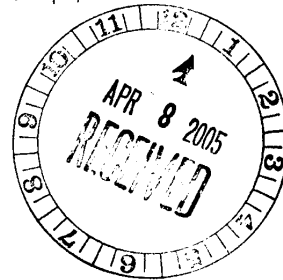


Columbus and Greenville Railway Company
201 19th Street North
Columbus, Mississippi 39703



The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K St. N.W.
Washington, D.C. 20423

Re: Finance Docket No. 34666, Columbus and Greenville
Railway Company – Verified Notice of Exemption –
Acquisition and Operation of 2.99 Miles of Newly
Constructed Track in Greenwood, Leflore County,
Mississippi

Dear Secretary Williams:

Enclosed for filing please find the original and ten (10) copies of a Response to an
Emergency Petition to Stay and Petition to Revoke filed by Morris Recycling, Inc. in the
captioned proceeding.

There is also enclosed a disk with the materials converted to a WordPerfect 5.1
format, an extra copy of this cover letter and the cover to the Response. Please stamp
both the cover letter and the cover page and return to me in the self-addressed envelope
provided.

If there are any difficulties with the filing documents please contact me at 410-
467-2028.

Yours truly,

Wandaleen Poynter Cole
STB Counsel

ENTERED
Office of Proceedings

APR - 8 2005

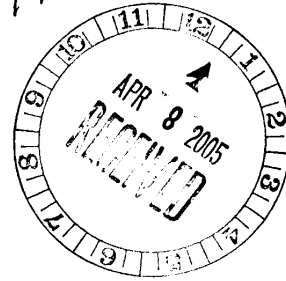
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Public Record

enclosures

213718

BEFORE THE
SURFACE TRANSPORTATION BOARD

 **ORIGINAL**



Finance Docket No. 34666

**COLUMBUS AND GREENVILLE RAILWAY COMPANY
VERIFIED NOTICE OF EXEMPTION
ACQUISITION AND OPERATION OF 2.99 MILES OF NEWLY
CONSTRUCTED TRACK IN GREENWOOD, LEFLORE COUNTY,
MISSISSIPPI**

ENTERED
Office of Proceedings

APR - 8 2005

Part of
Public Record

**Reply of Columbus and Greenville Railway Company
To Emergency Petition to Stay
And Petition to Revoke Exemption – Morris Recycling, Inc.**

Wandaleen Poynter Cole
STB Counsel
Columbus and Greenville Railway Company
201 19th Street North
Columbus, Mississippi 39703

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

Finance Docket No. 34666

**COLUMBUS AND GREENVILLE RAILWAY COMPANY
VERIFIED NOTICE OF EXEMPTION
ACQUISITION AND OPERATION OF 2.99 MILES OF NEWLY
CONSTRUCTED TRACK IN GREENWOOD, LEFLORE COUNTY,
MISSISSIPPI**

**Reply of Columbus and Greenville Railway Company
To Emergency Petition to Stay
And Petition to Revoke Exemption – Morris Recycling, Inc.**

Comes now, Columbus and Greenville Railway Company (“C&G”) a certificated rail carrier in interstate commerce and files this response to the captioned filing (“Petition”) of Morris Recycling, Inc. (“Morris”).

C&G respectfully submits that, based upon substantial evidence of governmental and regulatory compliance by the City of Greenwood, Mississippi (“City”), in the construction of the bypass track, the Morris petition must be denied. Under any analysis City is substantially in compliance with the regulatory requirements of the ICC Termination Act. Transactions involving Class III railroads are recognized by legislative action as transactions that should be subjected to less rigid regulation than that applied to Class I and Class II railroads. Unless there is actual irreparable harm alleged and proven it is incumbent upon the Board to view requests from Class III railroads for exemptions in the most favorable light possible.

Alternatively, and most importantly, the Morris petition does not establish it has or will suffer injury as a result of the operation of the bypass track. The Petition should be denied for lack of standing.

And, as a further alternative, this Board could rule that the transaction described in this docket is outside its jurisdiction as simple track relocation.¹

C&G Does Not Have any Reason to Believe the Bypass Track Was Illegally Constructed.

C&G states that it is its intent to acquire and operate the line of railroad described as the bypass track. There is no other purpose intended. C&G placed itself before this Board. C&G simply seeks an exemption from regulation that will allow it to respond to the plans of the City of Greenwood ("City") to better the appearance and safety of its downtown area. As will be readily apparent from the content of this Reply, this relocation of track has been considered carefully and handled within governmental guidelines and oversight from the earliest days of consideration of the project through the actual construction. If there was a failure to comply with any regulatory requirement C&G is convinced it was not intentional.

Planning for the project started approximately five (5) years ago. The planning process included the input of the Mississippi Department of Transportation and representatives of local utilities. City sought approval at every level of government to

¹ C&G prefers to remain before the Board to support fully the goals of City to benefit its citizens and to officially incorporate the bypass track, which it did not construct, into C&G's system. Track relocation reference, Docket No. 33796, Sacramento Regional Transit District—Petition for Declaratory Order Regarding Carrier Status, July 5, 2000.

construct the track. The City Council passed several resolutions,² the Leflore County Industrial Development Board canvassed interested parties, the State of Mississippi passed legislation³ and the Federal Railroad Administration (“FRA”) reviewed an Environmental and Historical Report of the construction area.⁴ The FRA received a completed Categorical Exclusion Worksheet on May 13, 2003; on June 16, 2003 the project was recommended for exclusion; and, on June 17, 2003 the recommendation was reviewed and accepted.⁵

C&G’s only involvement in the project was 1) to agree to it 2) to supply estimates on the possible cost of the construction to aid City in seeking funding for the project and 3) review of the proposed construction plans to assure that it was indeed getting a like kind exchange, including work tracks.

Morris Recycling, Inc. Does Not Have Standing to Seek Revocation

The only shipments that can move over the bypass track are overhead carloads and carloads that originate on the track proposed to be abandoned in City. None of the carloads originate on the line to be abandoned. C&G’s records show Morris has not shipped from the facility it references in Greenwood for well in excess of two years. As a matter-of-fact there have been no shipments in almost three years⁶. While an argument based on standing is not totally appropriate to an administrative hearing, C&G respectfully submits that this instance virtually demands such an argument. Morris does

² Exhibit A

³ Exhibit B

⁴ Exhibit C

⁵ Exhibit D

⁶ See, Verified Statement of H. Lynn Gibson, marked as Exhibit E

not allege it will suffer any harm or that it is supporting any legitimate public interest in seeking the relief it has sought. The exact words of its Petition are that “Morris has a strong interest in the legality of this proceeding” (Emergency Petition to Stay and Petition to Revoke Exemption, p. 2). C&G respectfully maintains that Morris has no interest in the legality of this proceeding. If Morris has any interest, and C&G believes it does not, it is in the Notice of Exemption to Abandon, the filing of which it delayed by filing its Petition in this proceeding.

Morris has not shipped any carloads on the C&G system for in excess of two years. It is not possible to respond to an injury argument or the validity of Morris’s filing when no basis for injury to Morris is established. ***The word injury does not appear in the pleading.*** C&G respectfully observes that the absence of an attempt to establish a valid reason for approaching the Board in this docket shows there is no valid reason.

If Morris is attempting to assert the rights of a third party there is nothing in the pleading that informs the Board or C&G of the injury or the party they are attempting to protect. While C&G is well aware of the fact that the Board, as an administrative body, has wide discretion to entertain requests for review from the shipping public, it is also correct to observe that one of the longest extant tests for standing in a review of administrative action is whether there has been an “injury in fact, economic or otherwise” to the moving party, Association of Data Processing Service Organizations (ADP) v. Camp, 397 U.S. 150 (1970). Again, for emphasis, the word “***injury***” does not appear in the Morris Petition to Stay or Revoke.

The City of Greenwood Has Made Admirable and Consistent Efforts To Secure Appropriate Authority to Construct a Line of Railroad.

The City Council of Greenwood has passed several resolutions⁷ approving various stages of the bypass construction project including authorization to the Mayor to approach this Board seeking a public use condition.

City has worked diligently to seek authority to construct the bypass track and to construct the line within appropriate standards established by the Federal Railroad Administration ("FRA"). City used an established engineering firm with extensive railroad track construction experience. A FRA qualified track inspector inspected the bypass track throughout its construction. As part of the prior-to-construction engineering process, detailed environmental notices of the proposed construction or requests for reviews were mailed to Mr. Curtis James, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi; Mr. Dale Gardner, Natural Resources Conservation Service, P.O. Box 811, Greenwood, Mississippi; Mississippi Department of Environmental Protection, Air Quality Division, 101 West Capitol Street, Jackson, Mississippi; Dr. Robert M. Thorne, (d.b.a. Archaeology and Cultural Heritage) 226-A County Road 16, Oxford, Mississippi; Bryan Williams, Air Toxics Branch State of Mississippi Department of Engineers, Environmental Quality, P.O. Box 10385, Jackson, Mississippi; Elizabeth S. Guynes, Chief, Regulatory Branch, Department of the Army, Vicksburg District Corps of Engineers; Ramon L. Callahan, Biologist, Callahan Timber and Wildlife Services, Inc., 4155 Clay Street, Vicksburg, Mississippi.⁸ The Mayor of

⁷ Copies of resolutions are attached as Exhibit A

⁸ All Requests for Comment and Responses attached as Exhibit F.

Greenwood also sought permits for the construction from the Department of the Army Corps of Engineers.⁹

49 U.S.C §10901 is Permissive not Mandatory for Non-Railroads

A careful analysis of the wording of 49 U.S.C § 10901 indicates that City did not have a clear directive from the law on how it should proceed as a non-rail carrier wishing to construct a line of railroad that it would not operate in interstate commerce.

City is not a railroad and was not, as a “person,” acquiring a railroad line or acquiring or operating an extended or additional railroad line. The law does say that the City could have sought an exemption under 49 U.S.C. § 10502(a) to construct. The ability to approach the Board appears to be permissive not mandatory.

City needed clearer authority than exemption from regulation; it needed authority to take significant economic steps as a municipality to raise the money necessary for the construction. This authority was extended through Mississippi Special Legislation (Senate Bill 3190, Chapter 936, Mississippi Local and Private Laws, 2002)¹⁰ and through repeated requests for authority to act to the City Council. During the planning process City and C&G were informed, unfortunately informally, by counsel practicing on a routine basis before this Board, that the project appeared to be track relocation not subject to the Board’s jurisdiction. This was part of a casual conversation where counsel indicated he could not represent C&G because of a conflict. Counsel is not to be faulted since he was not fully informed and could have considered his casual comment an opinion. Further, C&G received unsolicited advice of counsel, after the filing on March

⁹ Exhibit G

¹⁰ Exhibit B

23, 2005, of its Notice of Exemption to Acquire and Operate, in a letter indicating that the pleading should not have been filed, and the filing fee paid, because it dealt with track relocation. There was also an offer to supply services.

This information is supplied only to point out that City and C&G had an honest reason to believe that City was not required to seek any authority of the Board for authorizing the construction.

The Intent of C&G's Notice of Exemption

While this minor change in railroad operations may be considered a track relocation, C&G, a certificated carrier in interstate commerce, elected to file to acquire and operate in order to bring this new line, not constructed by C&G, under the jurisdiction of this Board. With its proposed filing of a Notice of Exemption to Abandon, covering the track from which it will relocate, the jurisdiction of the Board will open to City the possibility of receiving the benefits of a public use condition. A public use condition will facilitate City's efforts to proceed seamlessly to use the abandoned railroad property for public uses. The uses proposed will enhance and beautify the downtown property and significantly improve the traffic flow patterns within and through City. The enhanced vehicular traffic flow will address safety as well as efficiency concerns. It was C&G's considered conclusion that it was inappropriate to file for abandonment without filing for authority to acquire and operate. Without authority to acquire and operate C&G cannot abandon its current tracks in City.

All parties interested in the construction have exerted good faith efforts to assure that this project was handled in an appropriate manner. The number of approvals locally,

on the State level and through the FRA, indicate persuasively there was no intent of any of the parties to avoid regulation. If the Board elects to seek additional information it is respectfully suggested that the concerns can be addressed within this finance docket without harm to any party and without revoking the exemption.

C&G also firmly asserts the exhibits to this document give the Board adequate proof there has not been an avoidance of regulation, or other governmental overview, in the actions taken by City. The documents also give the Board a sufficient foundation to entertain exemption of the construction from regulation. At a minimum the documents supply sufficient basis from which the Board's staff can complete any review deemed necessary, if any.

C&G's Notice of Exemption to Acquire and Operate is not Void Ab Initio

C&G **firmly states** that there was no intent to present erroneous or misleading information to the Board. C&G also **firmly states** that it did not present any erroneous or misleading information to the Board. C&G did not have access to City's files and was only privy to the documents attached as exhibits when the process of responding to the demands of this proceeding arose. It is hard to prove what a party thought or did not think. However, if there was a clandestine motive, *i.e.*, avoiding the jurisdiction of this Board, the clear answer to the rhetorical question "why did C&G file the Notice of Exemption?" provides the answer. Neither City nor C&G believed there was anything that the Board should not be told. C&G candidly revealed that the track was *newly constructed*. A fact that Morris finds to be a clear indication that C&G is providing misleading information. *The track is newly constructed*. There is no purpose for the

filing of the Notice of Exemption than to put the matter before this Board. One of the positive results that C&G hopes to reach, as stated before in this Reply and as outlined in the Notice, is Board imposition of a public use condition on the proposed abandonment properties. The Notice was straightforward and answered each predetermined information request completely and honestly.

The Rail Relocation Project, if subjected to Exemption Review, falls completely within the provisions of 49 U.S.C. §10501(a).

With the submission to the Board of the materials, attached as exhibits, concerning the Environmental and Historical review of the construction project, *i.e.*, the building of the bypass track, the Board has a complete file from which it can exempt the track construction. C&G does not believe that step is necessary. However, the project fits clearly into the intent and letter of 49 U.S.C § 10501(a). Regulation is not necessary to carry out the transportation policy of section 10101 of Title 49. The transaction is very limited in scope. The scope can be determined from the basic information contained in C&G's Notice. There is no need to protect any shippers from market abuse. All shippers now using C&G transportation services will not only continue to receive service but will have the benefit of a more efficient rendering of that service. The only shippers that could possibly need protection from this Board are shippers located on the line proposed to be abandoned (which is not the subject of this docket). Morris has not shipped on the abandonment line for almost three years.

City of Greenwood, Mississippi Could Suffer Irreparable Harm if Railroad Operations are Delayed.

City's engineering contract provides for a "shakedown period" of sixty (60) days from completion of construction. Those sixty days represent the time period within which any structural concerns must be identified and addressed. Without train operations the line cannot be tested for structural integrity under the demands of actual train operating conditions. City could lose the benefit of corrective action from the contractor if there are defects that can only be detected when the line is stressed. This representation is made without benefit of possible renegotiation. This is, however, where the contractual relationship stands currently.

C&G Requests the Board to Deny, with Prejudice, Emergency Petition to Stay and Petition to Revoke Exemption filed by Morris Recycling, Inc.

C&G respectfully requests the Board **deny, or deny with prejudice**, the Emergency Petition to Stay and Petition to Revoke Exemption filed by Morris Recycling, Inc. The Finance Docket 34666 filing of a Notice of Exemption to Acquire and Operate was filed in good faith. There has been no showing in its Petition that Morris or any other party will suffer any direct or indirect harm or that the public convenience and necessity of the shipping public will be compromised if C&G begins operations over the bypass track, in fact the opposite is true.

C&G also requests the Board confirm that the City of Greenwood, Mississippi is in substantial compliance with federal regulatory requirements. This confirmation can

easily be based on the fact that an Environmental and Historical Survey was made and was reviewed and approved by the FRA. It should also be significant that the FRA was also involved in the distribution of the federal funds granted to City and monitored the use of the funds. Every aspect of the construction planning and construction was in some manner reviewed and approved externally. There has been an admirable check and balance in the processing by City.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Wandaleen Poynter Cole".

Wandaleen Poynter Cole
STB Counsel
Columbus & Greenville Railway Company

CERTIFICATE OF SERVICE

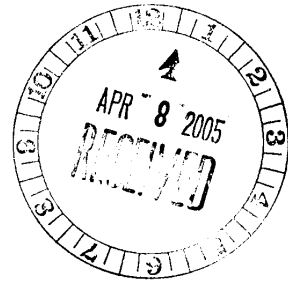
I hereby certify that on April 8, 2005, a copy of Columbus and Greenville Railway Company's response to Morris Recycling, Inc.'s Emergency Petition to Stay and Petition to Revoke Exemption" was served by first class mail on:

Jeffrey O. Moreno
Thompson Hine LLP
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036-1600

Michael H. Higgins
Thompson Hine LLP
1920 N Street, N.W.
Suite 800
Washington, D.C. 20036-1600


Wandaleen Poynter Cole

Exhibit A



Resolutions of the Greenwood City Council

**Selected Based on Pertinence to
Docket 34666**

MINUTE BOOK 105, PAGE 104

MUNICIPAL MINUTES, CITY OF GREENWOOD, LEFLORE COUNTY, MISSISSIPPI

FEBRUARY 5, 2002, CITY COUNCIL MEETING

**A RESOLUTION REQUESTING THE LEGISLATURE TO PASS A
LOCAL AND PRIVATE BILL AUTHORIZING THE CITY OF
GREENWOOD TO ACQUIRE, MAINTAIN AND OPERATE
RAILROAD PROPERTIES AND FOR OTHER PURPOSES**

WHEREAS, the City of Greenwood is the recipient of a federal grant which would pay a portion of the cost for relocating the Columbus & Greenville Railroad tracks from its intersection with the old Illinois Central mainline tracks westerly through the City of Greenwood to the corporate limits to a route outside the corporate limits; and

WHEREAS, the relocation of these track sections will eliminate twelve (12) grade crossings where the tracks cross city streets including the crossing of the four-lane Highway 82 Bypass; and

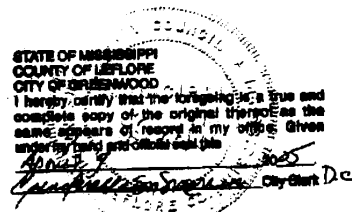
WHEREAS, the relocation of these tracks and the closing of the grade crossings will have a tremendous positive affect on a large part of the City of Greenwood including the adjacent commercial and residential property, city parks and recreational areas, schools and the Greenwood Leflore Hospital by eliminating hazardous crossings and removing railroad traffic from downtown commercial and residential areas, as well as eliminating a major traffic bottleneck created when the tracks crossing Highway 49 Bypass are being used; and

WHEREAS, municipalities are not presently authorized by state law to own, operate or maintain railroad facilities or to issue bonds to finance such rail operations; and

WHEREAS, the passage by the Legislature of a Local and Private Bill giving the City of Greenwood the authority to maintain, operate and own railroad property or facilities and to issue bonds to finance such operation is essential in order to allow the project to continue.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MISSISSIPPI, that the Mississippi Legislature is requested to pass a Local and Private Bill authorizing the governing authorities of the City of Greenwood to acquire, maintain and operate railroad properties or facilities, to issue bonds, either general obligation or revenue, for such purposes, and for other related purposes; and

M11-11576



BE IT FURTHER RESOLVED, that copies of this resolution requesting that the Mississippi Legislature pass a Local and Private Bill be sent to the members of our legislative delegation: Senator David Jordan, Representative Willie J. Perkins, Sr., and Representative May Whittington, and that they be requested to introduce and support the requested legislation.

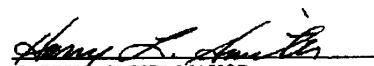
The above and foregoing resolution having been first reduced to writing was considered section by section and then as a whole, having been introduced by Councilperson Sheriel Perkins, was duly seconded for adoption by Councilperson Carey Spears, and upon a vote being called, received the following vote:

COUNCILPERSON	YEA	NAY
Johnny Jennings	X	
Jo Claire Swayze	X	
Carey Spears	X	
Sheriel Perkins	X	
Arance Williamson	Absent	
David Jordan	Absent	
Carl Palmer	X	

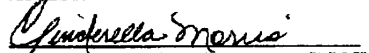
The President of the Council then declared the motion passed and adopted failed this, the 5th day of February, 2002.

APPROVED BY:


CARL PALMER, PRESIDENT OF THE
CITY COUNCIL


HARRY L. SMITH, MAYOR

ATTEST:


CINDERELLA MORRIS, DEPUTY CLERK

C:\06-15\LEGISLATION\RES.WP

MINUTE BOOK _____, PAGE _____

MUNICIPAL MINUTES, CITY OF GREENWOOD, LEFLORE COUNTY, MISSISSIPPI

MARCH 23, 2004, CITY COUNCIL MEETING

**A RESOLUTION REQUESTING THE LEGISLATURE TO ADOPT AN
AMENDMENT TO CHAPTER 936, LOCAL AND PRIVATE LAWS OF 2002,
ALLOWING THE CITY OF GREENWOOD TO NEGOTIATE
CONSTRUCTION CONTRACTS FOR RAIL PROPERTIES AND FACILITIES**

WHEREAS, the Mississippi Legislature during the 2002 session passed local and private legislation which authorized the City of Greenwood to construct, acquire, maintain and operate railroad properties and facilities (Senate Bill No. 3190, Chapter 936, Local and Private Laws of 2002); and

WHEREAS, the City of Greenwood is the recipient of a federal grant which will pay for the cost of the construction of the rail relocation project authorized by the above referenced local and private legislation; and

WHEREAS, the rail relocation project and the resulting elimination of rail crossings are in the public interest, satisfies a public need and benefits public safety by eliminating hazardous crossings and removing railroad traffic from downtown commercial and outlying residential areas as well as eliminating a major traffic bottleneck created when the tracks crossing Highway 49 Bypass are in use; and

WHEREAS, the rail relocation project and the resulting elimination of rail crossings within the City of Greenwood will have a positive effect on the revitalization and development of a significant portion of central Greenwood, including adjacent commercial and residential properties, city parks and recreational areas, schools and the Greenwood-Lefflore Hospital; and

WHEREAS, it appears that the project could be better managed and more speedily constructed if the City is authorized to negotiate rather than seek public bids for the construction of all or a portion of this project; and

WHEREAS, the passage by the Legislature of an amendment to Chapter 936, Local and Private Laws of 2002, authorizing the City of Greenwood to enter into contracts for the construction of rail properties or facilities through negotiations rather than public bids is in the best interest of the citizens of the City of Greenwood.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, that the Mississippi Legislature be and is hereby requested to pass an amendment to Chapter 936, Local and Private Laws of 2002, giving the City of Greenwood authority to negotiate construction contracts for railroad properties and facilities, substantially in the following language:

The governing authorities of the city are authorized to negotiate with either public or private entities, including the Columbus & Greenville Railway Company, Inc. and/or Canadian National Railroad for the construction of any rail properties or facilities authorized hereunder when the governing authorities find that, because of the particular nature of the project or any portion thereof, or because of special circumstances with respect to the project or any portion thereof, it would better serve the public interest or more effectively achieve the purposes of this act, to enter into such contracts based upon negotiations.

In negotiating contracts for the construction of railroad properties or facilities, or any portion thereof, the provisions of Chapters 3, 5 and 7, Title 31 of the Mississippi Code of 1972, as amended, shall not apply.

BE IT FURTHER RESOLVED, that certified copies of this resolution requesting an amendment to Chapter 936, Local and Private Laws of 2002, be sent to members of the legislative delegation representing the City of Greenwood and that they be requested to introduce and support the requested legislation.

The above and foregoing resolution having been first reduced to writing was considered section by section and then as a whole, having been introduced by Councilperson _____, was duly seconded for adoption by Councilperson _____, and upon a vote being called, received the following vote:

COUNCILPERSON

YEA

NAY

Johnny Jennings

Jo Claire Swayze

Ronnie Stevenson

Sheriel Perkins

Arance Williamson

David Jordan

Carl Palmer

The President of the Council then declared the motion passed and adopted / failed this, the _____ day of _____, 2004.

APPROVED BY:

CARL PALMER, PRESIDENT OF THE
CITY COUNCIL

HARRY L. SMITH, MAYOR

ATTEST:

CINDERELLA MORRIS, DEPUTY CLERK

MINUTE BOOK 107, PAGE 475

MUNICIPAL MINUTES, CITY OF GREENWOOD, LEFLORE COUNTY, MISSISSIPPI

APRIL 20, 2004, CITY COUNCIL MEETING

**RESOLUTION AUTHORIZING THE JOHNSON-MCADAMS FIRM, P.A.
TO ADVERTISE FOR SEALED BIDS FOR THE CONSTRUCTION OF THE
COLUMBUS AND GREENVILLE RAILROAD TRACK RELOCATION AND
CONSTRUCTION PROJECT, DTFR53-02-G-00012**

WHEREAS, the City of Greenwood has received federal funds in order to construct a rail relocation project; and

WHEREAS, The Johnson-McAdams Firm, P.A., Project Engineer, has requested authorization to advertise for sealed bids for the construction of the rail relocation project; and

WHEREAS, this council finds that it is in the best interest of the citizens of the City of Greenwood that The Johnson-McAdams Firm, P.A., be authorized to advertise for sealed bids for construction of the rail relocation project.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MISSISSIPPI, that The Johnson-McAdams Firm, P.A., be and is hereby authorized to advertise for sealed bids for construction of the rail relocation project.

The above and foregoing resolution having been first reduced to writing was considered section by section and then as a whole, having been introduced by Councilperson Johnny Jennings, was duly seconded for adoption by Councilperson Jo Claire Swayze, and upon a vote being called, received the following vote:

COUNCILPERSON	YEA	NAY
Johnny Jennings	X	
Jo Claire Swayze	X	
Ronnie Stevenson	X	
Sheriel Perkins	X	
Arance Williamson	X	
David Jordan	X	
Carl Palmer	X	

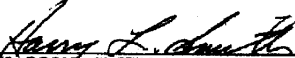
711-13539

STATE OF MISSISSIPPI
COUNTY OF LEFLORE
CITY OF GREENWOOD
I hereby certify that the foregoing is a true and complete copy of the original thereof as the same appears of record in my office. Given under my hand and official seal this 20 day of April, 2004.
Jo Claire Swayze
Jo Claire Swayze, Mayor

The President of the Council then declared the motion passed and adopted failed this the
20th day of April, 2004.


CARL PALMER, PRESIDENT OF THE
CITY COUNCIL

APPROVED BY:


HARRY L. SMITH, MAYOR

ATTEST:


CINDERELLA MORRIS, DEPUTY CLERK

F:\96-4103\AILROADPROJECT.sp

MINUTE BOOK 107, PAGE 656

MUNICIPAL MINUTES, CITY OF GREENWOOD, LEFLORE COUNTY, MISSISSIPPI

JULY 6, 2004, CITY COUNCIL MEETING

**A RESOLUTION AUTHORIZING ACCEPTANCE OF BID SUBMITTED BY
MALOUF CONSTRUCTION CORPORATION FOR CONSTRUCTION
OF THE RAIL BY-PASS PROJECT**

WHEREAS, the City Council of the City of Greenwood has the authority by Chapter 936, Local and Private Laws of 2002 to construct railroad properties and facilities; and

WHEREAS, the City of Greenwood caused to be published a notice to the Public seeking sealed bids for the construction of Columbus and Greenville Railroad Tract Relocation and Construction Project DTFR53-02-G-0012 in the *Clarion Ledger* and the *Greenwood Commonwealth* on April 30 and May 7, 2004; and

WHEREAS, bids were received and opened on June 3, 2004, and bids were submitted as shown on the Certified Bid Tabulation Form attached hereto as Exhibit "A"; and

WHEREAS, The Johnson - McAdams Firm, P.A., Project Engineers recommends acceptance of the bid submitted by Malouf Construction Corporation of a base bid of \$1,441,563.00 and Additive Alternative No. 1 in the amount of \$2,453,310.00 for a total bid amount of \$3,894,873.00, as the lowest and best bid received.

WHEREAS, this council finds that the bid submitted by Malouf Construction Corporation, of a base bid of 1,441,563.00 with an additive alternative of \$2,453,310.00 for a total bid amount of \$3,894,873.00, meets all requirements and it is in the best interest of the citizens of the City of Greenwood that the bid be accepted.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MISSISSIPPI, that the bid submitted by a Malouf Construction Corporation with a base bid of \$1,441,563.00 plus, the additive alternative of \$2,453,310.00, for a total contract amount of \$3,894,873.00 for the construction of Columbus and Greenville Railroad Tract Relocation and construction Project No. DTFR53-02-6-00012 be and is hereby accepted; and

BE IT TRUTH RESOLVED, that the Mayor, Harry L. Smith, be and he is hereby authorized on behalf of the City of Greenwood to execute a contract by and between the City of Greenwood and Malouf Construction Corporation and any other documents or agreements required by Malouf Construction Corporation in acceptance of the bid in the amount of \$3,894,873.00.

The above and foregoing resolution having been first reduced to writing was considered section by section and then as a whole, having been introduced by Councilperson David Jordan, was duly seconded for adoption by Councilperson Ronnie Stevenson, and upon a vote being called, received the following vote:

7111-13797

STATE OF MISSISSIPPI
COUNTY OF LEFLORE
CITY OF GREENWOOD
I hereby certify that the foregoing is a true and complete copy of the original thereof as the same appears of record in my office. Given under my hand and seal of office this
2005
David Jordan, Mayor

COUNCIL PERSON

Johnny Jennings
Jo Claire Swayze
Ronnie Stevenson
Sheriel Perkins
Arance Williamson
David Jordan
Carl Palmer

YEA NAY

Absent
Absent
X
Absent
X
X
X

The President of the Council then declared the motion passed and adopted failed this, the
6th day of July, 2004.

APPROVED BY:


CARL PALMER, PRESIDENT OF THE
CITY COUNCIL


HARRY L. SMITH, MAYOR

ATTEST:


CINDERELLA MORRIS, DEPUTY CLERK

P:\94-610\NOIR\AME\CHDA\ACCEPT.wp

MINUTE BOOK 107, PAGE 657

MUNICIPAL MINUTES, CITY OF GREENWOOD, LEFLORE COUNTY, MISSISSIPPI

JULY 6, 2004, CITY COUNCIL MEETING

**A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE A RAILWAY TRACK CONSTRUCTION AND RELOCATION
AGREEMENT WITH THE C & G RAILWAY**

WHEREAS, the City of Greenwood has the authority by Chapter 936, Local and Private Laws of 2002, to construct railroad properties and facilities and to sell, lease or rent to the C & G Railway properties so acquired in exchange for railroad properties and facilities of the C & G Railway located within the corporate limits of the City of Greenwood; and

WHEREAS, the City of Greenwood has obtained funding for a rail relocation/bypass project which when completed will allow the Columbus & Greenville Railway Company to eliminate active rail operations within the City of Greenwood and allow for the closing of twenty (20) grade crossings within the city in addition to the U.S. Highway 82 grade crossing; and

WHEREAS, the proposed design of the bypass tracks begins on the North/South main line of the Canadian National Railroad (C&N) at approximately Mile Post 124.9, proceed South and then West until intersecting with the East/West main line of the Columbus & Greenville Railway (C&G) at approximately Mile Post 116.6, through the lands jointly acquired by the City of Greenwood and Leflore County, Mississippi for industrial development purposes; and

WHEREAS, the rail line through portions of this property would enhance the value of the property for future industrial development by having more sites which are adjacent to or available to rail lines; and

WHEREAS, the construction of a rail bypass will promote and foster the development

411-13798

STATE OF MISSISSIPPI
COUNTY OF LEFLORE
CITY OF GREENWOOD
I hereby certify that the foregoing is a true and
correct copy of the original as the
same appears or recited in my office. Given
under my hand and official seal this

[Signature] 20 25
City Clerk D.C.

and improvement of the City of Greenwood and Leflore County, Mississippi, and the economic or industrial welfare thereof; and

WHEREAS, in order to implement the rail relocation and by-pass construction project, it is necessary that the City of Greenwood and the Columbus and Greenville Railway Company enter into a contract which sets forth the obligations and agreements of the parties.

NOW, THEREFORE, BE IT RESOLVED that the Mayor, Harry L. Smith, be and he is hereby authorized on behalf of the City of Greenwood to enter into and execute a Railway Track Construction and Relocation Agreement with the Columbus and Greenville Railway Company, substantially in accordance with the document attached hereto as Exhibit "A".

The above and foregoing resolution having been first reduced to writing was considered section by section and then as a whole, having been introduced by Councilperson David Jordan, was duly seconded for adoption by Councilperson Ronnie Stevenson and upon a vote being called, received the following vote:

<u>COUNCILPERSON</u>	YEA	NAY
Johnny Jennings	Absent	
Jo Claire Swayze	Absent	
Ronnie Stevenson	X	
Sheriel Perkins	Absent	
Arance Williamson	X	
David Jordan	X	
Carl Palmer	X	

The President of the Council then declared the motion passed and adopted failed this, the 6th day of July, 2004.

APPROVED BY:

Carl Palmer Harry L. Smith

CARL PALMER, PRESIDENT OF THE
CITY COUNCIL

HARRY L. SMITH, MAYOR

ATTEST: _____

Cinderella Morris
CINDERELLA MORRIS, DEPUTY CLERK

F:\96-6120\WD\MAYOR RAILWAY TRACK CONSTRUCTION

MINUTE BOOK 107, PAGE 655

MUNICIPAL MINUTES, CITY OF GREENWOOD, LEFLORE COUNTY, MISSISSIPPI

JULY 6, 2004, CITY COUNCIL MEETING

**A RESOLUTION ACCEPTING AND ACKNOWLEDGING
CONVEYANCES FROM LEFLORE COUNTY, MISSISSIPPI, NECESSARY
FOR THE COLUMBUS AND GREENVILLE TRACK RELOCATION
PROJECT NO. DTFR53-02-G-0012**

WHEREAS, the City of Greenwood has the authority by Chapter 936, Local and Private Laws of 2002, to construct railroad properties and facilities and to sell, lease or rent to the C & G Railway properties so acquired in exchange for railroad properties and facilities of the C & G Railway located within the corporate limits of the City of Greenwood; and

WHEREAS, the construction of the rail bypass and subsequent exchange of properties will require providing the C & G Railway not only with the physical railway property and facilities, such as track, ties and ballast, but sufficient land within which to maintain and operate a rail line; and

WHEREAS, the East/West rail bypass connecting the C & G Railway to the Canadian National to the City of Greenwood by Leflore County, Mississippi, tracks requires the conveyance of approximately 36.28 acres of property jointly held by the City of Greenwood and Leflore County, Mississippi, as well as the granting by Leflore County to the City of Greenwood of a temporary construction easement to enter onto and remove dirt and other materials for use in the construction of a railway and the granting by Leflore County, Mississippi to the City of Greenwood of a Perpetual Drainage Easement for the installation, repair, maintenance, and operation of system sewers and other drainage structure; and

WHEREAS, the conveyances discussed above were authorized by the Board of Supervisors at its meeting on Monday, June 28, 2004; and

WHEREAS, Robert Moore, President of the Board of Supervisors and Sam Abraham, Clerk of the Board, executed and delivered to the City a quit claim deed conveying to the City of Greenwood its one-half interest in approximately 36.28 acres of jointly held property required for the C & G Railway Track Relocation Project, a Temporary Constitution of Easement and a Perpetual Drainage Easement; and

WHEREAS, the acceptance by the City of Greenwood of the Quitclaim Deed, Temporary Construction Easement, and Perpetual Drainage Easement would be in the best interest of the City of Greenwood and its citizens.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, MISSISSIPPI, that the City of Greenwood accept a quitclaim conveyance to it by Leflore County, Mississippi, of its undivided one-half interest in approximately 36.28 acres of jointly held property needed for the C & G Railway Track Relocation Project, a Temporary Construction Easement, and Perpetual Drainage Easement; and

711-13796

BE IT FURTHER RESOLVED, that the City Attorney be authorized to file for record the above reference documents in the Land Deed Record of Leflore County, Mississippi.

The above and foregoing resolution having been first reduced to writing was considered section by section and then as a whole, having been introduced by Councilperson David Jordan, was duly seconded for adoption by Councilperson Arance Williamson, and upon a vote being called, received the following vote:

<u>COUNCIL PERSON</u>	YEA	NAY
Johnny Jennings	Absent	
Jo Claire Swayze	Absent	
Ronnie Stevenson	X	
Sheriel Perkins	Absent	
Arance Williamson	X	
David Jordan	X	
Carl Palmer	X	

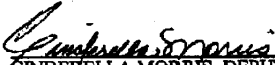
The President of the Council then declared the motion passed and ~~adopted~~ failed this, the 6th day of July, 2004.

APPROVED BY:


CARL PALMER, PRESIDENT OF THE
CITY COUNCIL


HARRY L. SMITH, MAYOR

ATTEST:


CINDERELLA MORRIS, DEPUTY CLERK

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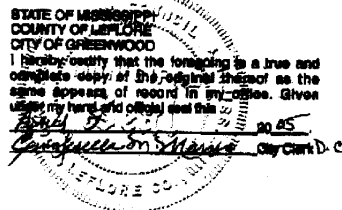


EXHIBIT B

action

Chapter No. **936**
02/SS26/R1346SG
IN / AS / JA

SENATE BILL NO. 3190

SENATE BILL NO. 3190

AN ACT TO AUTHORIZE THE GOVERNING AUTHORITIES OF THE CITY OF GREENWOOD, MISSISSIPPI, TO CONSTRUCT, ACQUIRE, MAINTAIN, OPERATE AND PROVIDE RAILROAD PROPERTY AND FACILITIES WITHIN OR WITHOUT THE CORPORATE LIMITS OF THE CITY; TO AUTHORIZE THE CITY TO LEASE, RENT, SELL OR EXCHANGE ANY OR ALL RAILROAD PROPERTIES AND FACILITIES ACQUIRED UNDER THE PROVISIONS OF THIS ACT; TO AUTHORIZE THE CITY TO SELL, RENT OR LEASE PROPERTY TO THE COLUMBUS & GREENVILLE RAILROAD IN EXCHANGE FOR PROPERTY OF SUCH RAILROAD LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY; TO AUTHORIZE THE CITY TO ISSUE GENERAL OBLIGATION BONDS IN THE AGGREGATE PRINCIPAL AMOUNT OF \$3,000,000.00 FOR THE PURPOSES OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act:

any provisions of Section 21-17-1 regarding the disposition of municipal property shall not apply.

(2) The governing authorities of the city are authorized and empowered, in their discretion to sell, lease or rent to the Columbus & Greenville Railroad properties acquired under this act in exchange for railroad properties and facilities of the Columbus & Greenville Railroad located within the corporate limits of the city.

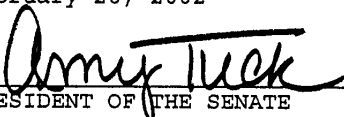
SECTION 4. The city may accept federal funds or funds from the Mississippi Department of Transportation to carry out the provisions of this act. All federal funds or funds from the Mississippi Department of Transportation received under the provisions of this act shall be expended for the purposes set forth in the funding agreement.

SECTION 5. For the purpose of providing funds to defray

the Legislature, elected official or appointed official shall derive any income from the issuance of any bonds under this act.

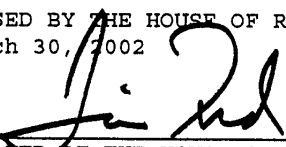
SECTION 10. This act shall take effect and be in force from and after its passage.

PASSED BY THE SENATE
February 26, 2002



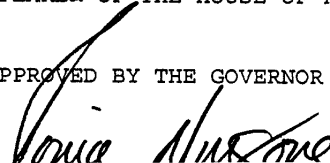
PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 30, 2002



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

MINUTE BOOK 108, PAGE 402MUNICIPAL MINUTES, CITY OF GREENWOOD, LEFLORE COUNTY, MISSISSIPPI
FEBRUARY 1, 2005, CITY COUNCIL MEETING

A RESOLUTION AUTHORIZING THE MAYOR TO CAUSE TO BE FILED WITH THE FEDERAL SURFACE TRANSPORTATION BOARD A STATEMENT OF INTENDED PUBLIC USE OF THE C & G RAILWAY RIGHT-OF-WAY WHICH WILL BE ABANDONED TO EFFECT THE RELOCATION TO TRACKAGE CONSTRUCTED BY THE CITY AS PREVIOUSLY APPROVED BY COUNCIL ON JULY 6, 2004

WHEREAS, the City of Greenwood has the authority by Chapter 936, Local and Private Laws of 2002, to construct railroad properties and facilities and to sell, lease or rent to the Columbus and Greenville Railway Company ("C & G Railway") properties so acquired in exchange for railroad properties and facilities of the C & G Railway located within the corporate limits of the City of Greenwood; and

WHEREAS, as approved on July 6, 2004, the Mayor, with the advice and support of C & G Railway, has contracted for the construction of the relocation track and which construction is projected to be completed on or about February 11, 2005; and

WHEREAS, C & G Railway will file with the Federal Surface Transportation Board a Notice of Exemption from regulation under 49 U.S.C. section 10903-10905, pursuant to the provisions of 49 U.S.C., section 10502 and 49 CFR, Subpart F, Section 11552.50, for abandonment of operations from Milepost 112.67 to Milepost 114.26 67, a line of rail extending from the intersection of the C & G Railway's main line with the Canadian National Railway's west right-of-way to the intersection of the C & G Railway's main line with the west boundary of U. S. Highway 82/49, all of which 1.59 miles of rail is located within the City of Greenwood; and

WHEREAS, to protect fully the interests of the City of Greenwood it is advisable to file in response to C & G Railway's Notice of Exemption a statement of the public use the City will make of the abandoned right-of-way and request that a Public Use Condition be attached to the Surface Transportation Board's approval of the Exemption Request.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GREENWOOD, that the Mayor, Harry L. Smith, be authorized and directed to file A Statement of Intended Public Use of abandoned railroad right-of-way with the Federal Surface Transportation Board upon the publication by the C & G Railway of a Notification of Exemption Request in a newspaper of local circulation.

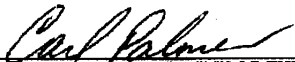
The above and foregoing resolution having been first reduced to writing was considered section by section and then as a whole, having been introduced by Councilperson Jo Claire Swayze, was duly seconded for adoption by Councilperson, Sheriel Perkins, and upon a vote being called, received the following vote:

M11-14402

<u>COUNCIL PERSON</u>	YEA	NAY
Johnny Jennings	X	
Jo Claire Swayze	X	
Ronnie Stevenson	X	
Sheriel Perkins	X	
Arance Williamson	X	
David Jordan	Absent	
Carl Palmer	Absent	

The President of the Council then declared the motion passed and adopted failed this the
1st day of February, 2005.

APPROVED BY:


 CARL PALMER, PRESIDENT OF THE
 CITY COUNCIL


 HARRY L. SMITH, MAYOR

ATTEST:


 CINDERELLA MORRIS, DEPUTY CLERK
PH-6410C&ER 328.07

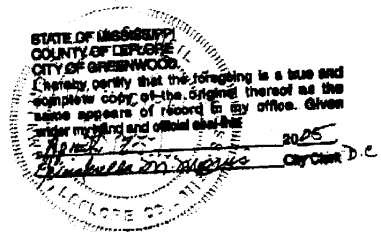
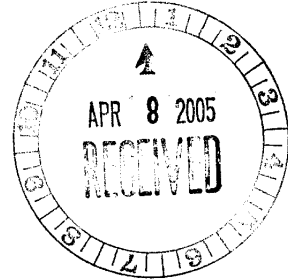


Exhibit C

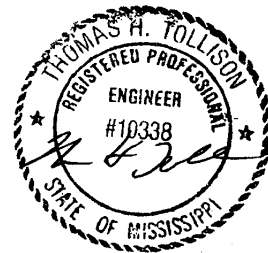
ENVIRONMENTAL ASSESSMENT



COLUMBUS AND GREENVILLE TRACK RELOCATION AND CONSTRUCTION PROJECT

GREENWOOD, MISSISSIPPI
DTFR53-02-G-00012

Prepared by:
THE JOHNSON-McADAMS FIRM, P.A.
Greenwood, Mississippi
February 2003



**ENVIRONMENTAL ASSESSMENT
COLUMBUS AND GREENVILLE TRACK RELOCATION
AND CONSTRUCTION PROJECT
GREENWOOD, MISSISSIPPI
DFTR – 53-02-00012**

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ENVIRONMENTAL ASSESSMENT
COLUMBUS AND GREENVILLE TRACK RELOCATION
AND CONSTRUCTION PROJECT
GREENWOOD, MISSISSIPPI
DFTR – 53-02-00012

1. SUMMARY

This assessment examines the potential environmental impact caused by the relocation of a portion of the Columbus and Greenville Railroad at Greenwood, Mississippi. The proposed alignment for this relocation is presented on Figure 1 of this report.

- A. **Major Conclusions** - This project is expected to have no significant impact on the environment.
- B. **Areas of Potential Controversy** – None
- C. **Issues Remaining To Be Resolved** - None
- D. **Required Action** - Several small jurisdictional wetlands will be impacted by the selected alignment. However, the overall impact on the wetlands in general project area is negligible. Because of the impacted jurisdictional wetlands, a 404 permit will be required from the Army Corps of Engineers. An erosion control and storm water management permit will also be required from the Mississippi Department of Environmental Quality prior to construction. These permits will be obtained by the City and included as a part of the contract documents for the relocation.

2. PURPOSE AND NEED FOR ACTION

The current alignment of the Columbus and Greenville (C&G) railroad bisects the center of Greenwood, Mississippi. Rail and roadway traffic in the City are in conflict due to at grade rail crossings of major city thoroughfares. These conflicts create potentials for vehicular/rail accidents, restrict movement of emergency vehicles and produce traffic delays within the city limits. The intersection of the C&G and the Canadian National/Illinois Central (CNIC) railroads is also located in the center of the City. This further complicates traffic flows and places additional restrictions on emergency vehicles.

The proposed project would relocate the C&G alignment south of the City as indicated on Figure 1. This would eliminate the need for eight at grade crossings

within the city limits and reduce the use of four others to switching traffic only. The elimination and reduction of rail traffic within the city limits would provide better traffic flow within the city limits, reduce movement restrictions on emergency vehicles and reduce the potential for vehicular/rail accidents.

3. INITIAL SITE ASSESSMENT

An initial site assessment of the area was performed. The assessment indicated that no areas of potential contamination exist within the proposed right-of-way.

4. ALTERNATIVES

Three alternatives were considered prior to selecting the Proposed Alignment. These three alternatives are as follows:

Alternative No. 1 - No construction

Alternative No. 2 - Construct railway south and west of Proposed Alignment.
See Figure 1

Alternative No. 3 - Construct railway north of Proposed Alignment.
See Figure 1

Alternative No. 1 - (No construction) was eliminated as it would not resolve the problems presented in Section 2 above.

Alternative No. 2 - Considered the construction of the railroad further to the west and adjacent to the Yazoo River. This concept was rejected as it would restrict the land available for economic development along the railway and would be located too close to a privately owned prison (Delta Correctional Facility).

Alternative No. 3 - Considered an alignment northerly and easterly of the proposed alignment. This concept was rejected due to the existence of existing county and commercial facilities east of an existing road at the eastern terminus of the project.

The Proposed Alignment was selected to avoid the restrictions presented in Alternatives 2 and 3 and to resolve traffic and congestion problems not resolved by Alternative No. 1.

5. IMPACTS

Impacts caused by the project or potentially caused by one of the alternatives are discussed below.

- A. **Land Use Impacts.** Current land use in the area is agricultural. The area affected by the Proposed Alignment is indicated on Figure 2. Upon completion of the proposed project, it is expected that land use from farming operations would decrease and more of the land would be converted to commercial or industrial use. Essentially the same impact would occur if the Proposed Alignment, Alternative 2 or Alternative 3 were constructed. If Alternative 1 was selected, no change in land use would occur.
- B. **Farmland Impacts.** If the Proposed Alignment is constructed, approximately 32 acres of farmland would be converted, see the Farmland Conversion Rating provided in Appendix A. This small amount of converted acreage is considered to have no significant impact on local farming operations. Similar impacts would be expected if either Alternative 2 or 3 was constructed.
- C. **Social Impacts** in the area are considered to be minimal. The land adjacent to the proposed alignment is undeveloped agricultural land. No residential areas, hospitals, nursing homes, libraries, etc. are located within 1.5 miles of the proposed alignment.
- D. **Relocation Impacts.** No relocations are required..
- E. **Economic Impacts.** No adverse economic impacts resulting from this project are foreseen. All land adjacent to the alignment is part of the Greenwood-Leflore Industrial Park. Relocation of the railway to this area would increase the economic potential for the adjacent lands.
- F. **Joint Development.** Not applicable to this project.
- G. **Consideration Relating to Pedestrians and Bicyclists.** No current pedestrian walks, bike paths, etc., exist in the project areas. No new pedestrian walk or bike paths are planned as a part of the proposed project.
- H. **Air Quality Impacts.** Air quality impacts resulting from construction activities will be mitigated and controlled by the Construction Contract Specifications. Post construction air quality conforms to the current State Air Quality Control Standards as evidenced by the correspondence from the Mississippi Department of Environmental Control presented in Appendix B.
- I. **Noise Impacts.** No noise sensitive facilities exist within approximately one mile of the Proposed Alignment. Noise impacts will therefore be insignificant.

- J. **Water Quality Impacts.** The project will not impact water quality in the area.
- K. **Permits.** An Erosion Control and Sedimentation Permit is required by the Mississippi Department of Environmental Quality as more than 1 acre of land will be disturbed during construction. The permit will be required regardless of whether the Proposed Alignment, Alternative 2 or Alternative 3 is selected.
- L. **Wetland Impacts.** While several small jurisdictional wetlands will be crossed, no significant impact to wetlands in the area will occur. This is confirmed by the Army Corps of Engineers in Appendix C. As indicated in Appendix C, a Section 404 permit will be required.
- M. **Water Body Modification and Wildlife Impacts.** Modifications to water bodies or impact on wildlife will not occur.
- N. **Floodplain Impacts.** The affected area is protected by flood control levees. No impact on any floodplain will be made. The proposed alignment crosses areas identified as Zones A1 and B on the flood insurance map provided as Figure 3. Zone B areas are between the 100 and 500 year flood elevation. Zone A1 is an area with an expected flood elevation of approximately 123.0 NGVD. The proposed minimum rail elevation for this project will be 128.1 NGVD, considerably higher than any anticipated flood.
- O. **Wild and Scenic Rivers.** No wild and scenic rivers exist within the project area.
- P. **Coastal Barriers.** Not applicable to this project.
- Q. **Coastal Zone Impacts.** Not applicable to this project.
- R. **Threatened or Endangered Species.** No threatened or endangered species will be affected by this project. Initial conversations with the U.S. Fish and Wildlife Service indicated a concern that the alignment might infringe upon bald eagle habitat. Pursuant to this, a survey by a certified wildlife biologist was made of the area. As can be seen from the report provided in Appendix D, the survey found that no eagles or likely eagle habitat is impacted by the proposed alignment.
- S. **Historic and Archaeological Preservation.** No historical or archaeological sites exist within the project area, see Appendix E.
- T. **Hazardous Waste Sites.** No hazardous waste sites exist within the project area.

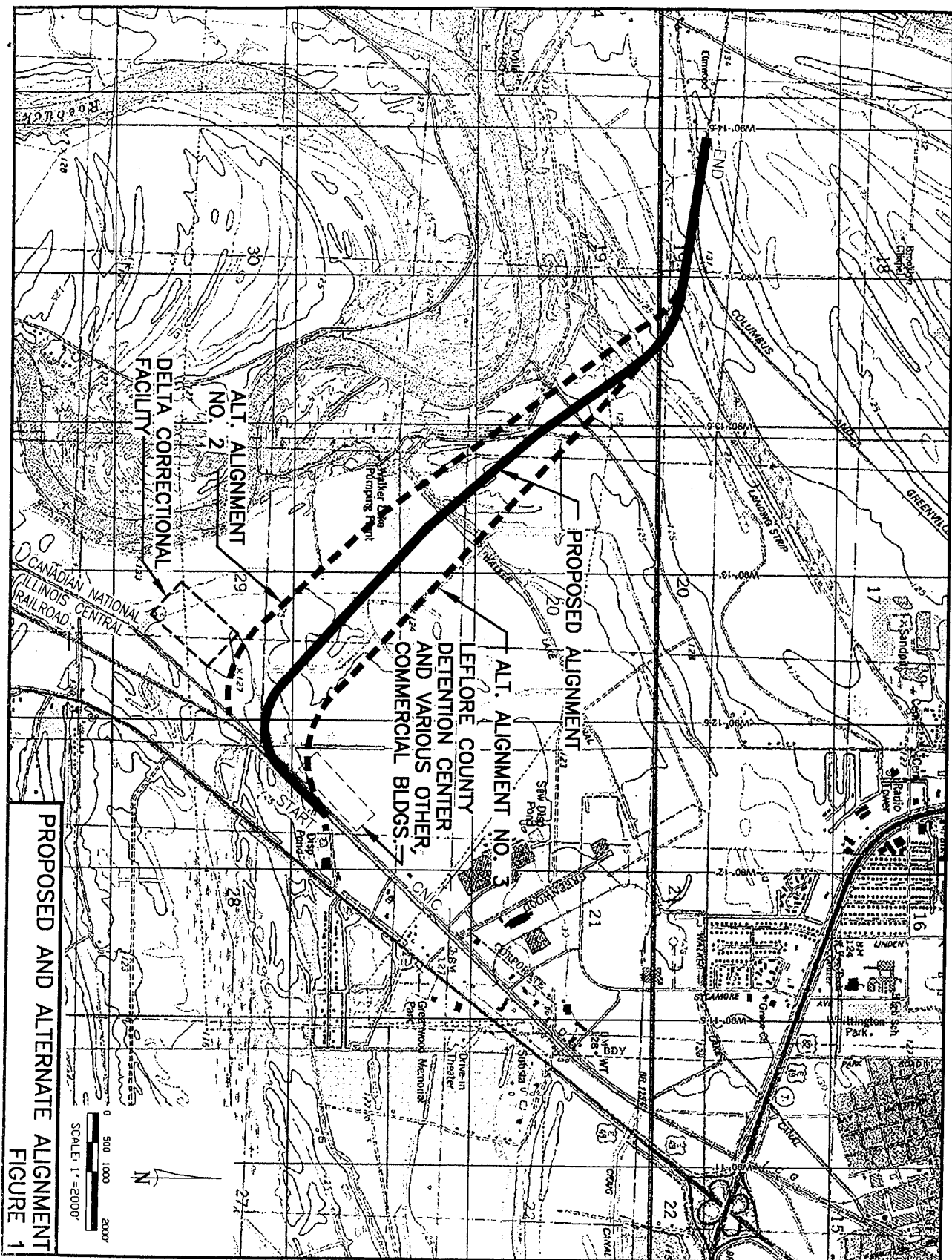
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- U. **Visual Impacts.** No adverse visual impacts will be created by the construction of the Proposed Alignment.
 - V. **Energy.** Energy impacts due to the construction of the Proposed Alignment are minimal. The energy requirements for the construction of the roadway are only marginally different than those required for the current farming operations. The energy requirements of the other alternatives are similar in this regard.
 - W. **Construction Impacts.** Normal construction materials and methods will be utilized. No special or hazardous wastes (asbestos, lead, etc.) will be generated. All construction waste materials will be disposed of in an industrial waste landfill permitted by the Mississippi Department of Environmental Quality (MDEQ). The Construction Storm Water Pollution Prevention Plan will be developed to ensure that adverse affects from erosion and sedimentation are minimized.

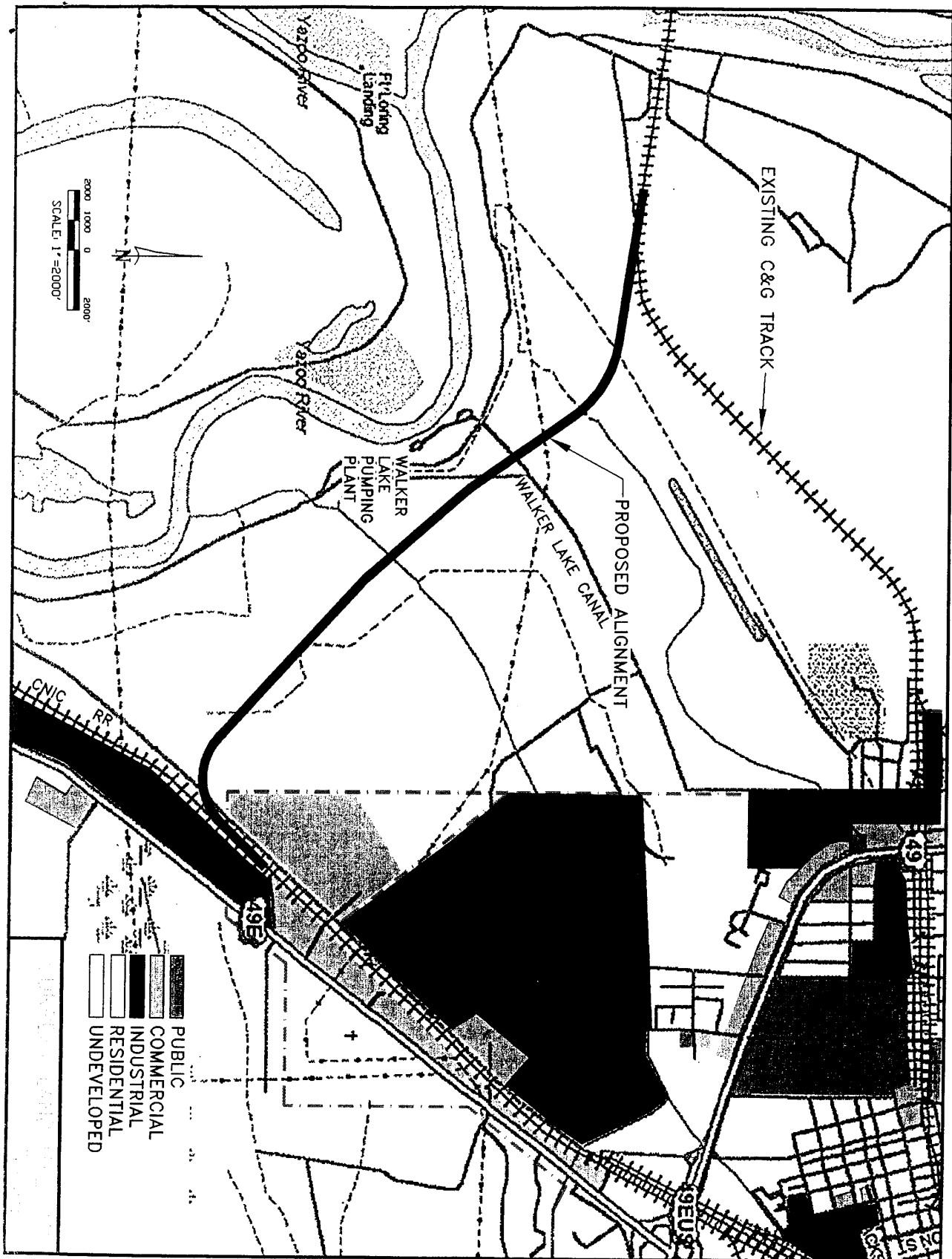
6. LIST OF PREPARERS

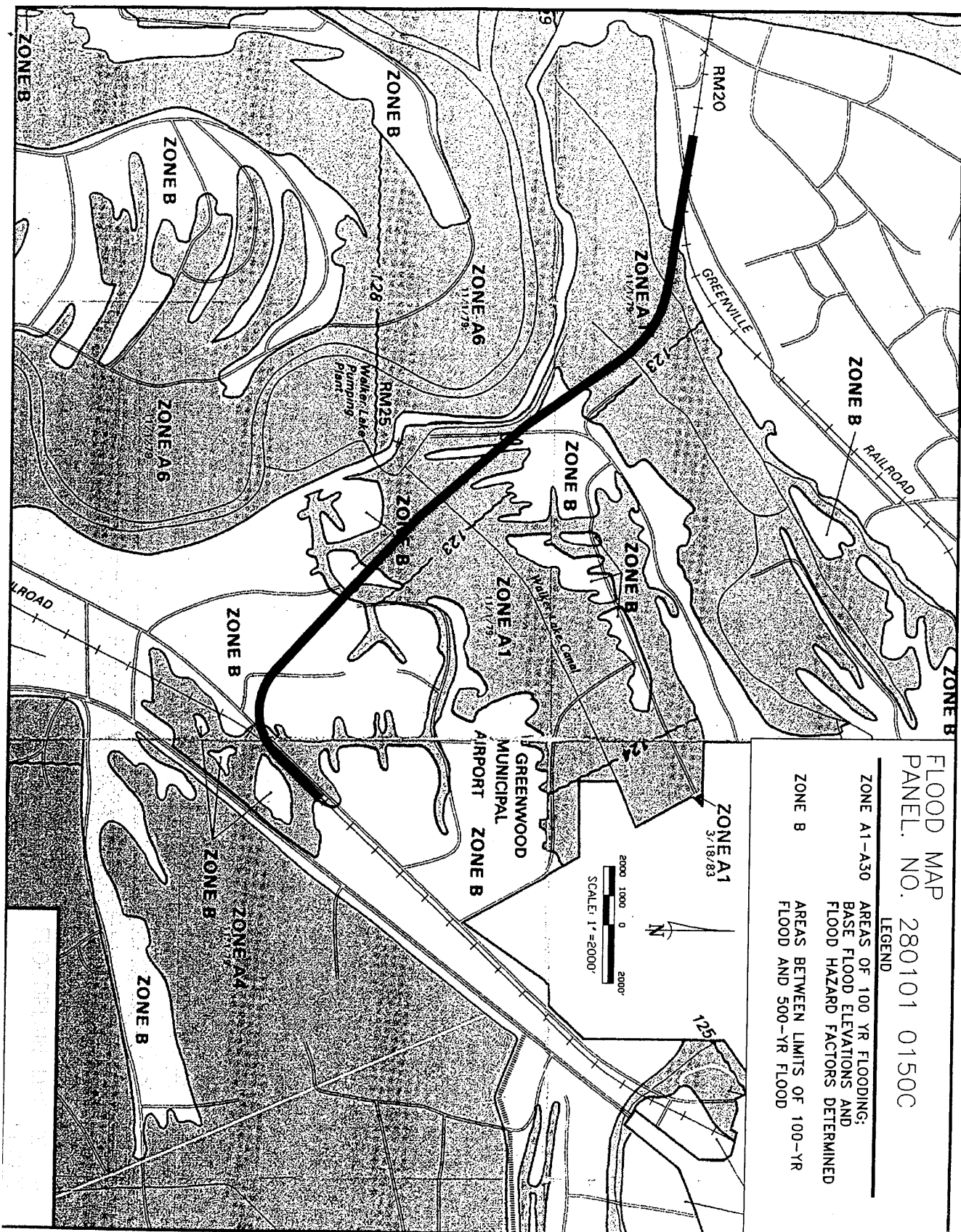
Tom Tollison, P.E.
Ed Johnson, P.E.

The Johnson-McAdams Firm P.A.
P. O. Box 513, Greenwood, MS 38935-0513
(662) 455-4943

FIGURES







APPENDIX A
FARMLAND CONVERSION RATING

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request	
Name Of Project Columbus & Greenville Railroad Relocation		Federal Agency Involved Federal Railroad Administration	
Proposed Land Use Railroad R.O.W.		County And State Leflore, Mississippi	
PART II (To be completed by SCS)		Date Request Received By SCS Jan. 15, 2003	
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply — do not complete additional parts of this form).		Yes ☒ No ☐	Acres Irrigated
Major Crop(s) Cotton & Soybean	Farmable Land In Govt. Jurisdiction Acres: 260,069 % 69.5	Amount Of Farmland As Defined in FPPA Acres: 258,521 % 66.6	
Name Of Land Evaluation System Used LESA	Name Of Local Site Assessment System	Date Land Evaluation Returned By SCS	
PART III (To be completed by Federal Agency)		Alternative Site Rating	
		Site A	Site B
A. Total Acres To Be Converted Directly		32.8	
B. Total Acres To Be Converted Indirectly		0	
C. Total Acres In Site		32.8	
PART IV (To be completed by SCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland		30.2	
B. Total Acres Statewide And Local Important Farmland		0	
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted		.001	
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value		64.5	
PART V (To be completed by SCS) Land Evaluation Criterion			
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		80	
PART VI (To be completed by Federal Agency)			
Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points		
1. Area In Nonurban Use			
2. Perimeter In Nonurban Use			
3. Percent Of Site Being Farmed			
4. Protection Provided By State And Local Government			
5. Distance From Urban Builtup Area			
6. Distance To Urban Support Services			
7. Size Of Present Farm Unit Compared To Average			
8. Creation Of Nonfarmable Farmland			
9. Availability Of Farm Support Services			
10. On-Farm Investments			
11. Effects Of Conversion On Farm Support Services			
12. Compatibility With Existing Agricultural Use			
TOTAL SITE ASSESSMENT POINTS	160		
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part VI)	100		
Total Site Assessment (From Part VI above or a local site assessment)	160		
TOTAL POINTS (Total of above 2 lines)	260		
Site Selected:	Date Of Selection:	Was A Local Site Assessment Used? Yes ☐ No ☐	
Reason For Selection:			

APPENDIX B

LETTER FROM MDEQ REGARDING AIR QUALITY



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

January 17, 2003

Tom Tollison, P.E., Vice President
The Johnson McAdams Firm
P.O. Box 513
108 W. Market St.
Greenwood, MS 38935-0513

RE: 2003 CBDG, Columbus and Greenville Railway relocation
Greenwood, MS

Dear Mr. Tollison:

We have reviewed the information that has been provided to us concerning the referenced project. As a result, we are of the opinion that this project will cause no significant adverse ambient air quality impact. This is based on the understanding that there will be no air emissions equipment installed without first obtaining required permits from the Mississippi Department of Environmental Quality Permit Board. Also, there must be no building demolition or renovation activities that fail to comply with the Department's asbestos control regulations. Guidance is attached to assist in the determination of the need for permitting and applicability of asbestos control regulations. We will be glad to provide copies of our permit and asbestos regulations should they be needed.

To expedite handling of future requests concerning ambient air quality impact, please forward correspondence to:

Air Quality Impact Review
% Air Toxics Branch
101 West Capitol Street, Suite 100
Jackson, MS 39201

If you have any questions or need further assistance, please do not hesitate to contact me at (601) 961-5799.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Bryan Williams".

Bryan Williams
Air Toxics Branch

APPENDIX C

LETTER REGARDING WETLAND IMPACTS FROM

U.S. ARMY CORPS OF ENGINEERS



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

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

February 11, 2003

Operations Division
Regulatory

SUBJECT: Department of the Army Regulatory Requirements-Columbus
and Greenville Railroad Relocation Site

Mr. Tom Tollison, P.E.
Johnson McAdams
Post Office Box 513
Greenwood, Mississippi 38935-0513

Dear Mr. Tollison:

This is in response to your letter requesting a preliminary wetland determination for the subject project located in Leflore County, Mississippi.

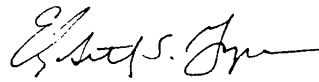
Based upon the information provided, it appears there are jurisdictional areas on the property subject to regulation pursuant to Section 404 of the Clean Water Act. The approximate extent of wetlands and other waters of the United States within the boundary of the project described in your letter is depicted on the enclosed preliminary map (enclosure 1). Any work involving the discharge of dredged or fill material (land clearing, ditching, filling, leveeing, etc.) within the limits of the jurisdictional areas identified will require a Department of the Army Section 404 permit prior to beginning work. Please note that this jurisdictional determination is preliminary and should be used for planning purposes only. A final determination will be made upon your submission of a completed application with project plans. For your information, I have enclosed a copy of the basis of our preliminary determination and appeals form (enclosure 2).

For your convenience, I am enclosing a Department of the Army permit application package with instructions (enclosure 3). Your application for any proposed work in wetlands or other waters of the United States should be submitted at least 120 days in advance of the proposed starting date. To expedite the evaluation process, please refer to number CEMVK-OD-FS-200300680-MNH when submitting the application.

-2-

If you have any questions, please contact Ms. Monica Humphrey of this office, telephone number (601)631-7928, telefax (601) 631-5459 or e-mail address: regulatory@mvk02.usace.army.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth S. Guynes".

Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosures

APPENDIX D

LETTER FROM USF&W REGARDING THREATENED

AND ENDANGERED SPECIES

AND

SURVEY REPORT BY WILDLIFE BIOLOGIST



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213
January 17, 2003

Mr. Tom Tollison
Johnson McAdams Architects and Engineers
Post Office Box 513
Greenwood, Mississippi 38935-0513

Dear Mr. Tollison:

The U.S. Fish and Wildlife Service (Service) received your letter dated January 13, 2002, regarding the construction of a Columbus and Greenville Railway corridor and potential adverse impacts to any federally listed species in LeFlore County, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project would include the construction of an embankment, drainage culverts, bridges, and track bed on a 100-foot wide right-of-way around the city of Greenwood in the Yazoo River Basin

The threatened bald eagle (*Haliaeetus leucocephalus*) could be found in the project area. The bald eagle is the only species of "sea eagle" regularly occurring on the North American continent. The bald eagle is predominantly a winter migrant in the southeast; however, increasing occurrences of nesting have been observed. The bald eagle nests in the transitional area between forest and water. They construct their nests in dominant living pines or bald cypress trees. Eagles often use alternate nests in different years with nesting activity occurring between September and January of each year. Young are usually fledged by midsummer.

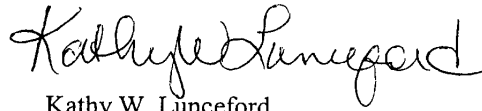
The bald eagle is very sensitive to human disturbance. Therefore, before the use or transportation of any heavy construction equipment, or the removal of any vegetation within potential habitats, the Service recommends a qualified biologist conduct a visual survey for this species. Areas surveyed should also include ingress and egress areas, equipment storage areas, and staging areas. If any evidence of the bald eagle or its habitats are identified, further consultation with the Service will be necessary.

Also, the site may contain wetlands. Therefore, a Department of the Army (DA) permit for deposition of fill or dredged material in a wetland may be necessary. Please contact the

Vicksburg District Corps of Engineers regarding the need for a DA permit, telephone: (601) 631-5289.

If you have any additional questions, please feel free to contact this office, telephone: (601) 321-1132.

Sincerely,

A handwritten signature in cursive script, reading "Kathy W. Lunceford". The signature is written in dark ink and is positioned above the printed name and title.

Kathy W. Lunceford
Fish and Wildlife Biologist



Registered Forester
Certified Wildlife Biologist

CALLAHAN TIMBER & WILDLIFE SERVICES



Ramon L. Callahan
262 Springwood Dr.
Terry, MS 39170
601-373-5976
Truck 668-7478

Railroad Relocation Project Columbus and Greenville Railway Leflore County, MS

Assessment of Impacts to the Bald Eagle (*Haliaeetus leucocephalus*)

February 4, 2003

Prepared by Ramon L. Callahan, Biologist
Callahan Timber and Wildlife Services, Inc.

The City of Greenwood, Mississippi, has received a Federal Grant to relocate a portion of the Columbus to Greenville Railroad from the downtown section of Greenwood to a route that is south of the city. This route connects two existing railroad tracks and will traverse about 2 ½ miles through land owned by the city that is a part of an industrial park.

The United States Fish and Wildlife Service requested by letter on January 17, 2003, that Johnson - McAdams, the Architect and Engineering firm employed by the City of Greenwood, have a biologist make an on- the- ground survey for presence of the Bald Eagle.

The Project Area

The proposed new track will encompass a total of 32.8 acres, is approximately 2 ½ miles long and will have a 100' right- of- way. Minor drainage improvements along the track may be necessary in places.

The new track location is located south of the city of Greenwood and lies north of the Yazoo River (see map). The land is presently used as cropland, although it is totally within the Greenwood Industrial Park boundaries. The topography is very flat except for minor field drains. Near the end, the new track route will cross a small brushy wetland. Only the extreme southern end of this wetland would be impacted by the track crossing. The predominant vegetation in this wetland is button bush (*Cephalanthus*) with a fringe of small hardwood trees. There are a few cypress trees in the wetland, but they are not in the 100' right-of- way dedicated for the track. Attached are photographs of the area along the proposed route showing present conditions and the small cover areas that transect the industrial park lands.

Impacts to the Bald Eagle

A field review of the new track location did not indicate the presence of eagles or eagle nesting activity, nor did it appear that the immediate vicinity of the track location

harbored desirable nesting habitat or wintering habitat for the bald eagle. To further verify this observation, I consulted two professionals who are knowledgeable of eagle activity in this area.

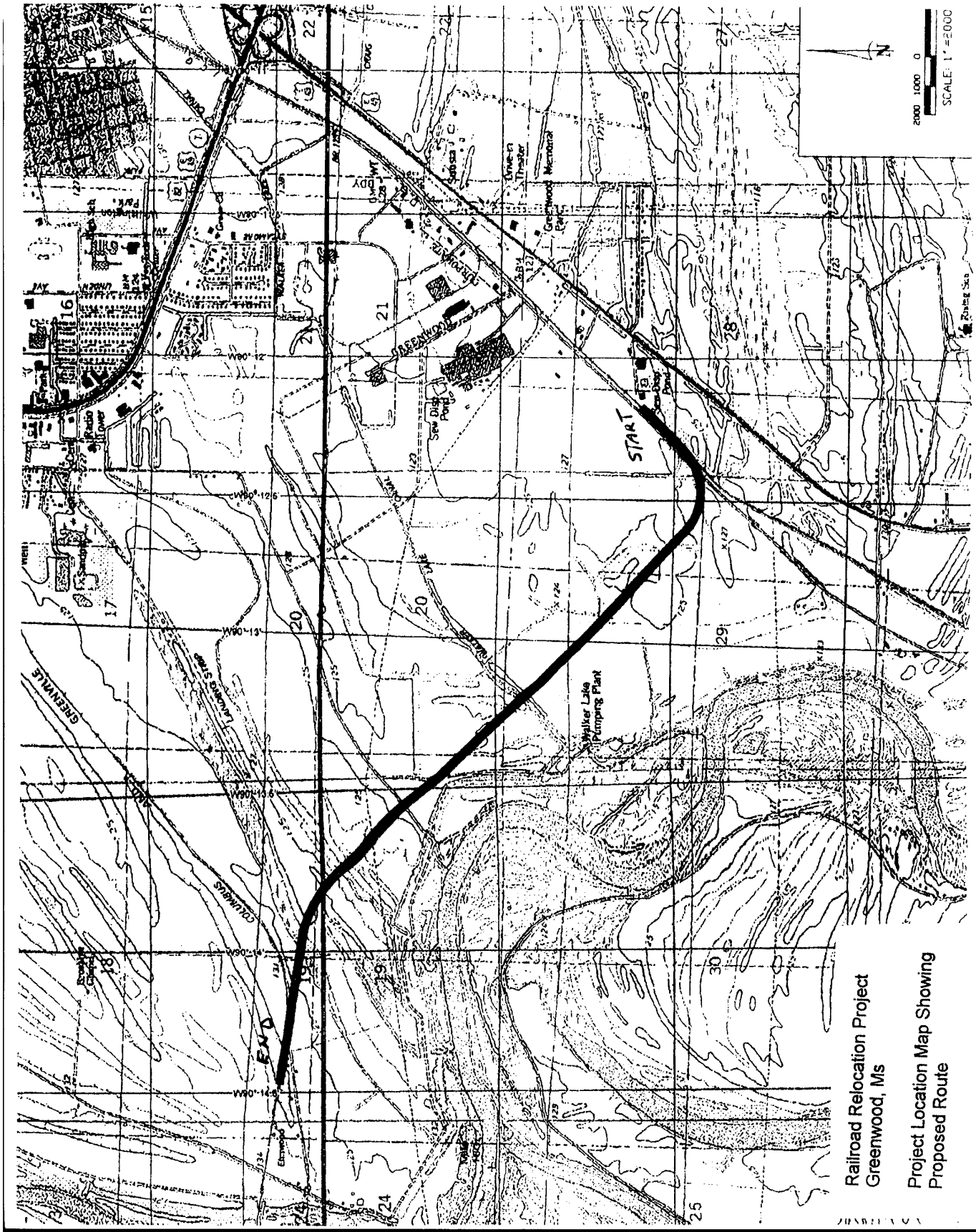
Robert Neely, a long time conservation officer with the Mississippi Department of Wildlife Fisheries and Parks, serves Leflore County. I asked Robert about reports of Bald Eagle activity in Leflore County. Although some of these reports are not valid as confirmed reports, he is aware of overwintering Bald Eagle activity in the McIntyre Scatters area, the Schlater area, and on the Matthews Brake Wildlife Refuge. All of these areas are characterized by large bodies of water and extensive stands of large cypress, tupelo gum, or other large trees. He has never been made aware of any eagle activity near the industrial park. Roebuck Lake, a large natural lake characterized by extensive stands of large cypress, is located a short distance from the industrial park. Robert has never had any reports of sightings or other eagle activity from this possible habitat area.

The other professional interviewed concerning possible Bald Eagle activity in the project area is Mary Stevens, a long time employee of the Museum of Natural History, who initiated a study and compilation of Bald Eagle activity in Mississippi years ago. Additionally, she has participated in the Partners in Flight program with the U.S. Fish and Wildlife Service, which also monitored eagle activity within the state. Records have been kept of confirmed eagle nesting locations. She has no records confirming any eagle nesting sites in Leflore County, although she is aware of some reports of migratory overwintering activity.

Conclusions

The agricultural land transected by the proposed track location does not appear to have any qualities that would attract Bald Eagles. It is a infinitely small microcosm of similar agricultural field habitat that is found throughout Leflore County and the Mississippi Delta. It does not contain any significant water body or large stands of trees. No signs of eagles or eagle nests were found. Discussions with two experienced conservationists that have worked in this area and are aware of possible Bald Eagle activity revealed that they have no records of any kind of nesting activity or wintering activity on or near the project area.

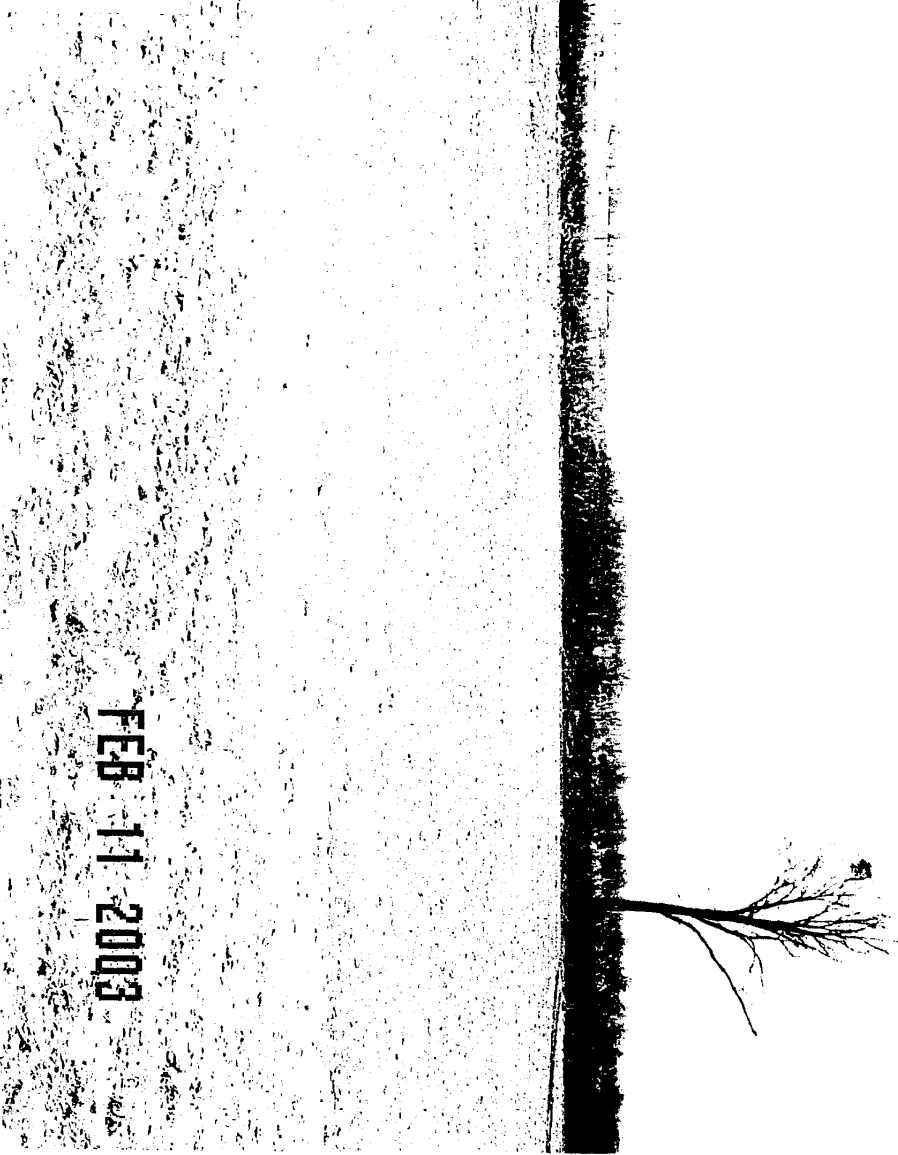
Therefore, it is my opinion that there are no bald eagles on or near this project area. Additionally, the project does not represent any reasonable threat to the Bald Eagle or its nesting habitat. I see no reason why this project should not proceed insofar as its effects to the Bald Eagle are concerned.



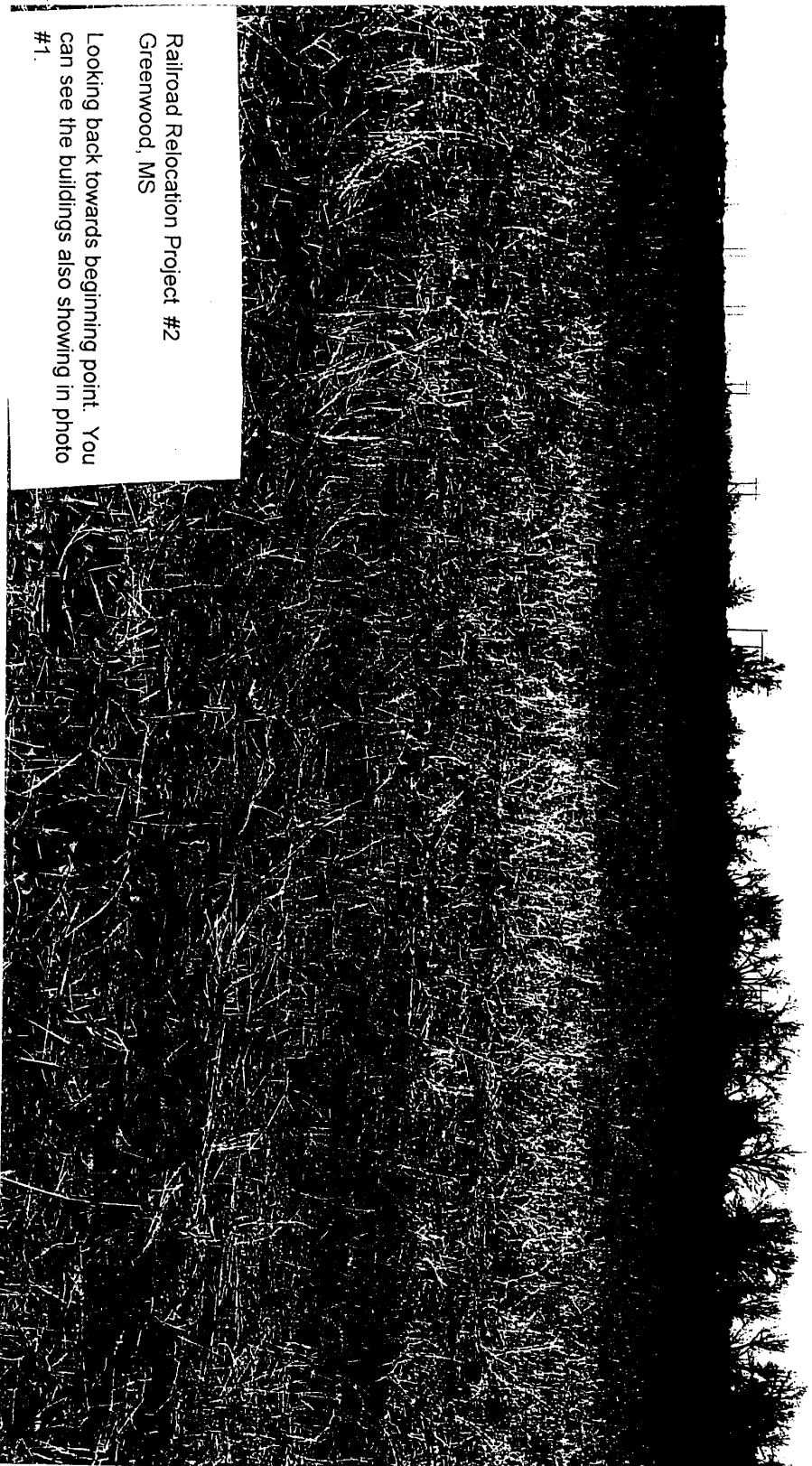
Railroad Relocation Project
Greenwood, MS
Project Location Map Showing
Proposed Route

#2

Railroad Relocation Project #1
Greenwood, MS
Near the beginning point of the proposed
new track route.



2

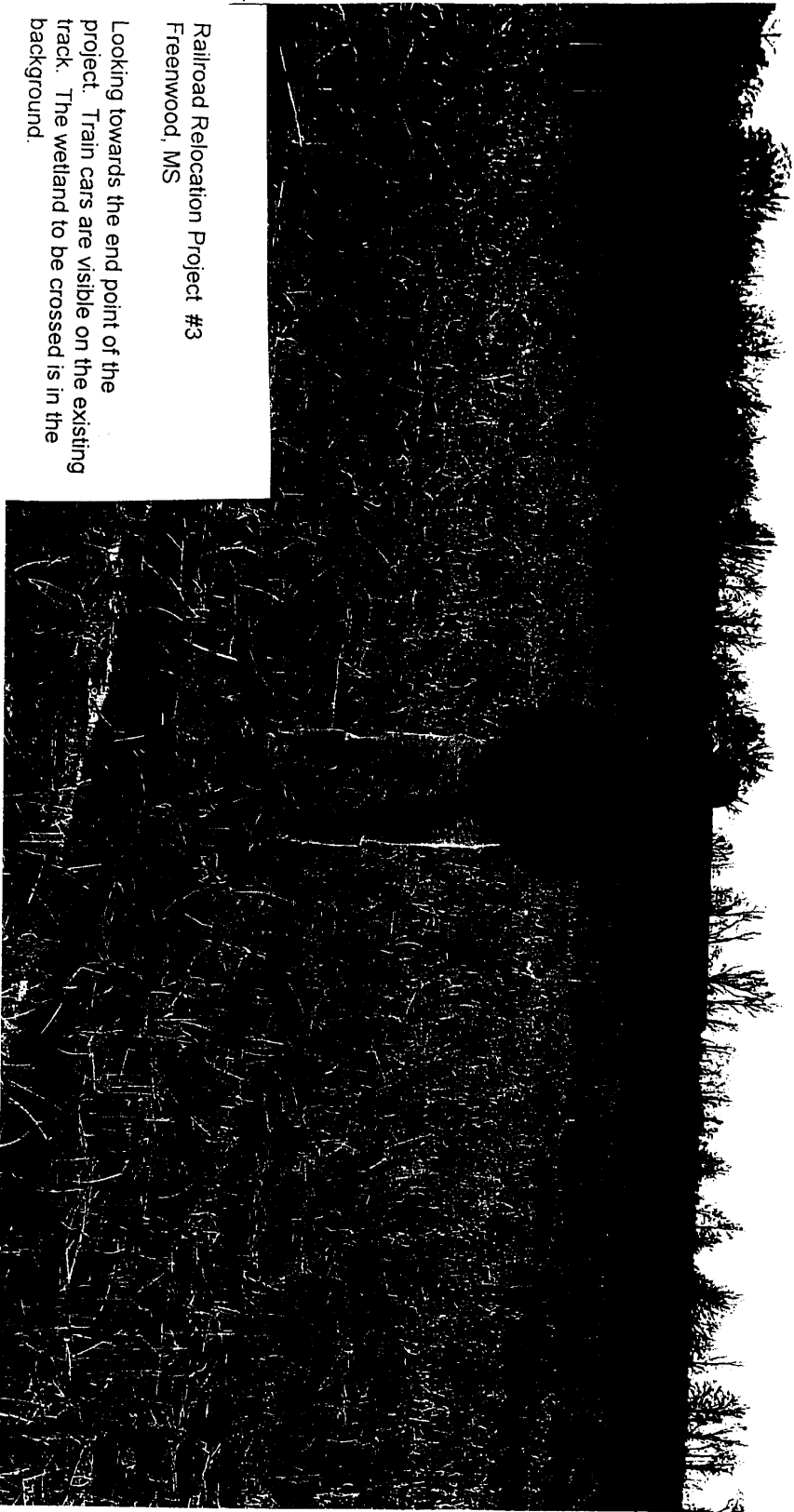


Railroad Relocation Project #2
Greenwood, MS

Looking back towards beginning point. You
can see the buildings also showing in photo
#1.

Railroad Relocation Project #3
Freemwood, MS

Looking towards the end point of the project. Train cars are visible on the existing track. The wetland to be crossed is in the background.



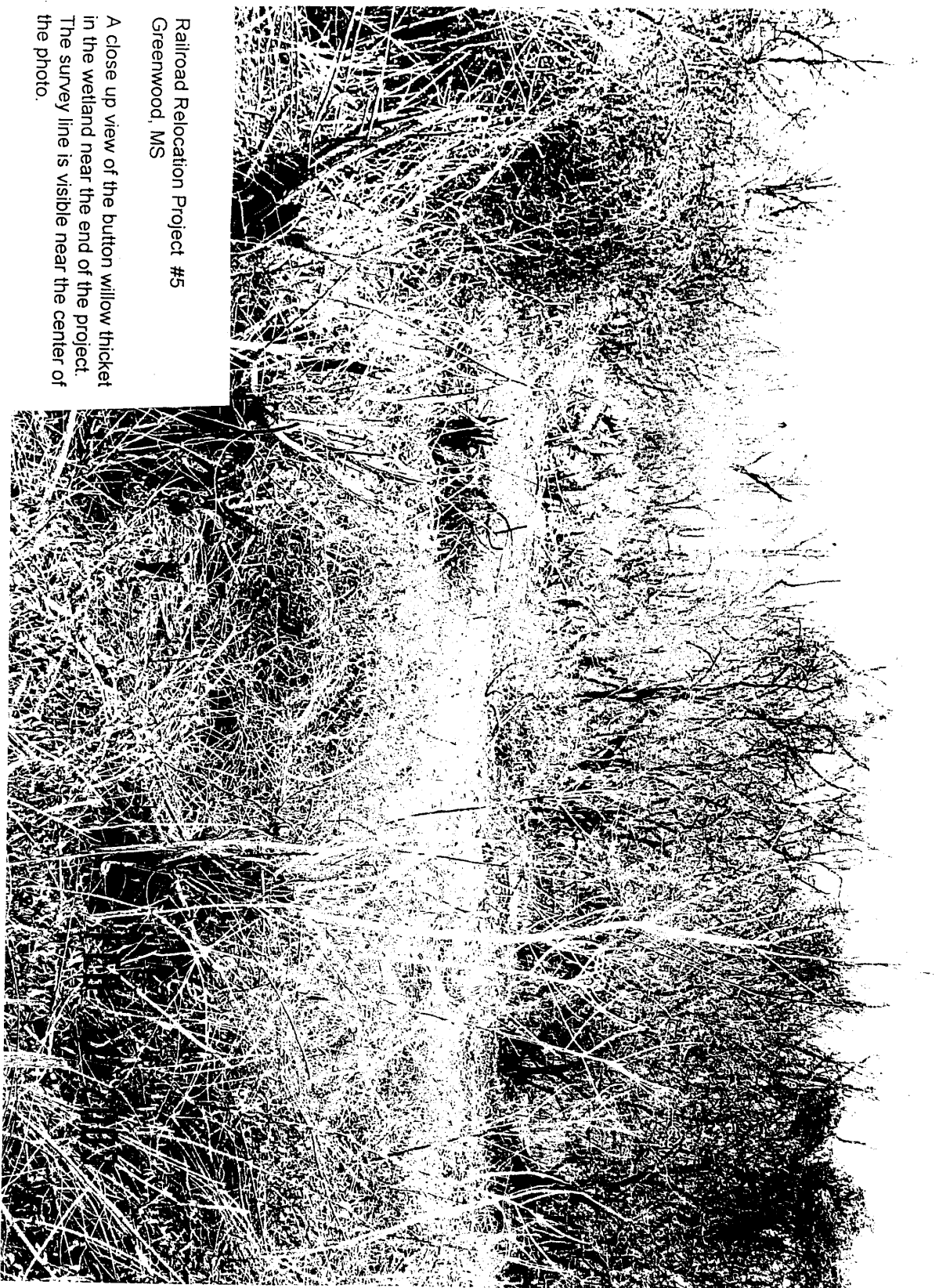


Railroad Relocation Project #4
Greenwood, MS

Looking towards the end of the project.

Railroad Relocation Project #5
Greenwood, MS

A close up view of the button willow thicket
in the wetland near the end of the project.
The survey line is visible near the center of
the photo.





Mississippi Department of Archives and History

Historic Preservation Division

PO Box 571 • Jackson, MS 39205-0571 • 601 / 359-6940 • Fax 601 / 359-6955 • mdah.state.ms.us

February 13, 2003

Mr. Tom Tollison, Vice President
Johnson McAdams
Post Office Box 513
Greenwood, Mississippi 38935-0513

Dear Mr. Tollison:

RE: Cultural Resources Survey of a Proposed Railroad Alignment, Section 19,
20, and 29, T19N, R1E, Leflore County, report #03-043

We have reviewed the February 2002 cultural resources survey report of Robert Thorne for the above referenced undertaking. We concur that 22-Lf-964, and -965 are ineligible for listing in the National Register of Historic Places. We, therefore, have no further reservations with this undertaking.

In addition, we are not aware of any potential of this undertaking to affect Indian cultural or religious sites. However, if you require confirmation of this, the tribal entities will have to be contacted directly.

There remains a very remote possibility that unrecorded cultural resources may be encountered during construction. If this occurs, we would appreciate your contacting this office immediately in order that we may offer appropriate comments under 36 CFR 800.11 within forty-eight hours. Your continued cooperation is appreciated.

Sincerely,

Elbert R. Hilliard
State Historic Preservation Officer

Thomas H. Waggener

By: Thomas H. Waggener
Review and Compliance Officer

cc: Clearinghouse for Federal Programs

Robert M. Thorne, Ph. D., RPA
DBA Archaeology and Cultural Heritage
P. O. Box 544
University, MS 38677
(662) 234-8550 - home

February 5, 2003 Email: thor7922@bellsouth.net

Mr. Thomas H. Waggener
Review and Compliance Officer
Historic Preservation Division
MDAH
P. O. Box 571
Jackson, MS 39205-0571

RE: A Cultural Resources Survey of a Proposed Railroad Alignment, Sections 19, 20, and 29,
T19N, R1E, Leflore County, Mississippi (Columbus and Greenville Railroad Relocation)

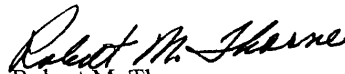
Dear Mr. Waggener:

I have enclosed a copy of my cultural resources assessment of 43 acres that will be included in the right-of-way for the above referenced railroad relocation project. Only two previously recorded cultural resources are located near the proposed work area. Both are historic period sites, neither met the criteria for admission to the Register, and both have been covered by dredge spoils. No previously unrecorded sites were identified as a result of the present effort. No unrecorded cultural resources or National Register properties will be adversely impacted by development of the railroad.

I am sending the report to your attention in order to avoid the delay that would occur if I mailed the report to Mr. Tollison, who would follow up by mailing the report to your attention. Please direct your letter of concurrence of my recommendations to:

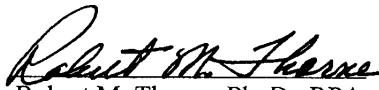
Tom Tollison, Vice President
Johnson McAdams
P. O. Box 513
Greenwood, MS 38935-0513

Thank you in advance for your prompt attention to this report.


Robert M. Thorne
Consulting Archaeologist

**A CULTURAL RESOURCES SURVEY OF A PROPOSED RAILROAD ALIGNMENT,
SECTIONS 19, 20, and 29, T19N, R1E, LEFLORE COUNTY, MISSISSIPPI
(COLUMBUS AND GREENVILLE RAILROAD RELOCATION)**

Prepared by

A handwritten signature in cursive script, reading "Robert M. Thorne".

Robert M. Thorne, Ph. D., RPA
d.b.a. Archaeology and Cultural Heritage

for

Johnson - McAdams Firm, P. A.
P. O. Box 513
Greenwood, MS 38935-0513

February 5, 2003

INTRODUCTION

The ground truth assessment for cultural resources and the report which follows was completed at the request of Tom Tollison representing the Johnson - McAdams Firm. Fieldwork was completed by the author and Hugh K. Curry on January 28, 2003. Mr. Tollison accompanied us to the project location and explained the layout of the proposed alignment

LOCATION

The majority of the research universe in this assessment is a 100' wide right-of-way that is approximately 14,288 feet in length. An additional area of approximately 1,500' x 300' was also cleared on the western end of the proposed alignment. The area included in the assessment is 43 acres. The proposed right-of-way crosses Sections 19, 20, and 29, T19N, R1E in Leflore County. The proposed alignment is shown on the attached map.

PREVIOUS RESEARCH

An inspection of the archaeological site files curated by the Historic Preservation Division of the Department of Archives and History and a personal consultation with Cliff Jenkins indicated that there are two previously recorded sites, 22-LF-964 and 22-LF-965, in the immediate vicinity of the proposed development. Both are apparently twentieth century historic period sites. Site card data indicates that these sites were located by Owens for Geomarine ahead of the use of the area as a dredge spoil disposal area. Both of these sites were considered to be ineligible and both have been buried under the dredge spoils. Earlier surveys completed along and in the vicinity of the proposed alignment did not identify any site locations. Those surveys included 83-161 which was a survey along the channel of the Yazoo River, 93-194 and 94-390. The latter two surveys were completed along the southeastern end of the proposed railroad relocation right-of-way.

The nearest National Register properties to the proposed work reach in Leflore County are to the north of the proposed alignment, and well away from the proposed work reach. None will be adversely impacted by construction of the rail bed. There are no standing structures on the proposed right-of-way and none are in the immediate vicinity that could meet the criteria for eligibility to the National Register.

TOPOGRAPHY AND SOILS

The proposed work reach is located within the Yazoo Basin physiographic region at an elevation that is about 125' AMSL. An inspection of the Sidon and Greenwood Quads across the length of the proposed right-of-way indicates that the area is relatively flat, and the western end of the proposed work reach is marked by low ridges and swales that are characteristic of a pointbar depositional area. To the southeast, the depositional surface is characterized as backswamp. Dug drainage ditches also characterize the topography in several locations. The western end of the alignment near the existing railroad contains an abandoned channel of the Yazoo River that still holds water. Drainage in the proposed work area is controlled by dug ditches that channel surface water to the south and southwest toward the Yazoo River.

Soils across the length of the right-of-way are broadly classified as being Alligator and Dundee soils, with several being defined as being nearly level. Mapped soils near the extinct

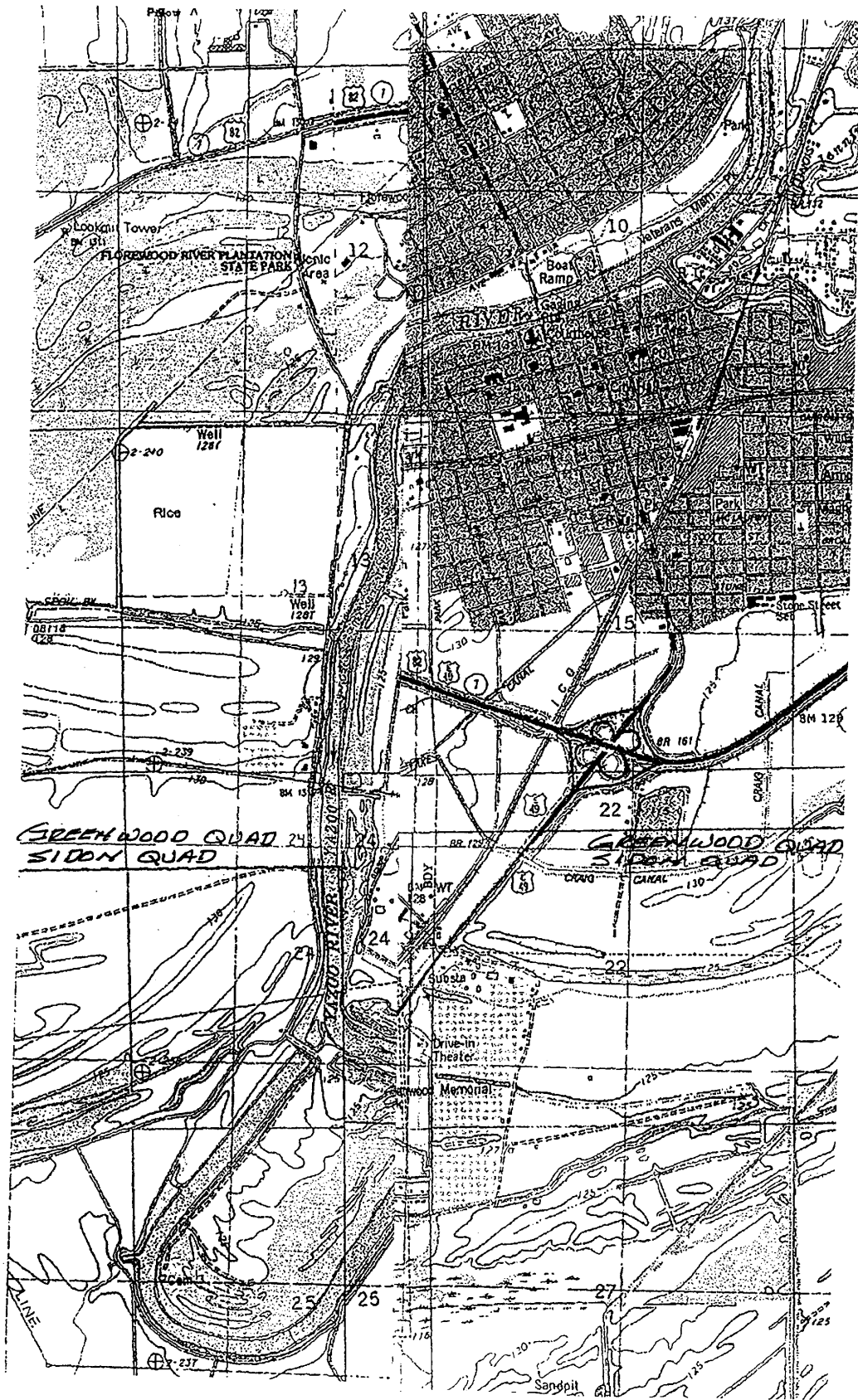


Exhibit D

FRA Categorical Exclusion Worksheet

**Federal Railroad Administration (FRA)
CATEGORICAL EXCLUSION WORKSHEET**

Note: The purpose of this worksheet is to assist proposal sponsors in gathering and organizing materials for environmental analysis required under the National Environmental Policy Act (NEPA), particularly for proposals, which may qualify as Categorical Exclusions and to assist the FRA in evaluating requests from project sponsors for categorical exclusion determinations. Categorical Exclusions are categories of actions (i.e. types of projects) that the FRA has determined, based on its experience, typically do not individually or cumulatively have a significant effect on the human environment and which generally do not require the preparation of either an environmental impact statement or an environmental assessment.

Submission of the worksheet by itself does not meet NEPA requirements. FRA must concur in writing with the proposal sponsor's Categorical Exclusion recommendation for NEPA requirements to be met. Please complete this worksheet using compatible word processing software and submit, including completed form in electronic format.

I. PROPOSAL DESCRIPTION

Proposal Sponsor City of Greenwood, MS		Date Submitted 4/15/03	FRA Identification Number (if any)
Proposal Title Columbus and Greenville Track Relocation and Construction			
Location (Include Street Address, City or Township, County, and State) Greenwood, MS			
Contact Person Tom Tollison	Phone	E-mail Address (if available) thtoll@bellsouth.net	
Description of Proposal The project would relocate the C&G track running through the center of Greenwood to a new alignment south of the city, eliminating eight at-grade crossings and reducing use of four others to switching traffic only (while creating only three new at-grade crossings). The proposed project will encompass 32.8 acres, is approximately 2.5 miles long with a 100-foot right-of-way. It would include the construction of an embankment, minor drainage culverts, bridges, and track bed around the city of Greenwood in the Yazoo River Basin.			
Purpose and Need of Proposal The current alignment bisects the town, crossing major thoroughfares, restricting regular and emergency traffic and presenting the potential for vehicular/rail accidents. The intersection with the CN/IC is also in the center of the city.			
For Agency Use			
Date Received: 5/13/03	Reviewed By: C. H. 8-02	Recommendation for action: ☒ Accept ☐ Return for revisions ☐ Not Eligible	
Comments:			
Concurrence by Counsel: ☒ Accept Recommendation ☐ Return with Comments		Reviewed By: J. F. Fialova Date: 6/16/03	
Comments:			
Concurrence by Approving Official: [Signature]			Date: 6/17/03

II. NEPA CLASS OF ACTION

Answer the following questions to determine the proposal's potential class of action.

A. Will the proposal substantially impact the natural, social and / or human environment?☐ YES (Contact FRA)☒ NO (Continue)

Actions that will significantly impact the environment require preparation of an Environmental Impact Statement. These proposals typically include construction or extension of rail lines or rail facilities including passenger, high speed, or freight rail activities.

B. Is the significance of the proposal's social, economic or environmental impacts

unknown?

☐ YES (Contact FRA)☒ NO (Continue)

- C. **Does Section 4(f) of the Department of Transportation Act apply?** (i.e. proposal requires the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance, as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site.)

☐ YES (Contact FRA)☒ NO (Continue)

- D. **Is the proposal likely to require detailed evaluation of more than a few potential impacts?**

☐ YES (Contact FRA)☒ NO (Continue)

- E. **Is the proposal likely to generate intense public discussion or concern, even though it may be limited to a relatively small subset of the community?**

☐ YES (Contact FRA)☒ NO (Continue)

- F. **Is the proposal inconsistent with any Federal, State, or local law, regulation, ordinance, or Judicial or administrative determination relating to environmental protection?**

☐ YES (Contact FRA)☒ NO (Continue)

- G. **Is the proposal an integral part of a program of current Federally supported actions which, when considered separately, would not be classified as major actions, but when considered together may result in substantial impacts?**

☐ YES (Contact FRA)☒ NO (Continue)

If the answer to any of the questions B through G is "YES", contact the FRA to determine whether the proposal requires preparation of an Environmental Assessment.

- H. **Is the proposal consistent with one of the following potential Categorical Exclusions?**

FRA Procedures for Considering Environmental Impacts, 64 FR 28545 (May 26, 1999)

☒ YES (Mark category and continue as indicated) ☐ NO (Contact FRA)

- ☐ Financial assistance or procurements solely for planning or design activities that do not commit the FRA or its applicants to a particular course of action affecting the environment (*stop and submit to FRA*)
- ☐ State rail assistance grants for acquisition (*Continue to Part III*)
- ☐ Operating assistance to a railroad to continue existing service or to increase service to meet demand, where the assistance will not result in a change in the effect on the environment (*stop and submit to FRA*)
- ☐ Acquisition of existing railroad equipment, track and bridge structures, electrification, communication, signaling or security facilities, stations, maintenance of way and maintenance of equipment bases, and other existing railroad facilities or the right to use such facilities, for the purpose of conducting operations of a nature and at a level of use similar to those presently or previously existing on the subject properties (*Complete Part III, Sections H, I, U, & V and submit to FRA*)
- ☐ Research, development and/or demonstration of advances in signal, communication and/or train control systems on existing rail lines provided that such research, development and/or demonstrations do not require the acquisition of substantial amounts of right-of-way, and do not substantially alter the traffic density [or operational] characteristics of the existing rail line (*Continue to Part III*)
- ☐ Temporary replacement of an essential rail facility if repairs are commenced immediately after the occurrence of a natural disaster or catastrophic failure (*Continue to Part III*)

Changes in plans for a proposal for which an environmental document has been prepared, where the

- ☐ changes would not alter the environmental impacts of the action *(Continue to Part III describing the full consequences of the changes only)*
- ☐ Maintenance of: existing railroad equipment; track and bridge structures; electrification, communication, signaling, or security facilities; stations; maintenance-of-way and maintenance-of-equipment bases; and other existing railroad-related facilities. ("Maintenance" means work, normally provided on a periodic basis, which does not change the existing character of the facility, and may include work characterized by other terms under specific FRA programs) *(Continue to Part III)*
- ☐ Financial assistance for the construction of minor loading and unloading facilities, provided that proposals are consistent with local zoning, do not involve the acquisition of a significant amount of land, and do not significantly alter the traffic density characteristics of existing rail or highway facilities *(Continue to Part III)*
- ☒ Minor rail line additions including construction of side tracks, passing tracks, crossovers, short connections between existing rail lines, and new tracks within existing rail yards, provided that such additions are consistent with existing zoning, do not involve acquisition of a significant amount of right of way, and do not substantially alter the traffic density characteristics of the existing rail lines or rail facilities *(Continue to Part III)*
- ☐ Improvements to existing facilities to service, inspect, or maintain rail passenger equipment, including expansion of existing buildings, the construction of new buildings and outdoor facilities, and the reconfiguration of yard tracks *(Continue to Part III)*

III. PROPOSAL INFORMATION FOR CATEGORICAL EXCLUSIONS

Complete Part III unless indicated otherwise in Part II and submit to FRA.

Maps displaying the following, as applicable, are required to be attached for FRA review:

- Proposal vicinity
- Proposal Site Plan indicating the USGS Quadrangle and Section
- Other Information as necessary to complete Part III

A. Describe how the proposal satisfies the purpose and need identified in Part I:

The project would eliminate eight at-grade crossings and reduce four others to switch use only.

B. **Location & Land Use:** *Attach a map or diagram, at an appropriate scale, identifying the location of the proposal site and surrounding land uses, and if applicable, the zoning of the site and surrounding properties. If the proposal would require many pages of maps or diagrams, contact FRA. Note on the map or diagram any critical resource areas, potential historic sites, or sensitive noise receptors such as schools, hospitals, and residences.*

Briefly describe the existing land use of the proposal site and surrounding properties.

The land is presently used as cropland for cotton and soybean, but it is totally within the Greenwood Industrial Park boundaries and on city- and county-owned land. Three acres of land will need to be purchased on the west end of the project due to orientation of property lines and current rail alignment. This land is agricultural with no business or residences of any type.

C. **Historic Resources:** *If any cultural, historic, or archaeological resources are located in the immediate vicinity of the proposal, check and describe the resource(s) and then describe any potential effect of the proposal on the resource(s).*

☐ Cultural

☒ Historical Two historical sites were located in the vicinity of the project; both were covered in dredge spoils and are considered to be ineligible for the National Register of Historic Places.

☐ Archaeological

Has consultation with the State Historic Preservation Officer occurred? If so, describe and attach relevant correspondence.

☒ Consultation with SHPO The SHPO concurred that 22-Lf-964 and -965 are ineligible for listing in the National Register of Historic Places.

- D. Public Notification:** *Briefly describe any public outreach efforts undertaken on behalf of the proposal, if any. Indicate opportunities the public has had to comment on the proposal (e.g., Board meetings, open houses, special hearings).*

none

Indicate any prominent concerns expressed by agencies or the public regarding the proposal.

- E. Transportation:** *Would the proposal have a detrimental effect on other railway operations or impact road traffic, or increase demand for parking?*
☒ No (continue) ☐ Yes, describe potential transportation, traffic, and parking impacts, and address capacity constraints and potential impacts to existing railroad operations. Include maps or diagrams indicating any impacts and any proposed modifications to existing railways or roadways or parking facilities. Planners are coordinating with the Canadian National/Illinois Central Railroad on the point of access to that railroad.

- F. Noise and Vibration:** *Are permanent noise or vibration impacts likely?*
☒ No (continue) ☐ Yes, describe how the proposal will involve noise impacts. If the proposal will result in a change in noise sources (number or speed of trains, stationary sources, etc.) and sensitive receptors (residences, hospitals, schools, parks, etc.) are present, apply screening distances for noise and vibration assessment found in FRA noise impact assessment guidance manual (and FTA's manual as needed) and compare proposal location with nearest receptor(s). If the screening distance is not achieved, attach a "General Noise and/or Vibration Assessment."

Noise ☐ Vibration ☐

As a result of the General assessment/s are there noise or vibration impacts?

☐ No (continue) ☐ Yes (Describe and provide map identifying sensitive receptors):

- G. Air Quality:** *Does the proposal have the potential to increase concentrations of ambient criteria pollutants to levels that exceed the NAAQS, lead to the establishment of a new non-attainment area, or delay achievement of attainment?*

☒ No (continue) ☐ Yes, attach an emissions analysis for General Conformity regarding Carbon Monoxide (CO), Ozone (O₃), Particulate Matter (PM₁₀), Nitrous Oxides (NO_x), and Carbon Dioxide (CO₂), and include a hot spot analysis if indicated. Describe any substantial impacts from the proposal.

Is the proposal located in a Non-Attainment or Maintenance area?

☐ No (continue) ☐ Yes, for which of the following pollutants:

☐ Carbon Monoxide (CO) ☐ Ozone (O₃) ☐ Particulate Matter (PM₁₀)

- H. Hazardous Materials:** *Is the proposal site in a developed area or was the site previously developed or recently used in agricultural production? (Prior to acquiring land or a facility with FRA funds, FRA must be consulted regarding the potential presence of hazardous materials)*

☒ No (continue) ☐ Yes, complete a Phase I site assessment and describe the steps taken to

determine whether hazardous materials are present on the proposal site and conclusions.

If a Phase I survey was completed, is a Phase II site assessment recommended?

☐ No (continue) ☐ Yes, describe the mitigation and clean-up measures that will be taken to remediate any hazardous materials present and what steps will be taken to ensure that the local community is protected from contamination during construction and operation of the proposal.

I. Property Acquisition: *Is property acquisition needed for the proposal?*

☐ No (continue) ☒ Yes, indicate whether the acquisition will result in relocation of businesses or individuals. **Note:** To ensure eligibility for Federal participation, grantees may not acquire property with either local matching or Federal funds prior to completing the NEPA process and receiving written FRA concurrence in both the NEPA recommendation and property appraisals.

Three acres of land will need to be purchased on the west end of the project due to orientation of property lines and current rail alignment. This land is agricultural with no business or residences of any type.

J. Community Disruption and Environmental Justice: *Does the proposal present potentially disruptive impacts to adjacent communities?*

☒ No (continue) ☐ Yes, provide a socio-economic profile of the affected community. Indicate whether the proposal will have a disproportionately high and adverse effect on minority or low-income populations. Describe any potential adverse effects and any community resources likely to be impacted. Describe outreach efforts targeted specifically at minority or low-income populations.

K. Impacts On Wetlands: *Does the proposal temporarily or permanently impact wetlands or require alterations to streams or waterways?*

☐ No (continue) ☒ Yes, show wetlands and waters on the site map and and classification. Describe the proposal's potential impact to on-site and adjacent wetlands and waters and attach any coordination with the State and US Army Corps of Engineers.

The applicant will obtain a Corps of Engineers permit prior to start of construction.

L. Floodplain Impacts: *Is the proposal located within the 100-year floodplain or are regulated floodways affected?*

☐ No (continue) ☒ Yes, describe the potential for impacts due to changes in floodplain capacity or water flow, if any. If impacts are likely, attach scale maps describing potential impacts and describe any coordination with regulatory entities.

The affected area is protected by flood control levees. No impact on any floodplain will be made.

M. Water Quality: *Are protected waters of special quality or concern, essential fish habitats, or protected drinking water resources present at or directly adjacent to the proposal site?*

☒ No (continue) ☐ Yes, describe water resource and the potential for impact from the proposal, and any coordination with regulatory entities.

N. Navigable Waterways: *Does the proposal cross or have effect on a navigable waterway?*

☒ No (continue) ☐ Yes, describe potential for impact and any coordination with US Coast Guard.

O. Coastal Zones: *Is the proposal in a designated coastal zone?*

☒ No (continue) ☐ Yes, describe coordination with the State regarding consistency with the coastal zone management plan and attach the State finding if available.

P. Prime and Unique Farmlands: *Does the proposal involve the use of any prime or unique farmlands?*

☒ No (continue) ☐ Yes, describe potential for impact and any coordination with the Soil Conservation Service of the US Department of Agriculture.

A farmland conversion impact rating worksheet is attached. The land was cleared when prices were higher and is currently uneconomical to produce.

Q. Ecologically Sensitive Areas And Endangered Species: *Are any ecologically sensitive natural areas, designated wildlife or waterfowl refuges, or designated critical habitat areas (woodlands, prairies, wetlands, rivers, lakes, streams, and geological formations determined to be essential for the survival of a threatened or endangered specie) within or directly adjacent to the proposal site?*

☒ No (continue) ☐ Yes, describe them and the potential for impact. Describe any consultation with the State and the US Fish and Wildlife Service about the impacts to these natural areas and on threatened and endangered fauna and flora that may be affected.

The USFWS indicated that the site could potentially be a habitat for the endangered bald eagle. A site assessment from a qualified biologist confirmed that the site was not likely to be used as a bald eagle habitat, and thus construction would not impact the bald eagle population.

R. Safety And Security: *Are there safety or security concerns about the proposal?*

☒ No (continue) ☐ Yes, describe the safety or security concerns and the measures that would need to be taken to provide for the safe and secure operation of the proposal after its construction.

S. Construction Impacts: *Are major construction period impacts likely?*

☒ No (continue) ☐ Yes, describe the construction plan and identify impacts due to construction noise, utility disruption, debris and spoil disposal, and address air and water quality impacts, safety and security issues, and disruptions of traffic and access to property and attach scale maps as necessary.

T. Cumulative Impacts: *Are cumulative impacts likely?*

A "Cumulative impact" is the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts may include ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Determining the cumulative environmental consequences of an action requires delineating the cause-and-effect relationships between the multiple actions and the resources, ecosystems, and human communities of concern.

☒ No (continue) ☐ Yes, describe the reasonably foreseeable:

(a) Direct impacts, which are caused by the action and occur at the same time and place.

(b) Indirect impacts, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect impacts may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

It is expected that land use in the vicinity of the project would shift from farming operations to more commercial or industrial use, consistent with current zoning and local planning. While there have been discussions regarding an ethanol plant and intermodal facility, no plans for such are definite; in addition, this project does exhibit independent utility by removing at-grade crossings from the center of the city. The City will appropriately consider environmental effects before entering into agreements for future development along the new right-of-way.

U. Related Federal, State, or Local Actions: *Indicate whether the proposal requires any of the following actions by other Agencies (e.g., permits) and attach copies of relevant correspondence.*

- ☐ **Section 106** *Historic and Culturally Significant Properties*
- ☒ **Section 401/404** *Wetlands and Water*
- ☐ **USCG 404** *Navigable Waterways*
- ☐ **Executive Orders** *Wetlands, Floodplains, Environmental Justice*
- ☐ **Clean Air Act** *Air Quality*
- ☐ **Endangered Species Act** *Threatened and Endangered Biological Resources*
- ☐ **Magnuson-Stevens Fishery Conservation and Management Act** *Essential Fish Habitat*
- ☐ **Safe Drinking Water Act**
- ☐ **Other State or Local Requirements** (Describe)

V. Mitigation: Describe mitigation measures which address identified impacts and have been incorporated into the proposal, if any.

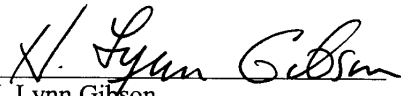
EXHIBIT E

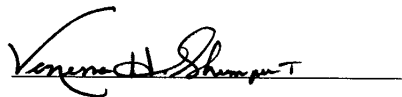
VERIFIED STATEMENT

My name is H. Lynn Gibson; I am Executive Vice President and Chief Financial Officer of the Columbus and Greenville Railway Company ("C&G"). In that capacity I am qualified to provide information in this proceeding concerning the rail carloads currently moving over the C&G that will be diverted to the bypass track. Based on company records there will be a current average of twenty-eight (28) cars (loaded and empty) moving over the track per day. The actual movements fluctuate from a low of approximately ten (10) (loaded and empty) to a maximum of approximately one hundred twenty (120) (loaded and empty) which would be during the peak of the catfish feed season. The peak catfish feed season lasts for about four (4) months. None of these carloads originate or terminate on the C&G line that runs through the City of Greenwood ("the City line").

Morris Recycling, Inc. has not shipped any rail carloads from their facility on the City line since April 10, 2002. Only two rail carloads originated from Morris Recycling, Inc. on the City line in 2002, one on February 19, 2002 and one on April 9, 2002.

Executed on April 7, 2005.


H. Lynn Gibson
Executive Vice President/CFO



Notary Public State of Mississippi At Large
My Commission Expires: February 5, 2008
Bonded Thru Heiden, Brooks & Garland, Inc.

13 January 2003

U. S. Fish and Wildlife Service
Attn: Mr. Curtis James
6578 Dogwood View Parkway, Suite A
Jackson, MS 39213

Re: Columbus and Greenville Railroad Relocation
Greenwood, Mississippi

Dear Mr. James:

The City of Greenwood has received a Federal Grant to relocate a portion of the Columbus and Greenville Railway around the City. The accompanying attachments show the approximate alignment of the relocation.

The project will consist of an embankment construction, drainage culverts, bridges and track constructed on a 100-ft. wide right of way. An environmental assessment of the site is presently underway. The total affected acreage is approximately 32.8 acres.

Please advise of any wetlands or endangered species in this area.

Should you have any questions regarding this, please feel free to contact me.

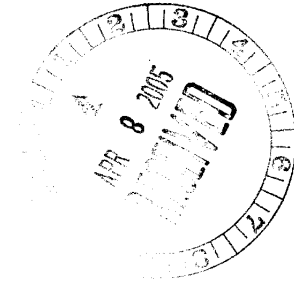
Sincerely,



Tom Tollison, P.E.
Vice President

THT:bb

Enclosures





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Mississippi Field Office
6578 Dogwood View Parkway, Suite A
Jackson, Mississippi 39213
January 17, 2003

Mr. Tom Tollison
Johnson McAdams Architects and Engineers
Post Office Box 513
Greenwood, Mississippi 38935-0513

Dear Mr. Tollison:

The U.S. Fish and Wildlife Service (Service) received your letter dated January 13, 2002, regarding the construction of a Columbus and Greenville Railway corridor and potential adverse impacts to any federally listed species in LeFlore County, Mississippi. Our comments are submitted in accordance with the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The proposed project would include the construction of an embankment, drainage culverts, bridges, and track bed on a 100-foot wide right-of-way around the city of Greenwood in the Yazoo River Basin

The threatened bald eagle (*Haliaeetus leucocephalus*) could be found in the project area. The bald eagle is the only species of "sea eagle" regularly occurring on the North American continent. The bald eagle is predominantly a winter migrant in the southeast; however, increasing occurrences of nesting have been observed. The bald eagle nests in the transitional area between forest and water. They construct their nests in dominant living pines or bald cypress trees. Eagles often use alternate nests in different years with nesting activity occurring between September and January of each year. Young are usually fledged by midsummer.

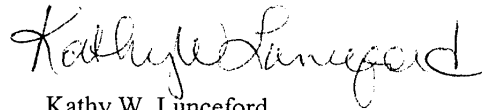
The bald eagle is very sensitive to human disturbance. Therefore, before the use or transportation of any heavy construction equipment, or the removal of any vegetation within potential habitats, the Service recommends a qualified biologist conduct a visual survey for this species. Areas surveyed should also include ingress and egress areas, equipment storage areas, and staging areas. If any evidence of the bald eagle or its habitats are identified, further consultation with the Service will be necessary.

Also, the site may contain wetlands. Therefore, a Department of the Army (DA) permit for deposition of fill or dredged material in a wetland may be necessary. Please contact the

Vicksburg District Corps of Engineers regarding the need for a DA permit, telephone: (601) 631-5289.

If you have any additional questions, please feel free to contact this office, telephone: (601) 321-1132.

Sincerely,

A handwritten signature in cursive script, reading "Kathy W. Lunceford". The signature is written in dark ink and is positioned above the printed name and title.

Kathy W. Lunceford
Fish and Wildlife Biologist

January 22, 2003

Ramon Callahan
Callahan Timber & Wildlife Services
262 Springwood Drive
Terry, MS 39120

Re: Columbus and Greenville Railroad Relocation
Greenwood, Mississippi

Dear Mr. Callahan:

The City of Greenwood has received a Federal Grant to relocate a portion of the Columbus and Greenville Railway around the City. The accompanying attachments show the approximate alignment of the relocations.

The project will consist of an embankment construction, drainage culverts, bridges and track constructed on a 100-ft. wide right of way. An environmental assessment of the site is presently underway. The total affected acreage is approximately 32.8 acres.

As you can see from the attached U.S. Fish and Wildlife letter, a determination of bald eagle habitat is required. Please provide me with a proposal and time frame for making this determination.

Should you have any questions regarding this, please feel free to contact me.

Sincerely,



Tom Tollison, P.E.
Vice President

TT:mf

Attachments



Registered Forester
Certified Wildlife Biologist

CALLAHAN TIMBER & WILDLIFE SERVICES



Ramon L. Callahan
262 Springwood
Terry, MS 39111
601-373-5976
Truck 668-747

January 26,, 2003

Mr. Tom Tollison
Johnson - McAdams
P.O. Box 513
Greenwood, MS 38935-0513

Dear Mr. Tollison:

I received your letter concerning the relocation of part of the rail line around Greenwood, and the letter from The United States Fish and Wildlife Service (USFWS) with concerns about the bald eagle. I made an initial contact with the biologist from USFWS and I think I can help you satisfy their questions about the possible impacts to the eagle's habitat, nesting sites, etc.:

My fee for this work would be \$500.00/day plus normal expenses such as mileage, meals, etc.: I would anticipate that it would take one day in the field and probably another day involving research and report writing.

I could do this work in February should you want me to.

Thank you for your interest.


Ramon L. Callahan

*PROPOSAL ACCEPTED. PLEASE PROCEED
AS SOON AS POSSIBLE.*

Tom Tollison
01/29/03



Registered Forester
Certified Wildlife Biologist

CALLAHAN TIMBER & WILDLIFE SERVICES



Ramon L. Callahan
262 Springwood Dr.
Terry, MS 39170
601-373-5976
Truck 668-7478

February 11, 2003

Mr. Tom Tollison
The Johnson - McAdams Firm
P.O. Box 513
Greenwood, MS 38935-0513

Dear Tom:

Attached is my report and findings pertaining to the concerns of the United States Fish and Wildlife Service as to possible effects to the Bald Eagle (*Haliaeetus leucocephalus*) from the construction of the Columbus and Greenville Railway corridor around Greenwood, Mississippi.

If you have any questions or need any further assistance of any kind in this matter please feel free to call me.

Sincerely,

Ramon L. Callahan

18 February 2003

U. S. Fish and Wildlife Service
Attn: Kathy W. Lunceford
6578 Dogwood View Parkway, Suite A
Jackson, MS 39213

Re: Columbus and Greenville Railroad Relocation
Greenwood, Mississippi

Madam:

Pursuant to your January 17th letter, we have had a qualified wildlife biologist conduct a visual survey of the proposed rail alignment. As you will note from the attached report, the alignment does not disturb any bald eagles or habitat.

Additionally, for your information, a wetlands determination has been completed by the Corps of Engineers.

I hope this letter and report resolves any issues you may have regarding this project.

Should you have additional questions regarding this, please feel free to contact me.

Sincerely,



Tom Tollison, P.E.
Vice President

THT:bb

Enclosure



Registered Forester
Certified Wildlife Biologist

CALLAHAN TIMBER & WILDLIFE SERVICES



Ramon L. Callahan
262 Springwood Dr.
Terry, MS 39170
601-373-5976
Truck 668-7478

Railroad Relocation Project Columbus and Greenville Railway Leflore County, MS

Assessment of Impacts to the Bald Eagle (*Haliaeetus leucocephalus*)

February 4, 2003

Prepared by Ramon L. Callahan, Biologist
Callahan Timber and Wildlife Services, Inc.

The City of Greenwood, Mississippi, has received a Federal Grant to relocate a portion of the Columbus to Greenville Railroad from the downtown section of Greenwood to a route that is south of the city. This route connects two existing railroad tracks and will traverse about 2 ½ miles through land owned by the city that is a part of an industrial park.

The United States Fish and Wildlife Service requested by letter on January 17, 2003, that Johnson - McAdams, the Architect and Engineering firm employed by the City of Greenwood, have a biologist make an on- the- ground survey for presence of the Bald Eagle.

The Project Area

The proposed new track will encompass a total of 32.8 acres, is approximately 2 ½ miles long and will have a 100' right- of- way. Minor drainage improvements along the track may be necessary in places.

The new track location is located south of the city of Greenwood and lies north of the Yazoo River (see map). The land is presently used as cropland, although it is totally within the Greenwood Industrial Park boundaries. The topography is very flat except for minor field drains. Near the end, the new track route will cross a small brushy wetland. Only the extreme southern end of this wetland would be impacted by the track crossing. The predominant vegetation in this wetland is button bush (*Cephalanthus*) with a fringe of small hardwood trees. There are a few cypress trees in the wetland, but they are not in the 100' right-of- way dedicated for the track. Attached are photographs of the area along the proposed route showing present conditions and the small cover areas that transect the industrial park lands.

Impacts to the Bald Eagle

A field review of the new track location did not indicate the presence of eagles or eagle nesting activity, nor did it appear that the immediate vicinity of the track location

harbored desirable nesting habitat or wintering habitat for the bald eagle. To further verify this observation, I consulted two professionals who are knowledgeable of eagle activity in this area.

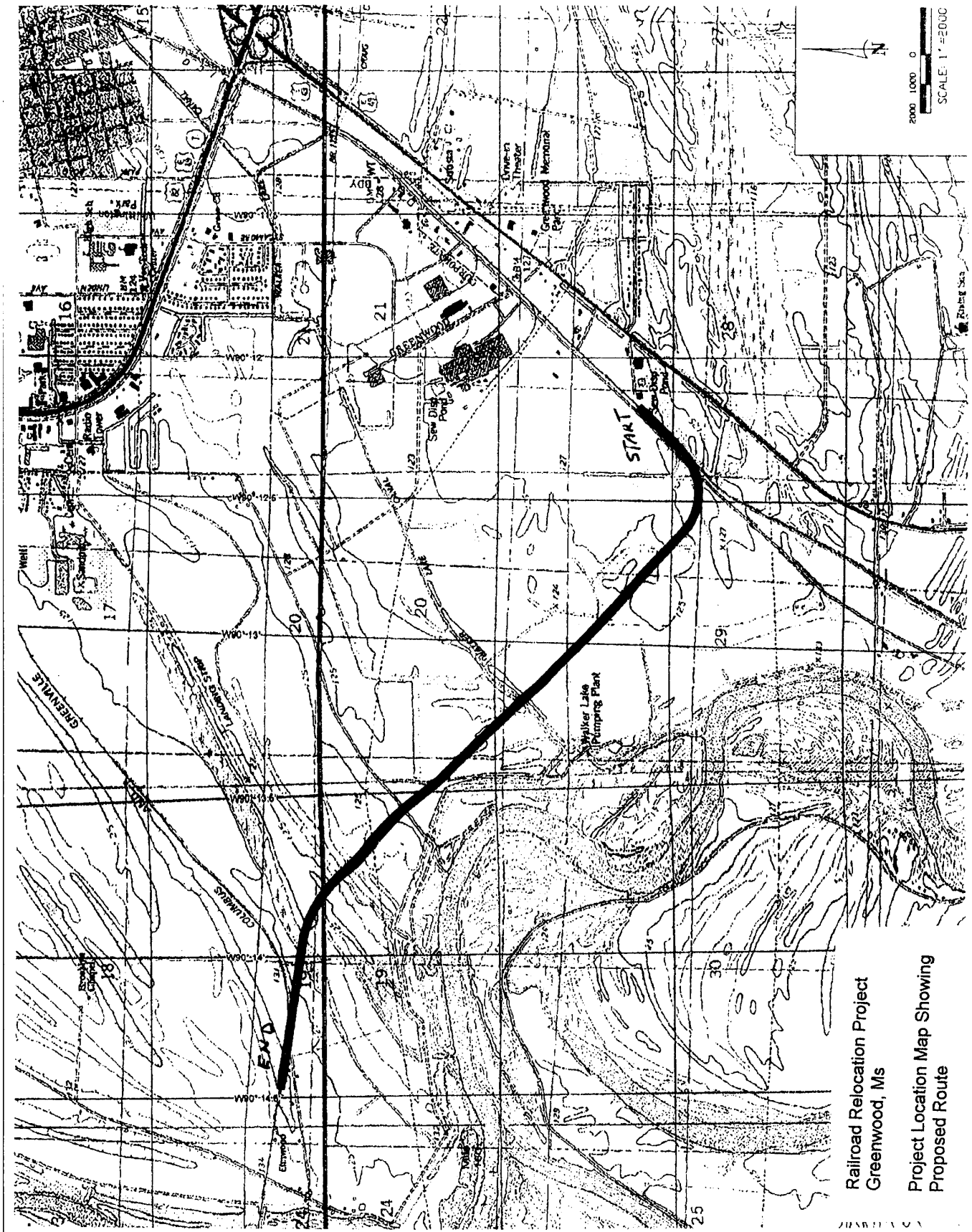
Robert Neely, a long time conservation officer with the Mississippi Department of Wildlife Fisheries and Parks, serves Leflore County. I asked Robert about reports of Bald Eagle activity in Leflore County. Although some of these reports are not valid as confirmed reports, he is aware of overwintering Bald Eagle activity in the McIntyre Scatters area, the Schlater area, and on the Matthews Brake Wildlife Refuge. All of these areas are characterized by large bodies of water and extensive stands of large cypress, tupelo gum, or other large trees. He has never been made aware of any eagle activity near the industrial park. Roebuck Lake, a large natural lake characterized by extensive stands of large cypress, is located a short distance from the industrial park. Robert has never had any reports of sightings or other eagle activity from this possible habitat area.

The other professional interviewed concerning possible Bald Eagle activity in the project area is Mary Stevens, a long time employee of the Museum of Natural History, who initiated a study and compilation of Bald Eagle activity in Mississippi years ago. Additionally, she has participated in the Partners in Flight program with the U.S. Fish and Wildlife Service, which also monitored eagle activity within the state. Records have been kept of confirmed eagle nesting locations. She has no records confirming any eagle nesting sites in Leflore County, although she is aware of some reports of migratory overwintering activity.

Conclusions

The agricultural land transected by the proposed track location does not appear to have any qualities that would attract Bald Eagles. It is a infinitely small microcosm of similar agricultural field habitat that is found throughout Leflore County and the Mississippi Delta. It does not contain any significant water body or large stands of trees. No signs of eagles or eagle nests were found. Discussions with two experienced conservationists that have worked in this area and are aware of possible Bald Eagle activity revealed that they have no records of any kind of nesting activity or wintering activity on or near the project area.

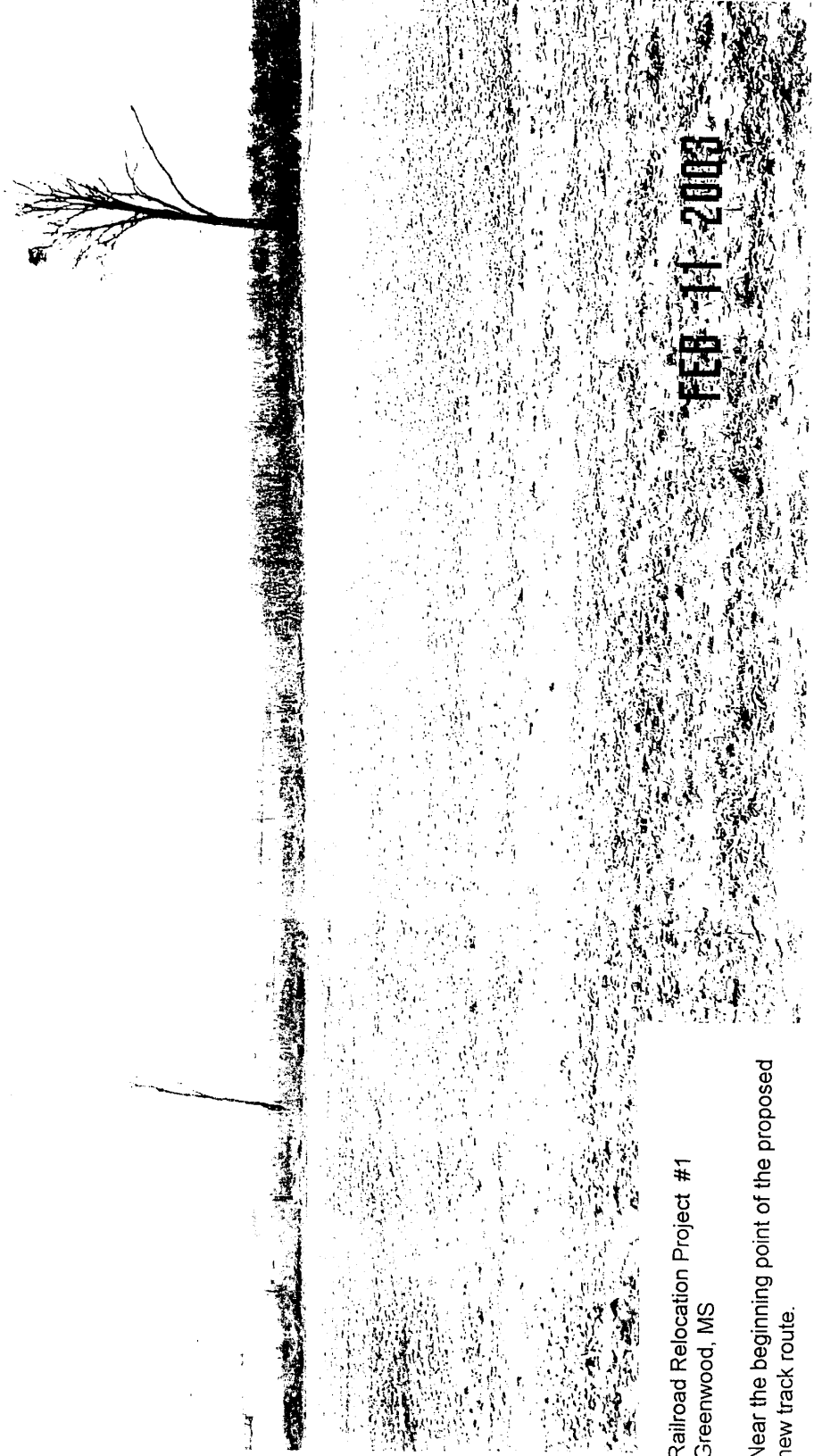
Therefore, it is my opinion that there are no bald eagles on or near this project area. Additionally, the project does not represent any reasonable threat to the Bald Eagle or its nesting habitat. I see no reason why this project should not proceed insofar as its effects to the Bald Eagle are concerned.



Railroad Relocation Project
Greenwood, Ms
Project Location Map Showing
Proposed Route

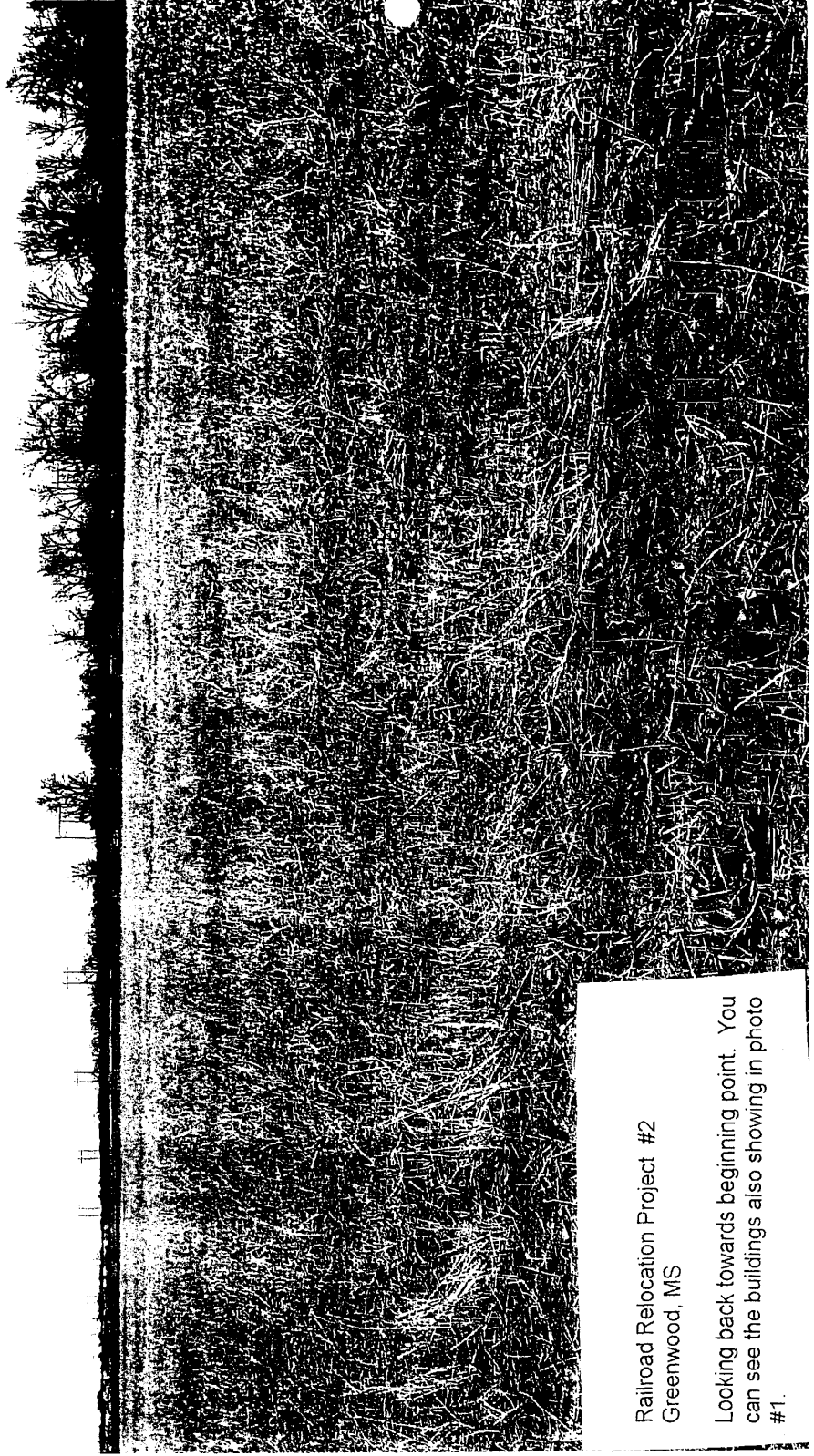
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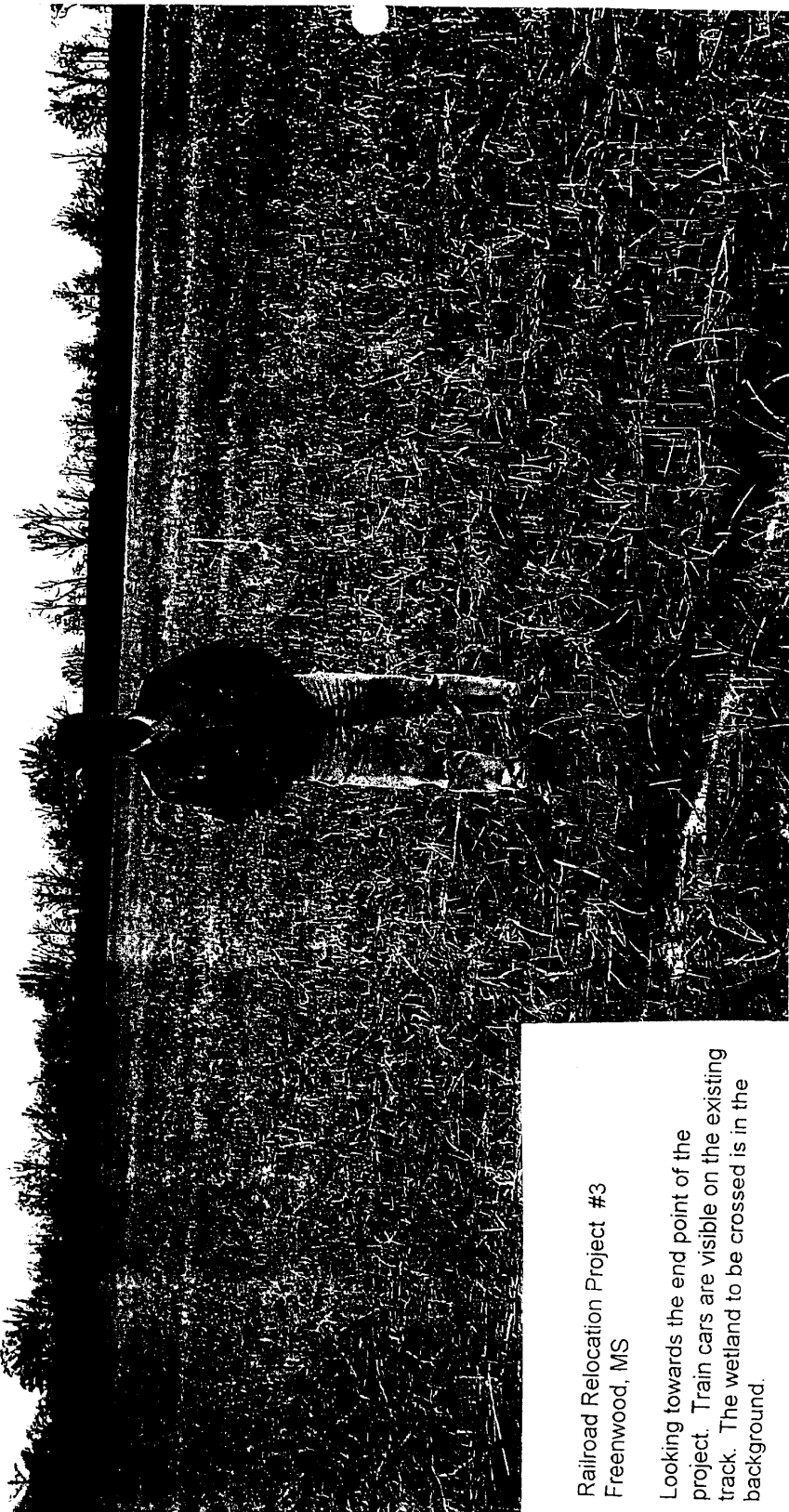
Railroad Relocation Project #1
Greenwood, MS

Near the beginning point of the proposed
new track route.



Railroad Relocation Project #2
Greenwood, MS

Looking back towards beginning point. You
can see the buildings also showing in photo
#1.



Railroad Relocation Project #3
Freenwood, MS

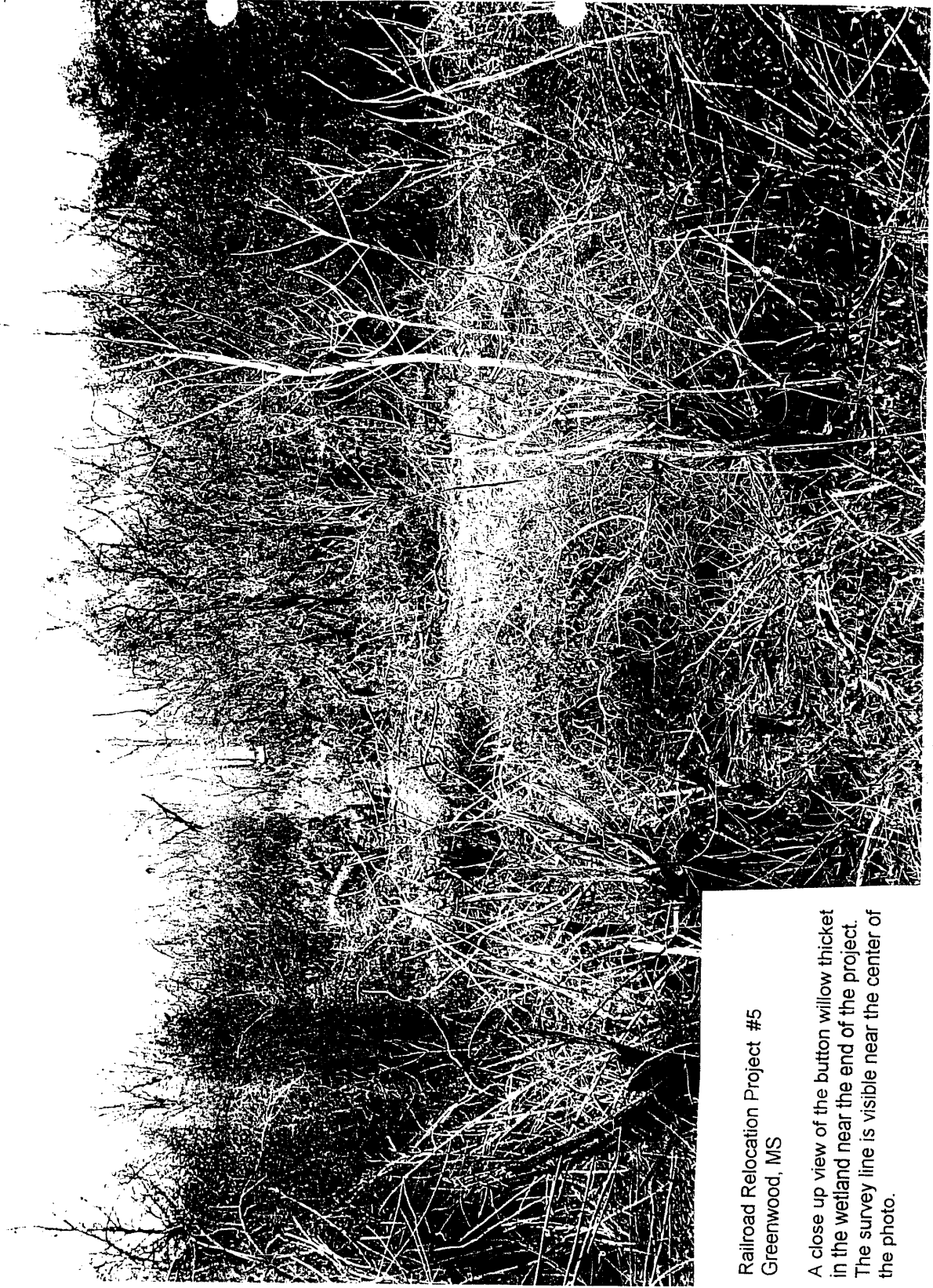
Looking towards the end point of the project. Train cars are visible on the existing track. The wetland to be crossed is in the background.



Railroad Relocation Project #4
Greenwood, MS

Looking towards the end of the project

51



Railroad Relocation Project #5
Greenwood, MS

A close up view of the button willow thicket in the wetland near the end of the project. The survey line is visible near the center of the photo.



THE Johnson • McAdams FIRM
P.A.

ARCHITECTS / ENGINEERS • PLANNING • SURVEYING • MANAGEMENT • ENVIRONMENTAL SERVICES

13 January 2003

U. S. Army Corps of Engineers
Regulatory Branch
P. O. Box 60
Vicksburg, MS 39181

Attn: Ken Mosley

Re: Columbus and Greenville Railroad Relocation
Greenwood, Mississippi

Gentlemen:

The City of Greenwood has received a Federal Grant to relocate a portion of the Columbus and Greenville Railway around the City. The accompanying attachments show the approximate alignment of the relocation.

The project will consist of an embankment construction, drainage culverts, bridges and track constructed on a 100-ft. wide right of way. An environmental assessment of the site is presently underway. The total affected acreage is approximately 32.8 acres.

Please perform a wetland assessment for inclusion in the environmental assessment.

Should you have any questions regarding this, please feel free to contact me.

Sincerely,

Tom Tollison, P.E.
Vice President

THT:bb

Enclosures

January 29, 2003

U.S. Army, Corps of Engineers
Attn: Elizabeth S. Guynes, Chief
Regulatory Branch
P. O. Box 60
Vicksburg, MS 39180

Re: Columbus and Greenville Railroad Relocation
Greenwood, MS
ID No. 200300680

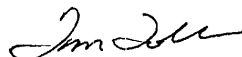
Madam:

We are trying to finalize the Environmental Assessment for the referenced project. Your wetland assessment is one of the last pieces of information that we require for completion.

Pursuant to your January 17th letter, is it possible to project a date when this assessment might be completed?

Your help in expediting this would be greatly appreciated.

Sincerely,



Tom Tollison, P.E.
Vice President

TT:mf



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

<http://www.mvk.usace.army.mil/>
January 17, 2003

Operations Division
Regulatory

SUBJECT: Correspondence, dated January 13, 2003, Columbus and
Greenville Railroad Relocation, Greenwood, Mississippi

Mr. Tom Tollison, P.E.
Johnson McAdams
Post Office Box 513
Greenwood, Mississippi 38935-0513

Dear Mr. Tollison:

We have received your correspondence, subject as above, on
January 17, 2003. We are working diligently to reply to you in a
timely manner. For ease of reference, we assigned your
correspondence an identification No., 200300680. Please refer to
this number should you write or call us about your request.

If you have any questions about the status of your request,
please call this office at 601-631-7071.

Sincerely,

Elizabeth S. Guynes
Chief, Regulatory Branch

Mike McAdams
631
5721



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS
4155 CLAY STREET
VICKSBURG, MISSISSIPPI 39183-3435

REPLY TO
ATTENTION OF:

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

February 11, 2003

Operations Division
Regulatory

SUBJECT: Department of the Army Regulatory Requirements-Columbus
and Greenville Railroad Relocation Site

Mr. Tom Tollison, P.E.
Johnson McAdams
Post Office Box 513
Greenwood, Mississippi 38935-0513

Dear Mr. Tollison:

This is in response to your letter requesting a preliminary wetland determination for the subject project located in Leflore County, Mississippi.

Based upon the information provided, it appears there are jurisdictional areas on the property subject to regulation pursuant to Section 404 of the Clean Water Act. The approximate extent of wetlands and other waters of the United States within the boundary of the project described in your letter is depicted on the enclosed preliminary map (enclosure 1). Any work involving the discharge of dredged or fill material (land clearing, ditching, filling, leveeing, etc.) within the limits of the jurisdictional areas identified will require a Department of the Army Section 404 permit prior to beginning work. Please note that this jurisdictional determination is preliminary and should be used for planning purposes only. A final determination will be made upon your submission of a completed application with project plans. For your information, I have enclosed a copy of the basis of our preliminary determination and appeals form (enclosure 2).

For your convenience, I am enclosing a Department of the Army permit application package with instructions (enclosure 3). Your application for any proposed work in wetlands or other waters of the United States should be submitted at least 120 days in advance of the proposed starting date. To expedite the evaluation process, please refer to number CEMVK-OD-FS-200300680-MNH when submitting the application.

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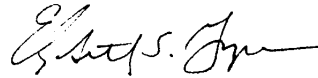


Recycled Paper

-2-

If you have any questions, please contact Ms. Monica Humphrey of this office, telephone number (601)631-7928, telefax (601) 631-5459 or e-mail address: regulatory@mvk02.usace.army.mil.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth S. Guynes".

Elizabeth S. Guynes
Chief, Regulatory Branch

Enclosures

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Tom Tollison, Johnson McAdams: Columbus and Greenville Railroad Relocation Site		File Number: 200300680	Date: February 10, 2003
Attached is:		See Section Below	
☐	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A	
☐	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B	
☐	PERMIT DENIAL	C	
☐	APPROVED JURISDICTIONAL DETERMINATION	D	
☒	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations (JD) associated with the permit.

- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Monica N. Humphrey
U.S. Army Corps of Engineers
Regulatory Branch
4155 Clay Street
Vicksburg, MS 39183-3435
(601) 631-7928

If you only have questions regarding the appeal process you may also contact:

Division Engineer
Attn: Appeals Review Officer
Mississippi Valley Division
Post Office Box 80
Vicksburg, MS 39181-0080
(601) 634-5820

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

INSTRUCTION FOR SUBMITTING A PERMIT APPLICATION

1. Complete the attached application form (ENG FORM 4345). If you need assistance or wish to have a pre-application meeting, contact us at the number below.
2. Complete the attached **Certification of Legal Interest**. If the signature on the certification is other than that of the owner, the legal interest should be specified; i.e., Lessee, Trustee, Executor, etc.
3. Prepare an 8 1/2-by-11-inch drawing of the plan and elevation views of the proposed work **and** a vicinity map. See attachment for examples.
4. Mail the above information to the Regulatory Branch, at the address below, with a letter describing the purpose, nature, and extent of the proposed work. Also, describe the quantity and type of material involved, acreage involved, construction methods, and alternate sites you considered.

USACE, Vicksburg District
ATTN: CEMVK-OD-F
4155 Clay Street
Vicksburg, Mississippi 39183-3435
Phone: (601) 631-5264
Telefax: (601) 631-5459

You may also submit your information electronically to our e-mail address: regulatory@mvk02.usace.army.mil or visit our WEB site at www.mvk.usace.army.mil. for additional information.

5. A State Water Quality Certification will be required if your proposed work involves the placement of dredged or fill material into a water of the United States (including wetlands). The responsible state agency, listed below, will determine whether or not your project will violate the State's water quality standards. The Corps will make your initial application for water quality certification for projects in the State of Arkansas, Louisiana, or Mississippi.

Arkansas Department of
Environmental Quality
Water Division
Post Office Box 8913
Little Rock, Arkansas 72219-8913
Phone: (501) 682-0645

Louisiana Department of
Environmental Quality
Office of Water Resources
Post Office Box 82215
Baton Rouge, Louisiana
70884-2215
Phone: (504) 765-0664

Mississippi Department of Environmental Quality
Bureau of Pollution Control
Post Office Box 10385
Jackson, Mississippi 39289-0385
Phone: (601) 961-5171

6. Because of the extensive evaluation and coordination required, the permit application should be forwarded to the Vicksburg District well in advance of the proposed start of construction.

Except on very minor proposals, the permit process can be expected to take a minimum of **4-months**. Submission of accurate and complete information will minimize the amount of time required to evaluate a permit application.

Permit fees for Department of the Army permits are \$100 for commercial activities and \$10 for private work. This fee should NOT be submitted with your application. You will be notified whether or not a fee will be required.

Instructions for Preparing a
Department of the Army Permit Application

Blocks 1 through 4. To be completed by Corps of Engineers.

Block 5. **Applicant's Name.** Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 5.

Block 6. **Address of Applicant.** Please provide the full address of the party or parties responsible for the application. If more space is needed, attach an extra sheet of paper marked Block 6.

Block 7. **Applicant Telephone Number(s).** Please provide the number where you can usually be reached during normal business hours.

Blocks 8 through 11. To be completed if you choose to have an agent.

Block 8. **Authorized Agent's Name and Title.** Indicate name of individual or agency, designated by you, to represent you in this process. An agent can be an attorney, builder, contractor, engineer or any other person or organization. Note: An agent is not required.

Block 9 and 10. **Agent's Address and Telephone number.** Please provide the complete mailing address of the agent, along with the telephone number where he/she can be reached during normal business hours.

Block 11. **Statement of Authorization.** To be completed by applicant if an agent is to be employed.

Block 12. **Proposed Project Name or Title.** Please provide name identifying the proposed project (i.e., Landmark Plaza, Burned Hills Subdivision or Edsall Commercial Center).

Block 13. **Name of Waterbody.** Please provide the name of any stream, lake, marsh or other waterway to be directly impacted by the activity. If it is a minor (no name) stream, identify the waterbody the minor stream enters.

Block 14. **Proposed Project Street Address.** If the proposed project is located at a site having a street address (not a box number), please enter here.

Block 15. **Location of Proposed Project.** Enter the county and state where the proposed project is located. If more space is required, please attach a sheet with the necessary information marked Block 15.

Block 16. **Other Location Descriptions.** If available, provide the Section, Township and Range of the site and/or the latitude and longitude. You may also provide description of the proposed project location, such as lot numbers, tract numbers or you may choose to locate the proposed project site from a known point (such as the right descending bank of Smith Creek, one mile down from the Highway 14 bridge). If a large river or stream, include the river mile of the proposed project site if known.

Block 17. **Directions to the Site.** Provide directions to the site from a known location or landmark. Include highway and street numbers as well as names. Also provide distances from known locations and any other information that would assist in locating the site.

Block 18. **Nature of Activity.** Describe the overall activity or project. Give appropriate dimensions of structures such as wingwalls, dikes (identify the materials to be used in construction, as well as the methods by which the work is to be done), or excavations (length, width, and height). Indicate whether discharge of dredged or fill material is involved. Also, identify any structure to be constructed on a fill, piles or float supported platforms.

The written descriptions and illustrations are an important part of the application. Please describe, in detail, what you wish to do. If more space is needed, attach an extra sheet of paper marked Block 18.

Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service, Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authority: 33 USC 401, Section 10; 1413, Section 404. Principal Purpose: These laws require permits authorizing activities in, or affecting, navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Routine Uses: Information provided on this form will be used in evaluating the application for a permit. Disclosure: Disclosure of requested information is voluntary. If information is not provided, however, the permit application cannot be processed nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required)
6. APPLICANT'S ADDRESS	9. AGENT'S ADDRESS
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence b. Business

STATEMENT OF AUTHORIZATION

11. I hereby authorize, _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

APPLICANT'S SIGNATURE

DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions)

13. NAME OF WATERBODY, IF KNOWN (if applicable)

14. PROJECT STREET ADDRESS (if applicable)

15. LOCATION OF PROJECT

COUNTY

STATE

16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions)

17. DIRECTIONS TO THE SITE

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

23. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
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*Would include but is not restricted to zoning, building and flood plain permits

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

AFFILIATED WITH ENG 4345

CERTIFICATION OF LEGAL INTEREST

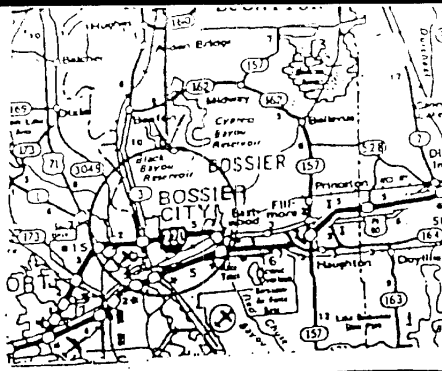
This is to certify that I, the undersigned, do own or have other legal interest in the subject property and wish to have the attached permit application evaluated.

☐ I also hereby grant permission for entry upon and inspection of the said property for permit evaluation purposes with the understanding that I can withdraw this right-of-entry only in writing and that responsible effort will be made to contact the undersigned prior to entry upon said property.

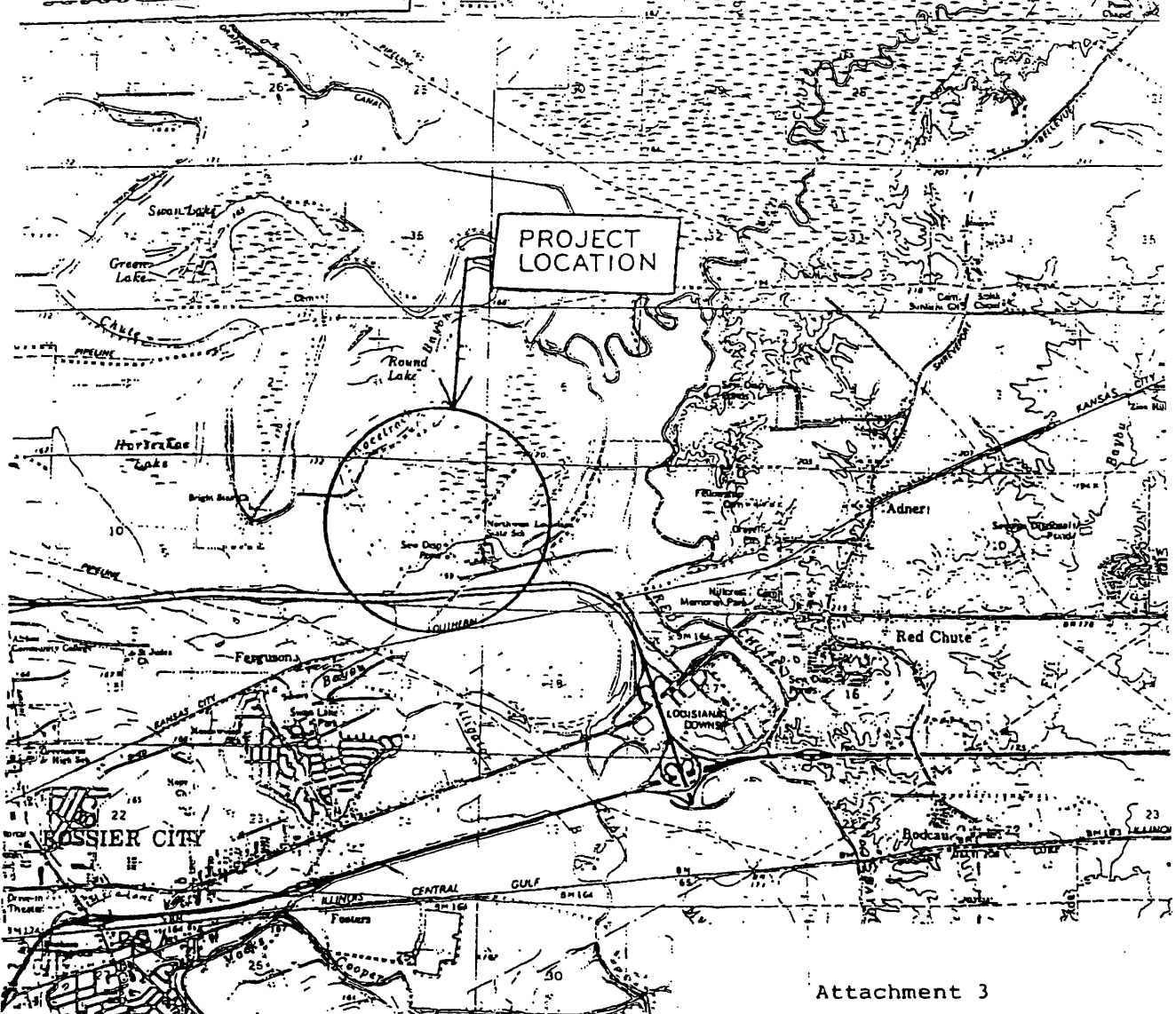
☐ I do not grant permission for entry upon and inspection of the said property for permit evaluation purposes with the understanding that if an on site inspection is needed the permit process may be hampered.

Signature

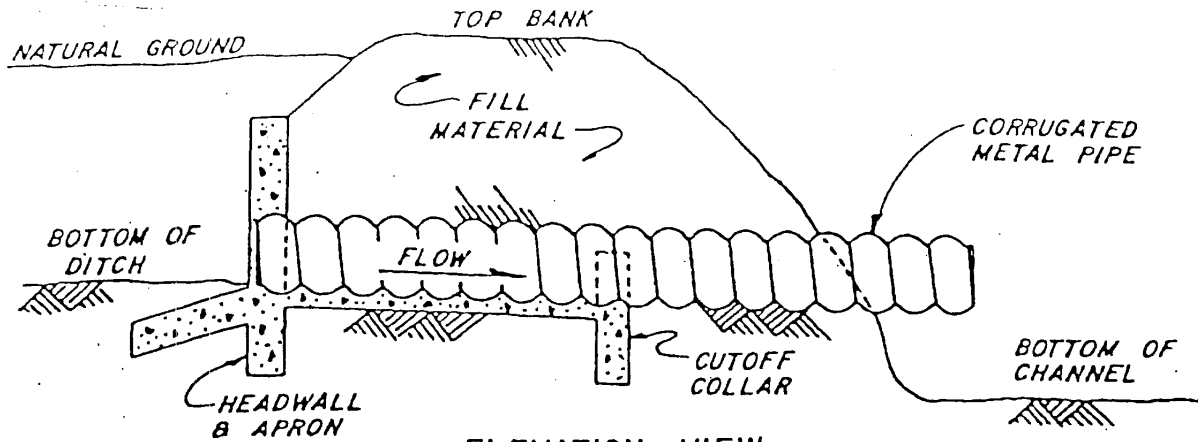
Legal Interest Title



VICINITY MAP
SCALE OF MILES

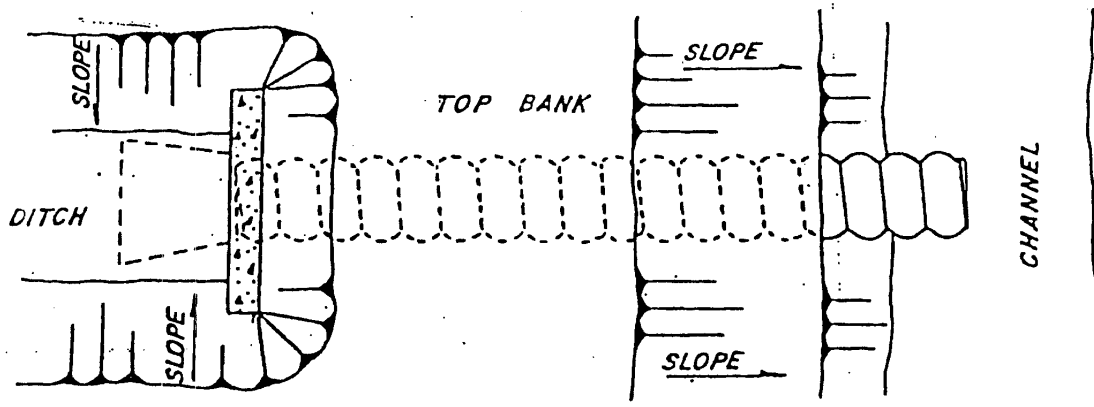


TYPICAL OVERFALL PIPE



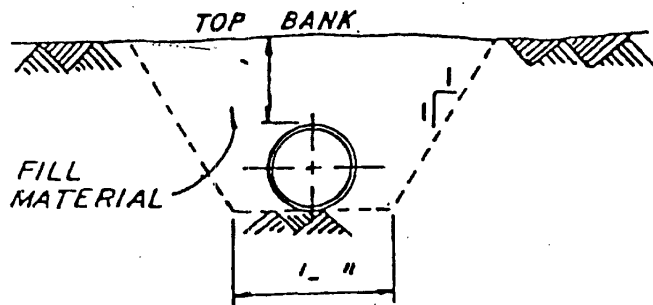
ELEVATION VIEW

NO SCALE



PLAN VIEW

NO SCALE



CROSS SECTION



THE Johnson • McAdams FIRM
P.A.

ARCHITECTS / ENGINEERS • PLANNING • SURVEYING • MANAGEMENT • ENVIRONMENTAL SERVICES

25 March 2004

U.S. Army Corps of Engineers
Vicksburg District
Attn Ms. Monica Humphrey
4155 E. Clay Street
Vicksburg, MS 39183

Re: Columbus and Greenville Railroad Track Relocation
and Construction Project
DTFR53-02-G-00012
Greenwood, Mississippi

Gentlemen:

Attached is our 404 Permit Application for the referenced project. Along with the application, we have included preliminary drawings and our Environmental Assessment of the project site.

The project will consist of an embankment construction, drainage culverts, and track work. The total mainline track length is approximately 16,450 feet. The average width of the embankment is approximately 60 feet. The total affected acreage is, therefore, approximately 22.7 acres.

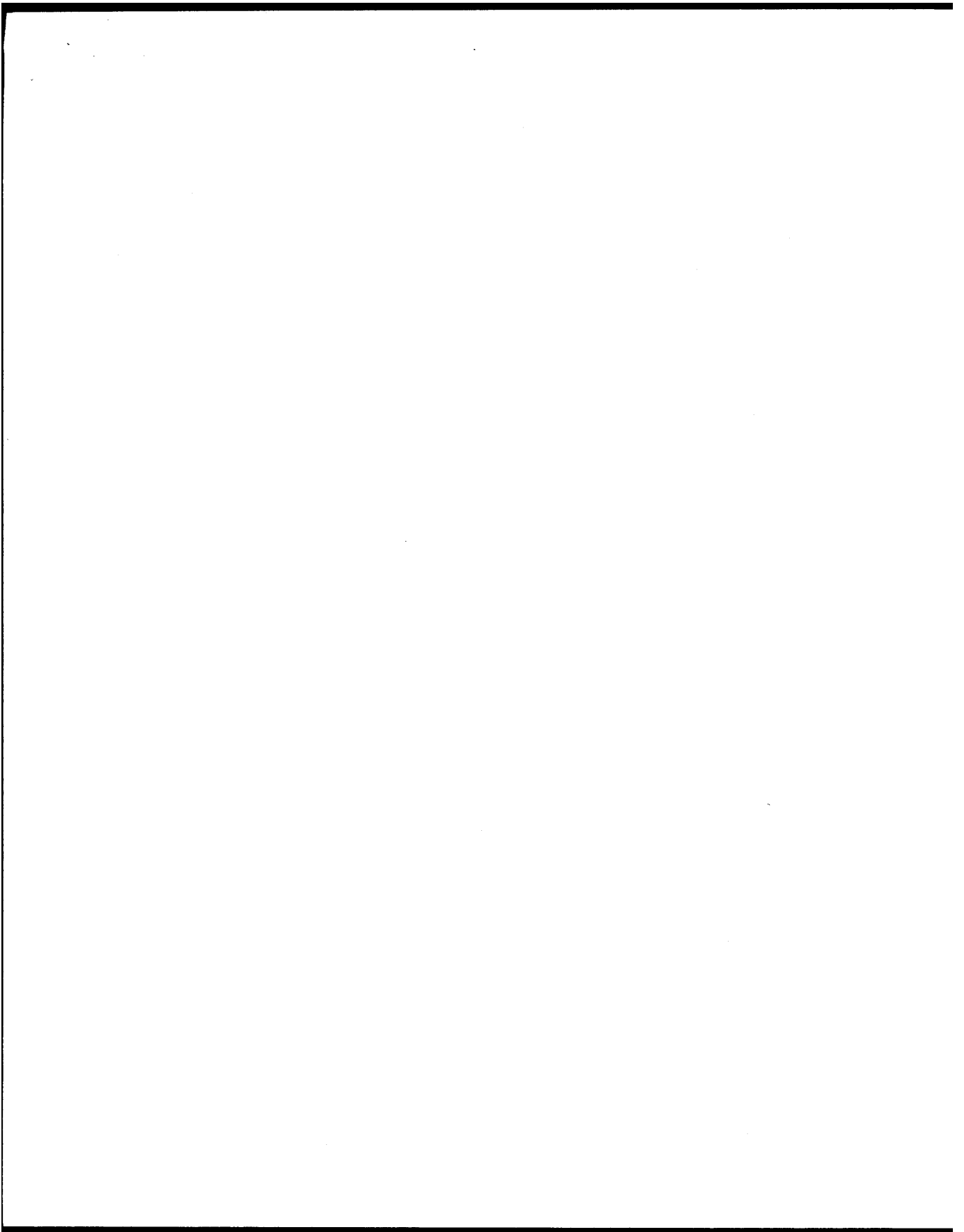
Should you have any questions regarding this, please feel free to contact me.

Sincerely,

Tom Tollison, P.E.
Vice President

THT:gw

Enclosures



The Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed to complete and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service, Directorate of Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME City of Greenwood	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Thomas H. Tollison, P.E.
6. APPLICANT'S ADDRESS P.O. Box 907 Greenwood, MS 38935	9. AGENT'S ADDRESS P.O. Box 513 Greenwood MS 38935-0513
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business 662-453-2246	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence 662-455-6909 b. Business 662-455-4943

11. STATEMENT OF AUTHORIZATION

I hereby authorize, Thomas H. Tollison, P.E. to act in my behalf as my agent in the processing of this application upon request, supplemental information in support of this permit application.


APPLICANT'S SIGNATURE

3/25/04
DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Columbus and Greenville Railroad Track Relocation and Construction Project	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Yazoo River	14. PROJECT STREET ADDRESS (if applicable) N.A.
15. LOCATION OF PROJECT Leflore COUNTY MS STATE	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions) T19N, Sec 19, 20, 28, 29 R1E	
17. DIRECTIONS TO THE SITE In Greenwood, MS take U.S. Highway 82 south to U.S. Highway 49E. Turn right on U.S. Highway 49E to Craig Rd. (175). Turn right on Craig Rd. to Baldwin Rd. Project begins at the Columbus and Greenville Railroad near River Road, and ends northeast of Craig Rd., south of Baldwin Rd.	

18. Nature of Activity (Description of project, include all features)

Railroad line to be constructed between the Columbus and Greenville Railroad and the CNIC Railroad in Greenwood, MS. Project will include box culvert structures and other minor drainage structures. Most of the alignment will require fill to bring the road bed to grade. Fills will generally be within the 4 feet to 6 feet range.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the project is to construct a new rail alignment to route freight trains away from downtown Greenwood, MS making for a more efficient connection between the Columbus and Greenville Railroad and the CNIC Railroad.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

N/A

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

N/A

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

N/A

23. Is Any Portion of the Work Already Complete? Yes _____ No X IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

City of Greenwood P.O. Box 907, Greenwood, MS 38935

Leflore County Courthouse, Greenwood, MS 38930

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

Harry L. Smith
SIGNATURE OF APPLICANT

3/25/04
DATE

John H. Hale
SIGNATURE OF AGENT

3/25/04
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

13 January 2003

Mr. Dale Gardner
Natural Resources Conservation Service
P. O. Box 811
Greenwood, MS 38930-0811

Re: Columbus and Greenville Railroad Relocation
Greenwood, Mississippi

Dear Mr. Gardner:

The City of Greenwood has received a Federal Grant to relocate a portion of the Columbus and Greenville Railway around the City. The accompanying attachments show the approximate alignment of the relocation.

The project will consist of an embankment construction, drainage culverts, bridges and track constructed on a 100-ft. wide right of way. An environmental assessment of the site is presently underway. The total affected acreage is approximately 32.8 acres.

We request that you provide a Farmland Conversion Impact Rating and a wetland assessment for the proposed project.

Should you have any questions regarding this, please feel free to contact me.

Sincerely,



Tom Tollison, P.E.
Vice President

THT:bb

Enclosures

Columbus & Greerville Railroad Relocation
Greenwood, Miss. 391
Wetlands Identified in blue
Dale Garner, NRCS
2/4/2003



U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)		Date Of Land Evaluation Request	
Name Of Project Columbus & Greenville Railroad Relocation		Federal Agency Involved Federal Railroad Administration	
Proposed Land Use Railroad R.O.W.		County And State Leflore, Mississippi	
PART II (To be completed by SCS)		Date Request Received By SCS Jan. 15, 2003	
Does the site contain prime, unique, statewide or local important farmland? (If no, the FPPA does not apply — do not complete additional parts of this form).		Yes ☐ No ☒	Acres Irrigated
Major Crop(s) Cotton & Soybean		Farmable Land In Govt. Jurisdiction Acres: 260,069 % 69.5	Average Farm Size Acres: 258,521 % 66.6
Name Of Land Evaluation System Used LESA		Name Of Local Site Assessment System	Date Land Evaluation Returned By SCS
PART III (To be completed by Federal Agency)		Alternative Site Rating	
		Site A	Site B
A. Total Acres To Be Converted Directly		32.8	
B. Total Acres To Be Converted Indirectly		0	
C. Total Acres In Site		32.8	
PART IV (To be completed by SCS) Land Evaluation Information			
A. Total Acres Prime And Unique Farmland		30.2	
B. Total Acres Statewide And Local Important Farmland		0	
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted		.001	
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value		64.5	
PART V (To be completed by SCS) Land Evaluation Criterion			
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)		80	
PART VI (To be completed by Federal Agency)			
Site Assessment Criteria (These criteria are explained in 7 CFR 558.5(b))		Maximum Points	
1. Area In Nonurban Use			
2. Perimeter In Nonurban Use			
3. Percent Of Site Being Farmed			
4. Protection Provided By State And Local Government			
5. Distance From Urban Builtup Area			
6. Distance To Urban Support Services			
7. Size Of Present Farm Unit Compared To Average			
8. Creation Of Nonfarmable Farmland			
9. Availability Of Farm Support Services			
10. On-Farm Investments			
11. Effects Of Conversion On Farm Support Services			
12. Compatibility With Existing Agricultural Use			
TOTAL SITE ASSESSMENT POINTS		160	
PART VII (To be completed by Federal Agency)			
Relative Value Of Farmland (From Part VI)		100	
Total Site Assessment (From Part VI above or a local site assessment)		160	
TOTAL POINTS (Total of above 2 lines)		260	
Site Selected:		Date Of Selection:	Was A Local Site Assessment Used? Yes ☐ No ☐
Reason For Selection:			



108 West Market Street
P. O. Box 513
Greenwood, Mississippi 38930

LETTER OF TRANSMITTAL

(662) 455-4943
FAX (662) 455-3381

TO

Monica Humphrey
mail Stop CEMVK-00-FS
4155 North Clay St.
Vicksburg, MS 39183

DATE: 05 Feb 03	JOB NO.
ATTENTION:	
RE: Columbus & Greenville Rail	
Relocation	
G'wood ms	

WE ARE SENDING YOU

☒ Attached

☐ Under separate cover

☐ Shop Drawings

☐ Specifications

☐ Plans

☐ Samples

☐ Copy of Letter

☐ Change Order

☐

COPIES	DATE	NO.	DESCRIPTION
1			Farm land Conversion Impact Rating
1			Map of Affected Wetlands

THESE ARE TRANSMITTED as checked below:

☐ For approval

☐ Approved as submitted

☐ Resubmit for approval

☒ For your use

☐ Approved as noted

☐

☐ For review

☐ Not approved

☐ As requested

☐ PRINTS RETURNED AFTER LOAN TO US

REMARK

COPY TO

SIGNED:

Tom Tollison

Tom Tollison, P.E.

13 January 2003

Mississippi Department of Environmental
Protection, Air Quality Division
101 West Capitol Street
Jackson, MS 39201

Attn: Connie Simmons

Re: Columbus and Greenville Railroad Relocation
Greenwood, Mississippi

Gentlemen:

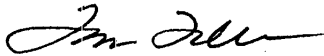
The City of Greenwood has received a Federal Grant to relocate a portion of the Columbus and Greenville Railway around the City. The accompanying attachments show the approximate alignment of the relocation.

The project will consist of an embankment construction, drainage culverts, bridges and track constructed on a 100-ft. wide right of way. An environmental assessment of the site is presently underway. The total affected acreage is approximately 32.8 acres.

Please advise if the construction and operation of this relocation conforms to the current State Air Quality Program.

Should you have any questions regarding this, please feel free to contact me.

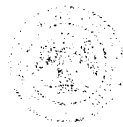
Sincerely,



Tom Tollison, P.E.
Vice President

THT:bb

Enclosures



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

January 17, 2003

Tom Tollison, P.E., Vice President
The Johnson McAdams Firm
P.O. Box 513
108 W. Market St.
Greenwood, MS 38935-0513

RE: 2003 CBDG, Columbus and Greenville Railway relocation
Greenwood, MS

Dear Mr. Tollison:

We have reviewed the information that has been provided to us concerning the referenced project. As a result, we are of the opinion that this project will cause no significant adverse ambient air quality impact. This is based on the understanding that there will be no air emissions equipment installed without first obtaining required permits from the Mississippi Department of Environmental Quality Permit Board. Also, there must be no building demolition or renovation activities that fail to comply with the Department's asbestos control regulations. Guidance is attached to assist in the determination of the need for permitting and applicability of asbestos control regulations. We will be glad to provide copies of our permit and asbestos regulations should they be needed.

To expedite handling of future requests concerning ambient air quality impact, please forward correspondence to:

Air Quality Impact Review
% Air Toxics Branch
101 West Capitol Street, Suite 100
Jackson, MS 39201

If you have any questions or need further assistance, please do not hesitate to contact me at (601) 961-5799.

Sincerely yours,

Bryan Williams
Air Toxics Branch



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

GUIDANCE ON THE APPLICABILITY OF ASBESTOS REGULATIONS

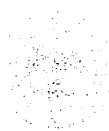
The Mississippi Department of Environmental Quality's asbestos control regulations apply to demolition and renovation operations to protect against building or facility activities that may cause asbestos air emissions. *Demolition* means the wrecking or taking out of any load-supporting structural member of a facility together with any related handling operations or the intentional burning of any facility. *Renovation* means altering a facility or one or more facility components in any way, including the stripping or removal of regulated asbestos containing material from a facility component.

In order to assure compliance, owners and operators of regulated demolition or renovation operations should:

- have a thorough inspection performed to determine the presence and required treatment of asbestos containing materials before demolition or renovation activity;
- obtain certified personnel for inspections and asbestos abatement activities;
- submit a demolition notification to the Mississippi Department of Environmental Quality ten (10) working days before demolition activity.
- submit a renovation notification to the MDEQ ten (10) working days before any renovation activity disturbing more than 160 square feet, 260 linear feet or 35 cubic feet of regulated asbestos containing materials;

Demolition and renovation activities for any individual residence and/or residential buildings having four or fewer dwelling units are excluded from the regulations. However, when the demolition or renovation activity is under the control of a local government and/or when the activity is part of a public, private, or commercial development there must be no more than one (1) small residential building on a site affected and no demolition by burning the structure.

For copies of the regulations, the Demolition/Renovation Notification Form, or other information, please contact the Department's Asbestos Section by calling (601) 961-5171.



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

GUIDANCE ON THE APPLICABILITY OF LEAD-BASED PAINT REGULATIONS

The Mississippi Department of Environmental Quality's Lead-Based Paint regulations, effective August 31, 1998, apply to lead-based paint abatement activities performed in Target Housing and Child-Occupied Facilities to protect human health and the environment from the hazards of lead-based paint. These regulations do not require the performance of lead-based paint activities or the mandatory abatement of lead-based paint, but establish requirements and procedures to be followed when lead-based paint activities are performed. "*Abatement*" means any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement does not include renovation, remodeling, painting or repainting, landscaping or other activities when such activities are not designed to permanently eliminate lead-based paint hazards. "*Child-occupied facility*" means a building or portion of a building constructed prior to 1978, visited regularly by the same child, 6 years of age and under, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours, the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms. "*Target housing*" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

In order to assure compliance, owners and operators of regulated operations should:

- use certified personnel for inspections and abatement activities.
- submit a project notification form of lead-based paint abatement activities to the Mississippi Department of Environmental Quality no less than six (6) working days prior to commencement of the activity.
- obtain laboratory analyses from laboratories recognized by EPA as being capable of performing analysis for lead compounds in paint, dust, and soil samples.

The regulations are applicable to all persons engaged in lead-based paint activities in target housing and child-occupied facilities; however, persons who perform lead-based paint activities within residential dwellings they own are exempt from the regulations, unless the residential dwelling is occupied by a person or persons other than the owner or owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level as determined by the United State Department of Health and Human Services; Centers for Disease Control.

For copies of the regulations, project notification form, or other information, please contact the Mississippi Department of Environmental Quality's Lead Certification Section by calling (601) 961-5171 or toll free at 1-877-671-7139.

Common Questions
on the
Lead-Based Paint Regulations

What is the general scope and applicability of Mississippi's Regulations for Lead-Based Paint Activities"?

The regulations contain procedures and requirements for the accreditation of lead-based paint activities training programs, procedures and requirements for the certification of inspectors, risk assessors, project designers, supervisors, workers and firms engaged in lead-based paint activities in target housing and child-occupied facilities and work practice standards for performing such activities.

What is meant by "lead-based paint activities"?

"Lead-based paint activities" means, in the case of target housing and child-occupied facilities, inspection, risk assessment, and abatement.

What is meant by "target housing"?

"Target housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any one or more children age 6 years or under resides or is expected to reside in such housing for the elderly or persons with disabilities) or any 0-bedroom dwelling.

What is meant by "child-occupied facility"?

"Child-occupied facility" means a building or portion of a building constructed prior to 1978, visited regularly by the same child, 6 years of age and under, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not limited to, day-care centers, preschools and kindergarten classrooms.

What is meant by "abatement"?

"Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards. Abatement includes, but is not limited to:

- a. The removal of lead-based paint and lead-contaminated dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead-contaminated soil; and
- b. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.

However, abatement does not include renovation, remodeling, painting or repainting, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or

elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

What is meant by "lead-based paint hazard"?

"Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the Department pursuant to the federal Toxic Substances Control Act (TSCA) section 403.

Who must be certified to perform lead-based paint activities?

The regulation states "No person may engage in lead-based paint activities in target housing or child-occupied facilities as an inspector, risk assessor, project designer, supervisor, worker, or firm on or after the effective date of these regulations, unless applicable initial or renewed certificates to so engage in lead-based paint activities have been issued to such persons by the Commission, and are currently in effect".

Can an individual perform lead-based paint activities in their own home?

Persons who perform lead-based paint activities within residential dwellings that they own are exempt from the regulations unless the residential dwelling is occupied by a person or persons other than the owner or owner's immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level as determined by the United States Department of Health and Human Services; Centers for Disease Control and Prevention.

What is meant by "residential dwelling"?

"Residential dwelling" means (1) a detached single family dwelling unit, including attached structures such as porches and stoops; or (2) a single family dwelling unit in a structure that contains more than one separate residential dwelling unit, which is used or occupied, or intended to be used or occupied, in whole or in part, as the home or residence of one or more persons.

Are project notifications required?

Yes, the Department's project notification form must be submitted to the Department's Lead Section, six (6) working days prior to commencement of the activity.

Do the regulations require specific work practice standards to be followed when performing lead-based paint activities in target housing and child-occupied facilities?

Yes, the work practice standards to be followed when performing lead-based paint activities in

target housing and child-occupied facilities are located in Chapter III of the regulations.

What are the certification requirements in order for a person to be certified to perform lead-based paint activities?

Certification requirements vary depending on the certification being applied for. Each certification discipline requires successful completion of the required training course(s) specific to the discipline. Additional requirements could include education, professional and related work experience, depending on the discipline. Chapter II of the regulations contains the requirements for the different certification disciplines.

Are the regulations applicable to lead-based paint activities performed by governmental agencies?

Yes.

When did the regulations become effective?

August 31, 1998.

What are the job responsibilities of a certified inspector?

A certified inspector conducts an inspection to determine the presence of lead-based paint and provides a report explaining the results of the investigation. This investigation is limited to the use of an XRF instrument or taking paint chip samples. A certified inspector also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

What are the job responsibilities of a certified risk assessor?

A certified risk assessor conducts an investigation to determine the existence, nature, severity and location of lead-based paint hazards and provides a report explaining the results of the investigation. The investigation may include the use of an XRF instrument, taking paint chip samples, taking dust wipe samples or taking soil samples. A risk assessor also samples for the presence of lead in dust and soil for the purposes of abatement clearance testing.

Can a certified lead-based paint inspector perform a Lead Hazard Screen or a Risk Assessment?

No. Lead hazard screens and risk assessments can only be performed by a certified risk assessor.

Can a certified risk assessor perform lead-based paint inspections?

Yes, as provided for in chapter III, B.1 of the regulations, certified risk assessors can perform the same lead-based paint inspections as those performed by a certified inspector.

Is certification required if an individual will not be taking samples of lead-based paint, but will be taking samples of dust and soil?

Yes. Certification as a risk assessor is required to take samples of dust and soil to identify lead hazards. A certified inspector may take dust and soil samples for abatement clearance purposes only.

Must a certified supervisor also be certified as a worker in order to perform as a worker on abatement projects?

Yes. The regulations state "No person may engage in lead-based paint activities in target housing or child-occupied facilities as an inspector, risk assessor, project designer, supervisor, worker, or firm on or after the effective date of these regulations, unless applicable initial or renewed certificates to so engage in lead-based paint activities have been issued to such persons by the Commission, and are currently in effect".

What must an individual do to maintain their lead-based paint certification?

In order to maintain certification an individual must:

- (1) Successfully complete refresher training in each discipline every three (3) years following successful completion of the initial training course. If an individual does not successfully complete the required refresher training course every three (3) years, the individual must fully retake the initial training course in order to be re-certified.
- (2) Renew certificate(s) annually during the period of required training.
- (3) Certified individual must apply to and be re-certified by the Commission in the discipline every three (3) years.

Must an occupant protection plan be prepared for all abatement activities involving residential dwellings and child-occupied facilities even if the occupants have been moved out during the abatement activities?

Yes, Chapter III.E.5. of the Regulations for Lead-Based Paint Activities states:

A written protection plan shall be developed for all abatement projects and shall be prepared according to the following procedures:

- a. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility and be developed prior to the abatement. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

- b. A certified supervisor or project designer shall prepare the occupant protection plan.

Is playground equipment located on the playground of child-occupied facilities and multi-family dwellings subject to the Regulations for Lead-Based Paint Activities?

Yes, since the playground equipment is considered "common area". Common area as defined in the regulations means a portion of a building that is generally accessible to all occupants. Such an area may include, but is not limited to, hallways, stairways, laundry and recreational rooms, playgrounds, community centers, garages, and boundary fences.

What clearance levels must be met when performing lead-based paint activities that are subject to the State's lead-based paint regulations?

The United States Environmental Protection Agency (EPA) has issued a final regulation under section 403 of the Toxic Substances Control Act (TSCA), as amended by the Residential Lead-Based Paint Hazard Reduction Act of 1992, establishing new residential lead dust cleanup levels (clearance levels). The revised clearance levels for lead in dust which became effective on March 6, 2001, are as follows:

- 40 $\mu\text{g}/\text{ft}^2$ for floors
- 250 $\mu\text{g}/\text{ft}^2$ for interior window sills
- 400 $\mu\text{g}/\text{ft}^2$ for window troughs.

The regulation also established the following hazard standards for bare residential soil:

- 400 ppm by weight for play areas or 400 $\mu\text{g}/\text{g}$
- an average of 1200 ppm or 1200 $\mu\text{g}/\text{g}$ in the remainder of the yard.

The new clearance levels have been adopted by the Mississippi Lead-Based Paint Program and must be met when performing lead-based paint activities subject to the State's lead-based paint regulations.

How can a person obtain additional information concerning the State's lead-based paint program?

For copies of the regulations or other information, please contact the Department's Lead Section at (601) 961-5171 or toll free at 1-877-671-7139.



STATE OF MISSISSIPPI
DAVID RONALD MUSGROVE, GOVERNOR
MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY
CHARLES H. CHISOLM, EXECUTIVE DIRECTOR

**WHEN SHOULD A FACILITY OBTAIN A PERMIT TO
CONSTRUCT AIR EMISSIONS EQUIPMENT**

A Permit to Construct is required before beginning construction, reconstruction, or modification of equipment, machines, devices, articles, contrivances, or installations that will have air pollutant emissions. *Construction* means the initial installation or construction of any air emissions equipment, machines, devices, articles, or contrivances. *Reconstruction* means the replacement of components of any existing facility such that the fixed capital cost of the new components exceed 50 percent of the fixed capital cost of a new facility. *Modification* means any physical change or change in the method of operation of an existing facility resulting in new or increased emissions.

A Permit to Construct must be obtained before beginning construction in the following situations unless otherwise provided for in the attached list of exclusions:

1. construction or installation of emissions equipment at a new facility site or business location;
2. an existing facility plans to install additional or larger capacity equipment which will increase the emissions potential of the facility;
3. an existing facility plans to replace components of a system such that the cost will exceed 50 percent of the fixed capital cost of a new facility; or
4. an existing facility plans to begin using other raw materials, fuel, etc. that will result in different or increased air pollutant emissions.

WHAT ABOUT THE NEED FOR AN OPERATING PERMIT?

A Permit to Operate is needed for the operation of air emission equipment at a synthetic minor source, major Title V source, or a significant minor source. A Permit to Operate for a new or modified facility is obtained in connection with the facility receiving a Construction Permit (if required) and then completing and providing certification of construction in accordance with approved plans. The attached list of exclusions from permitting should be reviewed for applicability. Any existing facilities that are operating air emissions equipment without an operating permit and are not categorically exempt from doing so, should contact the agency for additional guidance.

For a copy of a permit application, a copy of our permitting regulations, or any other information, please contact the Department's Environmental Permits Division by calling (601) 961-5171 or by accessing our web site at www.deq.state.ms.us/newweb/homepages.nsf.

Attachment

PERMITTING EXCLUSIONS

A. CATEGORICAL EXCLUSIONS FROM BOTH PERMITS TO CONSTRUCT AND OPERATE

The following machines, devices, articles, contrivances, or facilities are excluded from the requirement for a permit to construct or a permit to operate.

1. Residential heating, cooking, or cleaning devices.
2. Residential yard and garden equipment.
3. Mobile sources.
4. Manufacturing plants with total raw material inputs, excluding air, of less than 50 lbs/hr.
5. Dedicated fuel stations with total storage capacity less than 55,000 gallons and no individual tank greater than 10,560 gallons.
6. Air conditioning, space heating, or ventilating systems not uniquely designed or operated in a manner to remove air contaminants generated by or released from equipment.
7. Stationary sources, other than incinerators or CAFOs, which do not emit or have potential uncontrolled emissions of 10 TPY or more of either PM_{10} , SO_2 , NO_x , CO or VOC, nor 1.0 TPY of a HAP, nor 2.5 TPY of all HAPs.
8. Feed milling facilities which mill, formulate, or otherwise prepare animal feed products for direct local retail sale solely in prepackaged form and are not associated with a grain elevator. Milling facilities engaged in preparing feed products for wholesale distribution and/or bulk sale are not included in this exclusion.
9. Groundwater recovery/treatment facilities used for the remediation of motor fuel contamination addressed under the Underground Storage Tank Program when the facilities are located on the site of the contamination.
10. Temporary storage/aeration of soils contaminated with motor fuel which are produced as a result of a remedial response to a release from an underground storage tank when the storage/operation is on the site of the tank.
11. CERCLA/Superfund remediation or removal projects on the site of the contamination.
12. Remediation of sites contaminated with hazardous constituents required under State authority on the site of the contamination.
13. Portable treatment facilities permitted by TSCA.
14. Sawmills/woodworking plants which do not have drying kilns onsite and process less than 25,000 board feet/day.
15. Wastewater collection and treatment facilities, other than CAFOs or those listed in 40 CFR 61, Subpart FF - National Emission Standard for Benzene Waste Operations and in 40 CFR 60, Subpart QQQ, - Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems, which have the potential to emit no more than 5 tons/year of Volatile Organic Compounds (VOC).

16. Any equipment used exclusively for preparation of food for direct retail sale at a restaurant, cafeteria, bakery, or food service.
17. Surface coal mining operations for which a permit has been issued by the Permit Board pursuant to Miss. Code Ann. 53-9-1 et. seq. or by the Federal Office of Surface Mining pursuant to the Federal Surface Mining Control and Reclamation Act, 30 U.S.C. 1201 et. seq. However, any rock crushers, pneumatic conveyors, and dust collectors at such operations may require permitting if they meet the definition of "stationary source".
18. Auto body shops with only one (1) paint spray booth and with substantial portions of business devoted to repainting entire vehicles or collision repairs.
19. Surface sand and/or gravel mining operations which do not utilize rock crushers, pneumatic conveyors, or dust collectors.
20. Recreational heaters.
21. Gasoline service stations with no more than 17 refueling positions.
22. Retail propane filling operations
23. Subject to Section XII.H., any existing or new animal feeding operation that is not a concentrated animal feeding operation (CAFO) and that does not incinerate animal carcasses or waste. For the purpose of this Paragraph 23, "animal feeding operation" means any facility where animals have been, are, or will be stabled or confined, or allowed to roam or graze within a fenced or otherwise restricted area. This definition includes, but is not limited to, aquatic animal production facilities, kennels, swine growing operations, veal farms, chicken growing operations, cattle growing operations, and dairies.

B. NEW SOURCE EMISSION-BASED EXCLUSIONS FROM PERMITS TO CONSTRUCT

Greenfield sites which have only the following operations or a combination of the following operations and no other operations and which do not emit or have the potential to emit 100 tons per year or more of TSP, PM₁₀, SO₂, NO_x, CO or VOC; 10 tons per year or more of a hazardous air pollutant (HAP) or 25 tons per year or more of HAPs are excluded from the requirement for a permit to construct.

1. Coal or residual oil-fired combustion devices or groups of devices with a total rated input capacity of less than 2,000,000 BTU/hr, clean wood waste boilers or groups of boilers with a total rated input capacity of less than 10,000,000 BTU/hr, distillate oil or combination distillate and gas-fired units or groups of units with a total rated input capacity less than 10,000,000 BTU/hr and natural gas fired and/or LPG fired devices or groups of devices with all individual rated input capacities of less than 10,000,000 BTU/hr and a total rated input capacity less than 25,000,000 BTU/hr.
2. Electrically driven motors, compressors, and/or generators.
3. Initial field testing of oil and gas wells, after proper notification to the Commission, provided such tests will not produce 100 tons per year or more of any pollutant.
4. Equipment used exclusively for oil and gas field production, gathering, storing, and transmission, including, but not limited to: Gas/oil separators, emulsion treaters, free water knockouts, compressors or group of compressors with a total rated capacity less than 500 brake horsepower, segregation basins, API oil/water separators, tank facilities, and crude oil loading equipment used solely for crude oil collected from production wells onsite. Continuous flaring of sour gas and/or

combustion devices firing sour gas are not excluded from permitting.

5. Emergency safety relief systems, including pilot lights.
6. Sand blasting operations which use no more than 83 tons of sand in any given 365-day period.
7. Wood, plastic, and/or metal machining operations which are totally enclosed within a building, and which have no direct exhausts to the ambient air other than common building ventilation points.
8. Petroleum products storage facilities with no individual storage tank greater than 10,560 gallons and total storage capacity less than 55,000 gallons.
9. A compressor or groups of compressors firing either natural gas, gasoline, LPG and/or diesel fuel with a total rated capacity less than or equal to 500 brake horsepower.
10. Outdoor kerosene heaters.
11. Refrigeration systems.
12. Surface coating operations which utilize less than 50 pounds per day of all solvents and coatings.
13. Fire training exercises and equipment.

C. MODIFICATION EXCLUSION FROM PERMIT TO CONSTRUCT AND EXCEPTIONS THERTO

A modification which falls into one of the following categories is subject to the requirements for a permit to construct:

1. a major modification;
2. a moderate modification;
3. a modification involving medical waste incineration or hazardous waste incineration; or,
4. a modification meeting the definition of "constructing or reconstructing a major source of hazardous air pollutants" in Commission "Air Toxics Regulations", APC-S-8, and 40 CFR Part 63, Subpart B and thereby requiring a case-by-case Maximum Achievable Control Technology (MACT) determination.

Any other modifications are excluded from the requirement for permits to construct. This does not eliminate any requirement for modification of Title V permits or permits to operate.

D. MINOR SOURCE EXCLUSION FROM PERMIT TO OPERATE

Any minor stationary source other than a synthetic minor source or a significant minor source as defined in these regulations is excluded from the requirement to obtain a permit to operate. Only those stationary sources listed in D. and E. above are excluded from the requirement to obtain a permit to construct.

January 22, 2003

Dr. Robert M. Thorne
226-A County Road 16
Oxford, Mississippi 38655

Re: Columbus and Greenville Railroad Relocation
Greenwood, Mississippi

Dear Dr. Thorne:

The City of Greenwood has received a Federal Grant to relocate a portion of the Columbus and Greenville Railway around the City. The accompanying attachments show the approximate alignment of the relocation.

The project will consist of an embankment construction, drainage culverts, bridges and track constructed on a 100-ft. wide right of way. An environmental assessment of the site is presently underway. The total affected acreage is approximately 32.8 acres.

A cultural resource evaluation of the site is required. Please provide me with a proposal and time frame for completing the evaluation

Should you have any questions regarding this, please feel free to contact me.

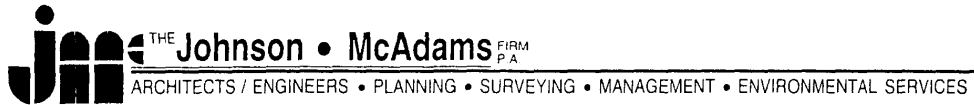
Sincerely,



Tom Tollison, P.E.
Vice President

TT:mf

Attachments



January 30, 2003

Dr. Robert M. Thorne
226-A County Road 16
Oxford, Mississippi 38655

Re: Columbus and Greenville Railroad Relocation
Greenwood, Mississippi

Dear Dr. Thorne:

Enclosed for your use is a quad map with the correct alignment.

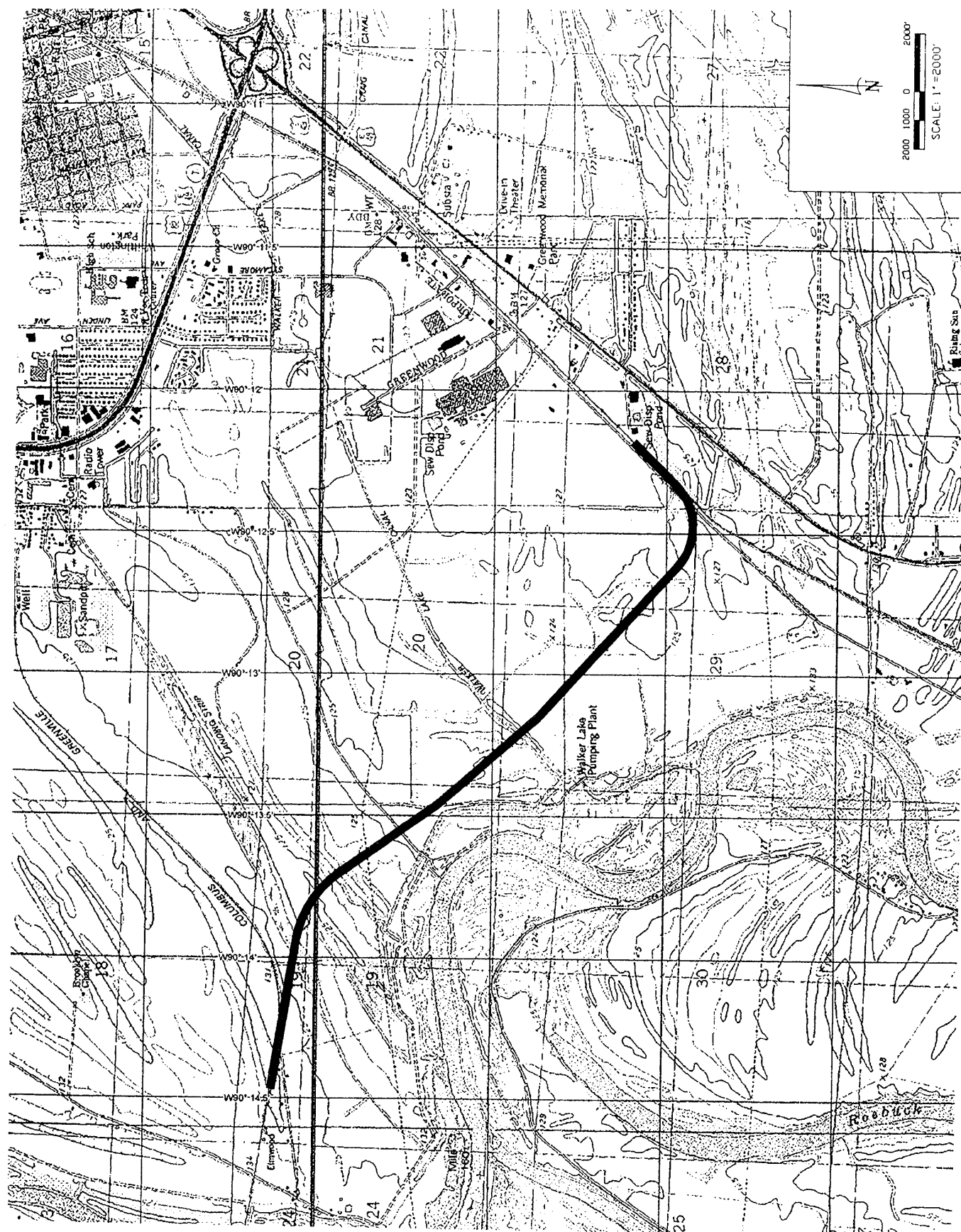
Should you have any questions regarding this, please feel free to contact me.

Sincerely,

Tom Tollison, P.E.
Vice President

TT:mf

Enclosures



Robert M. Thorne, Ph. D., RPA
D.B.A .Archaeology and Cultural Heritage
P. O. Box 544
University, MS 38677
(662) 234-8550 - home

February 5, 2003 Email: thor7922@bellsouth.net

Mr. Tom Tollison, Vice President
Johnson McAdams
P. O. Box 513
Greenwood, MS 38935-0513

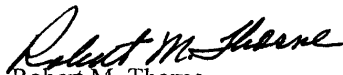
RE: A Cultural Resources Survey of a Proposed Railroad Alignment, Sections 19, 20, and 29,
T19N, R1E, Leflore County, Mississippi (Columbus and Greenville Railroad Relocation)

Dear Tom:

I have sent a signed original copy of my report directly to the Department of Archives and History for their consideration and concurrence, and am enclosing a copy for your files. My statement for Services Rendered is also enclosed.

It was a pleasure to have time to talk with you and to provide cultural resource expertise for your firm. Kim and I enjoyed the lunch break and the opportunity to meet your wife. If I can provide services in the future, please contact me.

Sincerely,


Robert M. Thorne
Consulting Archaeologist

Robert M. Thorne, Ph. D., RPA
DBA Archaeology and Cultural Heritage
P. O. Box 544
University, MS 38677
(662) 234-8550 - home

February 5, 2003 Email: thor7922@bellsouth.net

Mr. Thomas H. Waggener
Review and Compliance Officer
Historic Preservation Division
MDAH
P. O. Box 571
Jackson, MS 39205-0571

RE: A Cultural Resources Survey of a Proposed Railroad Alignment, Sections 19, 20, and 29,
T19N, R1E, Leflore County, Mississippi (Columbus and Greenville Railroad Relocation)

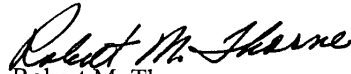
Dear Mr. Waggener:

I have enclosed a copy of my cultural resources assessment of 43 acres that will be included in the right-of-way for the above referenced railroad relocation project. Only two previously recorded cultural resources are located near the proposed work area. Both are historic period sites, neither met the criteria for admission to the Register, and both have been covered by dredge spoils. No previously unrecorded sites were identified as a result of the present effort. No unrecorded cultural resources or National Register properties will be adversely impacted by development of the railroad.

I am sending the report to your attention in order to avoid the delay that would occur if I mailed the report to Mr. Tollison, who would follow up by mailing the report to your attention. Please direct your letter of concurrence of my recommendations to:

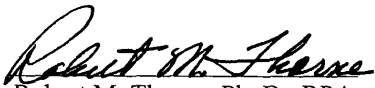
Tom Tollison, Vice President
Johnson McAdams
P. O. Box 513
Greenwood, MS 38935-0513

Thank you in advance for your prompt attention to this report.


Robert M. Thorne
Consulting Archaeologist

**A CULTURAL RESOURCES SURVEY OF A PROPOSED RAILROAD ALIGNMENT,
SECTIONS 19, 20, and 29, T19N, R1E, LEFLORE COUNTY, MISSISSIPPI
(COLUMBUS AND GREENVILLE RAILROAD RELOCATION)**

Prepared by

A handwritten signature in cursive script, reading "Robert M. Thorne".

Robert M. Thorne, Ph. D., RPA
d.b.a. Archaeology and Cultural Heritage

for

Johnson - McAdams Firm, P. A.
P. O. Box 513
Greenwood, MS 38935-0513

February 5, 2003

INTRODUCTION

The ground truth assessment for cultural resources and the report which follows was completed at the request of Tom Tollison representing the Johnson - McAdams Firm. Fieldwork was completed by the author and Hugh K. Curry on January 28, 2003. Mr. Tollison accompanied us to the project location and explained the layout of the proposed alignment

LOCATION

The majority of the research universe in this assessment is a 100' wide right-of-way that is approximately 14,288 feet in length. An additional area of approximately 1,500' x 300' was also cleared on the western end of the proposed alignment. The area included in the assessment is 43 acres. The proposed right-of-way crosses Sections 19, 20, and 29, T19N, R1E in Leflore County. The proposed alignment is shown on the attached map.

PREVIOUS RESEARCH

An inspection of the archaeological site files curated by the Historic Preservation Division of the Department of Archives and History and a personal consultation with Cliff Jenkins indicated that there are two previously recorded sites, 22-LF-964 and 22-LF-965, in the immediate vicinity of the proposed development. Both are apparently twentieth century historic period sites. Site card data indicates that these sites were located by Owens for Geomarine ahead of the use of the area as a dredge spoil disposal area. Both of these sites were considered to be ineligible and both have been buried under the dredge spoils. Earlier surveys completed along and in the vicinity of the proposed alignment did not identify any site locations. Those surveys included 83-161 which was a survey along the channel of the Yazoo River, 93-194 and 94-390. The latter two surveys were completed along the southeastern end of the proposed railroad relocation right-of-way.

The nearest National Register properties to the proposed work reach in Leflore County are to the north of the proposed alignment, and well away from the proposed work reach. None will be adversely impacted by construction of the rail bed. There are no standing structures on the proposed right-of-way and none are in the immediate vicinity that could meet the criteria for eligibility to the National Register.

TOPOGRAPHY AND SOILS

The proposed work reach is located within the Yazoo Basin physiographic region at an elevation that is about 125' AMSL. An inspection of the Sidon and Greenwood Quads across the length of the proposed right-of-way indicates that the area is relatively flat, and the western end of the proposed work reach is marked by low ridges and swales that are characteristic of a pointbar depositional area. To the southeast, the depositional surface is characterized as backswamp. Dug drainage ditches also characterize the topography in several locations. The western end of the alignment near the existing railroad contains an abandoned channel of the Yazoo River that still holds water. Drainage in the proposed work area is controlled by dug ditches that channel surface water to the south and southwest toward the Yazoo River.

Soils across the length of the right-of-way are broadly classified as being Alligator and Dundee soils, with several being defined as being nearly level. Mapped soils near the extinct

drains that cross the area become increasingly narrow near the bayou on the western end of the proposed alignment. Most of these soils fall into the class of soils that are so kindly spoken of as "gumbo". They are heavy and sticky when wet and dry in a pattern of tetrahedral cracks during periods of no rainfall. The area that was assessed was planted in soybeans during the last crop year. Current ground cover was either remnants of last year's soybean crop or wheat planted last fall. Ground surface visibility across the entire research universe was between 75% and 100%. Shovel testing presented a uniform subsurface profile, with the plowzone extending to a depth of slightly over two inches. No B or C-horizon soil was noted, although the undisturbed sub-plowzone may be the C-Horizon soil. No evidence of land planing was observed.

CULTURAL RESOURCES SURVEY AND FIELD METHODOLOGY

As noted above, there are no standing structures on the proposed work reach, and none are in the immediate vicinity. The area assessed for the railroad realignment begins to the east of Elmwood Plantation and extends to the southeast until it intersects the existing rail line about a mile to the north of the community of Rising Sun.

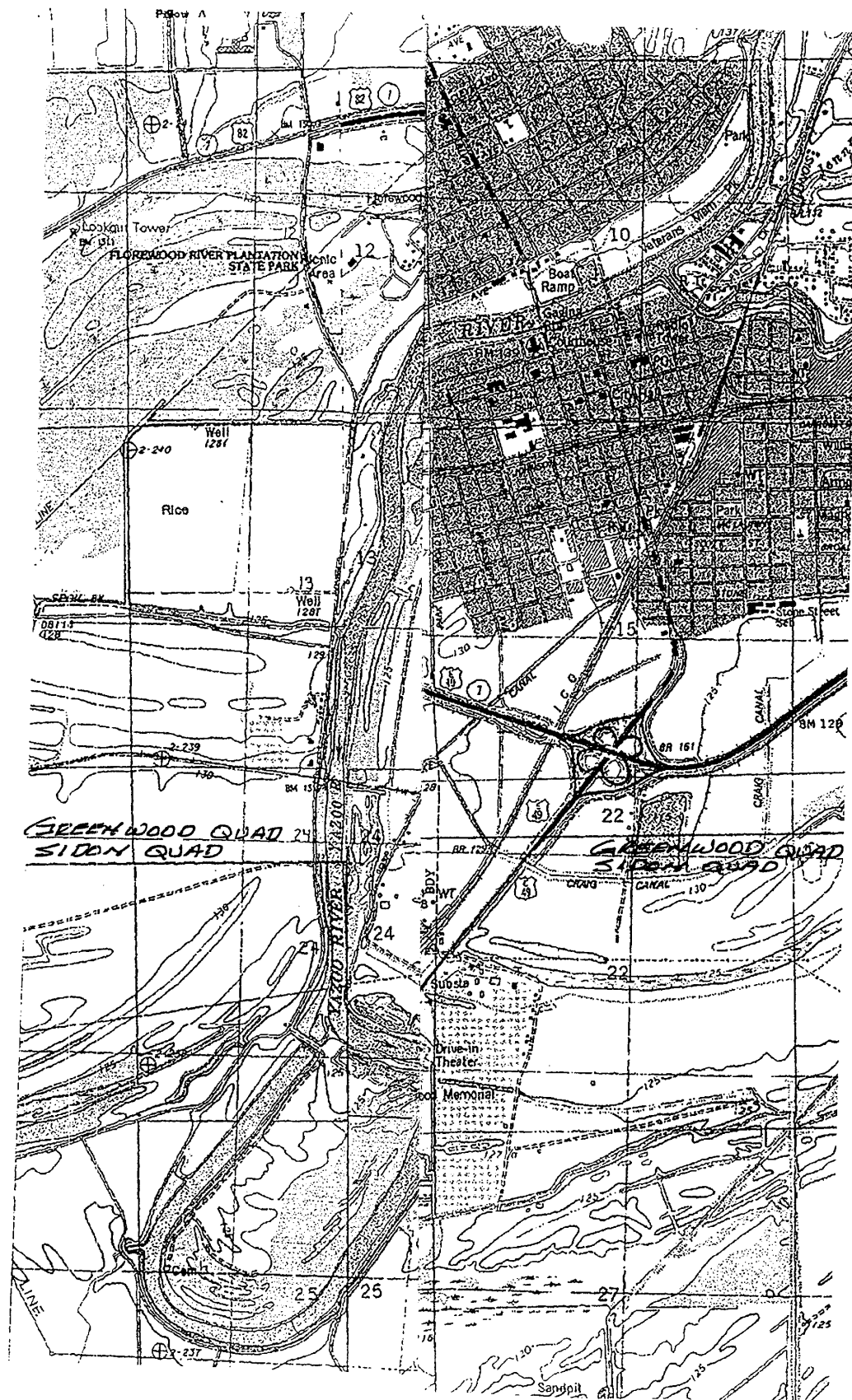
The proposed right-of-way has been surveyed, and alignment crossings along ditch banks were still marked with flagging tape, thus the area to be surveyed could be relatively easily identified. About 2,800' of the alignment crosses the spoils pile and this area was not assessed. Similarly, the area that was included in the 1983 survey of the Yazoo River was dropped from the present assessment, and the area in surveys 94-194 and 94-390 were not as intensely surveyed as were the portions of the alignment that had not been previously assessed. Where appropriate, the right-of-way was walked out in two transects spaced approximately 25' on either side of the centerline, thus the transects were spaced 50' apart. Since ground surface visibility was excellent, shovel testing was completed only in random locations.

As the engineering plans for the alignment are developed, it may become necessary to alter the western end of the alignment as shown on the attached map. In an effort to accommodate a possible alignment change in the future, and to avoid additional cultural resource assessments in this area in the future, an area that is approximately 450' wide and approximately 1,500' long was assessed for cultural resources. Geomorphologically, this area is a point bar deposit with the ridge and swale depositional configuration still visible on the surface. A scatter of historic period artifacts was located on the eastern side of one of the low ridges. Artifacts include hotel ware, other whiteware, a single piece of blue Vicks Salve bottle glass, very small brick fragments with modern cement mortar attached, and two pieces of amethyst glass. These materials are sparsely scattered over an area that is approximately 150' long following the configuration of the low ridge. Shovel testing did not produce any evidence of a midden deposit. Nails and other metal was absent, suggesting that the structure has been razed and the area cleaned of debris to protect the tires of farm equipment. No precise location of the structure could be suggested, and it does not appear on the 1954 aerial photographs used for the Leflore County soils manual. This scattering of material is not considered to be eligible for admission to the Register, and may represent a garbage disposal area rather than a residential area.

CONCLUSIONS AND RECOMMENDATIONS

There are no significant standing structures present or located in the immediate area, and

no National Register properties will be adversely impacted as a consequence of the development of the railroad. Two sites, 22-Lf-964 and 22-Lf-965 are in the vicinity of the proposed alignment, but neither was considered to meet the criteria for Register eligibility and both have been covered by the wasted dredge spoils. Since there are no National Register properties present or in the immediate vicinity, and since no significant previously located sites are present, and since no National Register properties were located as a consequence of this assessment, I recommend that the right-of-way to be developed for the railroad relocation be considered to be cleared of cultural resources. Development of the railroad should be allowed to proceed in a timely and orderly manner.





Mississippi Department of Archives and History

Historic Preservation Division

PO Box 571 • Jackson, MS 39205-0571 • 601 / 359-6940 • Fax 601 / 359-6955 • mdah.state.ms.us

February 13, 2003

Mr. Tom Tollison, Vice President
Johnson McAdams
Post Office Box 513
Greenwood, Mississippi 38935-0513

Dear Mr. Tollison:

RE: Cultural Resources Survey of a Proposed Railroad Alignment, Section 19,
20, and 29, T19N, R1E, Leflore County, report #03-043

We have reviewed the February 2002 cultural resources survey report of Robert Thorne for the above referenced undertaking. We concur that 22-Lf-964, and -965 are ineligible for listing in the National Register of Historic Places. We, therefore, have no further reservations with this undertaking.

In addition, we are not aware of any potential of this undertaking to affect Indian cultural or religious sites. However, if you require confirmation of this, the tribal entities will have to be contacted directly.

There remains a very remote possibility that unrecorded cultural resources may be encountered during construction. If this occurs, we would appreciate your contacting this office immediately in order that we may offer appropriate comments under 36 CFR 800.11 within forty-eight hours. Your continued cooperation is appreciated.

Sincerely,

Elbert R. Hilliard
State Historic Preservation Officer

Thomas H. Waggener

By: Thomas H. Waggener
Review and Compliance Officer

cc: Clearinghouse for Federal Programs



DEPARTMENT OF THE ARMY

VICKSBURG DISTRICT, CORPS OF ENGINEERS

4155 CLAY STREET

VICKSBURG, MISSISSIPPI 39183-3435

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

Exhibit G

REPLY TO

June 3, 2004

ATTENTION OF:

Operations Division
Regulatory

SUBJECT: Permit Requirements for the Relocation of Approximately
16,450 Feet of the Columbus and Greenville Railroad Track in
Sections 19, 20, 28 and 29, T19N-R1E, Leflore County, Mississippi

Honorable Harry L. Smith
Mayor of Greenwood
Post Office Box 907
Greenwood, Mississippi 38935

Dear Mayor Smith:

Based upon the information furnished on March 25, 2004, it appears that Department of the Army permit requirements for the proposed work will be authorized by Nationwide Permit No. 14, as specified in the January 15, 2002, Federal Register, Issuance of Nationwide Permits; Notice (67 FR 2020-2095) and in the February 13, 2002, Federal Register, Issuance of Nationwide Permits; Notice; Correction (67 FR 6692-6695), provided the activity complies with the Nationwide Permit Special Conditions (enclosure 1), the Nationwide Permit General Conditions (enclosure 2), and the Regional Conditions (enclosure 3). It is your responsibility to read and become familiar with the enclosed conditions in order for you to ensure that the activity authorized herein complies with the Nationwide Permits.

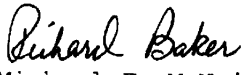
This verification is valid for a period of 2 years, or until the Nationwide Permit is modified, suspended, or revoked. Activities which are under construction or that are under contract to commence in reliance upon a Nationwide Permit will remain authorized, provided the activity is completed within 12 months of the date of any subsequent modification, expiration, or revocation of the Nationwide Permit. Upon completion of the activity authorized by this Nationwide Permit, please fill out the enclosed certification of compliance (enclosure 4) and return it to our office.

-2-

Thank you for advising us of your plans. If you change your plans for the proposed work or if the proposed work does not comply with the conditions of the Nationwide Permit, please contact Mr. Mike Miller, telephone (601) 631-5499, fax (601) 631-5459, or e-mail address: regulatory@mvk02.usace.army.mil. In any future correspondence concerning this project, please refer to identification No. MVK-2004-864.

I am forwarding a copy of this letter to Mr. Thomas H. Tollison, P.E., Vice President, The Johnson-McAdams Firm, P.A., Post Office Box 513, Greenwood, Mississippi 38935-0513.

Sincerely,


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

Enclosures

25 March 2004

MI
4/6

U.S. Army Corps of Engineers
Vicksburg District
Attn Ms. Monica Humphrey
4155 E. Clay Street
Vicksburg, MS 39183

Re: Columbus and Greenville Railroad Track Relocation
and Construction Project
DTFR53-02-G-00012
Greenwood, Mississippi

Gentlemen:

Attached is our 404 Permit Application for the referenced project. Along with the application, we have included preliminary drawings and our Environmental Assessment of the project site.

The project will consist of an embankment construction, drainage culverts, and track work. The total mainline track length is approximately 16,450 feet. The average width of the embankment is approximately 60 feet. The total affected acreage is, therefore, approximately 22.7 acres.

Should you have any questions regarding this, please feel free to contact me.

Sincerely,



Tom Tollison, P.E.
Vice President

THT:gw

Enclosures

MVK-2004-864
200300680

The Public burden for this collection of information is estimated to average 10 hours per response, although the majority of applications should require 5 hours or less. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed to complete and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters Service, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003), Washington, DC 20503. Respondents should be aware that notwithstanding any other provision of law no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research and Sanctuaries Act, Section 103, 33 USC 1413. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued.

One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

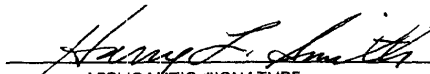
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETED
--------------------	----------------------	------------------	-------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME City of Greenwood	8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) Thomas H. Tollison, P.E.
6. APPLICANT'S ADDRESS P.O. Box 907 Greenwood, MS 38935	9. AGENT'S ADDRESS P.O. Box 513 Greenwood MS 38935-0513
7. APPLICANT'S PHONE NOS. W/AREA CODE a. Residence b. Business 662-453-2246	10. AGENT'S PHONE NOS. W/AREA CODE a. Residence 662-455-6909 b. Business 662-455-4943

11. STATEMENT OF AUTHORIZATION

I hereby authorize, Thomas H. Tollison, P.E. to act in my behalf as my agent in the processing of this application upon request, supplemental information in support of this permit application.


APPLICANT'S SIGNATURE

3/25/04
DATE

NAME, LOCATION AND DESCRIPTION OF PROJECT OR ACTIVITY

12. PROJECT NAME OR TITLE (see instructions) Columbus and Greenville Railroad Track Relocation and Construction Project	
13. NAME OF WATERBODY, IF KNOWN (if applicable) Yazoo River	14. PROJECT STREET ADDRESS (if applicable) N.A.
15. LOCATION OF PROJECT Leflore COUNTY MS STATE	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN, (see instructions) T19N, Sec 19, 20, 28, 29 R1E	
17. DIRECTIONS TO THE SITE In Greenwood, MS take U.S. Highway 82 south to U.S. Highway 49E. Turn right on U.S. Highway 49E to Craig Rd. (175). Turn right on Craig Rd. to Baldwin Rd. Project begins at the Columbus and Greenville Railroad near River Road, and ends northeast of Craig Rd., south of Baldwin Rd.	

18. Nature of Activity (Description of project, include all features)

Railroad line to be constructed between the Columbus and Greenville Railroad and the CNIC Railroad in Greenwood, MS. Project will include box culvert structures and other minor drainage structures. Most of the alignment will require fill to bring the road bed to grade. Fills will generally be within the 4 feet to 6 feet range.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of the project is to construct a new rail alignment to route freight trains away from downtown Greenwood, MS making for a more efficient connection between the Columbus and Greenville Railroad and the CNIC Railroad.

USE BLOCKS 20-22 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

N/A

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards

N/A

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

N/A

23. Is Any Portion of the Work Already Complete? Yes _____ No X IF YES, DESCRIBE THE COMPLETED WORK

24. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (If more than can be entered here, please attach a supplemental list).

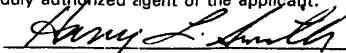
City of Greenwood P.O. Box 907, Greenwood, MS 38935

Leflore County Courthouse, Greenwood, MS 38930

25. List of Other Certifications or Approvals/Denials Received from other Federal, State or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

26. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.


SIGNATURE OF APPLICANT

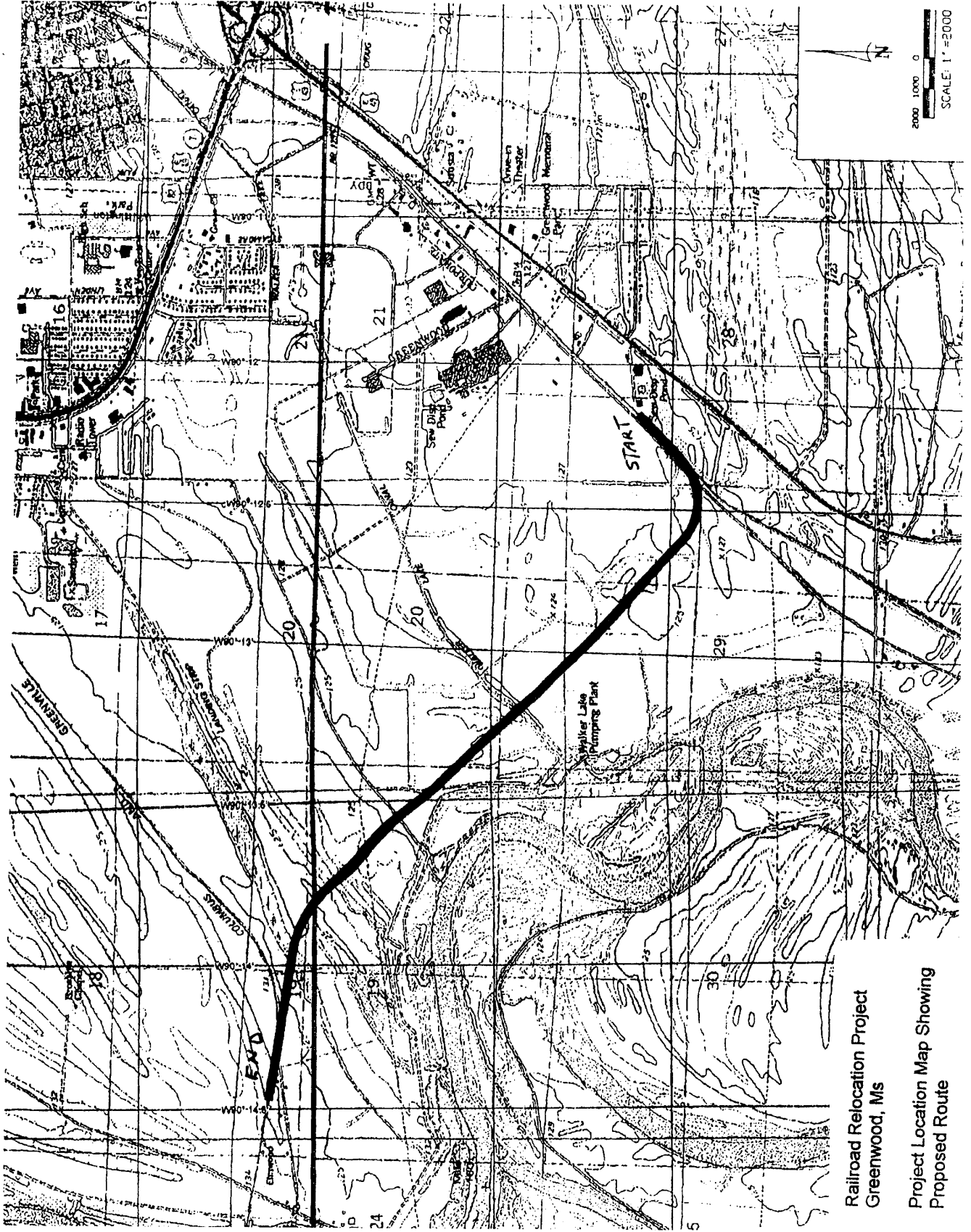
3/25/04
DATE


SIGNATURE OF AGENT

3/25/04
DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

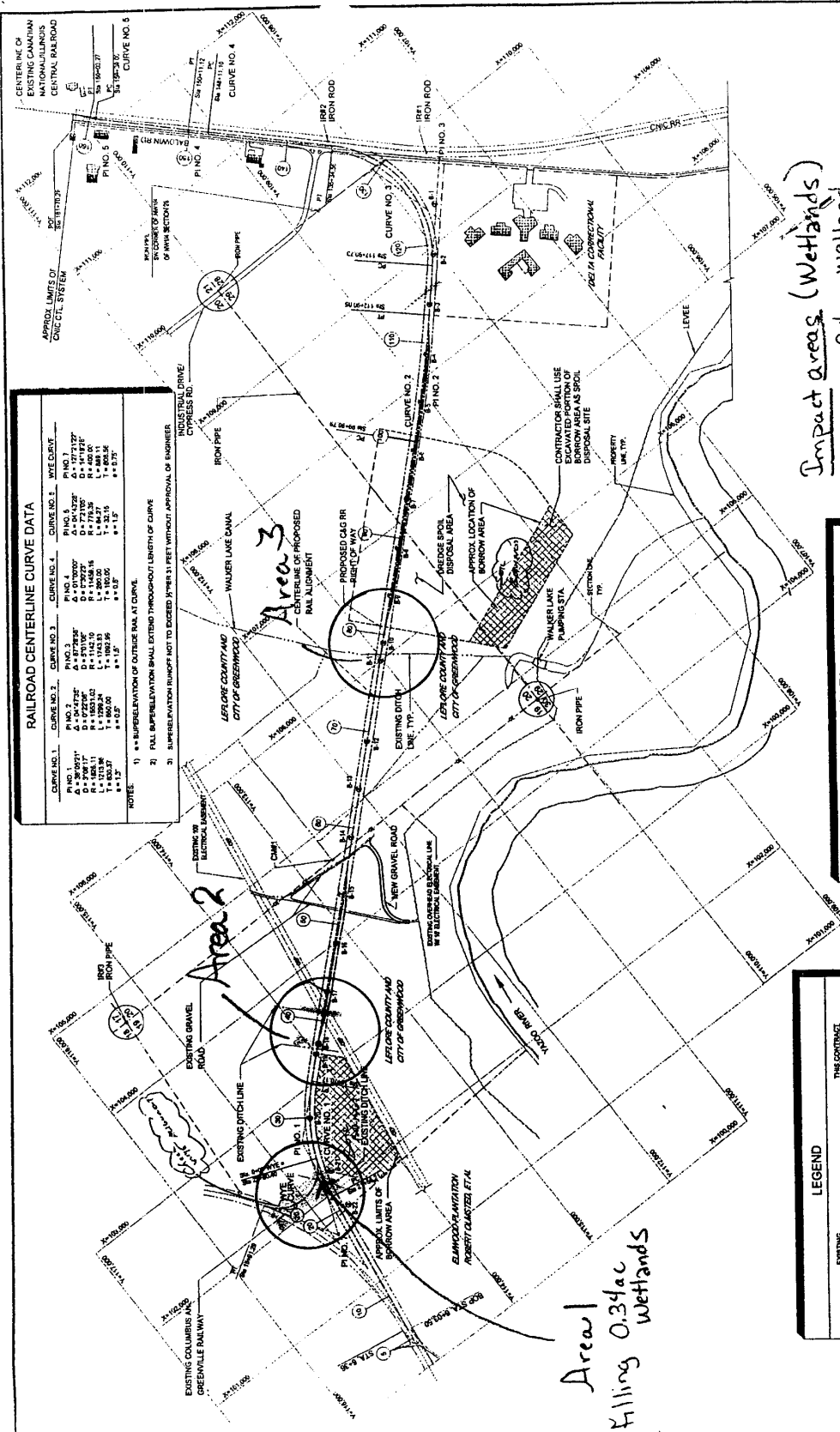


Railroad Relocation Project
Greenwood, Ms
Project Location Map Showing
Proposed Route

RAILROAD CENTERLINE CURVE DATA

CURVE NO. 1	CURVE NO. 2	CURVE NO. 3	CURVE NO. 4	CURVE NO. 5	CURVE NO. 6	CURVE NO. 7
PI NO. 1 A = 26.9917 B = 148.11 C = 148.11 D = 148.11 E = 148.11 F = 148.11 G = 148.11 H = 148.11 I = 148.11 J = 148.11 K = 148.11 L = 148.11 M = 148.11 N = 148.11 O = 148.11 P = 148.11 Q = 148.11 R = 148.11 S = 148.11 T = 148.11 U = 148.11 V = 148.11 W = 148.11 X = 148.11 Y = 148.11 Z = 148.11	PI NO. 2 A = 26.9917 B = 148.11 C = 148.11 D = 148.11 E = 148.11 F = 148.11 G = 148.11 H = 148.11 I = 148.11 J = 148.11 K = 148.11 L = 148.11 M = 148.11 N = 148.11 O = 148.11 P = 148.11 Q = 148.11 R = 148.11 S = 148.11 T = 148.11 U = 148.11 V = 148.11 W = 148.11 X = 148.11 Y = 148.11 Z = 148.11	PI NO. 3 A = 26.9917 B = 148.11 C = 148.11 D = 148.11 E = 148.11 F = 148.11 G = 148.11 H = 148.11 I = 148.11 J = 148.11 K = 148.11 L = 148.11 M = 148.11 N = 148.11 O = 148.11 P = 148.11 Q = 148.11 R = 148.11 S = 148.11 T = 148.11 U = 148.11 V = 148.11 W = 148.11 X = 148.11 Y = 148.11 Z = 148.11	PI NO. 4 A = 26.9917 B = 148.11 C = 148.11 D = 148.11 E = 148.11 F = 148.11 G = 148.11 H = 148.11 I = 148.11 J = 148.11 K = 148.11 L = 148.11 M = 148.11 N = 148.11 O = 148.11 P = 148.11 Q = 148.11 R = 148.11 S = 148.11 T = 148.11 U = 148.11 V = 148.11 W = 148.11 X = 148.11 Y = 148.11 Z = 148.11	PI NO. 5 A = 26.9917 B = 148.11 C = 148.11 D = 148.11 E = 148.11 F = 148.11 G = 148.11 H = 148.11 I = 148.11 J = 148.11 K = 148.11 L = 148.11 M = 148.11 N = 148.11 O = 148.11 P = 148.11 Q = 148.11 R = 148.11 S = 148.11 T = 148.11 U = 148.11 V = 148.11 W = 148.11 X = 148.11 Y = 148.11 Z = 148.11	PI NO. 6 A = 26.9917 B = 148.11 C = 148.11 D = 148.11 E = 148.11 F = 148.11 G = 148.11 H = 148.11 I = 148.11 J = 148.11 K = 148.11 L = 148.11 M = 148.11 N = 148.11 O = 148.11 P = 148.11 Q = 148.11 R = 148.11 S = 148.11 T = 148.11 U = 148.11 V = 148.11 W = 148.11 X = 148.11 Y = 148.11 Z = 148.11	PI NO. 7 A = 26.9917 B = 148.11 C = 148.11 D = 148.11 E = 148.11 F = 148.11 G = 148.11 H = 148.11 I = 148.11 J = 148.11 K = 148.11 L = 148.11 M = 148.11 N = 148.11 O = 148.11 P = 148.11 Q = 148.11 R = 148.11 S = 148.11 T = 148.11 U = 148.11 V = 148.11 W = 148.11 X = 148.11 Y = 148.11 Z = 148.11

NOTE: 1) SUPERSEDITION SHALL EXTEND THROUGHOUT LENGTH OF CURVE.
2) RAIL SUPERSEDITION SHALL EXTEND THROUGHOUT LENGTH OF CURVE.
3) SUPERSEDITION SHALL EXTEND THROUGHOUT LENGTH OF CURVE.



Impact areas (Wetlands)
Area 1 = 0.34 ac wetland

Impact areas (Other water)
Area 2 = 8' x 8' (46' long)
Area 3 = 12' x 12' (46' long)
= 0.01 ac

CONTROL DATA

STATION	DESCRIPTION
1+000	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+010	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+020	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+030	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+040	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+050	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+060	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+070	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+080	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+090	PROPOSED CONC. BRIDGE & 14' SECTION CORNER
1+100	PROPOSED CONC. BRIDGE & 14' SECTION CORNER

NOTE: COORDINATES ARE NAD83 COORDINATES.

LEGEND

SYMBOL	DESCRIPTION
---	PROPERTY LINE
---	RIGHT OF WAY
---	UTILITY EASEMENT
---	DITCH DRAINAGE CANAL
---	LEVEE
---	WATERWAY
---	RAILROAD CENTERLINE
---	OVERHEAD ELECTRICAL PRIMARY
---	SOIL BORING
---	STRUCTURE
---	BORROW AREA

Area 1
Filling 0.34 ac wetlands

2 culverts @ 8' x 8'

NATIONWIDE PERMIT No. 14
LINEAR TRANSPORTATION PROJECTS

This Nationwide Permit (NWP) authorizes activities required for the construction, expansion, modification, or improvement of linear transportation crossings (e.g., highways, railways, trails, airport runways, and taxiways) in waters of the United States, including wetlands as follows:

- a. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States.
- b. For linear transportation projects in tidal waters of the United States, the discharge cannot cause the loss of greater than 1/3 acre of waters of the United States.

SPECIAL CONDITIONS

1. The permittee shall notify the District Engineer in accordance with General Condition 13 if any of the following criteria are met:
 - (a) The discharge causes the loss of greater than 1/10 acre of waters of the United States; or
 - (b) There is a discharge in a special aquatic site, including wetlands.
2. The notification shall include a compensatory mitigation proposal to offset permanent losses of waters of the United States and a statement describing how temporary losses will be minimized to the maximum extent practicable.
3. For discharges in special aquatic sites, including wetlands, and stream riffle and pool complexes, the notification shall include a delineation of the affected special aquatic sites.
4. The width of the fill shall be limited to the minimum necessary for the crossing.
5. This permit does not authorize stream channelization and the authorized activities shall not cause more than minimal changes to the hydraulic flow characteristics of the stream, increase flooding, or cause more than minimal degradation of water quality of any stream.

(ENCL 1)

6. This permit shall not be used to authorize non-linear features commonly associated with transportation projects such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

7. The crossing shall be part of a single and complete project for crossing a water of the United States.

Nationwide Permit General Conditions

The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. Navigation. No activity may cause more than a minimal adverse effect on navigation.
2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.
3. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.
4. Aquatic Life Movements. No activity may substantially disrupt necessary life-cycle movements of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions.
5. Equipment. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
6. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions which may have been added by the division engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the State or tribe in its Section 401 water quality certification and Coastal Zone Management Act consistency determination.
7. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System; or in a river officially designated by Congress as a "study river" for possible inclusion in the system, while the river is in an official study status; unless the appropriate Federal agency, with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation, or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).
8. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.
9. Water Quality.

(a) In certain States and tribal lands an individual 401 water quality certification must be obtained or waived (See 33 CFR 330.4(c)).

(b) For NWP's 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the State or tribal 401 certification (either generically or individually) does not require or approve a water quality management plan, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of a water quality management plan includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of a water quality management plan is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWP's).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

11. Endangered Species.

(a) No activity is authorized under any NWP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act, or which will destroy or adversely modify the critical habitat of such species. Non-federal permittees shall notify the District Engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or is located in the designated critical habitat and shall not begin work on the activity until notified by the District Engineer that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized. For activities that may affect Federally-listed endangered or threatened species or designated critical habitat, the notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. As a result of formal or informal consultation with the FWS or NMFS, the District Engineer may add species-specific regional endangered species conditions to the NWP's.

(b) Authorization of an activity by a nationwide permit does not authorize the "take" of a threatened or endangered species

as defined under the Federal Endangered Species Act. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. Fish and Wildlife Service and National Marine Fisheries Service or their world wide web pages at <http://www.fws.gov/r9endspp/endspp.html> and http://www.nfms.noaa.gov/prot_res/overview.es.html, respectively.

12. Historic Properties. No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the DE has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

13. Notification.

(a) Timing: Where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the PCN is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer.

The prospective permittee shall not begin the activity:

(1) Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

(2) If notified in writing by the District or Division Engineer that an individual permit is required; or

(3) Unless 45 days have passed from the District

Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) Contents of Notification: The notification must be in writing and include the following information:

(1) Name, address, and telephone numbers of the prospective permittee;

(2) Location of the proposed project;

(3) Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

(4) For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

(5) For NWP 7 (Outfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed.

(6) For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the United States and a statement describing how temporary losses of waters of the United States will be minimized to the maximum extent practicable.

(7) For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

(8) For NWP 27 (Stream and Wetland Restoration Activities), the PCN must include documentation of the prior condition of the site that will be reverted by the permittee.

(9) For NWP 29 (Single-Family Housing), the PCN must also include:

(i) Any past use of this NWP by the individual permittee and/or the permittee's spouse;

(ii) A statement that the single-family housing activity is for a personal residence of the permittee;

(iii) A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring 1/4 acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than 1/4 acre in size, a formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

(iv) A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

(10) For NWP 31 (Maintenance of Existing Flood Control Facilities), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five year (or less) maintenance plan. In addition, the PCN must include all of the following:

(i) Sufficient baseline information so as to identify the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

(ii) A delineation of any affected special aquatic sites, including wetlands; and,

(iii) Location of the dredged material disposal site.

(11) For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources.

(12) For NWPs 39, 43, and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization of losses of waters of the United States were achieved on the project site.

(13) For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal that offsets unavoidable losses of waters of the United States or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an

intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation or stream impacts in writing before the permittee may proceed;

(14) For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the U.S. This NWP does not authorize the relocation of greater than 300 linear-feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent non-tidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

(15) For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with State and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the U.S. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation or stream impacts in writing before the permittee may proceed;

(16) For NWP 44 (Mining Activities), the PCN must include a description of all waters of the U.S. adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the United States, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities).

(17) For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

(18) For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

(c) Form of Notification: The standard individual permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition

13. A letter containing the requisite information may also be used.

(d) District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process and the District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant stating that the project can proceed under the terms and conditions of the NWP permit.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then he will notify the applicant either: (1) That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an individual permit; (2) that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or (3) that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required in order to ensure no more than minimal adverse effects on the aquatic environment, the activity will be authorized within the 45-day PCN period, including the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the United States will occur until the District Engineer has approved a specific mitigation plan.

(e) Agency Coordination: The District Engineer will consider any comments from Federal and State agencies concerning the proposed activity's compliance with the terms and conditions of the NWP's and the need for mitigation to reduce the project's adverse effects on the aquatic environment to a minimal level. For activities requiring notification to the District Engineer that result in the loss of greater than 1/2 acre of waters of the United States, the District Engineer will, upon receipt of a notification, provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner), a copy to the appropriate offices of the Fish and Wildlife Service, State natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the National Marine Fisheries Service. With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by Section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to National Marine Fisheries Service within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

(f) Wetlands Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps. For NWP 29 see paragraph (b)(9)(iii) for parcels less than 1/4 acre in size. The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

14. Compliance Certification. Every permittee who has received a Nationwide permit verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter. The certification will include: (a) A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions; (b) A statement that any required mitigation was completed in accordance with the permit conditions; and (c) The signature of the permittee certifying the completion of the work and mitigation.

15. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWP's does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing

over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3 acre.

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the United States or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

(a) The project must be designed and constructed to avoid and minimize adverse effects of waters of the U.S. to the maximum extent practicable at the project site (i.e. on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing or compensating) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland impacts requiring a PCN, unless the District Engineer determines in writing that some other form of mitigation would be more environmentally appropriate and provides project-specific waiver of this requirement. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands to meet the minimum compensatory mitigation ratio, with preservation used only in exceptional circumstances.

(d) Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, 1/4-acre of wetlands cannot be created to change a 3/4-acre loss of wetlands to a 1/2-acre loss associated with NWP 39 verification. However, 1/2-acre of created wetlands can be used to reduce the impacts of a 1/2-acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

(e) To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed;

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer will be 25 to 50 feet wide on each side of the stream, but the District Engineer may require slighted wider vegetated buffers to address documented water quality or habitat concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where vegetated buffers are determined to be the most appropriate form of compensatory mitigation, the District Engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland impacts.

(g) Compensatory mitigation proposals submitted the "notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the U.S.

(h) Permittees may propose the use of mitigation banks, in lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict

or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is not applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity, including structures and work in navigable waters of the United States or discharge of dredged or fill material, creates an impoundment of water, adverse effects on the aquatic system caused by the accelerated passage of water and/or the restriction of its flow shall be minimized to the maximum extent practicable.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the United States or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, State natural heritage sites, and outstanding national resource waters or other waters officially designated by a State as having particular environmental or ecological significance and identified by the District Engineer after notice and opportunity for public comment. The District Engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Except as noted below, discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the United States may be

authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the U.S. Fish and Wildlife Service or the National Marine Fisheries Service has concurred in a determination of compliance with this condition.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with General Condition 13, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The District Engineer may authorize activities under these NWPs only after he determines that the impacts to the critical resource waters will be no more than minimal.

26. Fills Within 100-Year Floodplains. For purposes of this general condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

(a) Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the United States within the mapped 100-year floodplain, below headwaters (i.e. five cfs), resulting in permanent, above-grade fills, are not authorized by NWPs 39, 40, 42, 43, and 44.

(b) Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the U.S. within the FEMA or locally mapped floodway resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, and 44.

(c) The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date may be requested. This request must be submitted at least one month before the previously approved completion date.

REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN MISSISSIPPI

Corps Regional Conditions:

Nationwide Permit 7: Outfall Structures and Maintenance.

Activities involving the construction of associated intake structures shall be constructed with fish screening devices.

Nationwide Permit 14: Linear Transportation Crossings.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Nationwide Permit 39: Residential, Commercial and Institutional Development.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Nationwide Permit 41: Reshaping Existing Drainage Ditches.

1. Any clearing of vegetation or side casting of excavated material shall be restricted to one side of the drainage ditch with gaps every 50 feet.
2. Banks shall be seeded and stabilized upon completion of excavation activities.
3. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Nationwide Permit 42: Recreational Facilities.

1. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

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Nationwide Permit 43: Stormwater Management Facilities.

1. Activities located within Atlantic white cedar stands and pitcher plant bogs shall not be authorized under this nationwide permit in the Coastal Zone of Mississippi without a Coastal Zone Consistency Determination from the Mississippi Department of Marine Resources.
2. Preconstruction notification (PCN) to the Corps of Engineers shall be required for activities in the following waters:
 - a. The Hatchie and Tuscumbia Rivers, from the Tennessee state line upstream one-half mile.
 - b. The Wolf River and adjacent wetlands, from the Tennessee state line upstream to the headwaters.
 - c. Horn Lake Creek and adjacent wetlands in DeSoto County.

Regional Conditions for Water Quality Certification

The Mississippi Department of Environmental Quality (DEQ) denied water quality certification for NWP No. 21, Surface Coal Mining Activities and NWP No. 44, Mining Activities. Applicants shall obtain certification or a waiver from the Mississippi Department of Environmental Quality prior to commencement of work.

The Mississippi Department of Environmental Quality (DEQ) issued water quality certification for the Nationwide Permits listed below with conditions. DEQ will be the primary responsible party for the enforcement of the water quality certification conditions and may be contacted as follows:

Mississippi Department of Environmental Quality
Office of Pollution Control
Post Office Box 10385
Jackson, Mississippi 39289-0385
Telephone: (601) 961-5171

Nationwide Permits 3, 4, 5, 6, 7, 11, 13, 15, 16, 17, 19, 20, 22, 23, 25, 30, 32, 33, 37, and 38, are certified for a period of five years from their effective date, provided the projects comply with the following conditions.

1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.

3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 12, Utility Line Activities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:

1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

2. The Mississippi Department of Environmental Quality, Office of Pollution Control (OPC) shall be notified of projects that are five acres or greater in size and projects that have associated discharge of cuttings, drilling mud, hydrostatic testing water, or any other waste material.

3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.

4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 14, Linear Transportation Crossings, is certified for a period of five years from its effective date, provided projects comply with the following conditions:

1. Extreme care shall be taken to prevent the permanent restriction or impedance of water flow. Pre-construction hydrology shall be maintained.

2. This NWP shall not apply to natural tidal waters for personal transportation projects.

3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction

activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.

4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 18, Minor Discharges, is authorized by this certification for a period of five years from its effective date, provided the projects comply with the following conditions:

1. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the activity must comply with the following:

a. The applicant shall provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

b. A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody (including wetlands). The minimum buffer zone for the subject parcel is defined by the equation below:

$$\text{Minimum Buffer Zone} = (0.15) (\text{Parcel Depth})$$

Where the Parcel Depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or High Tide Line to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or to the landward extent of tidal wetlands.

2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.

3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 27, Stream and Wetland Restoration Activities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:

1. For permitting of activities associated with mitigation banking, a Mitigation Banking instrument approved by the Mitigation Banking Review Team shall be required.
2. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.
3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 29, Single-Family Housing, is certified for a period of five years from its effective date provided the project complies with the following conditions:

1. The applicant shall provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.
2. A no-fill buffer zone shall be permanently maintained between any construction activity and any waterbody (including wetlands). The minimum buffer zone for the subject parcel is defined by the equation below:

$$\text{Minimum Buffer Zone} = (0.15) (\text{Parcel Depth})$$

Where the Parcel Depth is defined as the maximum length of a line extending from the Ordinary High Water Mark (OHWM) and/or top bank or High Tide Line to the opposite property boundary. In cases of an asymmetrical parcel, the Parcel Depth will be measured as the maximum length of a line extending from OHWM or High Tide Line to the junction of two landward property boundaries. The buffer zone shall be measured as the distance between the edge of the construction activity and the top bank of the adjacent water body or to the landward extent of tidal wetlands.

3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.
4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50

Nephelometric Turbidity Units.

Nationwide Permit 36, Boat Ramps, is certified for a period of five years from its effective date provided the project complies with the following conditions:

1. Boat ramp parking areas with impervious surfaces (concrete, asphalt) that have a surface area equal to or greater than one acre shall provide for storm water management. The first 0.5 inch of storm water runoff from impervious parking and road surfaces shall be treated using OPC approved best management practices before release. The storm water plan should be submitted upon application for a NWP and shall be forwarded to the OPC.

2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.

4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 39, Residential, Commercial, and Institutional Developments, is certified for a period of five years from its effective date, provided projects comply with the following conditions:

1. Intermittent stream impacts in excess of 300 feet shall not be authorized by this certification.

2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to

discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.

4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 40, Agricultural Activities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:

1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.

2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

3. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

4. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 41, Reshaping Existing Drainage Ditches, is certified for a period of five years from their effective date, provided projects comply with the following conditions:

1. The side slopes of banks and spoil disposal areas shall be 3:1 (horizontal: vertical).

2. The NWP shall apply to created ditches only. No impacts to naturalized streams shall be allowed.

3. This NWP shall not authorize the modification of greater than 500 linear feet of existing serviceable drainage ditches constructed in non-tidal waters.

4. Buffer zones shall be 25 feet minimum from top of the drainage ditch.

5. Spoil disposal areas shall be discontinuous and immediately seeded and stabilized to prevent the movement of sediment off-site and into adjacent drainage areas.

6. Work shall be conducted from one side of the waterbody only, where possible.

7. Large trees on the work side shall be avoided where possible.

8. Banks shall be immediately seeded and stabilized upon completion of construction.

9. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.

10. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

11. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 42, Recreational Facilities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:

1. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

2. For the construction or expansion of golf courses or attendant features, the applicant shall obtain approval or waiver for a Storm Water Quality Management Plan from OPC prior to construction.

3. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the OPC after March 10, 2003.

4. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

5. No sewage, oil, refuse, or other pollutants shall be

discharged into the watercourse.

6. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 43, Storm Water Management Facilities, is certified for a period of five years from its effective date, provided the projects comply with the following conditions:

1. The applicant shall obtain coverage under the State's Storm Water Construction General Permit (MSR 10) in order to discharge storm water associated with construction activity including clearing, grading, excavation, and other land disturbance activity disturbing five or more acres. Construction activity that disturbs one acre or more will require the approval of the Office of Pollution Control (OPC) after March 10, 2003.

2. For discharges of dredged or fill materials associated with the construction of a residence or place where people are employed or congregate, the applicant should provide documentation that the residence or establishment can make a connection to an existing OPC approved central sewage collection and treatment system or provide a State Department of Health Soil and Site Evaluation System/Recommendation for an individual wastewater disposal system.

3. Intermittent stream impacts in excess of 300 linear feet shall not be authorized by this certification.

4. No sewage, oil, refuse, or other pollutants shall be discharged into the watercourse.

5. The turbidity outside the limits of a 750-foot mixing zone shall not exceed the ambient turbidity by more than 50 Nephelometric Turbidity Units.

Nationwide Permit 44: Mining Activities.

Regional Conditions for Coastal Zone Management Consistency

The Mississippi Department of Marine Resources (DMR) found that Nationwide Permits 18, Minor Discharges, 29, Single-Family Housing, and 44, Mining Activities, were not consistent the Mississippi Coastal Program. Applicants shall obtain consistency or a waiver from DMR prior to commencement of work.

DMR has issued unconditional coastal zone consistency for NWPs 1, 3, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 17, 20, 21, 22, 23, 25, 27, 30, 32, 33, 35, 37, 38, 39, 40, 41, 42, and 43.

DMR has requested that Regional General Permits be used in Place of NWPs 2, 4, 9, 13, 19, 31, and 36.

Certification of Compliance
With Department of the Army Permit

Nationwide Permit Number: NW14
Identification Number: MVK-2004-864
Name of Permittee: City of Greenwood
Issued Date: 06/03/2004
Evaluator name: Mr. Mike Miller
Expiration Date: 06/03/2006

Upon completion of the activity authorized by this permit, sign this certification and return it to the following address:

USACE, Vicksburg District
ATTN: Regulatory Branch
4155 Clay Street
Vicksburg, Mississippi 39183-3435

Please note that your permitted activity is subject to a compliance inspection by an Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit modification, suspension, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit including any required mitigation.

Date work was completed: _____

Signature of Permittee

Date Signed