



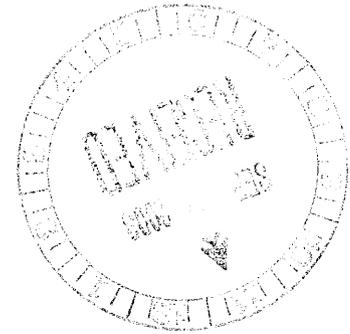
United States Department of the Interior

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FISH AND WILDLIFE SERVICE

Ecological Services
6950 Americana Parkway, Suite H
Reynoldsburg, Ohio 43068-4127

(614) 469-6923/FAX (614) 469-6919
September 17, 2003



Surface Transportation Board
Case Control Unit
Attn. Kenneth Blodgett
Washington, DC 20423

Dear Mr. Blodgett:

This is in response to CSX Transportation's April 28 and June 6, 2003 letters requesting our review and comments on the possible occurrence of Federally listed threatened and/or endangered species in the vicinity of the proposed abandonment of its 6.37-mile rail line between Mount Vernon and Fredericktown, Knox County, Ohio.

In the above letters and attachments, CSX Transportation indicates that only rails and ties would be removed from the abandoned rail line. Accordingly, CSX's position is that no adverse impact to any Federally listed endangered or threatened species, critical habitat, wildlife sanctuaries or refuges, National or State parks, or forests would occur. We concur with its conclusion. Nevertheless, for your information, should future projects be considered, we offer the following guidance to assist the applicant with any future activities.

In general, we recommend that best construction practices be used for any future projects to minimize water quality impacts and impacts to high quality fish and wildlife habitat, such as forests, streams, and wetlands. If streams and/or wetlands are involved, you should contact the Regulatory Branch of the Huntington District of the Corps of Engineers and the Ohio EPA for possible Section 404/401 permit requirements. Note that wetlands may exist on sites that are not designated wetland by the National Wetland Inventory.

ENDANGERED SPECIES COMMENTS: The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a Federally listed endangered species. Summer habitat requirements for the species are not well defined, but the following comments are thought to be important:

1. Dead or live trees and snags with peeling or exfoliating bark, split tree trunk and/or branches, or cavities, which may be used as maternity roost areas.
2. Live trees (such as shagbark hickory) which have exfoliating bark.
3. Stream corridors, riparian areas, and upland woodlots which provide forage sites.

Should the proposed site contain trees with any of the characteristics listed above, we recommend that they and surrounding trees be saved wherever possible. If they must be cut, they should not be cut between April 15 and September 15.

If desirable trees are present and if the above time restriction is unacceptable, mist net or other surveys should be conducted to determine if bats are present. The survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office. The survey should be conducted in June or July, since the bats would only be expected in the project area from approximately April 15 to September 15.

The project area lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*), a Federally-listed threatened species. We recommend that you contact Mr. Mark Shieldcastle, with the Ohio Department of Natural Resources, Division of Wildlife, (419) 898-0960, for the location(s) of the eagle nest(s) in the county. If any nests are located within ½ mile of the project site, further coordination with this office is necessary. If the nest is active, we recommend that work at the site be restricted from mid-January through July to allow pre-nesting activities, incubation, and raising of the young.

This technical assistance letter is submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act, of 1973, as amended, and is consistent with the intent of the National Environmental Policy Act of 1969, and the U. S. Fish and Wildlife Service's Mitigation Policy.

If you have questions, or if we may be of further assistance in this matter, please contact Ken Lammers at Extension 15 in this office.

Sincerely,



for Mary M. Knapp
Supervisor

cc: ODNR, Div. of Wildlife, Environmental Section, Columbus, OH
CSX Transportation, Attn: Heidi Base, 500 Water St. - J200, Jacksonville, FL 32202