



United States Department of the Interior

FISH AND WILDLIFE SERVICE

1208-B Main Street
Daphula, Alabama 36016
JUL 21 2011

IN REPLY REFER TO:

2011-TA-0475

Mr. Robert A. Wimbish
Baker & Miller, PLLC
2401 Pennsylvania Ave. Ste. 300
Washington, DC 20037

Dear Mr. Wimbish:

This is in response to your June 23, 2011, letter concerning the abandonment of approximately 42.9 miles of rail line by the Alabama & Florida Railway Co., Inc. The line extends from milepost 581.3 at Andalusia, AL, to milepost 624.2 at Geneva, AL. We have reviewed the information in your letter and provide the following comments in accordance with the Endangered Species Act of 1973 (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. et seq.).

We understand from the Environmental and Historical Report (Report) that salvage of track components will take place entirely upon the existing right-of-way. Access to this right-of-way would be accomplished via the right-of-way itself or via existing public or private grade crossings and would not require the removal of trees or wildlife habitat on adjacent lands. The Report also states that crossties and other debris will not be placed or left in streams or wetlands, or along the banks of such waterways. However, the Report does not state whether or not bridges at stream crossings will be left in place or removed. The maps provided in the report indicate that the rail line crosses the Pea River near Samson, AL. The Pea River at this location is designated as Critical Habitat for the threatened Gulf sturgeon (*Acipenser oxyrinchus desotoi*). Bridge removal activities at this location, depending on methods used, could impact this federally listed species or its habitat. If it is anticipated that the abandonment of this rail line will include the removal the bridge at Pea River and in-stream work will occur, we recommend contacting this office to determine whether formal consultation under section 7 of the ESA will be needed. If the bridge is to be left in place and in-stream work will not occur, then further consultation will not be necessary.

Thank you for the opportunity to review your project. If you have any questions or need additional information, please contact Mr. Josh Rowell at (251) 441-5836. Please refer to the reference number located at the top of this letter in future phone calls or written correspondence.

Sincerely,

Acting for Dan Everson
Deputy Field Supervisor
Alabama Ecological Services Field Office

www.fws.gov

PHONE: 251-441-5181



FAX: 251-441-6222

BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820
FACSIMILE: (202) 663-7849

ROBERT A. WIMBISH

(202) 663-7824 (Direct Dial)
E-Mail: rwimbish@bakerandmiller.com

July 28, 2011

Mr. Josh Rowell
U.S. Fish & Wildlife Service
Daphne Ecological Services Field Office
1208-B Main Street
Daphne, Alabama 36525

RE: *Alabama & Florida Railway Co., Inc. – Abandonment Exemption –
In Geneva, Coffee and Covington, Counties, AL*, STB Docket No.
AB-1073X

Reference # 2011-TA-0475

Dear Mr. Rowell:

I am responding to your agency's letter of July 21, 2011, in which the U.S. Department of Interior - Fish & Wildlife Service ("FWS") has commented upon the consolidated Environmental and Historic Report ("E&HR") of the Alabama & Florida Railway Co., Inc. ("A&F"), which concerns the proposed abandonment of approximately 42.9 miles of A&F rail line in Geneva, Coffee and Covington, Counties, AL.

Your agency's letter indicates that the E&HR that A&F supplied does not state whether or not, as a result of the proposed abandonment, A&F anticipates removing railroad bridges at stream crossings. Because FWS presumes that A&F did not address possible rail bridge removal, your letter expresses particular concern that A&F will remove the bridge located at the point where the A&F line crosses the Pea River near Samson, Alabama.

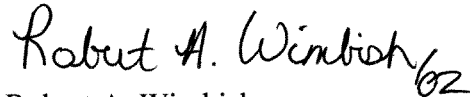
I wish to clarify that, in keeping with the representations contained in the E&HR, ***A&F does not intend to dismantle or remove any bridges along the subject rail line, including the Pea River bridge.***¹ Accordingly, A&F's proposed rail line abandonment would not disturb Gulf Sturgeon habitat.

¹ See attached pages from the E&HR (Section 3, Page 8 and Section 5, Page 9).

Mr. John Rowell
U.S. Fish & Wildlife Service
Daphne Ecological Services Field Office
July 28, 2011
Page 2

If you have any questions concerning my reply to FWS' written comments, please contact me, A&F's representative, by mail at: Robert A. Wimbish, Baker & Miller, PLLC, 2401 Pennsylvania Avenue, NW, Suite 300, Washington, DC 20037; by FAX: (202) 663-7849; by e-mail: rwimbish@bakerandmiller.com; or by telephone: (202) 663-7824.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Wimbish" followed by a stylized flourish or initials.

Robert A. Wimbish
Counsel for Alabama & Florida
Railway Co., Inc.

Enclosure

cc: Victoria Rutson, SEA

HISTORIC REPORT

49 CFR 1105.8(d):

- (1) **A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;**

U.S.G.S. topographic maps depicting the location of the proposed abandonment and the approximate location of structures that are 50 years old or older and that are located along the Line are attached as Exhibit 3. These maps are being supplied to the Alabama Historical Commission ("ALHC"), along with a digital version of railroad valuation maps in A&F's possession as part of a complete copy of this report. A&F understands that there are seven railroad structures on the Line that are believed to be 50 years old or older, each of them a bridge.

- (2) **A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;**

According to A&F data and valuation maps, the 42.9 miles of right-of-way is primarily 100 feet in width, but extends to approximately 200 feet near where the Line crosses the Pea River, and where the Line passes through the town of Samson, AL. The aforementioned right-of-way is located in Geneva, Coffee and Covington Counties, AL. The Line runs adjacent to lands of varying uses, ranging from forested open land and rural farmland to commercial and residential areas. The topography is generally flat, with some rolling hills.

- (3) **Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;**

A&F does not anticipate removing or dismantling any of the structures along the Line (described below) that are 50 years old or older.

A&F has determined that there are seven structures along the Line – all of them trestles or bridges – that may be 50 years old or older, and the location of each such structure is shown on the U.S.G.S. maps attached as Exhibit 3. A&F has photographed and documented each of these seven structures, and has supplied photographs of each such structure to ALHC for evaluation. A&F has also supplied railroad valuation maps to ALHC, which may provide further documentation potentially relevant to historical analysis of the structures in question. (The aforementioned photographs and valuation maps are attached to the copy of this report sent to ALHC as Exhibit 4.) Aside from the materials included in Exhibit 4, A&F does not have any additional information in its possession (such as engineering diagrams or other records) that it believes would be of usefulness in aiding in any historical structures analysis.

- (4) **The date(s) of construction of the structure(s), and the date(s) and extent of any**

major alterations, to the extent such information is known;

According to the limited information in A&F's possession, the seven bridges along the Line are believed to have been built or substantially rebuilt at least 50 years ago. Many of these structures probably have been improved over time, although A&F has not undertaken any major improvements to these bridges during the time that A&F has owned the Line.

- (5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;**

A&F has no historical records of its own relating to the Line. Based on research, however, A&F understands that the Line may have been constructed in 1901, as part of a through route that extended from Georgiana, AL, to Graceville, FL. A&F believes that the Line was operated by the Louisville & Nashville Railroad, which in 1983 became part of the Seaboard System. In 1986, Alabama & Florida Railroad Co. ("AFR"), a short line carrier not affiliated with A&F and/or Pioneer, acquired the Line from Seaboard System as part of a larger transaction. See Alabama & Florida Railroad Co. – Acquisition and Operation – Exemption, 51 FR 22869 (Jun. 23, 1986). A&F, in turn, acquired the Line from a corporate successor of AFR as part of a larger transaction in 1992. See Alabama & Florida Railway Co. – Purchase and Operation Exemption – Alabama and Florida, Inc., 57 FR 56591 (Nov. 30, 1992); and Pioneer Railcorp – Continuance in Control Exemption – Alabama & Florida Railway, 57 FR 56591 (Nov. 30, 1992).

A&F intends, upon the effectiveness of the exemption, to terminate its rail common carrier obligation over, and to abandon, the Line, which would result in the abandonment of the entire A&F system. A&F would salvage the rail and track material that possesses positive net salvage value. A&F does not intend to dismantle or remove any bridges along the Line.

- (6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;**

As indicated above, the Line appears to have been built in the early 1900s, but A&F is one of many subsequent owners of these rail assets. A&F was not supplied with, and does not have, engineering drawings of the structures discussed above. In fact, the only relevant documents in A&F's possession have been included in Exhibit 4.

- (7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);**

As indicated above, A&F's records indicate that there are seven structures (bridges) on or adjacent to the Line that are believed to be 50 years old or older. In A&F's opinion, these structures would not meet the criteria for listing on the National Register of Historic Places. As the photographs supplied to ALHC would suggest, none of the subject structures appears to have unique or otherwise significant design characteristics. Moreover, none of these structures is