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ENTERED
Office of Proceedings

James R. Paschall
General Attorney



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Part of
Public Record

February 23, 2005

via fax 202-565-9002 and mail

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

Re: STB Docket No. AB-859 (Sub-No. 1X), Pennsylvania Lines LLC - 7213392
Abandonment Exemption - in Northampton County, PA; STB Docket No.
AB-290 (Sub-No. 245X), Norfolk Southern Railway Company - 7213393
Discontinuance of Service Exemption - in Northampton County, PA

Dear Mr. Williams:

This letter reports the results of Norfolk Southern Railway Company's (NSR) consultation with United States Fish and Wildlife Service (USFWS) concerning the salvage of the line between milepost EK-53.0 at Hellertown, PA and milepost EK-56.7 at Bethlehem, PA, in Northampton County, PA that was the subject of the above proceedings and of the Board's decision served March 10, 2004. In a further decision served February 9, 2005, the Board extended the date for filing a notice of consummation with respect to the abandonment of the subject line to February 10, 2006. NSR is successor by merger to Pennsylvania Lines LLC (PRR).

NSR's System Engineer Design and Construction, Mr. Richard P. Dietz, consulted with the USFWS and Pennsylvania DNR last summer and received written replies from them. Mr. Dietz subsequently advised me that there were no federally listed or proposed threatened species known to occur within the project area and sent me copies of the written replies of the two agencies. He stated to me that he had satisfied all the environmental conditions in the STB decision.

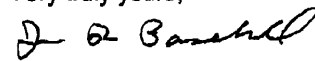
I apologize to the Board for inadvertently not reporting the results of this consultation at an earlier date and for any additional work this may have caused the Board's staff. I enclose the letters received by Mr. Dietz from the USFWS and PA DNR last summer.

If the Board requires anything further with respect to this matter, I ask that I be

Honorable Vernon A. Williams
AB-859, Sub 1, AB-290, Sub 245
February 23, 2005
Page 2 of 2

advised. Otherwise, I believe this will satisfy the conditions required by the Board with respect to this abandonment. I will respond or arrange for a response from NSR to any further request or requirement as promptly as possible.

Very truly yours,



James R. Paschall

Encl. 4 pages

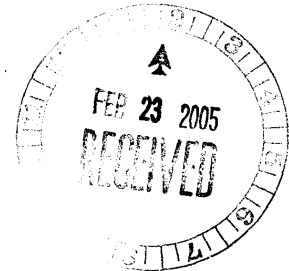


United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850

June 30, 2004



R.P. Dietz
Norfolk Southern Corporation
Design & Construction
175 Spring Street, S.W.
Box 142
Atlanta, GA 30303

Dear Mr. Dietz:

This responds to your letter of June 2, 2004, requesting information about federally listed and proposed endangered and threatened species within the area affected by the proposed track removal located between Bethlehem and Hellertown, Northampton County, Pennsylvania. The following comments are provided pursuant to the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) to ensure the protection of endangered and threatened species.

Except for occasional transient species, no federally listed or proposed threatened or endangered species under our jurisdiction are known to occur within the project impact area. Therefore, no biological assessment nor further consultation under the Endangered Species Act are required with the Fish and Wildlife Service. This determination is valid for two years from the date of this letter. If the proposed project has not been fully implemented prior to this, an additional review by this office will be necessary. Also, should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered. A compilation of certain federal status species in Pennsylvania is enclosed for your information.

This response relates only to endangered or threatened species under our jurisdiction based on an office review of the proposed project's location. No field inspection of the project area has been conducted by this office. Consequently, this letter is not to be construed as addressing potential Service concerns under the Fish and Wildlife Coordination Act or other authorities.

Requests for information regarding State-listed endangered or threatened species should be directed to the Pennsylvania Game Commission (birds and mammals), the Pennsylvania Fish and Boat Commission (fish, reptiles, amphibians and aquatic invertebrates), and the Pennsylvania Department of Conservation and Natural Resources (plants).

Please contact Michael Schmaus of my staff at 814-234-4090 if you have any questions or require further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Densmore", followed by a horizontal line.

David Densmore
Supervisor

Enclosure

Federally Listed, Proposed, and Candidate Species in Pennsylvania
(revised May 4, 2004)

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status¹</u>	<u>Distribution (Counties and/or Watersheds)</u>
MAMMALS			
Indiana bat	<i>Myotis sodalis</i>	E	Hibernacula: Armstrong, Blair, Fayette, Lawrence, Luzerne, Mifflin and Somerset Co. Maternity sites: Blair Co.
BIRDS			
Bald eagle	<i>Haliaeetus leucocephalus</i>	T	Nesting: Butler, Cameron, Centre, Chester, Crawford, Dauphin, Erie, Forest, Huntingdon, Lancaster, Lebanon, Mercer, Northumberland, Pike, Tioga, Venango, Warren, Wayne and York Co. Winter: near ice-free sections of rivers, lakes and reservoirs (e.g., Delaware River, Pymatuning Reservoir)
Piping plover	<i>Charadrius melodus</i>	E	Migratory. No nesting in Pennsylvania since 1950s. Designated critical habitat on Presque Isle (Erie Co)
REPTILES			
Bog turtle	<i>Clemmys (Glyptemys) muhlenbergii</i>	T	Adams, Berks, Bucks, Chester, Cumberland, Delaware, Franklin, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York Co. [Historically found in Crawford, Mercer and Philadelphia Co.]
E. massasauga rattlesnake	<i>Sistrurus catenatus catenatus</i>	C	Butler, Crawford, Mercer and Venango Co. [Historically found in Allegheny and Lawrence Co.]
MUSSELS			
Clubshell	<i>Pleurobema clava</i>	E	French Creek and Allegheny River (and some tributaries) in Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co.; Shenango River (Mercer and Crawford Co.) [Has not been found recently in 13 streams of historical occurrence in Butler, Beaver, Fayette, Greene, Lawrence, Mercer, and Westmoreland Co.]
Dwarf wedgemussel	<i>Alasmodonta heterodon</i>	E	Delaware River (Wayne Co.). [Has not been found recently in streams of historical occurrence in the Delaware River watershed (Bucks, Carbon, Chester, Philadelphia Co.) or Susquehanna River watershed (Lancaster Co.)]
Northern riffleshell	<i>Epioblasma torulosa rangiana</i>	E	French Creek and Allegheny River (and some tributaries) in Clarion, Crawford, Erie, Forest, Mercer, Venango, and Warren Co. [Has not been found recently in streams of historical occurrence, including: Shenango River (Lawrence Co.), Conewango Creek (Warren Co.)]



Pennsylvania Department of Conservation and Natural Resources

June 10, 2004

Bureau of Forestry

717-787-7067
Fax 717-783-0271

R.P. Dietz
Systems Engineer
Norfolk Southern Corporation
Design & Construction
175 Spring Street, SW
Box 142
Atlanta, Georgia 30303

Re: Bureau of Forestry, Pennsylvania Natural Diversity Inventory Search for Track Removal
Between Bethlehem, PA and Hellertown, PA, Lehigh County, PA - PNDI #11620

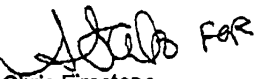
Dear Rick:

Based upon your description and photos, we do not anticipate any negative impacts to plant species of special concern as a result of the above-mentioned project. However, in order to protect nearby species of special concern please avoid revegetating with any invasive species (see <http://www.dcnr.state.pa.us/forestry/wildplant/invasive.aspx>). Thank you for your patience and cooperation.

PNDI is a site specific information system that describes significant natural resources of Pennsylvania. This system includes data descriptive of plant and animal species of special concern, exemplary natural communities and unique geological features. PNDI is a cooperative project of the Department of Conservation and Natural Resources, The Nature Conservancy and the Western Pennsylvania Conservancy. This response represents the most up-to-date summary of the PNDI data files and is good for one year. An absence of recorded information does not necessarily imply actual conditions on-site. A field survey of any site may reveal previously unreported populations.

Please phone Autumn Sabo, Environmental Review Botanist, at (717) 787-7067 if you have questions concerning this response.

Sincerely,


Chris Firestone
Wild Plant Program Manager, DCNR

Stewardship

Partnership

Service

an Equal Opportunity Employer

www.dcnr.state.pa.us

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