



United States Department of the Interior

FISH AND WILDLIFE SERVICE

3761 GEORGETOWN ROAD
FRANKFORT, KY 40601

ET-42
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March 28, 2003

Mr. Michael Hurst, Jr.
Troutman Sanders LLP
401 9th Street, N.W., Suite 100
Washington D.C. 20004-2134

Subject: FWS #03-1071; Abandonment of 5,780 feet of rail line, Paducah, McCracken County, Kentucky

Dear Mr. Hurst:

Thank you for your correspondence of February 7, 2003, regarding the proposed abandonment of a rail line in McCracken County, Kentucky. Paducah and Louisville Railway, Inc. proposes to abandon 5,780 feet of rail line located in the City of Paducah, Kentucky, as shown on the attachments to your correspondence. Fish and Wildlife Service (Service) personnel have reviewed the information submitted, and we offer the following comments.

Information available to the Service indicates that wetlands exist in the vicinity of the proposed project. Attached is a copy of a portion of the Paducah east quadrangle with the referenced wetlands highlighted. This information is provided for your convenience. Our wetlands determination has been made in the absence of a field inspection and does not constitute a wetlands delineation for the purposes of Section 404 of the Clean Water Act. The Corps of Engineers should be contacted regarding the presence of regulatory wetlands and the requirements of wetlands protection statutes as they might relate to the proposed abandonment.

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the proposed abandonment. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. Similarly, no critical habitat for any federally listed species has been designated within the vicinity of the proposed abandonment.

Based on the best information available at this time, we believe that the proposed abandonment would have no effect on federally listed species. Therefore, the requirements of Section 7 of the Endangered Species Act of 1973, as amended, are fulfilled as they are related to the Surface Transportation Board's review and potential authorization of the abandonment. The Surface

Transportation Board's obligations under Section 7 of the Act must be reconsidered if (1) new information reveals impacts of the proposed action that may affect listed species or critical habitat in a manner not previously considered, (2) the proposed action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the proposed action.

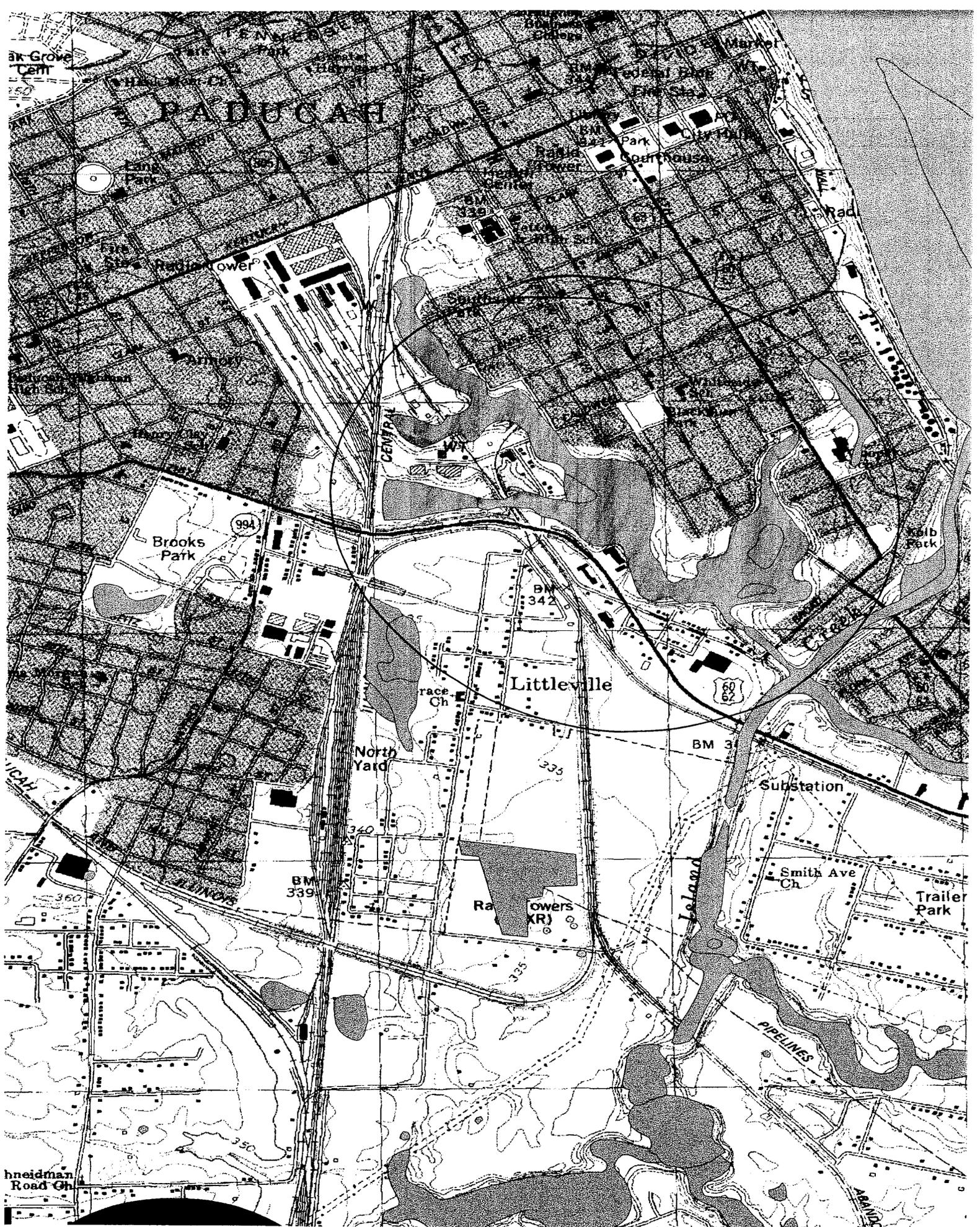
Thank you for the opportunity to comment on this proposed action. If you have any questions regarding the information which we have provided, please contact me at (502)/695-0468 (ext.221) or Mindi Brady at (502)/695-0468 (ext.229).

Sincerely,

A handwritten signature in black ink that reads "Virgil Lee Andrews, Jr." The signature is written in a cursive style with a large, sweeping flourish at the end.

Virgil Lee Andrews, Jr.
Field Supervisor

xc: Lee Barclay, FWS, Cookeville, TN



Paducah Quad
ARC