

RECEIVED 1/11/2006

E1-1814  
CD



500 Water Street - J200  
Jacksonville, FL 32202  
(904) 359-1086  
FAX (904) 359-1111  
Email: Dave\_Geraci@CSX.com

Dave Geraci  
Manager - Network Rationalization

December 27, 2005

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street NW -Suite 534  
Washington, DC 20423-0001  
Attn: Ms. Christa Dean

RE: CSXT Proposed Abandonment  
Limerick IT, Watertown, NY  
STB Docket AB-55 (Sub-No. 663X)

Dear Ms. Dean:

This refers to CSX Transportation's Notice of Exemption filed on October 14, 2005, requesting authority to abandon its rail line described above. I have received the following responses in regards to the environmental assessment:

In a letter dated December 5, 2005, The New York Department of State - Coastal Zone Management stated "...it is not necessary for the Department of State to review this proposal pursuant to the consistency provisions of the federal Coastal Zone Management Act and the New York State Coastal Zone Management Program."

In a letter dated December 13, 2005, The Department of the Army, Buffalo District, Corps of Engineers stated "...we have no jurisdiction of the proposal and a Department of the Army permit is not required."

In a letter dated December 19, 2005, The U.S. Department of the Interior - Fish and Wildlife Service stated "...we do not anticipate impacts to the Indiana bat from the proposed project."

Please feel free to contact me if you should you have any further questions.

Sincerely,

Attachment  
Copy: Mr. Lou Gitomer, 1455 F Street, NW, Suite 225, Washington, DC, 20005



STATE OF NEW YORK  
DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231-0001

GEORGE E. PATAKI  
GOVERNOR

December 5, 2005

CSX Transportation  
Dave Geraci  
Manager - Network Rationalization  
500 Water Street - J200  
Jacksonville, FL 32202

Re: STB DOCKET AB-55 (SUB-NO. 663X)  
Proposed Abandonment - Limerick Industrial Track  
Watertown, Jefferson County

Dear Mr. Geraci:

The Department of State has reviewed the information received on December 5, 2005, describing the above-referenced proposal.

The information provided indicates the proposal would not be undertaken in the State's designated coastal area and is not likely to affect land and water uses and natural resources within the State's coastal area. Therefore, it is not necessary for the Department of State to review this proposal pursuant to the consistency provisions of the federal Coastal Zone Management Act and the New York State Coastal Management Program.

If you have any questions or need any additional information regarding this matter, please contact me at (518) 486-7670 (email: [bsasko@dos.state.ny.us](mailto:bsasko@dos.state.ny.us)).

Sincerely,

Bridget R. Sasko  
Coastal Resources Specialist  
Division of Coastal Resources



**DEPARTMENT OF THE ARMY**  
**BUFFALO DISTRICT, CORPS OF ENGINEERS**  
**1776 NIAGARA STREET**  
**BUFFALO, NEW YORK 14207-3199**

REPLY TO  
ATTENTION OF:

December 13, 2005

Regulatory Branch

SUBJECT: Determination of No Jurisdiction for Application No.  
2006-00071(0)

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

Dear Mr. Geraci:

This pertains to your proposal to abandon/remove old rail line adjacent to wetlands contiguous to Black River, located at White Road, near the City of Watertown, Jefferson County, New York.

The Corps of Engineers regulatory responsibilities under Section 404 of the Clean Water Act establishes jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands. However, the information which accompanied your application indicates that the proposed work will not involve a discharge of dredged or fill material into "Waters of the United States". Therefore, I have determined that we have no jurisdiction over the proposal and a Department of the Army permit is not required.

Should you modify your proposal to entail a discharge of dredged or fill material into a "Water of the United States" you must contact this office regarding Department of the Army permit requirements.

Although a permit is not required, we request that proper measures be taken to prevent unintentional discharges from entering the waterway.

You are encouraged to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Questions pertaining to this matter should be directed to me

Regulatory Branch

SUBJECT: Determination of No Jurisdiction for Application No.  
2006-00071(0)

at (716) 879-4342, by writing to the following address: U.S. Army  
Corps of Engineers, 1776 Niagara Street, Buffalo, New York  
14207, or by e-mail at: [daniel.d.decker@usace.army.mil](mailto:daniel.d.decker@usace.army.mil)

Sincerely,

A handwritten signature in cursive script that reads "Daniel D. Decker". The signature is written in dark ink and is positioned above the typed name.

Daniel D. Decker  
Biologist

Enclosures



**TRANSPORTATION**  
 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

2005 OCT -4 AM 11:07  
 September 6, 2005

U.S. Army Corps of Engineers  
 Jacob K. Javits Federal Building  
 26 Federal Plaza, Room 2109  
 New York, NY 10278-0090

43,9746  
 75.9282

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line near Watertown, Jefferson County, New York 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."

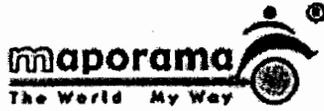
It is our opinion that there will be no impact on designated wetlands or 100-year flood plains because our intent at this time is to only remove CSXT's metal track material, crossties and perhaps the upper layer of ballast, and to preserve the existing routes of water flow and drainage. We do not intend 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.

Sincerely,

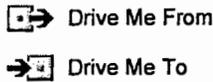
Attachment



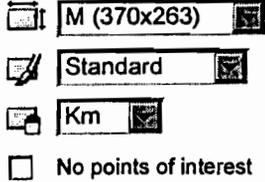
Export the map



Itineraries



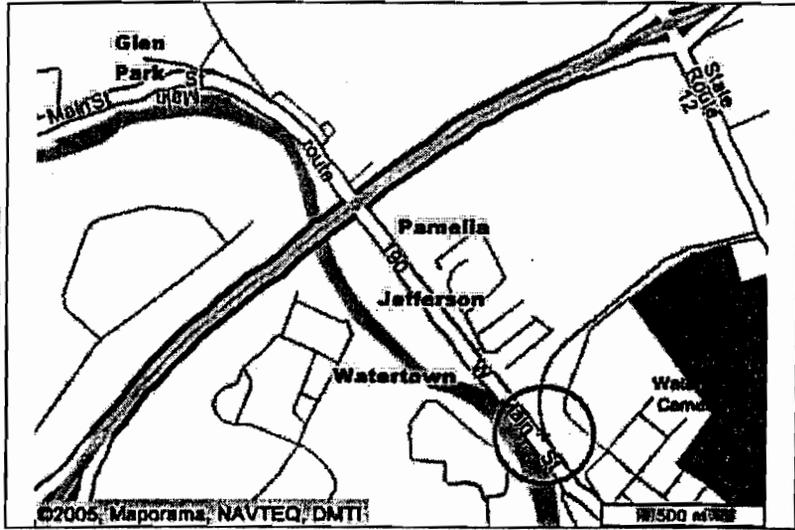
Personalise your map



Information

Lat-Long:  
43° 59' , -75° 55'  
43.995 , -75.93

william t field dr - WATERTOWN (13601) - USA  
Store and retrieve | New search



Click on the map to:

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- Recenter & Zoom in
- Move the target



Look

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CSX Transportation; track abandonment



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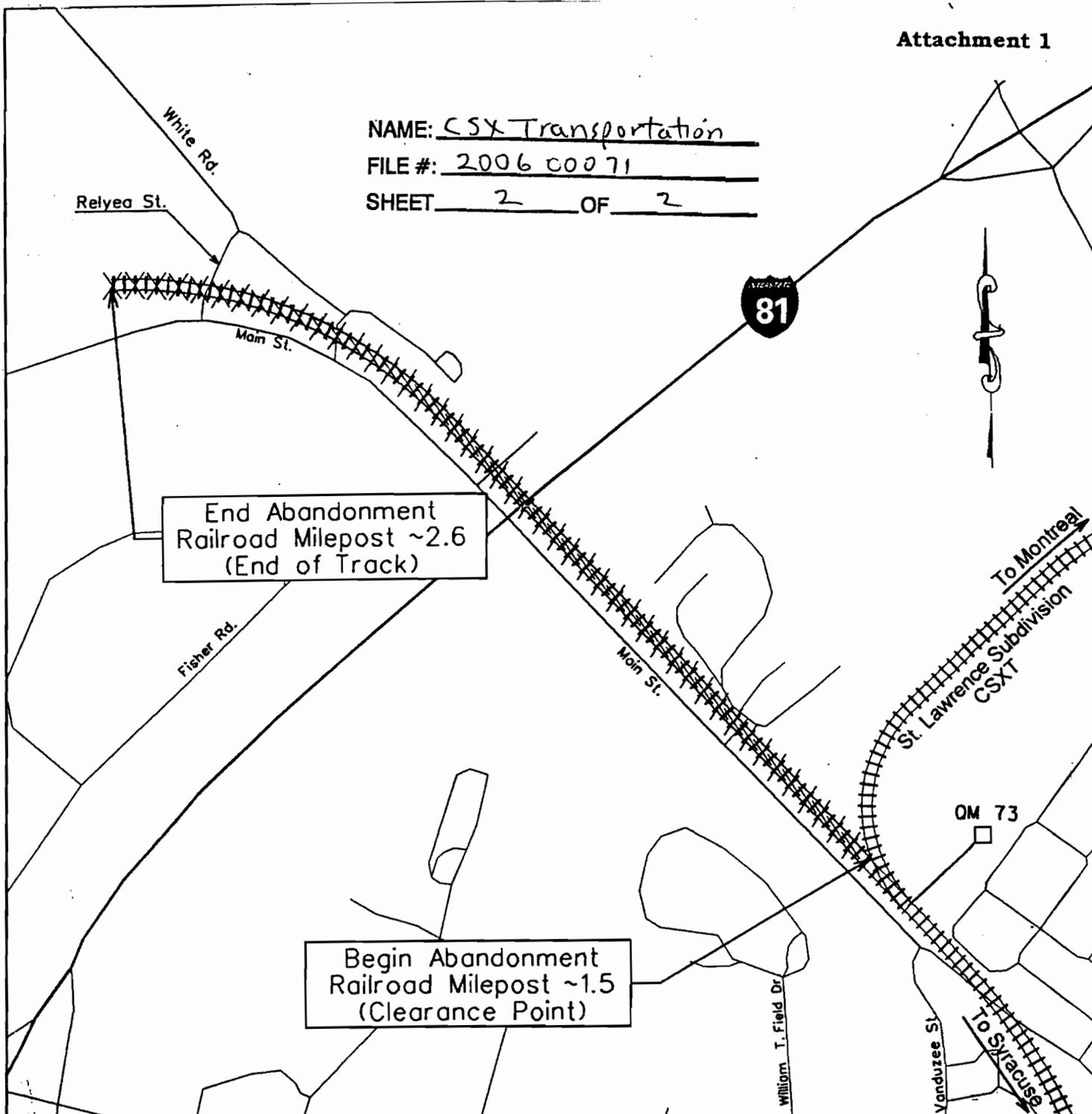
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NAME: CSX Transportation, INC.  
FILE #: 2006 00071 (0)  
SHEET 1 OF 2

NAME: CSX Transportation

FILE #: 2006 00071

SHEET 2 OF 2



End Abandonment  
Railroad Milepost ~2.6  
(End of Track)

Begin Abandonment  
Railroad Milepost ~1.5  
(Clearance Point)

**LEGEND**

PROPOSED ABANDONMENT  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
Total Distance - 1.1 Miles +/-

NORTHERN REGION  
ALBANY DIVISION  
ST. LAWRENCE SUBDIVISION  
LIMERICK INDUSTRIAL TRACK  
(a.k.a. BROWNVILLE I.T.)  
STB Docket No. AB55  
(Sub. No. 663X)

**CSX TRANSPORTATION**

Proposed Abandonment  
Limerick Industrial Track  
Railroad Milepost 1.5 - 2.6 +/-

City: Watertown  
County: Jefferson  
State: New York  
Fips: 36045  
Pin: 36045-0009

VAL: V96/1  
GIS: 57108  
Scale: 1" = 750'  
Date: 8/31/05  
Drawn By: LF



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045

December 19, 2005

Mr. Dave Geraci  
Manager-Network Rationalization  
CSX Transportation  
500 Water Street-J200  
Jacksonville, FL 32202

Dear Mr. Geraci:

This responds to your November 9, 2005, letter regarding the proposed abandonment of a 1.1-mile portion of a CSX rail line (Limerick Industrial Track, Milepost 1.5-2.6+/-) near Watertown, Jefferson County, New York.

As you are aware, there is potential for the Federally- and State-listed endangered Indiana bat (*Myotis sodalis*) to occur within the proposed project area, which is approximately 0.75 mile from known hibernacula in Jefferson County. Your letter indicates that removal of material will be accomplished by use of the right-of-way for access, along with existing public and private crossings, no new access roads are contemplated, and there will be no disturbance of any forested areas, mines, or caves for the project. Based on the information provided, we do not anticipate impacts to the Indiana bat from the proposed project.

Except for the potential for Indiana bat and occasional transient individuals, no other Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York\* is available for your information. If the proposed project is not completed within one year from the date of this letter, we recommend that you contact us to ensure that listed species presence/absence information for the proposed project is current.

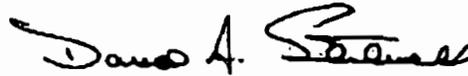
The above comments pertaining to endangered species under our jurisdiction are provided as technical assistance pursuant to the ESA. This response does not preclude additional U.S. Fish and Wildlife Service (Service) comments under other legislation.

As stated above, the Indiana bat is listed as endangered by the State of New York. Any project plan modifications should be coordinated with both this office and with the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC contact for this species

is Mr. Peter Nye, Endangered Species Unit, 625 Broadway, Albany, NY 12233 (telephone: [518] 402-8859).

Thank you for your time. If you require additional information please contact Mark Clough or Michael Stoll at (607) 753-9334. Future correspondence with us on this project should reference project file 6TA0250.

Sincerely,



David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://nyfo.fws.gov/es/section7.htm>

cc: NYSDEC, Watertown, NY (Env. Permits)  
NYSDEC, Albany, NY (Endangered Species; Attn: P. Nye)  
NYSDEC, Albany, NY (Natural Heritage)