

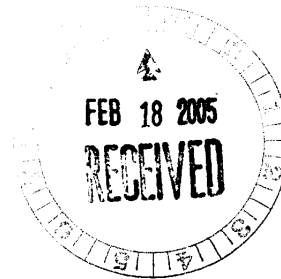
WEINER BRODSKY SIDMAN KIDER PC

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February 18, 2005



BY HAND

Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Re: Docket No. AB-883 (Sub-No. 1X), Rocky Mount and Western Railroad Co., Inc.
- Abandonment - In Nash County, North Carolina

Dear Secretary Williams:

On February 17, 2005, Rocky Mount and Western Railroad Co., Inc. filed a Verified Notice of Exemption pursuant to 49 C.F.R. § 1152.50 in the above-referenced proceeding. On that same day, we received a letter from Mr. Pete Benjamin on behalf of the United States Department of the Interior, Fish & Wildlife Service. However, we did not receive the letter in time to include it in the Verified Notice of Exemption. Enclosed for filing in this proceeding are 11 copies of the letter.

Please acknowledge receipt of this letter by date-stamping the enclosed acknowledgment copy and returning it to our messenger.

Very truly yours,

Rose-Michele Weinryb

Enclosures

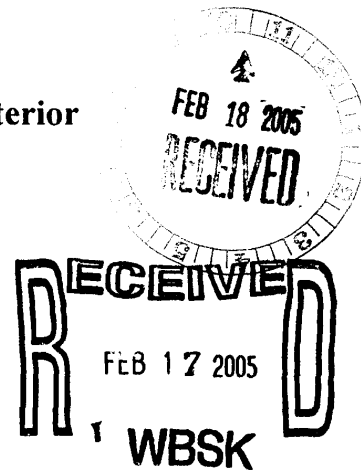


United States Department of the Interior

FISH AND WILDLIFE SERVICE
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

February 14, 2005

Rose-Michele Weinryb
Weiner, Brodsky, Sidman, Kider, PC
1300 19th Street NW
Washington DC 20036-1609



Dear Ms. Weinryb:

Thank you for your January 21, 2005 letter regarding the proposed abandonment of 4.7 miles of rail line owned by the Rocky Mount and Western Railroad Company, Inc. The rail line proposed for abandonment is located between milepost 134.8 and 139.5 in Nash County, North Carolina. This letter provides the U.S. Fish and Wildlife Service's (Service) response pursuant to section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531 *et seq.*) (Act).

Based on the information provided and other information available, it appears that the project site does not contain any federally-listed endangered or threatened species, their formally designated critical habitat, or species currently proposed for listing under the Act. Based on the information provided, the Service believes that this project will not affect any federally protected species. We believe that the requirements of section 7(a)(2) of the Act have been satisfied. We remind you that obligations under section 7 consultation must be reconsidered if: (1) new information reveals impacts of this identified action that may affect listed species or critical habitat in a manner not previously considered; (2) this action is subsequently modified in a manner that was not considered in this review; or, (3) a new species is listed or critical habitat determined that may be affected by the identified action.

Thank you for the opportunity to review this project. If you have any questions or comments regarding our response, please contact Mr. Dale W. Suiter of this office at (919) 856-4520, Ext. 18 or Dale_Suiter@fws.gov.

Sincerely,

Pete Benjamin
Ecological Services Supervisor