

206176

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(215) 563-9400

GOLLATZ, GRIFFIN & EWING, P.C.
ATTORNEYS AT LAW

213 WEST MINER STREET
POST OFFICE BOX 796
WEST CHESTER, PA 19381-0796

WILMINGTON OFFICE:
1901 SUPERFINE LANE
SUITE 2
WILMINGTON, DE 19802
(302) 428-3761

ENTERED
Office of Proceedings

SEP 09 2002

Part of
Public Record

ERIC M. HOCKY
emhocky@ggelaw.com

Telephone (610) 692-9116
Telecopier (610) 692-9177
E-Mail: gge@ggelaw.com



September 6, 2002

FedEx

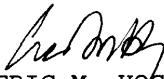
Hon. Vernon A. Williams
Secretary
Surface Transportation Board
Mercury Building, #711
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Louisiana & Delta Railroad, Inc. - Abandonment
Exemption - Iberia Parish, Louisiana
Docket No. AB-318 (Sub-No. 5X)
**SUPPLEMENT NO. 1 TO THE
ENVIRONMENTAL/HISTORIC REPORT**

Dear Secretary Williams:

Enclosed for filing are the original and ten copies of Supplement No. 1 to the Environmental/Historic Report being filed in connection with the above-referenced matter. Please time-stamp the extra copy of this letter to indicate receipt, and return it to me in the stamped, self-addressed envelope provided for your convenience.

Respectfully,


ERIC M. HOCKY
Attorney for Louisiana & Delta
Railroad, Inc.

Enclosure

cc: Section of Environmental Analysis

EMH/mjr
H:\WPDATA\TRANS\GWT\LD\Avery\J\WILLIA06.wpd



Before the
SURFACE TRANSPORTATION BOARD

LOUISIANA & DELTA RAILROAD, INC.
NOTICE OF EXEMPTION OF ABANDONMENT
FROM REGULATION
PURSUANT TO
49 C.F.R. §1152.50

Iberia Parish, Louisiana

Docket No. AB-318 (Sub-No. 5X)

SUPPLEMENT NO. 1 TO THE
ENVIRONMENTAL/HISTORIC REPORT

ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
213 West Miner Street
P.O. Box 796
West Chester, PA 19381-0796
(610) 692-9116
Attorney for
Louisiana & Delta Railroad, Inc.

Dated: September 6, 2002

Before the
SURFACE TRANSPORTATION BOARD



LOUISIANA & DELTA RAILROAD, INC.
NOTICE OF EXEMPTION OF ABANDONMENT
FROM REGULATION
PURSUANT TO
49 C.F.R. §1152.50

Iberia Parish, Louisiana

Docket No. AB-318 (Sub-No. 5X)

**SUPPLEMENT NO. 1 TO THE
ENVIRONMENTAL/HISTORIC REPORT**

Louisiana & Delta Railroad, Inc. ("Applicant") filed an Environmental/Historic Report in this proceeding on June 2, 2001. This Supplement is being filed to provide additional information that was received subsequent to the filing of the initial Environmental/Historic Report, and to advise the Board and its Section of Environmental Analysis ("SEA") about the satisfaction of the environmental conditions set forth in the Board's decision served on August 24, 2001, as corrected by its decision served on September 6, 2002. Paragraph numbers referred to in Section A of this Supplement refer to the corresponding paragraphs of the original Environmental/Historic Report.

Since the filing of the Environmental/Historic Report, Applicant has received additional written responses from the following agencies with which it consulted: Permit Division, Office of Environmental Services, Department of Environmental Quality; Coastal Management Division, Department of Natural Resources; and the U.S. Army Engineer District, New Orleans, copies of which are attached as Supplemental Exhibit B. Additionally, Applicant consulted with the following agencies subsequent to the initial filing: U.S. Fish and Wildlife Service - Lafayette Field Office, U.S. Fish and Wildlife Service - Region 4, and U.S. Environmental Protection Agency - Region 6 which are attached as Supplemental Exhibit A. The only response received by Applicant from the additional agencies contacted was from the U.S. Fish and Wildlife Service - Lafayette Field Office, and the response is included in Supplemental Exhibit B. Applicant had no response from the other agencies as reflected in the revised log of responses attached as Supplemental Exhibit C.

A. SUPPLEMENT TO ENVIRONMENTAL REPORT

Based on the foregoing, Applicant supplements the noted sections of its Environmental/Historic Report as follows:

1. Proposed action and alternatives

The Atchafalaya Basin Program of Louisiana's Department of Natural Resources (the "Atchafalaya Basin Program") filed a request, with the STB on June 8, 2001, indicating its interest in acquiring the proposed abandonment's right-of-way for use as a public recreational trail that would be consistent with the local plans and that would preserve the corridor's wildlife habitat and greenspace. On August 13, 2001, Applicant filed a response with the STB explaining that the proposed abandonment is on a privately owned island that does not belong to the Applicant. For this reason, the Applicant was not willing to negotiate an interim trail use agreement, and the Board could not issue a NITU. A public use condition was imposed, but that condition expired on February 21, 2002. See decision served September 3, 2002.

3. Land use

(i) Applicant gave notice of the proposed abandonment to the U.S. Environmental Protection Agency - Region 6, see Supplemental Exhibit A, but has received no response. Also see the preceding paragraph in this supplement, concerning the Atchafalaya Basin Program of Louisiana's Department of Natural Resources filing and the Applicant's response.

(iii) Applicant received notice that its proposed abandonment was consistent with the Louisiana Coastal Resource Program from the Coastal Management Division of the Department of Natural Resources in a letter dated May 23, 2002, see the letter in Supplemental Exhibit B. Prior to receiving this approval, Applicant had contact with the Coastal Management Division as reflected in Supplemental Exhibit C.¹

8. Biological Resources

(i) Applicant gave notice of the proposed abandonment to the U.S. Fish and Wildlife Service's Lafayette Field Office and Region 4 office, see Supplemental Exhibit A. Applicant only received a response from the Lafayette Field Office, a copy of which is included in Supplemental Exhibit B. This response states

¹ The Coastal Management Division noted that the landowner will need to apply for a Louisiana Coastal Use Permit if using the trestle as an erosion and flood control device. Applicant is not the landowner, but has made the landowner aware of this requirement.

that the proposed abandonment is located in the habitat of the threatened Louisiana black bear and provides safety guidelines concerning this bear. It further notes that the proposed abandonment is within 500 feet of a colonial waterbird nesting colony and provides guidelines concerning this colony. Applicant will abide by the guidelines provided. Finally, the U.S. Fish and Wildlife Service's Lafayette Field Office notes that the proposed abandonment may impact wetlands with the acknowledgment that the Applicant has already contacted the New Orleans District Corps of Engineers (the "Corps") concerning the possible need of a permit. Applicant was advised by the Corps by letter dated June 12, 2001 that no permit was required under Section 404 of the Clean Water Act. See the letter attached in Supplemental Exhibit B.

9. Water

(i) Applicant supplements this section with the following information:

1. The Coastal Management, Division of the Department of Natural Resources, Consistency Section had notified Applicant that the proposed abandonment must be consistent with the Louisiana Coastal Resources Program and that a Consistency Certification must be filed. The certification was mailed to Applicant on May 23, 2002. A copy is included in Supplemental Exhibit B.
2. The State of Louisiana Department of Environmental Quality ("DEQ"), Office of Environmental Services ("OES"), Permit Division notified Applicant that it had no objection to the implementation of the proposed project. At that time, the OES required

that certain issues be addressed, and Applicant has complied as follows:

- a) Pursuant to the OES's letter, the Corps was contacted to determine what permits and regulations apply. Applicant learned by letter dated June 12, 2001, that no permit is needed under Section 404 of the Clean Water Act.
- b) As no permit was required from the Corps, Applicant was not required to obtain a Water Quality Certification.
- c) The OES required that a storm water permit be obtained if needed. Applicant learned from the Permits Division that such a permit was required, as noted in entries within Supplemental Exhibit C. This Permit was applied for on May 2, 2002 and was provided by the DEQ on May 23, 2002. See the application and the approval letter attached in Supplemental Exhibit B.²

(ii) As noted above, the Corps indicated by letter dated June 12, 2001 that a permit was not required under Section 404 of the Clean Water Act.

B. SATISFACTION OF ENVIRONMENTAL CONDITIONS

By decision served on August 24, 2001, and corrected by decision served on September 6, 2001, the Board made this abandonment exemption subject to certain environmental conditions. The Board also required Applicant to notify SEA of completion of

² Because of a change in personnel, L&D was not able to determine the status of its permit application until August 9, 2002.

the requirements. Applicant hereby notifies the Board and SEA that it has satisfied the imposed conditions as follows:

(1) prior to salvage activities:

(i) contact the U.S. Army Corps of Engineers to determine if permits are required, and if permits are required, determine whether the State of Louisiana Department of Environmental Quality, Office of Environmental Services (OES) Water Quality Certification is required

Applicant contacted the Corps and was advised that no permit was required. See Section A.8(i) above.

(ii) consult with the U.S. Environmental Protection Agency-Region 6

Applicant contacted Region 6 and received no response.

See Section A.3(i) above.

(iii) determine whether a Louisiana Pollutant Discharge Elimination System permit is needed

Applicant has determined that an LPDES permit is required. The permit was issued on May 23, 2002. See Section A.9(i)(2)(c) above.

(iv) determine whether a Department of the Environmental Quality (DEQ) stormwater general permit is required

Applicant has determined that a stormwater permit is required and it is included in the LPDES permit discussed in (iii) above.

(v) take precautions to protect the groundwater of the region and to control nonpoint source pollution from salvage activities

Applicant and any contractors it hires will take the necessary precautions to protect groundwater.

(2) ensure that all personnel remove food-related refuse from the salvage area at the end of each workday to prevent nuisance bear behavior and human-bear conflicts with the threatened Louisiana black bear and limit salvage activities that occur within 1,500 feet of the rookery on Avery Island to the non-nesting period of September 1 to February 15

Applicant and any contractors it hires will take the necessary precautions and will limit salvage activities as required by this condition.

(3) be prohibited from performing any salvage activities until completion of the Coastal Management Consistency Certification pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq. prior to salvage activities

Applicant has received a Coastal Management Consistency Certification. See Section A. (9) (i) (1) above.

Respectfully submitted,



ERIC M. HOCKY
GOLLATZ, GRIFFIN & EWING, P.C.
213 West Miner Street
P.O. Box 796
West Chester, PA 19381-0796
(610) 692-9116
Attorney for Louisiana & Delta
Railroad, Inc.

Dated: September 6, 2002

SUPPLEMENTAL EXHIBIT A

PHILADELPHIA OFFICE:
SIXTEENTH FLOOR
TWO PENN CENTER PLAZA
PHILADELPHIA, PA 19102
(215) 563-9400

GOLLATZ, GRIFFIN & EWING, P.C.
ATTORNEYS AT LAW
213 WEST MINER STREET
POST OFFICE BOX 796
WEST CHESTER, PA 19381-0796

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1901 SUPERFINE LANE
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Telecopier (610) 692-9177
E-Mail: gge@ggelaw.com

Leanore D. Bellis
ldb@ggelaw.com

July 17, 2001

BY FEDERAL EXPRESS

U.S. Fish and
Wildlife Service
Lafayette Field Office
646 Cajundome Boulevard
Suite 400
Lafayette, LA 70506

U.S. Fish And
Wildlife Service
Region 4
1875 Century Boulevard
Suite 200
Atlanta, Georgia 30345

U.S. Environmental
Protection Agency
Region 6
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, Texas 75202-2733

RE: Notice of Abandonment
Docket No. AB-318 (Sub-No. 5X)

Dear Sir or Madam:

We are retracting the following statement from the letter
dated July 16, 2001:

"We understand that the STB will be approving the Notice of
Abandonment under the condition that your agency has no
objections."

July 17, 2001

The Surface Transportation Board ("STB") has not yet issued a decision in this abandonment proceeding. However, in order to facilitate the environmental review process, we request that you provide your comments to the STB and myself as soon as possible.

I apologize for the mis-communication. Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

cc: Victoria Rutson
Rini Ghosh (by fax)
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.
ATTORNEYS AT LAW

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Leanore D. Bellis
ldb@ggelaw.com

July 16, 2001

BY FEDERAL EXPRESS

U.S. Fish and
Wildlife Service
Lafayette Field Office
646 Cajundome Boulevard
Suite 400
Lafayette, LA 70506

U.S. Fish And
Wildlife Service
Region 4
1875 Century Boulevard
Suite 200
Atlanta, Georgia 30345

U.S. Environmental
Protection Agency
Region 6
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, Texas 75202-2733

RE: Notice of Abandonment
Docket No. AB-318 (Sub-No. 5X)

Dear Sir or Madam:

Unfortunately, your agencies were inadvertently missing from the list that was used to forward the notifications, the environmental/historic report and the Notice of Abandonment that are required by the Surface Transportation Board ("STB") under 49 C.F.R. §1152.50 and 49 C.F.R. Part 1105. Enclosed are the letters and filings that you should have received.

July 16, 2001

We understand that the STB will be approving the Notice of Abandonment under the condition that your agency has no objections. In light of this, it would be sincerely appreciated if you could expedite your review of the attached report and notice, and provide the STB and myself with your responses as promptly as possible.

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 Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, NW, Washington, DC 20423, (202) 565-1545 and refer to *Docket No. AB-318 (Sub No. 5X)*.

I appreciate your cooperation and apologize for any inconvenience. Thank you.

Very truly yours,



Leanore D. Bellis
Legal Assistant

cc: Victoria Rutson (w/enclosures)
Rini Ghosh
Eric M. Hocky, Esquire

GOLLATZ, GRIFFIN & EWING, P.C.
ATTORNEYS AT LAW

PHILADELPHIA OFFICE:
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DELAWARE COUNTY
CONFERENCE FACILITY:
205 N. MONROE STREET
MEDIA, PA 19063
(610) 565-6040

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225 ROSS STREET
2ND FLOOR
PITTSBURGH, PA 15219
(412) 434-7930

Leanore D. Bellis

July 16, 2001

BY FEDERAL EXPRESS

U.S. Fish and
Wildlife Service
Lafayette Field Office
646 Cajundome Boulevard
Suite 400
Lafayette, LA 70506

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Region 4
1875 Century Boulevard
Suite 200
Atlanta, Georgia 30345

U.S. Environmental
Protection Agency
Region 6
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, Texas 75202-2733

RE: Notice of Abandonment
Docket No. AB-318 (Sub No. 5X)

To All Parties:

This letter is to advise you that Louisiana & Delta Railroad, Inc. ("L&D") proposes to abandon its line of railroad which runs from milepost 6.72 to milepost 9.8 on the Salt Mine Branch in Iberia Parish approaching Avery Island, Louisiana. This line traverses through United States Postal ZIP Code 70513. A map showing the location of the line is attached.

No service has been provided on the line since at least 1995. L&D plans to seek Surface Transportation Board authorization for its abandonment by filing a verified notice of abandonment pursuant to the provisions of 49 C.F.R. §1152.50 on or about May 23, 2001 in Docket No. AB-318 (Sub-No. 5X).

With the following exceptions, L&D plans to take up and reuse the rail and to remove the ties after the line's abandonment:

- the 225 foot open-deck timber trestle located at milepost 8.08, near Avery Island, will at least temporarily remain in place at the request of the island's owner who may apply to the US Corps of Engineers to use the trestle as an erosion and flood control device;
- some portion of the track bed and the 30 foot timber trestle located at MP 6.91 will also remain in place at the request of the island's owner for use as an alternate evacuation route in case of a flood and/or hurricane.

Based upon information in our possession, the line does not contain federally granted rights of way.

Other than the uses mentioned above, L&D does not believe that there are any reasonable alternatives to the proposed action. L&D believes that the abandonment authorization will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental or historic preservation effects of the proposed abandonment.

We would appreciate an expression from you by April 25, 2001 that, within the area of your authority, you do not perceive that the abandonment of the line will have a significant effect upon the environment or historic preservation. If you have any questions about the abandonment proposal or if you need assistance in this matter, please call me at (610) 692-9116 (ext. 4322).

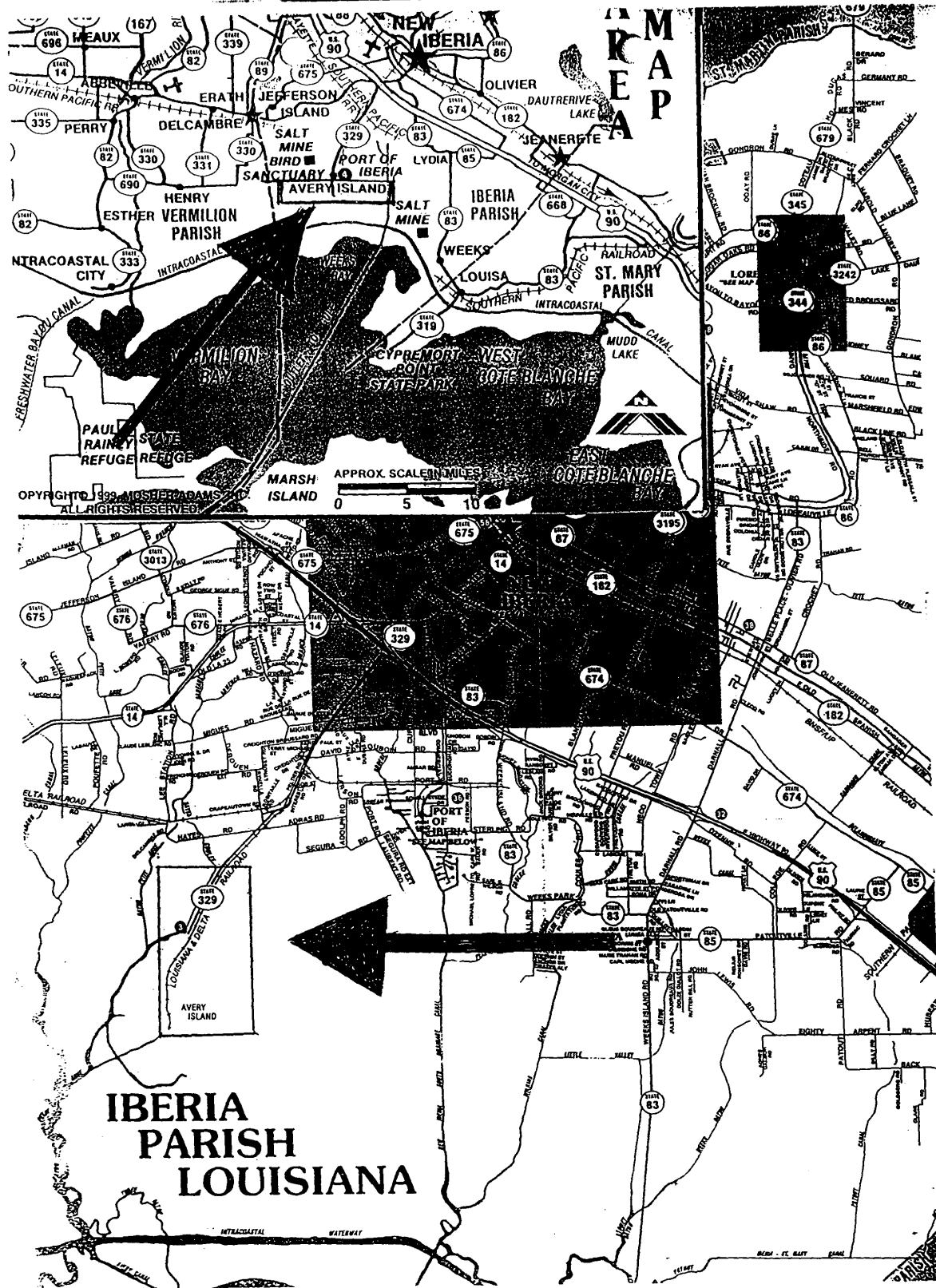
Thank you for your cooperation.

Very truly yours,

Leanore D. Bellis
Legal Assistant

Enclosure (Map)

cc: Eric M. Hocky, Esquire



GOLLATZ, GRIFFIN & EWING, P.C.
ATTORNEYS AT LAW

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(302) 428-3761

Telephone (610) 692-9116
Telecopier (610) 692-9177
E-Mail: ggc@ggelaw.com

Leanore D. Bellis

July 16, 2001

BY FEDERAL EXPRESS

U.S. Fish and
Wildlife Service
Lafayette Field Office
646 Cajundome Boulevard
Suite 400
Lafayette, LA 70506

U.S. Fish And
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Region 4
1875 Century Boulevard
Suite 200
Atlanta, Georgia 30345

U.S. Environmental
Protection Agency
Region 6
1445 Ross Avenue
12th Floor, Suite 1200
Dallas, Texas 75202-2733

RE: Notice of Abandonment
Docket No. AB-318 (Sub No. 5X)

To All Parties:

This letter is to advise you that Louisiana & Delta Railroad, Inc. will be filing a verified Notice of Exemption of Abandonment pursuant to the provisions of 49 C.F.R. §1152.50 with the Surface Transportation Board on or about June 29, 2001 relating to the abandonment of its line of railroad which runs from milepost 6.72 to milepost 9.8 on the Salt Mine Branch in Iberia Parish approaching Avery Island, Louisiana. This line traverses through United States Postal ZIP Code 70513.

Based on information in our possession, 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.

Very truly yours,



Leanore D. Bellis
Legal Assistant

cc: Eric M. Hocky, Esq.

SUPPLEMENTAL EXHIBIT B

State of Louisiana



M.J. "MIKE" FOSTER, JR.
GOVERNOR

JACK C. CALDWELL
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

May 23, 2002

Eric M. Hocky
Gollatz, Griffin & Ewing, P. C.
213 West Miner Street
Post Office Box 796
West Chester, PA 19381-0796

RE: **C20020128, Coastal Zone Consistency**
Louisiana & Delta Railroad
Federal License or Permit
Proposed railroad abandonment of the Salt Mine Branch from Milepost 6.72 to 9.8, Avery Island, Iberia Parish, Louisiana

Dear Ms. Hocky:

The above referenced project has been reviewed by this office and has been found to be consistent with the Louisiana Coastal Resource Program as required by Section 307(c)(3)(A) of the Coastal Zone Management Act of 1972, as amended. However, please note that the landowner will need to apply for a Louisiana Coastal Use permit if he wishes to use the trestle as an erosion and flood control device.

If you have any questions concerning this matter please contact Brian Marcks of the Consistency Section at (225) 342-7939 or 1-800-267-4019.

Sincerely,

A handwritten signature in dark ink, appearing to read "Terry W. Howey".

Terry W. Howey,
Administrator

cc: Ron Ventola, NOD-COE
Jim Anderson, Iberia Parish
Charles Mestayer, CMD, FC
Fred Dunham, LDWF

COASTAL MANAGEMENT DIVISION P.O. BOX 44487 BATON ROUGE, LOUISIANA 70804-4487
TELEPHONE (225) 342-7591 FAX (225) 342-9439
AN EQUAL OPPORTUNITY EMPLOYER

8-21-2002 1:57PM
AUG-09-2002 10:38

FROM L/D_RAILROAD 3183691487

P. 2



State of Louisiana
Department of Environmental Quality



M. J. "MIKE" FOSTER, JR.
GOVERNOR

J. DALE GIVENS
SECRETARY

MAY 23 2002

Certified Mail 7001 2510 0002 5071 0401
Return Receipt Requested

File No. LAR10B873
Agency Interest No. 88901

Mr. Carl T. Broussard
Louisiana & Delta Railroad, Inc.
402 W. Washington St.
New Iberia, LA 70560

GEN20020001

WORK FILE USE ONLY
ORIGINAL IN MAIN FILE

Re: Storm Water Construction General Permit Coverage Notice
Louisiana Pollutant Discharge Elimination System (LPDES)

Dear Mr. Broussard:

Your Notice of Intent (NOI) postmarked May 6, 2002, for the Salt Mine Branch - Avery Island, located on the railroad running parallel to LA Hwy 329 going toward Avery Island near New Iberia, Iberia Parish, has been processed and is administratively complete.

This facility, if qualified under the conditions of the permit and unless notified otherwise by this office, is authorized to discharge storm water associated with construction activity under the terms and conditions established under Louisiana's LPDES Construction General Permit. Your facility's authorization number is LAR10B873. This number and the Agency Interest Number listed above should be referenced in all future correspondence with this office. This coverage replaces and cancels any previous authorization under the EPA Construction General Permit (LAR100000) issued September 9, 1992.

Attached for your use is a copy of the permit. This permit requires certain storm water pollution prevention and control measures, possible monitoring and reporting, and regular inspections. You must prepare and implement a storm water pollution prevention plan (SWPPP) that is tailored to your site. As a facility authorized to discharge under this general permit, all terms and conditions of the permit must be complied with in order to maintain coverage and to avoid possible penalties.

If you have any questions, please call Darlene Bernard or Yvonne Wingate in the Level 2 Industrial Permits Section at 225-765-0508.

Sincerely,

Jim Delahoussaye, Environmental Scientist Manager
Level 2 Industrial Permits

Attachment: Construction General Permit and Discharge Monitoring Report Form
c: letter only Water file "A" left

Acadiana Regional Office
Office of Environmental Compliance

c: letter and NOI

Permit Compliance Unit
Office of Environmental Compliance

Yvonne Wingate/Work File
Permits Division

David Ferrand
Environment Assistance Division

OFFICE OF ENVIRONMENTAL SERVICES • P.O. BOX 82135 • BATON ROUGE, LOUISIANA 70884-2135

AN EQUAL OPPORTUNITY EMPLOYER



TOTAL P.02

Rec'd
5/6/02



M.J. "MIKE" FOSTER, JR.
GOVERNOR

JACK C. CALDWELL
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

DATE: June 30, 02

Dear Applicant:

☒ Your request for a Consistency Determination has been received by the Coastal Management Division of the Department of Natural Resources, and is being reviewed for consistency with the Louisiana Coastal Resources Program. It is the policy of Coastal Management Division to complete this review as soon as possible; you will be notified of our decision, or requested to provide additional information regarding the proposed activity, by the date noted below.

☐ Your application for a Coastal Use Permit has been received by Coastal Management Division of the Department of Natural Resources and it has been determined that your proposed activity will require a Consistency Determination IN ADDITION TO / INSTEAD OF Coastal Use Permit number P_____. Therefore, your proposed activity is being reviewed for consistency with the Louisiana Coastal Resource Program as provided in the paragraph above.

Your application has been assigned the following consistency number. Please refer to this C# in correspondence regarding your application:

C#: C 20020128

Project Name/Description: RR abandonment, Avery Island area, Iberia Parish, Louisiana

Decision Due Date: June 8, 02

Applicant: LA Delta Railroad, Inc

Date Received: April 8, 02

CMD Analyst: Brian March

Please retain this notice for your files. If you have any questions, please write or call the Analyst noted above, or Jeff Harris, Consistency Section Coordinator, at (225) 342-7551 or 1-800-267-4019.

mailed
5/2/02

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY

Permits Division
Post Office Box 82135
Baton Rouge, LA 70884-2135
PHONE#: (225) 765-0508 FAX#: (225) 765-0222

LPDES NOTICE OF INTENT (NOI) TO DISCHARGE STORMWATER ASSOCIATED
WITH CONSTRUCTION ACTIVITY

Submission of this Notice of Intent constitutes notice that the party identified in Section I of this form intends to be authorized by an LPDES permit issued for stormwater discharges associated with construction activity in Louisiana. Submission of this Notice of Intent also constitutes that implementation of the Storm Water Pollution Prevention Plan required under the general permit will begin at the time the permittee commences work on the construction project identified in Section II below.

SECTION I
FACILITY OWNER/OPERATOR INFORMATION

Name Louisiana T. Jelta Railroad, Inc.
Mailing Address 402 W. Washington St.
City New Iberia State LA. Zip 70560
Phone 337-364-9625
Status of owner/operator (F= Federal; S= State; M=Public (other than federal or state); P= private) P

SECTION II
FACILITY INFORMATION

Name of project Salt Mine Branch - Avery Island
Location of Project Railroad running parallel to La. State Hwy 329 going onto Avery Island, La.
City near New Iberia, La. Parish Iberia Parish
Front Gate Coordinates:
Latitude 91° deg 54 min sec Longitude 29° deg 55 min sec
Is facility located on Indian Lands? Yes (No)
Has the Stormwater Pollution Prevention Plan (PPP) been prepared? ✓ Yes No

Indicate address of location of SWPPP if different from Project Location.

Address _____

City _____ State _____ Zip _____

Name of receiving Water Hager Coulee

Estimated Construction Start Date: (mo/day/yr) July 1, 2002

Estimated Construction Completion Date: (mo/day/yr) January 1, 2003

Estimate of area to be disturbed (to nearest acre) 9.33 acres

Estimate of Likelihood of Discharge: (choose only one)

☒ Unlikely

☐ Once per month

☐ Once per week

☐ Once per day

☐ Continual

Based on the attached list of endangered or threatened species are there any listed in the project area?

☒ Yes

☐ No

List existing or prior Water Discharge Permits for the location

-- 0 --

CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that signature and submittal of the NOI is deemed to constitute my determination of eligibility under one or more of the requirements of Permit Part I.A.3.e(1), related to the Endangered Species Act requirements. I am also aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Print Name

Carl T. Bransard

Date

5-2-02

Signature

Carl T. Bransard

GOLLATZ, GRIFFIN & EWING, P.C.
ATTORNEYS AT LAW

PHILADELPHIA OFFICE:
SIXTEENTH FLOOR
TWO PENN CENTER PLAZA
PHILADELPHIA, PA 19102
(215) 563-9400

213 WEST MINER STREET
POST OFFICE BOX 796
WEST CHESTER, PA 19381-0796

WILMINGTON OFFICE:
1901 SUPERFINE LANE
SUITE 2
WILMINGTON, DE 19802
(302) 428-3761

Telephone (610) 692-9116
Telecopier (610) 692-9177
E-Mail: gge@ggelaw.com

Eric M. Hocky

April 5, 2002

Brian Marcks
Consistency Section
Coastal Management Division
Department of Natural Resources
P.O. Box 44487
Baton Rouge, LA 70804-4487

Re: Notice of Abandonment
Docket No. AB-318 (Sub-No. 5X)
Consistency Certification

Dear Mr. Marcks:

The applicant Louisiana & Delta Railroad, Inc. ("L&D") hereby certifies that the project detailed below is consistent with the Louisiana Coastal Resources Program's guidelines and hereby encloses a \$300 check to cover the processing fee for a Consistency Certification.

L&D has filed a notice of abandonment with the STB as it intends to abandon its line of railroad which runs from milepost 6.72 to milepost 9.8 on the Salt Mine Branch in Iberia Parish approaching Avery Island, Louisiana. This line traverses through United States Postal ZIP Code 70513. Enclosed is a copy of L&D's application to the Surface Transportation Board ("STB") describing the abandonment. This application includes maps showing the location of the line.

With the following exceptions, L&D plans to take up and reuse the rail and to remove the ties after the line's abandonment:

- the 225 foot open-deck timber trestle located at milepost 8.08, near Avery Island, will at least temporarily remain in place at the request of the island's owner who may apply to the US Corps of Engineers to use the trestle as an erosion and flood control device;
- some portion of the track bed and the 30 foot timber trestle located at MP 6.91 will also remain in place at the request of the island's owner for use as an alternate evacuation route in case of a flood and/or hurricane.

Based upon information in our possession, the line does not contain federally granted rights of way.

Please contact me if you have any questions or concerns. As we understand it, this letter satisfies your certification requirements. Kindly acknowledge receipt of this certification and the required payment by time-stamping the extra copy of this letter and returning it to me in the postage pre-paid enclosed envelope provided for your convenience. Thank you.

Very truly yours,

Eric M. Hocky

Enclosure

cc: Carl Broussard
Leanore D. Bellis

GOLLATZ, GRIFFIN, & EWING, P.C.

9276

25 Department of Natural Resources
04/03/02 thru January 31, 2002 257329

300.00

300.00

04/03/02

9276

Gross:

300.00

Ded:

0.00

Net: 300.00



United States Department of the Interior

FISH AND WILDLIFE SERVICE

646 Cajundome Blvd.
Suite 400
Lafayette, Louisiana 70506

July 24, 2001

Ms. Leanore D. Bellis
Legal Assistant
Gollatz, Griffin & Ewing, P.C.
213 West Miner Street
Post Office Box 796
West Chester, Pennsylvania 19381-0796

Dear Ms. Bellis:

Please reference your July 16 and July 17, 2001, letters requesting our review of the Louisiana & Delta Railroad, Inc., Environmental/Historic Report and Notice of Abandonment, Docket No. AB-318 (Sub-No. 5X). These documents are concerned with proposed abandonment of the line of railroad between milepost 6.72 to milepost 9.8 on the Salt Mine Branch approaching Avery Island, in Iberia Parish, Louisiana. The U.S. Fish and Wildlife Service has reviewed the information you provided, and offers the following comments in accordance with the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.), the Migratory Bird Treaty Act (40 Stat. 755, as amended; 16 U.S.C. 703 et seq.), and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.).

The proposed abandonment would be located in the vicinity of habitat that is known to be inhabited by the threatened Louisiana black bear (*Ursus americanus luteolus*). The Louisiana black bear is primarily associated with forested wetlands; however, it also utilizes a variety of habitat types, including marsh, spoil banks, and upland forests. The Service strongly urges employees and contractors to avoid bears, if at all possible. Bears will typically avoid humans; however, with this type of activity and its encroachment into occupied habitat, sightings of bears may occur. Human-bear conflicts are a major threat to the conservation and protection of the Louisiana black bear. The most effective mechanism to reduce nuisance bear behavior and human-bear conflicts is to maintain a "clean" work area (i.e., one free of bear attractants, such as food wastes and edible refuse). Accordingly, it will be essential for the applicant, project contractors, and operational personnel to remove food-related refuse from the project area at the conclusion of each work day. We have included information that further explains the need for avoiding conflicts when working in occupied Louisiana black bear habitat.

The proposed project is also less than 500 feet from a colonial waterbird nesting colony on Avery Island. To minimize disturbance to colonial nesting birds, all activity occurring within 1,500 feet of the rookery should be restricted to the non-nesting period (i.e., September 1 through February 15, depending on species present). Colonies may be present that are not currently listed in the database maintained by the Louisiana Department of Wildlife and Fisheries. That database is updated primarily by monitoring the colony sites that were previously surveyed during the 1980s.

100 113
rec'd 7/30/01

Until a new, comprehensive coast-wide survey is conducted to determine the location of newly-established nesting colonies, we recommend that a qualified biologist inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season. In addition, we recommend that on-site contract personnel be informed of the need to identify colonial nesting birds and avoid impacting them during the breeding season (i.e., mid-February to September, depending on species).

Additionally, the proposed project may impact wetlands. According to the information you provided, the applicant has already contacted the New Orleans District Corps of Engineers (Corps) regarding the possible need for a permit. If the Corps determines that the proposed project is within their regulatory jurisdiction, the Service will provide official comments in response to the corresponding Public Notice.

We appreciate the opportunity to provide comments in the planning stages of the proposed project. If you need further assistance, please contact Brigitte Decoteau (337/291-3108) of this office.

Sincerely,



Russell C. Watson
Acting Field Supervisor

Enclosures

cc: Surface Transportation Board, Washington, DC
National Park Service, Washington, DC
Corps of Engineers, New Orleans, LA
EPA, Dallas, TX
USDA, NRCS, Alexandria, LA
USDA, Forest Service, Washington, DC
DEQ, Baton Rouge, LA
DNR, CMD, Baton Rouge, LA
LDWF, Baton Rouge, LA
LDWF, Natural Heritage Program, Baton Rouge, LA



16c'd 7/19/01

State of Louisiana

Department of Environmental Quality



M.J. "MIKE" FOSTER, JR.
GOVERNOR

J. DALE GIVENS
SECRETARY

June 27, 2001

Ms. Leanore D. Bellis, Legal Assistant
Gollatz, Griffin & Ewing, P.C.
213 West Miner Street
West Chester, PA 19381-0796

RE: DEQ0104160160; Louisiana & Delta Railroad; Docket No. AB-318 (Sub-No. 5X);
Iberia Parish
Proposed Abandonment of Line of Railroad That Runs From Milepost 6.72 to
Milepost 9.8 on the Salt Mine Branch Approaching Avery Island

Dear Ms. Bellis:

The Department of Environmental Quality, Office of Environmental Assessment and Office of Environmental Services has received your request for comments on the above referenced project.

There were no objections based on the limited information submitted to us. However, the following comments have been included and/or attached. Should you encounter a problem during the implementation of this project, please make the appropriate notifications to this Department.

The Office of Environmental Services has made the following comments:

Please see the letter from the office of Environmental Services, Permits Division.

"Any approval, or letter of no objection, granted by LDEQ is relevant only to the granting of funds for the proposed project. This does not relieve the applicant of his responsibility for obtaining any other permits or approvals necessary from LDEQ or other State, Local, or Federal agencies, nor does it influence the Department's ultimate decision on those permits or approvals. A copy of our brochure "Construction Nonpoint Source Pollution Program" is enclosed.



OFFICE OF MANAGEMENT AND FINANCE P.O. BOX 82231 BATON ROUGE, LOUISIANA 70884-2231

AN EQUAL OPPORTUNITY EMPLOYER



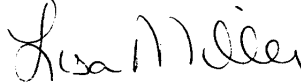
June 27, 2001
Page 2

Please forward all future requests to the following address and we will expedite it as quickly as possible. When submitting large proposals please provide triplicate copies.

Mrs. Lisa Miller
Department of Environmental Quality
P. O. Box 82231
Baton Rouge, LA 70884-2231

Should you need any additional information please call me at (225) 765-0723.

Sincerely,



Lisa L. Miller
Contracts & Grants

LLM/nos
Enclosure



State of Louisiana
Department of Environmental Quality



M.J. "MIKE" FOSTER, JR.
GOVERNOR

JUN 13 2001

J. DALE GIVENS
SECRETARY

Ms. Leanore D. Bellis, Legal Assistant
Gollatz, Griffin & Ewing, P.C.
P. O. Box 796
West Chester, PA 19381-0796

RE: Project No. DEQ0104160160; proposed abandonment of line of railroad which runs from milepost 6.72 to milepost 9.8 on the Salt Mine Branch approaching Avery Island; Gollatz, Griffin & Ewing, P.C.; Louisiana & Delta Railroad; Docket No. AB-318 (Sub-No. 5X); Iberia Parish

Dear Ms. Bellis:

The Department of Environmental Quality (DEQ), Office of Environmental Services (OES), has received your request for comments dated June 7, 2001, regarding the above referenced project. Based on an in-house review of the information you have submitted to this Department, the OES has no objection to the implementation of the proposed project, provided that the issues listed below are satisfied if required. Please note that no field investigation was conducted on this project.

Please note that any project that results in a discharge to waters of the state may require submittal of a Louisiana Pollutant Discharge Elimination System permit application.

This Office recommends that you investigate the following requirements that may impact your proposed project:

1. if any of the proposed work is located in wetlands or other areas subject to the jurisdiction of the U.S. Army Corps of Engineers, you should contact the Corps in order to apply for any necessary permits;
2. if a permit is required from the Corps, a Water Quality Certification from OES may also be required;
3. all precautions should be observed to protect the groundwater of the region (SEE ATTACHMENT);
4. all precautions should be observed to control nonpoint source pollution from construction activities (SEE ATTACHMENT); and
5. the Department of Environmental Quality (DEQ), has a stormwater general permit for construction areas equal to or greater than five acres. It is recommended that you contact Jan Cedars at (225) 765-2784 to determine if your proposed improvements are covered under that general permit.



OFFICE OF ENVIRONMENTAL SERVICES • P.O. BOX 82135 • BATON ROUGE, LOUISIANA 70884-2135

AN EQUAL OPPORTUNITY EMPLOYER



Ms. Bellis
Page Two (2)

If you have any questions, please contact the Contracts and Grants Section at (225) 765-0723.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Delahoussaye", with a long horizontal flourish extending to the right.

Jim Delahoussaye
Environmental Scientist Manager
Permits Division

JD\ar
Attachment

c:

Acadiana/Capital Regional Office
Surveillance Division

Lea Bellis

From: larry_w@ldeq.org
Sent: Wednesday, June 20, 2001 11:35 AM
To: ldb@ggelaw.com
Subject: RE: Question on railroad abandonment. L&D Docket NO Ab-318 (Sub no 5X)

We do not have a separate application form. Our regulations allow us to accept a copy of the federal application (the Corps of Engineers applicaiton plus all attachments) and a cover letter formally requesting Water Quality Certification for the referenced application. I would wait until the corps makes a decision, since a certification is only required if a federal permit is required. If the corps requires you to apply for an individual permit, then send us a copy of your application and the required cover letter. If the corps does require a permit, please feel free to contact us if you have any questions. Thanks for your interest in this matter.

Larry W.

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

From: Lea Bellis [mailto:ldb@ggelaw.com]
Sent: Thursday, June 14, 2001 11:32 AM
To: larry_w@ldeq.org
Cc: Eric Hocky
Subject: RE: Question on railroad abandonment. L&D Docket NO Ab-318 (Sub no 5X)

Thank you for your quick response. I am gathering the materials needed, by the client, in case a Corps of Engineers Permit and a Water Quality Permit are needed. Do you have guidelines and/or an application for the Water Quality Permit that you could send, e-mail or fax me? Thanks!

Ewing

19381

Lea Bellis
Gollatz, Griffin &

213 W. Miner Street
P.O. Box 796
West Chester, PA

(610) 692-9116
Fax (610) 692-9177

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

From: larry_w@ldeq.org [mailto:larry_w@ldeq.org]
Sent: Wednesday, June 13, 2001 4:09 PM
To: ldb@ggelaw.com
Subject: Question on railroad abandonment. L&D Docket NO Ab-318 (Sub no 5X)

I understand that you had a question regarding the need for a water quality certification for the above project. A certification would be required if the Corps of Engineers requires a permit for deposit of dredged or fill material under Section 404 of the Clean Water Act. We have agreements with all of the Corps Districts in Louisiana, under which they will inform us of any activities needing a permit. I don't recall the Corps ever requiring a permit for a railroad abandonment, but you could get an opinion as to the need for a permit from the Corps District which has jurisdiction in the area where the project will occur.

If you have any other questions concerning this matter, please feel free to

E-Mail me or call me at 225-765-0158. Thanks for your interest in this matter.

Larry

Wiesepepe, PhD

Certifications Supervisor

Lea Bellis

From: melonie_w@ldeq.org
Sent: Wednesday, June 13, 2001 2:14 PM
To: ldb@ggelaw.com
Subject: Project No. DEQ0104160160 Proposed Abandonment of Line of Railroad ... L&D Docket No. AB-318 (Sub No.5X)

Good Morning,

Thank you for your question. I have forwarded your inquiry to another staff member who handles these types of issues. You should be receiving a reply soon.

Please contact me again in the future if I may be of assistance.

Thanks,
Melonie C. Ward
Environmental Scientist
Permits Division
Office of Environmental Services
LA Department of Environmental Quality

Melonie C. Ward
Environmental Scientist
Permits Division
Office of Environmental Services
LA Department of Environmental Quality



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

June 12, 2001

Operations Division
Surveillance and Enforcement Section

Ms. Leanore D. Bellis
Gollatz, Griffin & Ewing, P.C.
P.O. Box 796
West Chester, Pennsylvania 19381-0796

Dear Ms. Bellis:

Reference is made to your request for a U.S. Army Corps of Engineers' jurisdictional determination on property located in Section 46, Township 14 South, Range 7 East, Iberia Parish, Louisiana (enclosed map). Specifically, Louisiana & Delta Railroad, Inc. proposes to abandon its line of railroad which runs from milepost 6.72 to milepost 9.8, on the Salt Mine Branch approaching Avery Island, Louisiana (Notice of Abandonment, Docket No. AB-318, Sub-No. 5X). Based on the information you provided, this abandonment activity will occur completely within the existing railroad bed.

We have reviewed your project and determined that a Department of the Army permit under Section 404 of the Clean Water Act will not be required. However, wetlands have been identified in the immediate vicinity of this property. Any changes or modifications to the proposed project will require a revised determination.

You and your client are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date.

Should there be any questions concerning these matters, please contact Mr. Bill Nethery at (504) 862-1267 and reference our Account No. 20-010-2585.

Sincerely,

James M. Joyner

Ronald J. Ventola
for Chief, Regulatory Branch

Enclosure

ACE

U.S.A.C.E 6-02-01

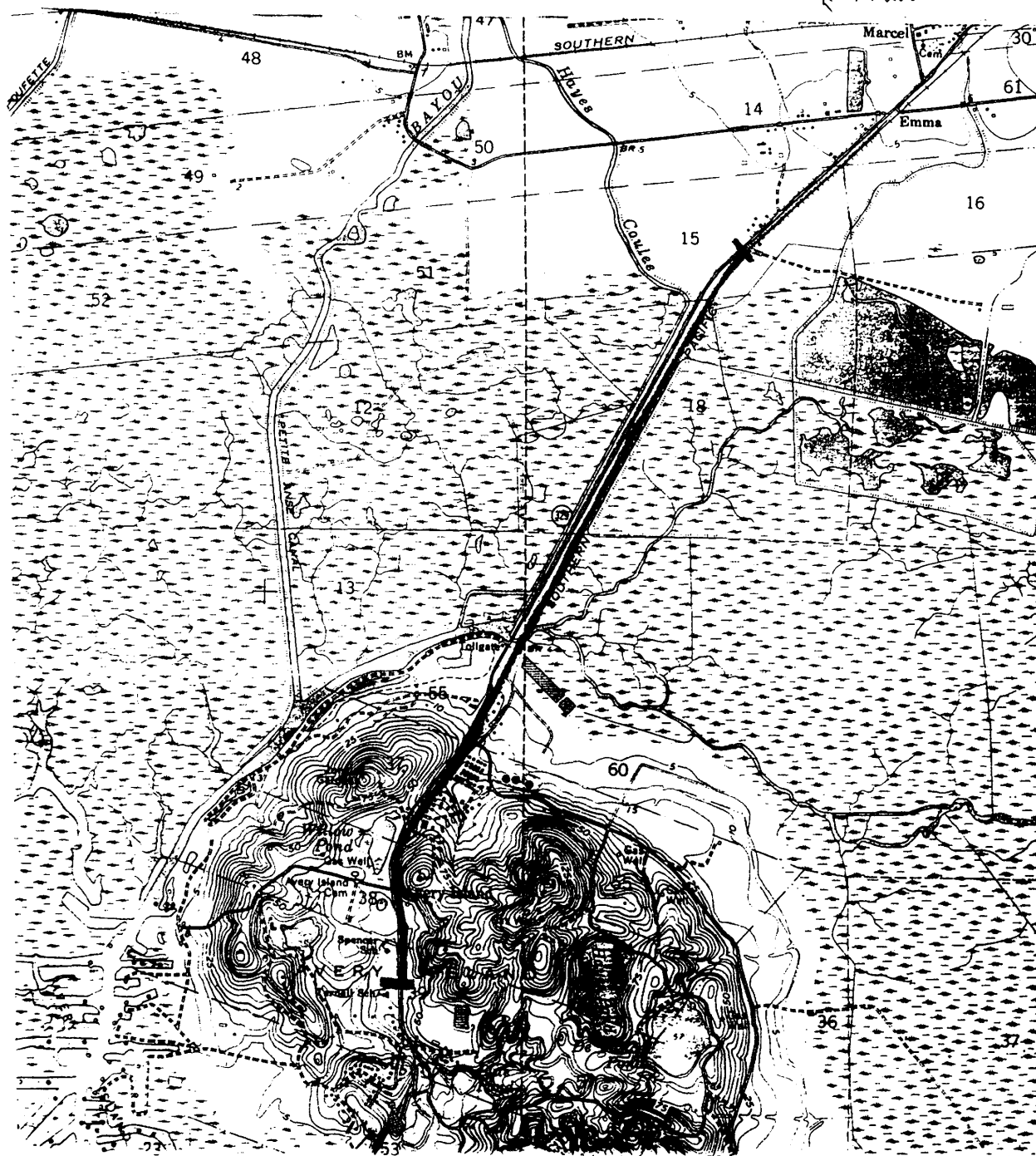
William Nethery

FOR Leanore Bellis

(#20-010-2585)

 = Project corridor

$1'' = 2000'$



Lea Bellis

From: Lea Bellis [ldb@ggelaw.com]
Sent: Friday, June 08, 2001 2:10 PM
To: oes@deq.state.la.us
Cc: Eric Hocky
Subject: Project No. DEQ0104160160 Proposed Abandonment of Line of Railroad ... L&D Docket No. AB-318 (Sub No.5X)

From correspondence I received from Jim Delahoussaye in the Permits Division in the above identified matter, dated April 20, 2001, I understand that a Water Quality Certification from your office is required if the US Army Corps of Engineers determines that a permit is required for this abandonment. Although the Corps of Engineers has yet completed this determination, I would like to have the necessary papers to receive this certification in case it is needed. Please provide me with the optimal means to receive a copy of the guidelines, any applicable fees and the application (if appropriate) for this certification. Thank you!

SUPPLEMENTAL EXHIBIT C

Updated 09/05/02

**ENVIRONMENTAL CONTACT LIST
FOR THE AVERY ISLAND ABANDONMENT L&D
DOCKET NO. AB-318 (SUB-NO. 5X)**

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Mr. Will Langlinais Parish President 300 Iberia Street Suite 400 New Iberia, LA 70560 (318) 365-8246 (318) 269-4470 (fax) e-mail: IBERIAGOV@aisp.net		03/26/01	Env. Notice Sent

AGENCY	CONTACT	DATE SENT / RESPONSE DATE	FORM OF RESPONSE / SUMMARY
Department of Environmental Quality Office of the Secretary P.O. Box 82263 Baton Rouge, LA 70804-2263 (225) 765-0741	Jim Delahoussaye Environmental Scientist Manager Permits Division La. DEQ Office of Environmental Services P.O. Box 82135 Baton Rouge, LA 70884-2135	03/26/01 04/20/01	Env. Notice Sent Response: "no objection to the implementation of the proposed project", provided that the requirements are followed re: wetlands and the US Army Corps of Engineers, Water Quality Certification if needed, water and pollution precautions taken - guidelines provided, and storm water permit gotten if needed - contact given to determine same.

Continued Next Page

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Department of Environmental Quality (Cont.)	Lisa L. Miller/Nancy Scott Contracts & Grants La. DEQ Office of Mgmt. and Finance 7290 Blue Bonnett Blvd. Baton Rouge, LA 70801 (225) 765-2231	05/15/01	Response: "no objections based on limited information" received" and provides comments concerning permits.
	Jan Cedars La. DEQ Office of Environmental Services Permit Division (225) 765-2784	05/24/01	Call with Nancy Scott to determine if Applicant received all the necessary brochures as Miller's letter was unclear. All appropriate brochures received.
			By telephone and Internet: Applicant has called Ms. Cedars and reviewed the web-site she referred to as requested by Mr. Delahoussaye to determine if a storm water permit will be needed.

Continued next page.

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Department of Environmental Quality (Cont.)	Melonie C. Ward Environmental Scientist, Permits Div. melonie_w@ldeq.org	06/08/01	Telephone and e-mail inquiry as to requirements for Water Quality Certification.
		06/13/01	E-mail response re my inquiry has been passed on and a reply should be received soon.
	Larry Wiesepape, PhD - Certificate Supervisor larry_w@ldeq.org	06/13/01	E-mail response re: how to determine need for a Water Quality Certification.
		06/20/01	After further inquiry, e- mail response re: how an application for Water Quality Certification is obtained.
Continued next page	Lisa L. Miller	06/27/01	Duplicate 5/15/01 response.
	Jim Delahoussaye	06/13/01	Duplicate 04/20/01 response.

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Department of Environmental Quality (Cont.)	Jim Delahoussaye Environmental Scientist Mgr. Level 2 Industrial Permits DEQ Office of Environmental Services P.O. Box 82135 Baton Rouge , LA 70884-2135 (225) 765-0508	05/02/02 5/23/02	Application for LPDES Storm Water Permit sent by Carl Broussard/L&D Railroad. Authorization to discharge storm water is received under LPDES Construction General Permit (File No. LAR10B873; Agency Interest No. 88901)

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Office of Cultural Development Division of Archeology Department of Culture, Recreation and Tourism P.O. Box 44247 Baton Rouge, LA 70804 (225) 342-8200	Gerri Hobby, State Historic Preservation Officer	03/26/01 04/18/01	Historic Notice sent Letter With Stamp: "No known archeological sites or historic properties will be affected..."
State Conservationist USDA Natural Resources Conservation Service 3737 Government Street Alexandria, LA 71302 (318) 473-7751		07/10/01 07/11/01 03/26/01	Letter: with identical stamp as 4/18/01 letter. Letter: with identical stamp as 4/18/01 letter. Env. Notice sent

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Coastal Management Division Department of Natural Resources P.O. Box 44487 Baton Rouge, LA 70804-4487 (225) 342-7591 FAX (225) 342-9439	Chris Melton <u>chrismelton@dnr.state.la.us</u> (225) 219-4969 Brian Marcks <u>brianm@dnr.state.la.us</u> (225) 342-7939	03/29/01 04/03/01 04/12/01 04/19/01	Coastal Notice sent Letter re: Coastal Use Permit - File No. P20010553 E-Mails/Telephone Calls: no Coastal Use Permit needed, instead requires STB application, a Consistency Certification (via letter) and \$300 processing fee.
	Brian Marcks	04/20/01 07/12/01	E-mail: rec'd Guidelines for Consistency Certification Telephone call: time to submit the Consistency Certification.
Continued next page			

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Coastal Management Division Department of Natural Resources (<i>continued</i>)	Brian Marcks	04/05/02	Letter, with fee, to Brian Marcks, Consistency Section, certifying that the abandonment is consistent with the Louisiana Coastal Resources Program's guidelines.
		06/30/02 (Rec'd 05/06/02)	Coastal Management Division received Consistency Certification 4/08/02, the Request For Consistency Certification is being reviewed. Decision by 06/08/02. Reference #C20020128.
		05/23/02	Project is "consistent with the Louisiana Coastal Resource Program..." Landowner needs to apply for Coastal Use permit.

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
William Shrewsbury Louisiana Department of Transportation Public Transportation Unit P.O. Box 94245 Baton Rouge, LA 70804-9245 (225) 379-1543		03/26/01	Env. Notice sent
Brian Parsons Louisiana Department of Transportation Public Transportation Unit P.O. Box 94245 Baton Rouge, LA 70804-9245 (225) 379-1200		03/26/01	Env. Notice sent
Louisiana Public Service Commission P.O. Box 91154 Baton Rouge, LA 70821-9154 (225) 342-9888		03/26/01	Env. Notice sent

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
National Park Service National Center For Recreation and Conservation M.S. 3622 1849 C Street, NW Washington, DC 20240-0001 (202) 565-1200		03/26/01	Env. Notice sent
National Park Services Land Resources Division M.S. 3622 1849 C Street, NW Washington, DC 20240-0001 (202) 565-1200		03/26/01	Env. Notice sent

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
U.S. Army Engineer District, New Orleans P.O. Box 60267 CE MVN-OC New Orleans, LA 70160-0267 (504) 862-2824 (504) 862-2827 (fax)	Bill Nethery Corps of Engineers New Orleans Enforcement and Surveillance Section (504) 862-1267 Fax (504) 862-1697 (Formerly: William B. Nethery US Army Corps of Engineers, New Orleans District Regulatory Branch P.O. Box 60267 New Orleans, LA 70160-0267	03/26/01 05/16/01	Env. Notice sent This initial telephone call applied to another abandonment - <u>Abandonment</u> <u>Docket No. 318 (Sub No.</u> <u>6X)</u> , but in subsequent calls was determined to also apply to this one. The calls concerned determining whether a Permit is needed, need to know if Applicant will be working beyond the stone bed to remove the tracks. If so, a permit will be required as there are wetland pockets. Also what is terrain where abandonment starts and ends.

Continued next page.

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
U.S. Army Engineer District, (Cont.)	Bill Nethery (cont.)	5/17/01	Telephone call clarifying yesterday's.
		5/25/01	Applicant called Nethery to provide information needed for Permit determination and faxed second copy of this abandonment's letter. To be followed up with a second fax detailing information provided in phone call.
		5/30/01	Applicant faxed and mailed letter to Nethery explaining the terrain at both ends of the line, how the rails will be removed, that the rail bed will be undisturbed, and forwarding a marked topographical map of the abandonment.
Continued next page.			

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
U.S. Army Engineer District, (Cont.)	James M. Joyner for Ronald J. Ventola - Chief, Regulatory Branch	06/14/01	Letter re: no permit needed under Section 404 of Clean Water Act.
Mr. Edward McKay The National Geodetic Survey N-NGS2 Station 8813 1315 East-West Highway Silver Spring, MD 20910-3282 (301) 713-3191 ext. 102 (direct line to McKay/Director) (301) 713-3242 (general info.) (301) 713-4172 (fax)		03/26/01	Env. Notice sent

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
United States Department of Defense Transportation Engineering Agency/ Military Traffic Management Command 720 Thimble Shoals Blvd., Ste. 130 Newport News, VA 23606-2574 (757)599-4855 United States Department of Defense		03/26/01	Env. Notice sent
Office of Chief of Forest Service U.S. Department of Agriculture Auditor's Building 201 14th Street S.W. and Independence Ave., S.W. Washington, DC 20250 (202) 205-1495 Fax (202) 205-1045 web address: www.fs.fed.us/land/fm/fs65/fmfs65.htm		03/26/01	Env. Notice sent

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
U. S. Fish and Wildlife Service Lafayette Field Office 646 Cajundome Boulevard Suite 400 Lafayette, LA 70506	Russell C. Watson Acting Field Supervisor Contact Brigitte Decoteau for help (337) 291-3108	07/16/01 07/17/01	Sent: Env. Not., Transmittal Letter and Environmental/Historic Report, and the Notice of Abandonment. Sent: Correction re: 7/16/01 letter and that STB has not yet made a decision. Response: Letter stating that abandonment located in habitat of threatened Louisiana black bear and how to avoid bear contact. Also project is less than 500 feet from colonial waterbird nesting colony - minimizing disturbance guidelines provided including recommending that a qualified biologist
Continued next page			

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
U. S. Fish and Wildlife Service Lafayette Field Office (CONT.)			inspect the proposed work site for the presence of undocumented nesting colonies during the nesting season and that on-site personnel are informed re id'ing nesting sites and avoiding them.
U.S. Fish and Wildlife Service Region 4 1875 Century Boulevard Suite 200 Atlanta, GA 30345		07/16/01	Sent: Env. Not., Transmittal Letter and Environmental/Historic Report, and the Notice of Abandonment.
		07/17/01	Sent: Correction re: 7/16/01 letter and that STB has not yet made a decision.

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
U.S. Environmental Protection Agency Region 6 1445 Ross Avenue 12 th Floor, Suite 1200 Dallas, Texas 75202-2733		07/16/01	Sent: Env. Not., Transmittal Letter and Environmental/Historic Report, and the Notice of Abandonment.
Sandra Decoteau Atchafalaya Basin Program Department of Natural Resources State of Louisiana P.O. Box 94396 Baton Rouge, LA 70804-9396 (225) 342-0560		06/08/01 (rec'd via Fax 7/27/01)	Letter rec'd: Letter to Vernon A. Williams re: issuance of a Public Use Condition and a Certificate or Notice of Interim Trail Use as the property is suitable for trail use - specifically a recreational trail that is in accordance with local plans. Further the corridor provides an important wildlife habitat and greenspace. Seeks to

Continued next page

AGENCY	CONTACT	DATE SENT/ RESPONSE DATE	FORM OF RESPONSE/ SUMMARY
Sandra Decoteau Atchafalaya Basin Program (CONT.)			prevent removal of trail- related structures and wants railroad right-of- way for rail banking.

CERTIFICATE OF SERVICE

I hereby certify that on this date a copy of the foregoing Supplement No. 1 to the Environmental/Historic Report was served on the persons shown on the attached list by first class mail, postage prepaid.



ERIC M. HOCKY

Dated: September 6, 2002

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