



United States Department of the Interior

Fish and Wildlife Service

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May 13, 2008



Surface Transportation Board
CN-EJ&E EIS - FD-35087

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Mr. Brad M. Falkinburg
TranSystems
55 Public Square, Suite 1900
Cleveland, Ohio 44113-1901

Project No.: P401070114
Project: Canadian National- EJ&E Railroad Connection Project
Location: Gary, Lake County, Indiana

Dear Mr. Falkinburg:

This responds to your letter dated April 23, 2008, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The proposed project consists of the construction of a railroad track connection between the Norfolk Southern Railroad main tracks and the Elgin, Joliet & Eastern Railroad's Kirk Yard tracks near Buchanan Street in Gary, Indiana. The proposed construction area is entirely developed railroad property, which supports little in the way of vegetation and wildlife habitat. Although the National Wetlands Inventory map showed several wetlands to the south, between the Norfolk Southern tracks and the Grand Calumet River, these maps were inaccurate. These areas were actually old spoils sites for dredged material from the river; the westernmost site shown as wetland on the NWI map is currently a 37-acre Corrective Action Management Unit (CAMU) constructed and operated by U.S. Steel Corporation to hold dredgings from the Grand Calumet River.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (*Myotis sodalis*) and Karner blue butterfly (*Lycaeides melissa samuelis*) and the threatened Mead's milkweed (*Asclepias meadii*) and Pitcher's thistle (*Cirsium pitcheri*). However, there is no habitat for any of these species within the proposed project area, so we agree that the proposed project is not likely to adversely affect these endangered and threatened species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

We appreciate the opportunity to comment at this early stage of project planning. If you have any questions, please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,

Elizabeth S. McCloskey
for Scott E. Pruitt
Supervisor

cc: Christie Stanifer, Environmental Coordinator, Division of Water, Indianapolis
Surface Transportation Board, STB Finance Docket No. 35087, Washington, DC