



500 Water Street
Jacksonville, FL 32202

Dave Geraci
Manager - Network Rationalization
(904) 633-1068
Dave_Geraci@csx.com

February 19, 2010

Surface Transportation Board
Section of Environmental Analysis
395 E Street, SW
Washington, DC 20423-0001
Attn: Cathy Glidden

RE: CSXT Abandonment
Lucas County, Ohio
STB Docket AB-55 (Sub-No. 696X)

Dear Cathy:

This refers to CSX Transportation's Notice of Exemption filed on January 22, 2010, requesting authority to abandon its rail line described above. Enclosed please find a copy of an email dated February 16, 2010 from Mr. Brian Mitch of the Ohio Department of Natural Resources stating *"The proposed project is within the range of the Indiana Bat...If no tree removal is proposed, the project is not likely to impact this species"*

On February 17, 2010 I had a phone conversation with Mr. Mitch and confirmed that CSXT will not be removing any trees in the salvage process, therefore, no negative effect is anticipated to the Indiana Bat or its habitat.

Mr. Mitch's letter further states *"The project is within the range of the bald eagle..."*

On February 19, 2010 I had a phone conversation with Mr. Dave Sherman of the Ohio Division of Wildlife and confirmed that the closest eagle nest was approximately five (5) miles to the east of the proposed abandonment. Therefore, the proposed salvage activities will have no negative effect on the bald eagle or its habitat.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Geraci", with a horizontal line extending to the right.

Attachment

E-Copy: Mr. Lou Gitomer, 600 Baltimore Ave, Suite 301, Towson, MD 21204
Ms. Kate Barney, 500 Water Street-J150, Jacksonville, FL, 32202

Geraci, Dave

From: Mitch, Brian [Brian.Mitch@dnr.state.oh.us]
Sent: Tuesday, February 16, 2010 11:30 AM
To: Geraci, Dave
Subject: 10-0008; CSX Inc., Docket No. AB-55 (SUB No. 696X)
Attachments: oledata.mso; 10-0008.jpg



ODNR COMMENTS TO Dave Geraci, CSX Transportation Inc., 500 Water Street – J200, Jacksonville, Florida 32202

Project: CSXT proposes to abandon approximately 4.15 miles of its rail line from Railroad Milepost CTT 5 to Railroad Milepost CTT 9.15, known as the Toledo Backside in Toledo, Lucas County, Ohio. CSXT has prepared a preliminary environmental report describing the proposed action and any environmental effects and is seeking ODNR comments on the report.

The Ohio Department of Natural Resources (ODNR) has completed a review of the above referenced project. These comments were generated by an inter-disciplinary review within the Department. These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the National Environmental Policy Act, the Coastal Zone Management Act, Ohio Revised Code and other applicable laws and regulations. These comments are also based on ODNR's experience as the state natural resource management agency and do not supersede or replace the regulatory authority of any local, state or federal agency nor relieve the applicant of the obligation to comply with any local, state or federal laws or regulations.

Rare and Endangered Species: The ODNR, Division of Natural Areas and Preserves, Natural Heritage Database contains the following data in the vicinity of this project site as shown on the attached map.

Toledo Quad

A. Ottawa Park - City of Toledo

1. *Falco peregrinus* - Peregrine Falcon, threatened
2. *Lasmigona compressa* - Creek Heelsplitter, species of concern

Our inventory program has not completely surveyed Ohio and relies on information supplied by many individuals and organizations. Therefore, a lack of records for any particular area is not a statement that rare species or unique features are absent from that area.

Fish and Wildlife: The ODNR, Division of Wildlife (DOW) has the following comments.

The project is within the range of the Indiana bat (*Myotis sodalis*), a state and federally endangered species. The following species of trees have relatively high value as potential Indiana bat roost trees: Shagbark hickory (*Carya ovata*), Shellbark hickory (*Carya laciniosa*), Bitternut hickory (*Carya cordiformis*), Black ash (*Fraxinus nigra*), Green ash (*Fraxinus pennsylvanica*), White ash (*Fraxinus americana*), Shingle oak (*Quercus imbricaria*), Northern red oak (*Quercus rubra*), Slippery elm (*Ulmus rubra*), American elm (*Ulmus americana*), Eastern cottonwood (*Populus deltoides*), Silver maple (*Acer saccharinum*), Sassafras (*Sassafras albidum*), Post oak (*Quercus stellata*), and White oak (*Quercus alba*). Indiana bat habitat consists of suitable trees that include dead and dying trees of the species listed above with exfoliating bark, crevices, or cavities in upland areas or riparian corridors and living trees of the species listed above with exfoliating bark, cavities, or hollow areas formed from broken branches or tops. If suitable trees occur within the project area, these trees must be conserved. If suitable habitat occurs on the project area and trees must be cut, cutting must occur between September 30 and

2/17/2010

April 1. If suitable trees must be cut during the summer months of April 2 to September 29, a net survey must be conducted in May or June prior to cutting. If no tree removal is proposed, the project is not likely to impact this species.

The project is within the range of the bald eagle (*Haliaeetus leucocephalus*), a state threatened species. The location of bald eagle activity frequently changes. Therefore, closer to the actual date of construction, the applicant must obtain an updated status of bald eagle activity in the area. To obtain any changes in status, contact Andrea Tibbels or Dave Sherman at the Ohio Department of Natural Resources, Division of Wildlife, Crane Creek Wildlife Research Station, for current information on the presence of bald eagles in the area. Andrea can be reached at (419) 898-0960 extension 25 and Dave at extension 24. If a nest is located within ½ mile of the project site, coordination with the DOW is required.

The Natural Heritage Database has a record near the project area for the peregrine falcon (*Falco peregrinus*), a state threatened species, and the creek heelsplitter (*Lasmigona compressa*), a state species of concern. Due to the status of these species, the project is not likely to impact these species.

ODNR appreciates the opportunity to provide these comments. Please contact Brian Mitch at (614) 265-6378 if you have questions about these comments or need additional information.

Brian Mitch, Environmental Review Manager
Ohio Department of Natural Resources
Environmental Services Section
2045 Morse Road, Building F-3
Columbus, Ohio 43229-6693
Office: (614) 265-6378
Fax: (614) 262-2197
brian.mitch@dnr.state.oh.us