



Re: Environmental Assessment in STB Docket No. AB-1088X
Diana Wood to: Bob Alderson

06/11/2012 07:18 AM

HEI-18913
AB 1088 X
Djw

Dear Mr. Alderson:

Thank you for all the correspondence. The email from NGS and letter from the Corps will be included in the final EA and applicable conditions removed. The correspondence to Mr. Stinson will also be added, and condition removed, unless I hear otherwise from this agency during the comment period.

I did receive your letters sent to Victoria Rutson of this office; however, they did not contain the actual agency responses or the detailed letter explaining the salvage procedure, and so your most recent submittals have helped greatly to clarify the issues.

Sincerely,

Diana F. Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

"Bob Alderson"

Dear Ms. Wood:

This is a follow-u...

06/08/2012 03:48:28 PM

From: "Bob Alderson" <boba@aldersonlaw.com>
To: "Diana Wood" <woodd@stb.dot.gov>
Date: 06/08/2012 03:48 PM
Subject: Environmental Assessment in STB Docket No. AB-1088X

Dear Ms. Wood:

This is a follow-up to my email to you this morning regarding the proposed conditions on the Board's decision in the above-referenced docket. In that email, I specifically addressed the proposed condition requiring notification of the National Geodetic Survey. Subsequent to sending that email, I found in my file a copy of the letter I wrote to Vicki Rutson, Director of the OEA, on May 23, 2012, which concerns, in part, that issue. I have attached a copy of that letter. I am surprised that you apparently were not provided a copy of that letter. In that letter, I addressed the issue of notification of NGS 90 days prior to salvage operations, if such operations would impact geodetic survey marks. In the last paragraph on page 1 of the letter, which continues on to the top of page 2, I quote the email from Mr. Monroe which I forwarded to you this morning. As I trust is apparent, JGD Railroad has done all that needs to be done with respect to notification of the NGS.

In my earlier email, I also indicated that I would address other conditions which OEA proposes be included in the Board's decision in this matter. In that regard, the second proposed condition suggests that JGD Railroad consult with the Missouri Department of Natural Resources' Water Protection Program. I would respectfully submit that this has already been accomplished. Attached is a copy of my letter of April 18, 2012, to David Stinson, Chief of the Engineering Unit of MoDNR's Southeast Regional Office. You will note that this letter references a telephone conference with Mr. Stinson on the previous day regarding salvage operations following the STB's approval of the line's abandonment. It focuses on the protections against sedimentation entering the waterways during salvage operations that will be in place. The letter concludes with a request that I be advised if the Salvage Contractor will be required to obtain a land disturbance permit pursuant to Section 402 of the Clean Water Act. I have received no response from Mr. Stinson. Please note that this letter was referenced on page 11 of the Combined Environmental and Historic Report, which is attached to the Notice of Exemption in this docket as Exhibit D.

Finally, in an earlier email I sent to you this morning, I attached a copy of a letter I received from the Army Corps of Engineers (St. Louis District), which advised that "a Department of the Army, Section 404 permit is not required" for salvage operations on the line being abandoned. I respectfully submit that this letter obviates the need for the first condition recommended by the OEA, that JGD Railroad consult with the Corps regarding potential impacts to waters of the United States, including wetlands.

Thank you for your consideration of this information in preparation of the final EA. Please let me know if you have any questions.

Bob Alderson

From: Front Desk

Sent: Friday, June 08, 2012 2:01 PM

To: Bob Alderson

Subject: Scanned Letters

[attachment "Rutson, Vickie May 23, 2012 letter scanned.pdf" deleted by Diana Wood/STB] [attachment "Stinson, David April 18, 2012 letter scanned.pdf" deleted by Diana Wood/STB]



FW: FW: NGS Search Delta Mo.--STB Docket No. AB-1088X

Bob Alderson to: Diana Wood

06/08/2012 12:41 PM

Dear Ms. Wood:

I have reviewed the Environmental Assessment (EA) issued today in the above-referenced docket and I respectfully submit that some of the conditions suggested by the EA for imposition by the STB are unnecessary. In particular, condition number 3, regarding consultation with the National Geodetic Survey (NGS) is not required, as hereinafter explained by the attached string of emails. I will address what I perceive as other unnecessary conditions in subsequent emails.

On page 14 of the Combined Environmental and Historic Report (CEHR), it was explained that my consultation with Simon Monroe prior to preparation of the CEHR had generated an email response from Mr. Monroe in which he identified two geodetic survey marks that may be located on or in proximity to the line proposed for abandonment. In response, JGD Railroad engaged a Professional Land Surveyor, who is licensed in the State of Missouri, to survey the line in the areas identified by Mr. Monroe. The attached string of emails summarizes the communications from that point forward.

I attempted to summarize these communications in the CEHR, but apparently my summary did not adequately convey the bottom line, i.e., that the supposed geodetic survey marks could not be found by the survey and that Mr. Monroe has acknowledged such fact. Mr. Monroe has, in effect, given JGD Railroad the green light to conduct salvage operations without the need to notify the NGS. As stated in Mr. Monroe's last email, notification of NGS is necessary only if a survey mark is found. Since the survey did not reveal any survey mark, I do not see the need to impose any condition regarding notification of the NGS, particularly a requirement that such notice be given at least 90 days prior to commencement of salvage activities. I have dealt with such conditions in other abandonment proceedings, so I thought I would take care of this possibility well in advance of salvage activities by having a survey conducted to determine whether survey marks are present on or around the line being abandoned. By providing Mr. Monroe the results of the survey, I have effectively given NGS notice that the marks cannot be found, which I believe obviates the necessity of the condition imposed in the EA.

Thank you for your consideration of this information in the preparation of the final EA.

Bob Alderson

-----Original Message-----

From: Simon Monroe [mailto:simon.monroe@noaa.gov]

Sent: Tuesday, May 08, 2012 8:31 AM

To: Bob Alderson

Subject: Re: FW: NGS Search Delta Mo.

Bob,

For give the misunderstanding. You are to only notify NGS if you find a survey mark.
Other wise have at it.

On 5/7/2012 5:44 PM, Bob Alderson wrote:

> Mr. Monroe:

>

>

> Delta

Bob Adams is the President of Jackson, Gordonville and

> Railroad Company ("JGD"). After you provided me in your email of
> April
> 4, 2012, with the Geodetic Survey Markers that are supposed to be in
> the
> vicinity of the JGD's rail line in Cape Girardeau County, Missouri,
> Mr.
> Adams engaged a licensed surveyor (Chris Kelley) to try to locate
> these
> markers. Attached is an email to me from Mr. Adams, forwarding an
> email
> from Mr. Kelley regarding his efforts. As you can see, Mr. Kelley was
> unable to locate these markers.

>
> Is there anything further you need in order to determine
> that, once the Line is approved for abandonment by the STB, there is
> no
> need to notify NGS before proceeding with salvage operations? If not,
> would you please confirm that in a reply email to me, and I will
> forward
> your email to the STB? Thank you for your continued cooperation.

>
> Bob
Alderson

>
>
>
>
>
>
>
>
> From: Bob Adams [mailto:bobadams@adams-appraisal.com]
> Sent: Monday, May 07, 2012 3:52 PM
> To: Bob Alderson
> Subject: FW: NGS Search Delta Mo.

>
>
>
> Good afternoon Bob
>
>
>
> This was in my email when I got in will this work
>
>

>
> Bob
>
>
>
>
>
> From: Chris Kelley [mailto:chriskelley@bowenengsurv.com]
> Sent: Monday, May 07, 2012 2:45 PM
> To: bobadams@adams-appraisal.com
> Subject: NGS Search Delta Mo.

>
>
>
> Re: Field search for National Geodetic Survey Monuments N 141 and PTS
F
> 4
>

>
>
> Mr. Bob Adams,
>
> President of the Jackson, Gordonville and Delta Railroad Company
>
>
>
> As published by The National Geodetic Survey Data Sheets.
>
> A field search was made for National Geodetic Survey monuments
> designation - N 141 and PTS F 4 on April 9, 2012.
>
> Recovery Note: N 141 - Not Found.
>
> Recovery Note: PTS F 4 - Not Found.
>
>
>
> Thank you,
>
>
>
> Chris Kelley PLS
> Bowen Engineering& Surveying, Inc.
> 2121 Megan Drive
> Cape Girardeau, MO 63701
> Phone 573 339 5900
> Fax 573 339 1391
>
>



DEPARTMENT OF THE ARMY
ST. LOUIS DISTRICT CORPS OF ENGINEERS
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

REPLY TO
ATTENTION OF:

May 29, 2012

Regulatory Branch
File Number: MVS-2012-316

W. Robert Alderson
2101 S.W. 21st Street
Topeka, Kansas 66604

RECEIVED

JUN 07 2012

ALDERSON, ALDERSON, WEILER
CONKLIN, BURGHART & CROW, L.L.C.

Dear Mr. Alderson:

We have reviewed your submittal dated April 23, 2012, concerning the project known as the *Jackson, Gordonville, and Delta (JGD) Railroad Company – Abandonment Exemption*. The proposal consists of JGD Railroad Company to abandon approximately 13.3 miles of rail line, located entirely in Cape Girardeau County, Missouri, extending from the City of Delta towards the Town of Allenville and Dutchtown, ending near the Village of Gordonville. There are no plans to remove or alter the contour of the roadbed underlying the line, and the abandonment and discontinuance involve no plans to undertake in-stream work, or to dredge and/or use fill materials. No discernible effects on either 100-year floodplain or any wetlands in the area are expected in connection with the proposed project. Any salvage operations would be accomplished via access over the existing railroad right-of-way, along with existing access over the various public roads and highways that cross the line at grade. Salvage operations would be limited to removal of the rails, ties and other track materials, except ballast. JGD Railroad Company requests feedback regarding any environmental impacts.

Section 404 of the Clean Water Act assigns responsibility to the Secretary of the Army to administer a permit program to regulate the placement of dredged or fill material into waters of the United States. The placement of any dredged or fill material into waters of the United States below ordinary high water elevation, or in wetlands adjacent to these waters, must be authorized by a Section 404 permit.

Based upon a review of the U.S. Geological Survey 7.5-minute topographical map, aerial imagery, National Wetland Inventory maps, submittal, we have determined that no wetlands or waters of the United States would be impacted by your project. As a result of this determination, a **Department of the Army, Section 404 permit is not required** for this project.

This determination is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other federal, state or local approvals before beginning work.

The **jurisdictional determination** for this project is considered a **Preliminary** jurisdictional determination in accordance with Corps regulations at 33 CFR Part 331. A preliminary jurisdictional determination is not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instruction.

If you have any questions please contact David Meyer at (314) 331-8810. Please refer to file number **MVS-2012-316**. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete the enclosed postage paid card or go to our Customer Service Survey found on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert Gramke", followed by a horizontal line.

Robert Gramke
Missouri Section Chief
Regulatory Branch

Enclosures:

Mr. Roger Allan, CEMVM-OD-R

ALDERSON, ALDERSON, WEILER,
CONKLIN, BURGHART & CROW, L.L.C.
ATTORNEYS AT LAW

FILE

W. ROBERT ALDERSON, JR.
ALAN F. ALDERSON*
JOSEPH M. WEILER
DARIN M. CONKLIN
MARK A. BURGHART*
DANIEL W. CROW**
MICHELLE L. MILLER

2101 S.W. 21ST STREET
TOPEKA, KANSAS 66604-3174
MAILING ADDRESS: P.O. Box 237
TOPEKA, KANSAS 66601-0237

(785) 232-0753
FACSIMILE: (785) 232-1866
WEB SITE: www.aldersonlaw.com

e-mail: boba@aldersonlaw.com

OF COUNSEL:
BRIAN FROST
THOMAS C. HENDERSON
JARED R. MUIR

*LL.M., TAXATION
**LICENSED TO PRACTICE IN
KANSAS AND MISSOURI

May 23, 2012

Vicki Rutson, Director
Office of Environmental Analysis (OEA)
U.S. Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423-0001

Re: *Jackson, Gordonville and Delta Railroad Company – Abandonment Exemption –
Line In Cape Girardeau County, Missouri*, STB Docket No. AB-1088X

Dear Director Rutson:

On May 14, 2012, the Jackson, Gordonville and Delta Railroad Company ("JGD Railroad") filed a Notice of Exemption in the above-referenced docket. Attached to the Exemption Notice as Exhibit D was the final draft of the Combined Environmental and Historic Report. (CEHR).

As you may recall, I serve as legal counsel for JGD Railroad. Subsequent to filing the Exemption Notice, I have received two written comments concerning the CEHR, and I have enclosed those comments for your review.

Although the first enclosure is a letter addressed to you by the County Commission of Cape Girardeau County, Missouri, I wanted to make sure you are aware of it. In that letter, the Cape Girardeau County Commission stated that it did not "find any reason to impede the abandonment of the Jackson, Gordonville and Delta Railroad Company."

The second enclosure is a copy of an e-mail I received from Simon Monroe with the National Geodetic Survey. Mr. Monroe's e-mail has relevance to the response to Section 1105.8(d)(1) of the CEHR as it appears on page 14. The first full paragraph on that page includes the substance of Mr. Monroe's e-mail. Apparently Mr. Monroe forgot that he sent me an identical e-mail on April 4, 2012 and I included the substance of the earlier email in my response.

Further, the next paragraph in the CEHR addresses Mr. Monroe's e-mail, reciting the fact that JGD Railroad engaged a professional land surveyor to determine the location of the geodetic survey marks that

Vicki Rutson, Director
Page 2 of 2
May 23, 2012

Mr. Monroe has identified as being in proximity to JGD Railroad's rail line. That paragraph states that the surveyor could not identify any of the geodetic survey marks, and this information was related to Mr. Monroe in my e-mail to him of May 7, 2012. As noted in the last sentence of the referenced paragraph, Mr. Monroe acknowledged receipt of that information with his e-mail of May 8, 2012. As Mr. Monroe stated in that e-mail, "[y]ou are to only notify NGS if you find a survey mark. Otherwise, have at it." Since the professional land surveyor was unable to locate any of the survey marks, I do not think that salvage operations following the STB's approval of the Line's abandonment should be impacted.

Please let me know if you have any questions regarding this letter or its enclosures.

Very truly yours,

W. Robert Alderson
ALDERSON, ALDERSON, WEILER,
CONKLIN, BURGHART & CROW, LLC
Attorney for Jackson, Gordonville and
Delta Railroad Company

WRA:cmr
Enclosures
cc: Robert L. Adams

ALDERSON, ALDERSON, WEILER,
CONKLIN, BURGHART & CROW, L.L.C.
ATTORNEYS AT LAW

FILE

W. ROBERT ALDERSON, JR.
ALAN F. ALDERSON*
JOSEPH M. WEILER
DARIN M. CONKLIN
MARK A. BURGHART*
DANIEL W. CROW**
MICHELLE L. MILLER

2101 S.W. 21ST STREET
TOPEKA, KANSAS 66604-3174
MAILING ADDRESS: P.O. BOX 237
TOPEKA, KANSAS 66601-0237

(785) 232-0753
FACSIMILE: (785) 232-1866
WEB SITE: www.aldersonlaw.com

e-mail: boba@aldersonlaw.com

OF COUNSEL:
BRIAN FROST
THOMAS C. HENDERSON
JARED R. MUIR

*LL.M., TAXATION
**LICENSED TO PRACTICE IN
KANSAS AND MISSOURI

April 18, 2012

David Stinson, Chief
Engineering Unit
Southeast Regional Office
Missouri Department of Natural Resources
2155 N. Westwood Boulevard
Poplar Bluff, Missouri 63901

Re: Jackson, Gordonville and Delta Railroad Company -
Abandonment and Discontinuance of Service Exemption -
Line in Cape Girardeau County, Missouri
STB Docket No. AB-1088X

Dear Mr. Stinson:

This letter will follow-up on our telephone conversation on Tuesday, April 17, 2012. Our conversation focused on the proposed salvage operations on a segment ("Line") of the above-referenced rail line, once the U.S. Surface Transportation Board ("STB") approves the Line for abandonment. Prior to addressing the salvage operations, I thought it would be useful to provide you with some background information, which follows. I trust I will not be providing you with more than you want to know.

Jackson, Gordonville and Delta Railroad Company ("JGDR") is preparing a Notice of Exemption for submission to the STB in STB Docket No. AB-1088X, for the purpose of obtaining the STB's approval to abandon the Line. JGDR does not maintain an office, but the address of JGDR's President, Robert L. Adams, is 1802 E. Jackson Boulevard, Jackson, Missouri 63755.

Description of the Line

The Line is approximately 13.3 track miles in length and is contained entirely in Cape Girardeau County, Missouri. The Line's southern terminus is in the City of Delta at Railroad Milepost 149.4 in Section 9, Township 29 North, Range 13 East of the 6th P.M. (The railroad milepost numbering system used on the Line is explained subsequently.) From its southern terminus, the Line proceeds northwesterly through the City of Delta and through Section 5, Township 29 North, Range 13 East of the 6th P.M. to the Town of Allenville in Section 31, Township 30 North, Range 12 East of the 6th P.M.; thence the Line extends northeasterly and easterly through

David Stinson, Chief
April 18, 2012
Page 2 of 5

Sections 31, 32, 29, 28, 21, 22, 23 and 24, Township 30 North, Range 12 East of the 6th P.M. to the Town of Dutchtown; thence the Line extends northerly and northwesterly from the Town of Dutchtown through Sections 24, 13, 12, 1 and 2, Township 30 North, Range 12 East of the 6th P.M. to Railroad Milepost 157.9, which is 1,394 feet south of the centerline of Missouri Highway Z, the northern terminus of the Line, near the Village of Gordonville.

Maps

Enclosed with this letter as **Exhibits A-1, A-2 and A-3** are maps showing the area traversed by the Line. **Exhibit A-1** is a copy of the relevant portion (8 ½ x 11) of the current USGS 7.5 Min. Topographic Map of the area. This map is identified as Cape Girardeau Mo.-Ill-Ky, 37089-A1-TM-100. It is a 1986 map providing a 30 x 60 minute quadrangle.

The map attached as **Exhibit A-2** consists of two pages which were copied from the 2011 Cape Girardeau County Plat Book and constitute pages 39 and 45 in that plat book. On both pages, the Line is highlighted in green. The first page of this map (Plat Book page 39) shows the location of the Line in Township 30 North, Range 12 East of the 6th P.M., and the second page (Plat Book page 45) shows the location of the Line in Township 29 North, Range 12 East of the 6th P.M.

The map attached as **Exhibit A-3** is a three-page aerial photo map, which was prepared by the Cape Girardeau Office of Mapping and Appraisal. This map more clearly shows the character of the land traversed by the Line. It identifies the land as being primarily agricultural in nature.

Explanation of Railroad Milepost Numbering

In the mid 1800's, Missouri Pacific Railroad ("MOPAC") constructed a main line track from St. Louis, Missouri to Little Rock, Arkansas. In the late 1800's, MOPAC built a secondary main line track, from Bismarck, Missouri, to Belmont, Missouri. About that same time, the Frisco Railroad built a main line track from St. Louis, Missouri to Poplar Bluff, Missouri, and it crossed the MOPAC main line at Delta, Missouri. In the late 1890's, the St. Louis and Iron Mountain Railroad was built from Allenville, Missouri to Jackson, Missouri. (The history of this railroad is provided subsequently.) The chief engineer of MOPAC numbered the mileposts on MOPAC's main line starting at St. Louis with Railroad Milepost 0.0, and at Bismarck, which is Railroad Milepost 79, he began numbering the secondary rail line's mileposts from Bismarck to Allenville. Allenville is Railroad Milepost 147 for the original branch line from Bismarck to Belmont, and it also is the beginning of the branch line from Allenville to Jackson. The Railroad Milepost at Allenville on the Allenville-Jackson branch line is also Railroad Milepost 147, and the milepost numbers from Allenville to Jackson increase in size. From Allenville to Delta, the Railroad Mileposts continue to be numbered as they were before the line from Bismarck to Allenville was abandoned in the 1970's. Delta was then and continues to be Railroad Milepost 149.4. Thus, from Delta (149.4) to Allenville (147.0) it is approximately 2.4 track miles. Then, from Allenville (147.0) to the northern terminus of the Line (157.9) near Gordonville, it is 10.9 track miles, which means that the distance from Delta to the northern terminus of the line near Gordonville is approximately 13.3 track miles.

Summary History of the Line

St. Louis Iron Mountain and Southern Railway. The first railroad to actually build a rail line in southeast Missouri was the Iron Mountain Road. It was organized pursuant to a special act of the Missouri legislature in 1851. The rail line extended from St. Louis to Pilot Knob and later it extended into Bollinger County, Missouri, and also connected at Allenville, Missouri. The purpose of the Iron Mountain Road was to make available the great quantities of iron ore around Iron Mountain, Missouri, to the Mississippi River and other areas. The railroad was reorganized as the St. Louis and Iron Mountain Railroad in 1867. Subsequently, in 1874, it was reorganized once again as the St. Louis Iron Mountain and Southern Railway. In 1917, it was merged with MOPAC, which later became the Union Pacific Railroad.

The St. Louis Iron Mountain and Southern Railway controlled a number of other railroads, either through the acquisition of capital stock and/or lease agreements. Included among these railroads were: Union Railway of Memphis (1886); Natchez and Southern Railway Company (1902); Coal Belt Railway Company (1904); Coal Belt Electric Railway Company (1904); Natchez and Western Railway (1905); New Orleans and Northwestern Railway Company (1909); Wabash Southern Railway Company (1909); Cairo and Thebes Railway Company (1911); Marion and Harrisburg Railway Company (1913); Marion and Johnston City Railway Company (1913); and Johnston City Connecting Railway Co. (1913).

Interstate Commerce Commission Transactions. On February 24, 1984, in ICC Docket No. AB-3 (Sub-No. 35), the Interstate Commerce Commission ("ICC") approved MOPAC's sale to the Jackson Industrial Development Company (JIDC) of the rail line from Jackson, Missouri, to a point near Delta, Missouri, approximately 18.4 track miles of rail line.

On August 12, 1993, pursuant to a Notice of Exemption, JGDR, a non-carrier at that time, acquired that line from JIDC in ICC Finance Docket No. 32328, and was authorized to operate that rail line under the name Jackson and Southern Railroad.

Subsequently, on November 24, 1993, JGDR, in ICC Finance Docket No. 32339, acquired a 0.05 mile segment of rail line from The Golden Cat Railroad Corporation's Delta Branch, pursuant to a Notice of Exemption. This acquisition also was an exempt transaction, since JGDR was still classified as a non-carrier, because it had not consummated the acquisition of the line from JIDC.

Structures on the Line

There are 22 bridges, but no buildings situated on the Line. JGDR does not have records to state with certainty the history of these bridges, but it is believed that all of these bridges had their origins more than 50 years ago. However, it also is believed that, with one exception, all of the bridges have been substantially repaired and/or rebuilt. The one exception is the 1,650 foot steel span which enables the Line to cross a Diversion Channel. Attached to this Memorandum as **Exhibits B-1 to B-19**, are photographs of most of the bridges on the Line. As can be seen from these photographs, extensive portions of the Line have been overgrown with brush and trees, which made the Line impassable in spots and prevented photographs from being taken of all of the bridges. Only 14 of the 22 bridges on the Line were able to be photographed.

David Stinson, Chief
April 18, 2012
Page 4 of 5

South of Gordonville, the Line crosses Hubble Creek and also Williams Creek. South of Dutchtown the Line again crosses Hubble Creek several times, but prior to these crossings Williams Creek merges into Hubble Creek. Between the Town of Allenville and the City of Delta, the Line crosses one of the eleven Diversion Channels in this area, as noted above, utilizing the above-referenced steel span. The photographs in **Exhibits B-14** through **B-19** provide different views of the steel bridge. **Exhibit B-14** shows the bridge and the Diversion Channel which it crosses.

Exhibit B-17 shows the year (1954) in which this structure was constructed. Because the two banks of the Diversion Channel are different elevations, one end of the bridge needed to be elevated. This necessitated an elevated, wooden approach to the bridge that extends approximately one-tenth mile. A portion of that approach is shown in **Exhibit B-19**.

Salvage Operations

JGDR has entered into a Salvage Contract with a company in Vernon, Texas, which will perform salvage operations along the Line, once the STB approves the Line for abandonment. I misspoke in our telephone conversation yesterday. I indicated that the salvage operations will include the removal of loose ballast. That is not the case. I determined my mistake when I contacted the Salvage Contractor to see if he had any pictures of his prior operations removing loose ballast, which you had requested. At that time, he indicated that he will not be removing the loose ballast. Rather, to complete the salvage operations, the roadbed will be graded to create a relatively smooth surface. Thus, the salvage operations will be limited to the removal of the rails, ties and other track materials, excluding ballast, followed by grading of the roadbed.

In my telephone conversation yesterday with the Salvage Contractor, he confirmed what I told you regarding the creation of berms on either side of the creek beds where the bridges will be removed. These berms will be placed ten to fifteen feet from the edges of the creek, so that the creation of the berms should not produce any sedimentation that will find its way into the creek itself.

Further, the Salvage Contractor is required under the Salvage Contract to remove all debris at the conclusion of Salvage Operations, and to prevent any of the debris from being deposited in the creeks. Any work along the right-of-way will be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials. Further, there are no plans by JGD Railroad to remove or alter the contour of the roadbed underlying the Line. There should be no significant effect on water quality.

In order to conduct Salvage Operations, I believe I advised you that the Salvage Contractor will be restricted to entering upon the right-of-way from one of the six at-grade crossings by county roads and state highways. The Salvage Contractor cannot create new access routes to the right-of-way. This, also, will guard against the creation of potential sedimentation to filter into the creeks.

David Stinson, Chief
April 18, 2012
Page 5 of 5

I trust the foregoing provides you with the information you need to determine whether the Salvage Contractor will need to obtain a Land Disturbance Permit, pursuant to the provisions of Section 402 of the Clean Water Act (33 U.S.C. 1342). Please let me know if you need further information in order to make this determination.

Within the next week, I will be mailing to the Director of the Missouri Department of Natural Resources, a copy of the Combined Environmental and Historic Report, which must accompany the documents being submitted to the STB. That document, in reference to the requirements of Section 402 of the Clean Water Act, will reference this letter. Thus, I trust that appropriate personnel in the MDNR office in Jefferson City will be copied on your response to this letter, which will enable them to comment on the Combined Environmental and Historic Report.

Thank you for your consideration of this matter. I appreciate you taking the time to visit with me yesterday and to review this letter.

Very truly yours,

W. Robert Alderson
ALDERSON, ALDERSON, WEILER,
CONKLIN, BURGHART & CROW, L.L.C.

WRA:bjb

Enclosures

cc: Robert L. Adams