



TRANSPORTATION

Dave Geraci

Manager - Network Rationalisation

AB 55-667X  
500 Water Street - J200  
Jacksonville, FL 32202  
(904) 359-1086  
FAX (904) 359-1111

#E1-2020  
DAW

April 27, 2006

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street NW -Suite 534  
Washington, DC 20423-0001

RE: CSXT Proposed Abandonment  
Harlan County, KY  
STB Docket AB-55 (Sub-No. 667X)

Gentlemen:

This refers to CSX Transportation's Notice of Exemption filed on April 21, 2006, requesting authority to abandon its rail line described above. Enclosed please find a copy of a letter dated April 24, 2006 from Ms. Deborah Tuck of the U.S. Army Corps of Engineers stating, "...a permit would not be required."

Sincerely,

Attachment

Copy: Mr. Steven Armbrust, CSXT, 500 Water Street-J150, Jacksonville, FL, 32202



DEPARTMENT OF THE ARMY  
NASHVILLE DISTRICT, CORPS OF ENGINEERS  
3701 Bell Road  
NASHVILLE, TENNESSEE 37214

April 24, 2006

REPLY TO  
ATTENTION OF:  
Regulatory Branch

SUBJECT: File No. 2006-00658: Proposed Abandonment of Railway Segment Between Milepost OWH 258.5 (Northeast of Evarts) and Milepost OWH 271.06 (end of track), Harlan County, Kentucky

Mr. Dave Geraci  
CSX Transportation  
500 Water St.-J200  
Jacksonville, FL 32202

Dear Mr. Geraci:

This is in response to your letter dated March 2, 2006 requesting our review/comments of the subject proposal.

The U.S. Army administers regulatory jurisdiction over navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 and all waters of the U.S., including wetlands, under Section 404 of the Clean Water Act. If the proposal would impact these waters, a Department of the Army permit would be required.

Based on the information provided and other available resources, the work would not impact waters of the U.S., including wetlands, with deposition of fill or dredged material. **Therefore, a permit would not be required.**

We appreciate your awareness of our regulatory program. If you have any questions, you can contact me at the above address, telephone (615) 369-7518, or by email at [deborah.s.tuck@usace.army.mil](mailto:deborah.s.tuck@usace.army.mil).

Sincerely,

A handwritten signature in cursive script that reads "D Tuck".

Deborah T. Tuck  
Regulatory Specialist  
Operations Division

Copy Furnished:

CELRN-MCA-MAR/R



**TRANSPORTATION**  
Dave Geraci  
Manager - Network Rationalization

2006 - 00658

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

March 2, 2006

MAR 07 2006

U.S. Army Corps of Engineers  
Louisville District  
PO Box 59  
Louisville, KY 40201-0059

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering an abandonment of a portion of its rail line from Railroad Milepost OWH 258.5 (northeast of Evarts) to the end of track at Railroad Milepost OWH 271.06, a distance of 12.56 miles in Harlan County, Kentucky as depicted on the attached map.

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."

It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend to disturb any of the underlying roadbeds or perform any activities that would cause sedimentation or erosion of the soil, and we do not anticipate any dredging or use of fill in the removal of the track material. The track removal 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. 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.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact on wetlands or 100-year flood plains, and that no permits under Section 404 will be required.

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

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

Sincerely,

Attachment