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July 11, 2024
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July 11, 2024

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

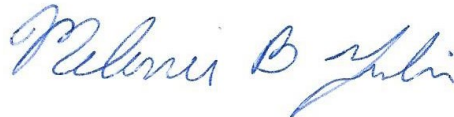
Re: **Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY**

Dear Ms. Brown:

Enclosed for electronic filing is a Verified Notice of Exemption for CSX Transportation, Inc. ("CSXT") to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, on its Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the "Line"). The filing fee of \$4,700 has been paid via pay.gov.

Thank you for your assistance. If you have any questions, please contact me.

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure

FILED
July 11, 2024
SURFACE
TRANSPORTATION BOARD

FEE RECEIVED
July 11, 2024
SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 816X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN PIKE COUNTY, KY

VERIFIED NOTICE OF EXEMPTION

Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer, LLC
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgraillaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: July 11, 2024

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-55 (Sub-No. 816X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN PIKE COUNTY, KY

VERIFIED NOTICE OF EXEMPTION

CSX Transportation, Inc. (“CSXT”) files this Verified Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). No local rail traffic has moved over the Line during the past two years. Any overhead traffic on the Line can be and has been rerouted. CSXT discontinued service over the Line on October 31, 2016.¹

Based on information in the possession of CSXT, the Line does not contain federally granted rights-of-way. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

1. Proposed consummation date. The proposed consummation date is August 30, 2024.
2. Certification required by 49 C.F.R. § 1152.50(b). *See* Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(1) through (4), (7), and (8), and (e)(4).

(a) General.

- (1) Exact name of applicant. CSX Transportation, Inc.

(2) Whether applicant is a common carrier by railroad subject to 49 U.S.C.

Subtitle IV, Chapter 105. CSXT is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

(3) Relief sought. CSXT seeks to use the class exemption at 49 C.F.R. § 1152.50 to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). There are no stations on the Line.

(4) Map. *See* Exhibit B.

(7) Name, title, and address of representative of applicant to whom correspondence should be sent. Louis E. Gitomer, Law Offices of Louis E. Gitomer, LLC, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410) 296-2250, Lou@lgraillaw.com.

(8) List of all United States Postal Service ZIP Codes that the line proposed for discontinuance traverses. The Line traverses U.S. Postal ZIP Codes 41557 and 41501.

(e) Rural and community impact.

(4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads and highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

¹ CSX Transportation, Inc.—Discontinuance of Service Exemption—in Pike County, KY, STB Docket No. AB-55 (Sub-No. 764X) (STB served Sept. 29, 2016).

CSXT believes that the property proposed for abandonment may be suitable for other purposes but may be subject to reversionary interests that may affect transfer of title for other than rail purposes.

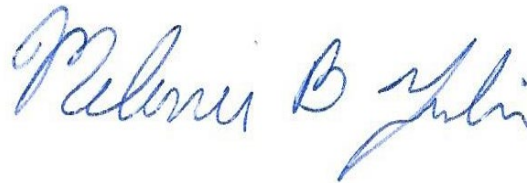
4. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in *Oregon Short Line R. Co. –Abandonment–Goshen*, 360 I.C.C. 91 (1979).

5. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11 are attached as Exhibit C.

6. Environmental Report. See Exhibit D.

7. Historic Report. See Exhibit D.

Respectfully submitted,



Steven C. Armbrust, Esq.
CSX Transportation, Inc.
500 Water Street
Jacksonville, FL 32202
(904) 359-1229

Louis E. Gitomer, Esq.
Melanie B. Yasbin, Esq.
Law Offices of Louis E. Gitomer
600 Baltimore Avenue, Suite 301
Towson, MD 21204
(410) 296-2250
Lou@lgrailaw.com

Attorneys for: CSX TRANSPORTATION,
INC.

Dated: July 11, 2024

EXHIBIT A-VERIFICATION AND CERTIFICATION

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

STATE OF FLORIDA)
) ss.
COUNTY OF DUVAL)

I, Trevor Knaus, state that I am Cost & Contribution Mgr
for CSX Transportation, Inc. ("CSXT"); that I am authorized to make this verification; and that I
have read the foregoing Notice of Exemption and know the facts asserted therein are true and
accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no local freight traffic has moved over CSXT's approximately 5.1-
mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, on its Louisville
Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY for two years prior to the
date hereof and that any overhead traffic can be rerouted over other lines. Further, no formal
complaint filed by a user of rail service on the line (or a State or local government entity acting
on behalf of such user) regarding cessation of service over the line either is pending with the
Surface Transportation Board or any U.S. District Court or has been decided in favor of a
complainant within the two-year period. The foregoing certification is made on behalf of CSXT
by the undersigned after due and careful investigation of the matters herein certified and based
on the best of the knowledge, information, and belief of the undersigned.

 7/9/2024

EXHIBIT B-MAP

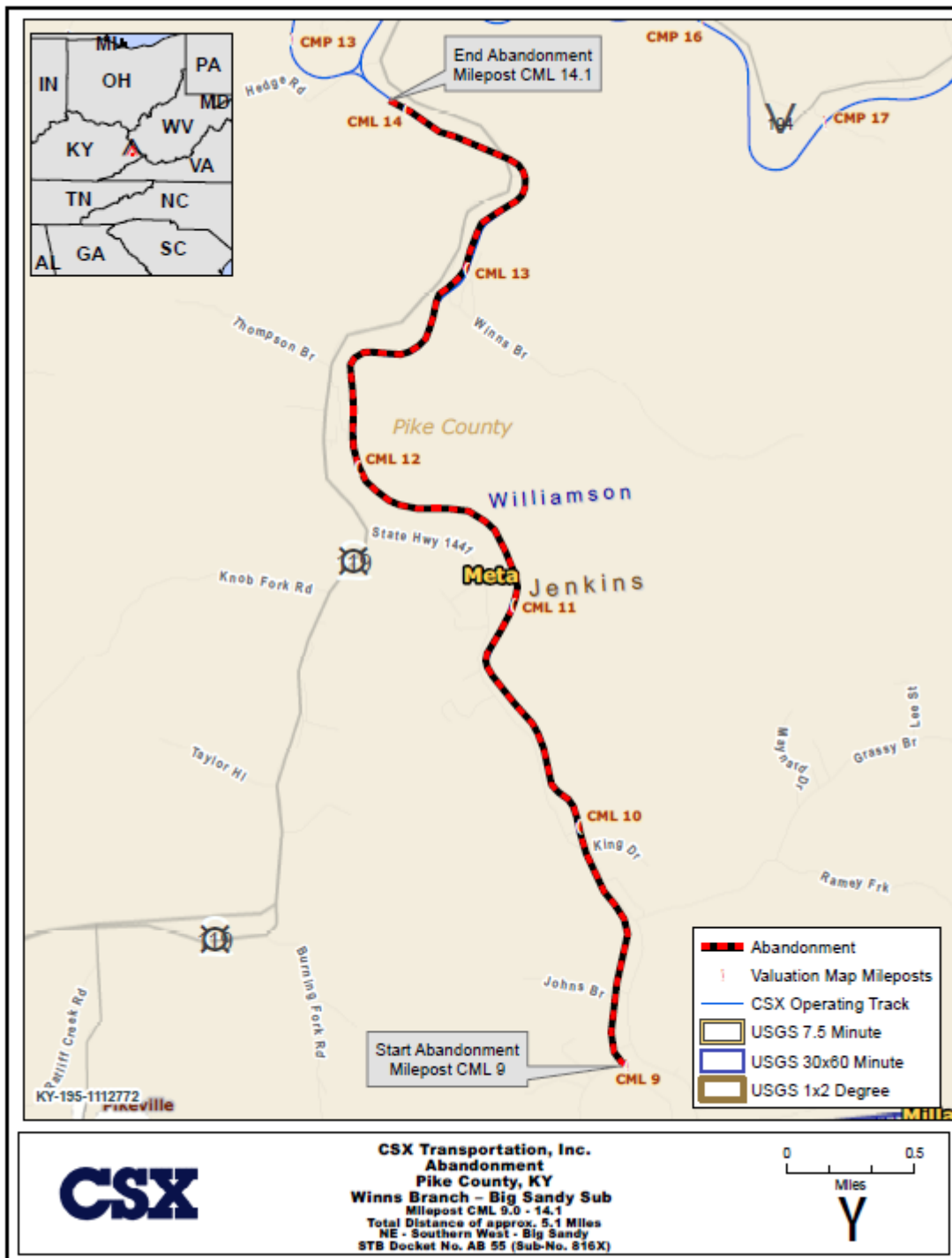


EXHIBIT C-CERTIFICATES OF SERVICE AND PUBLICATION

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 816X) was mailed via first class mail on June 28, 2024, to the following parties:

State Public Service Commission

Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, KY 40602-0615

Military Traffic Management Command

Headquarters
Military Surface Deployment and Distribution Command
ATTN: Transportation Engineering Agency (SDTE-SA)
1 Soldier Way Scott AFB, IL 62225-5006

usarmy.scott.sddc.mbx.tea-rnd@mail.mil

National Park Service

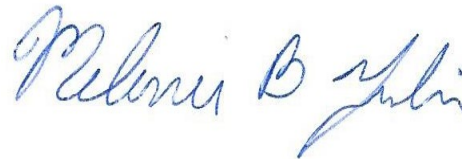
Mr. Bob Ratcliffe
Chief, Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

U.S. Department of Agriculture

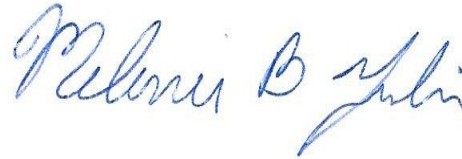
U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003



Melanie B. Yasbin
July 11, 2024

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-55 (Sub-No. 816X) in the following form was advertised on July 5, 2024, in the Appalachian News Express, a newspaper of general circulation in Pike County, KY, as required by 49 C.F.R. § 1105.7(c) and .12.



Melanie B. Yasbin
July 11, 2024

Notice of Intent to Abandon

CSX Transportation, Inc. (“CSXT”) gives notice that on or about July 8, 2024, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY The proceeding will be docketed as No. AB-55 (Sub-No. 816X).

The Board’s Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board’s Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20423–0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant’s representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board’s Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant’s representative: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, (410)296-2250, Lou@lgrailaw.com.

APPALACHIAN
NEWS-EXPRESS
THE CONSCIENCE OF EASTERN KENTUCKY

NEWSPAPER AFFIDAVIT

APPLICATION NO: AB-55 (Sub-no. 816 X)

I, Beth McPeck, Administrative Assistant of the
Appalachian News-Express newspaper, published at Pikeville,
Kentucky and having the largest general circulation of any
newspaper in Pike County, Kentucky do hereby certify that
from my own knowledge and a check of the files of this newspaper
that the advertisement of NOTICE OF INTENT TO Abandon for
CSX Transportation, Inc was inserted in the
Appalachian News-Express on the following dates:

DATE <u>7/5</u>	PAGE NO. <u>3B</u>
DATE _____	PAGE NO. _____
DATE _____	PAGE NO. _____
DATE _____	PAGE NO. _____

SIGNATURE Beth McPeck DATE 7-8-2024

Subscribed and Sworn to before me by Beth McPeck

This 8th day of July, 2024.

NOTARY PUBLIC Deborah Chambers

ID No KynP11291 State Ky

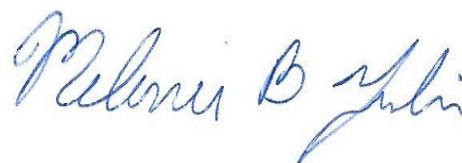
My commission expires: July 28, 2024

EXHIBIT D– COMBINED ENVIRONMENTAL AND HISTORIC REPORT

ENVIRONMENTAL REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 816X) was mailed via first class mail and electronic mail where available on June 18, 2024, to the following parties:

Eric Allness State Conservationist United States Department of Agriculture Natural Resources Conservation Service 771 Corporate Dr. Suite 300 Lexington, KY 40503 Eric.allness@usda.gov	National Park Service Region 2 Office 100 Alabama Street, SW 1924 Building Atlanta, GA 30303
Environmental Protection Agency Region 4 Sam Nunn Atlanta Federal Center 61 Forsyth Street, SW Atlanta, GA 30303-8960 nuhfer.mark@epa.gov	U.S. Fish & Wildlife Services J C Watts Federal Building. Room 265 330 West Broadway Frankfort, KY 40601-8670 kentuckyes@fsw.gov
U.S. Army Corps of Engineers Huntington Civil Works District 502 Eighth St Huntington, WV 25701-2070 304-399-5353 pa2@usace.army.mil	National Geodetic Survey RRAE@noaa.gov
Kentucky Energy and Environment Cabinet 300 Sower Blvd Frankfort, KY 40601 envhelp@ky.gov	Commissioner Jimmy Abshire Pike County 146 Main Street Pikeville, KY 41501
Pikeville-Pike County-Elkhorn City Joint Planning Commission info@pikevilleky.gov	

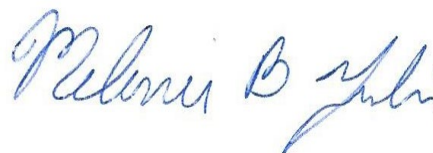


Melanie B. Yasbin
July 11, 2024

HISTORIC REPORT CERTIFICATE OF SERVICE

Pursuant to the requirements of 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-55 (Sub-No. 816X) was submitted via electronic mail on June 18, 2024, to the following parties:

Kentucky Heritage Council
The Barstow House
410 High Street
Frankfort, KY 40601
Khc.section106@ky.gov



Melanie B. Yasbin
July 11, 2024

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

Docket No. AB-55 (Sub-No. 816X)

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

Dated: July 11, 2024

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 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 01453.

CSXT discontinued service over Line on October 31, 2016.² Abandonment of the Line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. CSXT does not intend to disturb any sub grade or sub grade structures. Any trail related structures, such as bridges, trestles, culverts, and tunnels will not be salvaged.

The only alternative to a full abandonment would be for CSXT not to abandon the Line.

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.

² CSX Transportation, Inc.—Discontinuance of Service Exemption—in Pike County, KY, STB Docket No. AB-55 (Sub-No. 764X) (STB served Sept. 29, 2016).

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to 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 of the Line to be consistent with existing land use plans. CSXT notified the Pikeville-Pike County-Elkhorn City Joint Planning Commission by letter dated June 18, 2024 (See Exhibit 2) requesting comments and included a copy of this preliminary CEHR. A copy of the Preliminary CEHR was also mailed to the appropriate local and state agencies for their information and further comment. No comments have been received to date.

(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 18, 2024 (See Exhibit 2) requesting comments and included a copy of the Preliminary CEHR. No comments have been received to date.

(iii) The proposed project is not located within the State of Kentucky’s Coastal Zone Management Program; therefore, consistency with the States Coastal Zone Management Program is not required.

(iv) CSXT believes the Line would be suitable for interim trail use/rail banking.

(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 have no effect on 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 not change the use of railroad transportation over the line as CSX doesn't currently ship over the line.

(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. There are thirteen road crossings, four public road crossings and nine private road crossings on the Line. All crossings can be closed.

(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 has notified the U.S. Fish and Wildlife Service (“USF&W”) of the proposed abandonment by letter dated June 18, 2024 (See Exhibit 2) requesting assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat and included a copy of the Preliminary CEHR. By letter dated June 24, 2024, USF&W stated that “significant impacts to federally listed species are not likely to result from this project as currently proposed.” (See Exhibit 2).

Through use of the USF&W website <https://ecos.fws.gov/ipac/> a letter listing threatened, and endangered species was generated on April 30, 2024, finding the Northern Long-eared Bat, Gray Bat, Indiana Bat and Monarch Butterfly may be in the area but that there are no critical habitats within the project area under USF&W’s jurisdiction. (See Exhibit 2). CSXT requested consistency letters on April 30, 2024 with the finding of not likely to adversely affect from USF&W based on the IPaC systems determination keys. In the attached letters USF&W requests that the Surface Transportation Board for review and if the “agency deems appropriate, to submit for concurrence verification through the IPaC system. The record locator for the Gray Bat is 836-142553488 and the record locator for Indiana Bat is 836-142552905., USF&W’s letter states that the abandonment activity may affect the Northern Long-eared Bat. CSXT believes that if it does

salvage work on the Line outside of the season swarm and staging dates of November 16 -March 31 it will not affect the Northern Long-eared Bat. (*See Exhibit 2*).

(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 has notified the National Parks Service of the proposed abandonment by letter dated June 18, 2024 (*See Exhibit 2*) requesting assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests and included a copy of this Preliminary CEHR. Received comments will be included in the final CEHR

(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 18, 2024 (*See Exhibit 2*) requesting assistance in identifying any potential effects on water quality standards and included a copy of the Preliminary CEHR. No comments have been received to date.

(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 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 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 removal, 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 18, 2024 (See Exhibit 2) requesting 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 and included a copy of the Preliminary CEHR.

(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 18, 2024 (*See* Exhibit 2) requesting assistance in identifying whether permit under section 402 of the Clean Water Act would be required for the abandonment and included a copy of the Preliminary CEHR.

(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 this 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 Line begins northwest of Maynard Hill Road. It runs roughly parallel to Zebulon Highway in a southeasterly direction. The Line crosses under Zebulon Highway and continues to run parallel to the highway in a southern direction. The Line crosses Twin Oaks Drive and continues south across Winns Branch. Still running parallel to the highway the Line turns west and then south again. The Line turns southwest and crosses Charles Farm Drive. Continuing south the Line runs parallel to Raccoon Road. The Line continues south and ends shortly after crossing Johns Branch.

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 CSXT owned structures 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;

There are no structures on the Line.

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 track today is known as the Winns Branch and was originally part of the Chesapeake and Ohio railroad's Coon Creek Subdivision. In 1972 the C&O became part of Chessie System and then merged into CSX in 1987 where it continued to support the Coal Industry. As more U.S. Utilities to switch to natural gas the demand for coal shipments from Winns Branch continued to fall. All of the coal producers or support industries on this line eventually closed including the Kinney Branch Mining, Standard Elkhorn Mining, Primary Energies and Tri-State Salvage & Construction.

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);

It is CSXT's opinion that there are no archeological resources or other railroad related historic properties in the project area.

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. The Line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal.

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 on June 18, 2024 (*See Exhibit 2*) requesting assistance to determine whether there are any archeological resources or any other previously unknown historic properties and included a copy of the Preliminary CEHR. No comments have been received to date.

EXHIBIT 1 – MAP

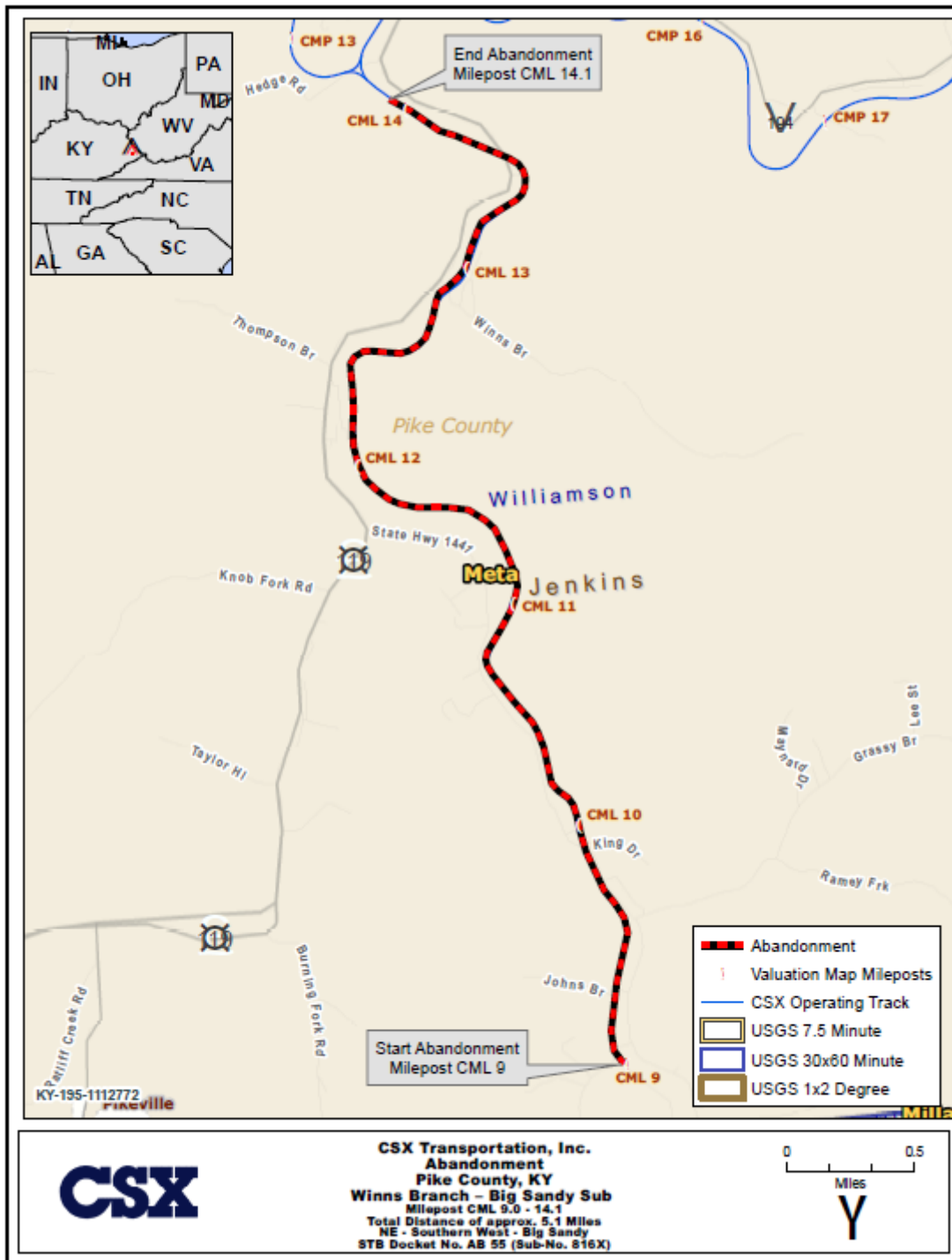


EXHIBIT 2 – LETTERS (WITHOUT MAPS)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024

Commissioner Jimmy Abshire
Pike County
146 Main Street
Pikeville, KY 41501

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

Dear Commissioner Abshire:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires 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:

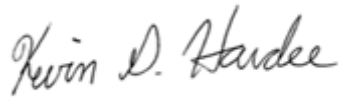
“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

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 Kevin_Hardee@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,

A handwritten signature in cursive script that reads "Kevin D. Hardee". The signature is written in dark ink and is contained within a thin rectangular border.

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024

Pikeville-Pike County-Elkhorn City Joint Planning Commission
info@pikevilleky.gov

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

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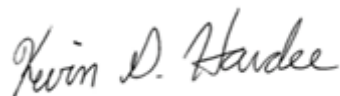
“Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, please state whether the proposed action is consistent with existing land use plans. Please describe any inconsistencies.”

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 Kevin_Hardee@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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Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024

Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-8960
nuhfer.mark@epa.gov

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

Dear Mr. Nuhfer:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

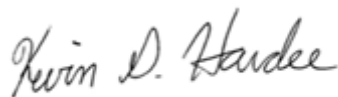
(iii) *“State whether permits under Section 402 of the Clean Water Act 33 U.S.C. 1342 are required for the proposed action.”*

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, CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee". The signature is written in dark ink and is contained within a thin rectangular border.

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024

Kentucky Energy and Environment Cabinet
300 Sower Blvd
Frankfort, KY 40601
envhelp@ky.gov

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7 (e)(9) (i) and (iii) require that CSXT develop a response to the following statements:

(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.”*

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

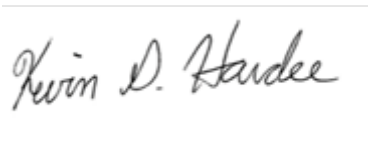
existing public and private crossings, and no new access roads are contemplated. CSXT does not intend to disturb any of the underlying roadbeds and do not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the rail 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 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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee". The signature is written in dark ink on a white background.

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024
U.S. Fish & Wildlife Services
J C Watts Federal Building. Room 265
330 West Broadway
Frankfort, KY 40601-8670
kentuckyes@fsw.gov

Re: Project Code: 2024-0002144; STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment Exemption—in Pike County, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT 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.*

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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)

RECEIVED

By FWS at 9:13 am, Jun 20, 2024



Kevin Hardee
Joint Facilities

June 18, 2024
U.S. Fish & Wildlife Services
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
kentuckyes@fsw.gov

500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Significant impacts to federally listed species are not likely to result from this project as currently proposed. Project re-coordination is needed if the project changes or if new species or critical habitats are listed that could be impacted by the project.

Seth Bishop Digitally signed by Seth Bishop
Date: 2024.06.24 15:03:30 -04'00'

for Kentucky Field Supervisor
U.S. Fish and Wildlife Service

Date

Re: Project Code: 2024-0002144; STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment Exemption—in Pike County, KY

Dear Madam/Sir:

CSX Transportation, Inc., ("CSXT") proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the "Line"). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

The action requires Surface Transportation Board approval and Federal Regulations 49 C.F.R. 1105.7 (8) (i) and (ii) requires that CSXT 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.*

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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do..>

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0467 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov



In Reply Refer To:

04/30/2024 17:43:08 UTC

Project Code: 2024-0083842

Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the

this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
(502) 695-0467

ENDANGERED SPECIES ACT SPECIES

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 2 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

PROJECT SUMMARY

Project Code: 2024-0083842

Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

Project Type: Abandonment of Rail Line

Project Description: CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.53159745,-82.45556540539137,14z>



Counties: Pike County, Kentucky

MAMMALS

NAME	STATUS
Gray Bat <i>Myotis grisescens</i> No critical habitat has been designated for this species. This species only needs to be considered under the following conditions: The project area includes potential gray bat habitat. Species profile: https://ecos.fws.gov/ecp/species/6329 General project design guidelines: https://ipac.ecosphere.fws.gov/project/YLV5TB6HNVASJNFWJGBH7LHVM/documents/generated/6422.pdf	Endangered
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: The project area includes 'potential' habitat. All activities in this location should consider possible effects to this species. Species profile: https://ecos.fws.gov/ecp/species/5949 General project design guidelines: https://ipac.ecosphere.fws.gov/project/YLV5TB6HNVASJNFWJGBH7LHVM/documents/generated/6422.pdf	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045 General project design guidelines: https://ipac.ecosphere.fws.gov/project/YLV5TB6HNVASJNFWJGBH7LHVM/documents/generated/6422.pdf	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yasbin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0467 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:

04/30/2024 17:48:53 UTC

Project code: 2024-0083842

Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

Subject: Consistency letter for the project named 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)' for the endangered Indiana bat and its critical habitat in the proposed project location, pursuant to the Indiana Bat Determination Key (DKey)

Dear Melanie Yasbin:

The U.S. Fish and Wildlife Service (Service) received on **April 30, 2024** your effect determination(s) for the 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)' using the Indiana Bat DKey within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Indiana Bat DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Indiana Bat (<i>Myotis sodalis</i>)	Endangered	NLAA

Consultation Status

Consultation with the Service is not complete. The above effect determination(s) becomes applicable when the lead federal action agency or designated non-federal representative submits them as a request to the Service to rely on the Indiana Bat DKey in order to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead federal action agency or

designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator." They will need to enter the record locator **836-142552905**

The Service recommends that your agency contact the Kentucky Ecological Services Field Office or re-evaluate the Action in IPaC if: 1) the scope, timing, duration, or location of the Action changes, 2) new information reveals the Action may affect listed species or designated critical habitat, or 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Kentucky Ecological Services Field Office should take place before project changes are final or resources committed.

In addition to the Indiana bat, the following species and/or critical habitats may also occur in your project area and are not covered by this conclusion:

- Gray Bat *Myotis grisescens* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

To address effects to other federally listed or proposed species and/or their designated critical habitat, you can request project-specific review by following the instructions in the "Next Steps" section of your species list letter, or you may use another determination key, if available.

Additional Coordination

To request additional technical assistance or consultation, please contact the Kentucky Ecological Services Field Office . When you contact the office, please provide all relevant site-specific information regarding the proposed Action. The Kentucky Ecological Services Field Office will respond within 30 to 60 days of your submittal.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

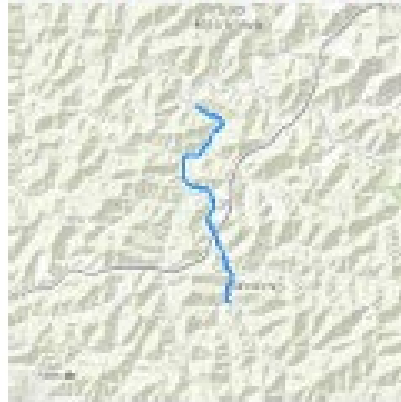
CSXT Abandonment Exemption—Pike County, KY AB-55 (Sub-No. 816X)

2. Description

The following description was provided for the project CSXT Abandonment Exemption—Pike County, KY AB-55 (Sub-No. 816X):

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Wrens Branch-Big Sandy Subdivision, in Pike County, KY

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.53159745,-82.45556540539137,14z>



QUALIFICATION INTERVIEW

1. Will the proposed action involve Federal funding, permitting, or authorization, or will it be carried out by a Federal Agency?

Yes

2. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) the lead Federal Agency for this action.

No

3. Are you the lead Federal Action Agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?

Yes

4. [Semantic] Is the Action Area within 1/2-mile of a known Indiana bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact the Field Office listed in the letterhead of this letter.

Automatically answered

No

5. If you have determined that the Indiana bat is unlikely to occur to within your project's Action Area or that your project is unlikely to have any potential impacts on the Indiana bat, you may wish to make a "No Effect" determination for the Indiana bat. Would you like to make a No Effect determination for the Indiana bat?

Note: A "No Effect" determination does not require concurrence from the Service; however, you should document the supporting information for this determination in your files. This documentation would typically demonstrate a lack of suitable habitat within the action area, show that no impacts to suitable habitat would occur, or provide information that the species is not reasonably certain to occur in the action area even though suitable habitat is present. If you believe the Indiana bat may be affected by your project or if you would like assistance in making a determination, please answer "no" and continue through the key.

No

6. Will the proposed Action involve construction or operation of wind turbines?

No

7. Will the proposed Action involve blasting, other than a fireworks display?

No

8. Will the proposed Action involve a new point source discharge from a facility other than a water treatment plant or storm water system?

No

9. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g., leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?

Note: For information regarding NSF/ANSI 60 please visit <https://www.nsf.org/knowledge-library/nsf-ansi-standard-60-drinking-water-treatment-chemicals-health-effects>

No

10. Will the proposed Action include the removal, replacement, repair and/or maintenance of an existing bridge?

No

11. Will the proposed Action involve perennial stream loss that would require an individual permit under 404 of the Clean Water Act?

No

12. Will the proposed Action involve discharge of sediment into a stream?

No

13. Does the Action Area contain any caves (including their associated sinkholes, fissures, or other karst features), rockshelters, underground quarries, or abandoned mine portals (including associated underground workings)?

No

14. Will the proposed project result in the removal of trees?

No

15. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service under the standing analyses that supports this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the Indiana bat.

What determination do you want to make for the Indiana bat:

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect - not likely to adversely affect" determinations. If you choose "May affect - likely to adversely affect" or "Unknown," additional coordination with the Service is recommended.

May affect - not likely to adversely affect (NLAA)

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yashin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 410/296/205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0467 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To:

04/30/2024 17:51:53 UTC

Project code: 2024-0083842

Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

Subject: Consistency letter for the project named 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)' for specified threatened and endangered species that may occur in your proposed project location consistent with the Kentucky Determination Key (DKey)

Dear Melanie Yasbin:

The U.S. Fish and Wildlife Service (Service) received on **April 30, 2024** your effect determination(s) for the 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)' (Action) using the Kentucky (DKey) within the Information for Planning and Consultation (IPaC) system. The Service developed this system in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat.884, as amended; 16 U.S.C. 1531 et seq.).

Based on your answers and the assistance of the Service's Kentucky DKey, you made the following effect determination(s) for the proposed Action:

Species	Listing Status	Determination
Gray Bat (<i>Myotis grisescens</i>)	Endangered	NLAA

Consultation Status

Consultation with the Service is not complete. The above effect determination(s) becomes applicable when the lead federal action agency or designated non-federal representative submits them as a request to the Service to rely on the Kentucky DKey in order to satisfy the agency's consultation requirements for this project.

Please provide this consistency letter to the lead federal action agency or its designated non-federal representative with a request for its review, and as the agency deems appropriate, to submit for concurrence verification through the IPaC system. The lead federal action agency or

designated non-federal representative should log into IPaC using their agency email account and click "Search by record locator." They will need to enter the record locator **836-142553488**

If there is no federal action agency for this project, the information in this letter is provided to you as technical assistance in your planning. Species with NLAA determinations are consistent with the programmatic evaluation in the standing analysis of proposed Actions the Kentucky Ecological Services Field Office has identified that typically do not result in significant adverse effects to that species.

The Service recommends that your agency contact the Kentucky Ecological Services Field Office or re-evaluate the Action in IPaC if: 1) the scope, timing, duration, or location of the Action changes, 2) new information reveals the Action may affect listed species or designated critical habitat, or 3) a new species is listed or critical habitat designated. If any of the above conditions occurs, additional consultation with the Kentucky Ecological Services Field Office should take place before project changes are final or resources committed.

The following species and/or critical habitats may also occur in your project area and **are not** covered by this conclusion:

- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Northern Long-eared Bat *Myotis septentrionalis* Endangered
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

To address effects to other federally listed or proposed species and/or their designated critical habitat, you can request project-specific review by following the instructions in the "Next Steps" section of your species list letter, or you may use another determination key, if available.

Additional Coordination

To request additional technical assistance or consultation, please email your request to KentuckyES@fws.gov and include relevant site-specific information. The Kentucky Ecological Services Field Office will respond within 30 days of your submittal.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

2. Description

The following description was provided for the project 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)':

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.53159745,-82.45556540539137,14z>



QUALIFICATION INTERVIEW

1. Will the proposed Action involve Federal funding, permitting, or authorization, or will it be carried out by a Federal Agency?
Yes
2. Are you the lead Federal Action Agency or designated non-federal representative requesting concurrence on behalf of the lead Federal Action Agency?
Yes
3. [Hidden Semantic] Does the action area intersect critical habitat?
Automatically answered
No
4. Will the proposed Action involve construction or operation of wind turbines?
No
5. Will the proposed Action involve blasting (other than a fireworks display)?
No
6. Will the proposed Action involve a new point source discharge from a facility other than a water treatment plant or storm water system?
No
7. Will the proposed Action involve the creation of a new water-borne contaminant source (e.g. leachate pond, pits containing chemicals that are not NSF/ANSI 60 compliant)?
No
8. Will the proposed Action include the removal, replacement, repair and/or maintenance of an existing bridge or culvert?
No
9. Will the proposed Action involve perennial stream loss that would require an individual permit under 404 of the Clean Water Act?
No
10. Will the proposed Action involve discharge of sediment into a stream?
No
11. Does the Action Area contain any caves (including their associated sinkholes, fissures, or other karst features), rockshelters, underground quarries, or abandoned mine portals (including associated underground workings)?
No
12. [Hidden Semantic] Does the Action Area intersect the Kentucky AOI of the gray bat?
Automatically answered
Yes
13. Will the proposed Action involve drilling or boring?
No

14. Based on the responses you have provided, we believe that the proposed Action is consistent with the type of Actions programmatically evaluated by the Service's Kentucky Field Office under the standing analyses that support this determination key. These Actions typically conclude with "no effect" or "may affect - not likely to adversely affect" determinations for the gray bat.

What is your effect determination for the gray bat?

Note: IPaC will not provide a concurrence for "no effect" determinations, because there is no statutory requirement to request concurrence from the Service. IPaC will provide concurrence for "May affect – not likely to adversely affect" determinations. If you choose "May affect – likely to adversely affect" or "Unsure," additional coordination with the Service is recommended.

2. "May affect - not likely to adversely affect"

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yasbin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Kentucky Ecological Services Field Office
J C Watts Federal Building, Room 265
330 West Broadway
Frankfort, KY 40601-8670
Phone: (502) 695-0467 Fax: (502) 695-1024
Email Address: kentuckyes@fws.gov

In Reply Refer To: 04/30/2024 18:04:11 UTC
Project code: 2024-0083842
Project Name: CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

Federal Nexus: yes
Federal Action Agency (if applicable): Surface Transportation Board

Subject: Technical assistance for 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)'

Dear Melanie Yasbin:

This letter records your determination using the Information for Planning and Consultation (IPaC) system provided to the U.S. Fish and Wildlife Service (Service) on April 30, 2024, for 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)' (here forward, Project). This project has been assigned Project Code 2024-0083842 and all future correspondence should clearly reference this number. **Please carefully review this letter. Your Endangered Species Act (Act) requirements are not complete.**

Ensuring Accurate Determinations When Using IPaC

The Service developed the IPaC system and associated species' determination keys in accordance with the Endangered Species Act of 1973 (ESA; 87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and based on a standing analysis. All information submitted by the Project proponent into IPaC must accurately represent the full scope and details of the Project. **Failure to accurately represent or implement the Project as detailed in IPaC or the Northern Long-eared Bat Rangewide Determination Key (Dkey), invalidates this letter.**

Determination for the Northern Long-Eared Bat

Based on your IPaC submission and the standing analysis for the Dkey, your project has reached the determination of "May Affect" the northern long-eared bat.

Next Steps

Your action may qualify for the Interim Consultation Framework for the northern long-eared bat. To determine if it qualifies, review the Interim Consultation Framework posted here <https://www.fws.gov/library/collections/interim-consultation-framework-northern-long-eared-bat>. If you determine it meets the requirements of the Interim Consultation Framework, follow the procedures outlined there to complete section 7 consultation.

If your project does **not** meet the requirements of the Interim Consultation Framework, please contact the Kentucky Ecological Services Field Office for further coordination on this project. Further consultation or coordination with the Service is necessary for those species or designated critical habitats with a determination of “May Affect”.

Other Species and Critical Habitat that May be Present in the Action Area

The IPaC-assisted determination for the northern long-eared bat does not apply to the following ESA-protected species and/or critical habitat that also may occur in your Action area:

- Gray Bat *Myotis grisescens* Endangered
- Indiana Bat *Myotis sodalis* Endangered
- Monarch Butterfly *Danaus plexippus* Candidate
- Tricolored Bat *Perimyotis subflavus* Proposed Endangered

You may coordinate with our Office to determine whether the Action may cause prohibited take of the species listed above.

Action Description

You provided to IPaC the following name and description for the subject Action.

1. Name

CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)

2. Description

The following description was provided for the project 'CSXT Abandonment Exemption--Pike County, KY AB-55 (Sub-No. 816X)':

CSX Transportation, Inc., ("CSXT") proposes to abandon the approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.53159745,-82.45556540539137,14z>



DETERMINATION KEY RESULT

Based on the answers provided, the proposed Action is consistent with a determination of “may affect” for the Endangered northern long-eared bat (*Myotis septentrionalis*).

QUALIFICATION INTERVIEW

1. Does the proposed project include, or is it reasonably certain to cause, intentional take of the northern long-eared bat or any other listed species?

Note: Intentional take is defined as take that is the intended result of a project. Intentional take could refer to research, direct species management, surveys, and/or studies that include intentional handling/encountering, harassment, collection, or capturing of any individual of a federally listed threatened, endangered or proposed species?

No

2. Does any component of the action involve construction or operation of wind turbines?

Note: For federal actions, answer ‘yes’ if the construction or operation of wind power facilities is either (1) part of the federal action or (2) would not occur but for a federal agency action (federal permit, funding, etc.).

No

3. Is the proposed action authorized, permitted, licensed, funded, or being carried out by a Federal agency in whole or in part?

Yes

4. Is the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), or Federal Transit Administration (FTA) funding or authorizing the proposed action, in whole or in part?

No

5. Are you an employee of the federal action agency or have you been officially designated in writing by the agency as its designated non-federal representative for the purposes of Endangered Species Act Section 7 informal consultation per 50 CFR § 402.08?

Note: This key may be used for federal actions and for non-federal actions to facilitate section 7 consultation and to help determine whether an incidental take permit may be needed, respectively. This question is for information purposes only.

No

6. Is the lead federal action agency the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC)? Is the Environmental Protection Agency (EPA) or Federal Communications Commission (FCC) funding or authorizing the proposed action, in whole or in part?

No

7. Is the lead federal action agency the Federal Energy Regulatory Commission (FERC)?

No

8. Have you determined that your proposed action will have no effect on the northern long-eared bat? Remember to consider the [effects of any activities](#) that would not occur but for the proposed action.

If you think that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, answer "No" below and continue through the key. If you have determined that the northern long-eared bat does not occur in your project's action area and/or that your project will have no effects whatsoever on the species despite the potential for it to occur in the action area, you may make a "no effect" determination for the northern long-eared bat.

Note: Federal agencies (or their designated non-federal representatives) must consult with USFWS on federal agency actions that may affect listed species [50 CFR 402.14(a)]. Consultation is not required for actions that will not affect listed species or critical habitat. Therefore, this determination key will not provide a consistency or verification letter for actions that will not affect listed species. If you believe that the northern long-eared bat may be affected by your project or if you would like assistance in deciding, please answer "No" and continue through the key. Remember that this key addresses only effects to the northern long-eared bat. Consultation with USFWS would be required if your action may affect another listed species or critical habitat. The definition of [Effects of the Action](#) can be found here: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

No

9. [Semantic] Is the action area located within 0.5 miles of a known northern long-eared bat hibernaculum?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact your State wildlife agency.

Automatically answered

No

10. Does the action area contain any caves (or associated sinkholes, fissures, or other karst features), mines, rocky outcroppings, or tunnels that could provide habitat for hibernating northern long-eared bats?

No

11. Is suitable summer habitat for the northern long-eared bat present within 1000 feet of project activities?

(If unsure, answer "Yes.")

Note: If there are trees within the action area that are of a sufficient size to be potential roosts for bats (i.e., live trees and/or snags ≥ 3 inches (12.7 centimeter) dbh), answer "Yes". If unsure, additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

12. Will the action cause effects to a bridge?

No

13. Will the action result in effects to a culvert or tunnel?

No

14. Does the action include the intentional exclusion of northern long-eared bats from a building or structure?

Note: Exclusion is conducted to deny bats' entry or reentry into a building. To be effective and to avoid harming bats, it should be done according to established standards. If your action includes bat exclusion and you are unsure whether northern long-eared bats are present, answer "Yes." Answer "No" if there are no signs of bat use in the building/structure. If unsure, contact your local U.S. Fish and Wildlife Services Ecological Services Field Office to help assess whether northern long-eared bats may be present. Contact a Nuisance Wildlife Control Operator (NWCO) for help in how to exclude bats from a structure safely without causing harm to the bats (to find a NWCO certified in bat standards, search the Internet using the search term "National Wildlife Control Operators Association bats"). Also see the White-Nose Syndrome Response Team's guide for bat control in structures

No

15. Does the action involve removal, modification, or maintenance of a human-made structure (barn, house, or other building) known or suspected to contain roosting bats?

No

16. Will the action directly or indirectly cause construction of one or more new roads that are open to the public?

Note: The answer may be yes when a publicly accessible road either (1) is constructed as part of the proposed action or (2) would not occur but for the proposed action (i.e., the road construction is facilitated by the proposed action but is not an explicit component of the project).

No

17. Will the action include or cause any construction or other activity that is reasonably certain to increase average daily traffic on one or more existing roads?

Note: For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

18. Will the action include or cause any construction or other activity that is reasonably certain to increase the number of travel lanes on an existing thoroughfare?

For federal actions, answer 'yes' when the construction or operation of these facilities is either (1) part of the federal action or (2) would not occur but for an action taken by a federal agency (federal permit, funding, etc.).

No

19. Will the proposed action involve the creation of a new water-borne contaminant source (e.g., leachate pond pits containing chemicals that are not NSF/ANSI 60 compliant)?
No
20. Will the proposed action involve the creation of a new point source discharge from a facility other than a water treatment plant or storm water system?
No
21. Will the proposed action involve blasting?
No
22. Will the action involve military training (e.g., smoke operations, obscurant operations, exploding munitions, artillery fire, range use, helicopter or fixed wing aircraft use)?
No
23. Will the proposed action involve the use of herbicide or other pesticides (e.g., fungicides, insecticides, or rodenticides)?
No
24. Will the action include or cause activities that are reasonably certain to cause chronic nighttime noise in suitable summer habitat for the northern long-eared bat? Chronic noise is noise that is continuous or occurs repeatedly again and again for a long time.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>
No
25. Does the action include, or is it reasonably certain to cause, the use of artificial lighting within 1000 feet of suitable northern long-eared bat roosting habitat?

Note: Additional information defining suitable roosting habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>
No
26. Will the action include tree cutting or other means of knocking down or bringing down trees, tree topping, or tree trimming?
No
27. Will the action result in the use of prescribed fire?
No
28. Will the action cause noises that are louder than ambient baseline noises within the action area?
Yes

29. Will the action cause noises during the active season in suitable summer habitat that are louder than anthropogenic noises to which the affected habitat is currently exposed?

Answer 'no' if the noises will occur only during the inactive period.

Note: Inactive Season dates for areas within a spring staging/fall swarming area can be found here: <https://www.fws.gov/media/inactive-season-dates-swarming-and-staging-areas>.

Note: Additional information defining suitable summer habitat for the northern long-eared bat can be found at: <https://www.fws.gov/media/northern-long-eared-bat-assisted-determination-key-selected-definitions>

Yes

PROJECT QUESTIONNAIRE

Will all project activities be completed by April 1, 2024?

No

IPAC USER CONTACT INFORMATION

Agency: Private Entity
Name: Melanie Yasbin
Address: 600 Baltimore Ave, Suite 301
City: Towson
State: MD
Zip: 21204
Email: melanie@lgraillaw.com
Phone: 4102962205

LEAD AGENCY CONTACT INFORMATION

Lead Agency: Surface Transportation Board



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024

National Park Service
Region 2 Office
100 Alabama Street, SW
1924 Building
Atlanta, GA 30303

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(c) require that advance notice be given to afford your agency a reasonable opportunity to provide meaningful input.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024

National Geodetic Survey
RRAE@noaa.gov

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

Dear Madam/Sir:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

Please advise if there are any geodetic markers which could be affected by the proposed transaction. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

May 19, 2024

U.S. Army Corps of Engineers
Huntington Civil Works District
502 Eighth St
Huntington, WV 25701-2070
304-399-5353
pa2@usace.army.mil

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

Dear To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(e)(9) (ii) require that CSXT develop responses 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.”

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.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024

Kentucky Heritage Council
The Barstow House
410 High Street
Frankfort, KY 40601
Khc.section106@ky.gov

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

To Whom It May Concern:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

In connection with rail line that is the subject of an application 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 a preliminary Combined Environmental and Historic Report (“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. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed is a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the CEHR for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee". The signature is written in dark ink and is positioned below the word "Sincerely,".

Kevin Hardee
Enclosures (3)



500 Water Street, J801
Jacksonville, Florida 32202
Phone (904) 366-4457
Email: Kevin_Hardee@csx.com

Kevin Hardee
Joint Facilities

June 18, 2024

Eric Allness
State Conservationist
United States Department of Agriculture
Natural Resources Conservation Service
771 Corporate Dr. Suite 300
Lexington, KY 40503
Eric.allness@usda.gov

Re: STB Docket No. AB-55 (Sub-No. 816X), CSX Transportation, Inc.—Abandonment
Exemption—in Pike County, KY

Dear Mr. Allness:

CSX Transportation, Inc., (“CSXT”) proposes to abandon an approximately 5.1-mile rail line that runs between milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision, in Pike County, KY (the “Line”). The Line runs through the U.S. Postal Zip Codes 41557 and 41501.

Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), CSXT will consummate the abandonment and abandon the Line.

This action requires Board approval and Federal Regulations 49 C.F.R. 1105.7(3) (ii) require that CSXT develop a response to the following statement:

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

Please advise if any of the land contiguous to CSXT’s line in the project area is classified as prime agriculture land.

CSXT would appreciate your comments regarding current and future land use in relationship to the Line. Any questions can be sent electronically to Kevin_Hardee@CSX.com by email or through the United States Postal Service (USPS).

Enclosed are a distribution list of all parties that have been copied on the proposed action, a map of the proposed location and the preliminary Combined Environmental and Historical Report for the line. If you have any questions, please feel free to call or email me.

Sincerely,

A handwritten signature in cursive script that reads "Kevin D. Hardee".

Kevin Hardee
Enclosures (3)

KENTUCKY HERITAGE COUNCIL COVER SHEET FOR SECTION 106 SUBMISSIONS

We want to help you with your project as early in the process as possible. Our reviewers need up to 30 days to review and provide comments to you for your proposal. If you are using federal funds or permits, you definitely need us. If you are working through the e-Clearing House (KHC does not use e-Clearinghouse), or need environmental review, you'll likely need us. DON'T WAIT! We're here to help. Email your submissions in a single attachment to, and only to khc.section106@ky.gov. If you have questions, visit our webpage, or email Nicole.Konkol@ky.gov.

SECTION 1: APPLICANT INFORMATION	
Project Applicant: CSX Transportation, Inc.	
Contact Person (name & position): Kevin Hardee, Joint Facilities	
Return Address: 500 Water Street, J801, Jacksonville, FL 32202	
Telephone: 904-366-4457	E-mail: kevin_hardee@csx.com
Project Title: CSX Transportation, Inc. Abandonment Exemption--in Pike County, KY STB Docket No. AB-55 (Sub-NO. 816X)	
SECTION 2: AGENCY INFORMATION	
*Funding/Permitting Agency: Surface Transportation Board	
Agency Contact Person (name & position):	
Telephone:	E-mail:
SECTION 3: PROJECT LOCATION	
Street Address (or other location): An approximately 5.1-mile rail line that runs from milepost CML 9.0 and milepost CML 14.1, Louisville Division, Winns Branch-Big Sandy Subdivision	
City:	County: Pike
Lat (Dec/Deg):	Long (Dec/Deg):
SECTION 4: PROJECT TYPE (please check all that apply)	
Proposed Activity: ☐ Demolition ☐ Rehabilitation ☐ Structural Relocation ☐ Trails	
☐ New Construction ☐ Land and/or Building Acquisition ☐ Sewer/Water Lines ☐ Roads/Bridges	
☐ Non-Construction Planning/Refinancing ☒ Other (describe):	
SECTION 5: IDENTIFICATION OF KNOWN HISTORIC PROPERTIES	
OSA Preliminary Site Check #:	
Provide a detailed description of your project. If necessary, include it in your pdf attachments. CSX Transportation, Inc. proposes to abandon the Line described about, remove the rails, crossties, and possibly the upper layer of ballast.	
Is there anything over 50 years of age in or visible from the project location? ☐ Yes ☒ No	
SECTION 6: ATTACHMENTS - Attach All.	
All documentation should be labeled with the project name or site address.	
☐ Clear, current photographs of the project site and anything over 50 years of age in or visible from it. ☐ Site map/plan indicating the exact location and boundaries of the project area. ☐ Detailed description of the project (may include plans, scope of work, and other available information.) ☐ Documentation of prior ground disturbance (e.g. maps, photographs, underground utility plans, etc.) ☐ Any known information about the history/use of the property and local significance. ☒ Results of your Preliminary Records Review from the Site Identification web portal.	

Submit all information in a single email to khc.section106@ky.gov. Submission of initial Section 106 documentation to any individual reviewer will delay distribution and review.

EXHIBIT 3 – USGS MAPS

