

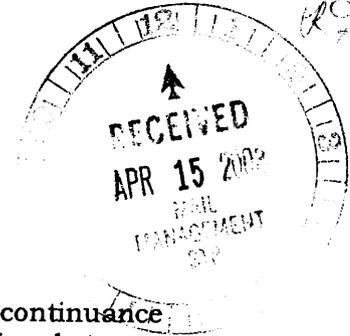


Dave Geraci
Project Manager

Asset Management
500 Water Street (J200)
Jacksonville, FL 32202
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#E1-37

April 8, 2003



Surface Transportation Board
Section of Environmental Analysis
Attn: Ms. Rini Ghosh
1925 "K" Street NW -Suite 534
Washington, DC 20423-0001

Re: NY 333 – NYC Proposed Abandonment and CSXT Proposed Discontinuance of Service – Northeast Region, Albany Division, Selkirk Subdivision, between Milepost QGW 159.6 and Milepost QGW 165.9, a distance of 6.3 miles between South Amsterdam, Montgomery County and Rotterdam Junction, Schenectady County, New York.
Docket AB-565 (Sub-No. 14X)
Docket AB-55 (Sub-No. 629X)

Ms. Rini Ghosh:

This refers to CSX Transportation's Notice of Exemption filed on February 28, 2003 requesting authority to abandon and discontinue service on its line of railroad as described above.

Your attention is called to the attached letter received from Mr. David Stilwell of the United States Department of the Interior, Fish and Wildlife Services in Corland, NY stating "...no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed critical habitat in accordance with provisions of the Endangered Species Act...Therefore, no further Endangered Species Act coordination or consultation with the U.S. Fish and Wildlife Service is required."

Sincerely,

Attachment

Copy:

Ms. N.S. Rosenberg, Counsel, CSXT, 500 Water Street – J150, Jacksonville, FL 32202



United States Department of the Interior



FISH AND WILDLIFE SERVICE

3817 Luker Road
Cortland, NY 13045

April 3, 2003

Mr. Dave Geraci
Project Manager-North Region
Asset Management
CSX Transportation
500 Water Street-J200
Jacksonville, FL 32202

Dear Mr. Geraci:

This responds to your letter of March 14, 2003, requesting information on the presence of endangered or threatened species in the vicinity of the proposed abandonment of 6.3 miles of railroad between South Amsterdam and Rotterdam Junction in the Towns of Florida and Rotterdam, Montgomery and Schenectady Counties, New York.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. In addition, no habitat in the project impact area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). Therefore, no further Endangered Species Act coordination or consultation with the U.S. Fish and Wildlife Service (Service) is required. Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally listed and proposed endangered and threatened species in New York* is available for your information.

The above comments pertaining to endangered species under our jurisdiction are provided pursuant to the Endangered Species Act. This response does not preclude additional Service comments under other legislation.

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate New York State Department of Environmental Conservation regional office(s),* and:

New York State Department of Environmental Conservation
New York Natural Heritage Program Information Services
625 Broadway
Albany, NY 12233
(518) 402-8935

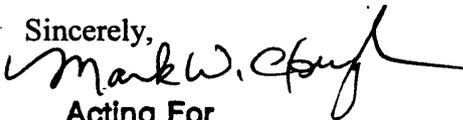
Since culverts or bridges are involved in the proposed project, the Service suggests that you consider methods for enhancing fish and wildlife use of culverted waterways. We generally recommend that box culverts be used rather than circular culverts to convey stream flow. Box culverts are more likely than circular culverts to duplicate existing flows and allow normal fish passage (Warren and Pardew 1998). In addition, streambed conditions can be better replicated within box culverts to create aquatic habitat, and benches can be installed along one or both sides of the culvert or bridge to allow for dry passage of wildlife during high water periods (Jackson and Griffin 1998, Bates 1999).

Since wetlands may be present, you are advised that National Wetlands Inventory (NWI) maps may or may not be available for the project area. However, while the NWI maps are reasonably accurate, they should not be used in lieu of field surveys for determining the presence of wetlands or delineating wetland boundaries for Federal regulatory purposes. Copies of specific NWI maps can be obtained from:

Cornell Institute for Resource Information Systems
302 Rice Hall
Cornell University
Ithaca, NY 14853
(607) 255-4864

Work in certain waters of the United States, including wetlands, may require a permit from the U.S. Army Corps of Engineers (Corps). If a permit is required, in reviewing the application pursuant to the Fish and Wildlife Coordination Act, the Service may concur, with or without recommending additional permit conditions, or recommend denial of the permit depending upon potential adverse impacts on fish and wildlife resources associated with project construction or implementation. The need for a Corps permit may be determined by contacting the appropriate Corps office(s).*

If you require additional information or assistance please contact Michael Stoll at (607) 753-9334.

Sincerely,

Acting For

David A. Stilwell
Field Supervisor

Literature Cited:

Bates, K. 1999. Fish passage design at road culverts: a design manual for fish passage at road crossings. Washington Department of Fish and Wildlife, Habitat and Lands Program, Environmental Engineering Division, Olympia, WA.

Jackson, S.D. and C.R. Griffin. 1998. Toward a practical strategy for mitigating highway impacts on wildlife. Proceedings of the International Conference on Wildlife Ecology and Transportation, Fort Myers, FL, USA, February 10-12, 1998, pp. 17-22.

Warren, M.L., Jr. and M.G. Pardew. 1998. Road crossings as barriers to small-stream fish movement. Transactions of the American Fisheries Society 127:637-644.

*Additional information referred to above may be found on our website at:
<http://nyfo.fws.gov/es/esdesc.htm>.

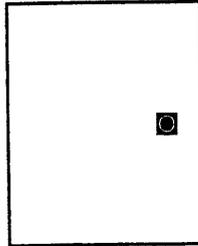
cc: NYSDEC, Schenectady, NY (Environmental Permits)
NYSDEC, Albany, NY (Natural Heritage Program)
COE, New York, NY

U.S. Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

To provide a timely response to future requests for endangered species comments in New York, please include the following in future inquiries:

1. A concise brief description of the project/action.
2. Name of the hamlet/village/city/town/county where the project/action occurs.
3. The latitude and longitude of the project/action, i.e.: 42° 13' 28" / 76° 56' 30". If the project/action is linear, you may provide coordinates for both ends or just one near center.
4. A map showing the project/action location. Preferrably the map should be a U.S. Geological Survey quadrangle map (USGS Quad). You need only provide a copy of that portion where the project/action occurs. Please provide the name(s) of the USGS quadrangle.

If providing only a portion, indicate where the portion would be located on the full quadrangle, i.e.



Providing the information above will assist us in responding to your needs.

If you require additional information please contact Michael Stoll at (607) 753-9334.