

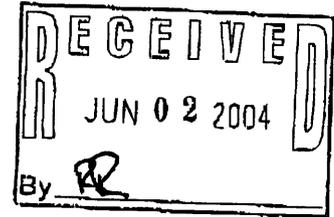
E1-859



United States Department of the Interior

FISH AND WILDLIFE SERVICE
176 Croghan Spur Road, Suite 200
Charleston, South Carolina 29407

May 27, 2004



Mr. Winn Frank
Parsons Transportation Group
1133 15th Street NW
Washington, DC 20005

Re: HolRail LLC
Construction and Operation of a New Rail Line
FWS Log No. 4-6-04-I-341

Dear Mr. Frank:

The U.S. Fish and Wildlife Service (Service) has reviewed the above-referenced project received May 18, 2004, and offers the following comments. The proposed project consists of construction and operation of an approximately 2-mile rail line in Dorchester and Orangeburg counties in South Carolina.

We are providing a list of the federally endangered (E) and threatened (T) and candidate (C) species which potentially occur in Dorchester and Orangeburg counties to aid you in determining the impacts your project may have on protected species. The list also includes species of concern under review by the Service. Species of concern (SC) are not legally protected under the Endangered Species Act, and are not subject to any of its provisions, including Section 7, until they are formally proposed or listed as endangered/threatened. We are including these species in our response for the purpose of giving you advance notification. These species may be listed in the future, at which time they will be protected under the Endangered Species Act. Therefore, it would be prudent for you to consider these species early in project planning to avoid any adverse effects.

In-house surveys should be conducted by comparing the habitat requirements for the attached listed species with available habitat types at the project site. Field surveys for the species should be performed if habitat requirements overlap with that available at the project site. Surveys for protected plant species must be conducted by a qualified biologist during the flowering or fruiting period(s) of the species. Please notify this office with the results of any surveys for the below list of species and an analysis of the "effects of the action," as defined by 50 CFR 402.02 on any listed species including consideration of direct, indirect, and cumulative effects.

**South Carolina Distribution Records of
Endangered, Threatened, Candidate and Species of Concern
May 1, 2004**

- E Federally endangered
 T Federally threatened
 P Proposed in the Federal Register
 CH Critical Habitat
 C The U.S. Fish and Wildlife Service or the National Marine Fisheries Service has on file sufficient information on biological vulnerability and threat(s) to support proposals to list these species
 S/A Federally protected due to similarity of appearance to a listed species
 SC Federal Species of concern. These species are rare or limited in distribution but are not currently legally protected under the Endangered Species Act.
 * Contact the National Marine Fisheries Service for more information on this species

These lists should be used only as a guideline, not as the final authority. The lists include known occurrences and areas where the species has a high possibility of occurring. Records are updated continually and may be different from the following.

County	Common Name	Scientific Name	Status	Occurrence
Dorchester				
	Bald eagle	<i>Haliaeetus leucocephalus</i>	T	Known
	Wood stork	<i>Mycteria americana</i>	E	Possible
	Red-cockaded woodpecker	<i>Picoides borealis</i>	E	Known
	Shortnose sturgeon	<i>Acipenser brevirostrum*</i>	E	Possible
	Pondberry	<i>Lindera melissifolia</i>	E	Known
	Canby's dropwort	<i>Oxypolis canbyi</i>	E	Possible
	Bog asphodel	<i>Nartheccium americanum</i>	C	Known
	Southern Dusky ander	<i>Desmognathus auriculatus</i>	SC	Possible
	Gopher frog	<i>Rana capito</i>	SC	Known
	Chapman's sedge	<i>Carex chapmanii</i>	SC	Known
	Angiosperm (no common	<i>Elytraria caroliniensis</i>	SC	Known
	Savannah or Piedmont ne	<i>Oxypolis ternata</i>	SC	Known
	Pineland plantain	<i>Plantago sparsiflora</i>	SC	Known
	False coco	<i>Pteroglossaspis ecristata</i>	SC	Known
	Least trillium	<i>Trillium pusillum var. pusillum</i>	SC	Known
	Bachman's sparrow	<i>Aimophila aestivalis</i>	SC	Possible
	Henslow's sparrow	<i>Ammodramus henslowii</i>	SC	Known
	Black-throated green	<i>Dendroica virens</i>	SC	Possible

County	Common Name	Scientific Name	Status	Occurrence
	Swallow-tailed kite	<i>Elanoides forficatus forficatus</i>	SC	Known
	American kestrel	<i>Falco sparverius</i>	SC	Possible
	Loggerhead shrike	<i>Lanius ludovicianus</i>	SC	Possible
	Swainson's warbler	<i>Limnothlypis swainsonii</i>	SC	Known
	Painted bunting	<i>Passerina ciris ciris</i>	SC	Possible
	Rafinesque's big-eared bat	<i>Corynorhinus rafinesquii</i>	SC	Known
	Southeastern myotis	<i>Myotis austroriparius</i>	SC	Known
	Gopher tortoise	<i>Gopherus polyphemus</i>	SC	Known
	Southern hognose snake	<i>Heterodon simus</i>	SC	Possible
Orangeburg				
	Bald eagle	<i>Haliaeetus leucocephalus</i>	T	Known
	Red-cockaded woodpecker	<i>Picoides borealis</i>	E	Known
	Flatwoods salamander	<i>Ambystoma cingulatum</i>	T	Known
	Shortnose sturgeon	<i>Acipenser brevirostrum*</i>	E	Known
	Canby's dropwort	<i>Oxypolis canbyi</i>	E	Known
	Southern Dusky ander	<i>Desmognathus auriculatus</i>	SC	Possible
	Gopher frog	<i>Rana capito</i>	SC	Known
	Incised groovebur	<i>Agrimonia incisa</i>	SC	Known
	Wagner's spleenwort	<i>Asplenium heteroresiliens</i>	SC	Known
	Pondspice	<i>Litsea aestivalis</i>	SC	Known
	Boykin's lobelia	<i>Lobelia boykinii</i>	SC	Known
	Carolina bogmint	<i>Macbridea caroliniana</i>	SC	Known
	Awnead meadowbeauty	<i>Rhexia aristosa</i>	SC	Known
	Bachman's sparrow	<i>Aimophia aestivalis</i>	SC	Known
	Henslow's sparrow	<i>Ammodramus henslowii</i>	SC	Known
	American kestrel	<i>Falco sparverius</i>	SC	Possible
	Loggerhead shrike	<i>Lanius ludovicianus</i>	SC	Possible
	Painted bunting	<i>Passerina ciris ciris</i>	SC	Possible
	Buff-breasted sandpiper	<i>Tryngites subruficollis</i>	SC	Possible
	Southeastern myotis	<i>Myotis austroriparius</i>	SC	Known
	Florida pine snake	<i>Pituophis melanoleucus mugitus</i>	SC	Known

We also recommend you contact the S.C. Department of Natural Resources (SCDNR), Data Manager, Wildlife Diversity Section, Columbia, SC 29202, concerning known populations of federal and/or state endangered or threatened species, and other sensitive species in the project area. Additional habitat information may also be available from SCDNR. The National Marine Fisheries Service, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2449 should be contacted for consultation on species under their jurisdiction.

In accordance with the provision of the Fish and Wildlife Coordination Act, the Service has also reviewed the project with regards to the effects the proposed action may have on wetlands and other related aquatic resources. We recommend that project plans be developed to avoid impacting wetland areas and reserve the right to review any required federal or state permits at

the time of public notice issuance. All unavoidable impacts including temporary ones must be mitigated for under the revised Department of the Army Corps of Engineers Regulatory Division Standard Operating Procedure (RD-SOP-02-01). The U.S. Army Corps of Engineers should be contacted to assist you in determining if wetlands are present or if a permit is required for this activity.

The measures proposed for the project include following existing right of ways. No fill should be placed in wetlands or streams, and adjacent access roads and drainage ditches should not alter natural flow regimes through these areas. Compensatory mitigation should be provided for all adverse impacts. Finally, construction and maintenance activities in forested communities should take place outside of the breeding season of migratory birds (March - August).

Thank you for this opportunity for input at this early planning stage. Your interest in ensuring the protection of endangered and threatened species and our nation's valuable wetland resources is appreciated. If you have any questions please contact Ms. Melissa Bimbi of my staff at (843) 727-4707, ext. 57. In future correspondence concerning the project, please reference FWS Log No. 4-6-04-I-341.

Sincerely,



Timothy N. Hall
Field Supervisor

TNH/MKB