

225272

June 25, 2009

Janie Sheng
D 202 778 9855
F 202 778 9100
janie.sheng@klgates.com



Hand Delivered

The Honorable Anne Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20423-00001

FEE RECEIVED

JUN 25 2009

**SURFACE
TRANSPORTATION BOARD**

Re: STB Finance Docket No. 35218
Meridian Southern Railway, LLC—Construction of Connecting Track Exemption—
In Lauderdale County, Mississippi

Dear Acting Secretary Quinlan:

Enclosed for filing in the above-captioned proceeding are the original and ten copies of the **Verified Notice of Exemption of Meridian Southern Railway, LLC Pursuant to 49 C.F.R. § 1150.36** and the **Combined Environmental and Historic Report**. A check in the amount of \$1,800.00, representing the appropriate filing fee for the Verified Notice of Exemption, also is enclosed.

Please time and date stamp the extra copy of the filing and return it with our messenger. If you have any questions, please contact me.

FILED
JUN 15 2009
**SURFACE
TRANSPORTATION BOARD**

Respectfully Submitted,

Janie Sheng
Attorney for Meridian Southern Railway, LLC

Enclosures

cc: Section of Environmental Analysis (w/encl.)

**ENTERED
Office of Proceedings**

JUN 25 2009

**Part of
Public Record**



BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35218

MERIDIAN SOUTHERN RAILWAY, LLC
– CONSTRUCTION OF CONNECTING TRACK EXEMPTION –
IN LAUDERDALE COUNTY, MS

**VERIFIED NOTICE OF EXEMPTION
OF
MERIDIAN SOUTHERN RAILWAY, LLC
PURSUANT TO 49 C.F.R. § 1150.36**

FEE RECEIVED

JUN 25 2009

**SURFACE
TRANSPORTATION BOARD**

Kevin M. Sheys
Janie Sheng
Peter W. Denton
K&L Gates LLP
1601 K Street, NW
Washington, DC 20006
(202) 778-9000

FILED

JUN 19 2009

**SURFACE
TRANSPORTATION BOARD**

**ATTORNEYS FOR
MERIDIAN SOUTHERN
RAILWAY, LLC**

Dated: June 25, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

FINANCE DOCKET NO. 35218

MERIDIAN SOUTHERN RAILWAY, LLC
– CONSTRUCTION OF CONNECTING TRACK EXEMPTION –
IN LAUDERDALE COUNTY, MS

**VERIFIED NOTICE OF EXEMPTION
OF
MERIDIAN SOUTHERN RAILWAY, LLC
PURSUANT TO 49 C.F.R. § 1150.36**

Pursuant to the class exemption at 49 C.F.R. § 1150.36 for construction of connecting track, Meridian Southern Railway, LLC (“MDS”) hereby files this Verified Notice of Exemption from 49 U.S.C. § 10901 for the construction of approximately 1,910 feet of track in Lauderdale County, Mississippi, on land within existing rail rights-of-way, owned either by MDS or Norfolk Southern Railway (“NS”), and on land within an acquired railroad easement.

Along with this Notice, MDS submits a copy of its Combined Environmental and Historic Report (the “Report”) in compliance with 49 C.F.R. Part 1105. Since completion of the Report, MDS has continued to work with the U.S. Army Corps of Engineers (“USACE”). In response to item 9 of the Report, MDS advises the Board that its environmental consultant continues to make progress on the wetland delineation and stream assessment required by the USACE and will provide USACE with an assessment as soon as the report is completed.

INFORMATION REQUIRED BY 49 C.F.R. § 1150.36(c)(1) AND (2)

1. *The name and address of the railroad proposing to construct the line and the proposed operator.*

Meridian Southern Railway, LLC, 415 Woodland Road, Syracuse, NY, 13219.

MDS is the proposed operator.

2. *Complete description of the proposed construction and operation, including a map.*

MDS proposes to construct approximately 1,910 feet of track in Lauderdale County, Mississippi over land for which it has an easement for railroad purposes. The track to be constructed will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing NS rail yard near NS milepost 3.2 in Meridian, Mississippi. The track to be constructed will connect MDS to the NS mainline, whereas MDS currently connects only to the Kansas City Southern Railway ("KCS") mainline. The connection will be constructed within existing rail rights-of-way (owned either by MDS or NS) and within an acquired railroad easement.

The current MDS rail line was purchased from the Kansas City Southern Railway Company ("KCS"). MDS purchased the ownership interest and right to operate approximately 54.5 miles of rail line between approximately milepost 134.2 at Meridian, MS and approximately milepost 79.7 at Waynesboro, MS. *See Meridian Southern Railway, LLC – Acquisition and Operation – Lines of Kansas City Southern Railway Company*, STB Finance Docket No. 33854 (STB served Aug. 29, 2000).

Since the acquisition in 2000, MDS has served several major customers on the current MDS rail line, including the Marshall Durbin Poultry complex at Waynesboro, the Hood Lumber Company at Waynesboro, Georgia Pacific at Meridian, and Atlas Roofing at Meridian. MDS also serves a number of smaller customers including Bazor Lumber Company in Quitman, Scotch Plywood in Waynesboro, Culbreth Timber Company in Quitman, and Southwood Door Company in Quitman. MDS anticipates that the proposed connecting track will provide these existing shippers and consignees with improved access to the national rail system by the addition of a routing option with more efficient flow and adding price competition. MDS anticipates that the proposed connection will encourage increased shipments from existing customers and foster new economic development in the East Mississippi area served by MDS.

A map showing the proposed construction of connecting track is attached hereto as Exhibit A.

3. *Class Exemption Procedure.*

MDS is utilizing the class exemption procedure for construction of connecting track as was adopted by the STB in *Class Exemption for the Construction of Connecting Track*, 1 S.T.B. 75 (1996).

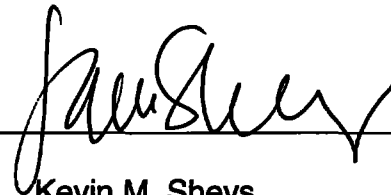
4. *Approximate date that construction is proposed to begin.*

MDS proposes to begin the proposed construction shortly after this Verified Notice of Exemption becomes effective, but no earlier than 90 days after the Notice of Exemption is filed with the STB.

5. *Statement certifying compliance with the environmental rules at 49 C.F.R. part 1105 and the pre-filing notice requirements of 49 C.F.R. 1150.36(c)(1).*

Certifications of compliance with the environmental rules at 49 C.F.R. Part 1105 and the pre-filing notice requirements of 49 C.F.R. § 1150.36(c)(1) are attached hereto as Exhibit B.

Respectfully submitted,

By: 

Kevin M. Sheys

Janie Sheng

Peter W. Denton

K&L Gates LLP

1601 K Street, NW

Washington, D.C. 20006

(202) 778-9000

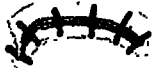
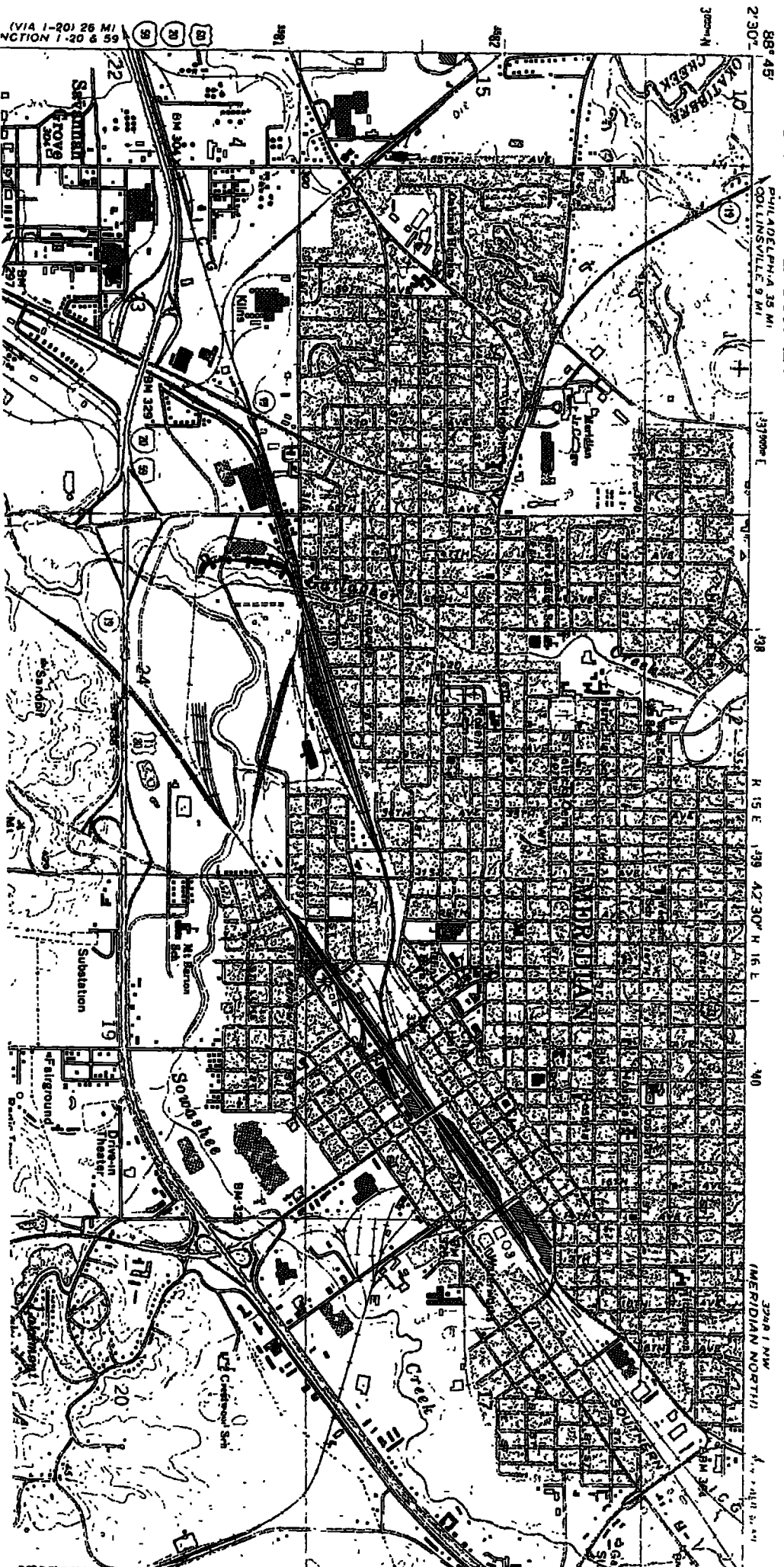
**ATTORNEYS FOR
MERIDIAN SOUTHERN
RAILWAY, LLC**

Dated: June 25, 2009

Exhibit A

MAP

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



MAP KEY
SUBJECT LINE

(VIA 1-20) 26 MI
SECTION 1-20 & 59

MISSISSIPPI

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

MERIDIAN SOUTH QUADRANGLE
MISSISSIPPI—LAUDERDALE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

MISSISSIPPI

32° 22' 30" N 90° 15' 00" W
LAUDERDALE, MISS.
32° 22' 30" N 90° 15' 00" W

500 000 FEET
32° 22' 30" N 90° 15' 00" W
32° 22' 30" N 90° 15' 00" W

80° 45'

10

1 400 000 FEET

10

1 400 000 FEET

Mapped, edited, and published by the Geological Survey
Control by USGS and USCGS

Topography by photogrammetric methods from aerial
photographs taken 1970. Field checked 1971

Projection: 1927 North American datum
10,000-foot grid based on Mississippi coordinate system, and zone
1000-meter Universal Transverse Mercator grid ticks,
zone 16, shown in blue

Red tint indicates areas in which only landmark buildings are shown

Fine red dashed lines indicate selected lines and field lines where
generally stable on aerial photographs. This information is unchecked

To place on the projected North American datum 1927

move the projection lines 1.5 meters south and

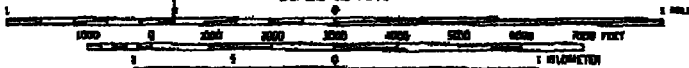
3 meters east as shown by dashed corner ticks



1927 NORTH AMERICAN DATUM
DECLINATION OF CENTER OF SHEET

1 400 000 FEET
1 400 000 FEET

SCALE 1:24,000



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEODETIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

Names shown in purple compiled from aerial
photographs taken 1980 and other sources
This information not field checked. Map edited 1982
Purple tint indicates extension of urban area

ROAD CLASSIFICATION

Primary highway, hard surface --- Light duty road, hard or improved surface ---
Secondary highway, hard surface --- Unimproved road ---

○ Interstate Route □ U. S. Route ○ State Route

MERIDIAN SOUTH, MISS.

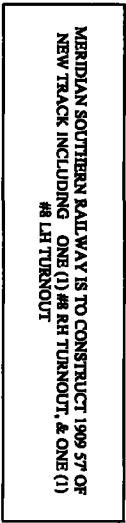
MS215--MS337.5/7.5

1971

PHOTOREVISED 1982

DMA 3040 1 3/4" - 3/4" 1982

VERTICAL ALIGNMENT TO BE DETERMINED



PRELIMINARY PLAN
NOT FOR CONSTRUCTION

50' 0' 100' 200'

Engineering Plus

PREPARED FOR

PREPARED FOR

MERIDIAN SOUTHERN RAILWAY - PROPOSED RAILWAY CONNECTION MERIDIAN, MS		SHEET 1 OF 1
PROPOSED TRACK ADDITIONS AND MODIFICATIONS FOR MERIDIAN SOUTHERN RAILWAY		DATE: 4-28-88 DRAWN BY: [illegible] SCALE: 1" = 100' SEE ALSO: [illegible]
07-407		

PROPOSED TRACK ADDITIONS AND MODIFICATIONS FOR MERIDIAN SOUTHERN RAILWAY

SHEET 1 OF 7

DATED 6-20-88

ISSUED BY MR

SCALE 1" = 100'

THIS FILE UNDERLYING/ engineering

Exhibit B

CERTIFICATION

STATE OF NEW YORK)

) SS:

COUNTY OF ONONDAGA)

Eric Lee, being duly sworn, hereby certifies that Meridian Southern Railway, LLC is in compliance with the Surface Transportation Board's environmental rules at 49 C.F.R. Part 1105 and with the pre-filing notice requirements of 49 C.F.R. § 1150.36(c)(1).



Eric Lee

SUBSCRIBED AND SWORN to

Before me this 24 day

Of JUNE, 2009



Notary Public

My Commission expires: 11-13-2010

ADAM J. BELLOMO
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 018F6155474
Qualified in Onondaga County
Commission Expires November 13, 2010

VERIFICATION

STATE OF NEW YORK)

) SS:

COUNTY OF ONONDAGA)

Eric Lee, being duly sworn, deposes and says that he is the President of Meridian Southern Railway, LLC and that he has read the foregoing Notice of Exemption and that to the best of his knowledge, information, and belief, believes the facts asserted therein and that the same are true as stated.

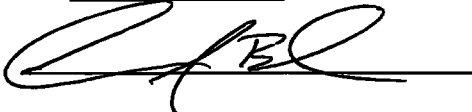


Eric Lee

SUBSCRIBED AND SWORN to

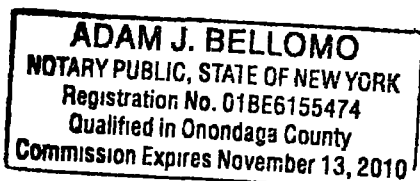
Before me this 24 day

Of JUNE, 2009



Notary Public

My Commission expires: 11-13-2010



BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 35218

MERIDIAN SOUTHERN RAILWAY, LLC
– CONSTRUCTION OF CONNECTING TRACK EXEMPTION –
IN LAUDERDALE COUNTY, MISSISSIPPI

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Kevin M. Sheys
Janie Sheng
Peter W. Denton
K&L Gates LLP
1601 K Street, NW
Washington, DC 20006
(202) 778-9000

**ATTORNEYS FOR MERIDIAN
SOUTHERN RAILWAY, LLC**

Dated: May 18, 2009

BEFORE THE
SURFACE TRANSPORTATION BOARD

STB FINANCE DOCKET NO. 35218

MERIDIAN SOUTHERN RAILWAY, LLC
– CONSTRUCTION OF CONNECTING TRACK EXEMPTION –
IN LAUDERDALE COUNTY, MISSISSIPPI

COMBINED ENVIRONMENTAL AND HISTORIC REPORT

Meridian Southern Railway, LLC (“MDS” or “Applicant”) provides this combined Environmental and Historic Report (the “Report”) in accordance with the reporting requirements of 49 C.F.R. §§ 1105.7(b), 1105.8(c), and 1150.36(b). This Report concludes that the proposed exempt construction of connecting track of approximately 1,910 feet in Lauderdale County, Mississippi will not significantly affect the quality of the human environment, the conservation of energy resources, or historically significant or archaeological sites. Supporting correspondence and certifications are attached. MDS anticipates that it will file a Notice of Exemption to construct the connecting track pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1150.36 on or after June 8, 2009. Applicant intends to file an updated Report with the Surface Transportation Board (“STB” or the “Board”) with or prior to its Notice of Exemption, pursuant to 49 C.F.R. §§ 1105.7(a), 1105.8(a), and 1150.36(b). This Report will assist the Board in its preparation of an environmental assessment in connection with this proceeding.

All representations made herein are to the best of Applicant’s knowledge and information otherwise readily available in Applicant’s possession on the date of this Report.

Environmental Report – 49 C.F.R. § 1105.7(e)

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.

Response: MDS expects shortly to file a Notice of Exemption under 49 U.S.C. § 10502 and 49 C.F.R. § 1150.36 from prior Board approval under 49 U.S.C. § 10901 for the construction of approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi. The Subject Line will connect MDS to the NS mainline, whereas MDS currently connects only to the Kansas City Southern Railway (“KCS”) mainline. The connection will be constructed within existing rail rights-of-way (owned either by MDS or NS) and within an acquired railroad easement.¹

Maps showing the location of the Subject Line are attached hereto as **Appendices A and F**. Applicant’s letters to federal, state, and local government agencies, and responses thereto received to date, are attached as **Appendices B, C, D, and E**.

¹ Dudley Maples, LP conveyed a right-of-way easement to MDS for railroad purposes on which a portion of the proposed connection will be constructed. The right-of-way easement is attached hereto as **Appendix F**.

2. Transportation System.

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

RESPONSE: Applicant does not anticipate that existing regional or local transportation systems or patterns will be adversely affected by the proposed construction. In fact, the proposed construction most likely will benefit customers who currently connect through MDS to the KCS mainline. With the proposed construction of the connecting track, those customers will have the added option to connect with the NS line. The proposed construction will not cause any diversion of passengers or freight to other transportation systems or modes.

3. Land Use.

(i) Based on 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.

RESPONSE: Applicant does not foresee any inconsistencies with regional and/or local land use plans. Applicant sought consultation with the Meridian Planning Commission, which is responsible for land use development and planning functions in Lauderdale County. See correspondence attached hereto as **Appendix B**. Applicant has conducted telephone calls with Don Jemison, Planning Manager for the City of Meridian, who does not anticipate any inconsistencies with existing land use plans. Upon receipt of a final written response, Applicant will forward the response to the Board.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: Applicant does not foresee that construction of the Subject Line will have any adverse impact on prime agricultural land or farmland resources. Applicant sought consultation regarding the proposed construction with the U.S. Department of Agriculture's Natural Resources Conservation Service ("NRCS"), the successor agency to the U.S. Soil Conservation Service. NRCS concluded that prime farmland determinations are not required within city limits. See correspondence attached hereto as **Appendices B and C**.

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

RESPONSE: Applicant does not foresee that construction of the Subject Line will have any adverse impact on designated coastal areas. Applicant sought consultation with the Mississippi Department of Marine Resources. See correspondence attached hereto as **Appendix B**. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10905 and explain why.

RESPONSE: Not applicable. Applicant is not proposing an abandonment.

4. Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: The proposed construction will not have any effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Applicant expects that the proposed construction may result in the transportation of scrap metal over the Subject Line.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed construction will not result in an increase or decrease in overall energy efficiency.

(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 carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: Not applicable. The proposed construction of the Subject Line will not cause the diversion of more than 1,000 rail carloads per year or an average of fifty (50) rail carloads per mile per year to motor carriers.

5. Air.

(i) If the proposed action will result in either: (A) an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10502) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in subsection (5)(i)(A) will apply.

RESPONSE: Not applicable. The proposed construction will not result in changes exceeding the thresholds specified in this section.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10502), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold of this item shall apply.

RESPONSE: Not applicable. The proposed construction of the Subject Line will not result in traffic increases which exceed the thresholds specified in this section.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity, the frequency of service, safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents, and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable. The proposed construction of the Subject Line will not affect the transportation of ozone depleting materials. The proposed construction will not significantly impact air quality standards, increase ozone precursor emissions or require a general conformity analysis. Applicant sought consultation with the Mississippi Department of Environmental Quality ("MDEQ") and with the U.S. Environmental Protection Agency ("EPA"). See correspondence attached hereto as **Appendix B**. To date, no responses have been received. Upon receipt of a response, Applicant will forward the response to the Board.

6. Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) An increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: Not applicable. None of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the proposed construction.

7. Safety.

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

RESPONSE: Applicants do not foresee any effect the proposed construction would have on public health and safety. During construction of the Subject Line, precautions will be taken to maintain safety.

(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 material.

RESPONSE: Not applicable. No hazardous materials are expected to be transported as a result of the proposed construction.

(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.

RESPONSE: Applicant is not aware of any hazardous waste sites or sites where there have been hazardous spills on the right-of-way of the Subject Line. Applicant sought consultation with MDEQ and EPA. See correspondence attached hereto as **Appendix B**. To date, no responses have been received. Upon receipt of a response, Applicant will forward the response to the Board.

8. Biological Resources.

(i) Based on 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.

RESPONSE: Applicant does not believe that any endangered or threatened species or any critical habitat or other fish or wildlife resources will be adversely affected as a result of the proposed construction. Applicant consulted with the U.S. Fish and Wildlife Service ("FWS") regarding the proposed construction. FWS concluded that

"[n]o federally listed endangered, threatened, or candidate species [are] present" in the relevant area. See correspondence attached hereto as **Appendices B and D**.

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

RESPONSE: Applicant is not aware of any wildlife sanctuaries or refuges, or national or state parks or forests, located on the proposed Subject Line. Accordingly, none will be adversely affected. Applicant sought consultation with the U.S. National Park Service. See correspondence attached hereto as **Appendix B**. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

9. Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: Applicant does not anticipate any water quality effects from the proposed construction. No bridges over water will be removed or constructed as part of the proposed construction. Applicant sought consultation with MDEQ and EPA. See correspondence attached hereto as **Appendix B**. To date, no responses have been received. Upon receipt of a response, Applicant will forward the response to the Board.

(ii) Based on 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 for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

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

RESPONSE: Applicant is unaware of any designated wetlands or 100-year flood plains that would be impacted by the proposed action. Applicant sought consultation

with the U.S. Army Corps of Engineers ("USACE"). See correspondence attached hereto as **Appendix B**. In a letter dated April 28, 2009, USACE stated that "it appears that the proposed project may cross wetlands," but that USACE requires more information to complete their evaluation, including a wetland delineation and stream assessment of the project area. See correspondence attached hereto as **Appendix E**. Applicant is working with USACE to make sure no designated wetlands will be affected by the construction and that no permits will be required. In an effort to work with USACE, Applicant has hired an environmental consultant to perform the wetland delineation and stream assessment. Applicant will keep the Board updated on the ongoing consultation with USACE.

10. Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Applicant does not anticipate any adverse environmental impacts from the proposed construction and therefore no mitigation measures are contemplated.

11. Additional Information for Rail Constructions.

(i) Describe the proposed route(s) by State, county, and subdivision, including a plan view, at a scale not to exceed 1:24,000 (7 ½ minute U.S.G.S. quadrangle map), clearly showing the relationship to the existing transportation network (including the location of all highway and road crossings) and the right-of-way according to ownership and land use requirements.

RESPONSE: The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing NS rail yard near NS milepost 3.2 in Lauderdale County, City of Meridian, Mississippi. Attached hereto as **Appendix F** is a plan view showing the location of the Subject Line

and the Dudley Maples, LP right-of-way easement, which contains a description of the right-of-way according to ownership and land use requirements.

(ii) Describe any alternative routes considered, and a no-build alternative (or why this would not be applicable), and explain why they were not selected.

RESPONSE: Applicant considered an alternative connecting route from the MDS chip lead track to a yard track in the NS rail yard, but did not select this route as it would have required the costly construction of a new bridge over the Sowashee Creek. Applicant also considered an alternative connecting route approximately 10 miles south of the proposed Subject Line, but did not select this route as it would have required the installation of a costly interlocking junction and extensive signal work and track construction. Applicant considered a no-build alternative and connecting to the NS main line via trackage rights over the KCS, but KCS refused to provide trackage rights.

(iii) Describe the construction plans, including the effect on the human environment, labor force requirements, the location of borrow pits, if any, and earthwork estimates.

RESPONSE: Applicant intends to begin construction of the Subject Line as soon as 90 days following the filing of a Notice of Exemption. The proposed construction will have little impact on the human environment, as the project is in an industrial area and will not traverse any communities. The proposed construction will employ approximately 25-30 workers. Applicant estimates the proposed construction will result in approximately 1,532 cubic yards of unclassified excavation (excavation within the project limits to be used inside the project limits), approximately 8,592 cubic yards of borrow excavation (imported engineered fill material), and approximately 3,670 cubic yards of undercut excavation (material undercut from the railbed to create a firm stable

subgrade for the track). To date, Applicant has not hired a contractor, making the location of borrow pits, if any, not yet known.

(iv) Describe in detail the rail operations to be conducted upon the line, including estimates of freight (carloads and tonnage) to be transported, the anticipated daily and annual number of train movements, number of cars per train, types of cars, motive power requirements, proposed speeds, labor force, and proposed maintenance-of-way practices.

RESPONSE: Applicant estimates that approximately 2,500 freight carloads, holding a total of approximately 250,000 tons of freight, would move annually over the Subject Line. Applicant estimates that approximately two trains will move over the Subject Line each operating day, and that approximately 450 trains will move over the Subject Line each year. Applicant estimates that each train moving over the Subject Line will average approximately 11 cars. Applicant expects centerbeam flatcars, covered hoppers, boxcars, woodchip hoppers, and gondola cars, to move over the Subject Line. Applicant proposes to move trains over the Subject Line at a speed of 10 mph or less. Applicant currently uses five locomotives and does not expect its motive power requirements to change as a result of this proposed construction. Because Applicant expects to operate and maintain the Subject Line with its existing labor force, Applicant does not expect that the operation of Subject Line will result in a change of labor force. Applicant proposes to engage in proper and timely maintenance of the Subject Line, performed by its existing maintenance-of-way labor force of five employees.

(v) Describe the effects, including indirect or down-line impacts, of the new or diverted traffic over the line if the thresholds governing energy, noise and air impacts in §§1105.7(e)(4), (5), or (6) are met.

RESPONSE: Not applicable. None of the thresholds identified in 49 C.F.R. § 1105.7(e)(4), (5), or (6) will be met as a result of the proposed construction.

(vi) Describe the effects, including impacts on essential public services (e.g., fire, police, ambulance, neighborhood schools), public roads, and adjoining properties, in communities to be traversed by the line.

RESPONSE: Applicant does not anticipate any adverse effects to essential public services. Only a short 1,910 feet connecting track in an industrial area is proposed. There are no communities to be traversed by the Subject Line. Applicant sought consultation with Lauderdale County. See correspondence attached hereto as **Appendix B**. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

(vii) Discuss societal impacts, including expected change in employment during and after construction.

RESPONSE: Applicant expects that the proposed construction will likely have positive societal impacts. The Subject Line will benefit customers who currently move over the MDS line to reach the KCS mainline. With the proposed construction of the connecting track, those customers will have the added option to connect with the NS line. Additionally, the Subject Line will likely employ approximately 25-30 workers during the construction. Applicant does not expect that the Subject Line will result in a direct change in employment after construction, as Applicant expects to operate and maintain the Subject Line with its existing labor force. Applicant sought consultation with the Mississippi Department of Finance and Administration and Lauderdale County. See correspondence attached hereto as **Appendix B**. To date, no responses have been received. Upon receipt of a response, Applicant will forward the response to the Board.

In addition to the agencies referenced above and in the attached Historic Report, Applicant sought consultation with the National Geodetic Survey. See correspondence attached hereto as **Appendix B**. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

Historic Report – 49 C.F.R. § 1105.8(d)

1. **Map.** Maps of the proposed Subject Line are attached hereto as **Appendices A and F**. There are no railroad structures on the property that are 50 years old or older.

2. **Description of Line.** The Subject Line proposed for construction is located in Lauderdale County, City of Meridian, Mississippi. The Subject Line will consist of approximately 1,910 feet of connecting track extending from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the NS rail yard near milepost 3.2 in Meridian, Mississippi. The Subject Line will connect MDS to the NS mainline, whereas MDS currently connects only to the KCS mainline. The connection will be constructed within existing rail rights-of-way (owned either by MDS or NS) and within an acquired railroad easement.² The Subject Line is located in an industrial area just south of downtown Meridian, Mississippi.

3. **Photographs.** Not applicable. There are no railroad structures on the property that are 50 years old or older.

4. **Information on Structures.** Not applicable. There are no current structures on the proposed construction site.

5. **History of Operations.** The current MDS rail line was acquired from the KCS. MDS acquired the ownership interest and right to operate approximately 54.5 miles of rail line between approximately milepost 134.2 at Meridian, Mississippi and approximately milepost 79.7 at Waynesboro, Mississippi. See Meridian Southern

² Dudley Maples, LP conveyed a right-of-way easement to MDS for railroad purposes on which a portion of the proposed connection will be constructed. The right-of-way easement is attached hereto as **Appendix F**.

Railway, LLC – Acquisition and Operation – Lines of Kansas City Southern Railway Company, STB Finance Docket No. 33854 (STB served Aug. 29, 2000). Since the acquisition in 2000, MDS has served several major customers on the current MDS rail line, including the Marshall Durbin Poultry complex at Waynesboro, the Hood Lumber Company at Waynesboro, Georgia Pacific at Meridian, and Atlas Roofing at Meridian. MDS also serves a number of smaller customers including Bazor Lumber Company in Quitman, Scotch Plywood in Waynesboro, Culbreth Timber Company in Quitman, and Southwood Door Company in Quitman.

In January of 2009, MDS acquired a railroad right-of-way easement from Dudley Maples, LP. Upon obtaining Board authority, MDS plans to construct approximately 1,910 feet of track and crossties over existing railroad rights-of-way (owned by MDS and NS) and the railroad easement acquired by MDS. The Subject Line will connect MDS and its customers to the NS main line, providing an additional shipping option to MDS customers who currently connect through MDS to the KCS.

6. Engineering Documents. A preliminary engineering plan showing the location of the Subject Line is attached hereto as **Appendix A**.

7. Historic Criteria. As stated previously, there are no railroad structures on the property that are 50 years old or older, or that would otherwise be of such unique character or historical significance as to meet the criteria for listing in the National Register of Historic Places (36 C.F.R. § 60.04). Applicant also believes that no culturally significant locations, archaeological sites or unique land forms will be affected by the proposed construction. MDS has sought consultation regarding this construction with the Mississippi Department of Archives and History in its capacity as the State

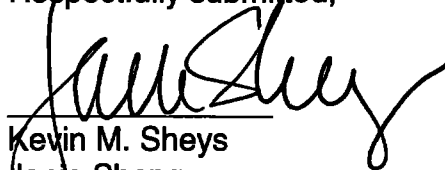
Historic Preservation Office. See correspondence attached hereto as **Appendix B**. To date, no response has been received. Upon receipt of a response, Applicant will forward the response to the Board.

8. Ground Disturbance. Based on readily available information in its possession, MDS is aware of no prior subsurface ground disturbance or fill or environmental conditions (naturally occurring or man-made) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

Certification – 49 C.F.R. § 1105.7(c)

A certification in accordance with 49 C.F.R. § 1105.7(c) that the foregoing Combined Environmental and Historic Report has been served on each of the agencies designated therein and that Applicant has consulted with all appropriate agencies in preparing this Report is attached hereto as **Appendix G**.

Respectfully submitted,



Kevin M. Sheys

Jane Sheng

Peter W. Denton

K&L Gates LLP

1601 K Street, NW

Washington, DC 20006

(202) 778-9000

**ATTORNEYS FOR MERIDIAN
SOUTHERN RAILWAY, LLC**

Dated: May 18, 2009

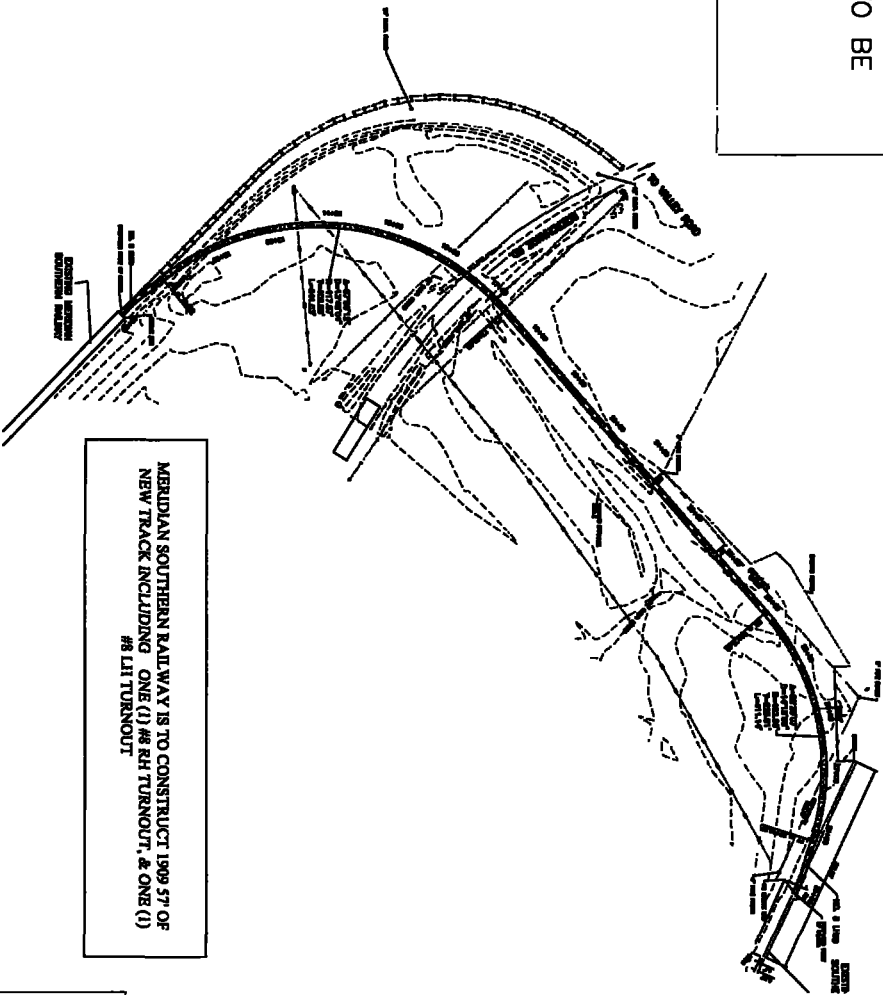
APPENDIX A

MAP OF THE SUBJECT LINE

गुणवत्

[illegible]

THIS DRAWING SUBMITTED FOR REVIEW BY MERIDIAN SOUTHERN RAILWAY

POSTING: MEMPHIS
SOUTHERN RAILWAY

100 200 300 400

Engineering Plus

PREPARED FOR

25 DELPHINE STREET, OWEEO NY 13827 607-687-6992

MERIDIAN, MS

MERIDIAN SOUTHERN RAILWAY

SHEET 1 OF 1

INDEX

FOR FURTHER INFORMATION, CONTACT:

APPENDIX B

ENVIRONMENTAL CONSULTATION CORRESPONDENCE

March 25, 2009

Janie C. I. Sheng
D 202.778.9855
F 202.778.9100
janie.sheng@klgates.com

VIA CERTIFIED MAIL

To: All Parties on the Attached Environmental Contact List

Re: **STB Docket No. FD-35218**
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects shortly to file with the Surface Transportation Board (the “Board”) a notice for exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track from the existing MDS chip lead track near Interchange Road to a yard track designated Number 4 track in the existing Norfolk Southern Railway (“NS”) yard operated by NS near NS milepost No. 3.2 in Meridian, Lauderdale County, Mississippi. The project will consist of the grading, ballasting, filling and laying of approximately 1,910 feet of track and crossties across an open field. The new track will connect via a track switch (turnout) at each end. A map showing the location of the proposed construction of connecting track is attached for your reference as Exhibit A.

In accordance with the Board’s environmental regulations, 49 C.F.R. § 1105.7, we are advising you of the proposed construction so that you may assist us in identifying any potential effects the construction may have on the following:

1. Regional or local transportation systems and patterns;
2. Regional or local land use plans, including any prime agricultural land;
3. Transportation of energy resources;
4. Recyclable commodities;
5. Overall energy consumption and efficiency;
6. Air emissions and noise levels;
7. Public health and safety;
8. Endangered or threatened species or critical habitats;
9. Wildlife sanctuaries or refuges;
10. National or State parks or forests;
11. Federal, State or local water quality standards;
12. Coastal Zone Management Areas;

All Parties on the Attached Environmental Contact List

March 25, 2009

Page 2

- 13. Human environment, labor force requirements, location of borrow pits (if any), earthwork estimates;**
- 14. Essential public services (e.g., fire, ambulance, neighboring schools), public roads, and adjoining properties, in communities to be traversed by the line;**
- 15. Expected changes in employment during and after construction;**

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed construction of connecting track.

We would appreciate your review of the proposed action and provision of any comments you have in a written response as soon as possible. Any written comments should reference STB Docket No. FD-35218 and be sent to:

**Janie Sheng
K&L Gates LLP
1601 K Street, NW
Washington, DC 20006-1600**

With a copy to:

**Surface Transportation Board
Section of Environmental Analysis
Room 1106
395 E Street, SW
Washington, DC 20423-0001**

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this construction will be forwarded to you at least twenty days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at (202) 778-9855.

Very truly yours,

**Janie Sheng
Attorney for Meridian Southern Railway, LLC**

Enclosures

All Parties on the Attached Environmental Contact List

March 25, 2009

Page 3

ENVIRONMENTAL CONTACT LIST

Meridian Southern Railway, LLC – Construction of Connecting Track Exemption – In
Lauderdale County, Mississippi
STB Docket No. FD-35218

FEDERAL AGENCIES CONSULTED

U.S. Environmental Protection Agency

U.S. Environmental Protection Agency, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

U.S. Fish and Wildlife Services

U.S. Fish and Wildlife Service, Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

U.S. Army Corps of Engineers

U.S. Army Corps of Engineers, Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001

U.S. National Park Service

U.S. National Park Service, Southeast Region
100 Alabama St., SW
Atlanta, GA 30303

All Parties on the Attached Environmental Contact List
March 25, 2009
Page 4

U.S. Natural Resources Conservation Service

Natural Resources Conservation Service
USDA
Jackson State Office
Suite 1321, Federal Building
100 West Capitol Street
Jackson, MS 39269

U.S. National Geodetic Survey

NGS Information Services, NOAA, N/NGS12
National Geodetic Survey SSMC-3, #9202
1315 East-West Highway
Silver Spring, MD 20910-3282

STATE/LOCAL AGENCIES CONSULTED

State Clearinghouse

Mississippi Department of Finance and Administration
Clearinghouse Officer
Office of Policy Development
1301 Woolfolk Building
Suite E
501 North West Street
Jackson, MS 39201

State Historic Preservation Office

Mississippi Department of Archives and History
P.O. Box 571
Jackson, MS 39205-0571

State Environmental Protection Agency

Mississippi Department of Environmental Quality
P.O. Box 20305
Jackson, MS 39289

All Parties on the Attached Environmental Contact List

March 25, 2009

Page 5

State Coastal Zone Management

Mississippi Department of Marine Resources
1141 Bayview Avenue, Suite 101
Biloxi, MS 39530

Lauderdale County, Mississippi

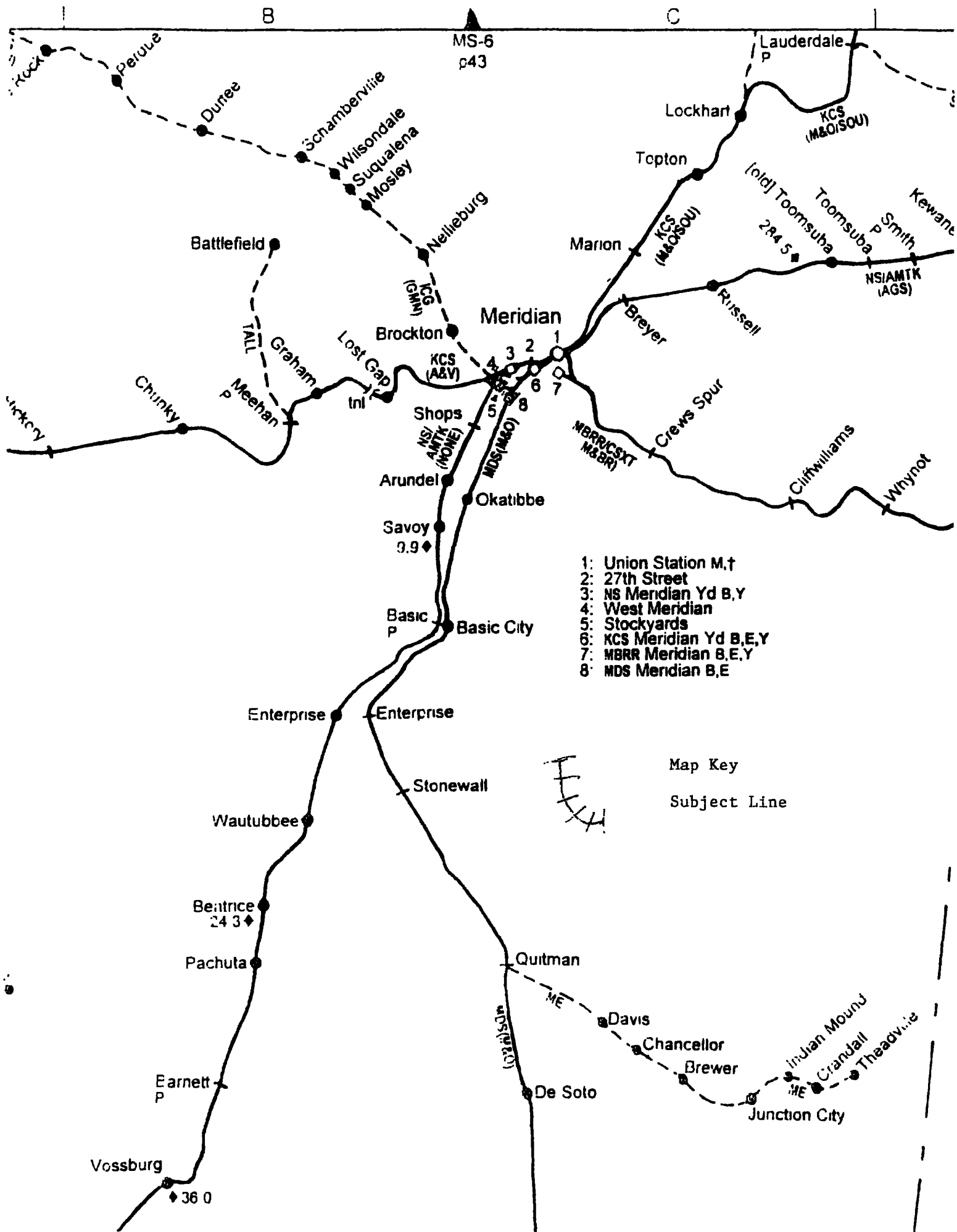
Lauderdale County
410 Constitution Avenue, 11th Floor
Meridian, MS 39301

PLANNING COMMISSIONS CONSULTED

Meridian Planning Commission

City of Meridian
Meridian Planning Commission
2412 7th Street
P.O. Box 1430
Meridian, MS 39302

EXHIBIT A



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to

2001 0320 0002 2719 2384
 REGION 4
 FACTORY CENTER
 375 CENTURY BLVD
 ATLANTA, GEORGIA 30345

2. Article Number

(Transfer from service label)

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X [Signature]

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to

7001 0320 0002 2719 2907
 EPA - REGION 4
 SAM NUNN ATL.
 FEDERAL CENTER
 51 FORSYTH STREET, SW
 ATLANTA, GEORGIA 30303-3104

2. Article Number

(Transfer from service label)

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X [Signature]

☒ Agent☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

ITS INFORMATION SERVICES
 1000 N. N. 12
 ATLANTA, GEORGIA 30303
 3282

2. Article Number

(Transfer from service label)

7001 320 0002 2719 1536

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

C. H. 10/15/01

B. Date of Delivery

5/1/01

C. Signature

C. H. 10/15/01

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IS NATIONAL PARK SEC
 SOUTHWEST REGION
 100 ARABIAN STREET, SW
 ATLANTA, GEORGIA 30303

2. Article Number

(Transfer from service label)

7001 320 0002 2719 2853

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

D. COCHRAN

B. Date of Delivery

4-1-01

C. Signature

D. Cochran

☒ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

100 ARABIAN STREET, SW
 ATLANTA, GEORGIA 30303
 3282

2. Article Number

(Transfer from service label)

7001 320 0002 2719 2760

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

D. H. 10/15/01

B. Date of Delivery

5-1-01

C. Signature

D. H. 10/15/01

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to:

MISSISSIPPI DEPT OF
ENVIRONMENTAL QUALITY
PO BOX 2261
JACKSON MS 39225-2261

2 Article Number

(Transfer from service label)

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☐ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C O D

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1 Article Addressed to:

MISSISSIPPI DEPARTMENT OF
REVENUE AND TAXES
PO BOX 571
JACKSON, MS 39205-0571

2. Article Number

(Transfer from service label)

7001 0320 0002 2719 1512

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4 Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MISSISSIPPI DEPT OF REVENUE
AND TAXES
PO BOX 571
JACKSON, MS 39205-0571

2. Article Number

(Transfer from service label)

7001 0320 0002 2719 1529

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

X

☐ Agent☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C O D

4 Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CITY OF MERIDIAN
MERIDIAN PLANNING
COMMISSION

2012 THE COURIER

P.O. Box 1430

MERIDIAN MS 39302

2. Article Number

(Transfer from service label)

7001 0320 0002 2219 1475

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15-40

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Dea Hocken*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Dea Hocken

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

LAUDERDALE COUNTY
HIS CONSTITUTIONAL OFFICE
1111 FLEET
MERIDIAN, MS 39301

2. Article Number

(Transfer from service label)

7001 0320 0002 2719 1475

PS Form 3811, February 2004

Domestic Return Receipt

1021

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Patty Cole*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Patty Cole

C. Date of Delivery

3/30/09

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MISSISSIPPI DEPARTMENT
OF REVENUE RESOURCES
41 CAMDEN AVENUE
SUITE 101
MERIDIAN, MS 39301

Article Number

(Transfer from service label)

Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15-40

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

[Signature]

C. Date of Delivery

3/30/09

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

EO 12372
WEEKLY LOG
PGM=N150

STATE OF MISSISSIPPI
STATE CLEARINGHOUSE FOR FEDERAL PROGRAMS

DATE 03/26/01
04/01/01

MS APPLICANT NO.: MS090330-008
IMPACT AREA(S): LAWRENCE

APPLICANT:
K&L GATES LLP
C/O JANIE SHENG
1601 K STREET NW
WASHINGTON DC 20006-1600

CONTACT: JANIE SHENG
PHONE: (202) 778-9855

FEDERAL AGENCY:

FUNDING: FEDERAL
LOCAL
TOTAL

APPLICANT
OTHER

STATE
PROGRAM

DESCRIPTION: STB DOCKET NO. FD-35218 - MERIDIAN SOUTHERN RAILWAY, LLC -
CONSTRUCTION OF CONNECTING TRACK EXEMPTION IN LAUDERDALE
COUNTY, MS.

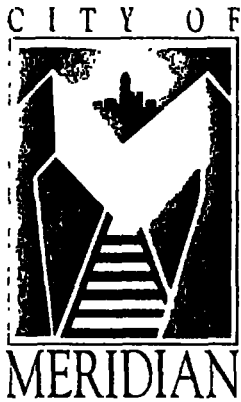
CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER

1301 WOOLFOLK BLDG., SUITE E - JACKSON, MS 39201 (601) 359-6762

- THIS IS AN ACKNOWLEDGEMENT ONLY -

STATE AGENCIES MUST REVIEW CERTAIN PROPOSALS PRIOR TO RECEIVING MISSISSIPPI INTERGOVERNMENTAL REVIEW PROCESS CLEARANCE. THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY REVIEWS ANY PROPOSALS INVOLVING CONSTRUCTION, SUCH AS A HIGHWAY OR AN APARTMENT COMPLEX FOR COMPLIANCE WITH CULTURAL RESOURCES AND HISTORIC PRESERVATION. MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF POLLUTION CONTROL, REVIEWS APPLICATIONS IN ACCORDANCE WITH THE FEDERAL WATER POLLUTION CONTROL ACT. THE MISSISSIPPI DEPARTMENT OF MARINE RESOURCES REVIEWS APPLICATIONS FOR CONSISTENCY WITH THE COASTAL PROGRAM.

IF APPLICATIONS ARE FOR PROJECTS OF LOCAL IMPACT, THEY SHOULD BE SENT TO THE APPROPRIATE PLANNING AND DEVELOPMENT DISTRICT AT THE SAME TIME. PLEASE NOTE THAT ONE OF OUR REQUIREMENTS IS THE USE OF STANDARD FORM 424. THE DEPARTMENT OF FINANCE AND ADMINISTRATION PREPARES AND DISTRIBUTES A WEEKLY LOG LISTING PERTINENT INFORMATION CONTAINED ON THIS FORM. OUR ADDRESS IS 1301 WOOLFOLK BLDG., SUITE E - JACKSON, MS 39201 AND OUR PHONE NUMBER IS (601)359-6762.



April 3, 2009

Janie Sheng
K&L Gates LLP
1601 K Street, NW
Washington, DC 20006-1600

Mayor:

JOHN ROBERT SMITH
(601) 485-1927
FAX: (601) 485-1911

Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC - Construction of Connecting Track
Exemption - In Lauderdale County, Mississippi

Council members:

GEORGE M THOMAS
Ward 1

MARY A. B. PERRY
Ward 2

BARBARA HENSON
Ward 3

JESSE E. PALMER, SR.
Ward 4

JOHN C HARRIS
Ward 5

COUNCIL CLERK:
(601) 485-1959
FAX: (601) 485-1913

CITY DEPARTMENTS:

Chief Administrative Officer
(601) 485-1929
FAX: (601) 485-1911

Community Development:
(601) 485-1910
FAX: (601) 484-8813

Finance and Records:
(601) 485-1946
FAX: (601) 485-1979

Fire:
(601) 485-1822
FAX: (601) 485-1878

Homeland Security:
(601) 484-8890
FAX: (601) 484-8895

Parks and Recreation:
(601) 485-1802
FAX: (601) 485-1851

Police:
(601) 485-1841
FAX: (601) 484-8832

Public Works:
(601) 485-1920
FAX: (601) 485-1864

Dear Ms. Sheng,

We have reviewed your letter regarding the proposed construction; however, the map provided is insufficient. In order for us to review, we will need an adequate map.

Sincerely,


Don Jemison
Planning Manager
(601) 485-1910

DJ:klc

Lawson, Cynthia

From: GenifaxMessageServer
Sent: Tuesday, April 14, 2009 1:27 PM
To: Lawson, Cynthia
Subject: Message Succeeded: 601-484-6813 (Don Jemison, Planning Manager) on 4/14/2009 at 1:26:52 PM

The message you sent to Don Jemison, Planning Manager at 601-484-6813, was delivered successfully on 4/14/2009 at 1:26:52 PM

JobID: 414150

Peter W. Denton
D 202 778 9469
F 202 778 9100
peter.denton@klgates.com

April 14, 2009

Via Facsimile (601) 484-6813

Don Jemison
Planning Manager
City of Meridian
2412 7th Street
P.O. Box 1430
Meridian, MS 39302-1430

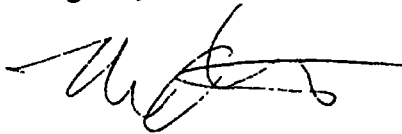
Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC - Construction of Connecting Track
Exemption - In Lauderdale County, Mississippi

Dear Mr. Jemison:

Please find attached a preliminary plan for the proposed construction.

Feel free to contact me with any questions.

Regards,



Peter W. Denton

Attachment

[illegible]

PRELIMINARY PLAN
NOT FOR CONSTRUCTION

THIS DRAWING SUBMITTED FOR REVIEW BY MERIDIAN SOUTHERN RAILWAY

MERIDIAN SOUTHERN RAILWAY IS TO CONSTRUCT 1909 57' OF
 NEW TRACK INCLUDING ONE (1) #8 RH TURNOUT, & ONE (1)
 #8 LH TURNOUT

SCALE 1" = 100'

PREPARED BY

המחיר, 100,000 ש"ח.

Planning • Surveying • Testing • Landscape Design
1724-B 24th Ave. North, Minnetonka, MN 55345 (612) 933-4574

PREPARED FOR

**PREPARED FOR
MERIDIAN SOUTHERN RAILWAY, LLC**

25 DELPHINE STREET. OWEGO NY 13827 607-687-6992

MERIDIAN SOUTHERN RAILWAY- PROPOSED RAILWAY CONNECTION

WITNESSES:

PROPOSED TRACK ADDITIONS AND MODIFICATIONS FOR

**TRACK ADDITIONS AND MODIFICATIONS
MERIDIAN SOUTHERN RAILWAY**

07-407

Energy

SECRET

SECRET

SECRET

Lawson, Cynthia

From: Lawson, Cynthia
Sent: Tuesday, April 14, 2009 1:24 PM
To: 'Don Jemison, Planning Manager'
Subject: Please see attached letter

Attachments: 4.14.09 letter to D. Jemison, Meridian Planning Mgr - (pending).PDF; Genifax.xml
Approval: 0
AttachFromFile: 0
BillingText1: dentonpw
BillingText2: 0309231
BillingText3: 00001
CoverStyle: Standard
FromText1: Peter W. Denton
FromText2: 202-778-9469
HoldForPreview: 0
NotifyAllOpt: 0
NotifyOpt: 3
Resolution: -1
SendDate: 04/14/2009 1:23:00 PM
SendTime: 04/14/2009 1:23:00 PM



4.14.09 letter to D. Genifax.xml (5 KB)
Jemison, ...

Denton, Peter W.

From: Denton, Peter W.
Sent: Wednesday, April 15, 2009 4:22 PM
To: 'donjemison@meridianms.org'
Cc: Sheng, Janie C. I.
Subject: Meridian Southern Proposed Construction
Attachments: MSR-PRELIM11x17 (2).pdf

Don,

Per your request, attached is a PDF of the preliminary engineering plan for Meridian Southern's proposed construction of connecting track. Please let me know if you have any further questions.

Regards,
Peter

Peter W. Denton*

Associate
K&L Gates LLP
1601 K Street NW
Washington, DC 20006
Phone: 202.778.9469
Fax: 202 778.9100
Email: peter.denton@klgates.com
Website: <http://www.klgates.com>

* Admitted to practice in Maryland only, not admitted in the District of Columbia. Supervised by Kevin Sheys, member of the District of Columbia bar.

5/18/2009

Denton, Peter W.

From: Denton, Peter W.
Sent: Thursday, April 23, 2009 11:01 AM
To: 'donjemison@meridianms.org'
Subject: RE: Meridian Southern Proposed Construction

Don,

Just wanted to confirm that you received the preliminary engineering plan and that the plan was sufficient for your review.

Regards,
Peter

Peter W. Denton
K&L Gates LLP
202.778.9469

From: Denton, Peter W.
Sent: Wednesday, April 15, 2009 4:22 PM
To: 'donjemison@meridianms.org'
Cc: Sheng, Janie C. I.
Subject: Meridian Southern Proposed Construction

Don,

Per your request, attached is a PDF of the preliminary engineering plan for Meridian Southern's proposed construction of connecting track. Please let me know if you have any further questions.

Regards,
Peter

Peter W. Denton*
Associate
K&L Gates LLP
1601 K Street NW
Washington, DC 20006
Phone: 202 778 9469
Fax: 202.778.9100
Email: peter.denton@klgates.com
Website: <http://www.klgates.com>

* Admitted to practice in Maryland only, not admitted in the District of Columbia Supervised by Kevin Sheys.
member of the District of Columbia bar

5/18/2009



HISTORIC PRESERVATION

Ken P Pool, director • Jim Woodrick, acting director
PO Box 571, Jackson, MS 39205-0571
601 576-6940 • Fax 601-576-6955
mdah.state.ms.us

April 20, 2009

Ms. Janie Sheng
K&L Gates, LLP
1601 K Street NW
Washington, DC 20006-1600

RE: Proposed construction of approx. 1,910 feet of connecting track (Mendian Southern Railway, LLC), MDAH Project Log #03-193-09, Lauderdale County

Dear Ms. Sheng:

We received your request for a cultural resources assessment on March 31, 2009, for the above referenced project, in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. Before we will be able to provide comments regarding the proposed undertaking, we need a more detailed map of the project area showing the precise area(s) in which ground disturbance is proposed. If possible, the project area should be delineated on a USGS Quadrangle Map (1:24,000 scale). Upon receipt of the additional information, we will provide our comments accordingly.

In providing the additional map, please make reference to the MDAH Project Log Number above. If you have any questions, please do not hesitate to call.

Sincerely,


Jim Woodrick
Review and Compliance Officer

Denton, Peter W.

From: Denton, Peter W.
Sent: Tuesday, April 28, 2009 10:43 AM
To: 'jwood@mdah.state.ms.us'
Subject: MDAH Project Log #03-193-09
Attachments: MSR-PRELIM11x17 (2).pdf

Jim,

Attached is a preliminary engineering plan for Meridian Southern Railway's proposed construction in Lauderdale County, MS (MDAH Project Log #03-193-09).

This map shows the project area in which ground disturbance is proposed:

[http://maps.google.com/maps?
f=q&source=s_q&hl=en&geocode=&q=Interchange+Rd,+Meridian,+MS&sl=37.0625,-
95.677068&sspn=49.223579,79.101563&ie=UTF8&ll=32.354842,-
88.719846&spn=0.006462,0.013733&t=h&z=17](http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=Interchange+Rd,+Meridian,+MS&sl=37.0625,-95.677068&sspn=49.223579,79.101563&ie=UTF8&ll=32.354842,-88.719846&spn=0.006462,0.013733&t=h&z=17)

Please let me know if you have any further questions.

Regards,
Peter Denton

Peter W. Denton*

Associate
K&L Gates LLP
1601 K Street NW
Washington, DC 20006
Phone: 202.778.9469
Fax: 202 778 9100
Email peter.denton@klgates.com
Website. <http://www.klgates.com>

* Admitted to practice in Maryland only, not admitted in the District of Columbia. Supervised by Kevin Sheys, member of the District of Columbia bar.

5/18/2009

APPENDIX C

NATURAL RESOURCES CONSERVATION SERVICE



United States Department of Agriculture
Natural Resources Conservation Service

Natural Resources Conservation Service
Suite 1321, Federal Building
100 West Capitol Street
Jackson, MS 39269

April 6, 2009

Janie Sheng
Attorney for Meridian
Southern Railway, LLC
K&L Gates, LLP
1601 K Street NW
Washington, DC 20006-1600

Dear Ms. Sheng:

This is in response to your letter dated March 25, 2009 regarding the STB Docket No. FD-35218, Meridian Southern Railway, LLC – Construction of Connecting Track Exemption – In Lauderdale County, Mississippi.

Prime Farmland determinations not required within city limits.

Sincerely,

Reginald K. Harris
Acting State Soil Scientist

APPENDIX D

U.S. FISH AND WILDLIFE SERVICE

Janie C. I. Sheng
D 202 778 9855
F 202 778 9100
janie.sheng@klgates.com

To: All Parties on the Attached Environmental Contact List

Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi

Meridian Southern Railway, LLC ("MDS") expects shortly to file with the Surface Transportation Board (the "Board") a notice for exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track from the existing MDS chip lead track near Interchange Road to a yard track designated Number 4 track in the existing Norfolk Southern Railway ("NS") yard operated by NS near NS milepost No. 3.2 in Meridian, Lauderdale County, Mississippi. The project will consist of the grading, ballasting, filling and laying of approximately 1,910 feet of track and crossties across an open field. The new track will connect via a track switch (turnout) at each end. A map showing the location of the proposed construction of connecting track is attached for your reference as Exhibit A.

1. Regional or local transportation systems and patterns;
2. Regional or local land use plans, including any prime agricultural land;
3. Transportation of energy resources;
4. Recyclable commodities;
5. Overall energy consumption and efficiency;
6. Air emissions and noise levels;
7. Public health and safety;
8. Endangered or threatened species or critical habitats;
9. Wildlife sanctuaries or refuges;
10. National or State parks or forests;
11. Federal, State or local water quality standards;
12. Coastal Zone Management Areas;

habitats: Wetland

All Parties on the Attached Environmental Contact List

March 25, 2009

Page 2

13. Human environment, labor force requirements, location of borrow pits (if any), earthwork estimates;
14. Essential public services (e.g., fire, ambulance, neighboring schools), public roads, and adjoining properties, in communities to be traversed by the line;
15. Expected changes in employment during and after construction;

Please also advise us if permits under Section 402 or 404 of the Clean Water Act (33 U.S.C. §§ 1342, 1344) are required for the proposed construction of connecting track.

We would appreciate your review of the proposed action and provision of any comments you have in a written response as soon as possible. Any written comments should reference STB Docket No. FD-35218 and be sent to:

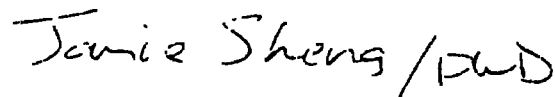
Janie Sheng
K&L Gates LLP
1601 K Street, NW
Washington, DC 20006-1600

With a copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 1106
395 E Street, SW
Washington, DC 20423-0001

In accordance with the Board's regulations, a copy of the Environmental Report prepared in connection with this construction will be forwarded to you at least twenty days before the notice of exemption is filed at the Board. If you have any questions or need additional information in the meantime, please feel free to contact me at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink that reads "Janie Sheng / PWD". The signature is written in a cursive, slightly slanted style.

Janie Sheng
Attorney for Meridian Southern Railway, LLC

Enclosures

APPENDIX E

U.S. ARMY CORPS OF ENGINEERS



**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

April 16, 2009

Inland Branch
Regulatory Division

SUBJECT: Request for Department of the Army Review, Meridian Southern Railway, LLC, Construction of Connecting Track (STB Docket #: FD-35218), Department of the Army Action Number SAM-2009-0499-SBC

K&L Gates LLP
Attention: Janie Sheng
1601 K Street, NW
Washington, DC 20006-1600

Dear Ms. Sheng:

This is in regard to your request for a Department of the Army (DA) review of a project proposing to construct approximately 1,910 feet of connecting track from the existing Meridian Southern Railway, LLC chip lead track to the Number 4 yard track in the existing Norfolk Southern Railway yard, near Norfolk Southern milepost No. 3.2, in Meridian, Lauderdale County, Mississippi. The request has been assigned file number **SAM-2009-0499-SBC**, which should be referred to in all future correspondence with this office.

From the information provided, the exact location of the proposed connecting track is not clear. To further evaluate your proposed project, this office requests that you provide a more detailed site map and a site plan for the project.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please contact me at by e-mail at steven.b.crosson@usace.army.mil or by telephone at (251) 694-3664 should you have any questions concerning this matter. For additional information about permitting and our Regulatory Program, visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Sincerely,

S. Brad Crosson
Regulatory Specialist, Inland Branch
Regulatory Division

Copy to: Surface Transportation Board

Denton, Peter W.

From: Denton, Peter W.
Sent: Friday, April 24, 2009 6:09 PM
To: 'steven.b.crosson@usace.army.mil'
Cc: Sheng, Janie C. I.
Subject: SAM-2009-0499-SBC
Attachments: MSR-PRELIM11x17 (2).pdf

Brad,

In your letter to my colleague Janie Sheng dated April 16, 2009 you requested a more detailed site map and site plan for the Meridian Southern Railway, LLC construction of connecting track project.

Please find attached a preliminary engineering plan for the project. Feel free to contact me if you need any more information.

Regards,
Peter

Peter W. Denton*

Associate
K&L Gates LLP
1601 K Street NW
Washington, DC 20006
Phone: 202.778.9469
Fax: 202.778.9100
Email: peter.denton@klgates.com
Website: <http://www.klgates.com>

* Admitted to practice in Maryland only, not admitted in the District of Columbia. Supervised by Kevin Sheys, member of the District of Columbia bar

5/18/2009

Denton, Peter W.

From: Crosson, S. Brad SAM [Steven.B.Crosson@usace.army.mil]
Sent: Thursday, April 30, 2009 11:19 AM
To: Denton, Peter W.
Subject: RE: SAM-2009-0499-SBC

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: RAI for NWP Ltr - SAM-2009-0499-SBC.doc



RAI for NWP Ltr -
SAM-2009-049...

Peter,

Thank you for getting this information to me. Based on the information you provided, it appears that a Corps permit may be required. For your convenience, I have attached a letter that we recently issued concerning this matter.

If you have any questions about this letter or USACE permitting issues please let me know.

Thanks,
Brad

S. Brad Crosson
US Army Corps of Engineers - Mobile District Regulatory Division - Inland Branch
109 Saint Joseph Street
P.O. Box 2288, Mobile, AL 36628-0001

Phone: (251) 694-3664
Fax: (251) 690-2660
e-mail: steven.b.crosson@usace.army.mil

Please visit our website at:
<http://www.sam.usace.army.mil/rd/reg/regulations.htm>

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

From: Denton, Peter W. [mailto:Peter.Denton@klgates.com]
Sent: Friday, April 24, 2009 5:09 PM
To: Crosson, S. Brad SAM
Cc: Sheng, Janie C. I.
Subject: SAM-2009-0499-SBC

Brad,

In your letter to my colleague Janie Sheng dated April 16, 2009 you requested a more detailed site map and site plan for the Meridian Southern Railway, LLC construction of connecting track project.

Please find attached a preliminary engineering plan for the project. Feel free to contact me if you need any more information.

Regards,
Peter

Peter W. Denton*

Associate
K&L Gates LLP
1601 K Street NW
Washington, DC 20006
Phone: 202.778.9469
Fax: 202.778.9100
Email: peter.denton@klgates.com
Website: <http://www.klgates.com> <<http://www.klgates.com/>>

* Admitted to practice in Maryland only; not admitted in the District of Columbia.
Supervised by Kevin Sheys, member of the District of Columbia bar.

This electronic message contains information from the law firm of K & L Gates LLP. The contents may be privileged and confidential and are intended for the use of the intended addressee(s) only. If you are not an intended addressee, note that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this e-mail in error, please contact me at Peter.Denton@klgates.com.



REPLY TO
ATTENTION OF:

**DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
P.O. BOX 2288
MOBILE, ALABAMA 36628-0001**

April 28, 2009

Inland Branch
Regulatory Division

**SUBJECT: Request for Department of the Army Review, Meridian Southern Railway, LLC,
Construction of Connecting Track (STB Docket #: FD-35218), Department of the Army
Action Number SAM-2009-0499-SBC**

K&L Gates LLP
Attention: Janie Sheng
1601 K Street, NW
Washington, DC 20006-1600

Dear Ms. Sheng:

This is in regard to your request for a Department of the Army (DA) review of a project proposing to construct approximately 1,910 feet of connecting track from the existing Meridian Southern Railway, LLC chip lead track to the Number 4 yard track in the existing Norfolk Southern Railway yard, near Norfolk Southern milepost No. 3.2, in Meridian, Lauderdale County, Mississippi.

Thank you for providing the additional information that was requested in a previous letter dated April 16, 2009. Based on our review of the information you furnished, it appears that the proposed project may cross wetland areas; therefore, we have preliminarily determined that the above referenced project may involve work in, and the discharge or placement of, dredged and/or fill material into waters of the United States (U.S.) under our regulatory jurisdiction. However, your proposed plan lacks necessary information that would allow for a complete and accurate evaluation.

The terms and conditions of Nationwide Permit (NWP) 14 Linear Transportation Projects, which **may authorize** your proposed work, require submission of a Pre-Construction Notification (PCN) to the Mobile District Corps of Engineers prior to commencement of the proposed activities. To further evaluate your proposed project, this office requests the following information:

- a. A full wetland delineation and stream assessment of the project area, in accordance with the 1987 Wetland Delineation Manual and the Mobile District Stream Operating Procedure;

- b. Jurisdictional information relating to any wetland and/or waterbodies impacted by the project. Please reference the enclosed preliminary jurisdictional Regulatory Guidance Letter 08-02.;
- c. A full description of any direct and/or indirect impacts to wetlands or waterbodies caused by the project.
- d. Provide an assessment of threatened and endangered species in the project area (coordinate with U.S. Fish and Wildlife Service);
- e. Provide information relating to any potential cultural resources located on your project site (coordinate with Mississippi Department of Archives and History);
- f. Provide proposal for mitigation for any permanent impacts to wetlands or waterbodies.

We appreciate your cooperation with the Corps of Engineers' Regulatory Program. Please contact me at by e-mail at steven.b.crosson@usace.army.mil or by telephone at (251) 694-3664 should you have any questions concerning this matter. For additional information about permitting and our Regulatory Program, visit our web site at www.sam.usace.army.mil/RD/reg, and please take a moment to complete our customer satisfaction survey while you're there. Your responses are appreciated and will allow us to improve our services.

Sincerely,

S. Brad Crosson
Regulatory Specialist, Inland Branch
Regulatory Division

Enclosures

Copy to:

Surface Transportation Board
Section of Environmental Analysis
Room 1106
395 E Street, SW
Washington, DC 20423-0001

APPENDIX F

PLAN VIEW AND DESCRIPTION OF SUBJECT LINE

32° 22' 30" N
88° 45' W

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

32° 22' 30" N
88° 45' W

MERIDIAN SOUTH QUADRANGLE
MISSISSIPPI-LAUDERDALE CO.
7.5 MINUTE SERIES (TOPOGRAPHIC)

32° 22' 30" N
88° 45' W

32° 22' 30" N
88° 45' W

88° 45' W

32° 22' 30" N

1:24,000

1:24,000

1:24,000

Maped, edited, and published by the Geological Survey
Control by USGS and USC&GS

Topography by photogrammetric methods from aerial
photographs taken 1970. Field checked 1971

Projection: 1927 North American datum
10,000-foot grid based on Mississippi coordinate system, east zone
1000-meter Universal Transverse Mercator grid lines,
zone 18, shown in blue

Red tint indicates areas in which only landmark buildings are shown

Five red-dashed lines indicate selected lines and field lines where
generally visible on aerial photographs. This information is unchecked

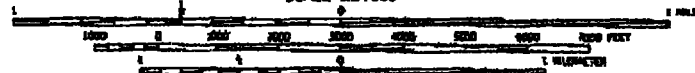
To place on the projected North American datum 1927
zone the projection lines 18 miles south and
3 miles east as shown by dashed corner ticks



the data and 1981 MAGNETIC NORTH
DECLINATION OF CENTER OF SHEET

1:24,000

SCALE 1:24,000



CONTOUR INTERVAL 20 FEET
DOTTED LINES REPRESENT 10-FOOT CONTOURS
NATIONAL GEOGRAPHIC VERTICAL DATUM OF 1929

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
FOR SALE BY U.S. GEOLOGICAL SURVEY, RESTON, VIRGINIA 22092
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



QUADRANGLE LOCATION

Revisions shown in purple compiled from aerial
photographs taken 1980 and other sources
This information not field checked. Map edited 1982
Purple tint indicates extension of urban area

ROAD CLASSIFICATION

Primary highway, _____ Light-duty road, hard or
hard surface _____ improved surface _____
Secondary highway, _____ Unimproved road _____
hard surface _____

☐ Interstate Route ☐ U. S. Route ☐ State Route

MERIDIAN SOUTH, MISS.

N3215--W8637.5/7.5

1971

PHOTOGRAPHED 1982
DMA 3040 1 SP--SERIES 1000

STATE OF MISSISSIPPI
COUNTY OF LAUDERDALE

.....State of Mississippi.....
.....Lauderdale County.....
Carolyn Mooney, Chancery Clerk
Doc#-000881 02-03-09 04:35 PM

BOOK 2352 PAGE 474

RIGHT-OF-WAY EASEMENT

For and in consideration of the sum of Ten Dollars and No/100 (\$10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, the undersigned DUDLEY MAPLES, LP, a Mississippi limited partnership, does hereby grant and convey unto MERIDIAN SOUTHERN RAILWAY, LLC, a Delaware limited liability company, and its successors and assigns, a perpetual and exclusive Fifty (50) foot right-of-way easement over and across those lands located in Lauderdale County, Mississippi, more particularly described as follows:

SEE EXHIBIT "A" FOR DESCRIPTION OF RIGHT-OF-WAY EASEMENT

This right-of-way easement is hereby granted for the purpose of surveying, locating, building, constructing, using, operating, altering, improving, maintaining, inspecting, and repairing a railroad line for passenger and freight transportation services and for purposes incidental to such services.

By the acceptance of this right-of-way easement, Grantee, for Grantee and its successors and assigns, covenants with Grantor and its successors and assigns as follows:

1. That Grantee, from time to time , and at all times after the date of this instrument, at its own cost and expense, will repair and maintain in a reasonable, proper and suitable manner, the easement hereby granted.
2. That in the event the Grantee, or its successors or assigns, ceases or fails to use the easement hereby granted for the above purposes for a minimum period of two

consecutive years, then , this right-of-way easement shall terminate and the premises shall revert to the Grantor, its successors and assigns in accordance with the rules and regulations of the U. S. Department of Transportation and the orders of the Federal Surface Transportation Board. In such event, Grantee shall execute a written instrument re-conveying the Easement to Grantor. Grantee shall have the right to enter the property within 180 days from the date of said instrument reconveying the easement to Grantor to remove its railroad track, including all rails, ties, spikes, bars, and other track material.

WITNESS this the 30th day of January, 2009..

DUDLEY MAPLES, LP

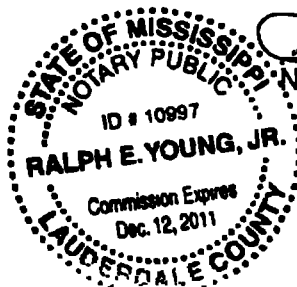
BY: MAPLES MANAGEMENT, LLC, General Partner

BY: [Signature]
PHILLIP MAPLES, MANAGER

STATE OF MISSISSIPPI
COUNTY OF LAUDERDALE

Personally appeared before me, the undersigned authority in and for the said county and state, on this 30th day of January, 2009, within my jurisdiction, the within named PHILLIP MAPLES who acknowledged that he is MEMBER/MANAGER of MAPLES MANAGEMENT, LLC, a Mississippi Limited Liability Company and general partner of Dudley Maples, LP, a Mississippi limited partnership, and that for and on behalf of said limited liability company as general partner of said limited partnership, and as the act and deed of said limited liability company as general partner of said limited partnership, and as the act and deed of said limited partnership, he executed the above and foregoing instrument, after first having been duly authorized by said limited liability company and said limited partnership so to do.

Commission expires:



[Signature]
NOTARY PUBLIC (S E A L)

Book 2352 Page 476

GRANTOR:

415 Woodland Road
Syracuse, NY 13219
(315) 468-0061

GRANTEE:

101 65th Avenue
Meridian, MS 39301
(601) 693-5115

Prepared by.

Robert M. Dreyfus, Jr.
Dreyfus & Evans
Post Office Box 1408
Meridian, MS 39302-1408
Telephone: 601-693-9571
Fax: 601-693-9574
MS State Bar No. 6191

PROPOSED EASEMENT DESCRIPTION:

COMMENCING AT AN IRON PIN FOUND MARKING THE SOUTHEAST CORNER OF THE NORTHWEST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 15 EAST, MERIDIAN, LAUDERDALE COUNTY, MISSISSIPPI; THENCE SOUTH 192.32 FEET; THENCE WEST 358.73 FEET TO AN IRON PIN AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE SOUTH 12 DEGREES 09 MINUTES 42 SECONDS WEST 50.0 FEET TO AN IRON PIN; THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 34 DEGREES 40 MINUTES 04 SECONDS WEST 572.75 FEET, SAID CURVE HAVING A RADIUS OF 425.0 FEET FOR AN ARC LENGTH OF 628.47 FEET TO AN IRON PIN; THENCE NORTH 07 DEGREES 41 MINUTES 43 SECONDS EAST 697.40 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF NORTH 25 DEGREES 06 MINUTES 45 SECONDS EAST 250.05 FEET, SAID CURVE HAVING A RADIUS OF 417.68 FEET FOR AN ARC LENGTH OF 253.94 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE GREAT SOUTHERN & ICG RAILROADS; THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 73 DEGREES 10 MINUTES 00 SECONDS EAST 135.15 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 34 DEGREES 07 MINUTES 53 SECONDS WEST 329.68 FEET, SAID CURVE HAVING A RADIUS OF 367.68 FEET FOR AN ARC LENGTH OF 341.86 FEET TO AN IRON PIN; THENCE SOUTH 07 DEGREES 41 MINUTES 43 SECONDS WEST 697.40 FEET TO AN IRON PIN; THENCE ALONG A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF SOUTH 34 DEGREES 36 MINUTES 50 SECONDS EAST 504.85 FEET, SAID CURVE HAVING A RADIUS OF 375.00 FEET FOR AN ARC LENGTH OF 553.83 FEET TO AN IRON PIN AND THE POINT OF BEGINNING, SAID TRACT CONTAINS 1.81 ACRES, MORE OR LESS, AND ALL BEING A PART OF THE WEST $\frac{1}{2}$ OF THE NORTHWEST $\frac{1}{4}$ OF SECTION 24, TOWNSHIP 6 NORTH, RANGE 15 EAST, LAUDERDALE COUNTY, MISSISSIPPI.

EXHIBIT "A"

APPENDIX G

CERTIFICATE OF SERVICE OF ENVIRONMENTAL AND HISTORIC REPORT

I hereby certify that on May 18, 2009, the foregoing Environmental Report and Historic Report for Surface Transportation Board Finance Docket No. 35218 and an appropriate transmittal letter were served pursuant to 49 C.F.R. §§ 1105.7(b), 1105.8(c), and 1150.36(b) by overnight mail, postage prepaid, upon the following:

State Clearinghouse (or alternate):

Mississippi Department of Finance and
Administration
Clearinghouse Officer
Office of Policy Development
1301 Woolfolk Building
Suite E
501 North West Street
Jackson, MS 39201

State Environmental Protection

Agency:

Mississippi Department of Environmental
Quality
P.O. Box 2261
Jackson, MS 39225

**State Costal Zone Management Agency
(if applicable):**

Mississippi Department of Marine
Resources
1141 Bayview Avenue, Suite 101
Biloxi, MS 39530

Head of County (Planning):

City of Meridian
Meridian Planning Commission
2412 7th Street
P.O. Box 1430
Meridian, MS 39302

U.S. Army Corps of Engineers:

U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001

National Park Service:

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

**U.S. Natural Resources Conservation
Service:**

National Resources Conservation Service
Jackson State Office
Suite 1321, Federal Building
100 West Capital Street
Jackson, MS 39269

National Geodetic Survey:

National Geodetic Survey SSMC-3, #9202
NGS Information Services, NOAA,
N/NGS12
1315 East -West Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

Mississippi Department of Archives and
History
P.O. Box 571
Jackson, MS 39205-0571

Environmental Protection Agency
(regional office):

U.S. Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

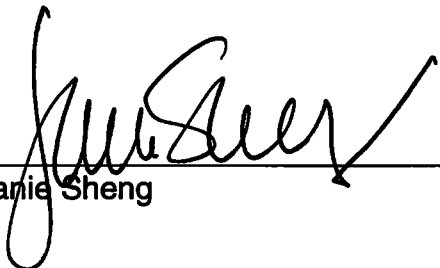
U.S. Fish and Wildlife Service:

U.S. Fish and Wildlife Service
Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

Lauderdale County, Mississippi

Lauderdale County
410 Constitution Avenue, 11th Floor
Meridian, MS 39301

Dated this 18th day of May, 2009.



Janie Sheng

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202.778 9100
janie.sheng@klgates.com

Via Federal Express

U.S. Fish and Wildlife Services
Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

**Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report**

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

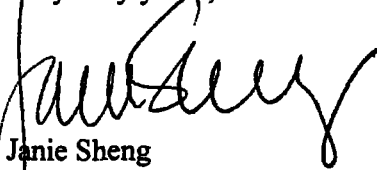
Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

U.S. Fish and Wildlife Service
May 18, 2009
Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read "Janie Sheng", written over a vertical line.

Janie Sheng

JS:pwd
Enclosure



Front-Office
Integration Version
5.23.1.1

User: Lanpher, Lawrence Coe
(202) 778-9370
Petty, Renee

**Desktop Shipment Status:**

This Package Has Already Been Processed as a Desktop Label

Package ID:



* 5 1 8 2 0 0 9 2 5 - 4 7 3 - 4 4 3 *

Sender's Information:

Client/Matter: 0308036.00100

Reference: -

Recipients's Information:

Name: US Fish & Wildlife Services

Phone #: 202.778.9469

Company: Region 4

Recipients EMail: -

Address1: Century Center

Address2: 1875 Century Boulevard

City: Atlanta

State: GA Zip: 30345

Package Information:

Service Type: FedEx Priority Overnight

ShipDate: 5/18/2009

Payment: Sender

Account Number: -

Saturday Delivery: No COD: No HAL: No Residential Delivery: No Signature Service Type: NULL

Weight: 1

Declared Value: \$0

Mail Center Instructions:

kj

Delete

Return

Home

Logout

This site is protected by copyright and trademark laws under U.S. and International law.
All rights reserved. © 1995-2006 Federal Express Corporation

993371974625

Detailed Results

Enter tracking number

Detailed Results

Notifications

Tracking no.: 993371974525

 E-mail**Delivered**

Initiated Picked up In transit Delivered

Delivered

Signed for by: J.GAY

Shipment Dates

Ship date ② May 18, 2009

Delivery date ② May 19, 2009 10:16 AM

Destination

Atlanta, GA

Signature Proof of Delivery ②**Shipment Facts**Service type
WeightPriority Overnight
1.0 lbs/0.5 kgDelivered to
ReferenceMailroom
0308036.00100**Shipment Travel History**Select time zone:

Select time format: :

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 19, 2009 10:16 AM	Delivered	Atlanta, GA	
May 19, 2009 8:16 AM	On FedEx vehicle for delivery	DECATUR, GA	
May 19, 2009 6:56 AM	At local FedEx facility	DECATUR, GA	
May 19, 2009 4:50 AM	At dest sort facility	HAPEVILLE, GA	
May 19, 2009 3:13 AM	Departed FedEx location	MEMPHIS, TN	
May 19, 2009 12:02 AM	Arrived at FedEx location	MEMPHIS, TN	
May 18, 2009 8:38 PM	Left FedEx origin facility	WASHINGTON, DC	
May 18, 2009 7:29 PM	Picked up	WASHINGTON, DC	
May 18, 2009 5:59 PM	Shipment information sent to FedEx		

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202 778 9100
janie.sheng@klgates.com

Via Federal Express

Lauderdale County
410 Constitution Avenue, 11th Floor
Meridian, MS 39301

**Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report**

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

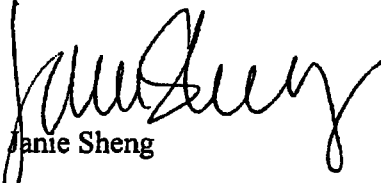
Lauderdale County, Mississippi

May 18, 2009

Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Janie Sheng', written over a horizontal line.

Janie Sheng

JS:pwd

Enclosure

Front-Office
Integration Version
5 23.1.1User: Lanpher, Lawrence Coe
(202) 778-9370
Petty, Renee

Desktop Shipment Status:

This Package Has Already Been Processed as a Desktop Label!

Package ID:



* 5 1 8 2 0 0 9 2 2 - 5 5 2 5 - 8 9 7 *

Sender's Information:

Client/Matter: 0308036.00100

Reference: -

Recipients's Information:Name: Lauderdale County,
Mississippi

Phone #: 202.778.9469

Company: Lauderdale County,
Mississippi

Recipients EMail: -

Address1: 410 Constitution Avenue

Address2: 11th Floor

City: Meridian

State: MS Zip: 39301

Package Information:

Service Type: FedEx Priority Overnight

ShipDate: 5/18/2009

Payment: Sender

Account Number: -

Saturday Delivery: No COD: No HAL: No Residential Delivery: No Signature Service Type: NULL

Weight: 1

Declared Value: \$0

Mail Center Instructions:

kj

[Delete](#)[Return](#)[Home](#)[Logout](#)This site is protected by copyright and trademark laws under U.S. and International law.
All rights reserved. © 1995-2006 Federal Express Corporation

993371974614

Detailed Results

Enter tracking number

Detailed Results

Notifications

Tracking no.: 993371974514

 E-mail**Delivered**

Initiated Picked up In transit Delivered

Delivered

Signed for by: C.CATES

Shipment Dates

Ship date ② May 18, 2009

Delivery date ② May 19, 2009 9:10 AM

Destination

Meridian, MS

Signature Proof of Delivery ②**Shipment Facts**Service type
WeightPriority Overnight
1 0 lbs/0.5 kgDelivered to
ReferenceReceptionist/Front Desk
0308036.00100**Shipment Travel History**Select time zone:

Select time format: :

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 19, 2009 9:10 AM	Delivered	Meridian, MS	
May 19, 2009 8:51 AM	On FedEx vehicle for delivery	MERIDIAN, MS	
May 19, 2009 8:29 AM	At local FedEx facility	MERIDIAN, MS	
May 19, 2009 2:48 AM	Departed FedEx location	MEMPHIS, TN	
May 19, 2009 12:02 AM	Arrived at FedEx location	MEMPHIS, TN	
May 18, 2009 8:38 PM	Left FedEx origin facility	WASHINGTON, DC	
May 18, 2009 7:29 PM	Picked up	WASHINGTON, DC	
May 18, 2009 5:59 PM	Shipment information sent to FedEx		

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202 778 9100
janie.sheng@klgates.com

Via Federal Express

U.S. Environmental Protection Agency
Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303-3104

**Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report**

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

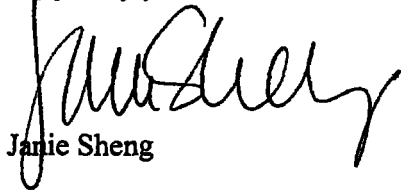
U.S. Environmental Protection Agency

May 18, 2009

Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Janie Sheng', written over a horizontal line.

Janie Sheng

JS:pwd

Enclosure

Front-Office
Integration Version
5.23.1.1User: Lanpher, Lawrence Coe
(202) 778-9370
Petty, Renee**Desktop Shipment Status:****This Package Has Already Been Processed as a Desktop Label!****Package ID:***** 5 1 8 2 0 0 9 2 1 - 5 3 4 4 - 8 5 8 *****Sender's Information:**

Client/Matter: 0308036.00100

Reference: -

Recipients's Information:

Name: U.S. EPA

Phone #: 202.778.9469

Company: Region 4

Recipients EMail: -

Address1: Sam Nunn Atlanta Federal
Center

Address2: 61 Forsyth Street, SW

City: Atlanta

State: GA Zip: 30303

Package Information:

Service Type: FedEx Priority Overnight

ShipDate: 5/18/2009

Payment: Sender

Account Number: -

Saturday Delivery: No COD: No HAL: No Residential Delivery: No Signature Service Type: NULL

Weight: 1

Declared Value: \$0

Mail Center Instructions:

kj

[Delete](#)[Return](#)[Home](#)[Logout](#)

This site is protected by copyright and trademark laws under U.S. and International law.
All rights reserved. © 1995-2006 Federal Express Corporation.

993371974536

Detailed Results

Enter tracking number

Detailed Results

Notifications

Tracking no.: 993371974536

 E-mail**Delivered**

Initiated Picked up In transit Delivered

Delivered

Signed for by: K DENNIS

Shipment Dates

Ship date ② May 18, 2009

Delivery date ② May 19, 2009 9:03 AM

Destination

Atlanta, GA

Signature Proof of Delivery ②**Shipment Facts**Service type
WeightPriority Overnight
1.0 lbs/0.5 kgDelivered to
ReferenceMailroom
0308036.00100**Shipment Travel History**Select time zone.

Select time format :

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 19, 2009 9:03 AM	Delivered	Atlanta, GA	
May 19, 2009 8:00 AM	On FedEx vehicle for delivery	ATLANTA, GA	
May 19, 2009 6:35 AM	At local FedEx facility	ATLANTA, GA	
May 19, 2009 4:50 AM	At dest sort facility	HAPEVILLE, GA	
May 19, 2009 3:13 AM	Departed FedEx location	MEMPHIS, TN	
May 19, 2009 12:02 AM	Arrived at FedEx location	MEMPHIS, TN	
May 18, 2009 8:38 PM	Left FedEx origin facility	WASHINGTON, DC	
May 18, 2009 7:29 PM	Picked up	WASHINGTON, DC	
May 18, 2009 5:59 PM	Shipment information sent to FedEx		

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202 778 9100
janie.sheng@klgates.com

Via Federal Express

National Geodetic Survey SSMC-3, #9202
NGS Information Services, NOAA,
N/NGS12
1315 East West Highway
Silver Spring, MD 20910-3282

Re: **STB Docket No. FD-35218**
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

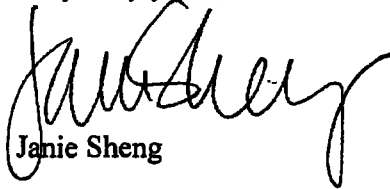
National Geodetic Survey SSMC-3, #9202

May 18, 2009

Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Janie Sheng', written over a printed name.

Janie Sheng

JS:pwd

Enclosure

Front-Office
Integration Version
5 23.1 1User: Lanpher, Lawrence Coe
(202) 778-9370
Petty, Renee

Desktop Shipment Status:

This Package Has Already Been Processed as a Desktop Label!

Package ID:



* 5 1 8 2 0 0 9 2 0 - 5 2 4 5 - 5 2 2 *

Sender's Information:

Client/Matter: 0308036.00100

Reference: -

Recipients's Information:Name: Nat'l Geodetic Survey
SSMC-3, #9202

Phone #: 202.778.9469

Company: NGS Information Services,
NOAA

Recipients Email: -

Address1: N/NGS12

Address2: 1315 East West Hwy

City: Silver Spring

State: MD Zip: 20910

Package Information:

Service Type: FedEx Priority Overnight

ShipDate: 5/18/2009

Payment: Sender

Account Number: -

Saturday Delivery: No COD: No HAL: No Residential Delivery: No Signature Service Type: NULL

Weight: 1

Declared Value: \$0

Mail Center Instructions:

kj

[Delete](#)[Return](#)[Home](#)[Logout](#)This site is protected by copyright and trademark laws under U.S. and International law.
All rights reserved. © 1995-2006 Federal Express Corporation.

993371974547

Detailed Results

Enter tracking number

Detailed Results

Notifications

Tracking no.: 993371974547

 E-mail n**Delivered**

Initiated Picked up in transit Delivered

Delivered

Signed for by: P BANKINS

Shipment Dates**Destination**

Ship date ⓘ May 18, 2009

Silver Spring, MD

Delivery date ⓘ May 19, 2009 9:42 AM

Signature Proof of Delivery ⓘ**Shipment Facts**Service type
WeightPriority Overnight
1.0 lbs/0.5 kgDelivered to
ReferenceReceptionist/Front Desk
0308036.00100**Shipment Travel History**Select time zone:

Select time format: :

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 19, 2009 9:42 AM	Delivered	Silver Spring, MD	
May 19, 2009 8:09 AM	On FedEx vehicle for delivery	WASHINGTON, DC	
May 19, 2009 7:07 AM	At local FedEx facility	WASHINGTON, DC	
May 18, 2009 9:30 PM	Left FedEx origin facility	WASHINGTON, DC	
May 18, 2009 7:29 PM	Picked up	WASHINGTON, DC	
May 18, 2009 5:59 PM	Shipment information sent to FedEx		

May 18, 2009

Janie C. I. Sheng
D 202.778.9855
F 202.778.9100
janie.sheng@klgates.com

Via Federal Express

National Resources Conservation Service
Jackson State Office
Suite 1321, Federal Building
100 West Capital Street
Jackson, MS 39269

**Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report**

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

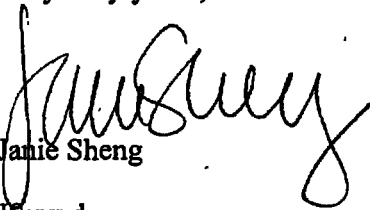
Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

National Resources Conservation Service
May 18, 2009
Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read "Janie Sheng", written over the printed name.

Janie Sheng

JS:pwd
Enclosure

Front-Office
Integration Version
5.23 11User: Lanpher, Lawrence Coe
(202) 778-9370
Petty, Renee

Desktop Shipment Status:

This Package Has Already Been Processed as a Desktop Label!

Package ID:



* 5 1 8 2 0 0 9 1 9 - 5 1 4 1 - 6 7 8 *

Sender's Information:

Client/Matter: 0308036.00100

Reference: -

Recipients's Information:Name: National Resources
Conservation Srv

Phone #: 202.778.9469

Company: Jackson State Office

Recipients EMail: -

Address1: Suite 1321, Federal Bldg

Address2: 100 West Capital
Street

City: Jackson

State: MS Zip: 39269

Package Information:

Service Type: FedEx Priority Overnight

ShipDate: 5/18/2009

Payment: Sender

Account Number: -

Saturday Delivery: No COD: No HAL: No Residential Delivery: No Signature Service Type: NULL

Weight: 1

Declared Value: \$0

Mail Center Instructions:

kj

[Delete](#)[Return](#)[Home](#)[Logout](#)

This site is protected by copyright and trademark laws under U.S. and International law.
All rights reserved. © 1995-2006 Federal Express Corporation.

9 9337197458

Detailed Results

Enter tracking number

Detailed Results

Notifications

Tracking no.: 993371974558

 E-mail**Delivered**

Initiated Picked up In transit Delivered

Delivered

Signed for by: J.WARD

Shipment Dates

Ship date ② May 18, 2009

Delivery date ② May 19, 2009 9:43 AM

Destination

Jackson, MS

Signature Proof of Delivery ②**Shipment Facts**

Service type	Priority Overnight	Delivered to	Mailroom
Weight	1.0 lbs/0.5 kg	Reference	0308036.00100

Shipment Travel HistorySelect time zone:

Select time format: :

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 19, 2009 9:43 AM	Delivered	Jackson, MS	
May 19, 2009 8:05 AM	On FedEx vehicle for delivery	RICHLAND, MS	
May 19, 2009 7:09 AM	At local FedEx facility	RICHLAND, MS	
May 19, 2009 4:50 AM	Departed FedEx location	MEMPHIS, TN	
May 19, 2009 4:50 AM	In transit	MEMPHIS, TN	
May 19, 2009 12:02 AM	Arrived at FedEx location	MEMPHIS, TN	
May 18, 2009 8:38 PM	Left FedEx origin facility	WASHINGTON, DC	
May 18, 2009 7:29 PM	Picked up	WASHINGTON, DC	
May 18, 2009 5:59 PM	Shipment information sent to FedEx		

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202 778 9100
janie.sheng@klgates.com

Via Federal Express

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Re: **STB Docket No. FD-35218**
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

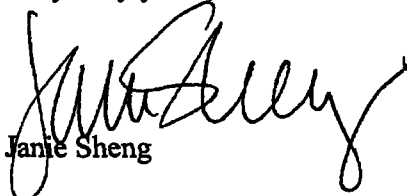
Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

National Park Service
May 18, 2009
Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jamie Sheng', written over the printed name.

Jamie Sheng

JS:pwd
Enclosure

Front-Office
Integration Version
5 23.11User: Lanpher, Lawrence Coe
(202) 778-9370
Petty, Renee

Desktop Shipment Status:

This Package Has Already Been Processed as a Desktop Label!

Package ID:



* 5 1 8 2 0 0 9 2 6 - 4 9 4 - 8 3 9 *

Sender's Information:

Client/Matter: 0308036.00100

Reference: -

Recipients's Information:

Name: National Park Service

Phone #: 202.778.9469

Company: National Park Service

Recipients EMail: -

Address1: 100 Alabama Street, SW

Address2: -

City: Atlanta

State: GA Zip: 30303

Package Information:

Service Type: FedEx Priority Overnight

ShipDate: 5/18/2009

Payment: Sender

Account Number: -

Saturday Delivery: No COD: No HAL: No Residential Delivery: No Signature Service Type: NULL

Weight: 1

Declared Value: \$0

Mail Center Instructions:

kj

[Delete](#)[Return](#)[Home](#)[Logout](#)

This site is protected by copyright and trademark laws under U.S. and International law
All rights reserved. © 1995-2006 Federal Express Corporation.

993371974639

Detailed Results

Enter tracking number

Detailed Results

Notifications

Tracking no.: 993371974639

 E-mail**Delivered**

Initiated Picked up In transit Delivered

Delivered

Signed for by R.WYNN

Shipment Dates**Destination**

Ship date ② May 18, 2009

Atlanta, GA

Delivery date ② May 19, 2009 9:10 AM

Signature Proof of Delivery ②**Shipment Facts**Service type
WeightPriority Overnight
1.0 lbs/0.5 kgDelivered to
ReferenceMailroom
0308036.00100**Shipment Travel History**Select time zone:

Select time format: :

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 19, 2009 9:10 AM	Delivered	Atlanta, GA	
May 19, 2009 8:02 AM	On FedEx vehicle for delivery	ATLANTA, GA	
May 19, 2009 6:34 AM	At local FedEx facility	ATLANTA, GA	
May 19, 2009 4:50 AM	At dest sort facility	HAPEVILLE, GA	
May 19, 2009 3:13 AM	Departed FedEx location	MEMPHIS, TN	
May 19, 2009 12:02 AM	Arrived at FedEx location	MEMPHIS, TN	
May 18, 2009 8:38 PM	Left FedEx origin facility	WASHINGTON, DC	
May 18, 2009 7:29 PM	Picked up	WASHINGTON, DC	
May 18, 2009 5:59 PM	Shipment information sent to FedEx		

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202.778 9100
janie.sheng@klgates.com

Via Federal Express

Mississippi Department of Marine Resources
1141 Bayview Avenue
Suite 101
Biloxi, MS 39530

Re: **STB Docket No. FD-35218**
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

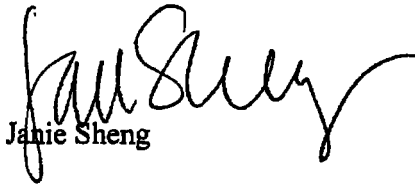
Mississippi Department of Marine Resources

May 18, 2009

Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read "Janie Sheng", written over the printed name.

Janie Sheng

JS:pwd
Enclosure

Front-Office
Integration Version
5.23.1.1User: Lanpher, Lawrence Coe
(202) 778-9370
Petty, Renee

Desktop Shipment Status:

This Package Has Already Been Processed as a Desktop Label!

Package ID:



* 5 1 8 2 0 0 9 1 7 - 4 9 4 3 - 5 4 5 *

Sender's Information:

Client/Matter: 0308036.00100

Reference: -

Recipients's Information:Name: Mississippi Dept. of Marine
Rsrrcs

Phone #: 202.778.9469

Company: Mississippi Dept. of Marine
Rsrrcs

Recipients Email: -

Address1: 1141 Bayview Avenue

Address2: Suite 101

City: Biloxi

State: MS Zip: 39530

Package Information:

Service Type: FedEx Priority Overnight

ShipDate: 5/18/2009

Payment: Sender

Account Number: -

Saturday Delivery: No COD: No HAL: No Residential Delivery: No Signature Service Type: NULL

Weight: 1

Declared Value: \$0

Mail Center Instructions:

kj

[Delete](#)[Return](#)[Home](#)[Logout](#)This site is protected by copyright and trademark laws under U.S. and International law.
All rights reserved. © 1995-2006 Federal Express Corporation

993371974628

Detailed Results

Enter tracking number

Detailed Results

Notifications

Tracking no.: 993371974628

 E-mail**Delivered**

Initiated Picked up In transit Delivered

Delivered

Signed for by: T CARRELL

Shipment Dates

Ship date ② May 18, 2009

Delivery date ② May 19, 2009 8:38 AM

Destination

Biloxi, MS

Signature Proof of Delivery ②

Shipment Facts

Service type
WeightPriority Overnight
1.0 lbs/0.5 kgDelivered to
ReferenceReceptionist/Front Desk
0308036.00100

Shipment Travel History

Select time zone:

Select time format: :

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 19, 2009 8:38 AM	Delivered	Biloxi, MS	
May 19, 2009 7:18 AM	On FedEx vehicle for delivery	GULFPORT, MS	
May 19, 2009 6:30 AM	At local FedEx facility	GULFPORT, MS	
May 19, 2009 3:33 AM	At dest sort facility	MOBILE, AL	
May 19, 2009 2:56 AM	Departed FedEx location	MEMPHIS, TN	
May 19, 2009 12:02 AM	Arrived at FedEx location	MEMPHIS, TN	
May 18, 2009 8:38 PM	Left FedEx origin facility	WASHINGTON, DC	
May 18, 2009 7:29 PM	Picked up	WASHINGTON, DC	
May 18, 2009 5:59 PM	Shipment information sent to FedEx		

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202 778 9100
janie.sheng@klgates.com

Via Federal Express

Mississippi Department of Finance
and Administration
Clearinghouse Officer
Office of Policy Development
1301 Woolfolk Building
Suite E
501 North West Street
Jackson, MS 39201

Re: **STB Docket No. FD-35218**
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose

Mississippi Department of Finance and Administration

May 18, 2009

Page 2

stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Janie Sheng', written over a horizontal line.

Janie Sheng

JS:pwd
Enclosure

Front-Office
Integration Version
5.23 1 1User: Lanpher, Lawrence Coe
(202) 778-9370
Petty, Renee**Desktop Shipment Status:****This Package Has Already Been Processed as a Desktop Label!****Package ID:**

* 5 1 8 2 0 0 9 1 6 - 4 8 8 - 3 5 1 *

Sender's Information:

Client/Matter: 0308036.00100

Reference: -

Recipients's Information:Name: Mississippi Dept. of Fin. &
Admin

Phone #: 202.778.9469

Company: Office of Policy
Development

Recipients Email: -

Address1: 1301 Woolfolk Bldg., Suite
E

Address2: 501 North West Street

City: Jackson

State: MS Zip: 39201

Package Information:

Service Type: FedEx Priority Overnight

ShipDate: 5/18/2009

Payment: Sender

Account Number: -

Saturday Delivery: No COD: No HAL: No Residential Delivery: No Signature Service Type: NULL

Weight: 1

Declared Value: \$0

Mail Center Instructions:

kj

[Delete](#)[Return](#)[Home](#)[Logout](#)This site is protected by copyright and trademark laws under U.S. and International law.
All rights reserved. © 1995-2006 Federal Express Corporation.

993371974617

Detailed Results

Enter tracking number

Detailed Results

Notifications

Tracking no.: 993371974617

 E-mail**Delivered**

Initiated Picked up In transit Delivered

Delivered

Signed for by: D MOORE

Shipment Dates

Ship date ☉ May 18, 2009

Delivery date ☉ May 19, 2009 9:48 AM

Destination

Jackson, MS

Signature Proof of Delivery ☉**Shipment Facts**Service type
WeightPriority Overnight
1.0 lbs/0.5 kgDelivered to
ReferenceReceptionist/Front Desk
0308036.00100**Shipment Travel History**Select time zone:

Select time format: :

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
May 19, 2009 9:48 AM	Delivered	Jackson, MS	
May 19, 2009 8:04 AM	On FedEx vehicle for delivery	RICHLAND, MS	
May 19, 2009 6:56 AM	At local FedEx facility	RICHLAND, MS	
May 19, 2009 4:50 AM	In transit	MEMPHIS, TN	
May 19, 2009 4:50 AM	Departed FedEx location	MEMPHIS, TN	
May 19, 2009 12:02 AM	Arrived at FedEx location	MEMPHIS, TN	
May 18, 2009 8:38 PM	Left FedEx origin facility	WASHINGTON, DC	
May 18, 2009 7:29 PM	Picked up	WASHINGTON, DC	
May 18, 2009 5:59 PM	Shipment information sent to FedEx		

May 18, 2009

Janie C. I. Sheng
D 202 778.9855
F 202 778 9100
janie.sheng@klgates.com

Via Federal Express

Mississippi Department of Environmental
Quality
P.O. Box 2261
Jackson, MS 39225

**Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report**

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

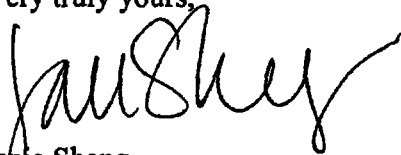
Mississippi Department of Environmental Quality

May 18, 2009

Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read "Janie Sheng", written over a horizontal line.

Janie Sheng

JS:pwd

Enclosure

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202 778 9100
janie.sheng@klgates.com

Via Federal Express

City of Meridian
Meridian Planning Commission
2412 7th Street
Meridian, MS 39302

**Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report**

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

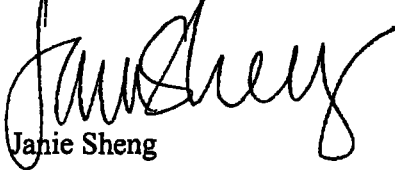
Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

City of Meridian
Meridian Planning Commission
May 18, 2009
Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read "Janie Sheng", written over the printed name.

Janie Sheng

JS:pwd
Enclosure

May 18, 2009

Janie C. I. Sheng
D 202 778 9855
F 202.778 9100
janie.sheng@klgates.com

Via Federal Express

U.S. Army Corps of Engineers
Mobile District
P.O. Box 2288
Mobile, Alabama 36628-0001

**Re: STB Docket No. FD-35218
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report**

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

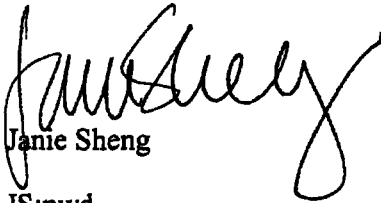
U.S. Army Corps of Engineers

May 18, 2009

Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read "Janie Sheng", written over a horizontal line.

Janie Sheng

JS:pwd

Enclosure

May 18, 2009

Janie C. I. Sheng
D 202.778 9855
F 202 778 9100
janie.sheng@klgates.com

Via Federal Express

Mississippi Department of Archives and History
P.O. Box 571
Jackson, MD 39205-0571

Re: **STB Docket No. FD-35218**
Meridian Southern Railway, LLC – Construction of Connecting Track
Exemption – In Lauderdale County, Mississippi
Combined Environmental and Historic Report

Dear Sir or Madam:

Meridian Southern Railway, LLC (“MDS”) expects to file as soon as June 8, 2009 with the Surface Transportation Board (the “Board”) a notice of exemption from the provisions of 49 U.S.C. § 10901 to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi (the “Subject Line”). The Subject Line will extend from the existing MDS chip lead track near Interchange Road to a yard track (designated Number 4 track) in the existing Norfolk Southern Railway (“NS”) rail yard near NS milepost 3.2 in Meridian, Mississippi.

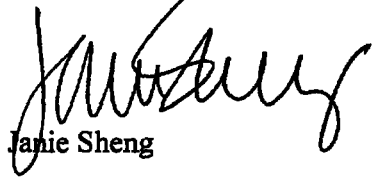
Pursuant to 49 C.F.R. §§ 1150.36(b) and 1105.7(b), MDS is serving upon you a copy of the attached Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as maps of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board’s independent environmental analysis of this proceeding. If you believe that pertinent information is missing or incorrect, or if you have any questions about the Board’s environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E St., S.W., Washington, DC 20423, and refer to the above Docket No. FD-35218. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to myself) would be appreciated within 3 weeks.

Mississippi Department of Archives and History
May 18, 2009
Page 2

Your comments will be considered by the Board in evaluating the environmental and historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at (202) 778-9855.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Janie Sheng', written over a horizontal line.

Janie Sheng

JS:pwd
Enclosure



EB 245790953 US



UNITED STATES POSTAL SERVICE

Post Office To Addressee

Label 1-B, March 2004

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code 20098	Day of Delivery Next ☐ 2nd ☐ 2nd Del Day ☐	Postage \$
Date Accepted 5/19/05	Scheduled Date of Delivery Month Day	Return Receipt Fee \$
Mo Day Year	Scheduled Time of Delivery Morning ☐ Noon ☐ 3 PM ☐	COD Fee ☐ Insurance Fee ☐
Time Accepted 18	Military ☐	Total Postage & Fees \$ 7.90
Flat Rate ☐ or Weight lbs 12 ozs	2nd Day ☐ 3rd Day ☐	Acceptance Emp. Initials Y
	Int'l Alpha Country Code	

FROM: (PLEASE PRINT)

PHONE

JANIE SHENG
1, KLGATES LLP
101 K STREET NW
WASHINGTON DC 20006

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811



DELIVERY (POSTAL USE ONLY)

Delivery Attempt Mo Day	Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt Mo Day	Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt Mo Day	Time ☐ AM ☐ PM	Employee Signature

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	WARRANTY OF DELIVERY (Domestic Mail Only) Additional merchandise insurance is void if customer requires transfer of signature.
Federal Agency Acct. No. or Postal Service Acct. No.	It will be made without obtaining signature of addressee unless it is in secure location and addressee has authorized that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY

☐ Weekend ☐ Holiday ☐ Meter Signature

TO: (PLEASE PRINT)

PHONE

US ARMY CORPS ENGINEERS
Hobart D. Smith
P.O. Box 2226
Mobile, Alabama
ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES)

3	6	4	2	8	+	0	0	0	1
---	---	---	---	---	---	---	---	---	---

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

--



EB 245790984 US



UNITED STATES POSTAL SERVICE

Post Office To Addressee

Customer Copy

Label 1-B, March 2004

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code 20098	Day of Delivery Next ☐ 2nd ☐ 2nd Del Day ☐	Postage \$
Date Accepted 6/1/06	Scheduled Date of Delivery Month Day	Return Receipt Fee \$
Mo Day Year	Scheduled Time of Delivery Morning ☐ Noon ☐ 3 PM ☐	COD Fee ☐ Insurance Fee ☐
Time Accepted 18	Military ☐	Total Postage & Fees \$ 7.90
Flat Rate ☐ or Weight lbs 12 ozs	2nd Day ☐ 3rd Day ☐	Acceptance Emp. Initials Y
	Int'l Alpha Country Code	

FROM: (PLEASE PRINT)

PHONE

JANIE SHENG
1, KLGATES LLP
101 K STREET NW
WASHINGTON DC 20006

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811



DELIVERY (POSTAL USE ONLY)

Delivery Attempt Mo Day	Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt Mo Day	Time ☐ AM ☐ PM	Employee Signature
Delivery Attempt Mo Day	Time ☐ AM ☐ PM	Employee Signature

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT Express Mail Corporate Acct. No.	WARRANTY OF DELIVERY (Domestic Mail Only) Additional merchandise insurance is void if customer requires transfer of signature.
Federal Agency Acct. No. or Postal Service Acct. No.	It will be made without obtaining signature of addressee unless it is in secure location and addressee has authorized that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY

☐ Weekend ☐ Holiday ☐ Meter Signature

TO: (PLEASE PRINT)

PHONE

MISSISSIPPI DEPT AG
ENVIRONMENTAL QUALITY
P.O. Box 226
Jackson, MS
ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES)

3	9	2	2	5	+	0	0	0	0
---	---	---	---	---	---	---	---	---	---

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

--



EB 245790967 US

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code 20098	Day of Delivery ☐ Next ☒ 2nd ☐ 2nd Del Day	Postage \$
Date Accepted 1/19/09	Scheduled Date of Delivery Month: Day: Year:	Return Receipt Fee \$
Time Accepted 11:00 AM	Scheduled Time of Delivery ☐ Noon ☒ 3 PM	COD Fee \$
Flat Rate ☐ or Weight ☒	Military ☐ 2nd Day ☐ 3rd Day	Insurance Fee \$
Int'l Alpha Country Code	Total Postage & Fees \$ 17.50	Acceptance Emp Initials 4

FROM: (PLEASE PRINT)

PHONE (202) 778-1855

JAMES SHENK
16 K GATES LL
101 K STREET NW
WASHINGTON DC 20006

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811



UNITED STATES POSTAL SERVICE

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	☐ AM ☐ PM	Employee Signature
Mo. Day			
Delivery Attempt	Time	☐ AM ☐ PM	Employee Signature
Mo. Day			
Delivery Date	Time	☐ AM ☐ PM	Employee Signature
Mo. Day			

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or Postal Service Acct. No.

WARRANT OF SIGNATURE (Domestic Mail Only)

I warrant that the signature of the addressee is valid.

I warrant that the signature of the addressee is valid.

I warrant that the signature of the addressee is valid.

I warrant that the signature of the addressee is valid.

NO DELIVERY

Weekend ☐ Holiday ☐

Master Signature

TO: (PLEASE PRINT)

PHONE

CITY OF MERIDIAN
MERIDIAN, MISSISSIPPI
COMMISSION
412 4th St, P.O. Box 1450
Meridian, MS 39301

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES)

3 9 3 0 2 + 0 0 0 0

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

NO DELIVERY
Weekend ☐ Holiday ☐



UNITED STATES POSTAL SERVICE

Post Office To Addressee

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	☐ AM ☐ PM	Employee Signature
Mo. Day			
Delivery Attempt	Time	☐ AM ☐ PM	Employee Signature
Mo. Day			
Delivery Date	Time	☐ AM ☐ PM	Employee Signature
Mo. Day			

CUSTOMER USE ONLY

PAYMENT BY ACCOUNT

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or Postal Service Acct. No.

WARRANT OF SIGNATURE (Domestic Mail Only)

I warrant that the signature of the addressee is valid.

I warrant that the signature of the addressee is valid.

I warrant that the signature of the addressee is valid.

I warrant that the signature of the addressee is valid.

NO DELIVERY

Weekend ☐ Holiday ☐

Master Signature

TO: (PLEASE PRINT)

PHONE

NI-SHIPA DEVT
ACU-DES HISTORY
P.O. Box 31
JACKSON, MS 39201

ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES)

3 9 2 0 6 + 0 5 7 1

FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.

NO DELIVERY
Weekend ☐ Holiday ☐



EB 245790940 US

ORIGIN (POSTAL SERVICE USE ONLY)

PO ZIP Code 20098	Day of Delivery ☐ Next ☒ 2nd ☐ 2nd Del Day	Postage \$
Date Accepted 1/19/04	Scheduled Date of Delivery Month: Day: Year:	Return Receipt Fee \$
Time Accepted 11:00 AM	Scheduled Time of Delivery ☐ Noon ☒ 3 PM	COD Fee \$
Flat Rate ☐ or Weight ☒	Military ☐ 2nd Day ☐ 3rd Day	Insurance Fee \$
Int'l Alpha Country Code	Total Postage & Fees \$ 17.50	Acceptance Emp Initials 4

FROM: (PLEASE PRINT)

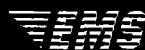
PHONE (202) 778-1855

JAMES SHENK
16 K GATES LL
101 K STREET NW
WASHINGTON DC 20006

FOR PICKUP OR TRACKING

Visit www.usps.com

Call 1-800-222-1811





**MISSISSIPPI
DEPARTMENT OF MARINE RESOURCES**

June 9, 2009

Janie Sheng
K&L Gates, LLP
1601 K Street, NW
Washington, DC 20006-1600

RE: DMR-090490

Dear Ms. Sheng:

The Department of Marine Resources in cooperation with other state agencies is responsible under the Mississippi Coastal Program (MCP) for managing the coastal resources of Mississippi. Proposed activities in the coastal area are reviewed to insure that the activities are in compliance with the MCP.

The Department has received a request from Meridian Southern Railway, LLC to review the proposed construction of approximately 1,910 feet of connecting track in Lauderdale County, Mississippi. Please note that Mississippi Coastal Zone Consistency is only required within the three coastal counties of Jackson, Harrison, and Hancock. However, if the proposed activities will impact wetlands, these are activities that are regulated by the U.S. Army Corps of Engineers. Thank you for the opportunity to comment on your project.

For more information or questions concerning this correspondence, contact Ron Cole with the Bureau of Wetlands Permitting at (228) 523-4117 or ronald.cole@dmr.ms.gov.

Sincerely,

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

Willa J. Brantley
Bureau Director, Wetlands Permitting

WJB/r/c



United States Department of Agriculture
Natural Resources Conservation Service

Natural Resources Conservation Service
Suite 1321, Federal Building
100 West Capitol Street
Jackson, MS 39269

June 4, 2009

Janie Sheng
Attorney for Meridian
Southern Railway, LLC
K&L Gates, LLP
1601 K Street NW
Washington, DC 20006-1600

Dear Ms. Sheng:

This is in response to your letter dated May 18, 2009 regarding the STB Docket No. FD-35218, Meridian Southern Railway, LLC – Construction of Connecting Track Exemption in Lauderdale County, Mississippi.

I have reviewed the subject Combined Environmental report. I do not have any additional comments for this report in relation to prime farmland protection.

Sincerely,

Reginald K. Harris
Acting State Soil Scientist



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213

June 19, 2009

Ms Janie Sheng
K&L/Gates LLP
1601 K Street NW
Washington, D.C. 20006-1600

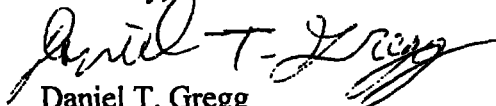
Dear Ms Sheng:

The U.S. Fish and Wildlife Service (Service) received your letter dated May 18, 2009 regarding Meridian Southern Railway's proposal to construct approximately 1,910 feet of connecting track in Lauderdale County, Mississippi. The following comments are provided in accordance with the Endangered Species Act (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.).

Based on the information provided, the Service has determined that no listed threatened or endangered species or their habitats would be impacted from the proposed work. No further Section 7 consultation will be necessary, unless the size or location of the work were to change.

If you have any questions, contact our office, telephone (601) 321-1136.

Sincerely,


Daniel T. Gregg
Fish and Wildlife Biologist



HISTORIC PRESERVATION

Ken P'Pool, director • Jim Woodrick, acting director
PO Box 571, Jackson, MS 39205-0571
601-576-6940 • Fax 601-576-6955
mdah.state.ms.us

June 9, 2009

Ms. Janie Sheng
K&L Gates, LLP
1601 K Street NW
Washington, DC 20006-1600

RE: Proposed construction of approximately 1,910 feet of connecting track in S24, T6N, R15E by Meridian Southern Railway, LLC, MDAH Project Log #05-150-09, Lauderdale County

Dear Ms. Sheng:

We have reviewed your request for a cultural resources assessment, received on May 21, for the above referenced project in accordance with our responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800. After reviewing the information provided, it is our determination that no cultural resources are likely to be affected. Therefore, we have no objection with the proposed undertaking.

Should there be additional work in connection with the project, or any changes in the scope of work, please let us know in order that we may provide you with appropriate comments in compliance with the above referenced regulations.

If you have any questions, please do not hesitate to contact us at (601) 576-6940.

Sincerely,

Hal Bell
Review and Compliance Assistant

FOR: Jim Woodrick
Review and Compliance Officer

c: Clearinghouse for Federal Programs