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Kristin Collins, Esq.

KELLY & COLLINS, LLC
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(207) 338-2702
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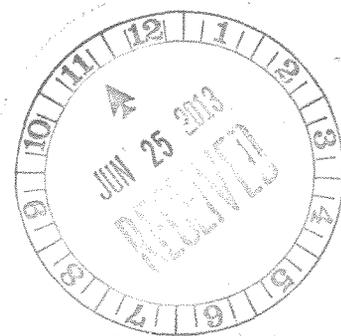
FILED

JUN 25 2013

June 24, 2013

**SURFACE
TRANSPORTATION BOARD**

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room 1034
Washington, DC 20024



Re: City of Belfast, Maine – Notice of Exemption for Abandonment of a Portion of the Belfast and Moosehead Lake Railroad, **Docket No. AB1109X**

Dear Ms. Brown:

In reference to the above abandonment proceedings, please find:

1. The original and ten copies of a Verified Notice of Exemption pursuant to 49 C.F.R. § 1152.50, for filing on June 25, 2013.
2. A check in the amount of \$3,700, representing the filing fee for the Notice of Exemption.
3. The original and ten copies of a Request for Public Use Condition and Statement of Willingness by the City of Belfast to assume responsibility in accordance with 49 C.F.R. § 1152.29 for the portion of track that is to be abandoned under this proceeding. A Fee Exemption for these filings is requested pursuant to 49 C.F.R. § 1002.2(e)(1).

Thank you for your consideration.

KELLY & COLLINS, LLC

By: *Kristin M. Collins*
Kristin M. Collins

Enc.

ENTERED
Office of Proceedings

JUN 25 2013

Part of
Public Record

FREE RECEIVED
JUN 25 2013
SURFACE
TRANSPORTATION BOARD

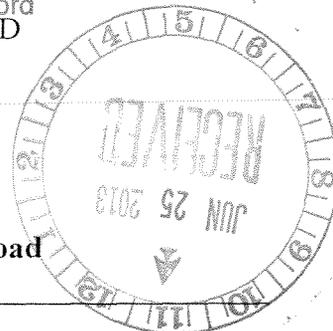
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Part of
Public Record

BEFORE THE SURFACE TRANSPORTATION BOARD
DOCKET 1109X

CITY OF BELFAST, MAINE

**VERIFIED NOTICE OF EXEMPTION
For a Portion of the Belfast and Moosehead Lake Railroad**



The City of Belfast, Maine hereby files this Verified Notice of Exemption pursuant to the class exemption provided for by 49 C.F.R. § 1152.50, and hereby seeks abandonment of approximately two miles of line on the Belfast and Moosehead Lake Railroad from MP 0.33 located in downtown Belfast at the U.S. Route 1 overpass to MP 2.33 ("City Point") located at Oak Hill Road, also located in the City of Belfast. No local rail traffic has moved over the line during the past two years, nor is there any possibility of overhead rail traffic.

Based upon a review of title reports conducted on behalf of the City of Belfast, the portion of line to be abandoned does not contain any federally granted rights of way.

The Belfast and Moosehead Lake Railroad last operated for limited freight traffic in 1990. Since that date, the only traffic that has traveled over the portion of line to be abandoned has been a closed-loop tourist excursion service run by various operators. For the past two years (2011-2012), service has been operated by the Brooks Preservation Society, under the terms of a now-expired lease granted by the City of Belfast. Any excursion traffic from the date of this Notice will operate from "City Point" at MP 2.33 to the Brooks town line, and will not operate over the portion of the line for which abandonment is sought.

1. Proposed Consummation Date

The City of Belfast proposes that the abandonment be effective 30 days after publication of notice in the Federal Register or August 12, 2013, whichever date is later.

2. Certification Required by 49 C.F.R. § 1152.50(b)

Please see Exhibit A, attached.

3. Information Required by 49 C.F.R. § 1122(a)(1) through (4), (7) and (8), and (e)(4)

- i. **Exact Name of Applicant:** The City of Belfast, Maine
- ii. **Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105:** Yes.

FILE RECEIVED

JUN 25 2013

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JUN 25 2013

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- iii. Relief sought:** The City of Belfast seeks a class exemption pursuant to 49 C.F.R. § 1152.50 so that it may abandon approximately two miles of rail line within the City, from MP 0.33 located in downtown Belfast at the U.S. Route 1 overpass to MP 2.33 (“City Point”) located approximately at Oak Hill Road, also located in the City of Belfast.
- iv. Map:** Please see Exhibit B, attached.
- v. Name, title and address of representative to whom correspondence should be sent:**
- Kristin M. Collins, Esq.
Attorney for the City of Belfast
Kelly & Collins, LLC
96 High Street
Belfast, Maine 04915
- vi. U.S. Postal Service ZIP Codes traversed by line:** 04915
- vii. Appropriate use of properties:** The City Council of the City of Belfast has, by vote, determined that the best current use of the portion of rail to be abandoned is for a scenic recreational walking and bicycle trail. The corridor may have future value as a rail transportation corridor in the event that interstate service is extended northward along the coast of Maine, or a future industrial user requires freight service from Belfast. The City of Belfast therefore intends to “railbank” the portion of line subject to abandonment under this Notice, in order to preserve the rail corridor for potential future rail or other transportation purposes and to allow interim trail use unless and until such other uses become viable. Although Maine law is not settled on the issue, the City of Belfast believes that title of the corridor may revert to the abutters if the line were abandoned and not railbanked. However, the City is not aware of any further restriction on the title to the property which would affect the transfer of title or the use of the property for other than rail purposes.
- viii. Level of Labor Protection:** The City of Belfast has not run any rail service over the portion of the line to be abandoned since it took ownership of the corridor in 2010. As such, the City of Belfast has no railroad employees. The City maintains the rail corridor through the use of City public works employees, who are part of a local union. Brooks Preservation Society, which has operated a tourist excursion service on the line, will be continuing service on a portion of the line which is not being abandoned using its own employees and/or volunteers.
- iv. Certifications:** Certificates of compliance with the notice requirements of 49 C.F.R. § 1152.50(d)(1) 1105.12 are attached in Exhibits C and D, respectively.

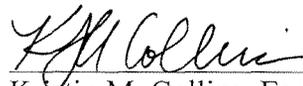
- v. **Coastal Zone Management Act:** The portion of line subject to the requested Notice of Exemption and proposed railbanking falls wholly within a coastal zone as shown on the Coastal Zone Map published by the Maine Bureau of Geology, Natural Areas and Coastal Resources. Abandonment of the line will not require approval by the Maine Coastal Program. However, improvements required for the planned trail use may require such approval and the City of Belfast will obtain any Maine Coastal Program approvals that are necessary prior to undertaking such improvements. Applicant's certification of compliance with 49 CFR 1105.9(a) is included within the Environmental and Historic Report, attached within Exhibit E. The applicant further certifies that the Maine Coastal Program was given actual knowledge of this proposal by telephone on May 13, 2013 and was served a copy of the Environmental and Historic Report on May 24, 2013.
- vi. **Environmental and Historic Report:** The Environmental and Historic Report was served by mail on the Board's Office of Environmental Analysis on May 28, 2013 and copies were served upon the Surface Transportation Board and to the agencies identified in 49 CFR 1107(b) on the same date. A sample transmittal letter and certification of compliance with 49 CFR 1105.11 is included within Exhibit E. No comments on the Report have been received as of the date of this Notice.

Certification

I, Kristin M. Collins, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this pleading.

Executed on June 24, 2013

CITY OF BELFAST



Kristin M. Collins, Esq., Bar #9793
Kelly & Collins, LLC
96 High Street
Belfast, Maine 04915
(207) 338-2702
(207) 338-0328 (fax)

Enclosures

Exhibit A – Certification of Compliance with 49 CFR 1150.50(b)

Exhibit B – Map

Exhibit C – Certificate of Compliance with notice requirement of 1152.50(d)(1)

Exhibit D – Affidavit of Publication (49 CFR 1105.12)

Exhibit E – Environmental and Historic Report and certification of compliance with 49 CFR 1105.11.

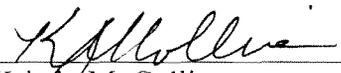
EXHIBIT A

Verification and Certification that Rail Line Meets Criteria of 49 CFR 1152.50(b)
Docket No. AB-1109X

State of Maine
Waldo County

I, Kristin Collins, being duly sworn, depose and state that I am the attorney for the City of Belfast, that I have reviewed pertinent records relating to the historical use and operation of the Belfast and Moosehead Lake Railroad, and that I have confirmed the information herein and in the attached Notice of Exemption with the City Manager and other interested City officials, that I am authorized to make this verification, and that I the facts asserted in the attached Notice of Exemption are true and accurate as stated to the best of my knowledge and belief.

I hereby certify that no local traffic other than closed-loop tourist excursions has moved over Applicant's approximately two miles of line from MP 0.33 to MP 2.33 for at least two years prior to the date hereof, and that overhead traffic on the line does not exist and in any event can be rerouted over other lines. 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.



Kristin M. Collins

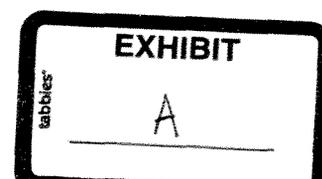
Personally appeared before me the above-named Kristin M. Collins and acknowledged the foregoing by her signed to be true and accurate and based upon her own personal knowledge as therein described.

Before me, 
Notary Public

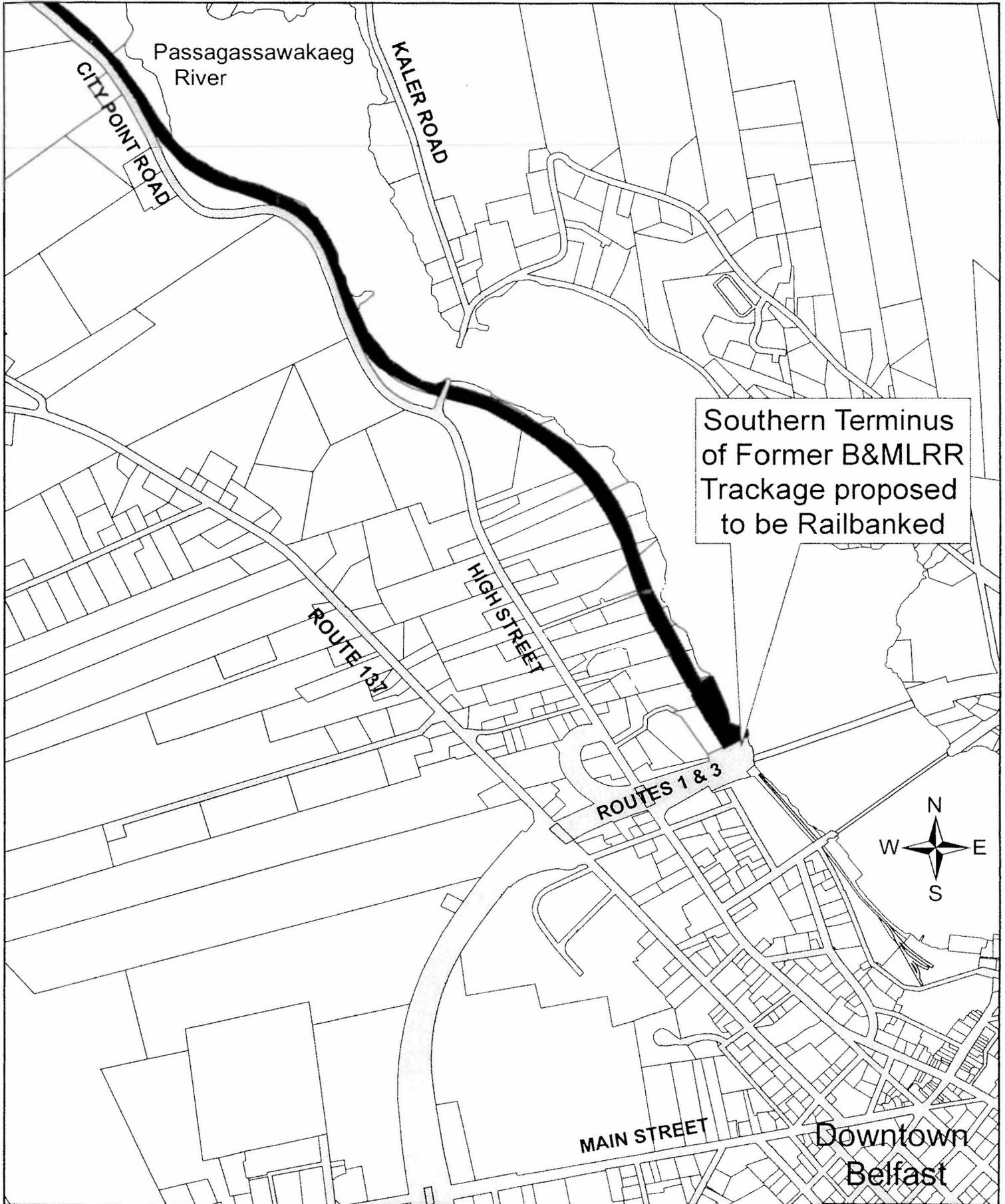
Dated: 6/24/2013

My commission expires: _____

**KATHIE J. COOK
MY COMMISSION
EXPIRES 2/8/2015**



FORMER B&MLRR TRACKAGE PROPOSED TO BE RAILBANKED



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EXHIBIT
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FORMER B&MLRR TRACKAGE PROPOSED TO BE RAILBANKED

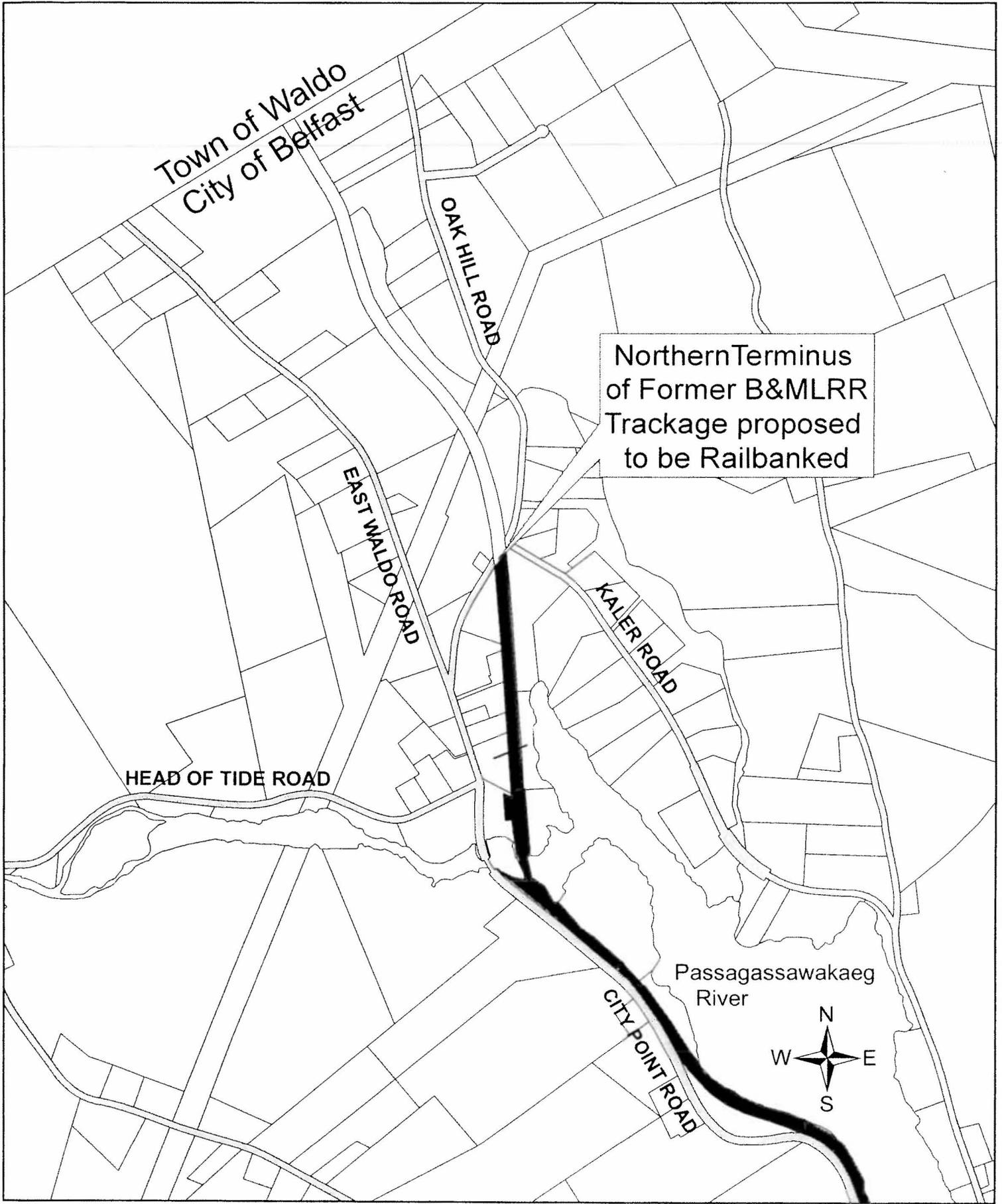


EXHIBIT C
Certificate of Service for Sec. 1152.50(d)(1) Notice
Docket No. AB-1109X

I, Kristin M. Collins, hereby certify service of the attached Section 1152.50(d)(1) notice on June 3, 2013 by U.S. Mail, postage pre-paid, first class, upon the following:

Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Maine Department of Transportation
Attn: Robert Elder, Director, Freight and Business Services Department
16 State House Station
Augusta, ME 04333-0016

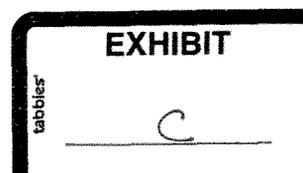
Military Traffic Management Command / Transportation Engineering Agency
Attn: Bruce A. Busler, Exec. Director,
SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

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

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Yates Building
201 14th Street, SW
Washington, DC 20250



Kristin M. Collins
Attorney for City of Belfast



William S. Kelly, Esq.
Kristin Collins, Esq.

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96 High Street
Belfast, Maine 04915
kellylaw@bluestreakme.com

(207) 338-2702
(207) 338-0328 (fax)

June 3, 2013

Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

RE: Belfast and Moosehead Lake Railroad; Planned abandonment by City of Belfast

Dear Commissioners:

On April 29, 2013, the City of Belfast notified your office of the City's intent to commence abandonment proceedings of a portion of the Belfast and Moosehead Lake Railroad under the Notice of Exemption Process, 49 CFR § 1152.50. Our original letter indicated that the Notice of Exemption would be filed on or about May 10, 2013. *It is now anticipated that the filing will occur on or about June 13, 2013.*

The portion of the line for which abandonment is sought runs entirely within the City of Belfast (U.S. Postal Service Zip Code 04915), and is more particularly described as follows:

A portion of the railroad right of way running from the southerly boundary of Oak Hill Road in the City of Belfast to the northerly boundary of property now or formerly owned by Penobscot McCrum, LLC as described in a deed recorded in the Waldo County Registry of Deeds at Book 2590, Page 96, said railroad right of way having been granted to the Belfast and Moosehead Lake Railroad, its assigns and successors in interest, and further taken through eminent domain by Order of the Waldo County Commissioners by action taken on April 20, 1869 and recorded at Volume 5, Page 9, pursuant to authorization given by Private and Special Act of the Maine Legislature 1853, ch. 181, and said rail road easement having been further conveyed in a deed from Unity Property Management, Inc. to the Inhabitants of the City of Belfast recorded in the Waldo County Registry of Deeds in Book 3455 Page 156, and further shown and depicted by metes and bounds on a certain Rail Road Valuation Plans dated June 30, 1916 and entitled Right-of-Way and Track Map, Belfast & Moosehead Lake R.R., Sheets 30 through 33, which are filed, though not recorded, in the Waldo County Registry of Deeds.

Based on information in our possession, 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.

Sincerely,



Kristin M. Collins
Attorney for the City of Belfast



Courier Publications

91 Camden St., Suite 403 | Rockland, ME 04841
Phone 207.594.4401 | Fax 207.594.1679
knox.villagesoup.com | waldo.villagesoup.com

AFFIDAVIT OF PUBLICATIONS

This is to certify that the advertisement for the Notice of Intent to Abandon Rail Service by the City of Belfast.

Appeared in the classified section of The Republican Journal, Waldo County, State of Maine.

6/20/2013

Lynne Watts
(Signed)

Billing
(Title)

Notary Public

Sworn and subscribed before me this 20th day of June A.D. 2013

Leeann Gauthier
(Notary Public Signature)

January 12, 2019
(My Commission Expires)

LEEANN GAUTHIER
Notary Public, State of Maine
My Commission Expires
January 12, 2019

Please include your Notary Seal and/ or Stamp.

EXHIBIT

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D

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Consent Judgment of Foreclosure and Sale With Waiver of Redemption entered May 16, 2013 in the action entitled...

The property is located at 299 Augusta Road, Washington, Maine. The sale will be by public auction. All bidders for the property will be required to make a deposit of \$5,000.00 cash, certified check or bank check...

CitiMortgage, Inc., by its attorneys Shapiro & Morley, LLC, 707 Sable Oaks Dr., Suite 250, South Portland, Maine 04106.

Wedge At Noon Meetings MONDAY: Noon - 1PM First Baptist Church Annex 95 High St. Belfast. WEDNESDAY: 7PM Monroie Community Church...

WEDNESDAY: 12:00PM, Workbook Study Group at Rockland, Maine. WK: Women, Infants & Children if you are pregnant, breast feeding...

personal growth and empowerment. For more information call New Hope for Women at 1-800-522-1304. CONSTRUCTION Dakota Builders Now Accepting New Clients Quality Service At Reasonable Prices...

ENERGY HEATING CONSERVATION Simmonds Burner Service Master Oil Burner tech offering 24 hour repair service, yearly tune ups/insulations...

Guaranteed or Double Your Grass Back! 607-691-2844. 3dearthworks@gmail.com Cedar Chips for Landscaping They have been mixed in...

LOYD'S LAWN CARE. WE ALSO MOW. JOBS, PAINTING AND REPAIRS. REASONABLE RATES. CALL LYDOR ON SILSAM 375-3715. Mardian Lawn Care Your lawn service. Great rates, reliable 15 years experience...

NOTICE OF PUBLIC SALE

By virtue of and in execution of a Judgment of Foreclosure and Sale entered in the Knox County District Court, on June 5, 2013 in Civil Action, Docket No. RE-12-45 brought by Damariscotta Bank...

TERMS OF SALE: The property will be sold to the highest bidder at the sale, who shall pay a deposit of five thousand dollars (\$5,000) in cash, certified check or funds acceptable to the mortgagee...

Dated: June 7, 2013 /s/ David Levasque, Esq., Bar No. 8640, Attorney for Damariscotta Bank & Trust Company, Law Office of David Levasque, P.A., 242 Main Street, P.O. Box 425, Damariscotta, Maine 04543, 207-563-7416.

Town of Swanville Paving Project

The Town of Swanville is soliciting bids for paving of 1/2 mile of Curtis Road, starting from Pole 158 north to pole 21. Work is to be bid as follows: Reclaim entire section of road, provide 2% crown to road and apply 1 1/2 inch (compacted) top coat of material...

Town of Swanville Paving Project

The Town of Swanville is soliciting bids for paving of 1/2 mile of Oakhill Road, starting from Pole 131 and heading north to pole 145. Work is to be bid as follows: provide 2% crown to road and apply 1 1/2 inch (compacted) top coat of material...

NOTICE OF PUBLIC SALE

Notice is hereby given that in accordance with the Judgment of Foreclosure and Sale entered October 7, 2012 in the action entitled Wells Fargo Bank, N.A. v. Jane English, by the Rockland District Court, Docket No. 10-49, where the Court adjudged the foreclosure of a mortgage granted by Jane English to Wells Fargo Bank, N.A. dated March 28, 2007 and recorded in the Knox County Registry of Deeds in Book 3773, Page 152...

TOWN OF UNITY Invitation to Bid

Winter Roads Maintenance The Municipal Officers of the Town of Unity, Maine, acting on the authority and on behalf of the Town, hereby invite bids from qualified persons to provide a 3-year contract for Winter Roads Maintenance to include the following: Snow removal and grading 34.55 miles of Town and state aid roads for the Snow Season commencing 2013. This contract also includes putting up of the sand/salt pile. Salt is supplied by the Town...

NOTICE OF PUBLIC FORECLOSURE SALE

By virtue of a Judgment of Foreclosure and Order of Sale dated January 31, 2013 in the District Court, County of Knox, Docket No. ROCDC-RE-2011-106, in an action brought by Rockland Savings Bank, PSB against William A. Burns and Cathy M. Burns, Defendants, for the foreclosure of a mortgage dated and recorded in the Knox County Registry of Deeds in Book 3422, Page 84, the statutory ninety (90) day redemption period having expired, notice is hereby given that there will be a public sale at the offices of Rockland Savings Bank, Rockland, Maine, on July 10, 2013 at 9:00 a.m. all and singular the premises described in said mortgage to wit: BEING a portion of land conveyed from James T. and Cynthia S. Dellapenna to Frank L. and Elizabeth F. Duley as recorded in the Knox County Registry of Deeds in Book 1229-Page 37...

City of Belfast: Request for Proposals

The City of Belfast is seeking proposals to manage the booking, reconfiguring and management of the City Boatouse at Steamboat Landing in Belfast. It is the intent of the City to continue to operate this facility as an all-purpose resource used by the City, its citizens, visitors and for-profit and non-profit entities. A limited number of permits will be open to the public. The schedule and event requirements will continue to be set by the City Council and we are seeking the services of the person or entity to manage this facility in accordance with our procedures. Management activities include: receiving phone calls and e-mail inquiries about availability, providing property specifications and rates, arranging for site tours prior to booking, preparing and sending out rental agreements, following up, coordinating the payment of security deposits, payments, and refunds if applicable with the City Treasurer's Office, updating and maintaining a rental calendar, keeping City staff posted and up-to-date on the schedule, securing rental insurance from event handlers, handling inquiries from caterers and other vendors, overseeing cleaning, handling emergency on-call communications, post event inspection for damage and inefficient cleaning which may affect deposits, maintain rental agreements and an updated list of inventory. This responsibility will include serving as the primary point of communication for the facility and with the City. There will be a walk through at the Boatouse at 1:30pm on Friday for all those interested in making a proposal. There is a sheet of information available at the City Manager's Office and on the City's website providing more detailed information. Proposals must be delivered to the City Manager's Office by Monday July 8th at 1:00 p.m. City Staff will review these proposals and possibly set up interviews to discuss them with the interested parties before making a decision. The City reserves the right to reject any and all proposals.

NOTICE OF INTENT TO ABANDON RAIL SERVICE

The City of Belfast, as owner of the Belfast and Moosehead Lake Railroad, gives notice that on or about June 21, 2013, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR Subpart F - Exempt Abandonments permitting the abandonment of an approximately 2.2 mile line of railroad between railroad mileposts 0.3 at the U.S. Route 1 overpass in Belfast, Maine near station 1715, and milepost 2.33 at Oak Hill Road in Belfast, Maine near station 1606, which traverses through United States Postal Service ZIP Code 04915 in Waldco County, Maine. The proceeding will be docketed as No. AB-1109X. The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-927-6211. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Request for environmental conditions, public use conditions, or fund bank/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 305 E. Street, SW, Washington, DC 20422 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Contract Affairs and Compliance, at 202-245-0728. Copies of any statements or requests for conditions should be served on the applicant's representative: Kristin M. Collins, Esq., Kelly & Collins, LLC, 96 High Street, Belfast, ME 04915. 207-338-2702.

TERMS OF SALE

The property will be sold to the highest bidder. An initial non-refundable deposit of \$5,000.00 in cash or certified check shall be payable at the time of auction, with the balance due and payable within thirty days upon presentation of the deed. Purchaser shall be required to execute a purchase and sale agreement in a form acceptable to seller providing a final closing within thirty days thereafter. The property will be sold subject to all matters of record, subject to utility easements and rights of way of record or which are visible on the face of the same, subject to any and all outstanding real estate taxes, subject to any and all Municipal, State or Federal laws, regulations or ordinances, including without limitation, any rights that may be vested in a Bankruptcy Trustee, Court or Taxing Authority, such as statutory redemption rights or rights which a Trustee in Bankruptcy, if applicable, might hold by operation of law. The property is also sold subject to occupancy rights of tenants, if any. The property is further sold subject to any condition which a physical examination of the premises might reveal, and subject to any encumbrance that an adequate survey or inspection of the premises by a competent surveyor might reveal. The property is being sold "as is" and will be covered by Release Deed, without any warranty as to the condition, size or location of the property, or the state of title to the property. Additional terms will be announced at sale.

FREEDOM TOWN OFFICE

7 PLEASANT ST. FREEDOM, MAINE 04941 (207) 382-6177 FAX: (207) 382-3040 Selection: Ronald C. Frade, Brian Jones, Clint Spaulding Clerk/Tax Collector: Cynthia Abbott Treasurer: Ernestine Keller

NOTICE OF TAX SALE

The Board of Selectmen of the Town of Freedom is accepting bids for the purchase of the municipality's interest in tax-acquired property @ 963 North Palumbo Rd., Freedom, Maine. Each bid must be in writing and in a sealed envelope marked "Tax sale bid" on the outside. Each bid may be for one property only; any person wishing to bid on several properties must submit a separate bid for each one. All bids will be received by the Board of Selectmen no later than 6 o'clock p.m. on July 1, 2013. Late bids will not be opened or considered. Each bid must also include the bidder's name, mailing address and phone number and must be accompanied by a deposit in the form of a certified check or money order, in an amount equal to or greater than 20% of the bid price. Each successful bidder's deposit will be credited to the total purchase price for that parcel. Deposits will be returned to the unsuccessful bidder. Any bid which does not contain the proper deposit will be rejected. Bids will be opened, reviewed and awarded by the Selectmen at the Town Office on July 1, 2013 at 7 o'clock p.m. The Board of Selectmen reserves the right to reject any and all bids. Each successful bidder shall have 30 days from the date of the bid acceptance in which to complete the purchase. Each property will be covered by a quiet title deed without covenants in the event that a successful bidder fails, for any reason, to complete the purchase in the time stated, the bid acceptance is void and the bidder's deposit shall be forfeited to the Town. The Board of Selectmen may thereafter negotiate a sale of the property with any or all unsuccessful bidders. The properties for sale are described on the Town Of Freedom Tax Maps as: Map 1 Lot 11-3; The tax maps and other public information concerning the properties may be reviewed at the Town Office during its normal business hours, which are: Mon 9-6, Tues-Fri 9-2 and 1 Sat of month 9-12. Selection: C. Ronald Frade, Brian Jones, Clint Spaulding Clerk/Tax Collector: Cynthia Abbott Treasurer: Ernestine Keller

NOTICE OF PUBLIC SALE OF REAL ESTATE

By virtue of and in execution of a Judgment of Foreclosure and Sale entered in the Rockland District Court, on March 8, 2013, in Civil Action, Docket No. RE-11-47 brought by Nationalstar Mortgage, LLC against Thomas G. Gilliland for the foreclosure of a mortgage recorded in the Knox County Registry of Deeds in Book 3758, Page 217, the statutory ninety (90) day period of redemption having expired without redemption, notice is hereby given that there will be a public sale on July 22, 2013 at 1:00 PM at the Law Office of DWay Jennings, located at 225 Wade Street, Hallowell, ME 04347, all and singular the premises described in said mortgage and being a certain lot with the buildings thereon, located in the town of Rockland, County of Knox, and State of Maine, described in said mortgage as being located at 48 Talbot Avenue. TERMS OF SALE: The property will be sold to the highest bidder at the sale, who shall pay a deposit of Ten Thousand and No/100 Dollars (\$10,000.00) in cash, certified check or funds acceptable to mortgagee at the time and place of sale. The successful bidder shall be required to execute a Purchase and Sale Agreement with said Nationalstar Mortgage, LLC with the aforesaid Ten Thousand and No/100 Dollars (\$10,000.00), as a non-refundable and non-interest bearing deposit in escrow providing for a closing within thirty (30) days of the date of the public sale, at which time the balance of the bid price will be due and payable in cash or certified funds payable to Nationalstar Mortgage, LLC as aforesaid, which will then deliver a duly executed quitclaim deed. The sale shall be made subject to: (a) any condition which a title search would reveal; (b) any unpaid taxes or assessments due to the Municipality of Rockland; and (c) any facts which an accurate survey of the premises might reveal. The property shall be sold "as is" and "where is" without any warranties whatsoever expressed, implied or otherwise. Other terms will be announced at the sale. Dated: June 17, 2013. Selection: John A. Donnan, Esq., Bar No. 3250, Eric S. Conroy, Esq., Bar No. 4682, Jenna L. Ambra, Esq., Bar No. 4873, Attorney for Nationalstar Mortgage, LLC Donnan, Graves & Langston, LLC 101 Cummings Center, Suite 2350 Beverly Hills, Massachusetts 01915 (978) 921-2670

Shapiro & Morley, LLP Attorneys for Plaintiff CUMMINGS & LYNCH P.O. Box K 21 Friendship Street Waldoboro, ME 04572 (207) 432-7660 Bar No. 2964

EXHIBIT E
Certificate of Service for 49 CFR 1105.11 Notice
Docket No. AB-1109X

I, Kristin M. Collins, hereby certify service of the attached Section 1105.11 notice on May 28, 2013 by U.S. Mail, postage pre-paid, first class, upon the following:

Governor's Office of Policy and Management
181 State House Station
Augusta, Maine 04333-0181

State of Maine
Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Maine Coastal Program
93 State House Station
Augusta, ME 043336-0038

Waldo County Commissioners
39B Spring Street
Belfast, ME 04915

Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

U.S. Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

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

Natural Resources Conservation Service
Soil Science Division
Room 4246 South Building
14th & Independence Ave. SW
Washington, DC 20250

Communication and Outreach Branch
National Geodetic Survey,
SSMC3 #9202
1315 East-West Hwy
Silver Spring, MD 20910-3282

Maine Department of Transportation
Attn: Robert Elder,
Director, Freight and Business Services Department
16 State House Station
Augusta, ME 04333-0016

Military Traffic Management
Command/ Transportation Engineering
Agency
Attn: Bruce A. Busler, Exec. Director,
SDTE-SA
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

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

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor, N.W., Yates Building
201 14th Street, SW
Washington, DC 20250



Kristin M. Collins
Attorney for City of Belfast



CITY OF BELFAST

131 Church Street
Belfast, Maine 04915

E-mail: cityhall@cityofbelfast.org
Tel: (207) 338-3370
Fax: (207) 338-2419

May 28, 2013

State of Maine
Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

RE: Planned Notice of Exemption abandonment by City of Belfast
Belfast and Moosehead Lake Railroad; STB Docket No.: AB-1109X

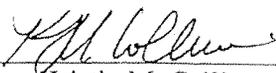
To Whom it May Concern:

On June 7, 2013, the City of Belfast, Maine expects to file with the Surface Transportation Board a Notice of Exemption seeking authority to "railbank" a portion of the City-owned Belfast and Moosehead Lake Railroad which runs from downtown Belfast (MP 0.3) to the intersection of the Oak Hill and Kaler Roads, also in Belfast (approximate MP 2.5), and to convert that portion of line to interim use as a recreational trail.

Attached is an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington DC 20423, telephone 202-245-0296 and refer to the above Docket Number.

Because the applicable statutes and regulations impose strict deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the Board in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Kristin Collins, who may be contacted by telephone at 207-338-2702 or by mail at Kelly & Collins, LLC, 96 High Street, Belfast, Maine 04915.

Thank you for your consideration.

By: 

Kristin M. Collins
Attorney for City of Belfast

Enc.

**BEFORE THE SURFACE TRANSPORTATION BOARD
DOCKET AB 1109X
CITY OF BELFAST, MAINE**

**ENVIRONMENTAL AND HISTORIC REPORT
For a Portion of the Belfast and Moosehead Lake Railroad**

Introduction

The City of Belfast makes this Environmental and Historic Report in accordance with the regulations of the Surface Transportation Board, 49 C.F.R. §§ 1105.7-.8, and in support of its planned filing for a Notice of Exemption in accordance with 49 C.F.R. § 1152.50. The planned Notice of Exemption involves a portion of the City-owned Belfast and Moosehead extending from downtown Belfast at approximately MP 0.3, to the area known as City Point at approximately MP 2.5.

(1) Proposed action and alternatives.

The City of Belfast (“the City”) is initiating the abandonment process to allow for “railbanking” of an approximately 2.2 mile segment of the Belfast and Moosehead Lake Railroad. The portion of line to be railbanked has not been used for freight transport since at least 1989. The only recent use has been for a closed-loop tourist excursion railroad, which will be relocating to operate primarily within the unaffected portion of the line. The City of Belfast has not been approached by any railroad, shipping company or industrial or commercial entity wishing to use the line for transportation purposes, since it took possession of the Railroad in 2010. The Belfast City Council has therefore determined that the most appropriate use of this line at the present time is for a recreational trail.

If a Notice of Interim Trail Use is approved by the Surface Transportation Board, the City will contract with a professional rail recycling company, through a competitive request for proposal bid process, to remove and reuse or recycle the existing track and ties. The City will then engage a properly licensed contractor to level and widen the existing rail bed and lay a stone dust trail surface over top of the rail bed. The resulting trail will be approximately 10 feet wide. An existing trestle bridge located at MP 2.0 will be left intact, but some rotted or split timbers will be replaced and overlaid with a new deck. Railings will be installed where necessary and in a manner that will allow for safe recreational use but minimize visual impact.

An overview map of the portion of the line that would be subject to the Notice of Exemption and railbanking is attached as Exhibit A. Drawings showing the work to be done to the rail / trail bed are attached as Exhibit B.

(2) Transportation system.

The subject portion of line is not used for any interstate or inter-regional transportation of goods or passengers. Its only use since 1990 has been by tourist excursion operators. The railbanking of this line will not cause any effects on transportation systems or patterns. The current tourist excursion operator will continue to operate from the terminus of the rail trail, using the unaffected portion of the line, and will connect tourists to points beyond the City of Belfast.

(3) Land use.

(i) Local planning. The subject line is located in a rural zoning area. The City of Belfast City Planner certifies through the filing of this Report that the removal of track and installation of a recreational trail is an approved use in the applicable land use districts under the Belfast City Code. The planned recreational trail use is also allowed in all applicable districts. See also the discussion of conformance with the Coastal Zone Management Plan in Section 3(iii) below.

(ii) Soil conservation. A review of the U.S. Soil Conservation Service Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>) demonstrates that there are no areas of prime agricultural land within the portion of rail line subject to the Notice of Exemption to be filed. Nicholas Butler, USDA-NRCS Soil Scientist, confirmed via an email dated May 13, 2013 that no soils in the subject area are classified as prime agricultural land. See Exhibit C.

(iii) Coastal Zone. The portion of line subject to the requested Notice of Exemption and proposed railbanking falls wholly within a coastal zone as shown on the Coastal Zone Map published by the Maine Bureau of Geology, Natural Areas and Coastal Resources (http://www.maine.gov/doc/nrimc/mcp/coastal_zone_map.htm). A feasibility study for the trail conversion project has been funded through a grant from the Maine Coastal Program under award NOAA CZM NA11NOS4190077, as the project is intended to improve recreational access in accordance with the goals of the Maine Coastal Zone Management Plan. Public hearings were held in accordance with the grant. The project is also referenced in the City of Belfast's Downtown Waterfront Master Plan as part of an overall plan to improve public access to the waterfront.

The proposed activity is not listed as subject to review in Maine's Coastal Zone Management Plan. Applicant hereby certifies that actual notice of the proposal was given to the State Coastal Zone Manager by certified mail on May 28, 2013 through the submission of this Environmental and Historical Report, which is at least 40 days before the planned effective date of the Notice of Exemption on August 1, 2013. There is no consistency review of the proposed track removal and railbanking under 15 CFR 930.54.

(iv) Suitability for alternative public use under 49 U.S.C. 10906. The right-of-way is suitable for alternative public use as a recreational trail, which is the intended interim use for the right-of-way should the requested Notice of Exemption be approved and railbanking authorized. The right-of-way is not suitable for use as a roadway, due to its narrow width and proximity to the adjacent Passagassawakeag River, and since there is already a sufficient municipal roadway, City Point Road, which travels parallel and to the immediate west of the right-of-way along the affected portion of the line.

(4) Energy.

(i) Effect on transportation of energy resources. The proposed railbanking will have no effect on transportation of energy resources since no such resources have been transported on the line in almost two decades, and since no such use is contemplated.

(ii) Effect of the proposed action on recyclable commodities. The City will engage with a professional rail removal and recycling company to remove the rail and ties, so that they may be recycled for scrap or reused for railroad purposes. No commodities of any nature have been shipped over the subject portion of rail line since prior to 1989.

(iii) Effect on energy efficiency. The proposed action will have no effect on overall energy efficiency, except that the existing tourist excursion operator will move to a point slightly north of where it had been previously operating, resulting in a shorter length of journey and resulting slight decrease in energy use by the tourist train.

(iv) Diversion from rail to motor carriage. The proposed action will cause no diversions from rail to motor carriage, since it is not used as a means of freight or passenger transportation at this time.

(5) Air.

(i) The proposed action will NOT result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

(ii) Based upon review of the Green Book Nonattainment Areas for Criteria Pollutants as published by the Environmental Protection Agency at <http://www.epa.gov/oaqps001/greenbk/index.html>, there are no Class I or nonattainment areas within Waldo County, Maine, and the proposed action will therefore NOT affect a class I or nonattainment area under the Clean Air Act. This was confirmed through a telephone conversation with Donald Dahl, Environmental Engineer for the Environmental Protection Agency Region I Office (617-918-1755).

(iii) There will be no transportation of ozone depleting materials.

(6) Noise.

None of the thresholds identified in 49 CFR 110_(c)(1) will be surpassed.

(7) Safety.

(i) Public health and safety. The proposed railbanking and conversion to recreational use will enhance public health and safety by (1) having the tourist excursion operator operate from a point north of Oak Hill Road, so as to eliminate the safety hazard of having trains traveling through the more densely populated areas closer to downtown Belfast; (2) installing railings where necessary, and a safe surface for walking, biking or skiing (activities which have traditionally occurred within the right-of-way despite railroad use); (3) converting the trestle bridge from rail use, for which the bridge may not be structurally sound, to a much less intensive

recreational use; and (4) enhancing recreational and exercise opportunities available to area residents (a goal that caused local Waldo County General Hospital to express its support for the project).

(ii) There will be no transportation of hazardous materials.

(iii) There are no known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way. There may be some materials associated with normal rail operations (e.g. coal ash) located within the right-of-way, but no such waste requires remediation for the recreational use intended.

(8) Biological resources.

(i) **Effect on species / habitats.** Work to remove existing track and construct the recreational trail will occur entirely within the existing right-of-way. The City contracted with an engineer to perform a feasibility study for the proposed trail conversion project. Based upon the enclosed letter dated May 29, 2012 from the U.S. Fish and Wildlife Service to the City's engineer (see Exhibit D, attached), the project does generally fall within the range of the Gulf of Maine Distinct Population Segment of Atlantic salmon, a federally-listed endangered species. However, the proposed project site occurs within a watershed that has been designated as an economic exclusion. The letter also notes the existence of a bald eagle nest within the project location site. Bald eagles are no longer listed as threatened species.

Also of note is the fact that the recreational trail will provide the public with increased opportunities for birding and wildlife viewing, and will connect with the public with existing preserved lands. These opportunities should enhance public awareness and appreciation of wildlife.

(ii) No wildlife sanctuaries or refuges, National or State parks or forests will be affected.

(9) Water.

(i) **Consistency with water quality standards.** The proposed action will be consistent with applicable federal, state and local water quality standards. All activities will occur within the existing rail bed and the publicly owned right-of-way. The feasibility study conducted by the City of Belfast did identify one vernal pool near the existing rail line (but outside of the right-of-way). The planned removal of track and construction of the trail will not result in any impacts on this vernal pool. A Shoreland Zoning permit will be sought from the City of Belfast for the bridge work and some erosion control measures that will occur within the designated Shoreland setback area. Based upon consultation with the Maine Department of Environmental Protection, the project does not require a Natural Resources Protection Act permit, however, some activities near the trestle bridge may require a DEP Permit by Rule.

(ii) **Clean Water Act § 404.** Based upon consultation with the U.S. Army Corps of Engineers, there will be no need to obtain a permit under section 404 of the Clean Water Act. No new

structural development will occur within the 100 year floodplain and no fill will be deposited in a wetland. Also, no navigable waters are impacted by this project.

(iii) Clean Water Act § 402. No permit is required under Section 402 of the Clean Water Act as the proposed activities do not include any discharge of pollutants.

(10) Proposed Mitigation.

There will be no adverse environmental impacts caused by removing track from the right-of-way. During the course of preparing the right-of-way for recreational use, professional engineering and construction work will be done to improve slopes and reduce erosion. No structural work will be conducted in environmentally sensitive areas.

HISTORIC REPORT

(1) Map showing buildings and other structures in the vicinity of the proposed action.

Please see map attached as Exhibit E. The only historic structure located within the right-of-way is the trestle bridge located at MP 2.0.

(2) Description of the right-of-way.

The portion of line subject to the Notice of Exemption and proposed railbanking begins at a point located at the U.S. Route 1 overpass, near downtown Belfast, and travels for approximately 2.2 miles in a generally northwesterly direction to the intersection of Oak Hill Road and Kaler Road in the City of Belfast (an area locally known as “City Point”). It predominately passes through semi-rural residential areas. The width of the right-of-way ranges from 66 to 99 feet. The line runs to the immediate west of the Passagassawakeag River, over gently rolling topography.

(3) Photographs of railroad structures on the property.

Please see photographs of the existing trestle bridge attached as Exhibit F.

(4) Dates of construction / alteration.

It is not clear when the trestle bridge was originally constructed. Track laid on the bridge is dated 1903. To the best of the City’s knowledge, the bridge has not been substantially altered or reconstructed at any point in its history.

(5) History of carrier operations / contemplated changes.

The Charter of the Belfast and Moosehead Lake Railroad was approved by the Maine Legislature in 1867. The line was fully constructed by the end of 1870 and operated until 1925 as the Belfast Branch of the Maine Central Railroad. Maine Central canceled BMLRR's lease in 1925 and the City of Belfast began to operate the railroad. Scheduled point-to-point passenger service ended in March, 1960, but freight shipping continued through the 1970s and 1980s (shipping fish,

poultry, pulp, leather and other materials). By 1989, all of the freight users had closed or moved out of the area, and there were no further freight shipments on the line.

From 1990 until the present, there has been a series of tourist excursion operators who have made use of the line. The City of Belfast purchased the downtown area of the line along Belfast Harbor, which had included the rail yard and station, in 1998. Unity Property Management owned the remainder of the line from 1995 to 2003 and operated out of Unity starting in 1995. The Railstar Corporation held possession of the railroad from 2003 to 2005. The City of Belfast purchased the remainder of the line in July, 2010. Brooks Preservation Society operated a tourist excursion service in 2011 and 2012. As part of an agreement with the City of Belfast regarding the planned trail conversion, Brooks Preservation Society will operate from City Point (MP 2.16) in 2013 and beyond, which will allow it to have a permanent base of operations at the City Point Railroad Museum. The City's goal is to incorporate the planned rail trail with the railroad facilities at City Point, with the goal of informing visitors and residents of the history of the line.

(6) Related documents.

The City has no engineering drawings relating to the construction of the trestle bridge.

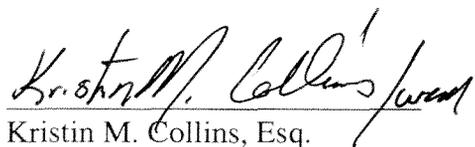
(7) National Register of Historic Places.

It is the opinion of the City of Belfast Planner and City Attorney that the trestle bridge may meet the criteria for inclusion on the National Register of Historic places (36 CFR 60.4) due to its age (most likely over 100 years) and significance to the Belfast and Moosehead Lake Railroad and the transportation history of the midcoast Maine region.

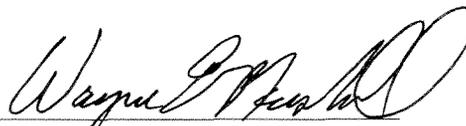
(8) Archeological recovery of resources.

To the best of the City's knowledge, there are no surface or environmental conditions that would affect the archeological recovery of resources. There are no swampy conditions, toxic wastes or ground disturbances within the right-of-way.

Submitted by the City of Belfast this 28th day of May, 2013.



Kristin M. Collins, Esq.
Attorney for the City of Belfast



Wayne Marshall
City Planner

CERTIFICATE OF SERVICE

By my signature below, I hereby certify service of this Environmental and Historic Report on all parties specified in 49 CFR 1105.7b as set forth in the below list, by US Mail, postage prepaid, first class or equivalent, this 28 day of May, 2013.


Wayne Marshall
City Planner

State of Maine

Governor's Office of Policy and Management
17 State House Station
Augusta, ME 04333-0017

Maine Coastal Program
93 State House Station
Augusta, ME 043336-0038

Environmental Protection Agency, Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

U.S. Army Corps of Engineers
New England District
696 Virginia Road
Concord, MA 01742

Natural Resources Conservation Service
Soil Science Division
Room 4246 South Building
14th & Independence Ave. SW
Washington, DC 20250

State of Maine

Department of Environmental
Protection
181 State House Station
Augusta, Maine 04333-0181

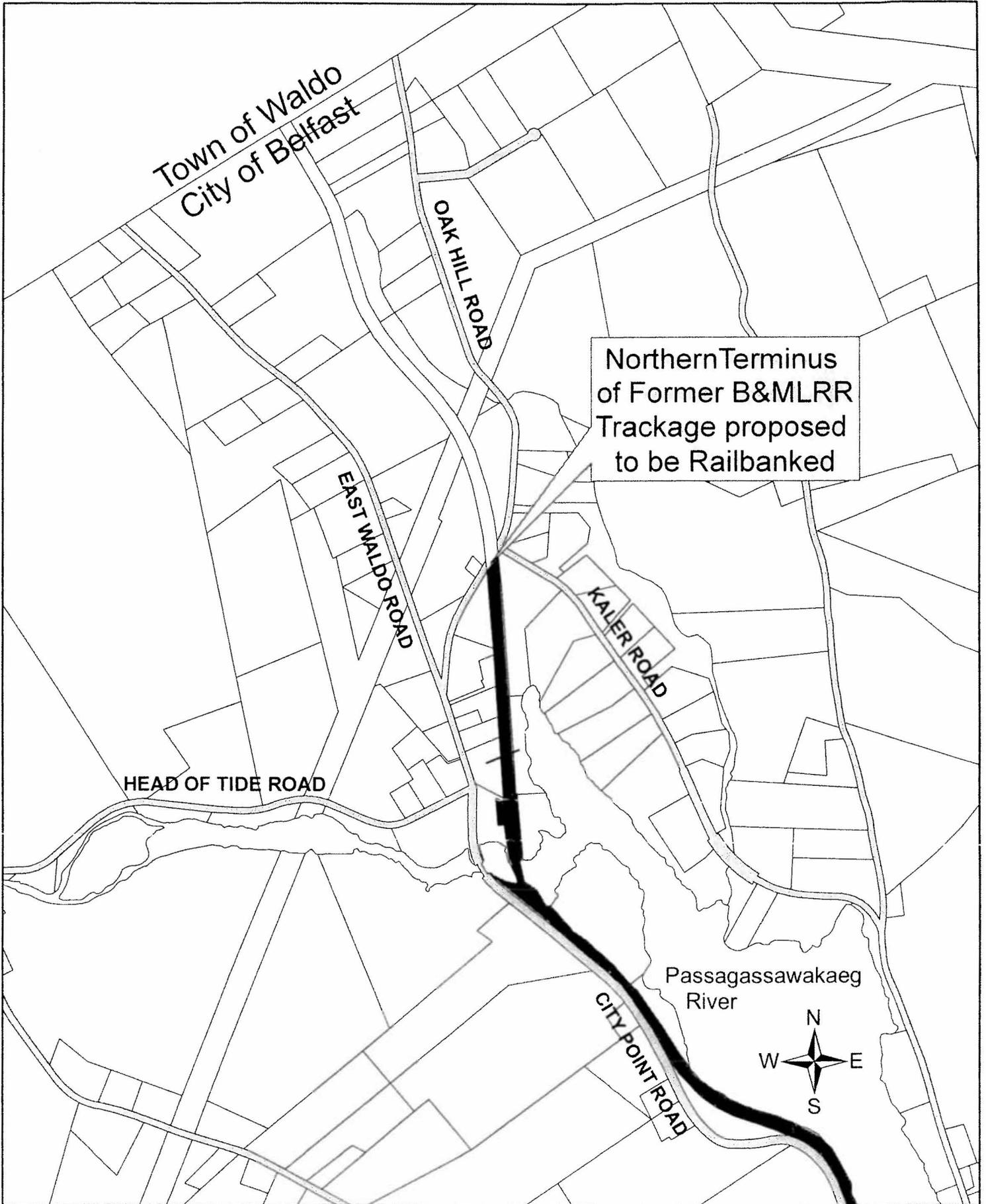
Waldo County Commissioners
39B Spring Street
Belfast, ME 04915

U.S. Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

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

Communication and Outreach
Branch
National Geodetic Survey,
SSMC3 #9202
1315 East-West Hwy
Silver Spring, MD 20910-3282

FORMER B&MLRR TRACKAGE PROPOSED TO BE RAILBANKED

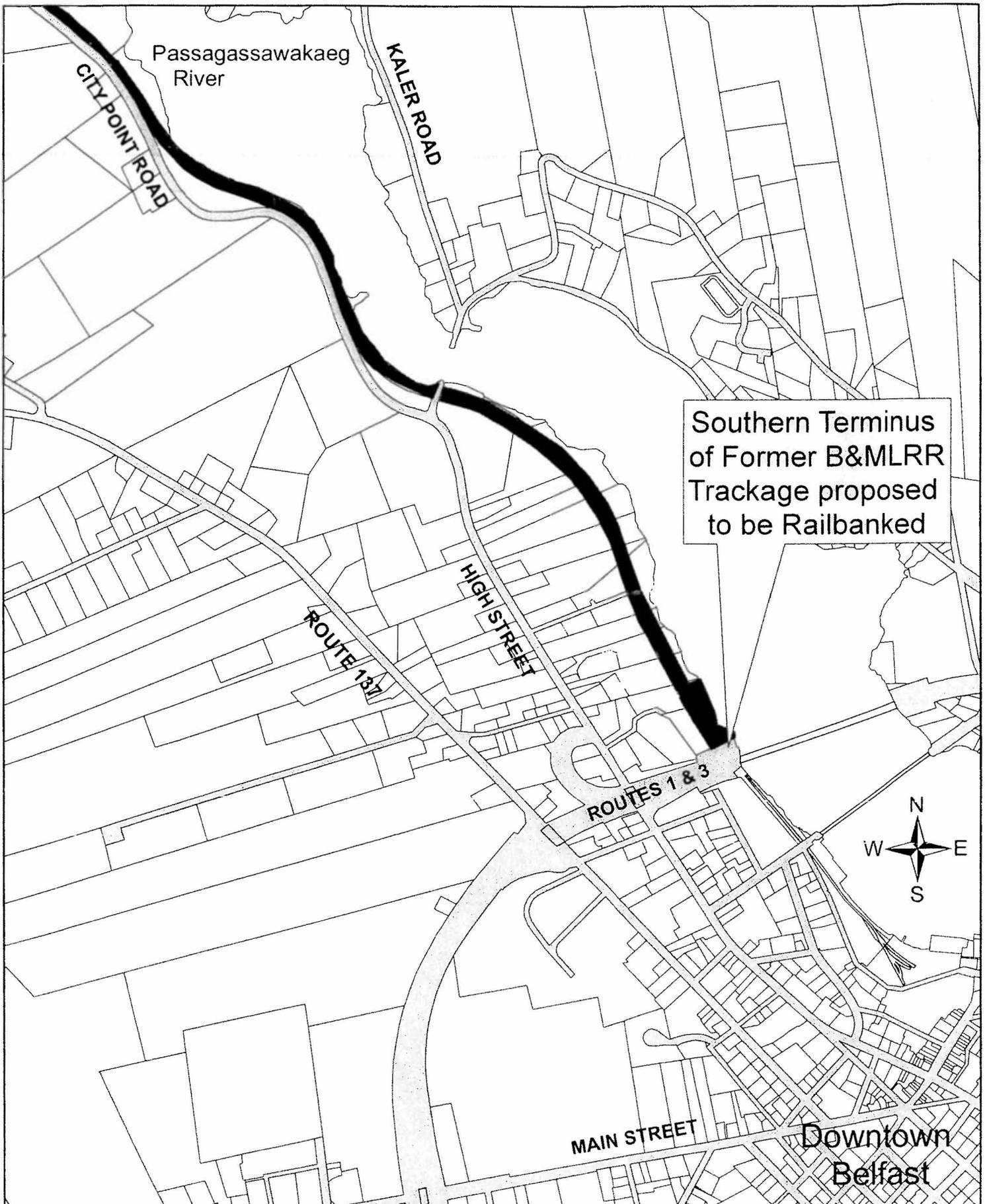


APRIL 2013 1,000 500 0 1,000 2,000 3,000 Feet

BELFAST, MAINE
Map 1 of 2

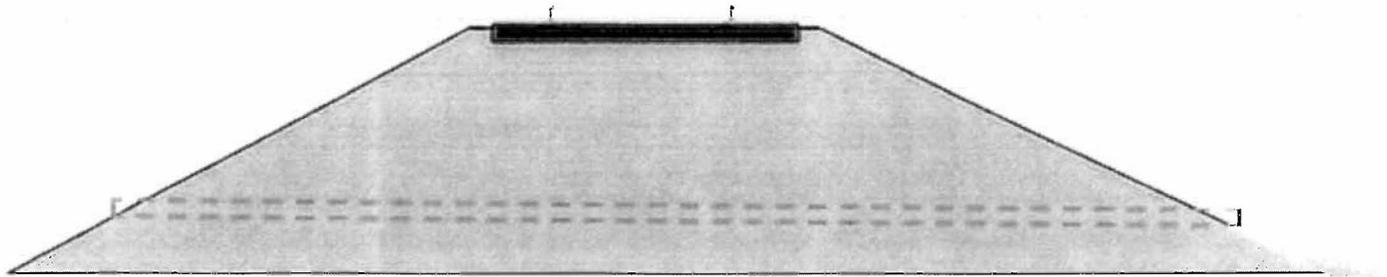
Exh. A

FORMER B&MLRR TRACKAGE PROPOSED TO BE RAILBANKED

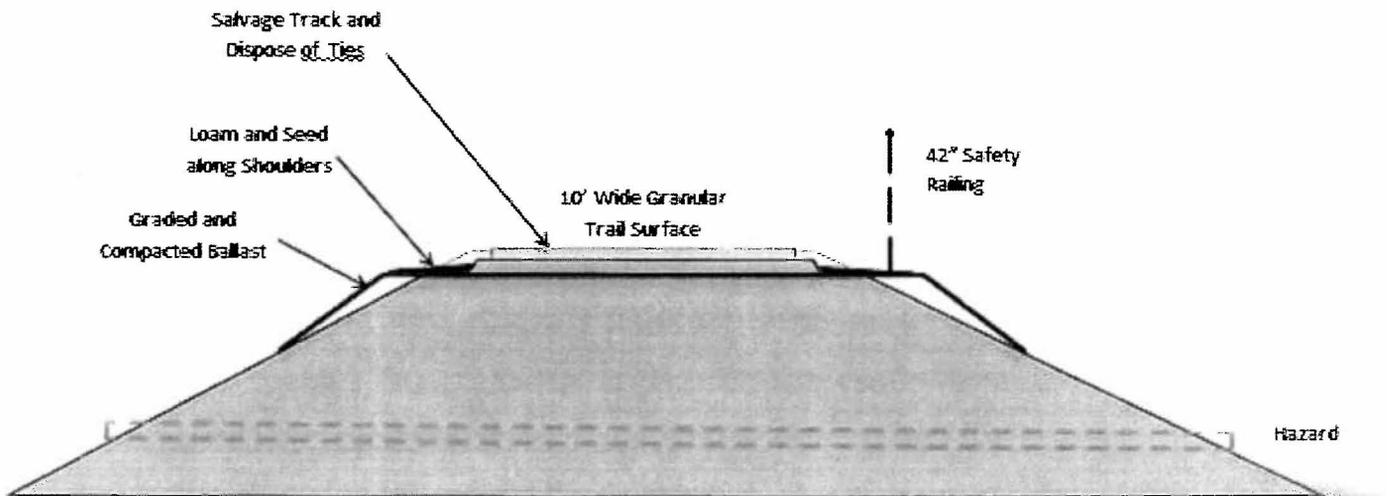


APRIL 2013 1,000 500 0 1,000 2,000 3,000 Feet

BELFAST, MAINE
Map 2 of 2



Existing Rail Bed



**Salvage Steel Rail,
Construct Granular Trail**

City of Belfast - prime agricultural land

Butler, Nicholas - NRCS, Dover-Foxcroft, ME <nicholas.butler@me.usda.gov>
To: Kristin Collins <kcollins@bluestreakme.com>

Mon, May 13, 2013 at 3:34 PM

Kristin,

I have reviewed the soils map of the area that highlighted and inserted a generated report of all the prime farmland soils in Waldo County. The soil map units that I found in your area of concern were: BoB (Boothbay sil 3-8% Slopes), BoC (Boothbay sil 8-15% Slopes), BoD (Boothbay sil 15-25% Slopes), TrD (Tunbridge-Lyman Complex 15-25% Slopes), LrE (Lyman-Rock Outcrop Complex 15-60% Slopes), and Ud (Udorthents-Urban-land Complex). According to the report none of these soils are Prime Farmland. Two of these soils are Farmland Soils of Statewide importance (BoB and BoC), but do not meet the requirements to make them a Prime Farmland. Your assessment of there being no Prime Farmland Soils is correct.

If you have any further questions or concerns please feel free to contact me.

Nick

Nicholas Butler

USDA-NRCS Soil Scientist

42 Engdahl Drive

Dover-Foxcroft, ME 04426

Nicholas.Butler@me.usda.gov

207-564-2321 x 103

From: Kristin Collins [mailto:kcollins@bluestreakme.com]

Sent: Monday, May 13, 2013 1:57 PM

To: Butler, Nicholas - NRCS, Dover-Foxcroft, ME

Subject: City of Belfast - prime agricultural land

[Quoted text hidden]

This electronic message contains information generated by the USDA solely for the intended recipients. Any unauthorized interception of this message or the use or disclosure of the information it contains may violate the law and subject the violator to civil or criminal penalties. If you believe you have received this message in error, please notify the sender and delete the email immediately.

 **Prime_and_other_Important_Farmland_Waldo_County.PDF**
37K



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Ecological Services
Maine Field Office
17 Godfrey Drive, Suite 2
Orono, Maine 04473
207/866-3344 Fax: 207/866-3351

RECEIVED

JUN 04 2012

VHB, INC.

May 29, 2012

Dale Abbott
Vanasse Hangen Brustlin, Inc.
6 Bedford Farms Drive, Suite 607
Bedford, New Hampshire 03110

Dear Mr. Abbott:

Thank you for your letter dated May 17, 2012, requesting information or recommendations from the U.S. Fish and Wildlife Service (Service). This letter provides the Service's response pursuant to section 7 of the Endangered Species Act (ESA), as amended (16 U.S.C. 1531-1543), the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d, 54 Stat. 250), and the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667d).

Project Name/Location: Passy Rail Trail Feasibility Study, Belfast, Maine

Log Number: 05E1ME00-2012-SL-0170

Federally Listed Species

Atlantic salmon

This project occurs within the range of the Gulf of Maine Distinct Population Segment (GOM DPS) of Atlantic salmon (*Salmo salar*) in Maine, a federally-endangered species under the joint jurisdiction of the Service and the National Marine Fisheries Service (NMFS) (74 FR 29344; June 19, 2009). The Atlantic salmon GOM DPS encompasses all naturally spawned and conservation hatchery populations of anadromous Atlantic salmon whose freshwater range occurs in the watersheds from the Androscoggin River northward along the Maine coast to the Dennys River and wherever these fish occur in the estuarine and marine environment. Also included in the GOM DPS are all associated conservation hatchery populations used to supplement these natural populations. Excluded are landlocked Atlantic salmon and those salmon raised in commercial hatcheries for aquaculture.

The proposed project site, however, occurs within a watershed that has been designated as an economic exclusion HUC10 for Atlantic salmon by NMFS (74 FR 29300; June 19, 2009).

Please note that under section 7 of the ESA, it is the federal action agency's responsibility to determine if a project may affect a federally listed species. For example, if the project receives federal funding or needs a federal permit, those actions may provide a "nexus" for section 7 consultation under the ESA¹. If the federal action agency determines that a project would have "no effect" on a listed species or critical habitat, they do not need to seek the concurrence of the Service and there is no need for section 7 consultation. If the federal agency determines that a project "may affect" a listed species or its critical habitat, then consultation pursuant to section 7 of the ESA should be initiated. Please note, however, that there is no provision under section 7 for consultation after a project has already been completed.

For Atlantic salmon and its critical habitat, NMFS and the Service share consultation responsibilities under section 7 of the ESA. The Service generally handles projects in the freshwater component of the salmon's habitat and NMFS handles projects in the marine and estuarine environment (generally below the head of tide).

Based on the information currently available to us, no other federally-listed species under the jurisdiction of the Service are known to occur in the project area.

Other Protected Species

Bald and golden eagles

Based on our current information and map we have noticed that there is a active bald eagle nest within your project location site. The bald eagle was removed from the federal threatened list on August 9, 2007 and is now protected from take under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. "Take" means to pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. The term "disturb" under the Bald and Golden Eagle Protection Act was recently defined within a final rule published in the Federal Register on June 5, 2007 (72 Fed. Reg. 31332). "Disturb" means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle; 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior; or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Further information on bald eagle delisting and their protection can be found at <http://www.fws.gov/migratorybirds/baldeagle.htm>. Please consult with our new national bald eagle guidelines, which can found at <http://www.fws.gov/migratorybirds/issues/BaldEagle/NationalBaldEagleManagementGuidelines.pdf>. These Guidelines are voluntary and were prepared to help landowners, land managers and others meet the intent of the Eagle Act and avoid disturbing bald eagles. If you believe this

¹ section 7 consultation, however, is only necessary when a federal agency takes a *discretionary* action (e.g., an agency has a choice of whether or not to fund or permit a particular project).

project will result in taking or disturbing bald or golden eagles, please contact our office for further guidance. We encourage early and frequent consultations to avoid take of eagles.

We have not reviewed this project for state-threatened and endangered wildlife, wildlife species of special concern, and significant wildlife habitats protected under the Maine Natural Resources Protection Act. We recommend that you contact the Maine Department of Inland Fisheries and Wildlife:

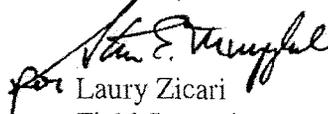
Maine Department of Inland Fisheries and Wildlife
284 State Street
State House Station 41
Augusta, Maine 04333
Phone: 207/287-5254

We also recommend that you contact the Maine Natural Areas Program for additional information on state-threatened and endangered plant species, plant species of special concern, and rare natural communities:

Maine Natural Areas Program
Department of Conservation
93 State House Station
Augusta, Maine 04333
Phone: 207/287-8046

If you have any questions please call Wende Mahaney, fish and wildlife biologist, at Wende_Mahaney@fws.gov or by telephone at 207/866-3344 Ext. 118.

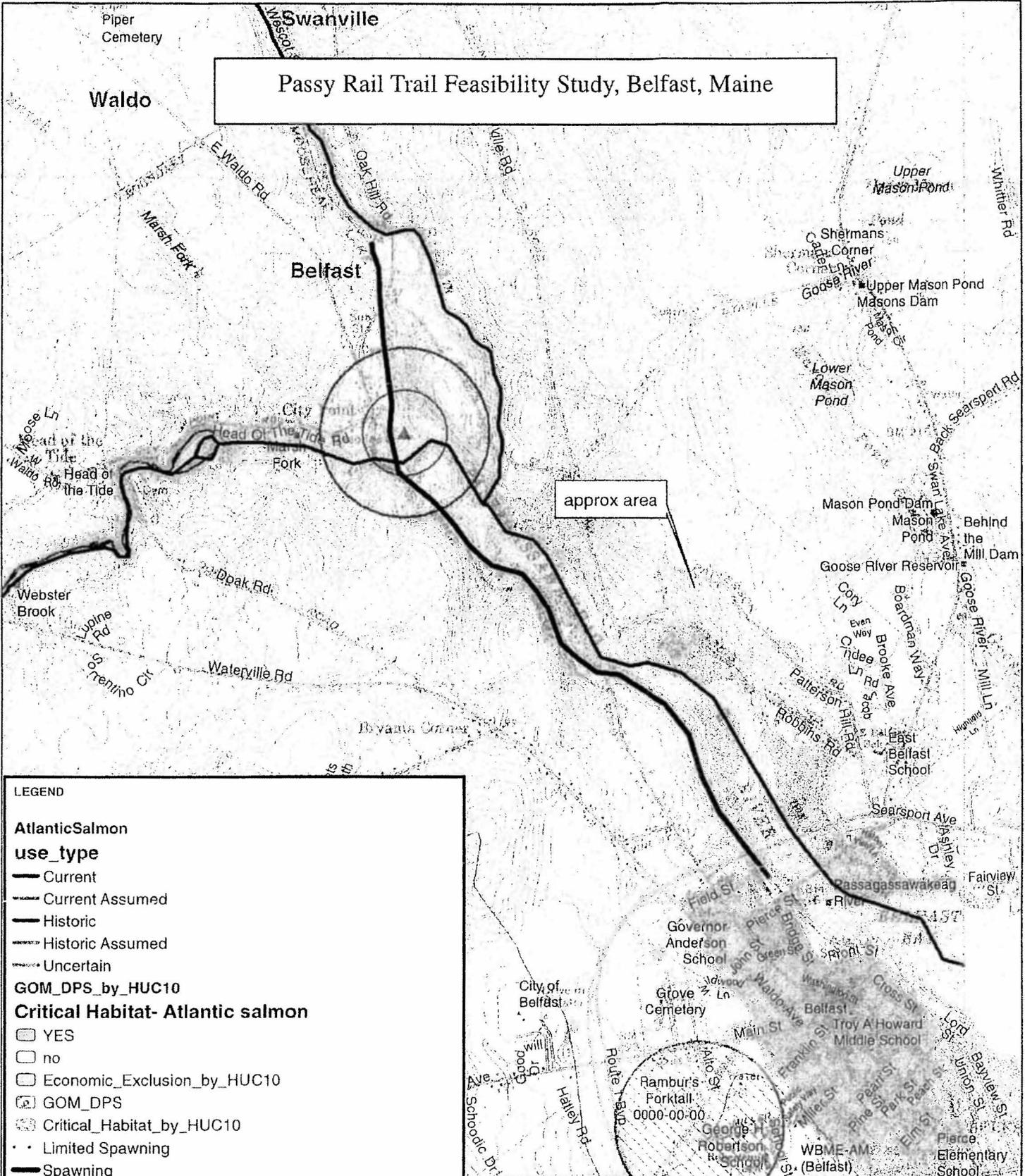
Sincerely,

A handwritten signature in black ink, appearing to read "Laury Zicari". The signature is written in a cursive style and is positioned above the printed name.

Laury Zicari
Field Supervisor
Maine Field Office

Enclosure

Passy Rail Trail Feasibility Study, Belfast, Maine



LEGEND

AtlanticSalmon

use_type

- Current
- - - Current Assumed
- Historic
- - - Historic Assumed
- · · Uncertain

GOM_DPS_by_HUC10

Critical Habitat- Atlantic salmon

- ☐ YES
- ☐ no
- ☐ Economic_Exclusion_by_HUC10
- ☐ GOM_DPS
- ☐ Critical_Habitat_by_HUC10
- · · Limited Spawning
- Spawning
- Rearing Habitat
- ☐ ETSC-Endangered, Threatened, Special Concern 5-2011

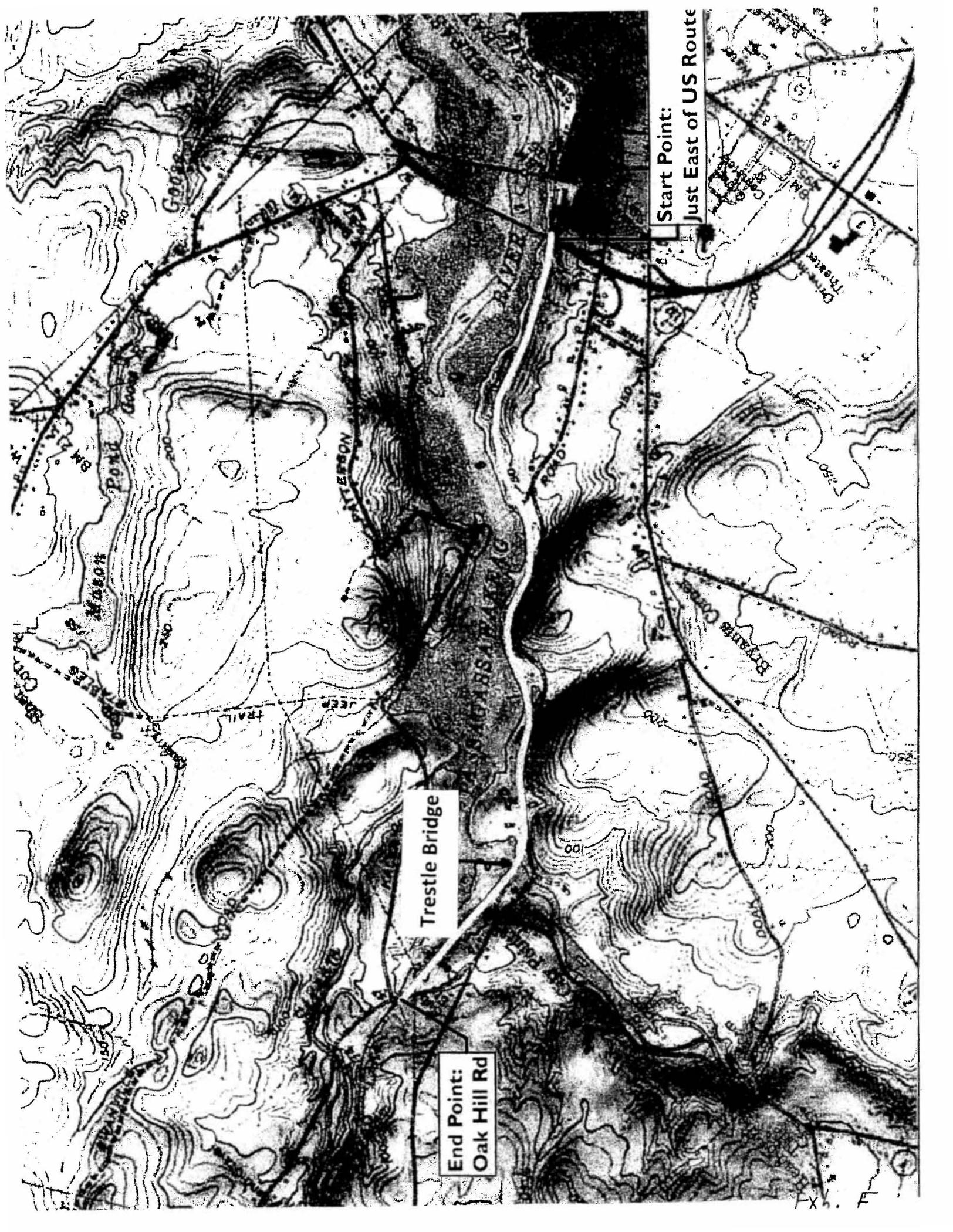
Eagle nests(active) w/ buffers 5-2011

Type

- ☐ 400m
- ☐ BE-GE Prot Act 200m
- ▲ Eagle nests 5-2011

0 0.25 0.5 1
Miles

Maine
Area of detail



Trestle Bridge

End Point:
Oak Hill Rd

Start Point:
Just East of US Route



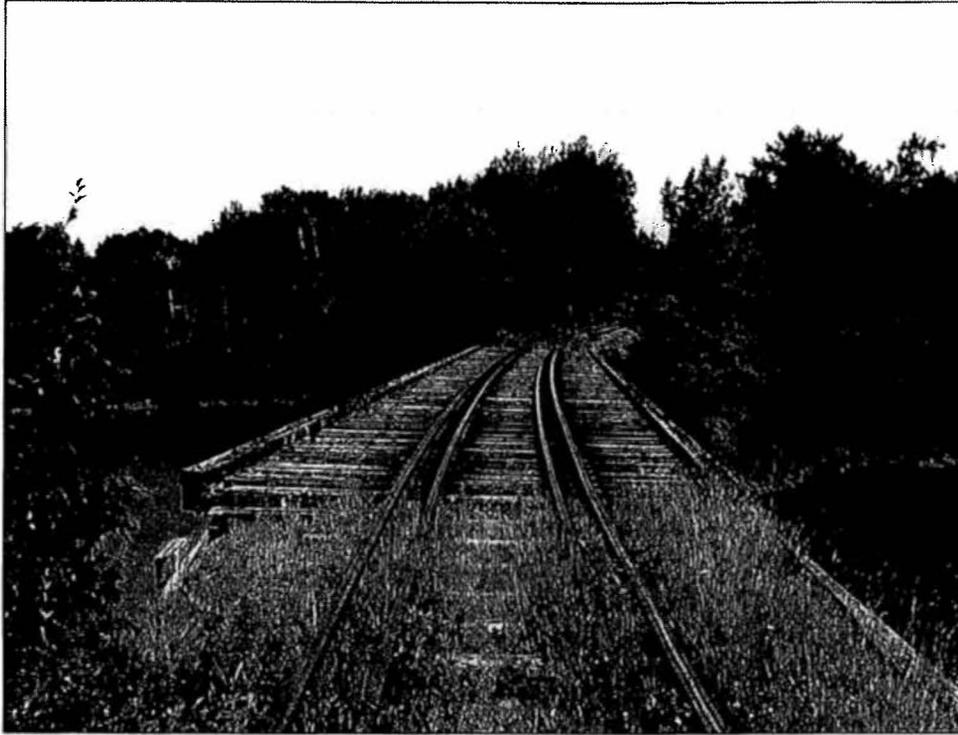
May 24, 2013
Photos of Trestle Bridge

Looking northerly from
City Point Road to the Bridge.
Approaching low tide

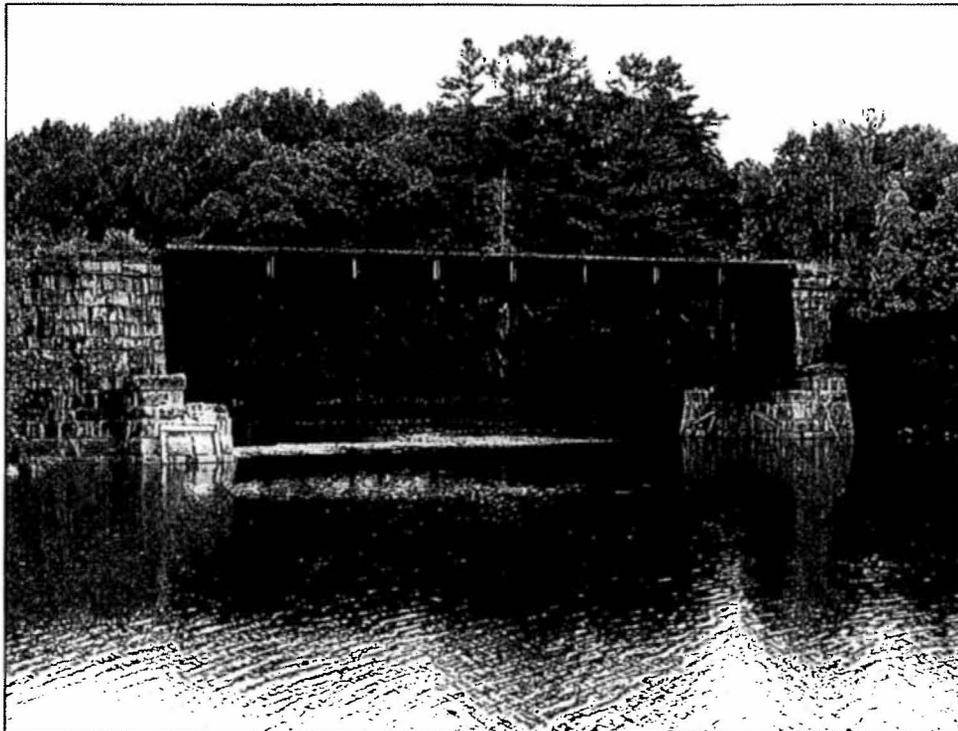


May 24, 2013
Photos of Trestle Bridge

Looking northerly from
City Point Road to the Bridge
Approaching low tide conditions



Bridge Deck (Looking South Towards Belfast)



West Bridge Elevation