

received 7/28/04



Dave Geraci
Manager - Network Rationalization

500 Water Street - J200
Jacksonville, FL 32202
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CD

July 22, 2004

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

RE: KY 22 - CSXT Proposed Abandonment - Southern Region, Huntington Division, Big Sandy Subdivision, between Dunleary (Milepost CMH 0.00) and end of track (Milepost CMH 1.43) also known as the Beaver Creek Spur, a distance of 1.43 miles in Pike County, Kentucky.
Docket No. AB-55 (Sub-No. 653X)

Gentlemen:

This refers to CSX Transportation's Petition for Exemption filed on July 15, 2004, requesting authority to abandon its rail line described above.

Attached is the response dated July 19, 2004 from the Department of the Army - Corps of Engineers stating "...no authorization is required from the Corps of Engineers for this activity."

Sincerely,

Attachment

Copy: Mr. Jon Gold, CSXT, 500 Water Street-J150, Jacksonville, FL 32202
Mr. Lou Gitomer, Ball-Janik, LLP, 1455 F Street, NW, Suite 225, Washington, DC 20005



DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

RCVD 7/22/04

REPLY TO:
Operations and Readiness Division
ATTENTION OF:
Regulatory Branch
200400910—Beaver Creek Watershed (Section 10: Russell Fork)

JUL 19 2004

File KY 22

AB55 Sub No. 653X

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

Dear Mr. Geraci:

I refer to information received in this office on June 3, 2004 concerning the Proposed Abandonment project located starting at Dunleary, Pike County, Kentucky. You are proposing to abandon approximately 1.43 miles of track. You have indicated this action will not impact any wetlands or streams, with no dredging or fill material to be used during this activity. You requested comments and that we review the proposal for possible permit requirements.

The United States Army Corps of Engineers, under Section 404 of the Clean Water Act, requires that a Department of the Army permit be obtained prior to placing dredged or fill material into waters of the United States, including wetlands. Based on the information you provided, it appears that no fill or dredged material would be placed in waters of the United States. Therefore, no authorization is required from the Corps of Engineers for this activity. However, should the project be modified to include the placement of fill or dredged material into waters of the United States, prior authorization may be required from this office.

If you have any questions concerning the above, please contact Jim Spence at 304-399-5710.

Sincerely,

LuAnne S. Conley
Regulatory Specialist, South Regulatory Sec.

Copy furnish:
Mr. John Dovak
Kentucky Division of Water
14 Reilly Road
Frankfort, KY 40601