

ORIGINAL

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THOMAS F. McFARLAND

May 4, 2004



Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: STB Docket No. AB-868X, *Mississippi Tennessee Holdings, LLC* -- 2/0824
Abandonment Exemption -- in Union, Pontotoc and Chickasaw Counties, MS

STB Docket No. AB-869X, *Mississippi Tennessee Railroad, LLC* -- -2/0825
Discontinuance of Service -- in Union, Pontotoc and Chickasaw Counties, MS

Dear Mr. Williams:

Enclosed are the original and 10 copies of a determination by the United States Department of the Army that a permit under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act will not be required for the abandonment involved in the above proceeding.

All parties are being served. Kindly acknowledge receipt by date stamping the enclosed duplicate copy of this letter and return in the self-addressed stamped envelope.

Very truly yours,

Tom McFarland

Thomas F. McFarland
Attorney for Applicants

ENTERED
Office of Proceedings

MAY 10 2004

Part of
Public Record

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cc: All parties of record)
Ms. Victoria Rutson) w/encl.
Mr. Gregory Cundiff)



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39180-3435

<http://www.mvkc.usace.army.mil/>

REPLY TO
ATTENTION OF:

April 28, 2004

RECEIVED

MAY 03 2004

McFARLAND

Operations Division
Regulatory

SUBJECT: Determination of Permit Requirements

Mr. Thomas F. McFarland
Thomas F. McFarland, P.C.
Suite 1890
208 South LaSalle Street
Chicago, Illinois 60604-1112

Dear Mr. McFarland:

I refer to your recent letter concerning plans to remove the rail line between Milepost 324.2, south of New Albany, and Milepost 281.0, south of Houston in Union, Pontotoc and Chickasaw Counties, Mississippi. Since the Vicksburg District has regulatory jurisdiction only over the portion of the rail line from New Albany to Pontotoc, we provide the following jurisdictional determination for that stretch only. The Mobile District has regulatory jurisdiction from Pontotoc to Houston, and we have provided them a copy of your proposed project with this letter.

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 such as temporary access roads, work pads, etc. in waters of the United States, please contact this office for a reevaluation of permit requirements.

This determination is applicable for a period not to exceed five years from the date of this letter unless superseded by law or regulation. If the proposed work is not completed by this time, you should contact this office for a reevaluation of permit requirements and refer to No. 200402710 when submitting the information.

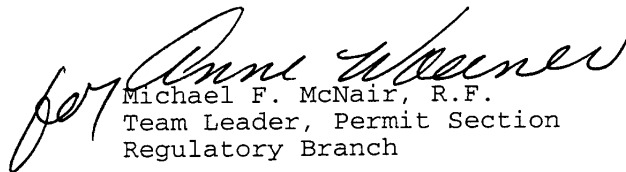
This determination of Department of the Army regulatory requirements does not convey any property rights, either in real estate or material or any exclusive privileges, and does not

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. Anne Woerner, telephone (601) 631-5298, fax (601) 631-5459 or e-mail address: regulatory@mvk02.usace.army.mil.

I am forwarding copies of this letter to Mississippi Tennessee Holdings, LLC, Post Office Box 99, O'Fallon, Illinois 62269; Mississippi Tennessee Railroad, LLC, 200 North Railroad Avenue, New Albany, Mississippi 38652 and Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423.

Sincerely,


Michael F. McNair, R.F.
Team Leader, Permit Section
Regulatory Branch