

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

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WASHINGTON, D.C. 20036

(202) 263-4180

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j.heffner@verizon.net

211004
DID#0104052100700



BY HAND

May 20, 2004

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street
Washington, D.C. 20423-0001

FEE RECEIVED

MAY 21 2004

**SURFACE
TRANSPORTATION BOARD**

RE: STB Docket No. AB-384 (Sub-No. 1X), Delta Southern
Railroad, Inc.-Abandonment Exemption-
Portion of Lake Providence Line

Dear Mr. Williams:

On behalf of Delta Southern Railroad, Inc., I am filing an original and ten copies of a verified notice of exemption under 49 CFR 1152.50 for the abandonment by Delta Southern Railroad, Inc., of an out of service railroad line.

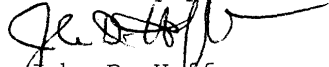
I am also enclosing one check payable to the Board for \$2,800 to cover the applicable filing fee and a computer disk formatted in WordPerfect 8.0 containing this filing.

Please date stamp and return one copy of this filing for our records.

FILED

MAY 21 2004

Sincerely yours,


John D. Heffner

**SURFACE
TRANSPORTATION BOARD**

Enclosures

cc: Mr. William Wainright

ENTERED
Office of Proceedings

MAY 21 2004

Part of
Public Record

ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD



STB DOCKET NO. AB-384 (Sub-No. 1)
DELTA SOUTHERN RAILROAD, INC.
ABANDONMENT EXEMPTION-PORTION OF THE
LAKE PROVIDENCE LINE

FEE RECEIVED

MAY 21 2004

SURFACE
TRANSPORTATION BOARD

NOTICE OF EXEMPTION
UNDER 49 CFR 1152.50

FILED

MAY 21 2004

SURFACE
TRANSPORTATION BOARD

John D. Heffner
John D. Heffner, PLLC
Suite 800
1920 N Street, N.W.
Washington, D.C. 20036
(202) 263-4180

Attorney for
Delta Southern Railroad, Inc.

ENTERED
Office of Proceedings

MAY 21 2004

Part of
Public Record

Dated: May 20, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-384 (Sub-No. 1X)
DELTA SOUTHERN RAILROAD, INC.
ABANDONMENT EXEMPTION-PORION OF THE
LAKE PROVIDENCE LINE



NOTICE OF EXEMPTION
UNDER 49 CFR 1152.50

Pursuant to the Board's regulations at 49 CFR 1152.50, Delta Southern Railroad, Inc. ("DSR") files this Notice of Exemption for abandonment of an out of service line of railroad known as the Lake Providence Line between MP 433.0 near Lake Village, AR, and MP 463.0 near Shelburn, LA, a distance of 30.0 miles. The line traverses United States Postal Service Zip Codes 70653, 71254, and 71640. A map showing the Line is attached as Exhibit A. Inasmuch as no freight has moved over the Line in about seven years, this abandonment is exempt from regulation under 49 CFR 1152.50. In accordance with the aforesaid regulation, Applicants make the following responses:

RESPONSES TO 49 CFR SECTION 1152.50(d)(2):

1. Proposed Consummation Date.

The proposed consummation date of this abandonment will be at least 50 days from the filing date but no later than July 20, 2004.

2. Certification required in Section 1152.50(b).

The required certification by DSR is set forth as Exhibit B to this Notice of Exemption.

3. Information required in Section 1152.22(a)(1)-(4), (7), (8), and (e)(4).

(a) General.

(1) Exact name of Applicant:

Delta Southern Railroad, Inc.

(2) Whether Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

The Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, chapter 105.

(3) Relief sought (abandonment of line or discontinuance of service).

Abandonment.

(4) A detailed map depicting the Line proposed for abandonment.

See Exhibit A.

(7) Name, title and address of representative of Applicant to whom correspondence should be sent:

John D. Heffner, Esq.
John D. Heffner, PLLC
Suite 800
1920 N Street, N.W.
Washington, D.C. 20036
(202) 263-4180

(8) List of all United States Postal ZIP Codes that the line proposed for abandonment traverses:

The Line traverses United States Postal

Service Zip Codes 70653, 71254, and 71640.

(e) Rural and community impact.

- (4) Statement of whether the properties proposed to be abandoned are appropriate for use for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of the property for other than rail purposes, this shall be disclosed.

There has been some interest in using the right of way for other public purposes such as a trail.

4. Federally granted right of way.

To the best of DSR's knowledge, the right of way does not consist of any federally granted lands. Any documentation in the railroad's possession shall be made available promptly to those requesting it.

5. The level of labor protection.

Applicant understands that, in exempting the proposed abandonment, the Board cannot relieve a carrier of its statutory obligation to protect the interests of employees. See, 49 CFR 1152.50(c). Accordingly, Applicant anticipates that the Board will impose the conditions set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979), for the benefit of any employee who may be adversely affected by the proposed abandonment.

6. Certificate of compliance with the notice requirements of Sections 1152.50(d)(1) and 1105.11 and the newspaper publication requirements of Section 1105.12.

The required certificate is set forth as Exhibit C to this Notice of Exemption.

7. Environmental and Historic Reports.

A combined Environmental and Historic Report is attached to this Notice of Exemption.

8. Verification.

The required verification is set forth as Exhibit D to this Notice of Exemption.

Respectfully submitted,



John D. Heffner
John D. Heffner, PLLC
Suite 800
1920 N Street, N.W.
Washington, D.C. 20036
(202) 263-4180

Attorney for
Delta Southern Railroad, Inc.

Dated: May 20, 2004

EXHIBIT
A

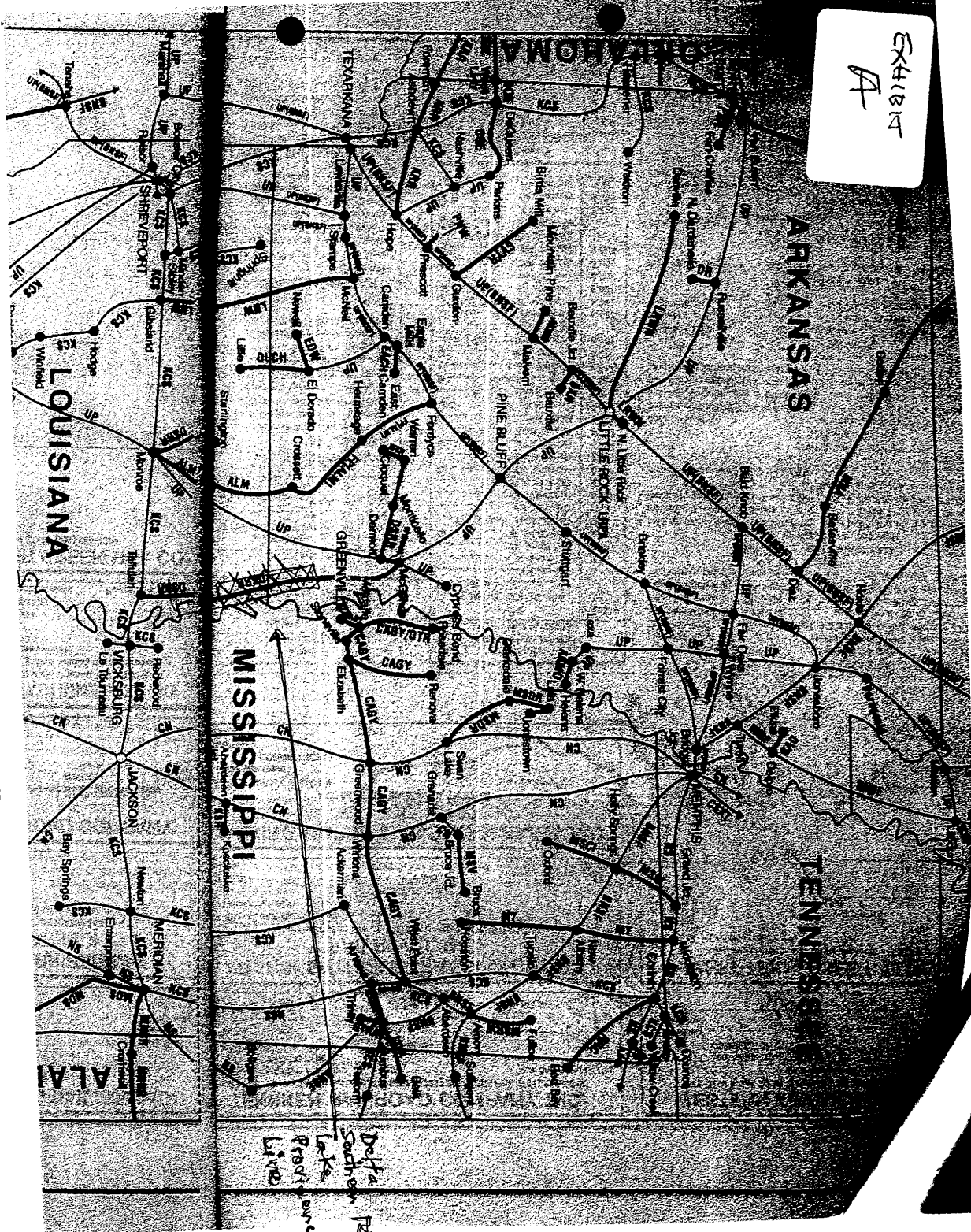
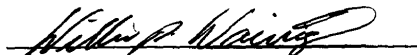


EXHIBIT B

CERTIFICATION REQUIRED
IN 49 C.F.R. SECTION 1152.50(b)

In accordance with 49 C.F.R. Section 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-384 (Sub-No. 1X): (1) no traffic has moved over the line for at least two years prior to the date hereof and any overhead traffic on the line can be rerouted over other lines and (2) no formal complaint filed by a user of rail service on the line (or state or local governmental agency acting on behalf of such a user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two year period prior to the date hereof. The foregoing certification is made on behalf of Delta Southern Railroad, Inc. by the undersigned after due and careful investigation of the matters herein certified and based on the best knowledge, information and belief of the undersigned.



Mr. William P. Wainright

Dated: 5-17-09

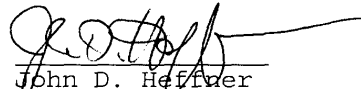
EXHIBIT C

CERTIFICATE OF COMPLIANCE WITH THE
NEWSPAPER PUBLICATION REQUIREMENTS OF
SECTION 49 CFR 1105.12

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspapers serving communities along the Line:

<u>Community</u>	<u>Newspaper</u>	<u>Date</u>
Lake Village, AR	<i>The Chicot County Spectator/</i>	May 12, 2004
Eudora, AR	<i>The Eudora Enterprise</i>	
Lake Providence, AR	<i>Banner-Democrat</i>	May 20, 2004

Dated this 20th day of May, 2004.


John D. Heffner

MAY-20-2004 THU 08:27 AM DELTA SOUTHERN RAILROAD

FAX NO. 13185744029

P. 02

FROM : BANNER DEMOCRAT

PHONE NO. : 13185592750

May. 20 2004 08:20AM P01

Established 1887

A.C. Carlton
Publisher

Banner-Democrat

"The Pulse of East Carroll Parish"

313 Lake Street

Lake Providence, Louisiana 71254

Phone: 318-559-2750 • Fax: 318-559-2750

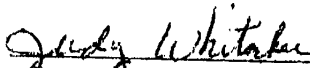
Notice

This is to certify that the attached notice has appeared in this

newspaper on the following dates: May 20 2004;

20 ; 20 ;

20 ;


Representative of the Banner-Democrat

NOTICE OF INTENT TO ABANDON OR TO DISCONTINUE RAIL SERVICE

Delta Southern Railroad, Inc. ("DSR") gives notice that on or about May 17, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - *Exempt Abandonments* permitting the abandonment of a 30.0 mile line of railroad between railroad milepost 433.0, near Lake Village, AR, which traverses through United States Postal Service ZIP Codes 70663 and 71610 and railroad milepost 463.0, near Shatburn, LA, which traverses through United States Postal Service ZIP Code 71254, in Ollivet County, AR and East Carroll Parish Police Jury, LA. The proceeding will be docketed as No. AD 884 (Sub No. 03).

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-368-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, NW., Washington, DC 20423 (See 49 CFR 1104.1(a)) and 1104.3(a)). All pleadings must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Congressional and Public Services at 202-368-1592 or 1594. Copies of any comments or requests for conditions should be served on the Applicant's representative, John D. Heffner, John D. Heffner, P.L.L.C., 1920 N Street, N.W., Suite 800, Washington, D.C. 20036. Tel 202-263-1160.

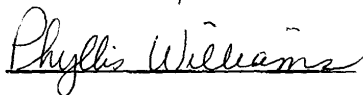
EXHIBIT D

VERIFICATION

William P. Wainright, being duly sworn, states that he represents Delta Southern Railroad, Inc.; that he is authorized to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in Docket No. AB-384 (Sub-No. 1X) on behalf of Delta Southern Railroad, Inc., that he has examined all of the statements in the Notice of Exemption; that he has knowledge of the facts and matters relied upon in the Notice of Exemption; and that all representations set forth therein are true and correct to the best of his knowledge, information and belief.


William P. Wainright

Subscribed and sworn to before me,
a Notary Public in and for the State
and County above name, this 17th
day of MAY, 2004.



Notary Public

My Commission expires:

PHYLLIS WILLIAMS
NOTARY PUBLIC, ID# 60350
MADISON PARISH, LOUISIANA
MY COMMISSION EXPIRES AT DEATH

ENVIRONMENTAL AND HISTORIC REPORT

Environmental Issues

The following information is provided in accordance with 49 C.F.R. Section 1105.7:

(1) Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Delta Southern Railroad Inc., ("DSR") proposes to abandon the center segment of its Lake Providence Line between MP 433.0 near Lake Village, AR, and MP 463.0 near Shelburn, LA, a distance of 30.0 miles (hereinafter "the Line") on account of lack of traffic and poor track conditions. The Line is currently embargoed with the northern and southern segments effectively operated as two separate railroads: from MP 433.0 northwards to the Union Pacific Railroad ("UP") interchange at MP 409.7 at McGehee, AR, a distance of 23.3 miles and the southern segment from MP 463.0 southwards to the Kansas City Southern Railroad interchange at MP 498.4 at Tallulah, LA, a distance of 35.4 miles. DSR will intends to preserve the underlying right of way as a trail under the National Trails Act permitting it to restore through rail service at some later date should the need arise.

Abandonment will eliminate a line that has seen relatively little use in the past few years and has not handled a single car of local traffic in about seven years. There are no active customers currently located on the Line. The only alternative to this action would be not to abandon the Line, and to pass the opportunity costs of retaining the Line to all of DSR's other customers located on its other rail lines. This would not be a prudent utilization of carrier resources.

(2) Transportation System

- (i) Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (freight or passenger) that will be diverted to other transportation systems or modes as a result of the proposed action.

As a result of the abandonment of the subject trackage, the Line will be severed. The northern segment will remain in place from MP 433.0 northwards to MP 409.7 at McGehee, AR, a distance of 23.3 miles. The southern segment will continue from MP 463.0 southwards to MP 498.4 at Tallulah, LA, a distance of 35.4 miles. As noted above, the Line presently connects with the Union Pacific Railroad ("UP") at McGehee and with the Kansas City Southern Railroad ("KCS") at Lake Tallulah, LA. While customers on the southern segment will lose their direct connection to UP at McGehee, DSR has made arrangements with the KCS to interchange that traffic with the UP. Customers on the northern segment will

continue to be able to interchange their traffic with UP but will lose the ability to connect with the KCS. However, during the 15 years DSR or its corporate predecessor has owned this line, shippers on the northern segment have generally routed their traffic via UP, rather than KCS. Consequently, DSR anticipates little or no diversion of traffic from rail to motor carrier transportation.

(3) Land Use

- (i) Based upon consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

Applicant believes that its proposed action will not be inconsistent with local land use plans. On April 27, 2004, DSR's counsel contacted officials at Chicot County, AR, and the East Carroll Parish Police Jury, the local unit of government in Louisiana, seeking information as to the current land use plans for each jurisdiction. (See Attachments 1 through 2). DSR will provide the SEA with copies of replies by local land use officials as soon as they are received.

- (ii) Based on consultation with the Natural Resource Conservation Service, state the effect of the proposed action on any prime agricultural land.

DSR contacted the appropriate National Resource Conservation

Service offices,¹ on April 27, 2004, and is currently awaiting their responses. See Attachments 3 and 4. The NRCS office for Louisiana submitted a reply dated May 11, 2004, in which it states that NRCS has no objection to the aforementioned project and that it does not appear there will be any effect on its work in the area. A copy of that letter is attached to this filing as Attachment 4-A. Applicant will advise the SEA as soon as it receives the NRCS response for Arkansas.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by section 1105.9.

On April 27, 2004, DSR contacted the Coastal Management Division of Louisiana's Department of Natural Resources seeking its comment on the impact of the abandonment, if any, on the State's coastal zone program. (Attachment 5). The State of Louisiana's Department of Natural Resources, Office of Coastal Restoration and Management, replied on May 7, 2004, that the proposed abandonment falls outside the Coastal Zone, has no significant effects on the Coastal Zone, and is consistent with the Louisiana Coastal Resources Program. A copy of its letter is submitted here as Attachment 5-A. Being inland, Arkansas does not have a coastal zone management program. Accordingly, DSR has not made any coastal zone inquiries.

(iv) If the proposed action is an abandonment, state whether or

¹ Formerly the U.S. Soil Conservation Service.

not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

DSR believes the Line's right of way is suitable for alternative public use, specifically for a recreational trail under the National Trails Act. It intends to discuss use of the right of way with affected local interests as well as transportation agencies for the States of Arkansas and Louisiana. By letter dated May 11, 2004, the Louisiana Department of Transportation and Development stated that it has reviewed the draft Environmental and Historic Report and that it has no comments. The State's letter is submitted here as Attachment 16-A.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than (A) 1,000 rail carloads a year; or (B) an average of 50 rail car loads per mile per year for any part of the affected line, quantify the resulting net change in energy consummation and show the data and methodology used to arrive at the figure given.

4(i) & (ii). The effect of the proposed abandonment on the transportation of energy resources will be minimal as the limited amount of overhead traffic which has moved over the Line has been limited just to cotton and cotton seed. There will be no effect on the transportation of recyclables as no recyclables move over the Line.

The principal use of the Line in recent years has been as a through route handling overhead traffic for shippers on contiguous segments of the Lake Providence Line. Energy savings will be realized from the elimination of maintenance of The Line that would have been necessary but for the abandonment.

4(iv). See (4)(iii), above.

(5) Air

Will the proposed action result in (A) a minimum increase in rail traffic of 100 percent (measured in gross tons annually) or eight trains per day on an affected rail line, (B) an increase in rail yard activity of 100 percent as measured in carload activity or (C) an increase in motor carrier traffic of either 50 vehicles per day or an increase in truck traffic exceeding 10 percent of the average daily traffic on a given highway segment? If any of the enumerated thresholds is exceeded, quantify the anticipated increase in air emissions. If a Class I or nonattainment area is affected, are increased emissions within parameters of the affected State Implementation Plan?

The above thresholds will not be exceeded. See (2)(i), above.

(6) Noise

If any of the thresholds identified in item (5) is surpassed, state whether the proposed action will cause an increase in noise levels exceeding either (i) a three decibel Ldn incremental increase or (ii) 65 decibels?

The above thresholds will not be exceeded.

(7) Safety

- (i) Describe any effects of the proposed action on public health or safety (including vehicle delay time at railroad grade crossings).

Applicant believes that the proposed action will result in

improvement to public safety by the elimination of 10 public and 8 private for a total of 18 railroad grade crossings.

- (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

No hazardous materials are handled over The Line.

- (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites on The Line, and DSR is not aware of any hazardous materials spills that may have occurred along the subject right-of-way.

(8) Biological Resources

- (i) Based upon consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

On April 27, 2004, DSR's representative wrote The U.S. Fish and Wildlife Service about its proposed action (See Attachment 6). DSR does not believe that the abandonment will affect any endangered or threatened species or critical habitats. DSR will provide the SEA with a copy of that agency's response upon its receipt.

- (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected and describe any effects.

DSR does not anticipate that the abandonment will affect any wildlife sanctuaries or refuges, National or State parks or forests. Nevertheless, DSR has contacted the National Park Service to obtain its views. (See Attachment 7). Applicant will furnish the SEA with the comments it receives.

(9) Water

- (i) Based upon consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State and/or local water quality standards and describe any inconsistencies.

No in-stream salvage operations will be required. No action known to be inconsistent with federal, state, and/or local water quality standards is contemplated. If any permits or applications are found to be necessary, they will be obtained and any conditions or procedures required by regulatory agencies will be complied with. As noted above, DSR has contacted the agencies in Arkansas and Louisiana responsible for environmental matters. (Attachments 8 and 9). Copies of their responses will be furnished upon receipt.

- (ii) Based upon consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) are required and whether any designated wetlands or 100-year flood plains will be affected, and describe any effects. If so, have permits been sought or issued?

DSR has contacted the U.S. Army Corps of Engineers. (See

Attachment 10).² Army Corps spokesperson Beth Guynes did not believe that the Corps would have any objection to the proposed abandonment. While DSR does not anticipate that any permits under Section 404 will be required or that any designated wetlands or 100-year flood plains will be affected, it will provide the SEA with the Corps of Engineers' response.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

Applicant has contacted both the U.S. EPA and the environmental agencies in Arkansas and Louisiana regarding this question and will provide their comments once received. (See Attachments 8, 9, and 11). DSR does not anticipate that any permits will be required.

(10) Historic

- (i) Are sites or structures listed in the National Register of Historic Places affected? If so, describe the effects.

No site or structures listed in the National Register of Historic Places will be affected.

- (ii) Will sites or structures 50 years old or older be affected? If so, and such sites or structures are not listed in the National Register of Historic Places, Applicant would submit, at the earliest possible juncture, a description of the line, including a map, as well as photographs and descriptions of such structures to the appropriate State Historic Preservation Office for review and include a copy of the cover letter in the Environmental Report.

² DSR inadvertently send the draft Environmental and Historic Report to the Norfolk office of the Corps which forwarded it onto the Vicksburg (MS) field office. DSR's representative called that field office on May 14 and spoke with a Beth Guynes at 601-631-5459.

By letters dated April 27, 2004, DSR has contacted the State Historic Preservation Officers for Arkansas and Louisiana (hereafter identified as the "SHPO's"), regarding the proposed abandonment (Attachments 12 and 13). The only structures on the Line are eight short railroad bridges located at MP 446.6, 447.1, 447.7, 448.6, 449.9, 451.9, 454.5, and MP 454.8. There are no buildings. DSR believes that there are no sites or structures listed on the National Register of Historic Places that will be affected and that there are no sites or structures 50 years old or older that will be affected, and that there are no culturally significant locations, archeological sites, or unique land forms that will be affected.

On May 4, 2004, the Department of Arkansas Heritage replied, requesting a topographical map which DSR will furnish. On May 10, 2004, the Louisiana SHPO responded to DSR's inquiry by stating that no known archeological sites or historic properties will be affected but this conclusion is subject to change. The Arkansas and Louisiana correspondence is attached as Attachments 12-A and 13-A, respectively. DSR will forward any further correspondence to the SEA.

(iii) Will culturally significant locations, archaeological sites, or unique land forms be affected? If so, Applicant should consult with the involved State Historic Preservation Office.

DSR has contacted the SHPOs for both Arkansas and Louisiana in this regard as well. See, Attachments 12 and 13. It does not

believe that there are any culturally significant locations, archeological sites, or unique land forms on the Line which will be affected. See, the correspondence furnished as Attachments 12 and 13. DSR will provide copies of any additional correspondence with the SHPO's upon receipt.

Historic Issues

(1) Topographic Map:

A copy of a topographic map of The Line will be attached to the final version of this report submitted to the Board's SEA (Attachment 17).

(2) Description of The Line:

The Line runs from railroad MP 433.0 near Lake Village, AR, to MP 463.0 near Shelburn, LA, a distance of approximately 30.0 miles, located in the Chicot County, AR, and East Carroll Parish Police Jury, LA. Beginning on the north end at MP 433.0, just south of Lake Village, AR, the Line runs south through lightly populated agricultural land. The Line has a fairly straight right of way and level contour typical of railroad lines in this part of the country.³ The only intermediate community served by the Line is Eudora, AR, near MP 447. The Line generally has a 100 foot wide right-of-way, 50 feet on either side of the track center.

(3) Photographs:

³ There is one small hill near Eudora.

There are eight railroad structures on the right-of-way of the Line that are presumed to be more than 50 years old, all small railroad bridges. Copies of photographs of these structures are appended to this report as Attachment 18.

(4) Dates of construction of structures:

DSR understands that the Line was constructed between 1907 and 1915 by the Missouri Pacific Railroad ("MP") as part of through route between McGehee, AR, and Talullah, LA, to serve the timber industry and the local agricultural community.

(5) History of Carrier Operations:

DSR understands that The Line was originally constructed by MP between 1907 and 1915. After the MP merged with UP in the early 1980's, the Line was operated by the UP until its sale in 1989 to the Delta Southern Railroad Co., DSR's predecessor. In 1999, DSR purchased all of the assets and operations of Delta Southern Railroad Co. Since acquiring the Line, DSR has provided service over The Line on a regular as-needed basis, typically one to two times per week.

(6) Documents in Carrier's Possession:

DSR has certain engineering maps obtained from UP for the entire Lake Providence Line including the segment proposed for abandonment. DSR also has a selected inventory of property deeds, profile maps, right of way maps, and bridge engineering reports.

(7) Eligibility for National Register; archeological resources:

See, comments discussed above at page 9, supra,

(8) Description of ground disturbance or fill.

Applicant is unaware of any ground disturbances.

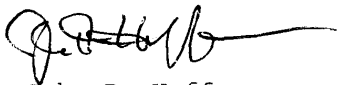
(9) Geodetic survey

By letter dated April 27, 2004, enclosed here as Attachment 14, DSR informed the United States Department of Commerce, National Oceanic and Atmospheric Administration, about the proposed abandonment with regard to impact on proposed NGS (National Geodetic Survey) activities and projects. DSR will provide the SEA with a copy of its response once received.

CERTIFICATION

In accordance with the requirement at 49 CFR 1105.7(c), Applicant certifies that it has sent a copy of the Environmental and Historic Report to all agencies listed at 1105.7(b) and to the State Historic Preservation Officer and that it has consulted with these agencies in preparing this report.

Respectfully submitted,

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

John D. Heffner
JOHN D. HEFFNER, PLLC
Suite 800
1920 N Street, N.W.
Washington, D.C. 20036
(202) 263-4180

Counsel for
Delta Southern Railroad, Inc.

Dated: May 20, 2004

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 1

April 27, 2004

Judge Mack Ball
Chicot County Court House
108 Main Street
Lake Village, AR 70653

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, a distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

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We have contacted you at this time to seek your assistance in completing the EHR. You will note that the EHR addresses issues pertaining to local land use plans – particular issues for which we seek your comment. See, item 3 of the EHR at page 3. We encourage you to review the enclosed draft EHR, and contact me, John D. Heffner, within 30 days of the date of this letter, with any feedback or guidance that you may be able to offer. Your feedback will be incorporated into the final EHR, which, as we have mentioned, will be delivered to the STB.

Judge Mack Ball

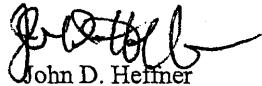
April 27, 2004

Page 2

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We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter).

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Hellmer", is written over the typed name.

John D. Hellmer

Attorney for

Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 2

April 27, 2004

Joseph Jackson, President
East Carroll Parrish Police Jury
400 1st Street
Lake Providence, LA 71254

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

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Joseph Jackson, President

April 27, 2004

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Sincerely,



John D. Heffner

Attorney for

Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 3

April 27, 2004

Natural Resource Conservation Service
USDA Conservation Service
5404 Federal Building – Room 3416
700 West Capital Avenue
Little Rock, AR 72201

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

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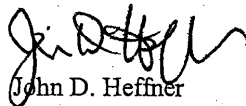
Natural Resource Conservation Service
April 27, 2004
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Sincerely,



John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N ST., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 4

April 27, 2004

USDA Natural Resource Conservation Service
3737 Government Street
Alexandria, LA 71302

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

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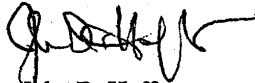
USDA Natural Resource Conservation Service
April 27, 2004
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We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter).

Sincerely,



John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

ATTACHMENT 4-A

United States Department of Agriculture



Natural Resources Conservation Service
3737 Government Street
Alexandria, LA 71302

May 11, 2004

Mr. John D. Heffner, PLLC
1920 N. Street, N.W. Suite 800
Washington, D.C. 20036

Dear Mr. Heffner

RE: **STB DOCKET NO AB-384 SUB-NO. 1X
DELTA SOUTHERN RAILROAD, INC. NOTICE OF EXEMPTION
ABANDONMENT OF LAKE PROVIDENCE LINE
BETWEEN MILEPOST 433.0 NEAR VILLAGE, AR &
MILEPOST 463.0 NEAR SHELBURN, LA
EAST CARROLL PARISH**

Thank you for providing our agency with the opportunity to respond to your letter wherein you requested views and comments regarding the above project.

NRCS has no objection to the aforementioned project and it does not appear there will be any affect to our work in the immediate vicinity.

Should you have questions regarding the above comments, please feel free to contact Floyd Hooker, District Conservationist in the Lake Providence Field Office, at (318) 559-2601.

Sincerely,

A handwritten signature in black ink, appearing to read "E. J. Giering III".

E. J. Giering III/P.E.
State Conservation Engineer

cc: Floyd Hooker, District Conservationist, Lake Providence Field Office

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 5

April 27, 2004

Coastal Zone Management Agency
Coastal Management Division
Department of Natural Resources
P.O. Box 44487
Baton Rouge, LA 70804-4487

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, a distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

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We have contacted you at this time to seek your assistance in completing the EHR. You will note that the EHR addresses issues pertaining to coastal zone management – particular issues for which we seek your comment. Specifically, are there any coastal zones in the vicinity of the proposed abandonment area? And if so, what effect would the proposed abandonment have on these zones? See, item 3(iii) of the EHR at page 4. We encourage you to review the enclosed draft EHR, and contact me, John D. Heffner, within 30 days of the date of this letter, with any feedback or guidance that you may be able to offer. Your

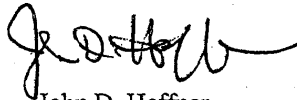
Coastal Zone Management Agency
April 27, 2004
Page 2

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We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter).

Sincerely,

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John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

ATTACHMENT 5-A

State of Louisiana



KATHLEEN BABINEAUX BLANCO
GOVERNOR

SCOTT A. ANGELLE
SECRETARY

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL RESTORATION AND MANAGEMENT

May 7, 2004

John D. Heffner, PLLC
1920 North St., NW
Suite 800
Washington, DC 20036

RE: **C20040184, Coastal Zone Consistency**
Delta Southern Railroad, Inc.
U.S. Dept. of Transportation- Surface Transportation Board
Federal License or Permit
Abandonment of Lake Providence Line, Milepost 433.0 to 463.0
East Carroll Parish, Louisiana

Mr. Heffner:

The above referenced project has been reviewed for consistency with the approved Louisiana Coastal Resources Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. It has been determined that the captioned project falls outside the Coastal Zone and has no significant effects on the Coastal Zone. The project, as proposed in the application, is consistent with the LCRP. However, the actual implementation of the project may require a Corps of Engineers Section 404/Section 10 Permit or other state or Federal authorization.

If you have any questions concerning this determination please contact Kimberly Arcement of the Consistency Section at (225) 342-8738 or 1-800-267-4019.

Sincerely,

Handwritten signature of David W. Frugé in black ink.

David W. Frugé
Administrator

DWF/kaa

cc: Larry Wiesepape, LDEQ, WQC

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 6

April 27, 2004

U.S. Fish and Wildlife Service
Richard B. Russell Building
Room 1200
1875 Century Boulevard – Suite 200
Atlanta, GA 30345

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

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We have contacted you at this time to seek your assistance in completing the EHR. You will note that the EHR addresses issues pertaining to biological resources – particular issues for which we seek your comment. Specifically, would the proposed abandonment adversely affect endangered or threatened species or areas designated as critical habitats? Are any wildlife sanctuaries, refuges, National or State parks or forests affected? See, item 8 of the EHR at pages 7-8. We encourage you to review the enclosed draft EHR, and contact me, John D. Heffner, within 30 days of the date of this letter, with any

U.S. Fish and Wildlife Service

April 27, 2004

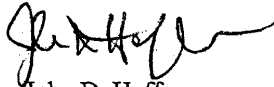
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John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 7

April 27, 2004

Mr. Tom Iurino
National Park Service
National Center for Recreation and
Conservation
1849 C Street, NW – Room 3606
Washington, DC 20240

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
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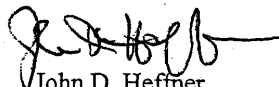
Mr. Tom Iurino
April 27, 2004
Page 2

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John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 8

April 27, 2004

Department of Pollution Control and Ecology
P.O. Box 9583
Little Rock, AR 72219

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
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Department of Pollution Control and Ecology

April 27, 2004

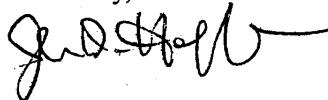
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Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 9

April 27, 2004

Department of Environmental Quality
Office of Secretary
P.O. Box 82263
Baton Rouge, LA 70884

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

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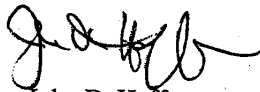
Department of Environmental Quality
April 27, 2004
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Attorney for
Delta Southern Railroad, Inc.

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1920 N St., N.W.

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j.heffner@verizon.net

ATTACHMENT 10

April 27, 2004

Mr. Robert Oswald
U.S. Army Engineer District, Norfolk
U.S. Army Corp. of Engineers
803 Front Street – Waterfield Bldg.
Norfolk, VA 23510-1096

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, a distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

Enclosed is a draft Environmental and Historic Report ("EHR"), a document which DSR must complete and file with the STB as a component of its abandonment filing. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question. We have also enclosed a map which should assist in your review of the environmental and/or historic impacts (if any) which may arise as a consequence of the abandonment or salvage of the rail structure on this line.

We have contacted you at this time to seek your assistance in completing the EHR. You will note that the EHR addresses issues pertaining to waterways and regional transportation – particular issues for which we seek your comment. Specifically, are permits under Section 404 of the Clean Water Act (33 U.S.C. 1344) required for the proposed abandonment? Would any designated wet lands or 100 year flood plains be affected? See, item 9(ii) of the EHR at page 8. We encourage you to review the enclosed draft

Mr. Robert Oswald

April 27, 2004

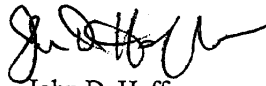
Page 2

EHR, and contact me, John D. Heffner, within 30 days of the date of this letter, with any feedback or guidance that you may be able to offer. Your feedback will be incorporated into the final EHR, which, as we have mentioned, will be delivered to the STB.

DSR has not yet filed its abandonment notice at the STB. However, at such time as DSR submits its request to abandon service over the line in question, we will serve you within copies of its request and the final EHR. At that time, if not sooner, we will supply you with information sufficient for you to issue comments directly to the STB's Section of Environmental Analysis as well as to us.

We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter).

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Heffner", is written above the printed name.

John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 11

April 27, 2004

U.S. Environmental Protection Agency
1445 Ross Avenue
Suite 1200
Dallas, TX 75202

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc. Notice of Exemption
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA and a distance of 30 miles. On or about May 5, 2004, DSR will seek Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's and of services abandonment regulations, 40 CFR 1152.50.

Enclosed is a draft Environmental and Historic Report ("EHR"), a document which DSR must complete and file with the STB as a component of its abandonment filing. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question. We have also enclosed a map which should assist in your review of the environmental and/or historic impacts (if any) which may arise as a consequence of the abandonment or salvage of the rail structure on this line.

We have contacted you at this time to seek your assistance in completing the EHR. You will note that the EHR addresses issues pertaining to energy resources, air quality, water quality, and noise – particular issues for which we seek your comment. Specifically, would any permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) be required to abandon this section of track? See, items 4-6, 8 and 9 of the EHR at pages 3-6. We encourage you to review the enclosed draft EHR, and contact me, John D. Heffner, within

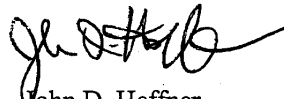
U.S. Environmental Protection Agency
April 27, 2004
Page 2

30 days of the date of this letter, with any feedback or guidance that you may be able to offer. Your feedback will be incorporated into the final EHR, which, as we have mentioned, will be delivered to the STB.

DSR has not yet filed its abandonment notice at the STB. However, at such time as DSR submits its request to abandon service over the line in question, we will serve you within copies of its request and the final EHR. At that time, if not sooner, we will supply you with information sufficient for you to issue comments directly to the STB's Section of Environmental Analysis as well as to us.

We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me at the address and phone number at the top of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Heffner", with a stylized flourish at the end.

John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

Department of Arkansas Heritage
April 27, 2004
Page 2

Register of Historic Places will be affected.

(ii) Will sites or structures 50 years old or older be affected? If so, and such sites or structures are not listed in the National Register or Historic Places, Applicant would submit, at the earliest possible juncture, a description of the line, including a map, as well as photographs and descriptions of such structures to the appropriate State Historic Preservation Office for review and include a copy of the cover letter in the Environmental and Historic Report.

Applicant is currently compiling a list of all structures on The Line that are 50 years old or older. Applicant will supplement this report and forward a map of the line (depicting the location of the structures) and color pictures of said structures as soon as they are available.

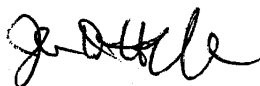
(iii) Will culturally significant locations, archaeological sites, or unique land forms be affected? If so, applicant should consult with the involved State Historic Preservation Office.

To the best of Applicant's knowledge, no culturally significant locations, archaeological sites, or unique land forms will be affected.

A copy of the draft report is enclosed for your review.

We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter).

Sincerely,



John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 12

April 27, 2004

Department of Arkansas Heritage
Arkansas Historic Preservation Program
The Heritage Center
323 Center Street, Suite 1500
Little Rock, AR 72201

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, a distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

Enclosed is a draft Environmental and Historic Report ("EHR"), a document which DSR must complete and file with the STB as a component of its abandonment filing. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question. We have also enclosed a map which should assist in your review of the environmental and/or historic impacts (if any) which may arise as a consequence of the abandonment or salvage of the rail structure on this line.

In connection with this abandonment, Applicant is required by the STB's regulations (at 49 C.F.R. 1105) to prepare as part of its Application an Environmental and Historic Report addressing the following issues:

(I) Are sites or structures listed in the National Register of Historic Places affected? If so, describe the effects.

To the best of Applicant's knowledge, no site or structures listed in the National

ATTACHMENT 13-A

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

April 27, 2004

Office of Cultural Development
Division of Archeology
Department of Culture, Recreation and Tourism
P.O. Box 44247
Baton Rouge, LA 70804-4247

Date: 5-10-04

No known archaeological sites or historic properties will be affected by this undertaking. This effect determination could change should new information come to our attention.

Pam Breaux
State Historic Preservation Officer

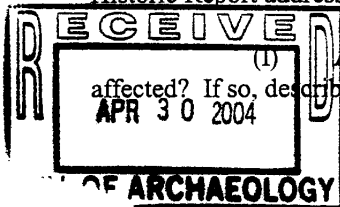
Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, a distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

Enclosed is a draft Environmental and Historic Report ("EHR"), a document which DSR must complete and file with the STB as a component of its abandonment filing. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question. We have also enclosed a map which should assist in your review of the environmental and/or historic impacts (if any) which may arise as a consequence of the abandonment or salvage of the rail structure on this line.

In connection with this abandonment, Applicant is required by the STB's regulations (at 49 C.F.R. 1105) to prepare as part of its Application an Environmental and Historic Report addressing the following issues:



(1) Are sites or structures listed in the National Register of Historic Places affected? If so, describe the effects.

ATTACHMENT 12-A



The Department of
**Arkansas
Heritage**

Mike Huckabee, Governor
Cathie Matthews, Director

Arkansas Arts Council

Arkansas Natural Heritage
Commission

Historic Arkansas Museum

Delta Cultural Center

Old State House Museum



**Arkansas Historic
Preservation Program**

1500 Tower Building
323 Center Street
Little Rock, AR 72201
(501)324-9880

fax: (501)324-9184

tdd: (501)324-9811

e-mail:
info@arkansaspreservation.org
website:
www.arkansaspreservation.org

May 4, 2004

Mr. John D. Heffner
John D. Heffner, PLLC
1920 North Street, N.W., Suite 800
Washington, D.C. 20036

RE: Chicot County - General
Section 106 Review - STB
Lake Providence Line Abandonment between Mile 433.0 and 463.0
near Shelburn, Louisiana
AHPP Tracking No: 53255

Dear Mr. Heffner:

This letter is written in response to your inquiry regarding properties of architectural, historical, or archeological significance in the area of the referenced project.

For the Arkansas Historic Preservation Program to complete its review of the proposed project, we will need the additional information checked below:

- ☒ A 1:24,000 scale USGS topographic map clearly delineating the project boundary.
- ☐ A project description detailing all aspects of the proposed project.
- ☐ The location, age and photographs of structures to be renovated, removed, demolished, or abandoned as a result of this project.
- ☐ Photographs of any structures on property directly adjacent to the project area.

Once we have received the above information, we will complete our review as expeditiously as possible. If you have any questions, please contact me at (501) 324-9880.

Sincerely,

Steven M. Imhoff
Staff Archeologist

An Equal Opportunity Employer



JOHN D. HEFFNER, PLLC

1920 N ST., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 13

April 27, 2004

Office of Cultural Development
Division of Archeology
Department of Culture, Recreation and Tourism
P.O. Box 44247
Baton Rouge, LA 70804-4247

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, a distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

Enclosed is a draft Environmental and Historic Report ("EHR"), a document which DSR must complete and file with the STB as a component of its abandonment filing. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question. We have also enclosed a map which should assist in your review of the environmental and/or historic impacts (if any) which may arise as a consequence of the abandonment or salvage of the rail structure on this line.

In connection with this abandonment, Applicant is required by the STB's regulations (at 49 C.F.R. 1105) to prepare as part of its Application an Environmental and Historic Report addressing the following issues:

(I) Are sites or structures listed in the National Register of Historic Places affected? If so, describe the effects.

Office of Cultural Development
April 27, 2004
Page 2

To the best of Applicant's knowledge, no site or structures listed in the National Register of Historic Places will be affected.

(ii) Will sites or structures 50 years old or older be affected? If so, and such sites or structures are not listed in the National Register of Historic Places, Applicant would submit, at the earliest possible juncture, a description of the line, including a map, as well as photographs and descriptions of such structures to the appropriate State Historic Preservation Office for review and include a copy of the cover letter in the Environmental and Historic Report.

Applicant is currently compiling a list of all structures on The Line that are 50 years old or older. Applicant will supplement this report and forward a map of the line (depicting the location of the structures) and color pictures of said structures as soon as they are available.

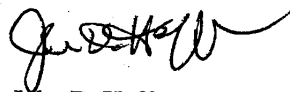
(iii) Will culturally significant locations, archaeological sites, or unique land forms be affected? If so, applicant should consult with the involved State Historic Preservation Office.

To the best of Applicant's knowledge, no culturally significant locations, archaeological sites, or unique land forms will be affected.

A copy of the draft report is enclosed for your review.

We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter)

Sincerely,



John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 14

April 27, 2004

Mr. Jim Stem
NOAA
National Geodetic Survey, N/NGSI
1315 East-West Highway
Station 9375
Silver Spring, MD 20910-3282

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, a distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

Enclosed is a draft Environmental and Historic Report ("EHR"), a document which DSR must complete and file with the STB as a component of its abandonment filing. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question. We have also enclosed a map which should assist in your review of the environmental and/or historic impacts (if any) which may arise as a consequence of the abandonment or salvage of the rail structure on this line.

We have contacted you at this time to seek your assistance in completing the EHR. You will note that the EHR addresses issues regarding the impact on the National Geodetic Survey activities and projects – particular issues for which we seek your comment. We encourage you to review the enclosed draft EHR, and contact me, John D.

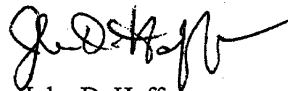
Mr. Jim Stem
April 24, 2004
Page 2

Heffner, within 30 days of the date of this letter, with any feedback or guidance that you may be able to offer. Your feedback will be incorporated into the final EHR, which, as we have mentioned, will be delivered to the STB.

DSR has not yet filed its abandonment notice at the STB. However, at such time as DSR submits its request to abandon service over the line in question, we will serve you within copies of its request and the final EHR. At that time, if not sooner, we will supply you with information sufficient for you to issue comments directly to the STB's Section of Environmental Analysis as well as to us.

We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter).

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Heffner", with a stylized flourish extending from the end.

John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 15

April 27, 2004

Office of Intergovernmental Service
Department of Finance and Administration
P.O. Box 3278
Little Rock, AR 72203

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

Enclosed is a draft Environmental and Historic Report ("EHR"), a document which DSR must complete and file with the STB as a component of its abandonment filing. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question. We have also enclosed a map which should assist in your review of the environmental and/or historic impacts (if any) which may arise as a consequence of the abandonment or salvage of the rail structure on this line.

We have contacted you at this time to seek your assistance in completing the EHR. You will note that the EHR addresses issues pertaining to land use plans, transportation needs, energy resources, air quality, water quality, and noise – particular issues for which we seek your comment. See, items 2-6, 8 and 9 of the EHR at pages 2-9. We encourage you to review the enclosed draft EHR, and contact me, John D. Heffner, within 30 days of the date of this letter, with any feedback or guidance that you may be able to offer. Your

Office of Intergovernmental Service

April 27, 2004

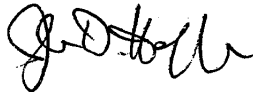
Page 2

feedback will be incorporated into the final EHR, which, as we have mentioned, will be delivered to the STB.

DSR has not yet filed its abandonment notice at the STB. However, at such time as DSR submits its request to abandon service over the line in question, we will serve you within copies of its request and the final EHR. At that time, if not sooner, we will supply you with information sufficient for you to issue comments directly to the STB's Section of Environmental Analysis as well as to us.

We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter).

Sincerely,

A handwritten signature in black ink, appearing to read "J.D. Heffner", written over a horizontal line.

John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net

ATTACHMENT 16

April 27, 2004

Department of Transportation and Development
P.O. Box 94245
Baton Rouge, LA 70804-9245

Re: STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
near Shelburn, LA

To Whom It May Concern:

This letter is to advise you that Delta Southern Railroad, Inc. ("DSR") proposes to abandon service over a rail line known as the "Lake Providence Line" between milepost 433.0 near Lake Village, AR, and Milepost 463.0 near Shelburn, LA, a distance of 30 miles. On or about May 5, 2004, DSR will seek Surface Transportation Board ("STB") authorization to accomplish the proposed abandonment under the STB's out of service abandonment regulations, 49 CFR 1152.50.

Enclosed is a draft Environmental and Historic Report ("EHR"), a document which DSR must complete and file with the STB as a component of its abandonment filing. The draft EHR explains in greater detail the scope of the proposed rail line abandonment, including a more particular description of the rail line in question. We have also enclosed a map which should assist in your review of the environmental and/or historic impacts (if any) which may arise as a consequence of the abandonment or salvage of the rail structure on this line.

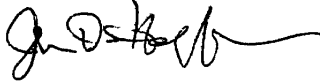
We have contacted you at this time to seek your assistance in completing the EHR. You will note that the EHR addresses issues pertaining to land use plans, transportation needs, energy resources, air quality, water quality, and noise – particular issues for which we seek your comment. See, items 2-6, 8 and 9 of the EHR at pages 2-9. We encourage you to review the enclosed draft EHR, and contact me, John D. Heffner, within 30 days of the date of this letter, with any feedback or guidance that you may be able to offer. Your feedback will be incorporated into the final EHR, which, as we have mentioned, will be delivered to the STB.

Department of Transportation and Development
April 27, 2004
Page 2

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We appreciate your cooperation. If you have any questions regarding the enclosed materials, please contact me (at the address and phone number at the top of this letter).

Sincerely,

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

John D. Heffner
Attorney for
Delta Southern Railroad, Inc.

ATTACHMENT 16-A



KATHLEEN BABINEAUX BLANCO
GOVERNOR

STATE OF LOUISIANA
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

P.O. Box 94245
Baton Rouge, Louisiana 70804-9245
www.dotd.louisiana.gov



JOHNNY B. BRADBERRY
SECRETARY

May 11, 2004

STB Docket No. AB-384 Sub-No. 1x
Delta Southern Railroad, Inc., Notice of Exemption,
Abandonment of Lake Providence Line
Between Milepost 433.0 near Lake Village, AR, and Milepost 463.0
Near Shelburn, LA

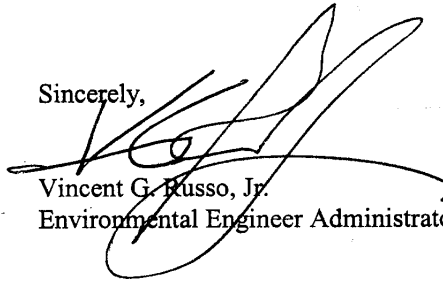
Mr. John D. Heffner, PLLC
1920 N St., N.W.
Suite 800
Washington, D.C. 20036

SUBJECT: Receipt of Draft Environmental and Historic Report (EHR)

Dear Mr. Heffner:

We are in receipt of the Draft Environmental and Historic Report (EHR) transmitted by letter dated April 27, 2004, pertaining to the above captioned project. We have reviewed the Report and have no comments.

Sincerely,



Vincent G. Russo, Jr.
Environmental Engineer Administrator

VGR/jbp

ATTACHMENT 17, p. 1
topozone



Take this map

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USGS Topo Maps

☒ 1:24K/25K Series

☐ 1:100K Series

☐ 1:250K Series

Map Size

☐ Small

☐ Medium

☒ Large

View Scale

1 : 100,000

[Update Map](#)

Coordinate Format

UTM

Coordinate Datum

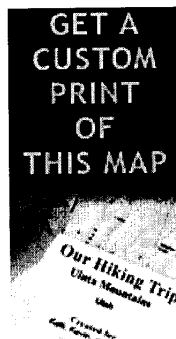
WGS84/NAD83

☒ Show target

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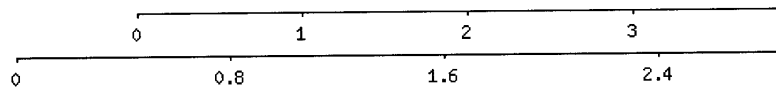
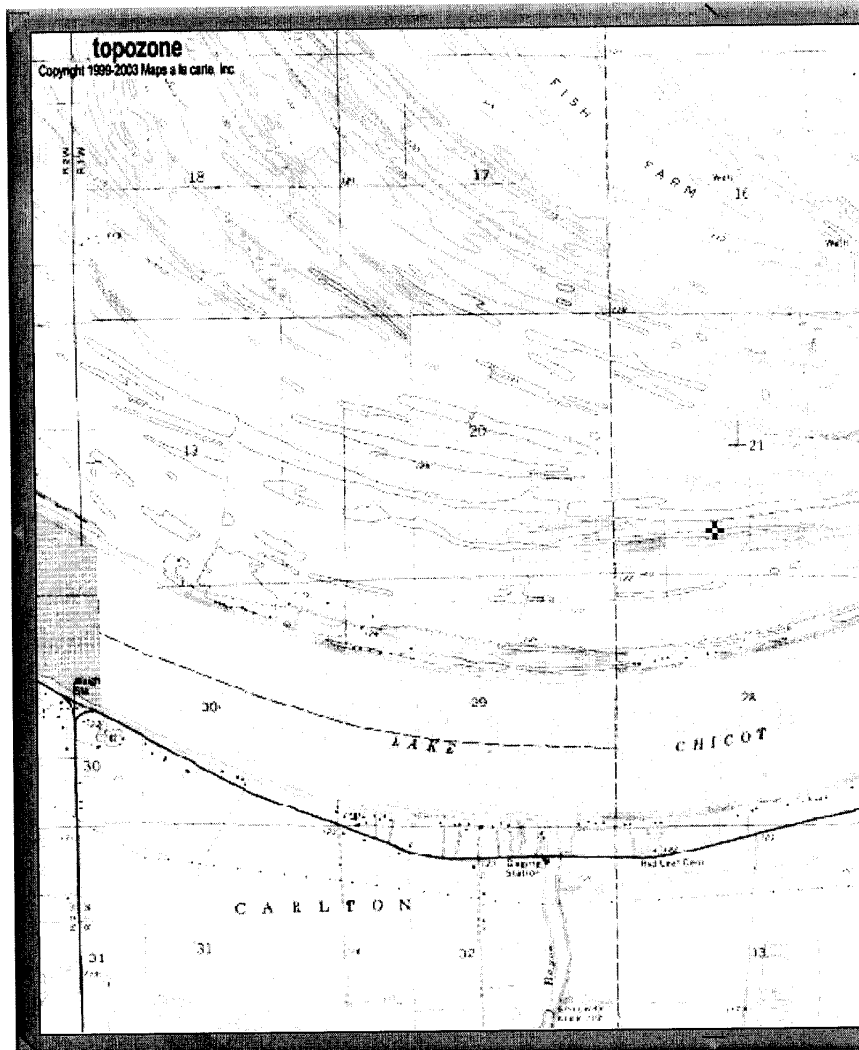
[Print this map](#)



UTM 15 666652E 3684569N (WGS84)

USGS Red Leaf Quad

View TopoZone Pro aerial photos, shaded relief, street maps, interact



ATTACHMENT 17, p. 3
topozone

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MY TOPOZONE

WEB SERVICES

ABOUT US

Map/Photo Info

Topo Download

Photo Download

USGS Topo Maps

☒ 1:24K/25K Series☐ 1:100K Series☐ 1:250K Series

Map Size

☐ Small☐ Medium☒ Large

View Scale

1 : 50,000

Update Map

Coordinate Format

UTM

Coordinate Datum

WGS84/NAD83

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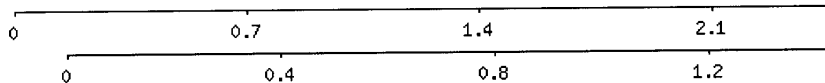
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Map Size

☐ Small☐ Medium☒ Large

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1 : 50,000

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Coordinate Format

UTM

Coordinate Datum

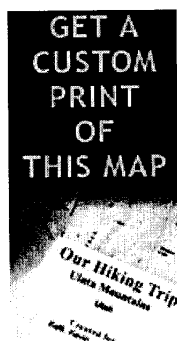
WGS84/NAD83

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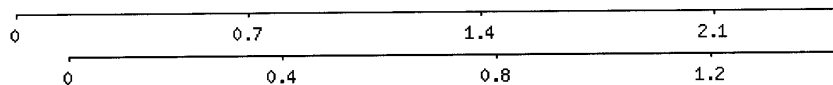
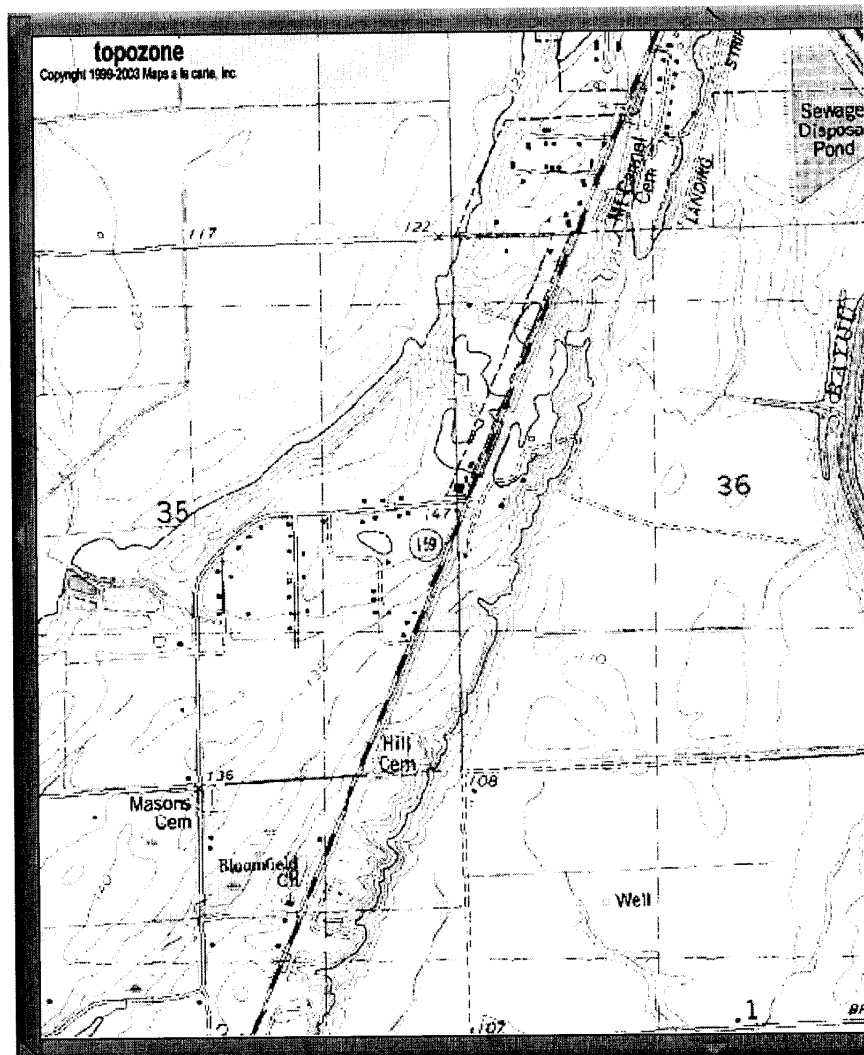
Email this map

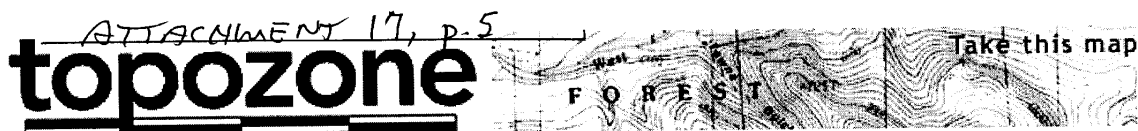
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- ☐ 1:250K Series

Map Size

- ☐ Small
- ☐ Medium
- ☒ Large

View Scale

1 : 50,000

Update Map

Coordinate Format

UTM

Coordinate Datum

WGS84/NAD83

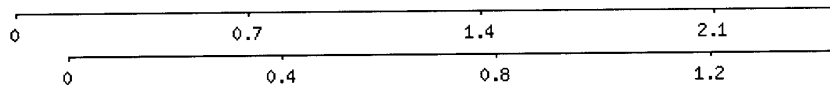
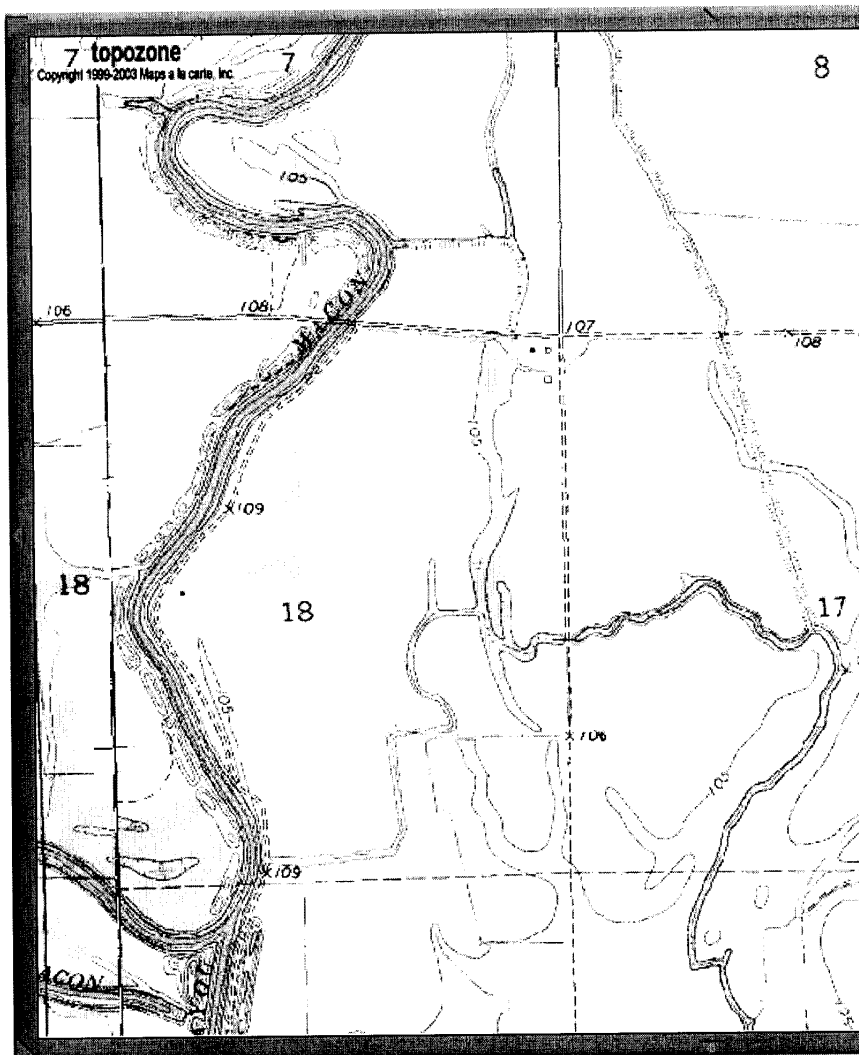
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☒ 1:24K/25K Series

☐ 1:100K Series

☐ 1:250K Series

Map Size

☐ Small

☐ Medium

☒ Large

View Scale

1 : 50,000

Update Map

Coordinate Format

UTM

Coordinate Datum

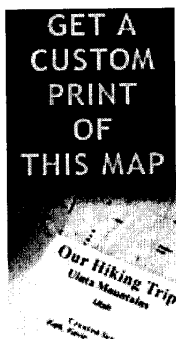
WGS84/NAD83

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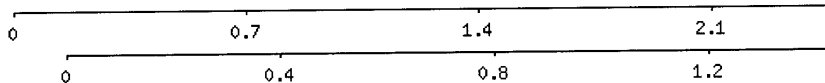
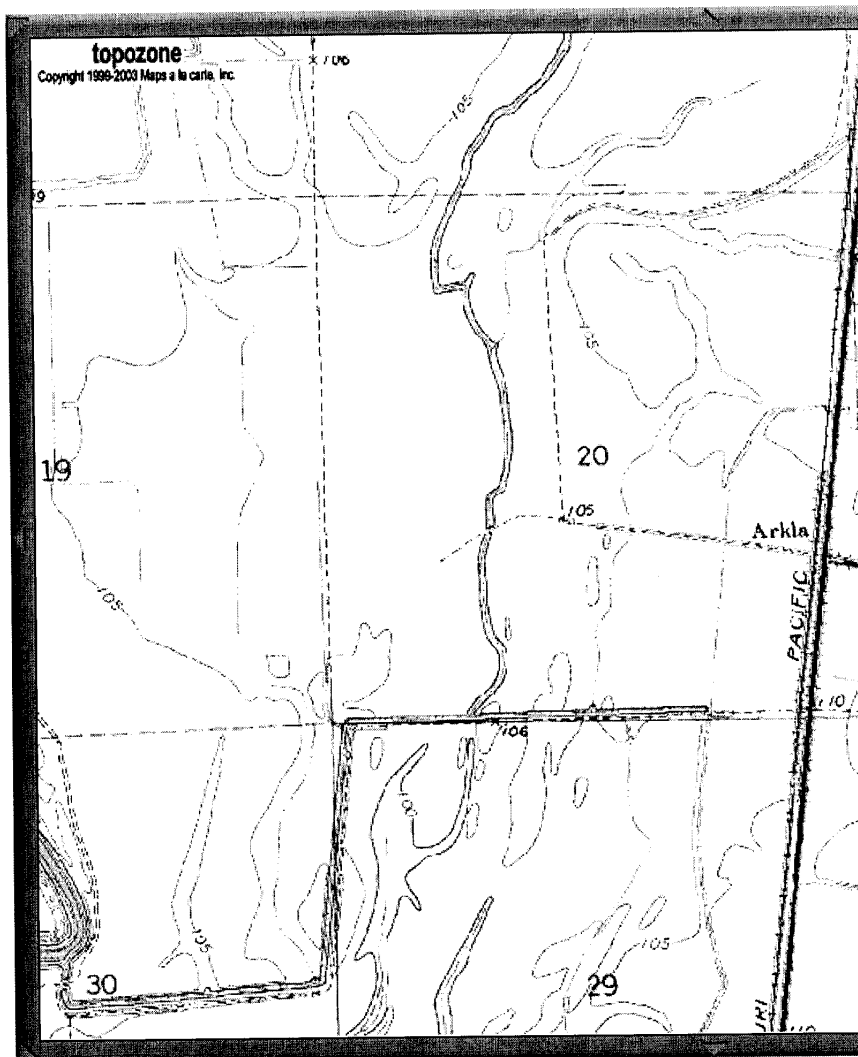


FOREST

UTM 15 665967E 3655850N (WGS84)

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USGS Topo Maps

- ☒ 1:24K/25K Series
- ☐ 1:100K Series
- ☐ 1:250K Series

Map Size

- ☐ Small
- ☐ Medium
- ☒ Large

View Scale

1 : 50,000

Update Map

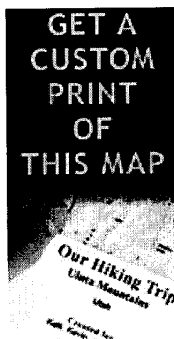
Coordinate Format

UTM

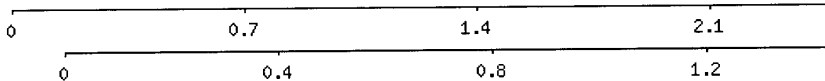
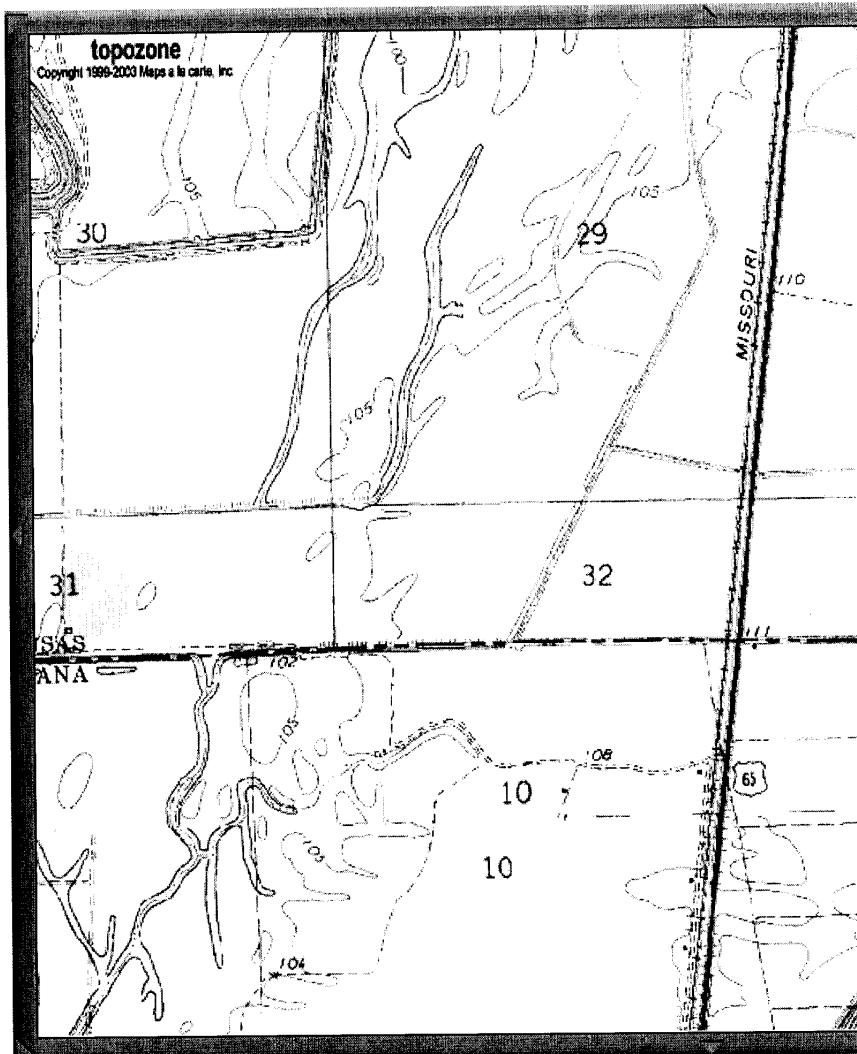
Coordinate Datum

WGS84/NAD83

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☐ 1:250K Series

Map Size

☐ Small

☐ Medium

☒ Large

View Scale

1 : 50,000

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UTM

Coordinate Datum

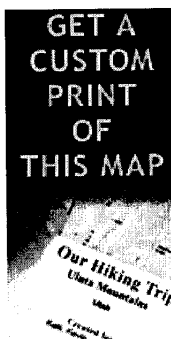
WGS84/NAD83

☐ Show target

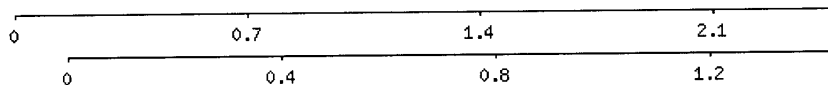
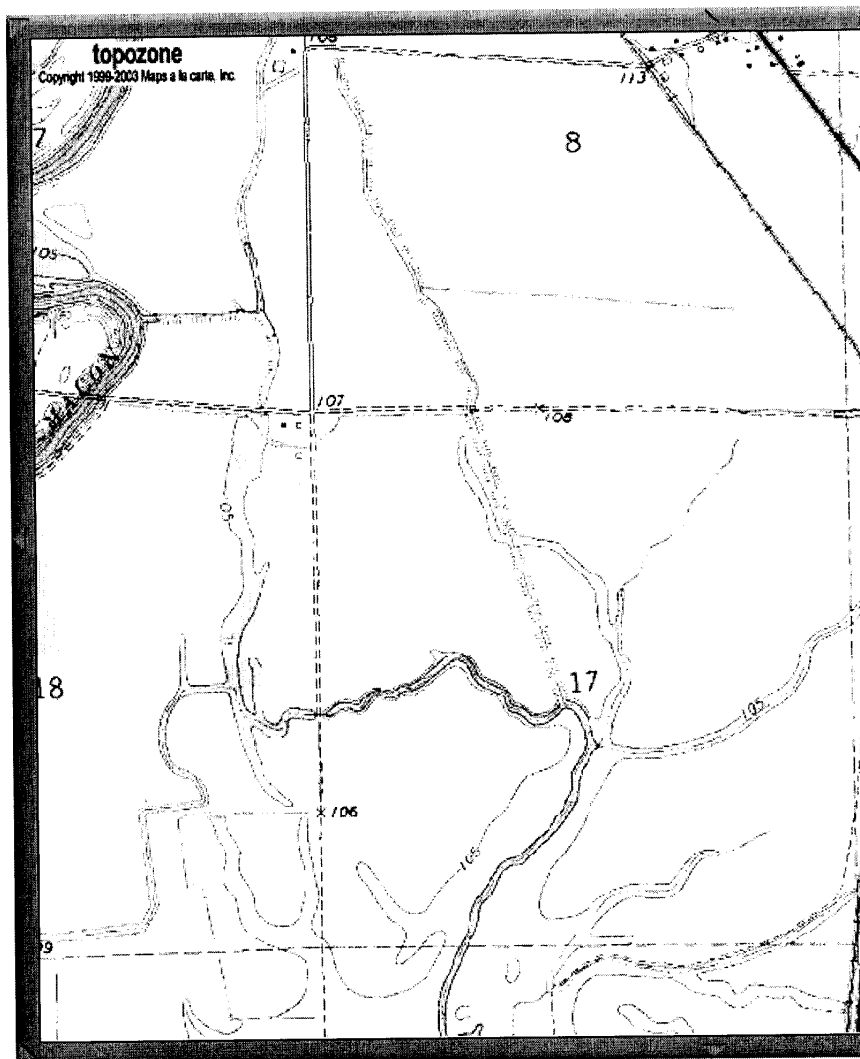
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USGS Topo Maps

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Map Size

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☒ Large

View Scale

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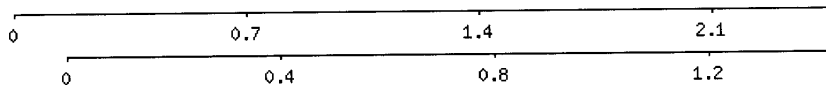
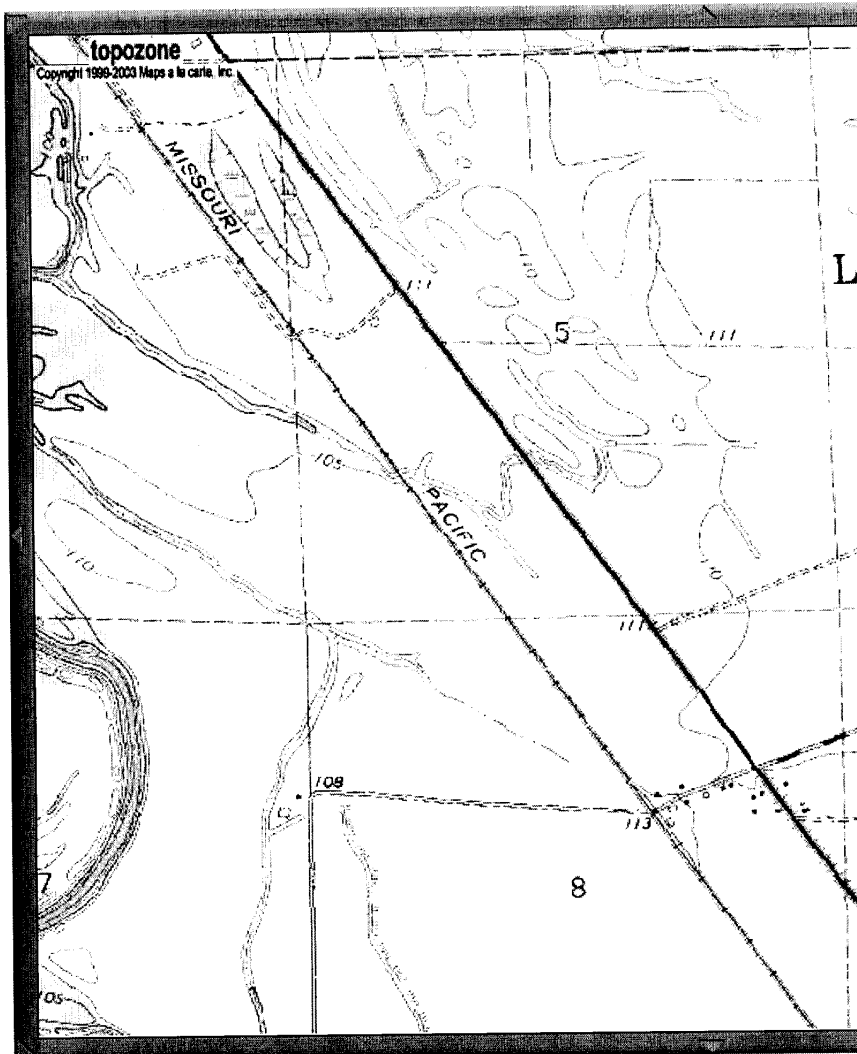
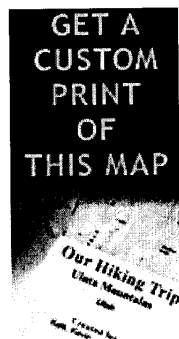
WGS84/NAD83

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☐ 1:250K Series

Map Size

☐ Small

☐ Medium

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1 : 50,000

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UTM

Coordinate Datum

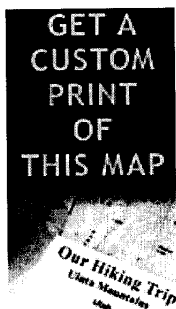
WGS84/NAD83

☐ Show target

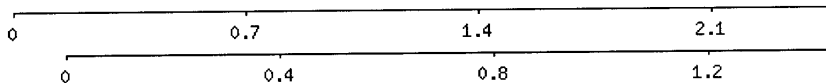
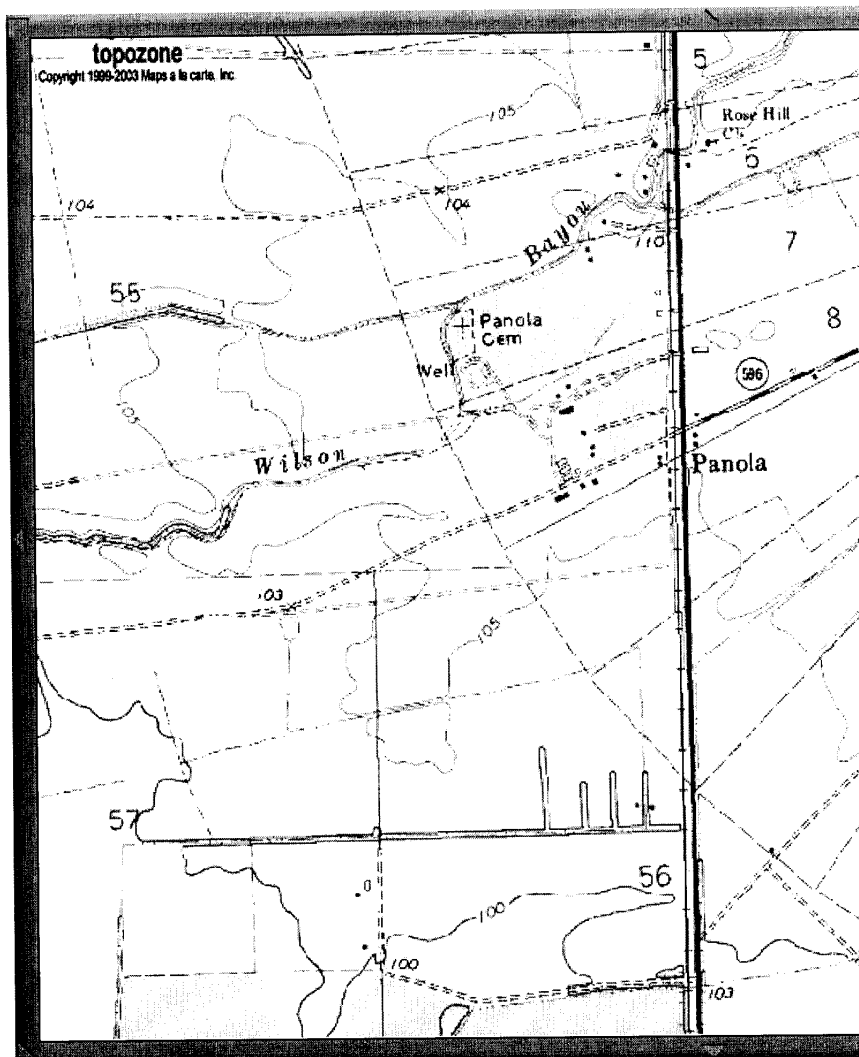
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☐ 1:250K Series

Map Size

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☒ Large

View Scale

1 : 50,000

Update Map

Coordinate Format

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Coordinate Datum

WGS84/NAD83

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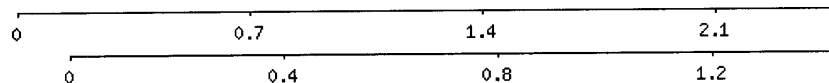
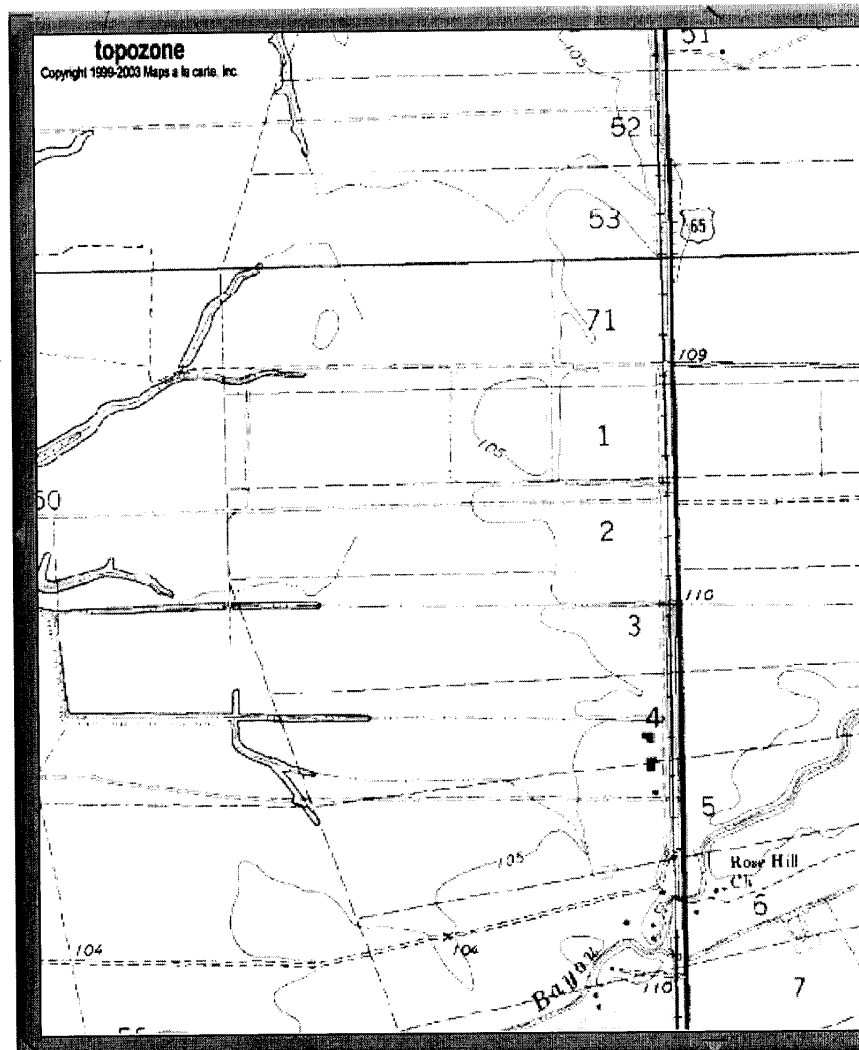
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Map Size

☐ Small☐ Medium☒ Large

View Scale

1:50,000

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☐ Show target

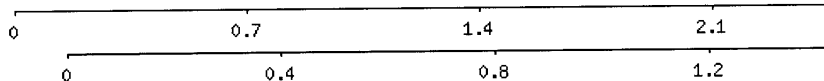
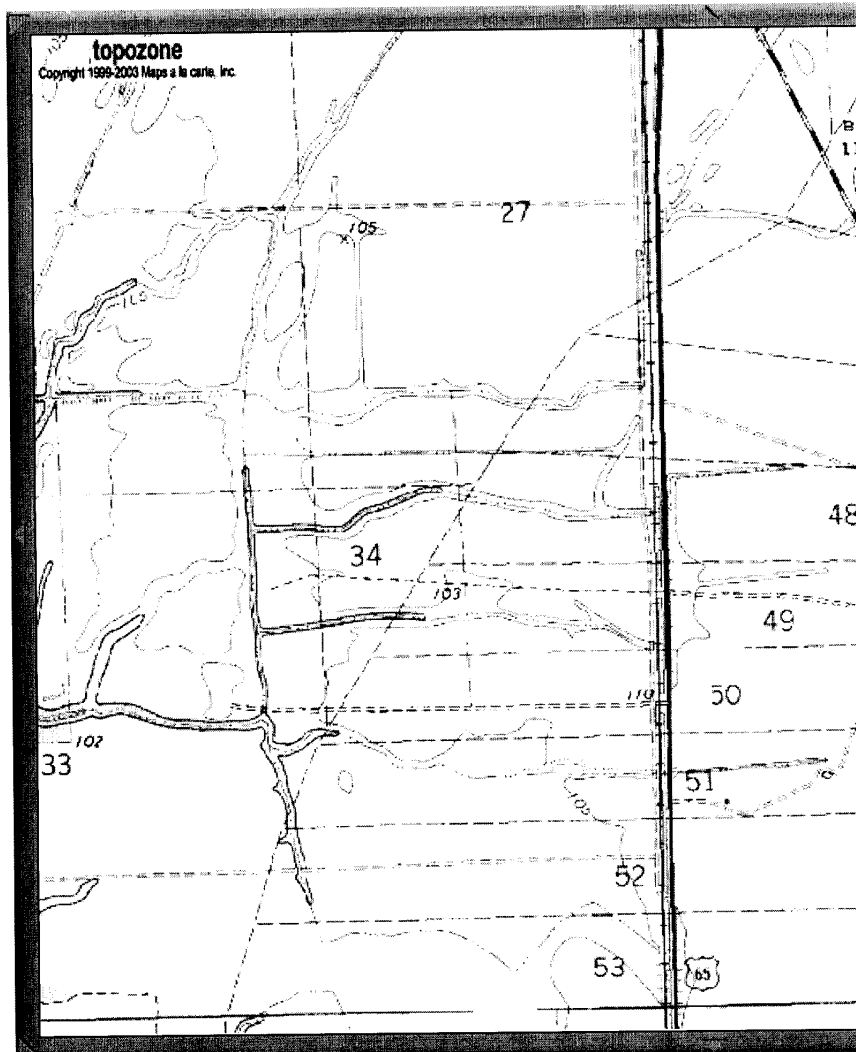
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Map Size

☐ Small☐ Medium☒ Large

View Scale

1 : 50,000

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UTM

Coordinate Datum

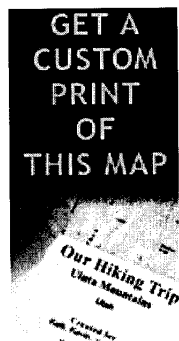
WGS84/NAD83

☐ Show target

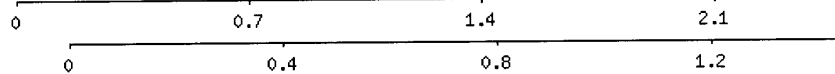
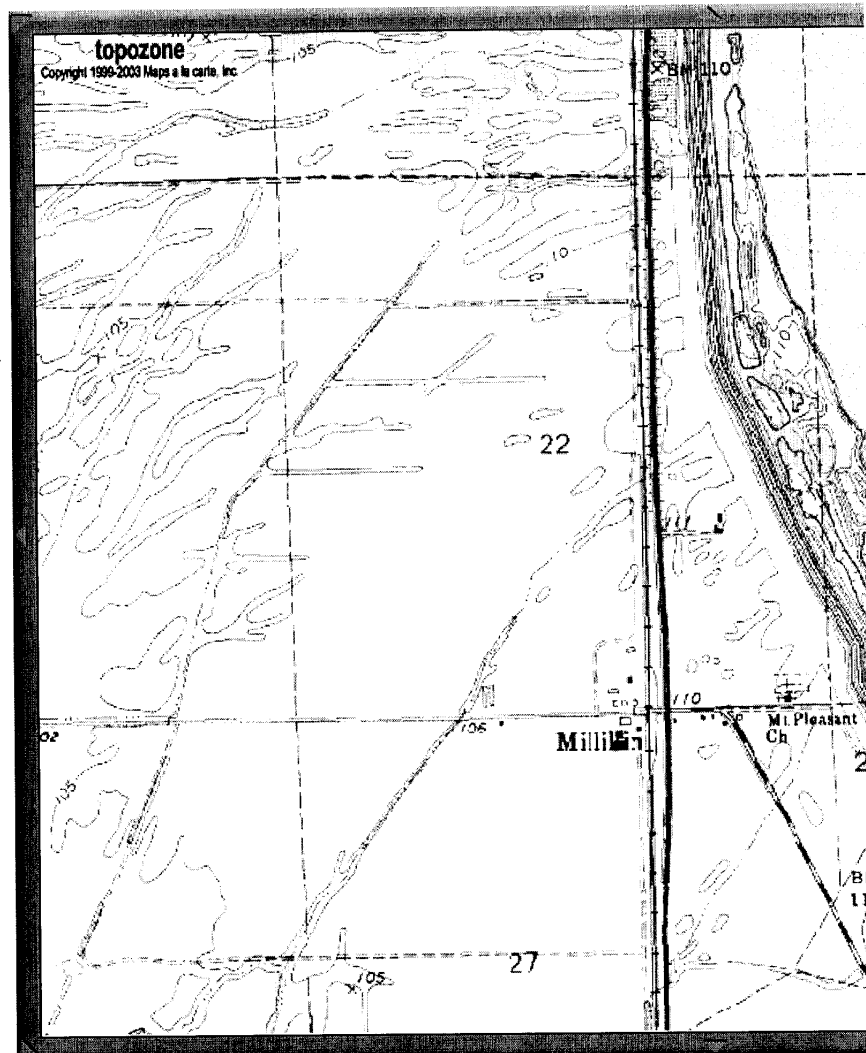
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☐ 1:100K Series

☐ 1:250K Series

Map Size

☐ Small

☐ Medium

☒ Large

View Scale

1 : 50,000

Update Map

Coordinate Format

UTM

Coordinate Datum

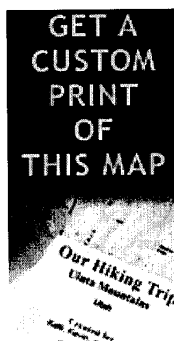
WGS84/NAD83

☐ Show target

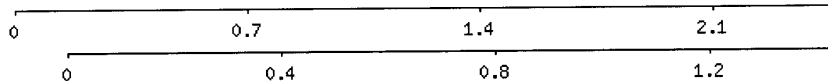
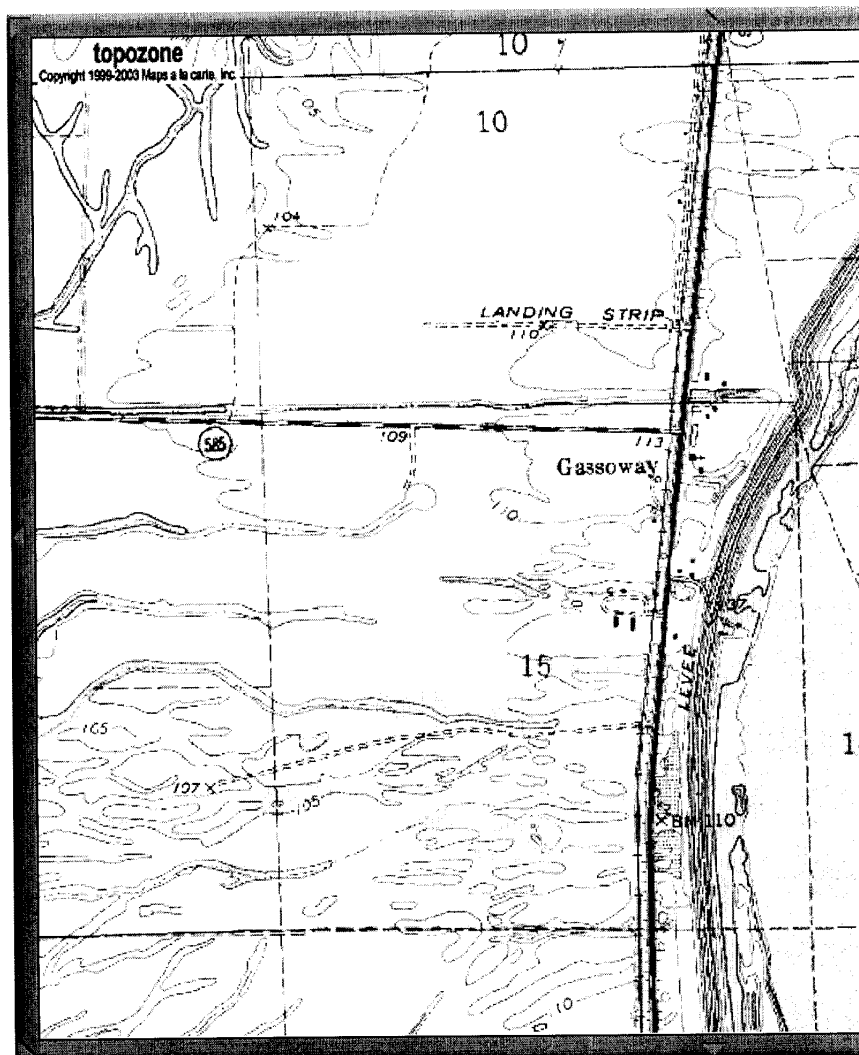
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USGS Millikin Quad

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USGS Topo Maps

- ☒ 1:24K/25K Series
- ☐ 1:100K Series
- ☐ 1:250K Series

Map Size

- ☐ Small
- ☐ Medium
- ☒ Large

View Scale

1 : 50,000

Update Map

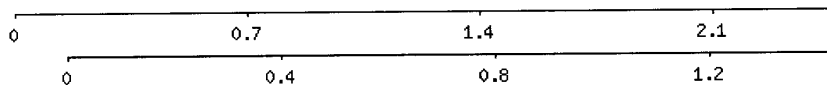
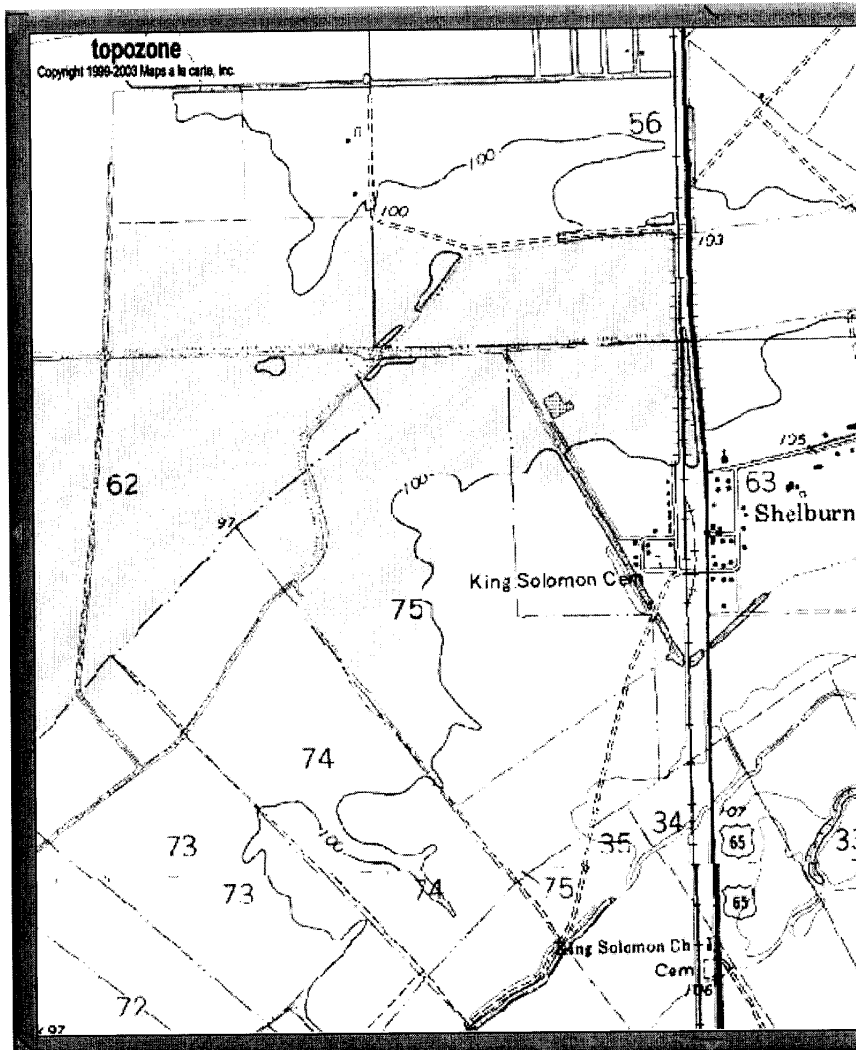
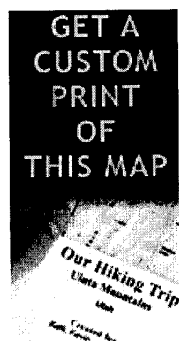
Coordinate Format

UTM

Coordinate Datum

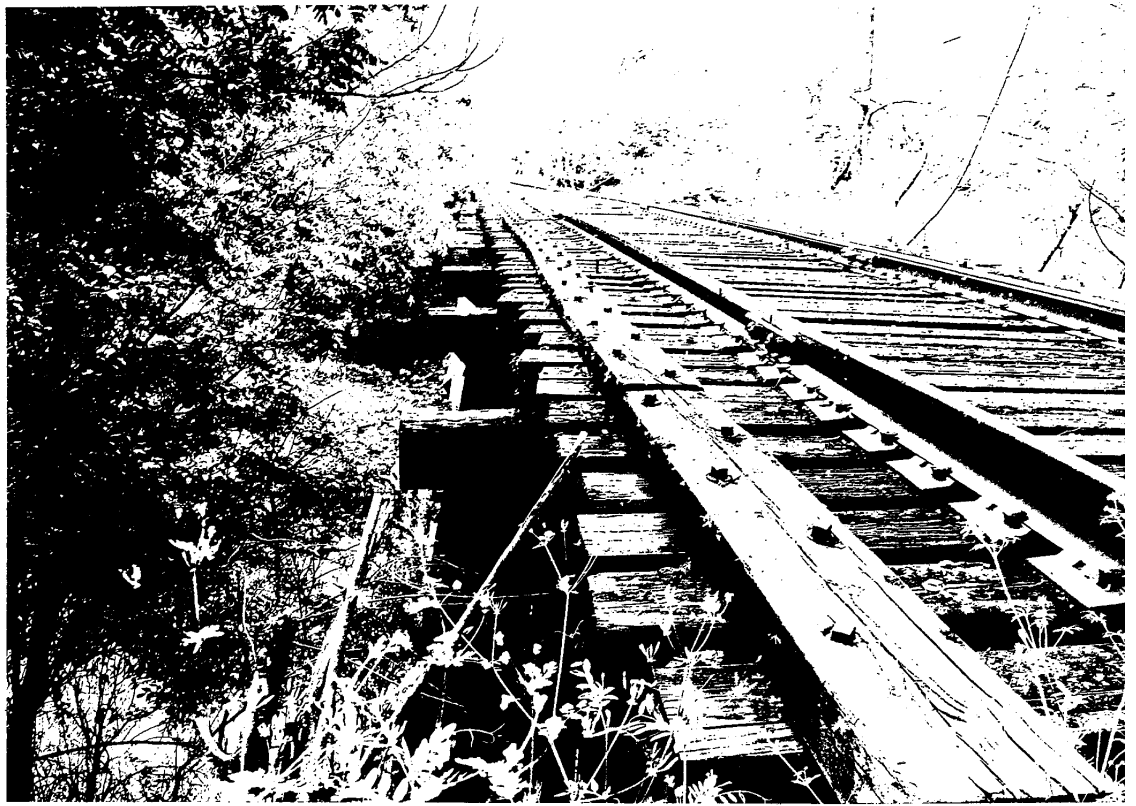
WGS84/NAD83

- ☒ Show target
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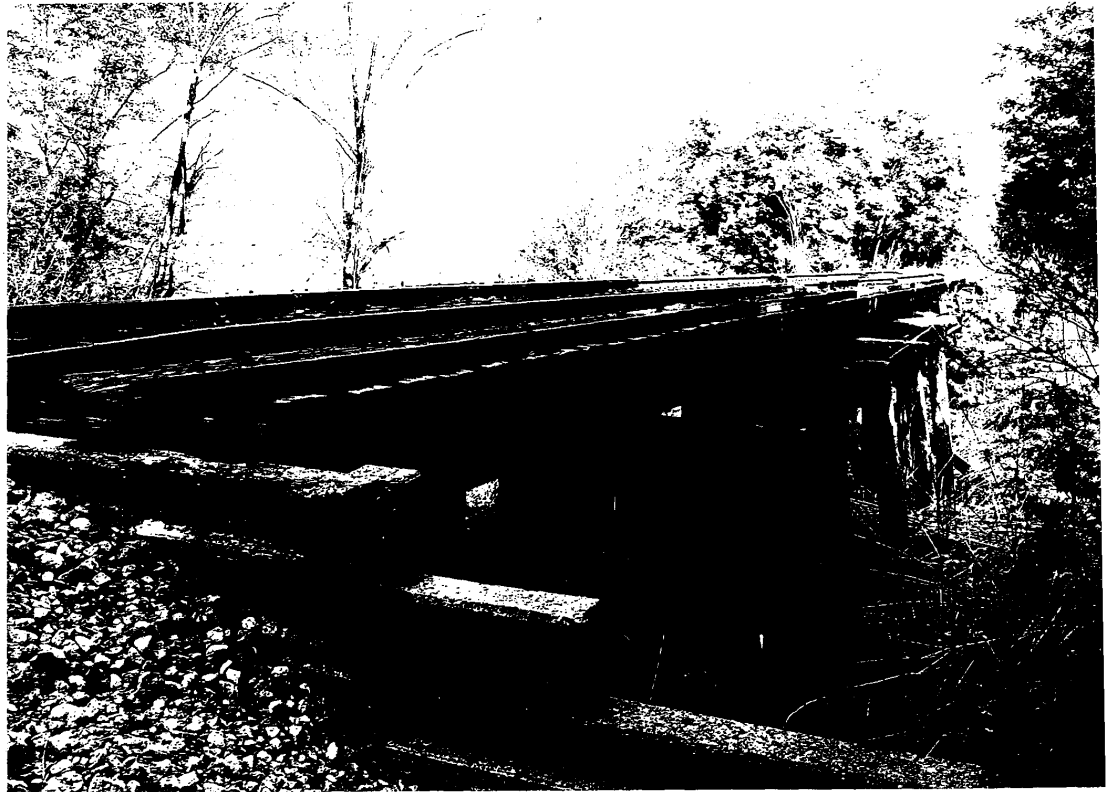
Attachment 18



Attachment 18



Attachment 18



Attachment 18

JOHN D. HEFFNER, PLLC

1920 N St., N.W.

SUITE 800

WASHINGTON, D.C. 20036

(202) 263-4180

FAX (202) 296-3939

j.heffner@verizon.net



BY HAND

May 21, 2004

Hon. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street
Washington, D.C. 20423-0001

RE: STB Docket No. AB-384 (Sub-No. 1X), Delta Southern
Railroad, Inc.-Abandonment Exemption-
Portion of Lake Providence Line

Dear Mr. Williams:

On behalf of Delta Southern Railroad, Inc., I am enclosing an original and ten copies of the certifications required by 49 CFR 1105.11 and 1152.50(d)(1) as well as copies of the photographs submitted with the filing indicating the location of the bridges depicted therein. This information was inadvertently omitted from the filing.

Please date stamp and return one copy of this filing for our records.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'J. D. Heffner', written over the typed name.

John D. Heffner

Enclosures

cc: Mr. William Wainright
William Sippel Esq.

EXHIBIT C-1

ORIGINAL

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1152.50(d)(1)



In accordance with 49 C.F.R. 1152.50(d)(1), I hereby
certify that:

On May 5, 2004 (at least 10 days before a notice of
exemption was filed), I caused to be served by U.S. Mail (first
class postage prepaid) written notice of intent by Delta Southern
Railroad, Inc., to abandon a line of railroad upon the following:

Secretary
Arkansas Public Service
Commission
1000 Center Street
P.O. Box 400
Little Rock, AR 72203-0400

Secretary
Louisiana Public Service
Commission
602 North Fifth Street
P.O. Box 91154
Baton Rouge, LA 70821-9154

National Park Service
National Center for
Recreation and Conservation
1849 C Street, N.W. Room 3606
Washington, DC 20240

Mr. Robert Korpanti
MTMCTEA
720 Thimble Shoals Blvd. #130
Newport News, VA 23606-2574

Chief of Forest Service
U.S. Dept. of Agriculture
P.O. Box 960-90
Washington, DC 20050

ORIGINAL

John D. Heffner

ENTERED
Office of Proceedings

MAY 21 2004

Part of
Public Record

CERTIFICATE OF COMPLIANCE
WITH NOTICE REQUIREMENTS OF
49 C.F.R. 1105.11

In accordance with 49 C.F.R. 1105.11 I hereby certify
that:

On April 27, 2004, (at least 20 days before a notice of
exemption is filed), I caused to be served by U.S. mail (first
class postage prepaid) a combined Environmental and Historic
Report of Delta Southern Railroad, Inc., upon the following
agencies:

The Presiding Judge of Chicot County (AR)
East Carroll Parrish Police Jury (LA)
USDA National Resource Conservation Service
(For both Arkansas and Louisiana)
Coastal Zone Management Agency (LA only)
U.S. Fish and Wildlife Service
National Park Service
Department of Pollution Control and Ecology (AR)
Department of Environmental Quality
U.S. Army Corps of Engineers¹
Environmental Protection Agency
Department of Arkansas Heritage
Department of Culture, Recreation, and Tourism (LA)
National Geodetic Survey
Office of Intergovernmental Service
Department of Finance and Administration (AR)
Department of Transportation and Development (LA)


John D. Heffner

Dated: May 20, 2004

¹ Inadvertently initially sent to the Norfolk field office of the
U.S. Army Corps of Engineers who in turn notified the appropriate field
office. DSR's counsel has since followed up by fax and telephone with the
Vicksburg, MS, field office which services Arkansas and Louisiana.

Revised
Exhibit
18

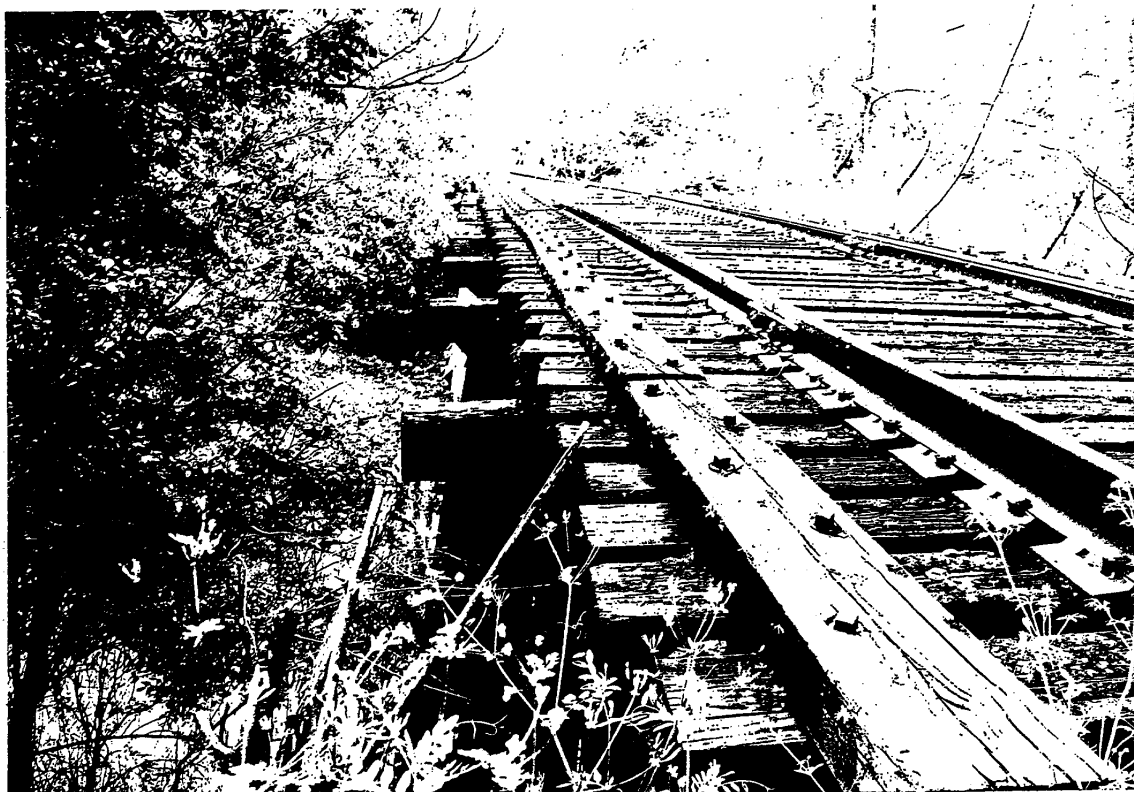


Trestle at MP 447.7 second view



view at MP 454.5

Trestle
At MP
448.6



Trestle at ^{MP} 447.7



at MP 447.6 of Endosa, AR



view at ~~MP~~ MP 449.9



view at MP 454.8