



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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September 27, 2004

EI-1390
DCM
2/9/05

Section of Environmental Analysis
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001

re: Railroad Line Abandonment
Soo Line Railroad
Wauwatosa to Milwaukee
Milwaukee County, Wisconsin

Dear Sirs:

The U.S. Fish and Wildlife Service (Service) has received a request for review of the subject project for natural resources impacts in a letter dated September 2, 2004, from Ms. Annie Littlefield of Leonard, Street and Deinard. Due to staff time constraints and priority work activities, we are able to review the project primarily 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.

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 Species, Candidate Species, and Critical Habitat

Our records indicate that no federally-listed threatened or endangered species, candidate species, or critical habitats are known to occur in Milwaukee County.

Currently, there are no federally-listed threatened or endangered species or critical habitat known to be 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 activity (i.e., permits), the Surface Transportation Board (STB), or your designated agent, is responsible for contacting the Service regarding your 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 your agency or that of your 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: Leonard, Street and Deinard, Minneapolis, MN Attn: Annie Littlefield