

LAW OFFICES OF
LOUIS E. GITOMER, LLC

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October 11, 2017

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

RE: Docket No. AB-55 (Sub-No. 773X), *CSX Transportation, Inc.—Abandonment
Exemption—in Harlan County, KY*

Dear Ms. Rutson:

Enclosed for e-filing by CSX Transportation, Inc., are comments from the United States Army Corp of Engineers (“USACE”) and the Tourism, Arts and Heritage Cabinet Kentucky Heritage Council (“SHPO”). USACE states that a permit is not required. The SHPO states that no historic resources will be affect.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosures



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
NASHVILLE DISTRICT, CORPS OF ENGINEERS
3701 BELL ROAD
NASHVILLE, TENNESSEE 37214-2660

October 3, 2017

Regulatory Division

SUBJECT: LRN-2017-681, CSX Transportation, Inc.; Abandonment of Rail Line, Turtle Creek, Harlan, Harlan County, Kentucky

Mr. Gene Payne
CSX Transportation LLC.
500 Water Street-J-315
Jacksonville, FL 32202

Dear Mr. Payne:

This letter is in regard to your Merna Spur project which is associated with the proposed abandonment of 1.6 miles of rail line in Harland County, Kentucky. This project has been assigned File No. LRN-2017-681, please refer to this number in any future correspondence.

The U.S. Army Corps of Engineers (USACE) has regulatory responsibilities pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). Under Section 10, the USACE regulates any work in, or affecting, navigable waters of the U.S. It appears the project area does not include navigable waters of the U.S. and would not be subject to the provisions of Section 10. Under Section 404, the USACE regulates the discharge of dredged and/or fill material into waters of the U.S., including wetlands.

An in office review of the subject area indicates aquatic resources, including Turtle Creek and the associated "Zone A" floodplain, as mapped on the Federal Emergency Management Agency's National Flood Hazard Layer, are located in the vicinity of the 1.6 mile stretch of the Merna Spur rail line proposed to be abandoned. However, because it is the understanding of the USACE that the proposed abandonment of the Merna Spur will not involve the discharge of dredge or fill material, a Department of the Army (DA permit would not be required. Should your plans change, please contact this office so that we may determine if a DA permit is required.

While a DA permit is not required, local, state, and other federal requirements may still apply. We appreciate your awareness of the USACE regulatory program. If you have any questions, please contact Aurora Scott at (615) 369-7520 or by e-mail at Aurora.C.Scott@usace.army.mil.

Sincerely,



Casey Ehorn
Chief, Eastern Regulatory Section
Regulatory Division

Enclosure: LRN-2017-00681 Site Map

LRN-2017-0681

(36.808039, -83.264711)

CSX Transportation, Inc.

Location of the Proposed:

-rail line abandonment





MATTHEW G. BEVIN
GOVERNOR

DON PARKINSON
SECRETARY

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

THE BARSTOW HOUSE
410 HIGH STREET
FRANKFORT, KENTUCKY 40601
PHONE (502) 564-7005
FAX (502) 564-5820
www.heritage.ky.gov

REGINA STIVERS
DEPUTY SECRETARY

CRAIG A. POTTS
EXECUTIVE DIRECTOR
& STATE HISTORIC
PRESERVATION OFFICER

September 18, 2017

Mr. Gene Payne, Manager
CSX
500 Water Street – J-315
Jacksonville, Florida 32202

Re: Plans to file request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost OMV 250.1, at the end of the line, and milepost OMV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY

Dear Mr. Payne:

Thank you for your letter concerning the above referenced project. A review of our files indicates that **the proposed project should not require an archaeological or cultural historic survey**. No historic resources will be affected. Therefore, we have no further comments and your responsibility to consult with the Kentucky State Historic Preservation Officer under the Section 106 review process for this project is fulfilled.

Should the project plans change, or should additional information become available regarding cultural resources or citizens' concerns regarding impacts to cultural resources, please submit that information to our office as additional consultation may be warranted. Should you have any questions, feel free to contact Yvonne Sherrick of my staff at 502.564.7005.

Sincerely,

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

CP:KHC # 49560/49996-7
enc

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MATTHEW G. BEVIN
GOVERNOR

**TOURISM, ARTS AND HERITAGE CABINET
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CRAIG A. POTTS
EXECUTIVE DIRECTOR
& STATE HISTORIC
PRESERVATION OFFICER

July 10, 2017

Mr. Gene Payne, Manager
CSX
500 Water Street – J-315
Jacksonville, Florida 32202

Re: Plans to file request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost OMV 250.1, at the end of the line, and milepost OMV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY

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Sincerely,

Craig A. Potts,
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