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July 25, 2019

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

Re: **AB-55 (Sub-No. 791X), CSX Transportation, Inc.-Abandonment Exemption-in
Mason County, K.Y.**

Dear Director Rutson:

In the Environmental Assessment served on June 14, 2019, on page 4, the Office of Environmental Analysis recommended that:

CSXT Transportation, Inc. (CSXT) shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the Area of Potential Effect that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. § 306108, has been completed. CSXT shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the Kentucky Heritage Council (State Historic Preservation Office or SHPO) and the public. CSXT may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CSXT has received the attached letter from the Tourism, Arts and Heritage Cabinet, Kentucky Heritage Council, The State Historic Preservation Office (the "SHPO"). The letter states that:

For archaeological resources we can issue a **Conditional No Adverse Effect** pending our review and comment of the final project designs. We understand that CSX Transportation will not know whether the earthen berm under the conveyer system will be disturbed until the work is contracted out. We understand that there

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are no above-ground properties that are more than fifty years old and we can concur with your finding of **No Adverse Effect** on the above-ground properties.

Based on the conclusions of the SHPO, CSXT requests that the condition imposed be modified to require CSXT to consult with the SHPO concerning the impact of removal of the conveyer system on the underlying berm.

Thanks you for your assistance. If you have any questions, please contact me.

Sincerely yours,

Louis E. Gitomer

Louis E. Gitomer
Attorney for CSXT Transportation, Inc.

Enclosure



MATTHEW G. BEVIN
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
KENTUCKY HERITAGE COUNCIL
THE STATE HISTORIC PRESERVATION OFFICE**

REGINA STIVERS
DEPUTY SECRETARY

DON PARKINSON
SECRETARY

410 HIGH STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
heritage.ky.gov
July 15, 2019

CRAIG A. POTTS
EXECUTIVE DIRECTOR
& STATE HISTORIC
PRESERVATION OFFICER

Ms. Melanie B. Yasbin
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**Re: Docket No. AB-55 (Sub-No. 791X), CSX Transportation, Inc. – Abandonment Exemption –
Mason County, Kentucky**

Dear Ms. Yasbin,

Thank you for your submission of a letter, and the environmental assessment for the above-listed project which is pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. Sec. 470f) and implementing regulations at 36 C.F.R. Part 800. These documents were received on June 17, 2019.

For the archaeological resources we can issue a **Conditional No Adverse Effect** pending our review and comment of the final project designs. We understand that CSX Transportation will not know whether the earthen berm under the conveyer system will be disturbed until the work is contracted out. We understand that there are no above-ground properties more than fifty years old and we can concur with your finding of **No Adverse Effect** on the above-ground historic properties.

Should the project plans change, or should additional information become available regarding cultural resources, please submit that information to our office as additional consultation may be warranted. If you have any questions please contact Christopher Gunn of my staff at 502.564.7005.

Sincerely,

Craig A. Potts,
Executive Director and
State Historic Preservation Officer

CP: cg; KHC # 54934-8

