



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

HEI-3249
AB 43 180X
DHW

REPLY TO
ATTENTION OF:

November 6, 2007

Operations Division

SUBJECT: Determination of Permit Requirements

Mr. Thomas Healey
Illinois Central Railroad
17641 South Ashland Avenue
Homewood, Illinois 60430-1339

Dear Mr. Healey:

I refer to your recent letter concerning plans to abandon in place a railroad line located between milepost 148.67 and milepost 148.21 in Section 23, T7N-R3W, Adams County, Mississippi. The location is depicted on the enclosed map (enclosure 1).

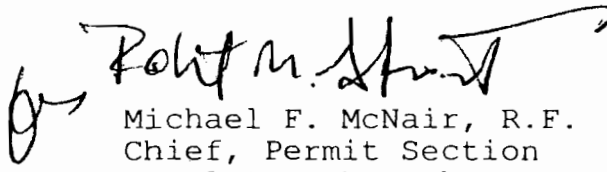
Based upon the information provided, it appears that a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act will not be required for the proposed work. In the event that project plans are changed, or if you anticipate any additional construction, please contact this office for a reevaluation of permit requirements and refer to Identification Number MVK-2007-685 when submitting the information.

This preliminary jurisdictional determination was based upon available information that there does not appear to be jurisdictional areas on the property subject to regulation pursuant to Section 404 of the Clean Water Act. An appeals form has been enclosed for your review (enclosure 2).

This determination of Department of the Army regulatory requirements does not convey any property rights, either in real estate or material or any exclusive privileges, and does not authorize any injury to property or invasion of rights or local laws or regulations, or obviate the requirement to obtain State or local assent required by law for the activity discussed herein.

If we may be of any further assistance in this matter, please contact Ms. Monica N. Humphrey of this office, telephone (601) 631-7928, fax (601) 631-5459 or e-mail address: regulatory@mvk02.usace.army.mil.

Sincerely,


Michael F. McNair, R.F.
Chief, Permit Section
Regulatory Branch

Enclosure



www.cn.ca

Law

Thomas J. Healey
Counsel - Regulatory

17641 S. Ashland Avenue
Homewood, IL 60430-1339

T - 708-332-4381
F - 708-332-4361
tom.healey@cn.ca

August 1, 2007

**Re: Illinois Central Railroad Company Notice of Exemption for Abandonment - Adams
County, Natchez, Mississippi - Docket AB-43 (Sub-No. 180X)**

8/26

To Whom It May Concern:

Any time on or after August 31, 2007, Illinois Central Railroad Company ("IC") expects to file with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon a railroad line located between milepost 148.67 and milepost 148.21, a distance of 0.46 miles, in Adams County, Natchez, Mississippi. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis (SEA), at the Surface Transportation Board, 395 E Street, SW, Washington, D.C. 20423-0001, (202) 245-0245, and refer to the above docket number.

IC will file the Environmental Report and Historic Report with the STB on or about August 1, 2007. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (708) 332-4381 or by mail at the above address.

Sincerely,

Thomas J. Healey
Attorney for Illinois Central Railroad Company

Encls.

Docket No. AB-43 (Sub-No. 180X)

ILLINOIS CENTRAL
RAILROAD COMPANY

NOTICE OF EXEMPTION FOR
ABANDONMENT IN ADAMS
COUNTY, NATCHEZ, MISSISSIPPI

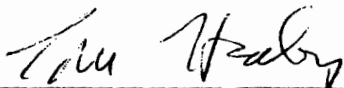
To: Vernon A. Williams, Secretary
Surface Transportation Board (STB)
395 E. Street, SW
Washington, DC 20424

CERTIFICATE OF COMPLIANCE WITH 49 C.F.R. PART 1105

I hereby certify that on August 1, 2007, copies of the Environmental Report and Historic Report for the above-captioned proceeding were served on the agencies listed at 49 C.F.R. § 1105.7(b), all agencies consulted in preparing the reports, and on the Mississippi Department of Archives and History. A service list is attached and incorporated into this certificate as Attachment A. The reports have been sent within the time period specified, as Illinois Central Railroad Company intends to file its Notice of Exemption in the above-captioned matter no earlier than August 31, 2007. All appropriate agencies as listed in 49 C.F.R. § 1105.7(e) have been consulted well in advance of preparing the Environmental Report.

I also certify that a newspaper notice was published on June 14, 2007, in *The Natchez Democrat*, a newspaper of general circulation in Adams County, Mississippi. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. A copy of the notice is attached to this certificate as Attachment B.

Dated this 1st day of August, 2007.



Thomas J. Healey
Attorney for Illinois Central Railroad Company

Humphrey, Monica N MVK

From: Rebecca.Bott@cn.ca
Sent: Monday, August 13, 2007 4:36 PM
To: Humphrey, Monica N MVK
Subject: Fw: Proposed railroad abandonment-Adams County, MS

Attachments: Adams Cty.pdf



Adams Cty.pdf (2 MB)

Ms. Humphrey,

I am the Paralegal working with Tom Healey on this proposed abandonment. I do not have the GPS coordinates, but I am attaching a map from TopoZone and an in-house map, showing the location of the proposed abandonment.

The steps taken to abandon this line are as follows:

On June 5, 2007, a Letter of Intent was sent to the following officials, with comments requested: (1) Mississippi Dept. of Wildlife, Fisheries and Parks; (2) National Park Service; (3) Mississippi Dept. of Transportation; (4) State of Mississippi Clearinghouse; (5) US Environmental Protection Agency; (6) Mississippi Department of Marine Resources; (7) County Board Supervisor; (8) US Fish & Wildlife Service; (9) US Army Corps of Engineers; (10) USDA Natural Resources Conservation Service; (11) National Geodetic Survey; and (12) State Historic Preservation Officer of Mississippi. A notification in the county where the line is located was published. After comments were received, approximately a 21 day period, an Environmental and Historical Report was prepared and sent to each official and the Surface Transportation Board ("STB"). Next, notification of the following officials took place: (1) US Department of Defense; (2) US Department of Agriculture; (3) National Center for Recreation and Conservation; and (4) Mississippi Department of Transportation. In approximately 3 weeks, if we have not heard from any official or the STB, we will file our Notice of Exemption with the STB. The STB has approximately 20 days to publish a notice in the Federal Register. All Petitions to Stay are due within 30 days. Requests for public use conditions are due within 40 days. If none of that exists, then the Notice of Exemption becomes effective within 50 days. After that period, Illinois Central will begin to commence preparation of the actual abandonment.

Please let me know if you have additional questions.

----- Forwarded by Tom Healey/HEALEY03/IL/CNR/CA on 08/13/2007 03:29 PM -----

"Humphrey, Monica N MVK" <Monica.N.Humphrey@mvk02.usace.army.mil>

08/13/2007 03:24 PM To

<tom.healey@cn.ca>

cc

Subject

Proposed railroad abandonment-Adams County, MS

Mr. Healey,

Please send me GPS coordinates identifying the location of the proposed railroad abandonment and a paragraph describing what are the steps taken when abandoning and existing railroad line.

I await your response.

Monica N. Humphrey

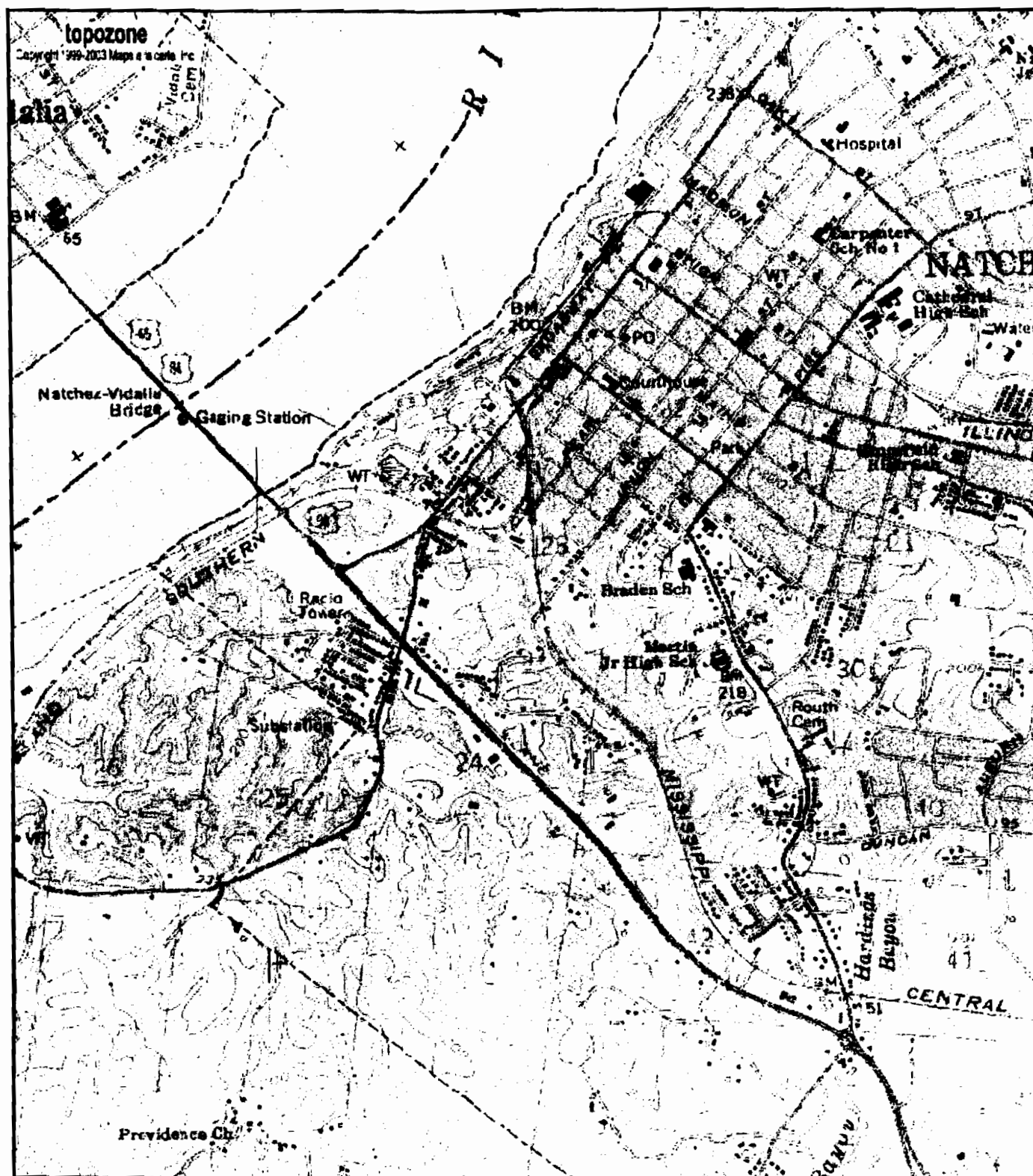
Biologist

Vicksburg District Regulatory Branch

4155 East Clay Street

Vicksburg, Mississippi 39183-3435

ph 601-631-7928 fax 601-631-5459



0 0.3 0.6 0.9 1.2 1.5 km
0 0.2 0.4 0.6 0.8 1 mi

31.5530°N, 91.4075°W (NAD83/WGS84)

USGS Natchez (MS,LA) Quadrangle

Projection is UTM Zone 15 NAD83 Datum

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Illinois Central Railroad	File Number: MVK-2007-685	Date: 11/06/2007
Attached is:		See Section Below
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
☐	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
☐	PERMIT DENIAL	C
☐	APPROVED JURISDICTIONAL DETERMINATION	D
☒	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Illinois Central Railroad	File Number: MVK-2007-685	Date: 11/06/2007
Attached is:		See Section Below
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
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- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.
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B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.