

#E1-23797



DEPARTMENT OF THE ARMY
CHICAGO DISTRICT, CORPS OF ENGINEERS
231 SOUTH LA SALLE STREET
CHICAGO, ILLINOIS 60604-1437

REPLY TO
ATTENTION OF:

March 15, 2016

Technical Services Division
Regulatory Branch
LRC-2015-786

SUBJECT: No Objection to the Abandonment of 0.89 Miles of Track on the BNSF Lumber District Lead Beginning West of Laflin Street Ending at Sangamon Street in the Chicago River Watershed of the City of Chicago, Cook County, Illinois, Chicago (41.85278, -87.65032)

Emily Thompson
BNSF Railway Company
2500 Lou Menk Drive-AOB-3
Fort Worth, Texas 76131-2828

Dear Ms. Thompson:

This is in response to your request that the U.S. Army Corps of Engineers issue a letter of no objection for the above-referenced activity. The subject project has been assigned number LRC-2015-786. Please reference this number in all future correspondence concerning this project.

Following a review of the information you furnished to this office and assuming your project is conducted only as set forth in the information provided, this office has determined that the subject property does not require a Department of the Army (DA) permit to complete the proposed work. Please be aware that any unpermitted discharge into an area within the jurisdiction of this office may result in civil or criminal enforcement under the Clean Water Act, 33 U.S.C. Sec. 1319.

This determination is valid for a period of 5 years from the date of this letter and covers only your project as depicted in your submittal entitled "STB Docket No. AB 6 (Sub-No. 493X) – BNSF Railway Company – Abandonment Exemption – in Cook County, Illinois" dated March 3, 2016, prepared by Karl Morell & Assoc. Please note that the U.S. Army Corps of Engineers does not have jurisdiction over impacts to regulated flood plains and can not, as requested, certify that this project does not impact any regulated flood plain. This determination only covers Sec. 404 of the Clean Water Act and Sec. 10 of the Rivers and Harbors Act.

Soil erosion and sediment controls (SESC) measures shall be implemented at the project site and properly maintained throughout construction of the project. Proper installation and regular maintenance of SESC measures will prevent construction materials from entering downstream locations.

It is your responsibility to obtain any required state, county, or local approvals for impacts to wetland areas not under the Department of the Army jurisdiction. For projects located in unincorporated and unauthorized municipalities in Cook County, please contact the Metropolitan Water Reclamation District of Greater Chicago at (312) 751-3247. For projects in incorporated areas of Cook County, contact the authorized municipality for information related to the Watershed Management Ordinance.

This determination is based only on the proposed activity and is not an approved jurisdiction determination for the subject parcel. If you wish to receive an approved jurisdiction determination or have any questions, please contact Michael Murphy of my staff by telephone at 312-846-5538 or email at Michael.J.Murphy@usace.army.mil.

Sincerely,

CHERNICH.KATHLEEN.G.12

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Kathleen G. Chernich
Chief, East Section
Regulatory Branch

Copy Furnished:

Illinois Department of Natural Resources/OWR Lake Michigan (James Casey)

Illinois Environmental Protection Agency (Thad Faught)

City of Chicago Department of Transportation (Oswaldo Chaves)

Karl Morell & Assoc. (Karl Morell)

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ENTERED

Office of Proceedings

May 4, 2016

Part of

Public Record

May 4, 2016

E-FILED

Ms. Victoria Rutson, Esq.
Environmental Analysis Chief
Surface Transportation Board
395 E Street, SW, Room 1106
Washington, DC 20423

Re: Docket No. AB 6 (Sub-No. 493X), BNSF Railway Company --
Abandonment Exemption -- in Cook County, Illinois

Dear Ms. Rutson:

On March 3, 2016, BNSF Railway filed its Environmental and Historic Reports in the above-referenced proceeding. Attached please find the additional response received from the Army CORPS of Engineers.

Sincerely,


Karl Morell

Enclosure