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ENTERED
Office of Proceedings
July 18, 2017
Part of
Public Record

July 18, 2017

Ms. Cynthia T. Brown
Chief of the Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

RE: Docket No. AB-55 (Sub-No. 773X), *CSX Transportation, Inc.—Abandonment
Exemption—in Harlan County, KY*

Dear Ms. Brown:

On or about July 18, 2017, we expect to be filing with the Surface Transportation Board (“STB”) a Petition for Exemption seeking authority for CSX Transportation, Inc. (“CSXT”) to abandon an approximately 1.6-mile rail line on its Northern Region, Huntington Division, CV Subdivision, Engineering Appalachian Division, also known as the Merna Spur between milepost 0MV 250.1, at the end of the line, and milepost 0MV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY

Enclosed for electronic filing is the Combined Environmental and Historic Report (“CEHR”) which describes the proposed action and any expected environmental and/or historical effects, as well as maps of the affected area. The CEHR was mailed vial first class mail to the parties required under 49 C.F.R. 1105.7 and under 49 C.F.R. 1105.8(c) on June 22, 2017.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

COMBINED ENVIRONMENTAL AND HISTORIC REPORT (“CEHR”)
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-55 (Sub-No. 773X)

CSX TRANSPORTATION, INC.—ABANDONMENT EXEMPTION—
IN HARLAN COUNTY, KY

Dated: July 17, 2017

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

CSX Transportation, Inc., (“CSXT”) proposes to abandon the approximately 1.6-mile rail line referred to as the Merna Spur in the Northern Region, Louisville Division, CV Subdivision, Engineering Appalachian Division¹ between milepost 0MV 250.1, at the end of the line, and milepost 0MV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the “Line”) . Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment, reclassify the line as a spur track, and lease the spur track to JRL Coal, Inc. (“JRL”). JRL has reopened a coal mine at the end of the Line and started shipping coal. JRL has entered a Track Lease Agreement with CSXT that will take effect once the abandonment has been consummated and the track reclassified. JRL’s use of the Line will be limited to (1) movement of railcars between JRL’s various plant facilities, (2) storage, loading and unloading operations, and (3) receipt and

¹ Since the consummation of the discontinuance of service over the Line in *CSX Transportation, Inc.—Discontinuance of Service Exemption—in Harlan County, Ky.*, Docket No. AB-55 (Sub-No. 753X) (served February 18, 2016), CSXT has reorganized its regions, hence the name change.

delivery of railcars to CSXT. No other industry will be served from the Line. The track and materials will be upgraded and all bridges and culverts will be left in place.

CSXT does not intend to disturb any sub grade or sub grade structures and does not intend to remove any bridge structures. CSXT will operate over the spur track to serve JRL, the sole customer. Since the Line will not be salvaged, no public or private road crossings will be removed.

There has been no local or overhead traffic on the Line for over 2 years. Common carrier service over the Line was discontinued on March 22, 2016, pursuant to *CSX Transportation, Inc.—Discontinuance of Service Exemption—in Harlan County, Ky.*, Docket No. AB-55 (Sub-No. 753X) (served February 18, 2016). However, CSXT has begun serving JRL Coal, Inc. (“JRL”), which reopened a coal mine at the end of the Line and started shipping coal.

The only alternative to a full abandonment would be for CSXT not to abandon the Line. CSXT would allow the Line to remain in a discontinued state for the foreseeable future.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. The freight traffic on the Line generated by JRL will continue to move over the reclassified Line and then onto CSXT. No traffic will be diverted to motor carrier. The proposed abandonment should have no adverse effects on regional or local highway systems and traffic patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed

action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) CSXT considers the proposed abandonment and reclassification of the Line to be consistent with existing land use plans. There will be no change in the use of the property. CSXT notified Harlan County, KY by letter dated June 22, 2017 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. A copy of the preliminary CEHR was also mailed to the appropriate local and state agencies for their information and further comment. As of July 18, 2017, CSXT has not received a response to its June 22, 2017 inquiry.

(ii) CSXT does not believe that there is any prime agricultural land that will be affected. CSXT notified the United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letter dated June 22, 2017 (See Exhibit 2) requesting comments and included a copy of the preliminary CEHR. By letter dated July 10, 2017, USDA states “that there are no prime or statewide important farmlands along the section of railroad tract” (See Exhibit 2).

(iii) The Line does not pass through a designated coastal zone.

(iv) CSXT believes the Line would not be suitable for interim trail use/rail banking because a shipper intends to use it as a spur track to serve its reopened facility.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will increase the ability to transport energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will enable the use of railroad transportation over the Line once it is reclassified as a spur and rehabilitated.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety. At-grade crossings will be restored as part of the rehabilitation by the shipper.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) CSXT is not aware of any known hazardous waste sites or sites where there have been known hazardous materials spills on the Line.

(8) Biological Resources. (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.

(i) CSXT does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. CSXT had notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letter dated June

22, 2017 (See Exhibit 2) and requested assistance in determining whether the proposed abandonment would adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the preliminary CEHR. By email dated July 17, 2017, (See Exhibit 2) USF&W states that abandonment will not result in adverse effects to federally-listed species.

(ii) CSXT does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

CSXT had notified the National Parks Service of the proposed abandonment by letter dated June 22, 2017 (See Exhibit 2) and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of the preliminary CEHR. As of July 18, 2017, CSXT has not received a response to its June 22, 2017 inquiry.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) 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. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) CSXT is confident that the proposed abandonment will be consistent with applicable water quality standards. CSXT notified the State Environmental Protection Agency (“SEPA”), and the United States Environmental Protection Agency (“USEPA”) by letters dated June 22, 2017 (See Exhibit 2) and requested assistance in identifying any potential effects on water quality standards and included a copy of the preliminary CEHR. As of July 18, 2017, CSXT has not received a response to its June 22, 2017 inquiry.

(ii) CSXT believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of material, if any, will be accomplished by use of the right-of-way for access. No new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. CSXT will ensure that JRL will transport crossties and/or other debris away from the Line and will not discard them along the right-of-way or place or leave them in streams or wetlands, or along the banks of such waterways. Also, during track replacement, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, CSXT does not believe a permit under Section 404 of the Clean Water Act will be required.

CSXT notified the U.S. Army Corps of Engineers by letter dated June 22, 2017 (See Exhibit 2) and requested assistance in identifying whether permits under section 404 of the Clean Water Act are required for the proposed abandonment and that no designated wetlands or 100-year flood plains will be affected by the proposed abandonment water quality standards and included a copy of the preliminary CEHR. As of July 18, 2017, CSXT has not received a response to its June 22, 2017 inquiry.

(iii) CSXT believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. CSXT notified the SEPA and the USEPA by letter dated June 22, 2017 (See Exhibit 2) and requested assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment permits under section 402 of the

Clean Water Act would be required for the abandonment and included a copy of the preliminary CEHR. As of July 18, 2017, CSXT has not received a response to its June 22, 2017 inquiry.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

CSXT does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. CSXT will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the State Department of Archeology and Historic Preservation (*See Exhibit 3*) along with the preliminary CEHR.

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right of way width along this right of way is approximately 33 feet from the centerline of track. The two ends of the wye begin about 320 feet west of Highway 3001. It crossed Highway 3001 and runs north east on the northern/western side of Kentucky Route 990 across Lenarue Road and through Coalgood, KY where it crosses Mary Helen Cemetery Road, County Road 1289 and Left Fork Turtle Creek Road, at which point ends approximately 1820 feet northeast of Left Fork Turtle Creek Road. The Line is to the north/west of Route 990. Turtle Creek runs on the south/east of route 990. The Line does not cross Turtle Creek. The area surrounding the Line is rural.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no bridges or structures on the property that are 50 years old or older.

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

Not Applicable.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The history behind the CV Subdivision begins in April of 1886 when the Louisville and Nashville RR began surveying a route for a connection with the N&W in the modern day area of

Norton, Va. The selected route took this new line southeast from Corbin through Middlesboro, KY and tunneled under Cumberland Gap to reach Virginia's Poor Valley at which point the line turned due East toward Prince's Flats. The new rail line reached the town of Middlesboro in 1889, continued to a small village called Intermont, Va. in 1890 where a hookup with the Atlantic and Ohio (Southern) was completed and then moved on toward Prince's Flats in April of 1891. L&N track crews renamed the junction at Intermont, Appalachia, and renamed Prince's Flats, Norton after ex L&N president Eckstein Norton. During the construction into Intermont, a tunnel was bored through a large rock fault on the North side of Stone Mountain. Bee Rock tunnel is a short 47' 7" long and still exist today. Once this line was completed, the CV Subdivision was expanded to run east from Wasioto, KY to Cumberland, KY through Harlan County and the Appalachian Mountains. Branching off of this new line in Baxter, KY the CV Subdivision then extends south through the Appalachian Mountains for approximately 17.5 miles to Hagan, VA. On this line in Lenarue, KY, the Merna Spur was constructed and runs east from the Glidden Siding on the CV Subdivision to the end of the line at milepost 0MV 250.1 in Harlan, KY. The construction of the Merna Spur allowed coal to be moved by rail traffic from the Coalgood Mine. In 1971 the Seaboard Coast Line Railroad, successor to the Atlantic Coast Line Railroad, purchased the remainder of the L&N shares it did not already own, and the company became a subsidiary. By 1982 the railroad industry was consolidating quickly, and the Seaboard Coast Line absorbed the Louisville & Nashville Railroad entirely. Then in 1987, the Seaboard System merged with the C&O and B&O and the new combined company became CSXT, which now owns and operates all of the former Louisville and Nashville lines.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

CSXT possesses valuation maps and track charts of the Line, but is not aware of any

other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

CSXT believes that there are no bridges on the line that are over 50 years old. It is also CSXT's opinion that there are no archeological resources or other railroad related historic properties in the project area. Moreover, since CSXT is agreeable to the customer rehabilitating the Line after it is abandoned and reclassified, CSXT does not plan to alter, remove or dispose of any of the bridges that are on the Line.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

Based on a review of its records, CSXT believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

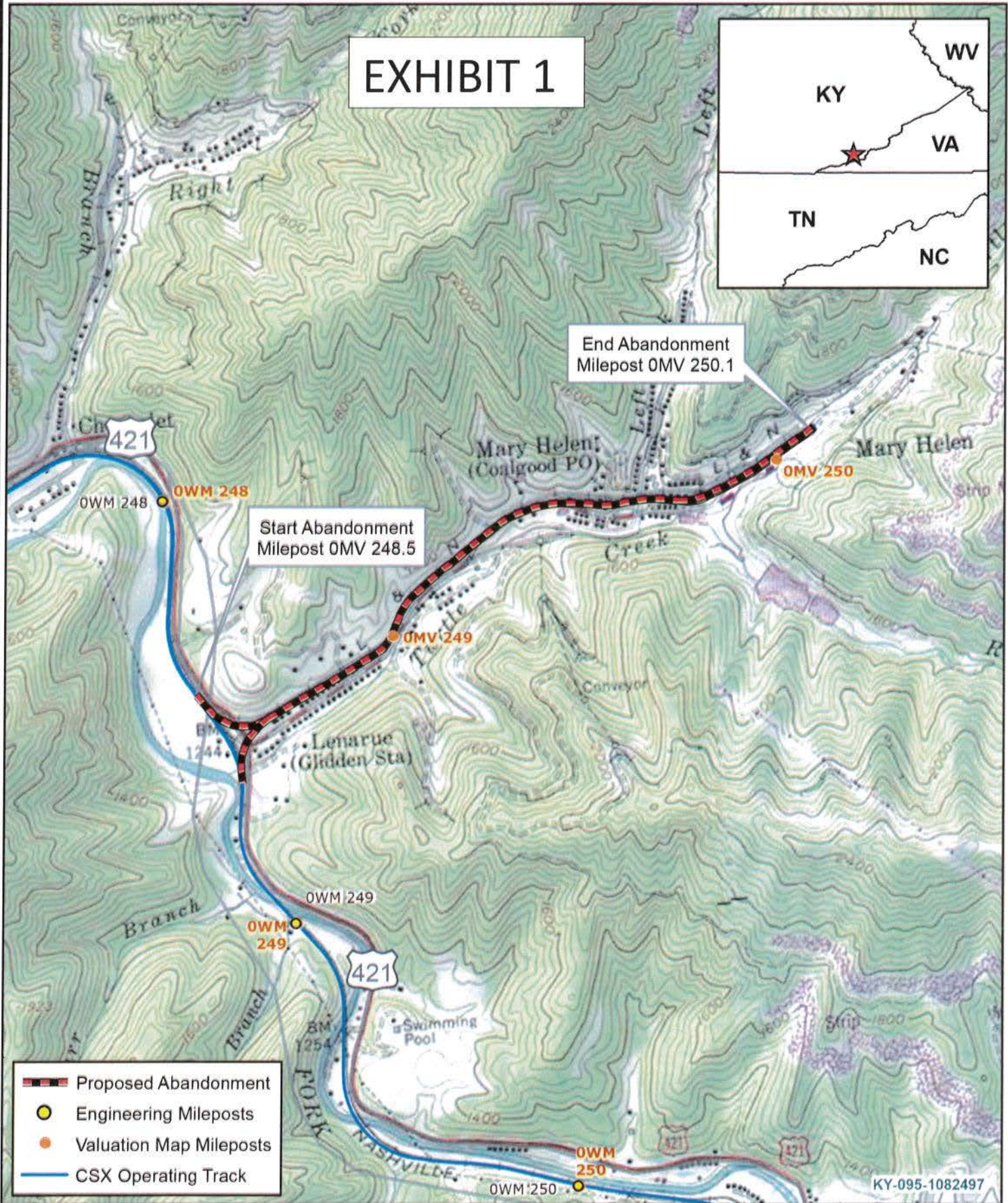
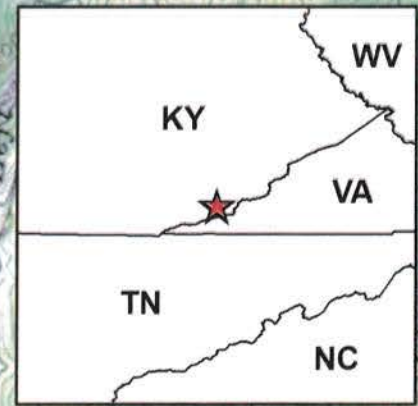
9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

CSXT does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, CSXT will promptly supply the necessary information.

CSXT notified the Kentucky Heritage Council by letter dated June 22, 2017 (*See Exhibit 2*) and requested assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the preliminary CEHR. As of July 18, 2017, CSXT has not received a response to its June 22, 2017 inquiry.

EXHIBIT 1 – MAP

EXHIBIT 1



CSX Transportation, Inc.
Proposed Abandonment - Topo Map
Harlan County, KY
Merna Spur

Milepost 0MV 248.5 to 0MV 250.1
Total Distance of approx. 1.6 Miles
Louisville Division - CV Subdivision
STB Docket No. AB 55 (Sub-No. 773X)

0 750 1,500

Feet



CSX Real Property, Inc.

EXHIBIT 2 – LETTERS (WITHOUT MAPS)



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

June 22, 2017

Kentucky
Office of Intermodal Programs
125 Holmes Street – 3rd Floor
Frankfort, KY 40601

Dear Sir/Madam;

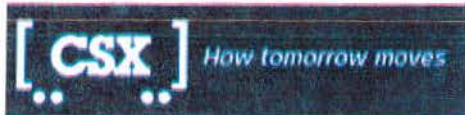
CSX Transportation, Inc. (CSXT) plans to file with the Surface Transportation Board (STB) a request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost 0MV 250.1, at the end of the line, and milepost 0MV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the Line).

CSXT is seeking an exemption to abandon the Line in order to reclassify the Line as a spur track and subsequently lease or sell the property to a new potential customer who plans to rehabilitate the Line and reopen a coal mine on the Line. The Line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and continued use of the Line for common carrier operations is no longer justified.

This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT's Combined Environmental and Historic Report (CEHR) must be:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies."

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within



500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne

Enclosures (3)



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

June 22, 2017

Mr. Dan Mosley
Harlan County Judge Executive
P.O. Box 956
Harlan, KY 40831

Dear Mr. Mosley:

CSX Transportation, Inc. (CSXT) plans to file with the Surface Transportation Board (STB) a request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost OMV 250.1, at the end of the line, and milepost OMV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the Line).

CSXT is seeking an exemption to abandon the Line in order to reclassify the Line as a spur track and subsequently lease or sell the property to a new potential customer who plans to rehabilitate the Line and reopen a coal mine on the Line. The Line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and continued use of the Line for common carrier operations is no longer justified.

This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT's Combined Environmental and Historic Report (CEHR) must be:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies."

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within



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Gene Payne
Manager Joint Facilities

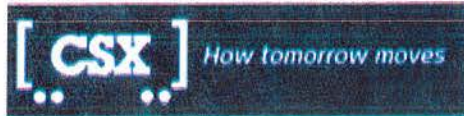
20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne

Enclosures (3)



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

June 22, 2017

U.S. EPA-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Dear Madam/Sir:

Please be advised that CSX Transportation, Inc. (CSXT) is considering to file with the Surface Transportation Board (STB) an Abandonment Notice of Exemption. The Proposed Abandonment –Northern Region, Louisville Division, CV Subdivision, Merna Spur from Milepost 0MV 248.5 to Milepost 0MV 250.1. The distance is approximately 1.6 miles located in Harlan County, KY.

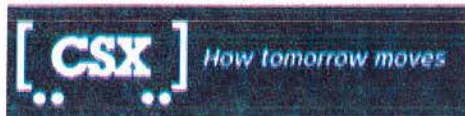
STB Docket numbers AB 55 (Sub-No. 773X)

The purpose of the proposed abandonment action is to officially abandon CSXT common carrier obligation and subsequently lease or sell the property. The 1.6-mile line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and retention of the line is no longer justified.

This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). Under 49 C.F.R. 1105.7 (e)(9) (i) and (iii) a portion of CSXT's Combined Environmental and Historic Report (CEHR) must be:

(i) *"Based on consultation with State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."*

(iii) *"State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action."*



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

There are no refueling or maintenance areas within the project area. 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. CSXT does 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 pollutant materials from entering any watercourses.

Based upon the above described actions, CSXT would appreciate receiving your concurrence with its position that the proposed project is consistent with applicable Federal, State and local water quality standards, and that no permits under Section 402 are required at this time. As further information, Enclosed is CSXT's preliminary CEHR with CSXT's analysis. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne

Enclosures (3)



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

June 22, 2017

U.S. Department of Agriculture
Natural Resources Conservation Service
London Service Center
100 Fortress Properties STE 1
London, KY 40741

Dear Sir/Madam;

CSX Transportation, Inc. (CSXT) plans to file with the Surface Transportation Board (STB) a request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost 0MV 250.1, at the end of the line, and milepost 0MV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the Line).

CSXT is seeking an exemption to abandon the Line in order to reclassify the Line as a spur track and subsequently lease or sell the property to a new potential customer who plans to rehabilitate the Line and reopen a coal mine on the Line. The Line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and continued use of the Line for common carrier operations is no longer justified.

This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). Under 49 C.F.R. 1105.7 (e)(3) (ii) a portion of CSXT's Combined Environmental and Historic Report (CEHR) must be:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

CSXT would appreciate your comments regarding whether any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land. Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,


Gene Payne

Enclosures (3)



United States Department of Agriculture

SUBJECT: PER – CSX – Transportation, Inc.

July 10, 2017

Prime Farmland Request

Merna Spur, Harlan County, KY

From Railroad Milepost OMV 250.1 to OMV 248.5, Harlan County, KY

TO: Gene Payne

Manager Joint Facilities

CSX

500 Waters Street – J-315

Jacksonville, FL 32202

Floyd_payne@csx.com

Mr. Payne,

NRCS response concerning the impact to prime agricultural farmland contiguous to the CSXT's Merna Spur between Railroad Milepost OMV 250.1 at the end of the line and milepost OMV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY.

Attached is an NRCS map that shows that there are no prime or statewide important farmlands along the section of railroad tract as shown on the map forwarded by your office. No impact to prime farmland or farmland of statewide importance is anticipated from the proposed rehabilitation operations or other work. The soil mapping units shown along the spur line are identified by the attached legend, as not important farmland.

Additional information on the soils of Harlan County is available on-line at USDA's Web Soil Survey for Harlan County, KY.

If you need additional information or assistance please contact the NRCS District Conservationist for Harlan County at 606-864-2172 or myself at the above address and number.

Steve Jacobs

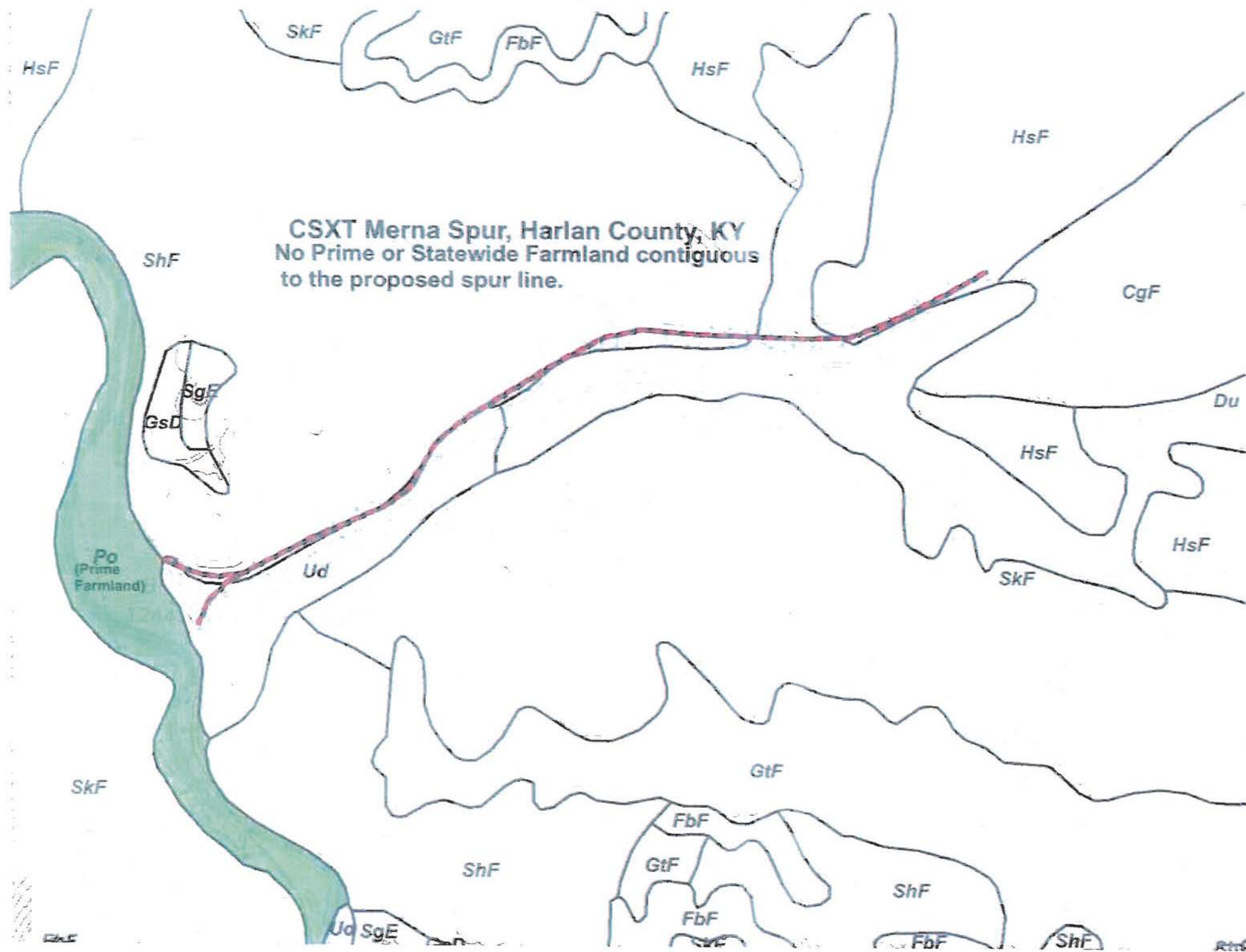
Resource Soil Scientist, NRCS, Maysville, Ky.

E-mail: steve.jacobs@ky.usda.gov

cc:

Brian Jones, NRCS Supervisory Natural Resource Manager, London, KY

CSXT Merna Spur, Harlan County, KY
No Prime or Statewide Farmland contiguous
to the proposed spur line.



Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

Prime farmland is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

Unique farmland is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be *farmland of statewide importance* for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be *farmland of local importance* for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Report—Prime and other Important Farmlands

Prime and other Important Farmlands—Bell and Harlan Counties, Kentucky		
Map Symbol	Map Unit Name	Farmland Classification
Du	Dumps, Mine; tallings, and Tipples	Not prime farmland
HisF	Highsplint-Cloverlick-Guyandotte complex, 35 to 75 percent slopes, very stony	Not prime farmland
ShF	Shelockta-Highsplint-Gilpin complex, 20 to 75 percent slopes, very stony	Not prime farmland
Ud	Udorthents-Urban land complex, occasionally flooded	Not prime farmland

Data Source Information

Soil Survey Area: Bell and Harlan Counties, Kentucky
Survey Area Data: Version 15, Sep 16, 2016

Map Unit Description (Brief, Generated)

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, provide information on the composition of map units and properties of their components.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

The Map Unit Description (Brief, Generated) report displays a generated description of the major soils that occur in a map unit. Descriptions of non-soil (miscellaneous areas) and minor map unit components are not included. This description is generated from the underlying soil attribute data.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Report—Map Unit Description (Brief, Generated)

Bell and Harlan Counties, Kentucky

Map Unit: Du—Dumps, Mine; tailings;, and Tipples

Component: Dumps, mine (tailings & tipples) (85%)

Generated brief soil descriptions are created for major soil components. The Dumps is a miscellaneous area.

Component: Bethesda, unstable fill (5%)

Generated brief soil descriptions are created for major components. The Bethesda soil is a minor component.

Component: Udorthents, unstable fill (5%)

Generated brief soil descriptions are created for major components. The Udorthents soil is a minor component.

Component: Fairpoint, unstable fill (5%)

Generated brief soil descriptions are created for major components. The Fairpoint soil is a minor component.

Map Unit: HsF—Highsplint-Cloverlick-Guyandotte complex, 35 to 75 percent slopes, very stony

Component: Highsplint (53%)

The Highsplint component makes up 53 percent of the map unit. Slopes are 35 to 75 percent. This component is on mountain slopes on mountains. The parent material consists of loamy skeletal colluvium derived from sandstone and shale. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 3 percent. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Cloverlick (17%)

The Cloverlick component makes up 17 percent of the map unit. Slopes are 35 to 75 percent. This component is on mountain slopes on mountains. The parent material consists of loamy skeletal colluvium derived from sandstone and shale. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is high. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 10 percent. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Guyandotte (10%)

The Guyandotte component makes up 10 percent of the map unit. Slopes are 35 to 75 percent. This component is on mountain slopes on mountains. The parent material consists of loamy skeletal colluvium derived from sandstone and shale. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 5 percent. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Petros (8%)

Generated brief soil descriptions are created for major components. The Petros soil is a minor component.

Component: Berks (7%)

Generated brief soil descriptions are created for major components. The Berks soil is a minor component.

Component: Muskingum (5%)

Generated brief soil descriptions are created for major components. The Muskingum soil is a minor component.

Map Unit: ShF—Shelocta-Highsplint-Gilpin complex, 20 to 75 percent slopes, very stony

Component: Shelocta, very stony (55%)

The Shelocta, very stony component makes up 55 percent of the map unit. Slopes are 20 to 75 percent. This component is on mountain slopes on mountains. The parent material consists of over clayey residuum weathered from shale and siltstone. Depth to a root restrictive layer, bedrock, paralithic, is 48 to 65 inches (depth from the mineral surface is 48 to 63 inches). The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is moderate. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 69 percent. Below this thin organic horizon the organic matter content is about 3 percent. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Highsplint, very stony (20%)

The Highsplint, very stony component makes up 20 percent of the map unit. Slopes are 20 to 75 percent. This component is on hillslopes on hills. The parent material consists of loamy-skeletal fine-loamy colluvium derived from sandstone and shale. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches (or restricted depth) is low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 70 percent. Below this thin organic horizon the organic matter content is about 3 percent. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Gilpin, very stony (15%)

The Gilpin, very stony component makes up 15 percent of the map unit. Slopes are 20 to 75 percent. This component is on mountain slopes on mountains. The parent material consists of fine-loamy residuum weathered from sandstone and shale. Depth to a root restrictive layer, bedrock, lithic, is 24 to 40 inches (depth from the mineral surface is 24 to 39 inches). The natural drainage class is well drained. Water movement in the most restrictive layer is low. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 69 percent. Below this thin organic horizon the organic matter content is about 4 percent. Nonirrigated land capability classification is 7e. This soil does not meet hydric criteria.

Component: Ramsey, very stony (5%)

Generated brief soil descriptions are created for major soil components. The Ramsey soil is a minor component.

Component: Marrowbone, very stony (3%)

Generated brief soil descriptions are created for major soil components. The Marrowbone soil is a minor component.

Component: Rock outcrop (2%)

Generated brief soil descriptions are created for major soil components. The Rock outcrop soil is a minor component.

Map Unit: Ud—Udorthents-Urban land complex, occasionally flooded

Component: Udorthents, unstable fill (55%)

The Udorthents, unstable fill component makes up 55 percent of the map unit. Slopes are 0 to 2 percent. This component is on reclaimed lands on flood plains on mountains. The parent material consists of loamy skeletal mine spoil or earthy fill derived from interbedded sedimentary rock. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Available water to a depth of 60 inches (or restricted depth) is very low. Shrink-swell potential is low. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Nonirrigated land capability classification is 6s. This soil does not meet hydric criteria.

Component: Urban land (20%)

Generated brief soil descriptions are created for major soil components. The Urban land is a miscellaneous area.

Component: Pope (9%)

Generated brief soil descriptions are created for major components. The Pope soil is a minor component.

Component: Shelbiana (8%)

Generated brief soil descriptions are created for major components. The Shelbiana soil is a minor component.

Component: Craigsville (8%)

Generated brief soil descriptions are created for major components. The Craigsville soil is a minor component.

Data Source Information

Soil Survey Area: Bell and Harlan Counties, Kentucky
Survey Area Data: Version 15, Sep 16, 2016

Received 6/30/17



500 Water Street - J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Gene Payne
Manager Joint Facilities

June 22, 2017

U.S. Department of Agriculture
Natural Resources Conservation Service
London Service Center
100 Fortress Properties STE 1
London, KY 40741

Dear Sir/Madam;

CSX Transportation, Inc. (CSXT) plans to file with the Surface Transportation Board (STB) a request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost OMV 250.1, at the end of the line, and milepost OMV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the Line).

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This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). Under 49 C.F.R. 1105.7 (e)(3) (ii) a portion of CSXT's Combined Environmental and Historic Report (CEHR) must be:

"Based on consultation with the U. S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land."

CSXT would appreciate your comments regarding whether any of the land contiguous to CSXT's line in the project area is classified as prime agriculture land. Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.



Gene Payne
Manager Joint Facilities

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Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,


Gene Payne

Enclosures (3)

Mr. Timothy Sturgill
Railtrail Development Office
Department of Local Government
1024 Capital Center Drive, Suite 340
Frankfort, KY 40601-8204

U.S. Fish & Wildlife Service
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670

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

National Geodetic Service (NOAA)
NGS-InfoCenter@noaa.gov (via email)

Mr. Dan Mosley
Harlan County Judge Executive
P.O. Box 956
Harlan, KY 40831

Kentucky Office of Intermodal Programs
125 Holmes Street-3rd Floor
Frankfort, KY 40601

Kentucky Department of Natural Resources and
Environmental Protection
Fort Boone Plaza
14 Reilly Road
Frankfort, KY 40601

U.S. EPA-Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960

U.S. Department of Agriculture
Natural Resources Conservation Service
London Service Center
100 Fortress Properties STE 1
London, KY 40741

National Park Service
Southeast Regional Office
Mr. Stan Austin
100 Alabama Street, SW, 1924 Building
Atlanta, GA 30303

Office of the Governor
The Honorable Matt Bevin
700 Capital Avenue, Suite 100
Frankfort, KY 40601



Gene Payne
Manager Joint Facilities

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Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

June 22, 2017

U.S. Fish & Wildlife Service
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670

Dear Sir/Madam:

CSX Transportation, Inc. (CSXT) plans to file with the Surface Transportation Board (STB) a request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost 0MV 250.1, at the end of the line, and milepost 0MV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the Line).

CSXT is seeking an exemption to abandon the Line in order to reclassify the Line as a spur track and subsequently lease or sell the property to a new potential customer who plans to rehabilitate the Line and reopen a coal mine on the Line. The Line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and continued use of the Line for common carrier operations is no longer justified.

This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). Under 49 C.F.R. 1105.7 (e)(8) (i) and (ii) a portion of CSXT's Combined Environmental and Historic Report (CEHR) must be:

- (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.*



Gene Payne
Manager Joint Facilities

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Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

Based upon the above described actions, CSXT would appreciate your concurrence in its 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.

As further information, Enclosed is CSXT's preliminary CEHR with CSXT's analysis. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,

Gene Payne

Enclosures (3)

Melanie Yasbin

Subject:

FW: FWS 2017-B-0676; CSX Transportation Proposed Abandonment of the Merna Spur in Harlan County, KY

----- Original message -----

From: "Allison, Carrie" <carrie_allison@fws.gov>

Date: 7/17/17 10:23 AM (GMT-05:00)

To: "Payne, Gene" <Floyd_Payne@CSX.com>

Subject: FWS 2017-B-0676; CSX Transportation Proposed Abandonment of the Merna Spur in Harlan County, KY

Dear Mr. Payne:

The U.S. Fish and Wildlife Service Kentucky Field Office (KFO) has reviewed the above-referenced report. The KFO agrees with your determination that the abandonment of the railroad line will not result in adverse effects to federally-listed species because the line is existing and no new impacts are proposed. However, because the line will be leased to a surface coal mining operation, we consider the actions of the mining operation an indirect effect of CSXT's abandonment of the line. Therefore, we recommend that CSXT ensure that the surface mining operation and use of their use of the line is in compliance with all applicable state and federal regulations that may be applicable to surface mining operations, including the Surface Mining Control and Reclamation Act (SMCRA), 404 Clean Water Act (CWA), and the Kentucky Pollutant Discharge Elimination System (KPDES) permitting process prior to finalizing the abandonment and lease of the line.

We appreciate the opportunity to comment on the proposed action. If you have any questions or need additional information, please contact me at your earliest convenience.

Carrie L. Allison

U.S. Fish and Wildlife Service

330 W. Broadway, Rm. 265

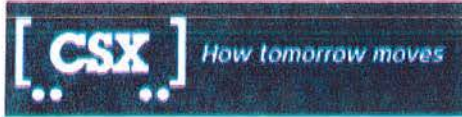
Frankfort, KY 40601

502-695-0468 ext. 103 (office)

502.695.1024 (fax)

"You cannot get through a single day without having an impact on the world around you. What you do makes a difference, and you have to decide what kind of difference you want to make." ~Jane Goodall

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.



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Gene Payne
Manager Joint Facilities

June 22, 2017

National Park Service
Southeast Regional Office
Mr. Stan Austin
100 Alabama Street, SW
1924 Building
Atlanta GA 30303

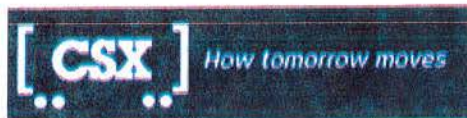
Mr. Austin:

CSX Transportation, Inc. (CSXT) plans to file with the Surface Transportation Board (STB) a request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost 0MV 250.1, at the end of the line, and milepost 0MV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the Line).

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This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2).

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.



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Enclosures (3)



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June 22, 2017

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

Dear Sir/Madam:

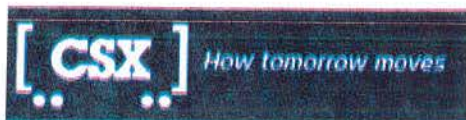
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This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). Under 49 C.F.R. 1105.7(e)(9) (ii) a portion of CSXT's Combined Environmental and Historic Report (CEHR) must be:

"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."

Based upon the above described actions, CSXT would appreciate your concurrence in its 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.



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Gene Payne

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Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

June 22, 2017

National Geodetic Survey
NGS.InfoCenter@noaa.gov

Dear Simon;

CSX Transportation, Inc. (CSXT) plans to file with the Surface Transportation Board (STB) a request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost 0MV 250.1, at the end of the line, and milepost 0MV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the Line).

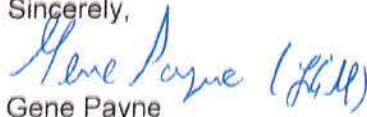
CSXT is seeking an exemption to abandon the Line in order to reclassify the Line as a spur track and subsequently lease or sell the property to a new potential customer who plans to rehabilitate the Line and reopen a coal mine on the Line. The Line, as shown on the attached map, has not generated any originating or terminating traffic in over two (2) years and continued use of the Line for common carrier operations is no longer justified.

Please advise if there are any geodetic markers which could be affected by the proposed transaction.

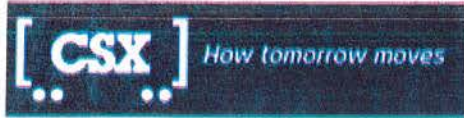
Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land use. Please respond by email to Floyd_Payne@csx.com or by mail to the above address, within 20 days of the date of this letter so that CSXT can include and analyze your comments in its Final CEHR.

Also enclosed is the distribution list of all parties who have been requested to comment on the CEHR. If you have any questions, please feel free to call or email me.

Sincerely,


Gene Payne

Enclosures (3)



Gene Payne
Manager Joint Facilities

500 Water Street – J-315
Jacksonville, FL 32202
Phone: (904) 359-3739
E-Mail: Floyd_payne@csx.com

June 22, 2017

Mr. Craig Potts
Executive Director
Kentucky Heritage Council & State Historical Preservation Officer
410 High Street
Frankfort, KY 40601

Dear Mr. Potts:

CSX Transportation, Inc. (CSXT) plans to file with the Surface Transportation Board (STB) a request to abandon a 1.6-mile rail line on the Northern Region, Louisville Division, CV Subdivision, Merna Spur between milepost 0MV 250.1, at the end of the line, and milepost 0MV 248.5 at the wye connecting to the CSXT Glidden Siding in Harlan County, KY (the Line).

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In connection with rail lines that are to become the subject of applications for authority to abandon, Federal Regulations at 49 CFR 1105.8(d), require that a Historic Report be submitted to the State Historic Preservation Officer prior to filing with the Surface Transportation Board. In accordance with those Regulations, I am attaching the CEHR covering the above-proposed abandonment.

We would appreciate receiving a letter from your office confirming that this project will have no impact upon cultural resources.



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Jacksonville, FL 32202
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Gene Payne
Manager Joint Facilities

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June 22, 2017

Mr. Timothy Sturgill
Railtrail Development Office
Department of Local Government
1024 Capital Center Drive, Suite 340
Frankfort, KY 40601-8204

Mr. Sturgill;

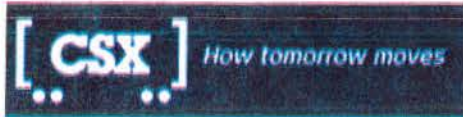
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This action requires Surface Transportation Board environmental and historic review under 49 C.F.R. 1105.6(b)(2). A portion of CSXT's Combined Environmental and Historic Report (CEHR) must be:

"Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies."

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Enclosed is CSXT's Preliminary CEHR with CSXT's analysis of current and future land



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Manager Joint Facilities

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Jacksonville, FL 32202
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June 22, 2017

Kentucky Department of Natural Resources and Environmental Protection
300 Sower Blvd. 2nd Floor
Frankfort, KY 40601

Dear Madam/Sir:

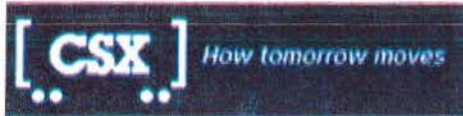
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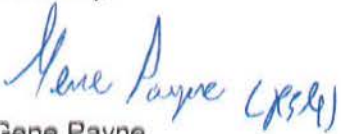
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June 22, 2017

Office of the Governor
The Honorable Matt Bevin
700 Capital Avenue, Suite 100
Frankfort, KY 40601
Dear Governor Bevin:

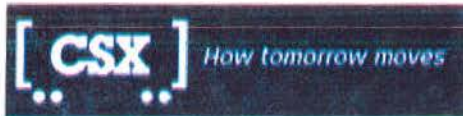
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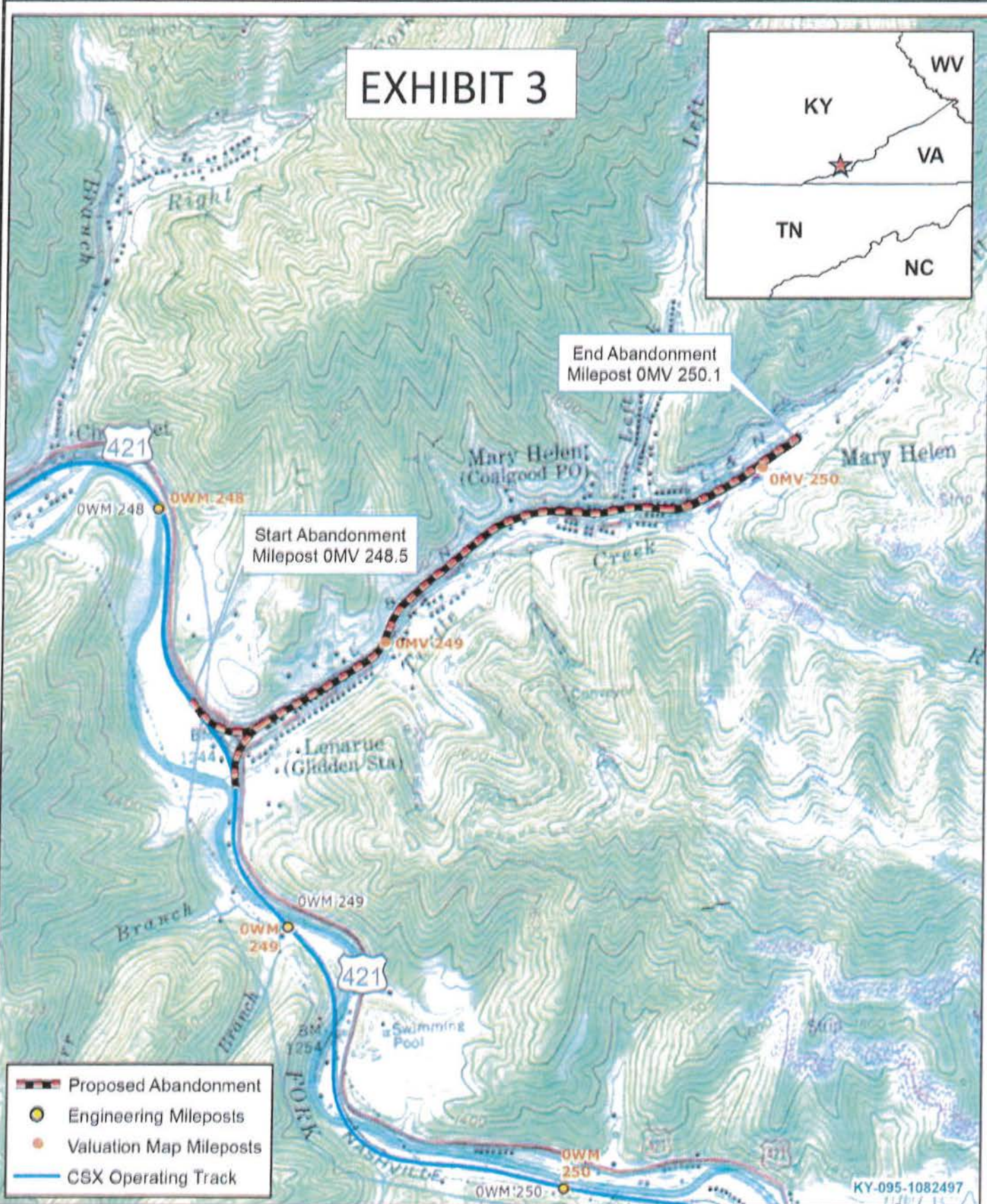
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Enclosures (3)

EXHIBIT 3 – USGS MAPS

EXHIBIT 3



- Proposed Abandonment
- Engineering Mileposts
- Valuation Map Mileposts
- CSX Operating Track

CSX Transportation, Inc.
Proposed Abandonment - Topo Map
Harlan County, KY
Merna Spur

Milepost 0MV 248.5 to 0MV 250.1
 Total Distance of approx. 1.6 Miles
 Louisville Division - CV Subdivision
 STB Docket No. AB 55 (Sub-No. 773X)



CSX Real Property, Inc.

KY-095-1082497

EXHIBIT 4 – PHOTOGRAPHS (NONE)

No historic structures will be affected.