Docket AB-55 (Sub-No 671X)
Proposed Line Abandonment
FR#: 06-768-LG

Dear CSX Transmission :

We have reviewed the above-referenced project to determine 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."

No known historical, architectural, or archaeological sites listed in or eligible for inclusion in the National Register of Historic Places will be affected by this project. According to our archaeological survey files, there are no sites in the immediate vicinity of your project area; therefore, no further consultation is required. However, if any archaeological resources are identified during construction activities, all such activities shall cease and our office contacted immediately.

We appreciate the opportunity to be of service. *If you have any questions regarding our comments or the Section 106 process, please call me at 304-558-0240 ext 158.*

Sincerely,

Susan M. Pierce, Director
State Historic Preservation Officer

lsh

HISTORIC REPORT

**CSX TRANSPORTATION, INC.
Stirrat to Sarah Ann, Logan County, West Virginia
DOCKET AB-55 (SUB-NO. 656X)**

1105.7(e)(1)

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

CSX Transportation (CSXT) proposes to abandon 1.4 miles of rail line between Railroad Milepost CME 10.0 near Stirrat to the end of track at Railroad Milepost CME 11.4 near Sarah Ann in Logan County, West Virginia. This line was previously used to ship coal, however, the line has not had any originating or terminating traffic in over two years. Abandonment of this portion of the line will have no negative impact on current or future coal operations.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast; subsequently, the operations and maintenance of this line will cease.

The only alternative would be not to abandon and to pass the opportunity costs of retaining the line to all other CSXT customers. This would not be a prudent utilization of carrier resources.

Two maps, which delineate the proposed project, are attached. (See Attachments 1 and 2)

1105.8(d)

- (1) **A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location 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.**

Attached is a copy of the Man quadrangle topographic maps prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy black diagonal line. (See Attachment 3)

There are no CSXT-owned structures that are 50 years old or older, which may be eligible for listing in the National Register as part of the proposed action. As part of the original filing

- (2) **A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristic of the surrounding area:**

The right of way widths along this line vary between 15 and 30 feet from the center-line of track. The rail line traverses a few small communities and closely parallels Island Creek. It is located in a mountainous, forested area that contained several strip mines and mine dumps.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:**

Not Applicable.

- (4) **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:**

Not Applicable.

- (5) 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 land for this line segment was acquired by the Chesapeake and Ohio Railroad Company (C&O) in 1928. The C&O was incorporated under the general laws of Virginia and West Virginia on July 1, 1878.

On February 26, 1973, the Chessie System Inc. was formed, and Chessie System Railroads was adopted as the new corporate identity for the C&O, B&O, and WM railroads. On November 1, 1980, Seaboard Coast Line Industries, Inc. and Chessie System Inc. merged and became CSX Corporation. On April 30, 1987, the Baltimore & Ohio Railroad Company was merged into the Chesapeake and Ohio Railway Company. The Chesapeake and Ohio Railway Company was merged into CSX Transportation on September 2, 1987.

Upon receiving abandonment authority, Applicant's operations and maintenance over this line will cease.

- (6) 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:**

Not Applicable.

- (7) 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 Historic Preservation Office, local historical societies or universities):**

A review of our records indicates there are no CSXT-owned structures over 50 years old on this line segment that may be eligible for listing in the National Register.

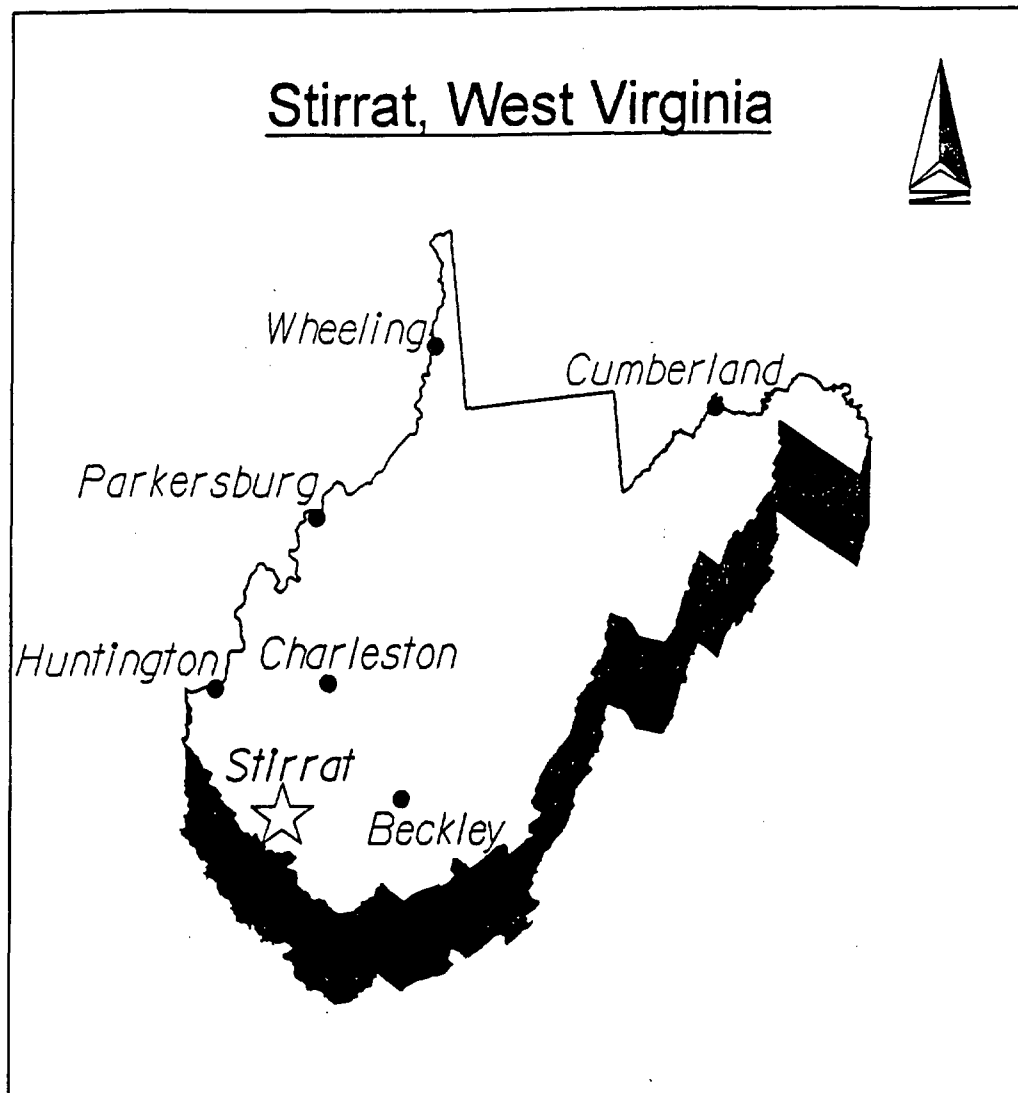
We do not know of any significance or uniqueness to this line segment that would warrant your consideration,

since to our knowledge, the line segment is not associated with any event that has made a contribution to the broad patterns of history; or were not associated with lives of persons significant to our past; do not embody the distinctive characteristics of a type, period or method of construction; and do not represent a significant and distinguishable entity whose components may lack individual distinction and have not or may not be likely to yield information important in prehistory or history.

We do not know of any archeological resources or any other previously unknown historic properties in the project area.

- (8) **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 man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.**

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.



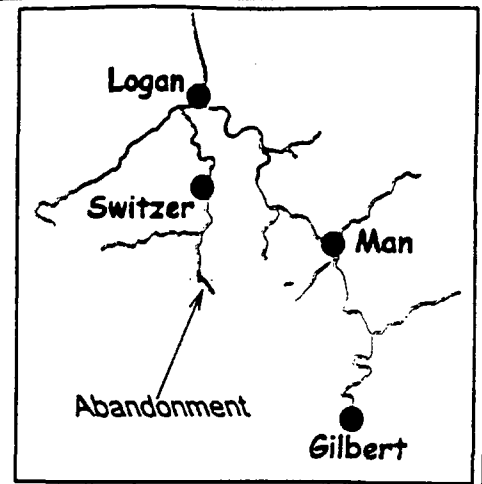
AREA MAP

Proposed Abandonment of 1.4 Miles +/-
STB Docket No. AB 55 - Sub. No. 671X
Milepost CME 10.0 - CME 11.4 (E.O.T.)
Logan County, West Virginia

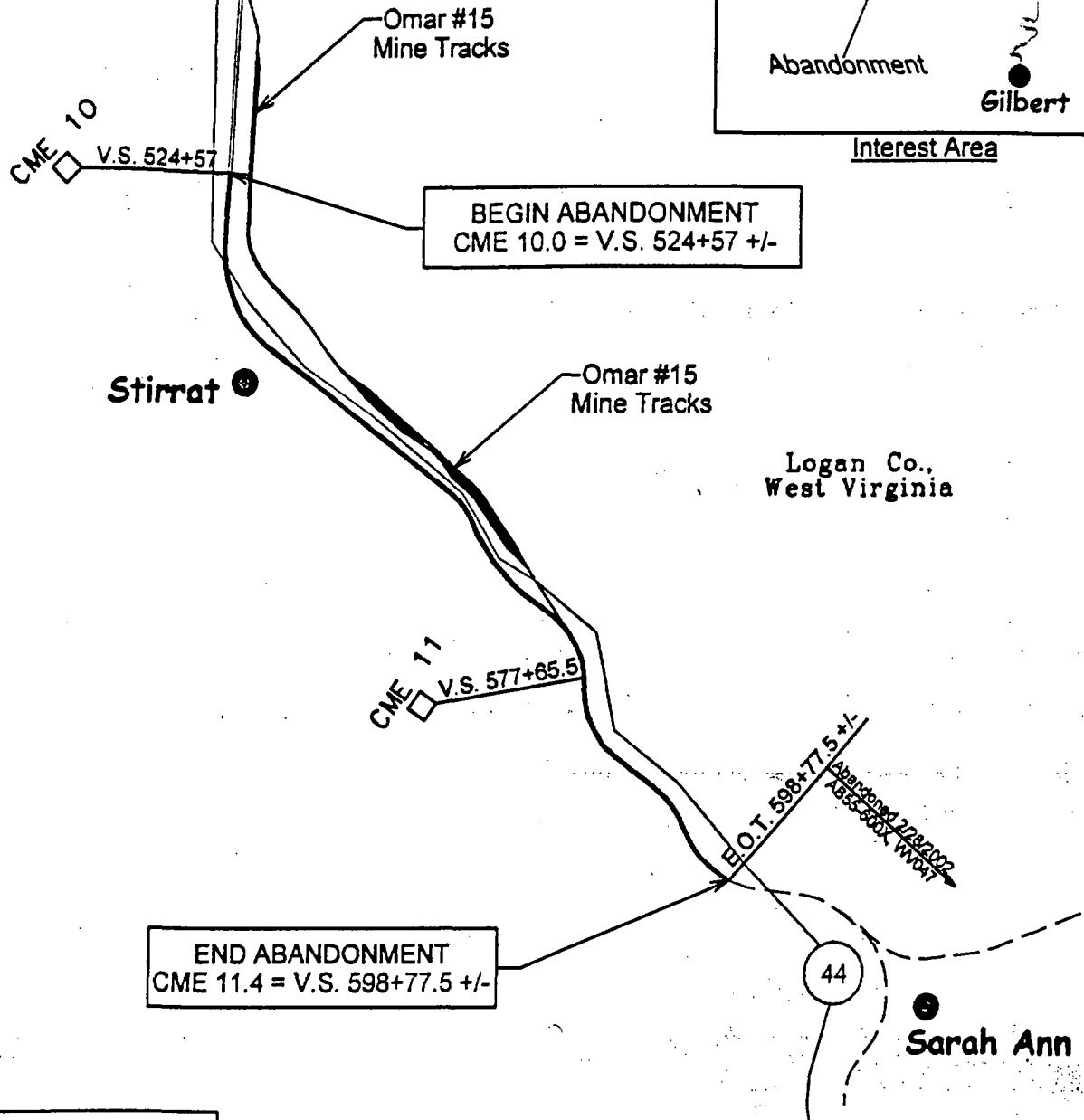
SOUTHERN REGION - HUNTINGTON DIVISION EAST - LOGAN & SOUTHERN SUBDIVISION



Attachment 2



Interest Area



LEGEND

CSXT Operating Corridor
Proposed Abandonment
Total Distance = 1.4 Miles +/-

SOUTHERN REGION
HUNTINGTON - EAST DIVISION
LOGAN & SOUTHERN SUBDIVISION
CME 10.0 - CME 11.4 (E.O.T.)
STB Docket No. AB55
(Sub. No. 671X)

CSX TRANSPORTATION

Proposed Abandonment of a Portion of the LOGAN & SOUTHERN Subdivision

Stirrat to near Sarah Ann, Logan County, WV
CME 10.0 - CME 11.4



SCALE: 1" = 1/4 Mile

Revised: May 9, 2006
Drawn By: L. Fenwick

B:\P10\WV54\WV046 046 - 0202\WV-046-1000000\WV-046-1000000_STB.DGN

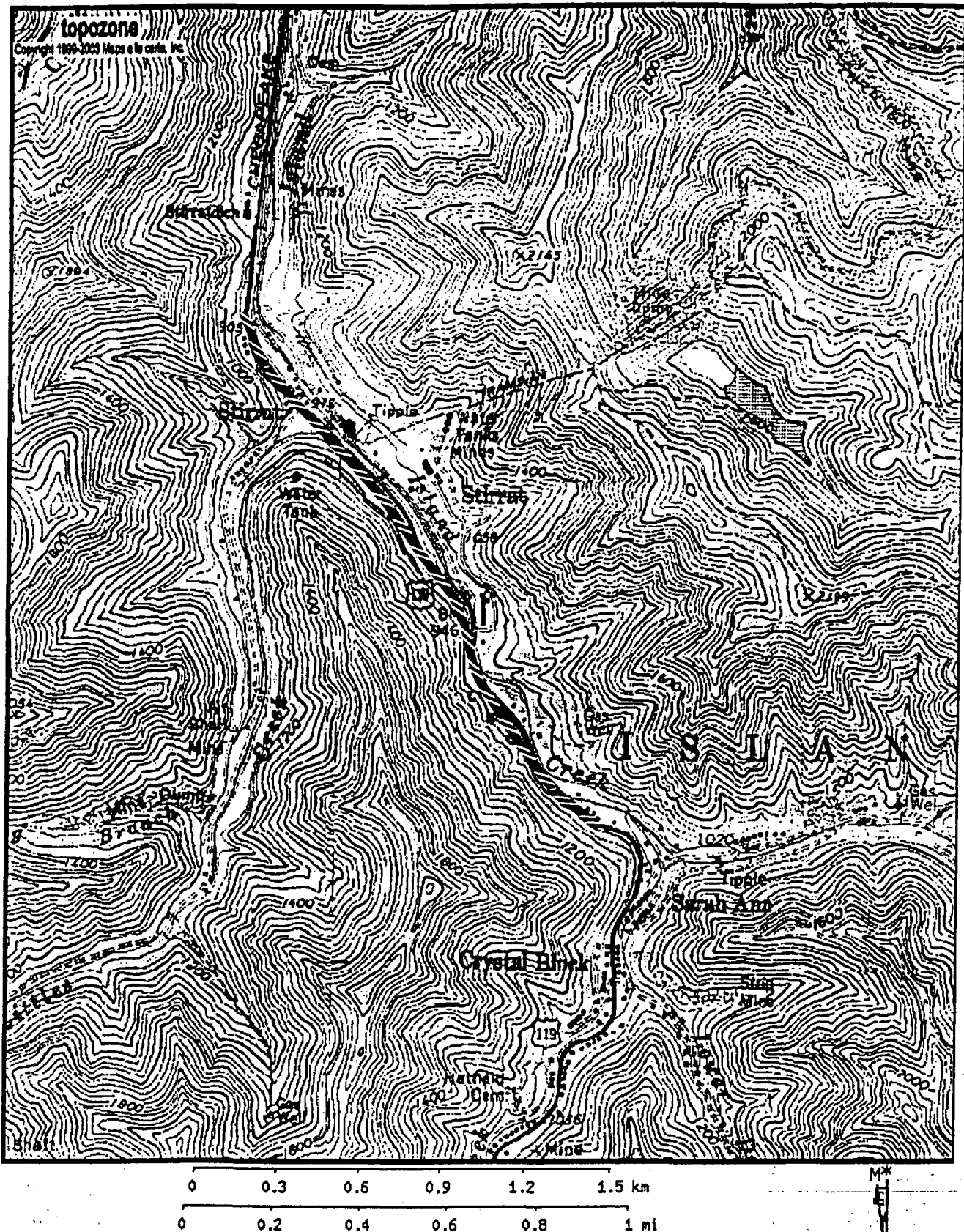


EXHIBIT F

LETTER OF NON-OPPOSITION TO ABANDONMENT

[See attached]



Stirrat Coal Company

P.O. Box 760 • Matewan, W.Va. 25678 • (304) 235-4290

April 6, 2006

Mr. Dave Geraci
Manager – Network Rationalization
CSXT Transportation, Inc. – J200
500 Water Street, J200
Jacksonville, FL 32202

Dear Mr. Geraci:

Stirrat Coal Company has been advised that CSX Transportation intends to seek approval from the Surface Transportation Board to abandon a portion of the railroad's operation on the Logan and Southern Subdivision from Railroad Milepost CME 10 to the end of track at Railroad Milepost CME 11:40 in Logan County, West Virginia.

Since the mainline track runs parallel to our yard facility and is not needed for rail operations, we will not oppose the abandonment.

We understand that you will submit this letter to the Surface Transportation Board as part of the proceedings on the proposed abandonment.

Sincerely,

John Cline
President

cc: Mr. Guy Martin