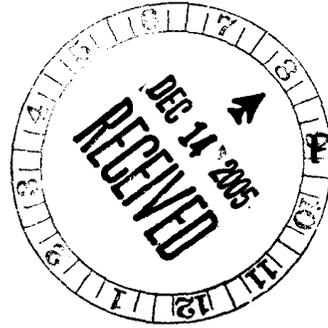


215342



Freeborn & Peters LLP

December 13, 2005

**VIA FEDERAL EXPRESS**

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

**Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 435X); Docket No. AB-987X; The Burlington Northern and Santa Fe Railway Company Abandonment of Albany, Illinois**

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

Dear Secretary Williams:

Enclosed is a recently received responses we just received from the Illinois Historic Preservation Agency and the Army Corps of Engineers regarding the Albany, IL abandonment, AB-6 (Sub-No. 435X ); Docket No. AB-987X. 215343

Sincerely,

Brian Nettles

*Chicago*

*Springfield*

/bn  
Enclosures

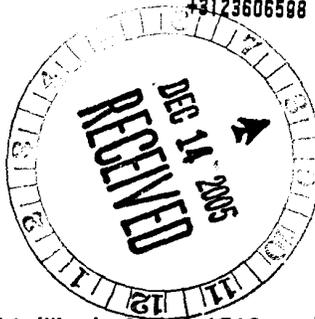
ENTERED  
Office of Proceedings  
DEC 14 2005  
Part of  
Public Record



# Illinois Historic Preservation Agency

1 Old State Capitol Plaza • Springfield, Illinois 62701-1512 • Teletypewriter Only (217) 524-7128

Voice (217) 782-4836



Various County  
Albany

PLEASE REFER TO: IHPA LOG #009111705 [www.illinois-history.gov](http://www.illinois-history.gov)

Railroad line between Mileposts 20.31 and 25.40, Albany.

STB,  
BNSF Railway Company Abandonment

December 9, 2005

Michael Smith  
311 S. Wacker Dr., Ste. 3000  
Chicago, IL 60606

Dear Mr. Smith:

We have reviewed the documentation submitted for the referenced project(s) in accordance with 36 CFR Part 800.4. Based upon the information provided, no historic properties are affected. We, therefore, have no objection to the undertaking proceeding as planned.

Please retain this letter in your files as evidence of compliance with section 106 of the National Historic Preservation Act of 1966, as amended. This clearance remains in effect for two (2) years from date of issuance. It does not pertain to any discovery during construction, nor is it a clearance for purposes of the Illinois Human Skeletal Remains Protection Act (20 ILCS 3440).

If you are an applicant, please submit a copy of this letter to the state or federal agency from which you obtain any permit, license, grant, or other assistance.

Sincerely,

Anne E. Haaker  
Deputy State Historic  
Preservation Officer

AEH

cc:



**DEPARTMENT OF THE ARMY**  
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS  
CLOCK TOWER BUILDING - P.O. BOX 2004  
ROCK ISLAND, ILLINOIS 61204-2004

REPLY TO  
ATTENTION OF

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

November 29, 2005

Operations Division

SUBJECT: CEMVR-OD-P-2005-1714

Mr. Michael Smith  
Freeborn & Peters  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677

Dear Mr. Smith:

Our office reviewed your application dated November 11, 2005, concerning the proposed abandonment of the Burlington, Northern, Santa Fe railroad line from mile post 20.31 to mile post 25.40 near the Mississippi River in various Sections, Township 21 North, Range 2 East, Rock Island and Whiteside Counties, Illinois.

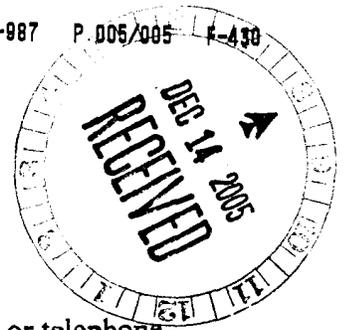
We determined your project as proposed does not require a Department of the Army (DA) Section 10 or 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Should your project involve the extraction of any bridges, you are required to remove all fill materials to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations. You are also required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United States during your project.

You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

You may accept or appeal the attached Approved Jurisdiction Determination or provide new information for our consideration. If you decide to appeal this decision, please carefully consider the information contained in the enclosed Notification of Administrative Appeal Options and Process and Request for Appeal. Please note that your appeal of this decision must be received within 60 days of the date of this letter. This documentation is to be signed and returned only if you wish to file an appeal. If you do not wish to appeal, this document should not be signed and returned.

Although an individual Department of the Army permit and individual IEPA 401 certification will not be required for the project, this does not eliminate the requirement that you must still acquire other applicable Federal, state, and local permits. If you have not already coordinated your project with the Illinois Department of Natural Resources - Office of Water Resources, please contact them at 217/782-3863 to determine if a floodplain development permit is required for your project.



-2-

Should you have any questions, please contact our Regulatory Branch by letter, or telephone Ms. Lynn Parker at 309/794 5446.

Sincerely,

A handwritten signature in cursive script that reads 'Donna M. Jones'.

Donna M. Jones, P.E.  
Chief, Enforcement Section  
Regulatory Branch

Enclosures

Copies Furnished: (w/o enclosures)

Mr. Mike Diedrichsen, P.E.  
Office of Water Resources  
IL Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62701-1271

Mr. Bruce Yurdin  
Illinois Environmental Protection Agency  
Watershed Management Section, Permit Sec. 15  
1021 North Grand Avenue East  
Post Office Box 19276  
Springfield, Illinois 62794-9276



# Freeborn & Peters

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677  
312.360.6000  
Fax 312.360.6520

## FAX COVER SHEET

**PLEASE DELIVER TO**

Vernon Williams  
The Surface Transportation Board  
(202) 565-9004

**DATE**

December 13, 2005

**TIME**

**TOTAL PAGES WITH COVER**

5

**SENT FROM**

Brian Nettles  
direct dial: 312.360.6336  
return fax: 312.360.6596

**CLIENT/MATTER NO.**

**MESSAGE**

Enclosed is a recently received responses we just received from the Illinois Historic Preservation Agency and the Army Corps of Engineers regarding the Albany, IL abandonment, AB-6 (Sub-No. 435X ); Docket No. AB-987X.

**OTHER OFFICES**

217 East Monroe Street  
Suite 101  
Springfield, IL 62701-1147  
217.535.1060  
Fax 217.535.1069

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