

received 7/6/04



United States Department of the Interior

EI-901
CD

FISH AND WILDLIFE SERVICE

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June 28, 2004

Mr. Michael J. Barron, Jr.
Canadian National Railroad
17641 South Ashland Avenue
Homewood, Illinois 60430

re: Proposed railroad line abandonment
Docket AB-303 (Sub No. 27)
Wisconsin Central Limited
Ozaukee, Sheboygan, and Manitowoc
Counties, Wisconsin

Dear Mr. Barron:

The U.S. Fish and Wildlife Service (Service) has received your letter dated June 8, 2004, requesting comments on the subject project. Due to staff time constraints and priority work activities, we are only able to review your project for potential impacts to federally-listed threatened and endangered species or those proposed for listing. Be advised that other environmental concerns may be associated with this project such as wetland and stream impacts, erosion control needs, and effects on state-listed threatened or endangered species. If stream or wetland impacts will occur, state or federal permits may be needed. If resource impacts are expected to occur, we recommend that you forward this project to the appropriate Wisconsin Department of Natural Resources Office for their review.

Please provide us copies of any future documents that may be associated with this project or of future projects you may be planning that would require Service review. This will allow us to keep our files current. We will provide comments as time and work priorities allow.

Federally-Listed Threatened and Endangered Species and Critical Habitat

A review of information in our files indicates that the following federally-listed threatened or endangered species or critical habitats occur in Ozaukee, Sheboygan, and Manitowoc Counties:

<u>Classification</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Habitat</u>
threatened	bald eagle	<u>Haliaeetus</u> <u>leucocephalus</u>	breeding (Manitowoc)
endangered	piping plover	<u>Charadrius melodus</u>	Critical habitat (Manitowoc)

endangered	Hine's emerald dragonfly	<u>Stomatochlora hineana</u>	calcareous streams & associated wetlands overlying dolomite bedrock (Ozaukee)
threatened	eastern prairie fringed orchid	<u>Platanthera leucophaea</u>	wet grasslands (Ozaukee)
threatened	Pitcher's thistle	<u>Cirsium pitcheri</u>	stabilized dunes and blowout areas (Manitowoc and Sheboygan)

Currently, there are no known federally-listed threatened or endangered species or critical habitat present at the project site. However, over time, habitats at or near the project site may be utilized by listed or proposed species not present at this time. Further, fish, wildlife or plant species occurring within the project area may become federally-listed as threatened or endangered or proposed for listing; it is also possible that critical habitat could be proposed or designated for a species. Therefore, if there is a time lag between plan completion and execution, it is important to reassess the impact of the project on federally-listed or proposed species or designated critical habitat prior to completion of the final project design and start of construction. In such instances, this office should be contacted for updated species and critical habitat information. Our species/critical habitat list is updated every 6 months.

As this project involves a Federal action (i.e., funding) and/or activity (i.e., permits), the Surface Transportation Board (STB), or its designated agent, is responsible for contacting the Service regarding that agency's determination as to whether the selected project alternative may affect federally-listed threatened or endangered species or adversely modify designated critical habitat. Section 7 of the Endangered Species Act of 1973, as amended (ESA), directs Federal agencies to consult with the Service on such matters. The Service would respond as to whether we concur with the determination of the STB or its designated agent. If the proposed project may adversely affect federally-listed threatened or endangered species or adversely modify designated critical habitat, the STB should initiate formal consultation with the Service in accordance with section 7 of the ESA. Information on the section 7 consultation process can be obtained by contacting the staff person identified at the end of this letter.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Ms. Leakhena Au at 920-866-1734.

Sincerely,



Janet M. Smith
Field Supervisor

cc: Surface Transportation Board, Washington, D.C. Attn: SEA