



Dave Geraci
Manager - Network Rationalization

E1-16246
J/C

500 Water Street - J200
Jacksonville, FL 32202
(904) 633-1068
FAX (904) 245-2226

December 16, 2008

Surface Transportation Board
Section of Environmental Analysis
395 East Street, SW
Washington, DC 20423-0001

RE: CSXT Abandonment
Niagara County, NY
STB Docket AB-55 (Sub-No. 692X)

Dear STB - SEA:

This refers to CSX Transportation's Notice of Exemption filed on December 12, 2008, requesting authority to abandon its rail line described above. Enclosed please find a copy of a letter dated December 11, 2008 from Mr. Bryan Young of the U.S. Army Corps of Engineers in Buffalo, New York stating "...the proposed work will not involve a discharge of dredged or fill material into Federal, jurisdictional wetlands or waters."

Sincerely,

Attachments

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



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

REPLY TO

December 11, 2008

Regulatory Branch

SUBJECT File number 2008-02047, CSX Transportation - abandonment of one segment of railroad known as the Wurlitzer Industrial Track in Niagara County, New York.

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

Dear Mr. Geraci:

This is in reference to your letter dated October 27, 2008 in which you proposed to abandon approximately 1.06 miles of railroad from Railroad Milepost QDJ 0.94 to the Railroad Milepost QDJ 2.0, known as the Wurlitzer Industrial Track, Town of North Tonawanda, Erie County, New York. The abandonment includes the removal of CSX Transportation's metal track material and its associated crossties as well as the upper layer of ballast with the underlying roadbeds to remain undisturbed. All removed materials are to be hauled off site utilizing the right of way as well as existing public and private crossings.

Under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers has regulatory authority over construction, excavation, or deposition of materials in, over, or under navigable waters of the United States. Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers regulates the discharge of dredged or fill material into waters of the United States, including freshwater wetlands. Certain types of activities, such as landclearing using mechanized equipment and/or sidecasting, in a jurisdictional water would likely be regulated under Section 404 of the Clean Water Act.

An in-house review of the information received in your letter indicates that the proposed work will not involve a discharge of dredged or fill material into Federal, jurisdictional wetlands or waters.

We request that proper erosion control measures be taken to prevent unintentional discharges from entering the waterway. 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.

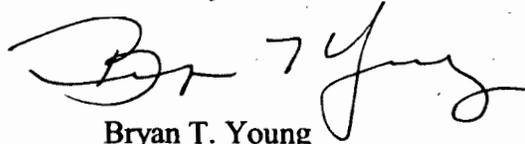
Regulatory Branch

SUBJECT File number 2008-02047, CSX Transportation - abandonment of one segment of railroad known as the Wurlitzer Industrial Track in Niagara County, New York.

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 at (716) 879-4246, by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at: bryan.t.young@usace.army.mil

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan T. Young". The signature is written in a cursive style with a large initial "B" and a long, sweeping tail.

Bryan T. Young
Biologist



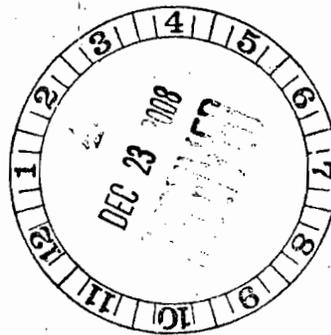
Network Rationalization (J200)
500 Water Street
Jacksonville, FL 32202

ADDRESS SERVICE
REQUESTED

PRESORTED
FIRST CLASS



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MAILED FROM ZIP CODE 32202



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Section of Environmental Analysis
395 East Street, SW
Washington, DC 20423-0001

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