

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

MELANIE B. YASBIN
Melanie@lgraillaw.com

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4022
(410)296-2250
FAX (410) 332-0885

June 24, 2022

Ms. Danielle Gosselin
Acting Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

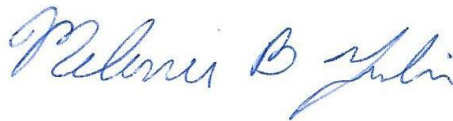
Re: **Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc.—Abandonment
Exemption—in Muskegon MI**

Dear Ms. Gosselin:

Attached please find a letter from the U.S. Army Corps of Engineers, Detroit District finding that as long as “the work is confined to the existing railbed, and no material is deposited in wetlands or waterways, then a Department of Army permit would not be required.” The letter also states that the project would not affect the Federal Navigation Project at Muskegon Harbor. Finally, the letter states that as long the removed materials are disposed of outside the floodplain, no impacts to the 1-percent-annual-chance floodplain would be expected.

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

Sincerely yours,



Melanie B. Yasbin
Attorney for CSX Transportation, Inc.

Enclosure



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, DETROIT DISTRICT
477 MICHIGAN AVENUE
DETROIT, MICHIGAN 48226-2550

June 24, 2022

RE: STB Docket No. AB-55 (Sub-No. 807X), CSX Transportation, Inc., Abandonment Exemption, Muskegon, MI

Mr. Gene Payne
CSX, Manager Strategic Planning
500 Water Street, J801
Jacksonville, Florida 32202

Dear Mr. Payne:

We are responding to your correspondence of May 31, 2022, regarding a proposal to discontinue service and abandon approximately 3.81 miles of rail line that run between milepost CGCS 56.35 and milepost CGCS 60.16 on South Horn Spur in Muskegon County, MI (the "Line"). The Line generally follows the southern shore of Muskegon Lake from along Shoreline Drive between 7th and 8th Streets, west to approximately Beech Street at Waterworks Road. The following comments are provided in accordance with our responsibilities under our Regulatory and Civil Works Programs.

From the description provided, it appears the abandonment is limited to removal of rail, cross ties, and possibly the upper layer of ballast. On the condition that the work is confined to the existing railbed, and no material is deposited in wetlands or the waterway, then a Department of the Army permit would not be required. Any discharge of fill material into a Water of the United States or adjacent wetlands or removal of the bridge crossing Ruddiman Creek would require a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899, and prior authorization through our regulatory permit process.

Our Civil Works Program includes a Federal Navigation Project at Muskegon Harbor. The proposed abandonment ends approximately 1.5 miles before the Federal Harbor entrance channel and would not affect the Federal Project.

The Line appears to pass through parts of the 1-percent-annual-chance floodplain as delineated under the National Flood Insurance Program. Provided the removed materials are disposed of outside the floodplain, no impacts to the floodplain would be expected. However, we recommend that you coordinate with local officials and with the State of Michigan regarding the applicability of a floodplain permit prior to construction. This coordination would help ensure compliance with local and state floodplain management regulations and acts. If you obtain information indicating any part of your project would impact the floodplain, you should consider other alternatives that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain.

We appreciate the opportunity to comment on the proposed abandonment of approximately 3.81 miles of rail line along the southern shore of Muskegon Lake in Muskegon County, Michigan. Questions regarding our Regulatory Program should be directed to Mr. Don Reinke, Regulatory Branch, at 313-226-6812. Any other questions may be directed to Mr. Paul Allerding of my staff at 313-226-7590 or me at 313-226-2476.

Sincerely,

Charles A. Uhlarik

Charles A. Uhlarik
Chief, Environmental Analysis Section

Copies furnished:

Don Reinke, Corps, Regulatory Branch, Detroit MI
Garrett D. Ray, Corps, Floodplain Management Services, Detroit MI