



Dave Geraci
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July 27, 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 21, 2004 from the U.S. Department of the Interior - Fish and Wildlife Service in Cookeville, TN stating *"No significant adverse impacts to wetlands or federally listed endangered or threatened species are anticipated from this proposal."*

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



TRANSPORTATION

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STAFF MAB
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May 27, 2004

U.S. Department of the Interior
Fish & Wildlife Service
446 Neal Street
Cookeville, TN 38501

No significant adverse impacts to wetlands or federally listed-endangered or threatened species are anticipated from this proposal.

Kevin Lee Proctor / 7/21/04
Field Supervisor Date
U. S. Fish and Wildlife Service
Frankfort, KY 40601

Gentlemen:

Please be advised that CSX Transportation, Inc. is considering abandonment of a portion of its rail line from Dunleary to the end of track, known at the Beaver Creek Spur, Pike County, Kentucky as depicted on the attached map. This abandonment is being filed in conjunction with a planned purchase by the Kentucky Transportation Cabinet for use of this rail corridor for a highway expansion project.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) require that we develop responses to the following statements:

- (i) Based on consultation with the U. S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.
- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The removal of CSXT's rail material 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. We do not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. 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. During track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other materials from entering any watercourses.

Based upon the above described actions, we would appreciate your concurrence in CSXT's position that there would be no adverse impact to any federally-listed endangered or threatened species, critical habitats, wildlife sanctuaries or refuges, National or State parks, or forests.

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

Sincerely,

Attachment