



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

July 17, 2009

Scott A. Hans
Chief, Regulatory Branch
Department of the Army
Pittsburgh District, U.S. Army Corps of Engineers
William S. Moorhead Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Re: Finance Docket No. 35131, Vaughan Railroad Company - Construction and Operation – Monongalia County, West Virginia; Request to be Cooperating Agency

Dear Mr. Hans:

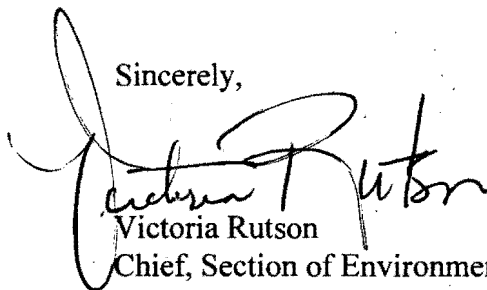
This is in reference to your letter dated April 8, 2009 concerning the Army Corps of Engineer's (Corps) intent to prepare an Environmental Impact Statement (EIS) for Consolidated Coal Company's (Consol) proposed Mason-Dixon Complex located in Monongalia County, West Virginia. Infrastructure to support the new mining operation would include construction and operation of a rail line extending approximately 5 miles between the coal mine and a connection with the Norfolk Southern Railway Company (NS). By petition filed on June 6, 2008, Vaughan Railroad Company (Vaughan) seeks an exemption from the Surface Transportation Board (STB) under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 for authority to construct and operate the rail line. STB's Section of Environmental Analysis (SEA) preliminarily determined that the preparation of an Environmental Assessment (EA) was the appropriate level of environmental documentation and has begun undertaking field studies.

The Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1501.6 and 1508.8) define and address agency roles to facilitate cooperation and compliance under NEPA. Cooperating agencies are encouraged to participate in the NEPA process early on and provide information and environmental analysis for which they have special expertise to the lead agency, in this case the Corps. The benefits for cooperating agency participation in the preparation of documentation and analysis include avoiding duplication with other Federal, State, and local procedures as well as enhancing the ability of the agencies to adopt environmental documentation for making decisions. The STB has the responsibility and authority to regulate rail construction and has the expertise necessary to assist the Corps with meeting its statutory

requirements. Therefore, in accordance with the CEQ regulations, we request designation as a cooperating agency for the EIS for this project.

We look forward to working with the Corps as a cooperating agency during the development of the EIS. If you have any questions regarding this matter, please do not hesitate to contact me or Kenneth Blodgett, the project manager, at 202-245-0305.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson

Chief, Section of Environmental Analysis

cc:

Allen Edris, U.S. Army Corps of Engineers
Donald G. Avery, Slover & Loftus
Raymond Perr, Vaughan Railroad