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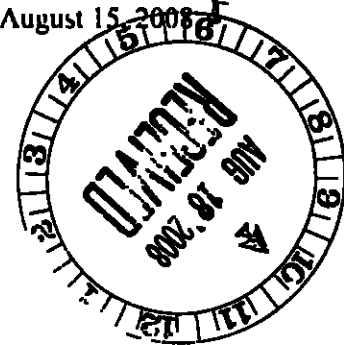
ATTORNEYS AT LAW SINCE 1895

VIA OVERNIGHT DELIVERY

Hon Anne K Quinlan
Acting Secretary
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re Buffalo & Pittsburgh Railroad, Inc
- Exempt Abandonment -
In Erie and Cattaraugus Counties, NY
STB Docket No AB-369 (Sub-No 7X)

August 15, 2008



Dear Secretary Quinlan

Enclosed for filing please find the original and 10 copies of the the Environmental/Historic Report being filed in connection with the above-referenced abandonment

Please time stamp the extra copy of the letter to indicate receipt and return it to me in the self-addressed stamped envelope provided for your convenience

Please let know if there are any questions about the filing Thank you for your assistance

Respectfully,

Eric M Hocky /edh
Eric M Hocky

EMH/e

Enclosures

cc David J Collins (w/encl)

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP
400 Market Street Suite 200
Philadelphia, PA 19106 2535
215 629 9900
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STB01

Before the

SURFACE TRANSPORTATION BOARD

**Buffalo & Pittsburgh Railroad, Inc.
- Exempt Abandonment -
Erie and Cattaraugus Counties, New York**

STB Docket No AB-369 (Sub-No. 7X)

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ENVIRONMENTAL/HISTORIC REPORT

Eric M Hocky
THORP REED & ARMSTRONG, LLP
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2005 Market Street
Suite 1910
Philadelphia, PA 19103-7041
(215) 640-8500

Attorneys for Buffalo & Pittsburgh Railroad,
Inc.

Dated August 15, 2008

Before the

SURFACE TRANSPORTATION BOARD

**Buffalo & Pittsburgh Railroad, Inc.
- Exempt Abandonment -
Erie and Cattaraugus Counties, New York**

STB Docket No AB-369 (Sub-No 7X)

ENVIRONMENTAL/HISTORIC REPORT

Buffalo & Pittsburgh Railroad, Inc ("Applicant") will be seeking authority to abandon two segments of its line of railroad, known as the 3rd Subdivision, which run in a southerly direction from Milepost 4.0 in the City of Lackawanna in Erie County, New York through Milepost 8.4 in the Town of Orchard Park, Erie County, New York (Segment 1) and from Milepost 8.4 in the Town of Orchard Park, Erie County, New York to Milepost 3.6 in Village of Springville, Cattaraugus County, New York (Segment 2) (together, the "Subject Line") This Subject Line traverses through United States Postal Zip Codes 14218, 14127, 14025, 14033 and 14141, 14218 and 14127 Applicant plans to seek Board authorization on or about September 8, 2008 for its abandonment through either a petition for exemption or notice of exempt abandonment pursuant to the provisions of either 49 C.F.R. §1152.50 or §1152.60

This report is being filed in connection therewith in accordance with the requirements of 49 CFR 1105.7 To prepare this report, Applicant consulted with various state and federal agencies See the letters attached as Exhibit A Based on the written responses received by Applicant attached as Exhibit B, and the responses (both oral and written) noted in the Response Log attached as Exhibit C, Applicant states as follows

ENVIRONMENTAL REPORT

(49 CFR 1105.7)

1. PROPOSED ACTION AND ALTERNATIVES

Applicant proposes to abandon the Subject Line of which it assumed control and operation in 1988. Segment 1 has been marginally used, to service two customers that seldom use rail service, since 2005. Segment 2 has not had any local service since 1994. Applicant is discussing service alternatives with the active customers. Applicant intends to remove and sell the track.

2. EFFECTS ON TRANSPORTATION SYSTEM

There has been no local service on Segment 2 of the Subject Line since 1994, and therefore the abandonment of Segment 2 would have no effect on the transportation system.

There are currently two customers on Segment 1 of the Subject Line, each of which uses rail only on a very limited basis. Electro Abrasives in Blasdell, New York and 84 Lumber in Orchard Park, New York. Applicant only handled nine carloads for each customer in 2007. Applicant is engaged with both shippers to develop alternative means to handle their freight requirements. One option is to utilize the transloading facilities developed in nearby Lackawanna on an affiliated railroad of Applicant.

Applicant served notice of the proposed abandonment upon The New York State Department of Transportation ("NYSDOT") (State office) and NYSDOT (Region 5). The regional office advised in a letter dated July 14, 2008 that they do not believe that there will be any environmental effects from the proposed abandonment. See letter attached as part of Exhibit B.

3. LAND USE

1) Applicant is unaware of any regional or local land use patterns with which the proposed abandonment would be inconsistent. Applicant served notice of the proposed abandonment upon the following land use agencies: Office of the Governor of the State of New York, New York State Department of Environmental Conservation (NYDEC)(State office), NYDEC (Region 9), NYDEC – Land and Forests (State office), NYDEC – Land and Forests (Region 9, Erie County), NYDEC – New York Natural Heritage Program, Chris Collins, Erie County Executive, United States Environmental Protection Agency (EPA) (Region 2), United States EPA (Western New York Public Information Office), National Park Service (Northeast Region), United State Department of Agriculture (USDA), Natural Resources Conservation Service (NY State Office) and United States Department of Commerce, NOAA, N/NGS2 (Spatial Reference System Division). Copies of these letters are attached as part of Exhibit A. Copies of written responses received to date are attached as part of Exhibit B. Both written and oral responses are summarized on the Response Log attached as Exhibit C. Responses were not received from all agencies that received notices. The following is a summary of the responses (written and oral) received and Applicant's responses and/or actions:

- New York State DEC (Region 9) telephoned with no objections to the proposed abandonment but two remarks. It expressed concern that no contaminants be left behind in the ballast materials, and advised that due to recent legislation, railroad ties cannot be used in water environments. There was no need for a direct response unless the applicant had questions. Applicant intends to comply, or require its contractor to comply with all applicable laws and regulations regarding the removal, clean up and disposal of the track and its components.
- The New York State DEC– New York Natural Heritage Program responded with a letter. They enclosed a report of rare or state-listed animals and plants, significant natural communities and other significant habitats, which their databases indicate occur or may occur on our site or, in the immediate vicinity. It was suggested that Applicant contact the appropriate New York State DEC.

Regional offices about the proposed abandonment Applicant sent additional consultation letters to the New York State DEC regional offices for Erie and Cattaraugus Counties on June 24, 2008 Copies of these letters are attached as part of Exhibit A No further responses have been received

- The United States EPA, Region 2 sent a letter which included a list of issues, they wished to be addressed in the report These issues mirrored the guidelines set forth in 49 C F R §1105.7, and are being addressed in this report

ii) Applicant does not believe that the proposed abandonment will have any adverse effect on any prime agricultural land Notice of the abandonment has been provided to the USDA Natural Resources Conservation Service (State Conservationist), a copy of which is attached as part of Exhibit A No response has been received

iii) Notice of the abandonment was served on the New York State Division of Coastal Resources, a copy of which is attached as part of Exhibit A This office responded by telephone to inquire as to exact endpoint of the abandonment It was determined that the site of the proposed abandonment is not located in a coastal zone The Division of Coastal Resources sent a letter confirming same This response letter is attached as part of Exhibit B

iv) Applicant believes that the right of way may be suitable for use as a trail or other public purpose

4. ENERGY

i) The two shippers on Segment 1 were not involved in the transportation of energy resources Accordingly, the proposed abandonment will have no effect on the transportation of energy resources

ii) The proposed abandonment will have no effect on recyclable commodities

iii) There will be no effect on overall energy efficiency. In particular Segment 2 has not had any local traffic or service since 1994.

iv) The proposed abandonment of Segment 2 will not divert any traffic from rail to motor carriage. The proposed abandonment of Segment 1 would result in the diversion of only 18 carloads (approximately 72 truck loads) per year from rail to motor carriage. Thus, the effects of the proposed abandonment will not exceed the thresholds set forth in 49 C.F.R. §1105.7(c)(4)(iv).

5. AIR

The proposed abandonment will not result in any increases in rail traffic or rail yard activity. The only projected increase in truck traffic will be as discussed in Section 4(iv) above. Thus, the effects of the proposed abandonment will not exceed the thresholds set forth in 49 C.F.R. §1105.7(c)(4)(v).

6. NOISE

Applicant does not believe that the proposed abandonment will not result in any increase in noise levels.

7. SAFETY

Applicant does not believe that the proposed abandonment will have any adverse effect on public health or safety. On the contrary, the proposed abandonment would allow for the removal of four at grade crossings in Segment 1, and over twenty at grade crossings in Segment 2, and thus would promote public safety.

8. BIOLOGICAL RESOURCES

i) Applicant has given notice of the proposed abandonment to U.S. Fish and Wildlife Service (Northeast Regional Office) and U.S. Fish and Wildlife Service (New York field office), as well as to the following agencies that are concerned with biological resources: NYSDEC (State office), NYDEC (Region 9), NYSDEC – Fish, Wildlife and Marine

Resources (State office), NYDEC – Fish, Wildlife and Marine Resources (Region 9), NYSDEC – New York Natural Heritage Program, United States EPA (Region 2), and United States EPA (Western NY Public Information Office) Copies of these letters are attached as part of Exhibit A Copies of written responses received to date are attached as part of Exhibit B Both written and oral responses are summarized on the Response Log attached as Exhibit C Responses were not received from all agencies that received notices The following is a summary of the responses (written and oral) received and Applicant's responses and/or actions

- The U S Fish and Wildlife Service (New York field office) sent a letter which included instructions for checking website for endangered species information On June 16, 2008, Applicant completed the process set forth in the letter from the U S Fish and Wildlife Service Website advised that unless response was received from the New York Department of Environmental Conservation or the Natural Heritage Foundation, no further action was necessary Subsequent responses were received from both agencies and Applicant's responses are detailed above in Section 3(1)
- NYSDEC (Region 9) responded by telephone with remarks related to land use concerns only
- The New York State DEC – New York Natural Heritage Program responded by mail enclosing a report of rare or state-listed animals and plants, significant natural communities and other significant habitats, which their databases indicate occur or may occur on our site or, in the immediate vicinity It was suggested that Applicant contact the appropriate New York State DEC Regional offices about the proposed abandonment Applicant sent consultation letters to the New York State DEC regional offices for Erie and Cattaraugus Counties on June 24, 2008 Copies of these letters are attached as part of Exhibit B No further response has been received
- The United States EPA, Region 2 sent a letter on June 30, 2008, which included a list of issues, they wished to be addressed in the report These issues mirrored the guidelines set forth in 49 C F R §1105.7, and are being addressed in this report
- No response was received from the USDA, Natural Resources Conservation Service (State Conservationist)

ii) Applicant does not believe that there are any wildlife sanctuaries or refuges, National or State parks or forests in the vicinity of the proposed abandonment. Notices of the proposed abandonment was sent to the following agencies: NYDEC (State office), NYSDEC (Region 9), NYSDEC – Fish, Wildlife and Marine Resources (State office), NYSDEC– Fish, Wildlife and Marine Resources (Region 9), NYSDEC– Land and Forests (State office), NYSDEC – Land and Forests (Region 9 – Erie County), NYSDEC – New York Natural Heritage Program, United States EPA (Region 2), United States EPA (Western NY Public Information Office), U S Fish and Wildlife Service (Northeast Regional Office), U S Fish and Wildlife Service (New York field office), and the National Park Service (Northeast Region). Copies of these letters are attached as part of Exhibit A. Copies of the written responses received are attached as part of Exhibit B. Responses received orally are summarized on the Response Log attached as Exhibit C. Responses were not received from all agencies that received notices. See Sections 3(1) and 8(1) above for summaries of the responses received from the listed agencies and the Applicant's responses to same. The responses do not include comments directly on this issue.

9. WATER

i) The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards. Applicant recently was advised by NYDEC-Freshwater Wetlands Programs that it believes that the proposed abandonment (salvage) could affect state-regulated wetland SP-3, and if so, that a Freshwater Permit would likely be required. Applicant will investigate. Neither the Corps of Engineers nor other agencies have raised any water-related issues with respect to the proposed abandonment. See Sections 3(1) and 8(1) above for a list of other agencies notified by Applicant and the responses received and the subsequent actions taken by the Applicant.

ii) Applicant sent notice of the proposed abandonment to the U S Army Corps of Engineers (Great Lakes & Ohio River Division) and the U. S Army Corps of Engineers (District Office – Buffalo) Copies of these letters are attached as part of Exhibit A No response was received from the U S Army Corps of Engineers (Great Lakes & Ohio River Division) Applicant did receive a telephone response from the U S Army Corps of Engineers (District Office – Buffalo) (summarized in the Response Log attached as Exhibit C) with questions about whether the existing tracks would be used in the removal process, and what Applicant planned to do with the rails and ties that were removed Applicant informed the agency representative that the rail and ties would be removed by a bid contractor using both on-track and off road equipment Access is available from a few road crossings and where possible, existing tracks will be used to move the material to a central location Both rail and crossties will be sold for reuse, if possible, or for scrap The Corps of Engineers confirmed in a letter dated July 10, 2008, a copy of which is included as part of Exhibit B, that the proposed work will not involve a discharge of dredged or fill material into Federal, jurisdictional wetlands or waters Applicant, or its contractor, will take proper erosion control measures to prevent unintentional discharges from entering waterways

iii) Notices of the proposed abandonment were sent to the following agencies NYSDEC (State office), NYSDEC DEC (Region 9), United States EPA (Region 2) and United States EPA (Western NY Public Information Office) Copies of these letters are attached as part of Exhibit A Copies of the written responses received are attached as part of Exhibit B Responses received orally are summarized on the Response Log attached as Exhibit C Responses were not received from all agencies that received notices See Sections 3(1), 8(1) and 9(1) above for summaries of the responses received from the listed agencies and the Applicant's responses to same Applicant does not believe that any Clean Water Act permits will

be required. The proposed abandonment will be handled in a manner that is consistent with the applicable local, State and Federal water quality standards.

10. PROPOSED MITIGATION

Since no adverse environmental impacts are expected, no mitigation is proposed.

11. ADDITIONAL INFORMATION FOR RAIL CONSTRUCTIONS

Not applicable.

12. CONSULTATION

As shown by the copies of letters attached as Exhibit A, Applicant has consulted with the following agencies: Office of the Governor of the State of New York, NYSDOT (State office), NYSDOT (Region 5), NYSDEC (State office), NYSDEC (Region 9), NYSDEC – Fish, Wildlife and Marine Resources (State office), NYSDEC – Fish, Wildlife and Marine Resources (Region 9), NYSDEC – Land and Forests (State office), NYSDEC – Land and Forests (Region 9 – Erie County), NYSDEC – New York Natural Heritage Program, New York State Division of Coastal Resources, Chris Collins, Executive, Erie County, New York, United States EPA (Region 2), United States EPA (Western NY Public Information Office), U.S. Fish and Wildlife Service (Northeast Regional Office), U.S. Fish and Wildlife Service (New York field office), U.S. Army Corps of Engineers (Great Lakes and Ohio River Division), U.S. Army Corps of Engineers (District Office – Buffalo), the National Park Service (Northeast Region), the USDA, Natural Resources Conservation Service (State Conservationist) and the U.S. Department of Commerce, NOAA, N/NGS2 (Spatial Reference System Division).

Written responses were received from NYSDOT (Region 5), NYSDEC – New York Natural Heritage Program, New York State Division of Coastal Resources, United States EPA (Region 2), U.S. Fish and Wildlife Service (New York field office), U.S. Army Corps of Engineers (District Office – Buffalo) and the U.S. Department of Commerce, NOAA, N/NGS2 (Spatial Reference System Division). Copies of the written responses are attached as Exhibit B.

Oral responses were received from NYSDEC (Region 9), New York State Division of Coastal Resources, U S Army Corps of Engineers (District Office – Buffalo) and the Chairman of Cattaraugus County Oral responses are summarized in the Response Log attached as Exhibit C The Response Log also summarizes the actions initiated by Applicant subsequent to receiving responses from the various agencies

13. CERTIFICATIONS

Applicant certifies that

- (a) It consulted with the agencies listed in 49 C F R §1105.7, as described in paragraph no 12 above
- (b) On this date, it sent copies of this report to each of the agencies consulted
- (c) Notice of the proposed abandonment was published in The Buffalo News and The Salamanca Press on August 12, 2008. A copy of the form of notice is attached as Exhibit D Proofs of publication from The Buffalo News or The Salamanca Press will be submitted upon receipt
- (d) Applicant will not file its verified notice of abandonment until at least twenty (20) days after the agencies have been served with a copy of this report

HISTORIC REPORT

(49 CFR 1105.8)

1. U.S.G.S. TOPOGRAPHIC MAP

A U S G S topographic map showing the location of the proposed abandonment is attached as Exhibit E A milepost listing of the historic structures along the proposed abandonment is attached as Exhibit F

2. DESCRIPTION OF RIGHT OF WAY

The line segments to be abandoned extend (1) from Milepost 4 0 in the City of Lackawanna (near Buffalo) in Erie County, New York through Milepost 8 4 in the Town of Orchard Park, Erie County, New York and (2) from Milepost 8 4 in the Town of Orchard Park, Erie County, New York to Milepost 36 in Village of Springville, Cattaraugus County, New York

The surrounding area is predominantly wooded and rural, although the subject line segments pass through a number of small towns and villages. The northern most portion of Segment 1 is more suburban.

3. PHOTOGRAPHS OF HISTORIC STRUCTURE(S)

Please refer to Exhibit F for a milepost listing of the structures over 50 years old along the proposed abandonment. Photographs of these structure(s) are not yet available, but will be submitted as Exhibit G.

4. DATES OF CONSTRUCTION OF HISTORIC STRUCTURE(S)

Applicant believes that the Subject Line segments were built in the early 1900's. Exhibit F lists the structures along the abandonment that are more than 50 years old. Applicant is not aware of any major alterations to the subject line segments or structures.

5. HISTORY OF CARRIER OPERATIONS IN THE AREA

Based on information in Applicant's possession, the Subject Line was originally built in the early 1900's by Buffalo, Rochester, and Pittsburgh Railroad ("BR&P") as a branch line which tied into BR&P's mainline at Ashford Junction, New York. The Subject Line was originally built to haul coal from the western Pennsylvania coal fields to Buffalo for local use and transfer via the Great Lakes. General merchandise and passengers were also hauled to and from Buffalo.

The BR&P was purchased by the Baltimore and Ohio Railroad (B&O) circa 1930, and the Subject Line continued to serve the same functions. Passenger operations were discontinued in the 1950's, but the Subject Line continued as part of an overhead route for

freight In the 1970's, the B&O merged with the Chesapeake and Ohio Railroad forming Chessie System Railroads ("Chessie") In the 1980's, Chessie merged with Seaboard System Railroad to form CSX Transportation ("CSXT")

In July of 1988, CSXT sold a 369 mile section of its railroad to Applicant, which included the Subject Line Applicant used the Subject Line for both local traffic, and overhead traffic moving between Buffalo and points south into Pennsylvania Applicant entered into a trackage rights agreement with Conrail in 1994, which allowed Applicant to use the Conrail route between Buffalo and Machias, New York This route (primarily the former Pennsylvania railroad "Buffalo Line") benefits from better alignments and grades than the original B&O line, which contains many severe grades and curves, and creates a challenging route for rail operations

Segment 2 has not had any local service since 1994 Segment 1 has been used only marginally since 2005 There are currently two customers on Segment 1, both of which use rail only on a very limited basis The total carloads for the two customers in 2007 was 18 carloads

6. SUMMARY OF STRUCTURE DOCUMENTATION

A milepost listing of the historic structures along the proposed abandonment is attached as Exhibit F Applicant is reviewing its files to determine what documentation may have been provided when it acquired the line in 1988

7. OPINION REGARDING CRITERIA FOR LISTING

The salvage work that Applicant proposes will be surface work only and will not disturb subsurface resources Applicant has given notice of the proposed abandonment to the

New York State Historic Preservation Office The New York State Historic Preservation Office responded by telephone inquiring whether State or Federal money would be used for this project. Applicant advised the Historic Preservation Office that that no State or Federal money is being used for the abandonment. The agency stated that it would not make any comment on the proposed abandonment until additional Section 106 paperwork was completed.¹ Applicant will complete the applicable Project Review forms and if necessary, perform any required surveys.

8. ENVIRONMENTAL CONDITIONS

Applicant is unaware of any prior subsurface ground disturbance or fill, or environmental conditions which might affect the archeological recovery of resources on the surrounding terrain.

Respectfully submitted,



Eric M. Hocky
THORP REED & ARMSTRONG, LLP
One Commerce Center
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-8500

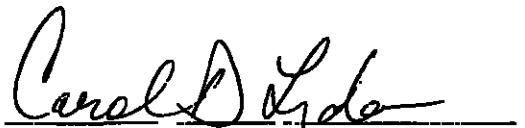
Attorneys for Buffalo & Pittsburgh Railroad,
Inc

Dated August 15, 2008

¹ In a subsequent call, the New York State Historic Preservation Office called to inquire as to the exact endpoint of the proposed abandonment. Applicant provided the requested information.

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August, 2008, I served a copy of the foregoing Environmental/Historic Report on the persons listed on the attached services list by first class mail, postage prepaid

A handwritten signature in black ink, appearing to read "Carol D. Lydon", is written over a horizontal line.

Carol D. Lydon, Paralegal
THORP, REED & ARMSTRONG, LLP
One Commerce Square
2005 Market Street, Suite 1910
Philadelphia, PA 19103
(215) 640-8500

SERVICE LIST

Office of the Governor
State of New York
State Capitol
Albany, NY 12224

NYS Department of Transportation
50 Wolf Road
Albany, NY 12232
(518) 457-6195

Alan E Taylor, Regional Director
NYS Department of Transportation
Region 5
100 Seneca Street
Buffalo, NY 14203
(716) 847-3238

Jack McKeon, Deputy Commissioner
Office of Administration
New York State Department of Environmental Conservation
625 Broadway
Albany, New York 12233-0001
(518) 402-9401

Abby M Snyder, Regional 9 Director
NY Dept of Environmental Conservation
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7200

NY Dept of Environmental Conservation
Fish, Wildlife and Marine Resources
625 Broadway
Albany, NY 12233-4750
(518) 402-8924

NY Dept of Environmental Conservation
Fish, Wildlife and Marine Resources, Region 9
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7000

NY Dept of Environmental Conservation
Lands and Forests
625 Broadway, 5th Floor
Albany, NY 12233
(518) 402-9405

NY Dept of Environmental Conservation
Lands and Forests, Region 9 – Erie County
270 Michigan Avenue
Buffalo, NY 14203
(716) 851-7000

NY Dept of Environmental Conservation
Land and Forests, Region 9 – Cattaraugus County
215 South Work Street
Falconer, NY 14733-1497
(716) 665-6111

NY Dept of Environmental Conservation
NY Natural Heritage Program
625 Broadway, 5th Floor
Albany, NY 12233-4757
(518) 402-8935

Division of Coastal Resources
NYS Department of State
99 Washington Avenue, Suite 1010
Albany, NY 12231-0001
(518) 474-6000

Chris Collins, Erie County Executive
Rath Building
16th Floor, Room 1600
Buffalo, New York 14202
(716) 858-8500

Crystal J Abers, Chairman of Cattaraugus County
303 Court Street
Little Valley, NY 14755
(716) 938-9111

US EPA Region 2
290 Broadway
New York, New York 10007-1866

U S Environmental Protection Agency
Western New York Public Information Office
186 Exchange Street
Buffalo, New York 14204

U S Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589
(413) 253-8200

U S Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045
(607) 753-9334

U S Army Engineer Division
Great Lakes & Ohio River Division
550 Main Street
Room 10032
Cincinnati, OH 45202-3222

U S Army Engineer District, Buffalo, CELRB
1776 Niagara Street
Buffalo, NY 14207-3199
(716) 879-4200

Regional Director, National Park Service
Northeast Region
U S Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106
(215) 597-7013

USDA, Natural Resources Conservation Service
New York State Office
Ron Alvarado, State Conservationist
441 E Salina Street, Room 520
Syracuse, NY 13202-2450
(315) 477-6504

Mr Richard A Snay
Chief, Spatial Reference System Division
United States Department of Commerce
NOAA, N/NGS2
SSMC3, Room 8828
1315 East-West Highway
Silver Spring, MD 20910

New York State Historic Preservation Office
Pebbles Island Resource Center
P O Box 189
Waterford, NY 12188-0189

Steve Doleski
NYS-DEC (Erie Cty)
270 Michigan Ave
Buffalo, NY 14203-2999

Ken Taft, Deputy Regional Permit Administrator
NYS-DEC (Cattaraugus Cty)
182 East Union, Suite 3
Allegany, NY 14706-1328

EXHIBIT A



Carol D. Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Office of the Governor
State of New York
State Capitol
Albany, NY 12224

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

Dear Sir/Madam

This letter is to advise you that Buffalo & Pittsburgh Railroad, Inc ("B&P") proposes to abandon two segments of its line of railroad, known as the 3rd Subdivision, which runs in a southerly direction from Milepost 4.0 in the City of Lackawanna in Erie County, New York through Milepost 8.4 in the Town of Orchard Park, Erie County, New York (Segment 1) and from Milepost 8.4 in the Town of Orchard Park, Erie County, New York to Milepost 36 in Village of Springville, Cattaraugus County, New York (Segment 2). This line runs also runs through the Village of Orchard Park, the Towns of Boston and Colden, all in Erie County, New York. This line traverses through United States Postal Zip Codes 14218, 14127, 14025, 14033 and 14141. A map showing the location of the line is attached.

B&P plans to seek Surface Transportation Board ("STB") authorization for its abandonment through either a petition for exemption or notice of exempt abandonment pursuant to the provisions of either 49 C.F.R. §1152.50 or §1152.60 on or about August 5, 2008 in Docket No AB369 (Sub-No 7X).

Based upon information in our possession, the line does not contain federally granted rights of way. B&P believes that the right of way can be used for trail and other public purposes. Any documentation in the railroad's possession will be made available promptly to those requesting it.

No local service has been provided on Segment 2 since 1994. Only minimal service has been provided to two remaining customers on Segment 1 since 2005. B&P is discussing service alternatives with the active customers. B&P does not believe that there are any reasonable alternatives to the proposed action. At this time, B&P plans remove and sell the track. B&P believes that the abandonment will not have a significant effect upon the environment.

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment.

Pittsburgh

Philadelphia

Frederick

Wheeling

Thorpe Reed & Armstrong LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-2535
215 829 9900
215 829 9888 Fax



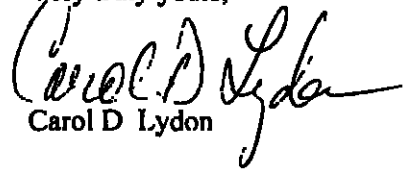
Office of the Governor
Page 2

June 2, 2008

We would appreciate an expression from you by July 2, 2008 with respect to each segment that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment. If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (215) 829-9900.

Thank you for your cooperation.

Very truly yours,



Carol D Lydon

Enclosure (Map)

CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire



Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

June 2, 2008

David J Collins, Sr Vice President
GENESEE & WYOMING INC
1200C Scottsville Road
Suite 200
Rochester, NY 14624

Re Buffalo & Pittsburgh Railroad, Inc - Abandonment - Erie and
Cattaraugus Counties
STB Docket No AB369 (Sub-No 7X)

Dear Mr Collins:

Enclosed please find copies of the consultation letters which were sent today in the above
referenced matter

Sincerely,

A handwritten signature in black ink, appearing to read "Carol D Lydon".

Carol D Lydon

Enclosure
CC. Eric M Hocky, Esquire

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong LLP
400 Market Street Suite 200
Philadelphia PA 19106-2535
215 829 9900
215 829 9888 Fax



Carol D. Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

June 2, 2008

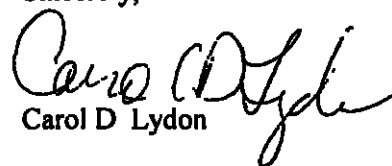
Mr. Mike Burns
Buffalo & Pittsburgh Railroad
P.O. Box 2225
Blasdell, NY 14219

Re Buffalo & Pittsburgh Railroad, Inc. - Abandonment - Erie and
Cattaraugus Counties
STB Docket No. AB369 (Sub-No. 7X)

Dear Mr. Burns:

Enclosed please find copies of the consultation letters which were sent today in the above referenced matter.

Sincerely,


Carol D. Lydon

Enclosure
CC Eric M. Hocky, Esquire

Pittsburgh

Philadelphia

Princeton

New York

Thorpe Reed & Armstrong LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-2530
215 829 9900
215 829 9888 Fax

B000305a.DOC



Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

NYS Department of Transportation
50 Wolf Road
Albany, NY 12232

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

Dear Sir/Madam

This letter is to advise you that Buffalo & Pittsburgh Railroad, Inc ("B&P") proposes to abandon two segments of its line of railroad, known as the 3rd Subdivision, which runs in a southerly direction from Milepost 4 0 in the City of Lackawanna in Erie County, New York through Milepost 8 4 in the Town of Orchard Park, Erie County, New York (Segment 1) and from Milepost 8 4 in the Town of Orchard Park, Erie County, New York to Milepost 36 in Village of Springville, Cattaraugus County, New York (Segment 2) This line runs also runs through the Village of Orchard Park, the Towns of Boston and Colden, all in Erie County, New York This line traverses through United States Postal Zip Codes 14218, 14127, 14025, 14033 and 14141 A map showing the location of the line is attached

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Pittsburgh

Philadelphia

Princeton

Wheeling

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Thorpe Reed & Armstrong LLP
400 Market Street Suite 200
Philadelphia PA 19106-2535
215 829 9900
215 829 9888 Fax

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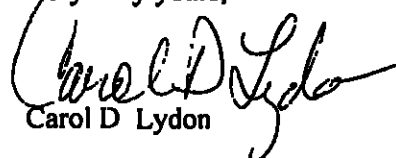
NYS Department of Transportation
Page 2

June 2, 2008

We would appreciate an expression from you by July 2, 2008 with respect to each segment that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment. If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (215) 829-9900.

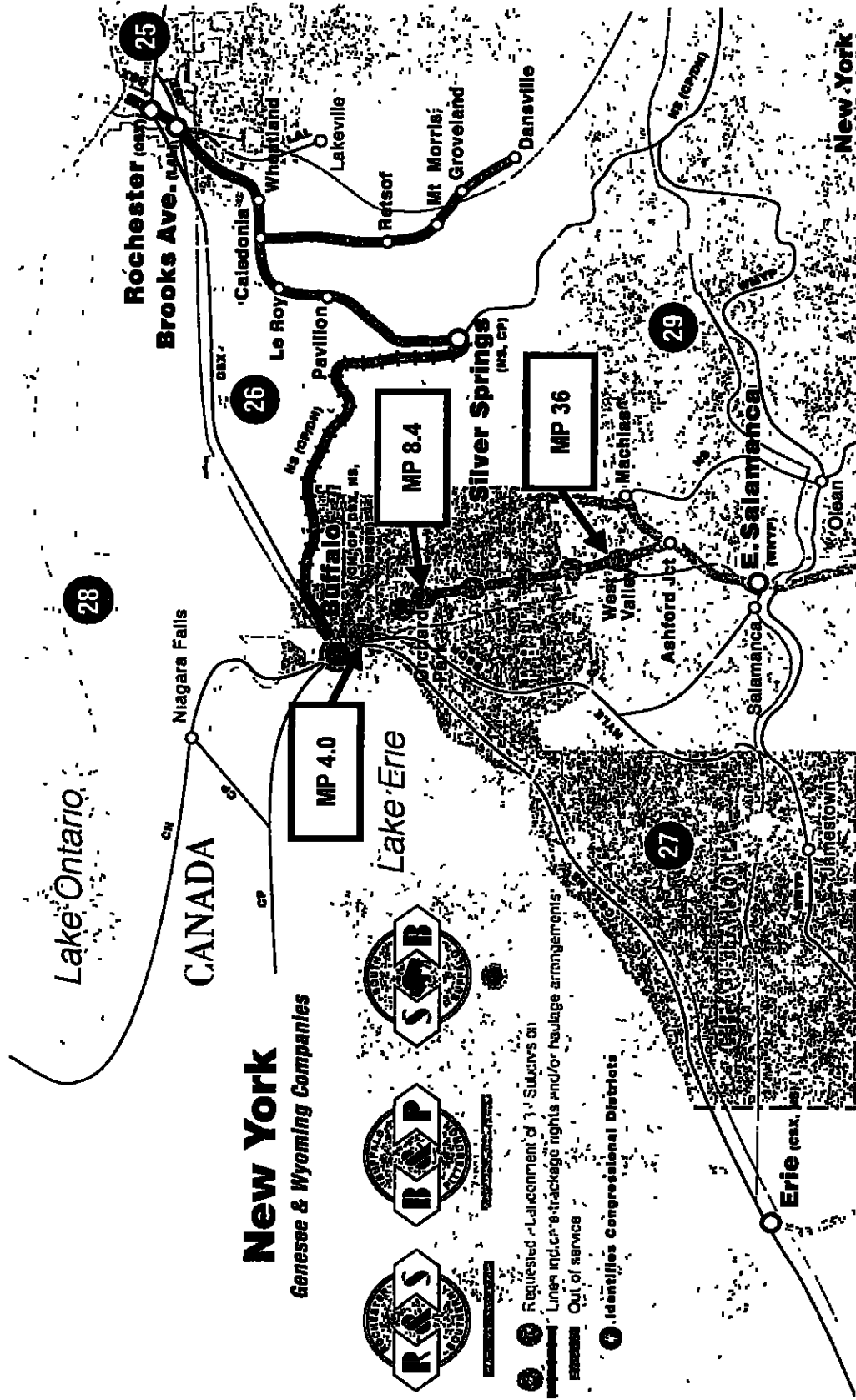
Thank you for your cooperation.

Very truly yours,



Carol D. Lydon

Enclosure (Map)
CC Dave Collins, President
Mike Burns
Eric M. Hocky, Esquire





Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Alan E Taylor, Regional Director
NYS Department of Transportation
Region 5
100 Seneca Street
Buffalo, NY 14203

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

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Pittsburgh

Philadelphia

Princeton

Wilmington

Thorpe Reed & Armstrong LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-2535
215 829 9900
215 829 9998 Fax



Alan E Taylor, Regional Director
Page 2

June 2, 2008

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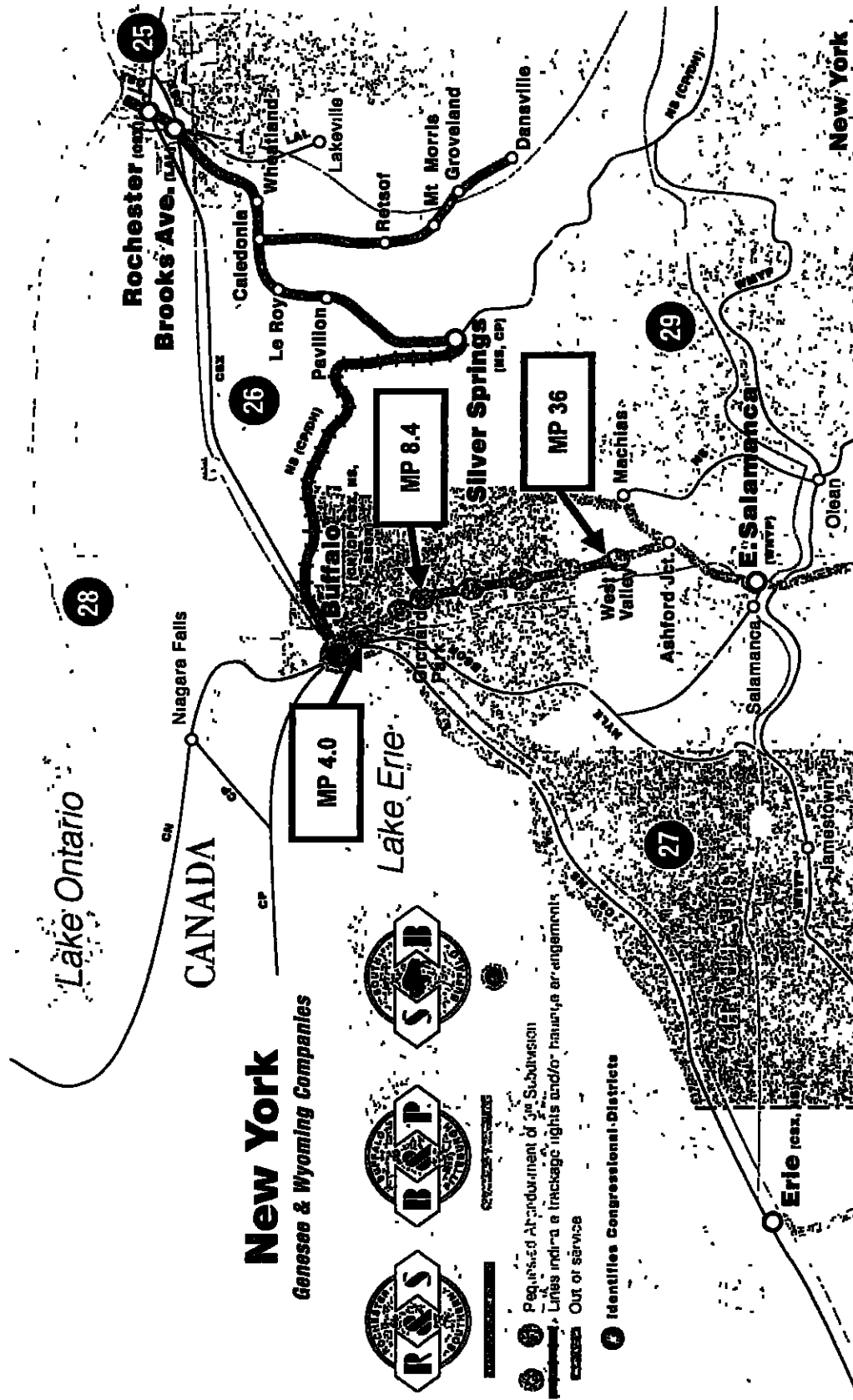
Thank you for your cooperation

Very truly yours,

A handwritten signature in black ink, appearing to read "Carol D. Lydon".

Carol D Lydon

Enclosure (Map)
CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire





Carol D. Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Jack McKeon, Deputy Commissioner
Office of Administration
New York State Dept. of Environmental
Conservation
625 Broadway
Albany, NY 12233-0001

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)

Dear Sir/Madam

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Pittsburgh

Pittsburgh

Pittsburgh

Pittsburgh

Thorpe Reed & Armstrong LLP
400 Market Street, Suite 200
Pittsburgh, PA 15222-2535
215 829 9900
215 829 9888 Fax



Jack McKeon, Deputy Commissioner
Page 2

June 2, 2008

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Thank you for your cooperation

Very truly yours,

A handwritten signature in cursive script, reading "Carol D. Lydon".
Carol D Lydon

Enclosure (Map)

CC Abby M Snyder, Regional 9 Director, NY Dept. of Environmental Conservation
NY Dept. of Environmental Conservation – Fish, Wildlife and Marine Resources
NY Dept. of Environmental Conservation – Fish, Wildlife and Marine
Resources, Region 9
NY Dept. of Environmental Conservation – Lands and Forests
NY Dept. of Environmental Conservation – Land and Forests, Erie County
NY Dept. of Environmental Conservation – Land and Forests, Cattaraugus
County
NY Dept. of Environmental Conservation – NY Natural Heritage Program
Dave Collins, President
Mike Burns
Eric M Hocky, Esquire





Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Division of Coastal Resources
NYS Department of State
99 Washington Ave , Suite 1010
Albany, NY 12231-0001

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

Dear Sir/Madam

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Please advise us whether either segment is within New York’s coastal zone If a segment is within the coastal zone, please advise further (1) if the proposed abandonment is an action listed for review in New York’s coastal zone management plan, and (2) if the action is so listed, whether the proposed action is consistent with the coastal zone management plan We would appreciate a response from you by July 2, 2008

Buffalo
Philadelphia
Pittsburgh
Wheeling

Thorpe Reed & Armstrong LLP
400 Market Street Suite 200
Philadelphia PA 19106-2535
215 829 9900
215 829 9999 Fax



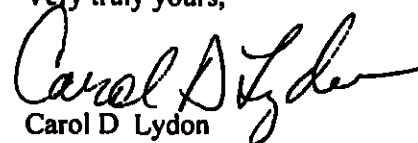
Division of Coastal Resources
Page 2

June 2, 2008

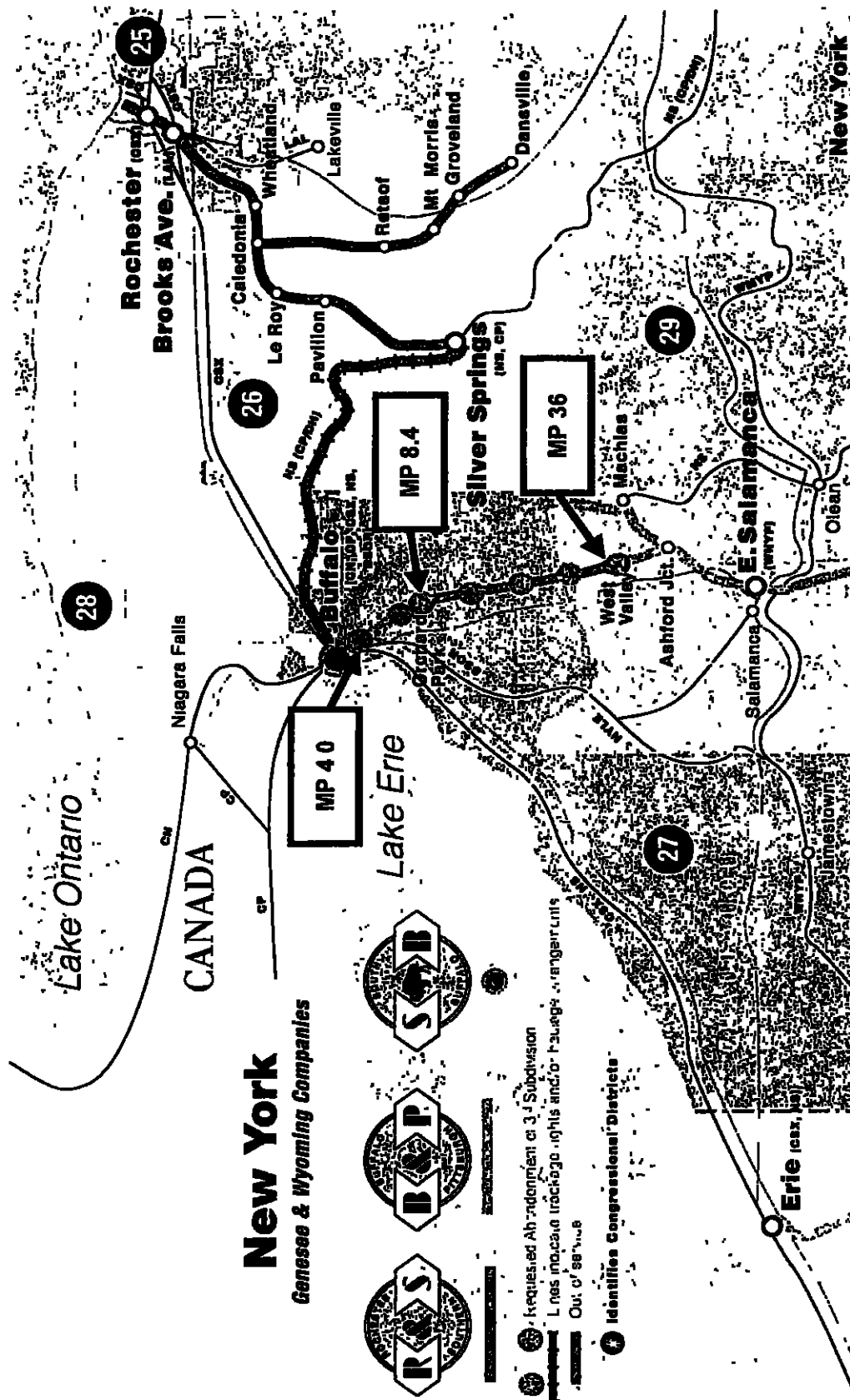
If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (215) 829-9900

Thank you for your assistance

Very truly yours,


Carol D Lydon

Enclosure (Map)
CC Dave Collins, President
 Mike Burns
 Eric M Hocky, Esquire





Carol D. Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Chris Collins, Erie County Executive
Rath Building
16th Floor, Room 1600
Buffalo, NY 14202

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc -- Abandonment -- Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

Dear Sir/Madam

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Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong LLP
100 Market Street, Suite 200
Philadelphia, PA 19106-2535
215 829 9330
215 829 9888 Fax



Chris Collins, Eric County Executive
Page 2

June 2, 2008

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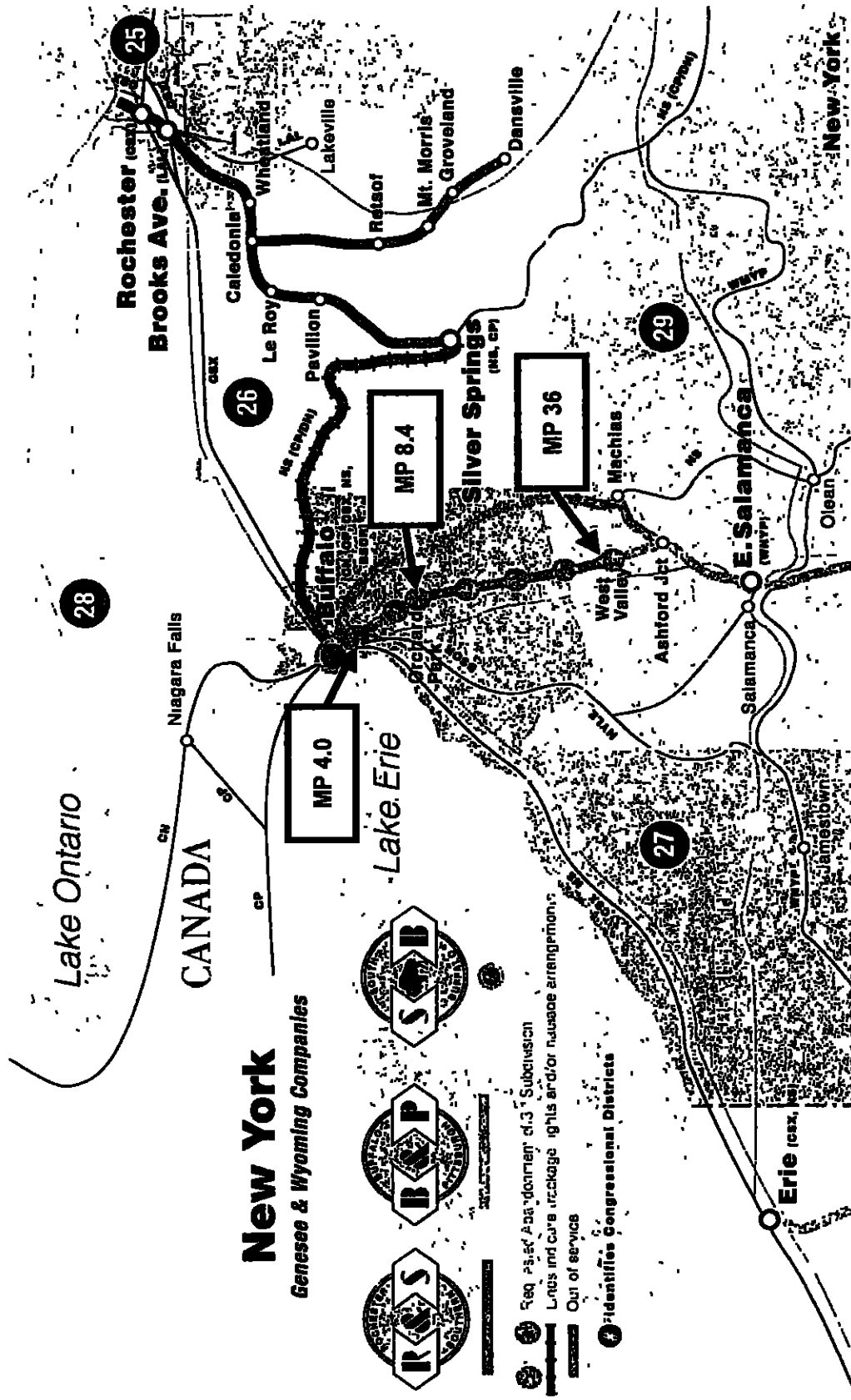
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Carol D. Lydon

Enclosure (Map)
CC Dave Collins, President
Mike Burns
Eric M. Hocky, Esquire





Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Crystal J Abers, Chairman of Cattaraugus County June 2, 2008
303 Court Street
Little Valley, NY 14755

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
 Cattaraugus Counties, NY
 STB Docket No AB369 (Sub-No 7X)

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This letter is to advise you that Buffalo & Pittsburgh Railroad, Inc (“B&P”) proposes to abandon two segments of its line of railroad, known as the 3rd Subdivision, which runs in a southerly direction from Milepost 4.0 in the City of Lackawanna in Erie County, New York through Milepost 8.4 in the Town of Orchard Park, Erie County, New York (Segment 1) and from Milepost 8.4 in the Town of Orchard Park, Erie County, New York to Milepost 36 in Village of Springville, Cattaraugus County, New York (Segment 2). This line runs also runs through the Village of Orchard Park, the Towns of Boston and Colden, all in Erie County, New York. This line traverses through United States Postal Zip Codes 14218, 14127, 14025, 14033 and 14141. A map showing the location of the line is attached.

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Princeton

New York

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Thorpe Reed & Armstrong LLP
400 Market Street Suite 200
Philadelphia PA 19106-2535
215 829 9900
215 829 9299 Fax

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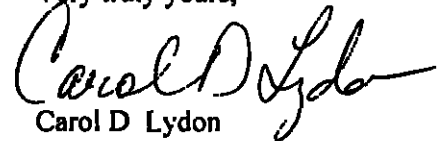
Crystal Abers, Chairman of Cattaraugus County
Page 2

June 2, 2008

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Thank you for your cooperation.

Very truly yours,



Carol D Lydon

Enclosure (Map)

CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire



Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

US Environmental Protection Agency, Region 2 June 2, 2008
290 Broadway
New York, NY 10007-1866

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
 Cattaraugus Counties, NY
 STB Docket No AB369 (Sub-No 7X)

Dear Sir/Madam

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Philadelphia

Pirbright

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Thorpe Reed & Armstrong LLP
400 Market Street, Suite 200
Philadelphia, PA 19105-2535
215 829 2400
215 829 9988 Fax

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U S Environmental Protection Agency, Region 2 June 2, 2008
Page 2

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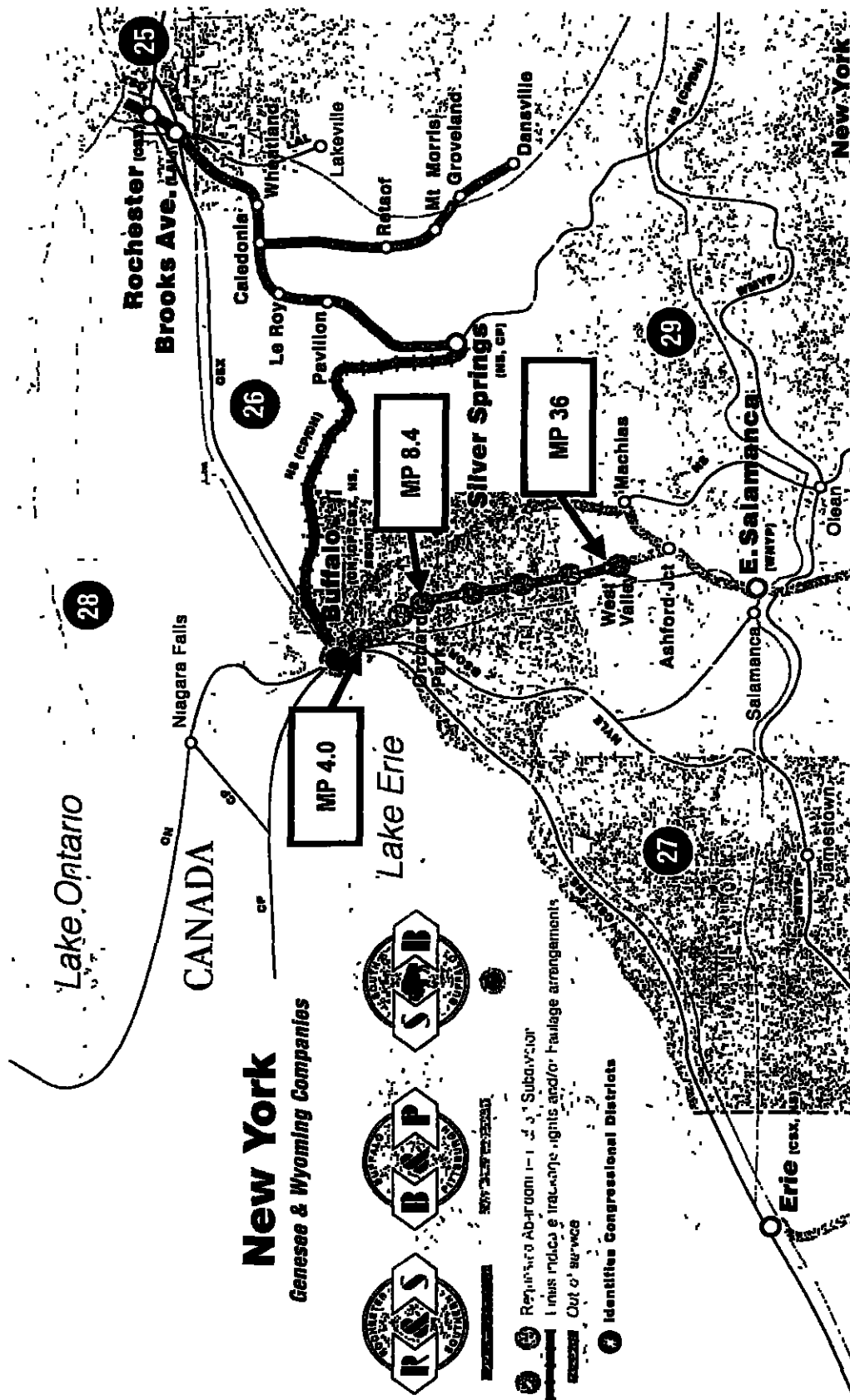
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Carol D Lydon

Enclosure (Map)

CC Dave Collins, President
 Mike Burns
 Eric M Hocky, Esquire





Carol D. Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

U S Environmental Protection Agency
Western New York Public Information Office
186 Exchange Street
Buffalo, NY 14202

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
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STB Docket No AB369 (Sub-No 7X)

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400 Market Street Suite 200
Philadelphia, PA 19106-2535
215 829 9100
215 829 9888 Fax

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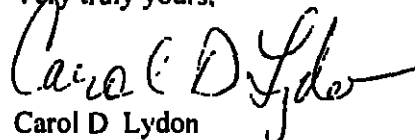
U S Environmental Protection Agency
Page 2

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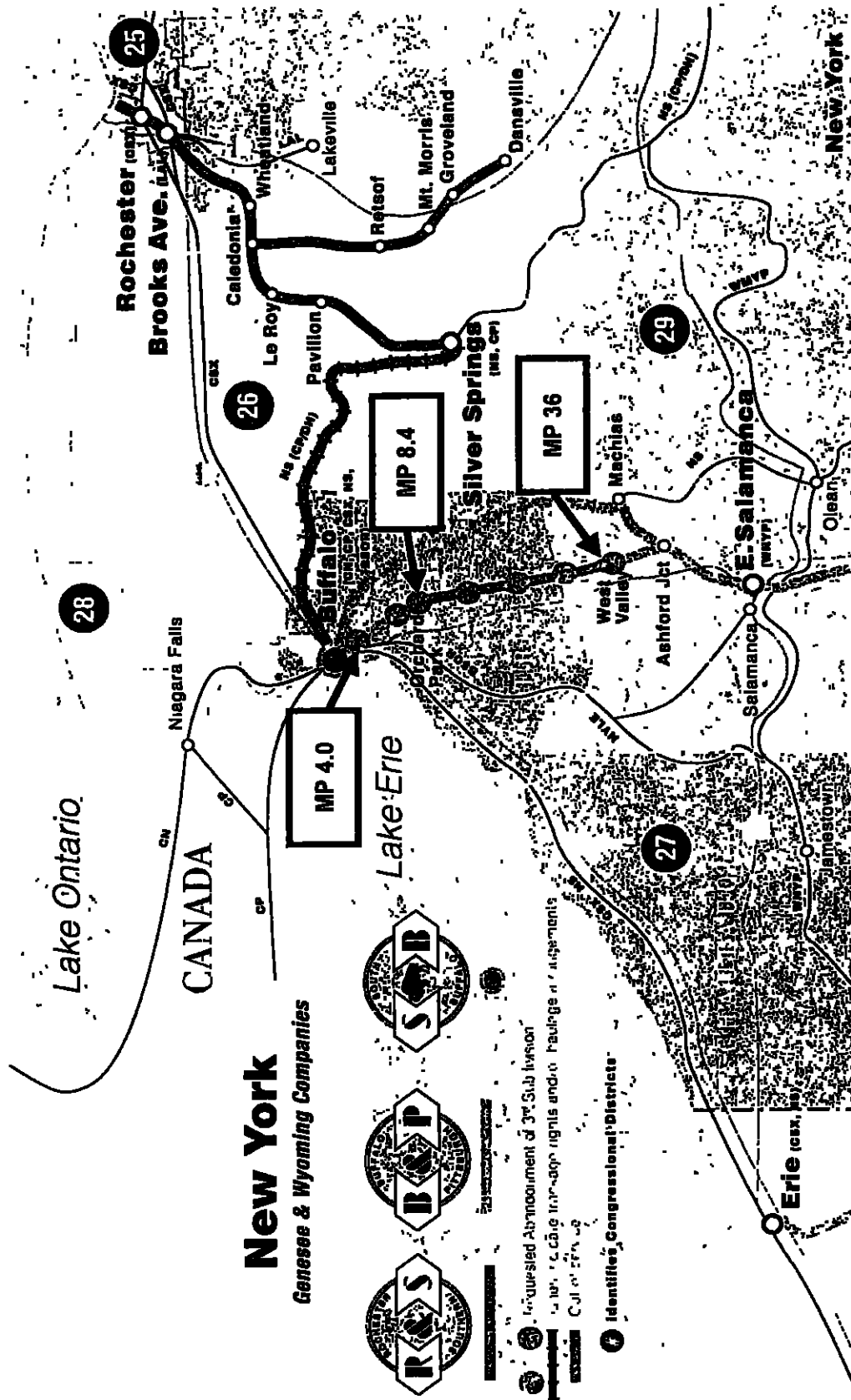
Very truly yours,



Carol D Lydon

Enclosure (Map)

CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire





Carol D. Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL.

U S Fish and Wildlife Service
Northeast Regional Office
300 Westgate Center Drive
Hadley, MA 01035-9589

June 2, 2008

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Pittsburgh

Philadelphia

Washington

Winning

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Thorpe Reed & Armstrong LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-2535
215 829 9900
215 829 9886 fax

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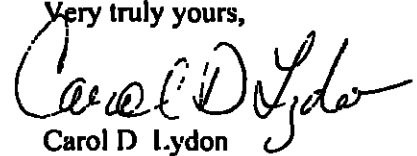
U S Fish and Wildlife Service
Page 2

June 2, 2008

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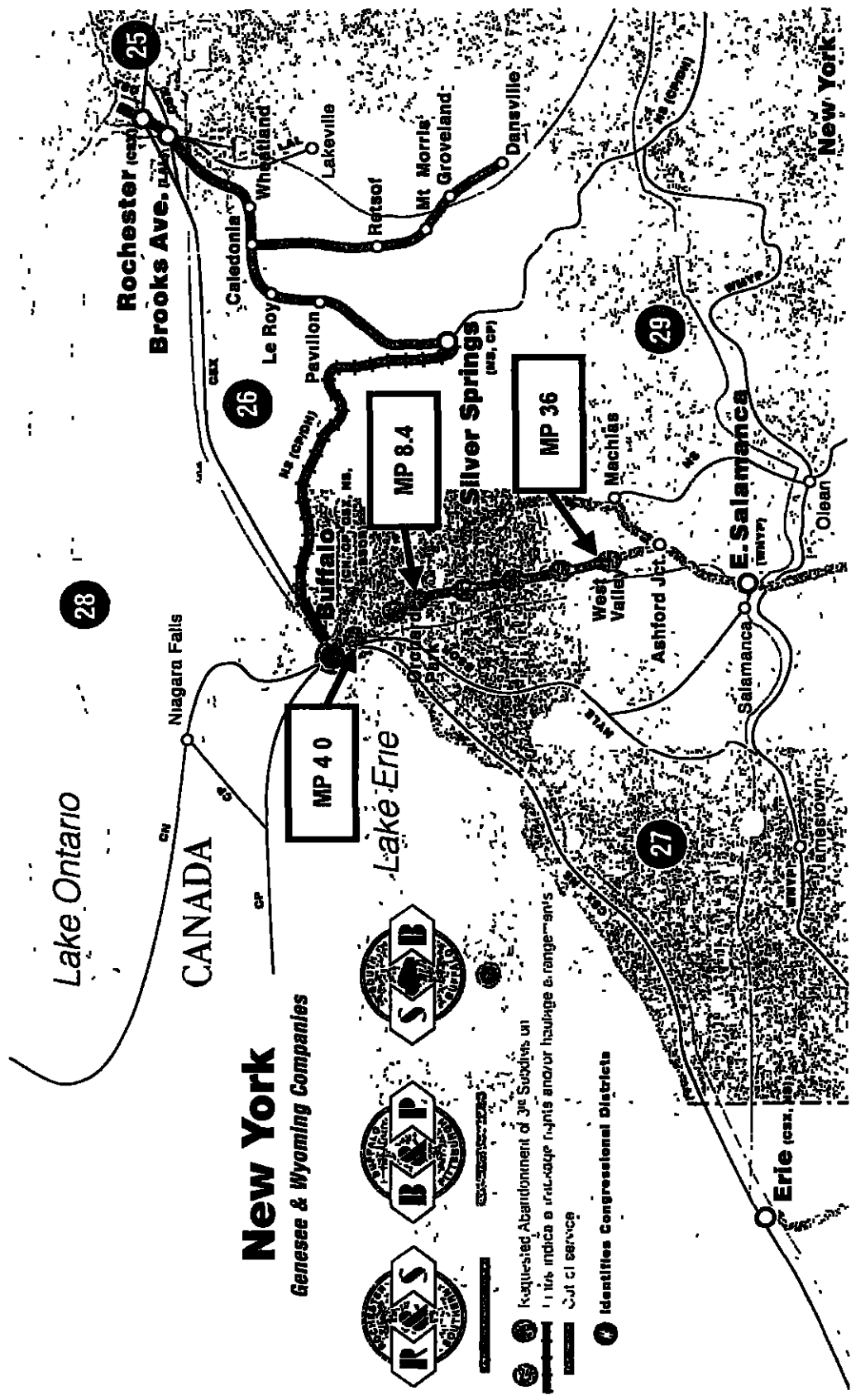
Thank you for your cooperation.

Very truly yours,



Carol D. Lydon

Enclosure (Map)
CC Dave Collins, President
Mike Burns
Eric M. Hocky, Esquire





Carol D. Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

U S Fish and Wildlife Service
New York Field Office
3817 Luker Road
Cortland, NY 13045

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

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Buffalo

Philadelphia

Pittsburgh

Springville

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Thorpe Reed & Armstrong LLP
400 Market Street, Suite 2000
Philadelphia, PA 19106-2535
215 829 9900
215 829 9888 Fax

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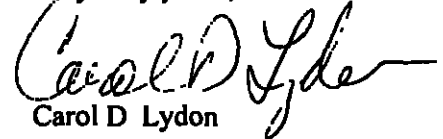
U S Fish and Wildlife Service
Page 2

June 2, 2008

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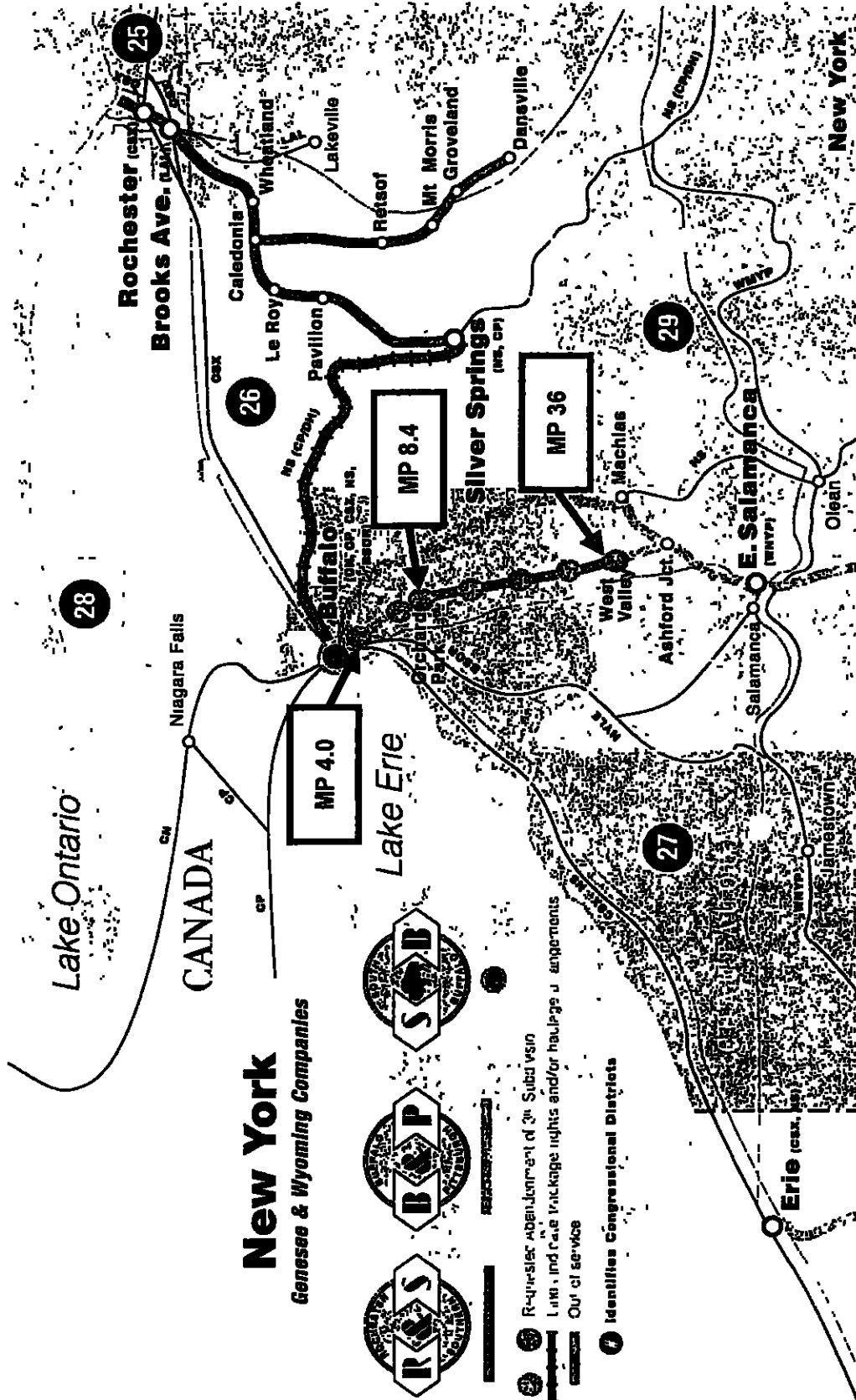
Thank you for your cooperation.

Very truly yours,



Carol D Lydon

Enclosure (Map)
CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire





Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

U S Army Engineer Division
Great Lakes & Ohio River Division
550 Main Street
Room 10032
Cincinnati, OH 45202-3222

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

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Pittsburgh

Philadelphia

Princeton

Wheeling

Thorpe Reed & Armstrong LLP
400 Market Street Suite 200
Philadelphia PA 19106-2535
215 829 9900
215 829 3225 Fax



U S Army Engineer Division
Page 2

June 2, 2008

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Carol D Lydon

Enclosure (Map)
CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire

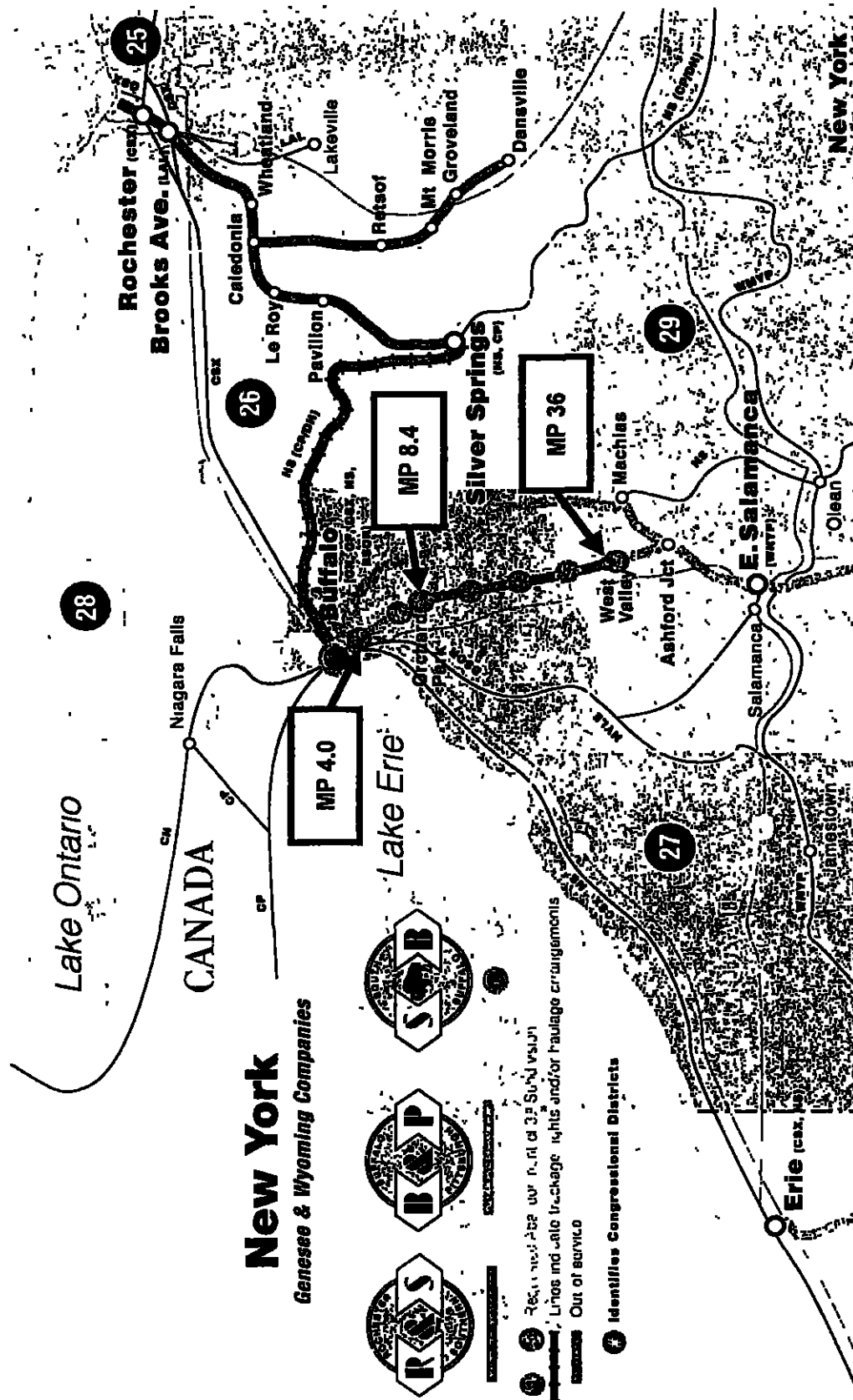
Genesee & Wyoming Companies



800-368-7263

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Lines and auto truckage lights and/or haulage arrangements
Out of service

- ## Identifies Congressional Districts





Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

U S Army Engineer District, Buffalo, CEJ.RB
1776 Niagara Street
Buffalo, NY 14207-3199

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

Dear Sir/Madam

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Pittsburgh

Philadelphia

Pittsburgh

Wheeling

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Thorpe Reed & Armstrong LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-3735
215 829 9900
215 829 9988 Fax

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U S Army Engineer District, Buffalo, CELRB
Page 2

June 2, 2008

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Thank you for your cooperation.

Very truly yours,

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Carol D Lydon

Enclosure (Map)

CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire



Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Regional Director, National Park Service
Northeast Region
U S Custom House
200 Chestnut Street, 5th Floor
Philadelphia, PA 19106

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc -- Abandonment -- Erie and
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Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong LLP
400 Market Street, Suite 200
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215 829 9900
215 829 9888 Fax



Regional Director, National Park Service
Page 2

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CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire

Genesee & Wyoming Companies



- ## Identifies Congressional Districts*



ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

USDA, Natural Resources Conservation Service June 2, 2008
New York State Office
Ron Alvarado, State Conservationist
441 E. Salina Street, Room 520
Syracuse, NY 13202-2450

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
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 STB Docket No. AB369 (Sub-No. 7X)

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Pittsburgh

Philadelphia

Syracuse

Wheeling

Thorp Reed & Armstrong LLP
400 Market Street, Suite 700
Philadelphia, PA 19106-2535
215 829 9900
215 829 9888 Fax



USDA, Natural Resources Conservation Service
Page 2

June 2, 2008

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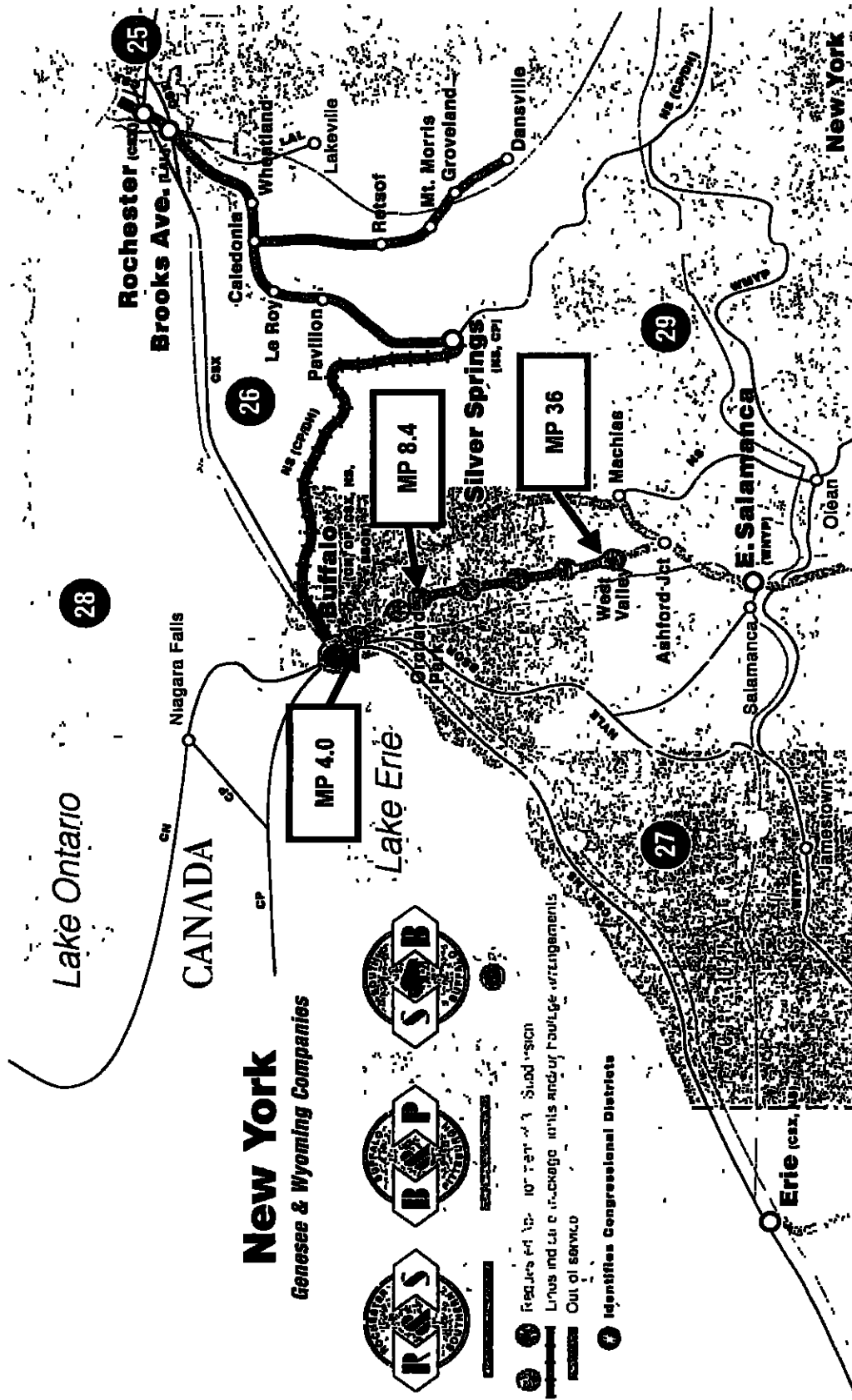
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Carol D. Lydon

Enclosure (Map)
CC Dave Collins, President
Mike Burns
Eric M. Hocky, Esquire





Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Mr Richard A Snay
Chief, Spatial Reference System Division
United States Department of Commerce
NOAA, N/NGS2
SSMC3, Room 8828
1314 East-West Highway
Silver Spring, MD 20910

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

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Pittsburgh

Philadelphia

Pittsburgh

Wheeling

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Thorp Reed & Armstrong LLP
400 Market Street Suite 200
Philadelphia PA 19106-2537
215 829 9900
215 829 9888 Fax



Mr Richard A Snay
Page 2

June 2, 2008

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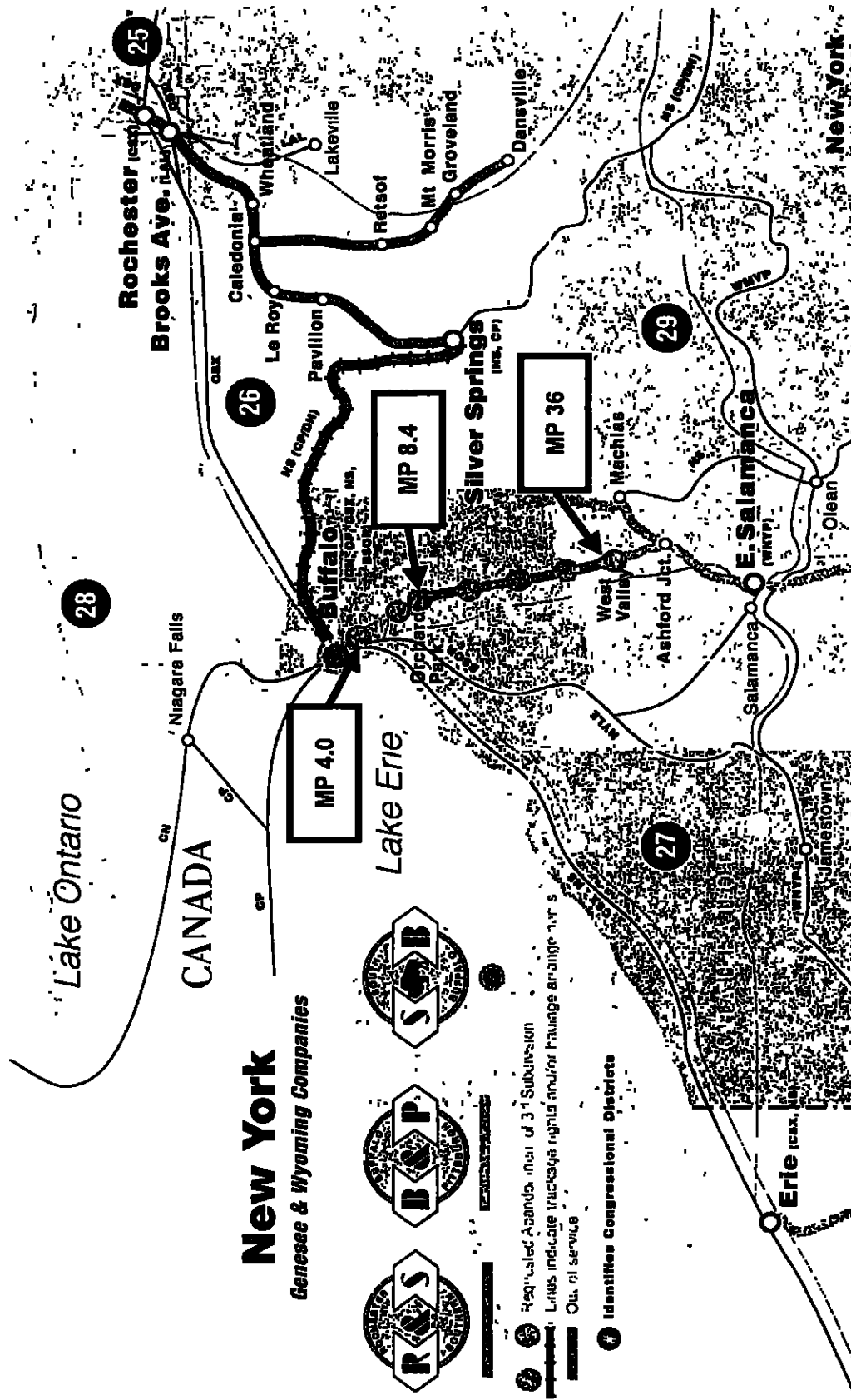
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Carol D Lydon

Enclosure (Map)
CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire





Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

New York State Historic Preservation Office
Peebles Island Resource Center
P O Box 189
Waterford, NY 12188-0189

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

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Pittsburgh

Philadelphia

Princeton

Wheeling

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Thorpe Reed & Armstrong, LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-2335
215 829 9900
215 829 9888 Fax

Based upon a review of its records, B&P believes that there are a number of structures related to the line which are 50 years old or older. Attached is a list of the bridges along the two segments indicating which structures were built prior to 1958.



New York State Historic Preservation
Page 2

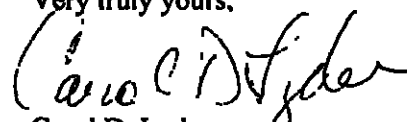
June 2, 2008

This consultation as to any concerns which you may have as to historic preservation effects of the proposed abandonment, is being taken in advance of preparing an historic report as required by applicable regulations

We would appreciate an expression from you by July 2, 2008 with respect to each segment that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon historic preservation. If you have any questions about the railroad's proposal, or if you need further assistance, please call me at (215) 829-9900

Thank you for your attention to this matter

Very truly yours,



Carol D Lydon

Enclosures (Map, Bridge List)
CC Dave Collins, President
Mike Burns
Eric M Hocky, Esquire

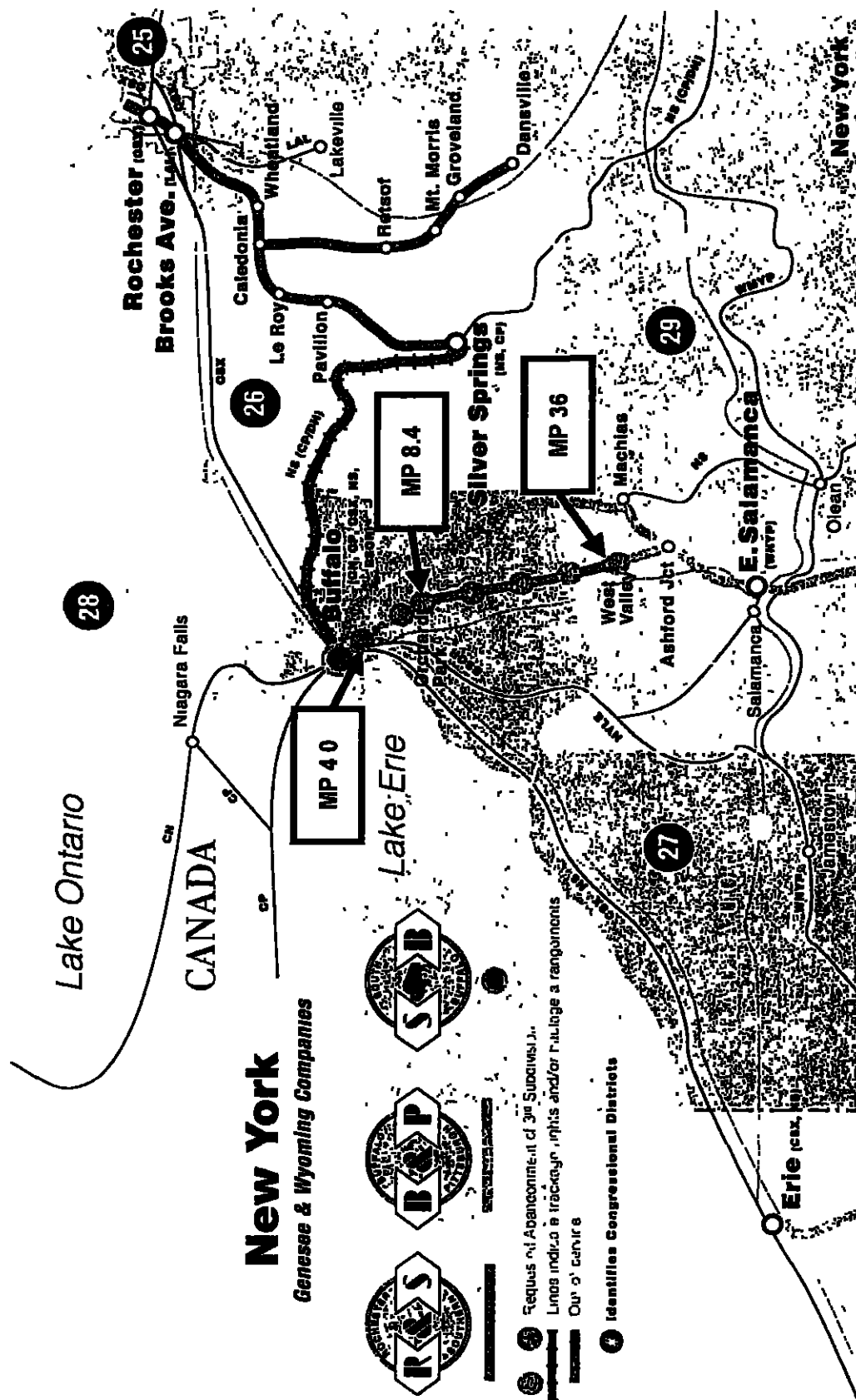
BUFFALO & PITTSBURGH RAILROAD NEW YORK STATE BRIDGE INVENTORY

MAIN LINE

BRIDGE #	# SPANS	TYPE	LENGTH	CROSSING	BUILT
1.06	OH	Steel/Conc		Tiffit Street	1995
1.31	OH	TPG	246'-0"	So Buffalo Railway	1953
1.81	OH	Rein Conc.		Hopkins & Marilla St	1985
2.38	1	TPG	96'-0"	So Park Avenue	1915
2.64	OH	IBMS		McKinley Parkway	1901
2.82	OH	Conc.		Ridge Road	1901
3.39	1	TPG	75'-0"	Smokes Creek	1913
3.84	1	Conc Arch	6'-0"	Stream	1916
4.07	2	TPG	130'-0"	Conrail	1907
4.11	1	TPG	60'-0"	Abandoned Railroad	1915
4.27	4	IBMS	196'-0"	New York Thoroughway	1957
5.56	1	TPG	100'-0"	Abbott Road	1987
5.98	1	TPG	106'-0"	Mile Strip Road	1970
6.42	1	Conc Arch	6'-0"	Stream	1911
6.63	1	TPG		U S Route 20	1956
7.47	OH	IBMS		U S Route 219	1970
7.50	OH	IBMS		U S Route 219	1970
8.33	OH	Conc.		U S. Route 20A	1985
9.02	1	TPG	93'-6"	Route 272	1968
11.03	1	Conc Arch	12'-0"	Stream	1910
14.78	1	Rail Top	6'-0"	Cattle Pass	1913
14.88	1	Rail Top	6'-0"	Cattle Pass	1913
15.20	1	Conc Arch	10'-0"	Gold Mine Creek	1911
16.66	1	Timber	8'-0"	Stream	
17.68	2	Rail Top	12'-0"	Cattle Pass	1911
17.76	1	Rail Top	8'-0"	Stream	1912
18.72	1	Conc Arch	12'-0"	Stream	1912
18.88	OH	Conc/IBMS	30'-0"	Valley Road	1952
18.97	1	TPG	95'-6"	Cazenovia Creek	1904
20.98	1	TPG	70'-0"	Hazel Hollow Creek	1915
21.13	OH	Timber	58'-0"	Mill Street	1908
21.29	1	TPG	60'-0"	Stream	1913
21.92	1	DPG	30'-0"	Spring Brook	1913
22.91	2	IBMS	76'-0"	Stream	1975
23.32	1	Rail Top	8'-0"	Cattle Pass	1913
23.84	1	TPG	85'-9"	Cazenovia Creek	1904
24.38	1	TPG	85'-9"	Stream	1914
24.73	2	Timber	22'-0"	Stream	1929
24.80	4	Timber	43'-4"	Stream	1931
25.61	1	Timber	8'-3"	Cattle Pass	1931
27.52	1	IBMS	24'-0"	Stream	1923
28.06	2	IBMS	23'-0"	Stream	1923
29.01	2	CMP	6'-0"	Stream	1959
31.89	13	DPG/DRT	779'-8"	Cattaraugus Creek	1897
32.32	OH	Timber	106'-0"	Cattaraugus Creek	1933
32.96	2	IBMS	79'-0"	Abandoned Road	1957
33.82	1	Conc Arch	12'-0"	Stream	1911
34.38	1	TPG	95'-6"	Buttermilk Creek	1904
34.85	2	DPG	60'-6"	Campbells Creek	1916
35.92	1	Conc Arch	16'-0"	Buttermilk Creek	1911

MAIN LINE (cont.)

BRIDGE #	# SPANS	TYPE	LENGTH	CROSSING	BUILT
36.83	1	Timber	5'-4"	Cattle Pass	1946
37.24	1	Rail Top	6'-0"	Cattle Pass	1923
38 04	1	CMP	7'-0"	Cattle Pass	1955
38 41	1	IBMS	24'-0"	Machias Road	1923
38 61	1	Timber	11'-0"	Cattle Pass	1931
38.83	3	Timber	36'-6"	Depot Street	1926
38 92	1	IBMS	24'-0"	Stream	1923
39 37	1	CMP	7'-0"	Cattle Pass	1954
39 67	1	Conc Arch	12'-0"	Flood Plain/Cattle Pass	1910
40 94	1	Timber	5'-0"	Cattle Pass	1931
42 30	1	Timber	13'-0"	Cattle Pass	1930
45.07	1	TPG	57'-0"	Great Valley Creek	1907
83 74	1	TPG	44'-0"	Ischua Creek	1906
84 04	3	Rein Conc /TPG	104'-0"	Route 16	1936
86 08	1	Steel Pipe	12'-0"	Stream	1932
89 80	1	IBMS	25'-0"	Stream	1928
90.23	1	IBMS	35'-6"	Stream	1964
90.59	1	IBMS	35'-0"	Stream	1954
90 84	1	IBMS	23'-8"	Stream	1954
91 30	1	DPG	34'-0"	Stream	1913
91 75	1	DPG	34'-0"	Stream	1913
92 52	1	DPG	34'-0"	Stream	1913
93.58	1	TPG	32'-6"	Great Valley Creek	1913
94 61	1	TPG	70'-0"	Great Valley Creek	1903
95 23	1	TPG	70'-0"	Great Valley Creek	1903
97 25	1	TPG	80'-0"	Great Valley Creek	1903
97 65	1	IBMS	15'-8"	Mill Race	1903
98 10	1	DPG	35'-0"	Mill Street	1903
98 42	1	DPG	80'-0"	Great Valley Creek	1903
98 68	1	Rein Conc	22'-6"	Stream	2002
99 59	1	Rein Conc	16'-2"	Stream	2002
103 03	1	Rein Conc	21'-8"	Stream	2002
104 50	1	TPG	71'-6"	Route 219	1936
105 40	7	IBMS/TRT	306'-0"	Great Valley Creek	1970
106 37	2	DPG	158'-0"	Great Valley Creek	1914
107 40	1	TPG	47'-3"	Route 219/Wildwood Ave	1902
107 51	2	DPG	140'-0"	Great Valley Creek	1912
108.12	1	IBMS/Conc	9'-0"	Stream	1904
110.88	1	DPG	32'-0"	Windfall Run	1912
111 67	1	TRT/DPG	281'-6"	WNY&P/Abandoned R R	1904
112 06	1	Conc Arch	17'-4"	Stream	1905
112.28	6	Rein Conc	144'-0"	Allegheny River	1912
112 55	1	IBMS/Conc	12'-6"	Stream	1914
112 77	4	Conc Trestle	70'-0"	Dry Run	1947
112.82	OH	IBMS/Conc		I 87	
113.33	1	IBMS/Conc	17'-6"	Stream	1914
113.47	18	DPG/TRT	716'-4"	Flood Plain	1982/1914
116 86	1	DPG	25'-0"	Leonard Run	1912
117 48	1	DPG	25'-0"	Nicholls Run	1912
117 91	1	Rein. Conc	10'-0"	Stream	1906





Carol D Lydon
Paralegal
Direct Dial 215 829 8800
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

Ken Taft, Deputy Regional Permit Administrator June 24, 2008
NYS-DEC
182 East Union, Suite 3
Allegany, NY 14706-1328

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
 Cattaraugus Counties, NY
 STB Docket No AB369 (Sub-No 7X)

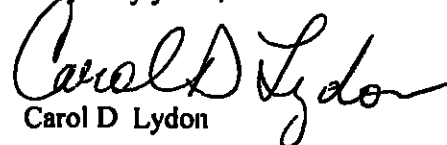
Dear Mr Taft

On June 2, 2008 we contacted the New York State Department of Environmental Conservation regarding the above-mentioned proposed abandonment. At the same time, we also contacted the Regional 9 Director, Fish, Wildlife and Marine Resources (state and region 9), Land and Forests (state and region 9) and the Natural Heritage Program. Tara Scoane at the New York Natural Heritage Program suggested that we contact you as well.

Enclosed please find a copy of the June 2, 2008 letter as mentioned above as well as Ms Scoane's letter dated June 18, 2008.

If you have any questions regarding same, please feel free to call me.

Very truly yours,


Carol D Lydon

Pittsburgh

Philadelphia

Princeton

Wheeling

Enclosure

CC David J Collins, President (w/attachment)
 Mr Mike Burns (w/attachment)
 Eric Hocky, Esquire (w/attachment)

Thorp Reed & Armstrong LLP
400 Market Street Suite 200
Philadelphia PA 19106 2532
215 829 9900
215 829 9888 Fax

B0003627 DOC



Carol D. Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL.

Jack McKeon, Deputy Commissioner
Office of Administration
New York State Dept. of Environmental
Conservation
625 Broadway
Albany, NY 12233-0001

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)

Dear Sir/Madam

This letter is to advise you that Buffalo & Pittsburgh Railroad, Inc (“B&P”) proposes to abandon two segments of its line of railroad, known as the 3rd Subdivision, which runs in a southerly direction from Milepost 4.0 in the City of Lackawanna in Erie County, New York through Milepost 8.4 in the Town of Orchard Park, Erie County, New York (Segment 1) and from Milepost 8.4 in the Town of Orchard Park, Erie County, New York to Milepost 3.6 in Village of Springville, Cattaraugus County, New York (Segment 2). This line runs also runs through the Village of Orchard Park, the Towns of Boston and Colden, all in Erie County, New York. This line traverses through United States Postal Zip Codes 14218, 14127, 14025, 14033 and 14141. A map showing the location of the line is attached.

B&P plans to seek Surface Transportation Board (“STB”) authorization for its abandonment through either a petition for exemption or notice of exempt abandonment pursuant to the provisions of either 49 C.F.R. § 1152.50 or § 1152.60 on or about August 5, 2008 in Docket No. AB369 (Sub-No. 7X).

Based upon information in our possession, the line does not contain federally granted rights of way. B&P believes that the right of way can be used for trail and other public purposes. Any documentation in the railroad’s possession will be made available promptly to those requesting it.

No local service has been provided on Segment 2 since 1994. Only minimal service has been provided to two remaining customers on Segment 1 since 2005. B&P is discussing service alternatives with the active customers. B&P does not believe that there are any reasonable alternatives to the proposed action. At this time, B&P plans remove and sell the track. B&P believes that the abandonment will not have a significant effect upon the environment.

Pittsburgh
Philadelphia
Princeton
Wheeling

Thorp Reed & Armstrong LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-2535
215 829 9900
215 829 9888 Fax



Jack McKeon, Deputy Commissioner
Page 2

June 2, 2008

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment

We would appreciate an expression from you by July 2, 2008 with respect to each segment that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment. If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (215) 829-9900

Thank you for your cooperation

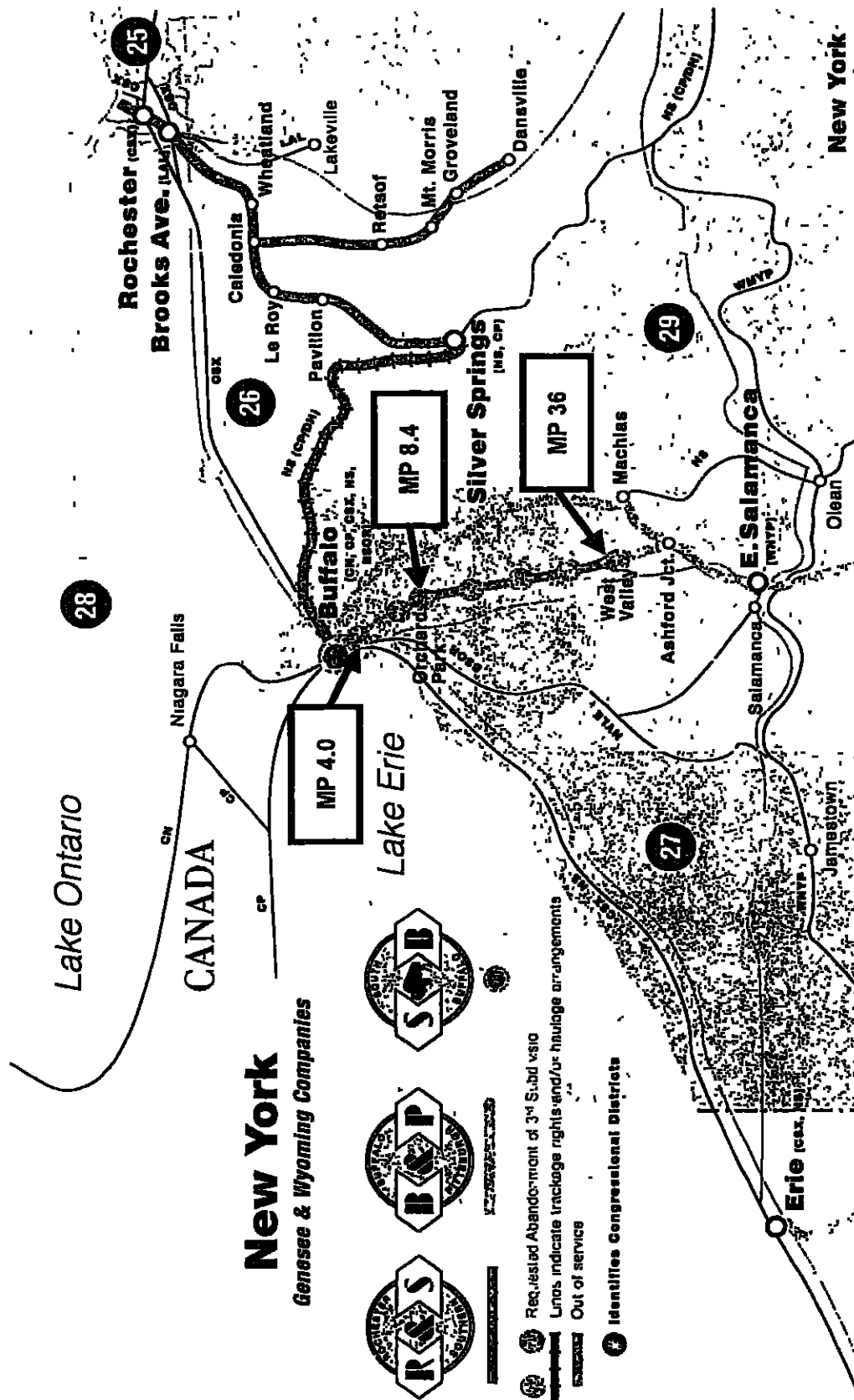
Very truly yours,

A handwritten signature in black ink, appearing to read "Carol D. Lydon".

Carol D. Lydon

Enclosure (Map)

CC Abby M. Snyder, Regional 9 Director, NY Dept. of Environmental Conservation
NY Dept. of Environmental Conservation – Fish, Wildlife and Marine Resources
NY Dept. of Environmental Conservation – Fish, Wildlife and Marine Resources, Region 9
NY Dept. of Environmental Conservation – Lands and Forests
NY Dept. of Environmental Conservation – Land and Forests, Erie County
NY Dept. of Environmental Conservation – Land and Forests, Cattaraugus County
NY Dept. of Environmental Conservation – NY Natural Heritage Program
Dave Collins, President
Mike Burns
Eric M. Hocky, Esquire



New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, Albany, New York 12233-4757
Phone (518) 402-8935 • FAX (518) 402-8925
www.dec.state.ny.us



June 18, 2008

Carol Lydon
Thorp Reed & Armstrong
400 Market Street, Suit 200
Philadelphia, PA 19106

Dear Ms Lydon

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Abandonment of two segments of the Buffalo & Pittsburgh Railroad, sites as indicated on the map you provided, Docket #AB 369, located in Erie and Cattaraugus Counties

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address

For most sites, comprehensive field surveys have not been conducted, the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information

Sincerely,


Tara Seoane, Information Services
New York Natural Heritage Program

Enc.

cc Reg 9, Wildlife Mgr
Peter Nye, Endangered Species Unit, Albany

7	Cayuga, Madison, Onondaga & Oswego	John Feltman NYS-DEC 615 Ene Blvd West (Env Permits Room 206) Syracuse, NY 13204-2400 Telephone (315) 426-7438
7 (sub-office)	Broome, Chenango, Cortland, Tioga & Thompson	Michael Barylski* NYS-DEC 1285 Fisher Avenue Cortland, NY 13045-1090 Telephone (607) 753-3095
8	Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne & Yates	Peter Lent NYS-DEC 6274 East Avon Lima Road Avon, NY 14414-9519 Telephone (585) 226-2466
9	Erie, Niagara & Wyoming	Steve Doleski NYS-DEC 270 Michigan Avenue Buffalo, NY 14203-2999 Telephone (716) 851-7165
9 (sub-office)	Allegany, Cattaraugus, Chautauqua	Ken Taft* NYS-DEC 182 East Union, Suite 3 Allegany, NY 14706-1328 Telephone (716) 372-0645

* Deputy Regional Permit Administrator

DIVISION OF ENVIRONMENTAL PERMITS REGIONAL OFFICES

January 2004

REGION	COUNTIES	REGIONAL PERMIT ADMINISTRATORS
1	Nassau & Suffolk	John Pavacic NYS-DEC BLDG 40 SUNY at Stony Brook Stony Brook, NY 11790-2356 Telephone (631) 444-0365
2	New York City (Boroughs of Manhattan, Brooklyn, Bronx, Queens, & Staten Island)	John Cryan NYS-DEC One Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101-5407 Telephone (718) 482-4997
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester	Margaret Duke NYS-DEC 21 South Platt Corners Road New Paltz, NY 12561-1696 Telephone (845) 256-3054
4	Albany, Columbia, Greene, Montgomery, Rensselaer & Schenectady	William Clarke NYS-DEC 1150 North Wescott Road Schenectady, NY 12306-2014 Telephone (518) 357-2069
4 (sub-office)	Delaware, Otsego & Schoharie	Kent Sanders NYS-DEC Route 10 HCR#1, Box 3A Stamford, NY 12167-9503 Telephone (607) 652-7741
5	Clinton, Essex, Franklin & Hamilton	Thomas Hall NYS-DEC Route 86, PO Box 296 Ray Brook, NY 12977-0296 Telephone (518) 897-1234
5 (sub-office)	Fulton, Saratoga, Warren & Washington	Thomas Hall NYS-DEC County Route 40 PO Box 220 Warrensburg, NY 12885-0220 Telephone (518) 623-1281
6	Jefferson, Lewis & St. Lawrence	Brian Fenlon NYS-DEC State Office Building 317 Washington Street Watertown, NY 13601-3787 Telephone (315) 785-2245
6 (sub-office)	Herkimer & Oneida	J. Joseph Homburger* NYS-DEC State Office Building 207 Genesee Street Utica, NY 13501-2885 Telephone (315) 793-2555

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 825 Broadway, 5th Floor, Albany, NY
12233-4757
(518) 402-8935

This report contains SENSITIVE information that should not be released to the public without permission from the NY Natural Heritage Program. Refer to the User's Guide for explanations of codes, ranks and fields. Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities



BEETLES

Cicindela ancocisconensis

Appalachian Tiger Beetle	NY Legal Status	Unlisted	NYS Rank	S2 - Imperiled	Office Use 11025
	Federal Listing		Global Rank	G3 - Vulnerable	
	Last Report	2003-09-04	EO Rank	Fair	
	County	Erie			
	Town	Aurora			
	Location	West Branch Cazenovia Creek West Falls			
	Directions	From Griffins Mills south of East Aurora, go south on West Falls Road for approximately 1 mile to West Falls Park (also called Aurora Town Park) Park in the parking lot, walk west to the back of a ballfield then continue south and west downhill to the creek. The tiger beetles were found on the first gravel bar on the east side of the creek.			
	General Quality and Habitat	The rank is based on the draft global ranking specifications of October 23, 1992. Only four to five individuals were observed, however they were in suitable habitat which suggests evidence of reproduction so it is likely the population is larger. There is also other potential suitable habitat nearby. In this stretch the West Branch of Cazenovia Creek is 20-30 feet wide and several inches to 1-3 feet deep with a few deeper pools. The substrate is primarily flat bedrock but is overlain with a few inches of silt, mud, or gravel in places. There are 20-30 feet high shale walls on some areas roughly alternating or on the opposite shore from low clay banks or low gravel bars. The stream is bordered by woods of basswood, hemlock, sycamore, maple, butternut or walnut, oak, and cottonwood. Gravel bars have the usual sparse to thicker herbaceous vegetation including vetch, goldenrod, Queen Anne's Lace, cocklebur, coltsfoot, Polygonum, Japanese bamboo, bedstraw, willow, knapweed, and sweet clover. The tiger beetles were found on a gravel bar on the east side.			

Cicindela marginipennis

Cobblestone Tiger Beetle	NY Legal Status	Unlisted	NYS Rank:	S1 - Critically imperiled	Office Use 10212
	Federal Listing:		Global Rank:	G2 - Imperiled	
	Last Report:	1999-08-10	EO Rank:	Excellent or Good	
	County:	Erie, Cattaraugus			
	Town:	Otto, Concord, Collins, Ashford, East Otto			
	Location	At, or in the vicinity of, the project site			
	Directions:	**			
	General Quality and Habitat	**For information on the population at this location and management considerations, please contact the NY Natural Heritage Program Zoologist at 518-402-8939.			

HIRDS

***Ixobrychus exilis***

Least Bittern	NY Legal Status:	Threatened	NYS Rank:	S3B,S1N - Vulnerable	Office Use 10893
	Federal Listing:		Global Rank:	G5 - Demonstrably secure	ESU
	Last Report:	**	EO Rank:	**	
	County:	Erie			
	Town:	City Of Buffalo			
	Location:	At, or in the vicinity of, the project site			
	Directions:	**			
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859			

COMMUNITIES**Black spruce-tamarack bog**

This occurrence of Black Spruce-Tamarack Bog is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value.

NY Legal Status:	Unlisted	NYS Rank:	S3	Office Use 9012
Federal Listing:		Global Rank:	G4G5	
Last Report:	2005-09-14	EO Rank:		
County:	Erie			
Town:	Concord			
Location:	Dead Mans Lake			
Directions:	From the junction of Route 240 and Genesee Road in East Concord, travel west on Genesee Road about 1000 feet to True Value Hardware. The bog and lake can be observed northwest of the store, and west of the railroad tracks. Access permission is required.			
General Quality and Habitat:	This peatland community has the expected plant species and physiognomic diversity, and is primarily intact. In 1990 this community received a rank of AB, however, the survey was performed with binoculars because access was denied by landowner. The current survey has revealed that deer and invasive plant species have degraded the condition in some areas. Also, the size is relatively small, the surrounding landscape provides moderate to poor connectivity to other natural communities, and the proximate int A small floating peat mat surrounding a bog lake, and embedded within mature forest. The occurrence has patches of coniferous canopy trees (<i>Larix laricina</i> , <i>Picea mariana</i> , and <i>Pinus strobus</i>), a diverse tall shrub layer, and a dense short shrub layer dominated by <i>Chamaedaphne calyculata</i> and <i>Decodon verticillatus</i> . The surrounding landscape is primarily a mix of farmland, patches of forests, and wetlands, with some residential development, a railroad bed, and a large commercial development to the east. A gravel pit is located to the north.			

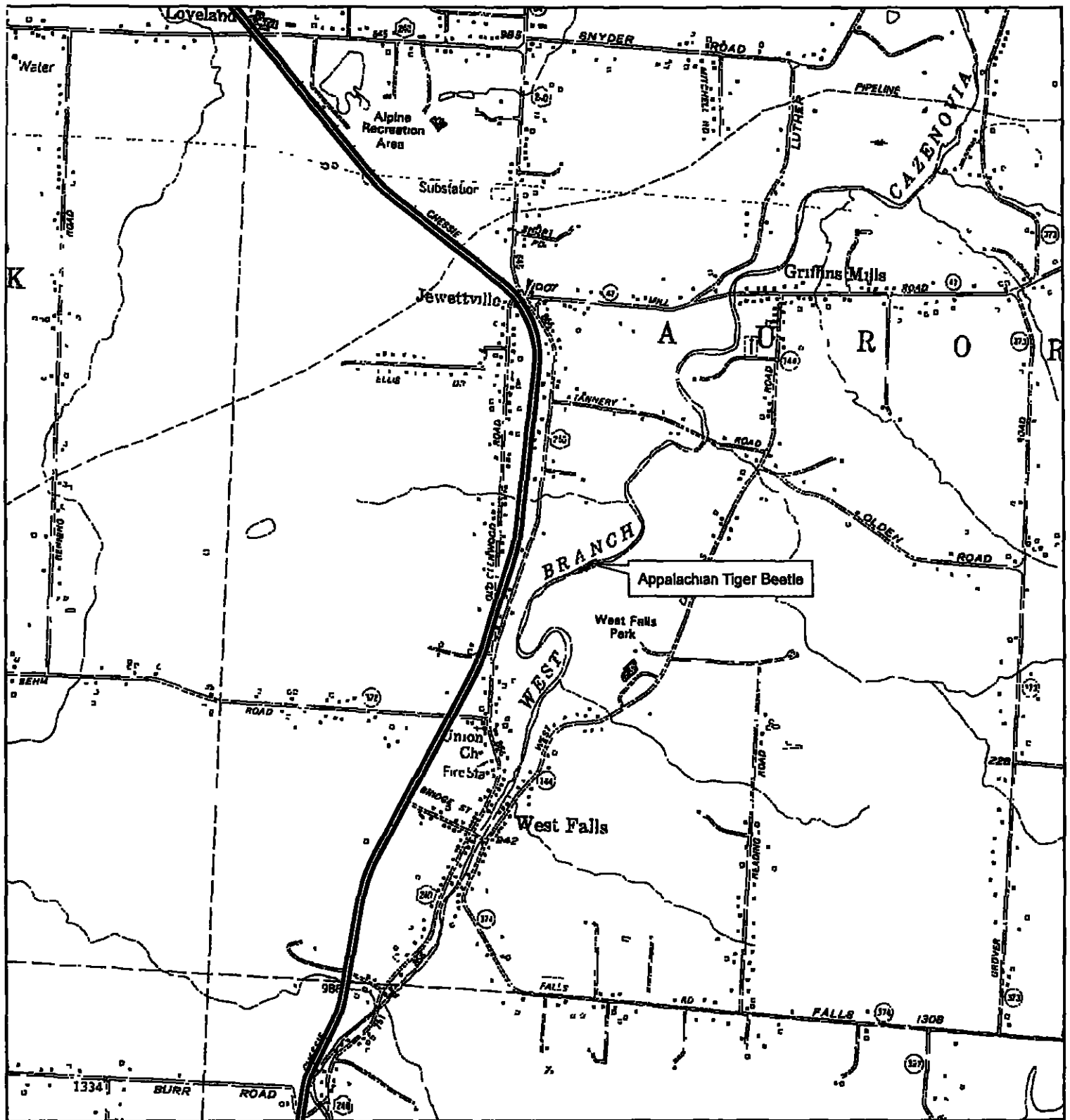
4 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acns.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

More detailed information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.acns.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on DRAFT--Ecological Communities of New York State.

Natural Heritage Map of Rare Species and Ecological Communities

Prepared June 11, 2008 by the NY Natural Heritage Program, NYS DEC Albany, NY



Legend

Project Site

NY Natural Heritage Program Database Records*

Animal

Map 1 of 2

1:24,000

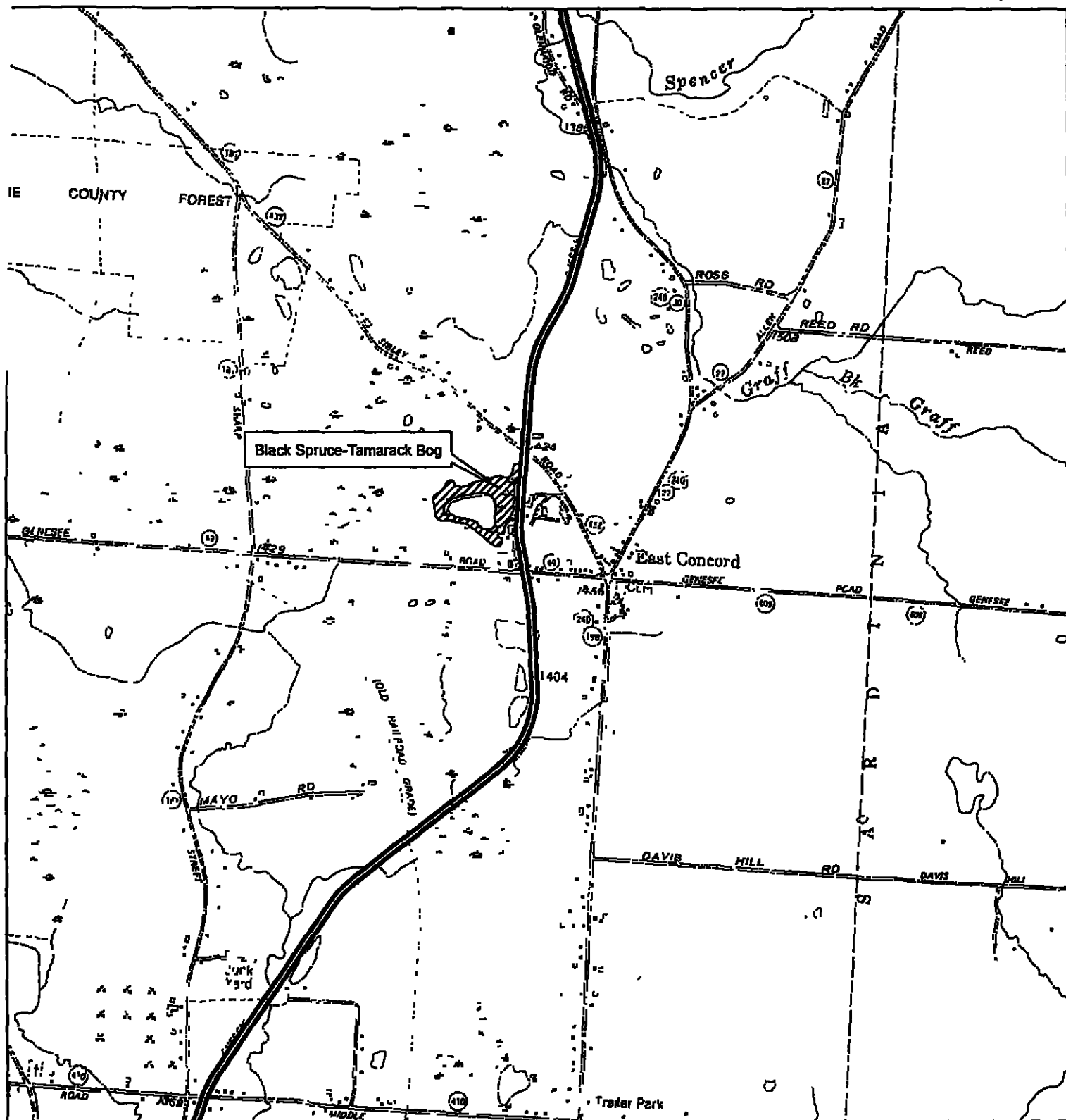
Miles
0 0.15 0.3 0.6 0.9 1.2

*The locations that are displayed are considered sensitive and should not be released to the public without permission. We do not provide map locations for all records. Please see report for details.



Natural Heritage Map of Rare Species and Ecological Communities

Prepared June 11, 2008 by the NY Natural Heritage Program, NYS DEC Albany, NY



Legend

Project Site

NY Natural Heritage Program Database Records*

Community

Map 2 of 2

1:24,000

0 0.15 0.3 0.6 0.9 1.2 Miles

*The locations that are displayed are considered sensitive and should not be released to the public without permission. We do not provide map locations for all records. Please see report for details.



Natural Heritage Report on Rare Species and Ecological Communities

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935



HISTORICAL RECORDS

The following plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier

There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown and therefore location maps are generally not provided.

If appropriate habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there.

Natural Heritage Report on Rare Species and Ecological Communities



BIRDS

Chlidonias niger

Black Tern	NY Legal Status	Endangered	NYS Rank	S2B - Imperiled	Office Use
	Federal Listing		Global Rank	G4 - Apparently secure	1610
	Last Report	1970s-late	EO Rank	Historical, no recent information	ESU
	County	Erie			
	Town	City Of Buffalo			
	Location	Tift Farm Marsh			
	Directions	The terns were observed at Tift Farm Nature Preserve, about 3 mi south of downtown Buffalo. From Route 5 (Fuhrmann Boulevard Expressway) going south, take the Tift Street exit, and before Tift Street, turn left underneath Route 5 on Feeder Road. From Route 5 going north, take the Ohio Street exit on the Feeder Road. Go 0.3 mi north along Feeder Road to the parking lot on the right.			
	General Quality and Habitat	Nesting has not been reported since the late 1970s. The terns were observed at an extensive cattail marsh and open water complex, on a former solid waste transfer site, which is now managed as a nature preserve and environmental education center. The largest pond is directly connected to Lake Erie by a culvert under Fuhrmann Boulevard.			

REPTILES

Regina septemvittata

Queen Snake	NY Legal Status	Endangered	NYS Rank:	S1 - Critically imperiled	Office Use
	Federal Listing		Global Rank.	G5 - Demonstrably secure	7946
	Last Report	1967-06	EO Rank:	Historical, no recent information	ESU
	County	Erie			
	Town	Aurora, Colden			
	Location	West Branch Cazenovia Creek			
	Directions	From West Falls, go south on West Falls Road about 0.5 mi to where the road turns sharply east. Walk west along the runoff between two hills to about 50 yards east of the marsh.			
	General Quality and Habitat	A shrub next to a small stream.			

VASCULAR PLANTS



Botrychium oneidense

Blunt-lobed Grape Fern	NY Legal Status: Endangered	NYS Rank	S2S3 - Imperiled	Office Use 10513
	Federal Listing: Last Report	Global Rank: EO Rank	G4Q - Apparently secure Historical, no recent information	
	County: Erie			
	Town: Hamburg, Orchard Park			
	Location: Windom Woods			
	Directions: Near Windom		The specimens were collected in wet woods	
	General Quality and Habitat: Wet woods			

Physalis pubescens var. integrifolia

Husk-tomato	NY Legal Status: Endangered	NYS Rank:	S1 - Critically imperiled	Office Use 10147
	Federal Listing: Last Report	Global Rank: EO Rank	G5T5?Q - Demonstrably secure Historical, no recent information	
	County: Erie			
	Town: Concord			
	Location: East Concord			
	Directions: East Concord			
	General Quality and Habitat:			

Symphyotrichum boreale

Northern Bog Aster	NY Legal Status: Threatened	NYS Rank	S2 - Imperiled	Office Use 1687
	Federal Listing: Last Report	Global Rank: EO Rank	G5 - Demonstrably secure Failed to find but search more	
	County: Erie			
	Town: Concord			
	Location: East Concord			
	Directions: East Concord			
	General Quality and Habitat: Sphagnum bog			

5 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acns.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants)

USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5th Floor, Albany, NY 12233-4757 phone (518) 402-8935



NATURAL HERITAGE PROGRAM The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our mission is to enable and enhance conservation of rare animals, rare plants, and significant communities. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

DATA SENSITIVITY The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

EO RANK A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

A-E = Extant A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D
F = Failed to find Did not locate species during a limited search, but habitat is still there and further field work is justified
H = Historical Historical occurrence without any recent field information
X = Extirpated Field/other data indicates element/habitat is destroyed and the element no longer exists at this location
U = Extant/Historical status uncertain
Blank = Not assigned

LAST REPORT The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

NY LEGAL STATUS – Animals

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

- E - Endangered Species** any species which meet one of the following criteria
 - Any native species in imminent danger of extirpation or extinction in New York
 - Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11
- T - Threatened Species** any species which meet one of the following criteria
 - Any native species likely to become an endangered species within the foreseeable future in NY
 - Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11
- SC - Special Concern Species** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).
- P - Protected Wildlife** (defined in Environmental Conservation Law section 11-0103) wild game, protected wild birds, and endangered species of wildlife
- U - Unprotected** (defined in Environmental Conservation Law section 11-0103) the species may be taken at any time without limit, however a license to take may be required
- G - Game** (defined in Environmental Conservation Law section 11-0103) any of a variety of big game or small game species as stated in the Environmental Conservation Law, many normally have an open season for at least part of the year, and are protected at other times

NY LEGAL STATUS – Plants

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

- E - Endangered Species** listed species are those with
 - 5 or fewer extant sites, or
 - fewer than 1,000 individuals, or
 - restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
 - species listed as endangered by U.S. Dept. of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11
- T - Threatened** listed species are those with
 - 6 to fewer than 20 extant sites, or
 - 1,000 to fewer than 3,000 individuals, or
 - restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
 - listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11

R - Rare listed species have

- 20 to 35 extant sites, or
- 3,000 to 5,000 individuals statewide

V - Exploitably vulnerable listed species are likely to become threatened in the near future throughout all or a significant portion of

their range within the state if causal factors continue unchecked

U - Unprotected, no state status

FEDERAL STATUS (PLANTS and ANIMALS) The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50 CFR 17). The species listed under this law are enumerated in the Federal Register vol. 50, no. 188, pp. 39526 - 39527. The codes below without parentheses are those used in the Federal Register. The codes below in parentheses are created by Heritage to deal with species which have different listings in different parts of their range, and/or different listings for different subspecies or varieties.

(blank) = No Federal Endangered Species Act status

LE = Formally listed as endangered

LT = Formally listed as threatened

C = Candidate for listing

LE,LT = Formally listed as endangered in part of its range, and as threatened in the other part, or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened

LT,PDL = Populations of the species in New York are formally listed as threatened, and proposed for delisting

GLOBAL AND STATE RANKS (animals, plants, ecological communities and others) Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the intraspecific taxon's rank throughout the world. ? = Indicates a question exists about the rank. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

GLOBAL RANK

G1 - Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology

G2 - Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors

G3 - Vulnerable Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors

G4 - Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery

G5 - Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery

GH - Historically known, with the expectation that it might be rediscovered

GX - Species believed to be extinct

NYS RANK

S1 - Critically imperiled Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State

S2 - Imperiled Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State

S3 - Vulnerable Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State

S4 - Apparently secure in New York State

S5 - Demonstrably secure in New York State

SH - Historically known from New York State, but not seen in the past 15 years

SX - Apparently extirpated from New York State

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B) populations and the non-breeding populations (N) respectively, of the species

TAXON (T) RANK The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon

T1 through T5 - See Global Rank definitions above

Q - Indicates a question exists whether or not the taxon is a good taxonomic entity

Revised April



Carol D Lydon
Paralegal
Direct Dial 215 829 8900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

Steve Doleski
NYS-DEC
270 Michigan Avenue
Buffalo, NY 14203-2999

June 24, 2008

Re Buffalo & Pittsburgh Railroad, Inc - Abandonment - Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

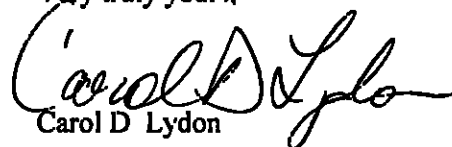
Dear Mr Doleski

On June 2, 2008 we contacted the New York State Department of Environmental Conservation regarding the above-mentioned proposed abandonment. At the same time, we also contacted the Regional 9 Director, Fish, Wildlife and Marine Resources (state and region 9), Land and Forests (state and region 9) and the Natural Heritage Program. Tara Scoane at the New York Natural Heritage Program suggested that we contact you as well.

Enclosed please find a copy of the June 2, 2008 letter as mentioned above as well as Ms Seoane's letter dated June 18, 2008.

If you have any questions regarding same, please feel free to call me.

Very truly yours,


Carol D Lydon

Enclosure

CC David J Collins, President (w/attachment)
Mike Burns (w/attachment)
Eric M Hocky, Esquire (w/attachment)

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong LLP
400 Market Street Suite 200
Philadelphia PA 19106 2535
215 829 8900
215 829 9888 Fax

80003633 DOC



Carol D Lydon
Paralegal
Direct Dial 215 829 9900
Email clydon@thorpreed.com

ATTORNEYS AT LAW SINCE 1895

VIA FIRST CLASS MAIL

Jack McKeon, Deputy Commissioner
Office of Administration
New York State Dept of Environmental
Conservation
625 Broadway
Albany, NY 12233-0001

June 2, 2008

Re Buffalo & Pittsburgh Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)

Dear Sir/Madam

This letter is to advise you that Buffalo & Pittsburgh Railroad, Inc ("B&P") proposes to abandon two segments of its line of railroad, known as the 3rd Subdivision, which runs in a southerly direction from Milepost 4 0 in the City of Lackawanna in Erie County, New York through Milepost 8 4 in the Town of Orchard Park, Erie County, New York (Segment 1) and from Milepost 8 4 in the Town of Orchard Park, Erie County, New York to Milepost 36 in Village of Springville, Cattaraugus County, New York (Segment 2). This line runs also runs through the Village of Orchard Park, the Towns of Boston and Colden, all in Erie County, New York. This line traverses through United States Postal Zip Codes 14218, 14127, 14025, 14033 and 14141. A map showing the location of the line is attached.

B&P plans to seek Surface Transportation Board ("STB") authorization for its abandonment through either a petition for exemption or notice of exempt abandonment pursuant to the provisions of either 49 C.F.R. §1152.50 or §1152.60 on or about August 5, 2008 in Docket No AB369 (Sub-No 7X).

Based upon information in our possession, the line does not contain federally granted rights of way. B&P believes that the right of way can be used for trail and other public purposes. Any documentation in the railroad's possession will be made available promptly to those requesting it.

No local service has been provided on Segment 2 since 1994. Only minimal service has been provided to two remaining customers on Segment 1 since 2005. B&P is discussing service alternatives with the active customers. B&P does not believe that there are any reasonable alternatives to the proposed action. At this time, B&P plans remove and sell the track. B&P believes that the abandonment will not have a significant effect upon the environment.

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorpe Reed & Armstrong, LLP
400 Market Street, Suite 200
Philadelphia PA 19106-2535
215 829 9900
215 829 9888 Fax



Jack McKeon, Deputy Commissioner
Page 2

June 2, 2008

In advance of preparing an environmental report as required by applicable STB regulations, we are consulting with appropriate agencies such as yours as to any concerns which they may have as to environmental effects of the proposed abandonment

We would appreciate an expression from you by July 2, 2008 with respect to each segment that, within the area of your authority, you do not perceive that the abandonment will have a significant effect upon the environment. If you have any questions about the railroad's proposal or if you need assistance in this matter, please call me at (215) 829-9900

Thank you for your cooperation

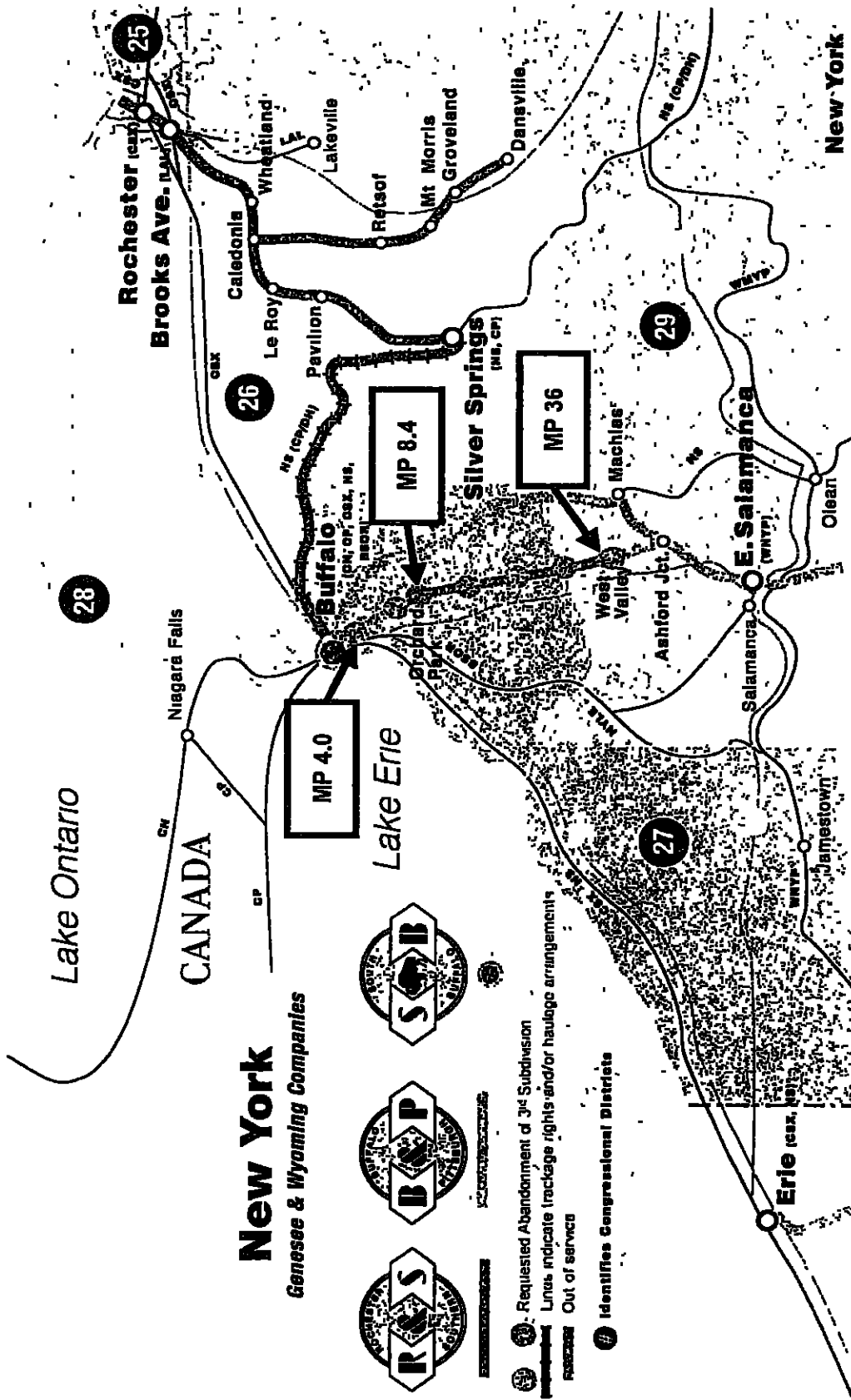
Very truly yours,

A handwritten signature in cursive script, reading "Carol D. Lydon", is written over the typed name.

Carol D Lydon

Enclosure (Map)

CC Abby M. Snyder, Regional 9 Director, NY Dept of Environmental Conservation
NY Dept of Environmental Conservation – Fish, Wildlife and Marine Resources
NY Dept of Environmental Conservation – Fish, Wildlife and Marine
Resources, Region 9
NY Dept of Environmental Conservation – Lands and Forests
NY Dept of Environmental Conservation – Land and Forests, Erie County
NY Dept of Environmental Conservation – Land and Forests, Cattaraugus
County
NY Dept of Environmental Conservation – NY Natural Heritage Program
Dave Collins, President
Mike Burns
Eric M Hocky, Esquire



New York State Department of Environmental Conservation
Division of Fish, Wildlife & Marine Resources
New York Natural Heritage Program
625 Broadway, Albany, New York 12233-4757
Phone (518) 402-8935 • FAX (518) 402-8925
www.dec.state.ny.us



June 18, 2008

Carol Lydon
Thorp Reed & Armstrong
400 Market Street, Suit 200
Philadelphia, PA 19106

Dear Ms Lydon

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Abandonment of two segments of the Buffalo & Pittsburgh Railroad, sites as indicated on the map you provided, Docket #AB 369, located in Erie and Cattaraugus Counties

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted, the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

Tara Seoane
Tara Seoane, Information Services
New York Natural Heritage Program

Enc

cc. Reg 9, Wildlife Mgr.
Peter Nye, Endangered Species Unit, Albany

7	Cayuga, Madison, Onondaga & Oswego	John Feltman NYS-DEC 615 Erie Blvd West (Env Permits Room 206) Syracuse, NY 13204-2400 Telephone (315) 426-7438
7 (sub-office)	Broome, Chenango, Cortland, Tioga & Thompson	Michael Barylski* NYS-DEC 1285 Fisher Avenue Cortland, NY 13045-1090 Telephone (607) 753-3095
8	Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne & Yates	Peter Lent NYS-DEC 6774 East Avon Lima Road Avon, NY 14414-9519 Telephone (516) 226-2466
9	Erie, Niagara & Wyoming	Sieve Doleski NYS-DEC 270 Michigan Avenue Buffalo, NY 14203-2999 Telephone (716) 851-7165
9 (sub-office)	Allegany, Cattaraugus, Chautauqua	Ken Taft* NYS-DEC 182 East Union, Suite 3 Allegany, NY 14706-1328 Telephone (716) 372-0645

* Deputy Regional Permit Administrator

DIVISION OF ENVIRONMENTAL PERMITS REGIONAL OFFICES

January 2004

REGION	COUNTIES	REGIONAL PERMIT ADMINISTRATORS
1	Nassau & Suffolk	John Pavacic NYS-DEC BLDG 40 SUNY at Stony Brook Stony Brook, NY 11790-2356 Telephone (631) 444-0365
2	New York City (Boroughs of Manhattan, Brooklyn, Bronx, Queens, & Staten Island)	John Cryan NYS-DEC One Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101-5407 Telephone (718) 482-4997
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester	Margaret Duke NYS-DEC 21 South Putt Corners Road New Paltz, NY 12561-1696 Telephone (845) 256-3054
4	Albany, Columbia, Greene, Montgomery, Rensselaer & Schenectady	William Clarke NYS-DEC 1150 North Wescott Road Schenectady, NY 12306-2014 Telephone (518) 357-2069
4 (sub office)	Delaware, Otsego & Schoharie	Kent Sanders NYS-DEC Route 10 HCR#1, Box 3A Stamford, NY 12167-9503 Telephone (607) 652-7741
5	Clinton, Essex, Franklin & Hamilton	Thomas Hall NYS-DEC Route 86, PO Box 296 Ray Brook, NY 12977-0296 Telephone (518) 897-1234
5 (sub-office)	Fulton, Saratoga, Warren & Washington	Thomas Hall NYS-DEC County Route 40 PO Box 220 Warrensburg, NY 12885-0220 Telephone: (518) 623-1281
6	Jefferson, Lewis & St Lawrence	Brian Fenlon NYS DEC State Office Building 317 Washington Street Watertown, NY 13601-3787 Telephone (315) 785-2245
6 (sub-office)	Herkimer & Oneida	J Joseph Homburger* NYS-DEC State Office Building 207 Genesee Street Utica, NY 13501-2885 Telephone (315) 793-2555

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor, Albany, NY
12233-4757
(518) 402-8935

This report contains SENSITIVE information that should not be released to the public without permission from the NY Natural Heritage Program. Refer to the User's Guide for explanations of codes, ranks and fields. Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State.

Natural Heritage Report on Rare Species and Ecological Communities



BEETLES

Cicindela ancoclisconensis

Appalachian Tiger Beetle	NY Legal Status	Unlisted	NYS Rank*	S2 - Imperiled	Office Use 11025
	Federal Listing		Global Rank	G3 - Vulnerable	
	Last Report:	2003-09-04	EO Rank*	Fair	
	County:	Erie			
	Town	Aurora			
	Location*	West Branch Cazenovia Creek West Falls			
	Directions.	From Griffins Mills south of East Aurora, go south on West Falls Road for approximately 1 mile to West Falls Park (also called Aurora Town Park). Park in the parking lot, walk west to the back of a ballfield then continue south and west downhill to the creek. The tiger beetles were found on the first gravel bar on the east side of the creek.			
	General Quality and Habitat.	The rank is based on the draft global ranking specifications of October 23, 1992. Only four to five individuals were observed, however they were in suitable habitat which suggests evidence of reproduction so it is likely the population is larger. There is also other potential suitable habitat nearby. In this stretch the West Branch of Cazenovia Creek is 20-30 feet wide and several inches to 1-3 feet deep with a few deeper pools. The substrate is primarily flat bedrock but is overlain with a few inches of silt, mud, or gravel in places. There are 20-30 feet high shale walls on some areas roughly alternating or on the opposite shore from low clay banks or low gravel bars. The stream is bordered by woods of basswood, hemlock, sycamore, maple, butternut or walnut, oak, and cottonwood. Gravel bars have the usual sparse to thicker herbaceous vegetation including vetch, goldenrod, Queen Anne's Lace, cocklebur, coltsfoot, Polygonum, Japanese bamboo, bedstraw, willow, knapweed, and sweet clover. The tiger beetles were found on a gravel bar on the east side.			

Cicindela marginipennis

Cobblestone Tiger Beetle	NY Legal Status	Unlisted	NYS Rank.	S1 - Critically Imperiled	Office Use 10212
	Federal Listing		Global Rank*	G2 - Imperiled	
	Last Report*	1999-08-10	EO Rank*	Excellent or Good	
	County	Erie, Cattaraugus			
	Town	Otto, Concord, Collins, Ashford, East Otto			
	Location	At, or in the vicinity of, the project site			
	Directions*	**			
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NY Natural Heritage Program Zoologist at 518-402-8939.			

Natural Heritage Report on Rare Species and Ecological Communities



Ixobrychus exilis

Least Bittern	NY Legal Status: Threatened	NYS Rank	S3B,S1N - Vulnerable	Office Use 10893
	Federal Listing	Global Rank:	G5 - Demonstrably secure	ESU
	Last Report: **	EO Rank:	**	
	County	Erie		
	Town	City Of Buffalo		
	Location.	At, or in the vicinity of, the project site		
	Directions:	**		
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859		

COMMUNITIES

Black spruce-tamarack bog

This occurrence of Black Spruce-Tamarack Bog is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value.

NY Legal Status	Unlisted	NYS Rank	S3	Office Use 9012
Federal Listing		Global Rank	G4G5	
Last Report	2005-09-14	EO Rank:		
County	Erie			
Town.	Concord			
Location.	Dead Mans Lake			
Directions:	From the junction of Route 240 and Genesee Road in East Concord, travel west on Genesee Road about 1000 feet to True Value Hardware. The bog and lake can be observed northwest of the store, and west of the railroad tracks. Access permission is required.			
General Quality and Habitat	This peatland community has the expected plant species and physiognomic diversity, and is primarily intact. In 1990 this community received a rank of AB, however, the survey was performed with binoculars because access was denied by landowner. The current survey has revealed that deer and invasive plant species have degraded the condition in some areas. Also, the size is relatively small, the surrounding landscape provides moderate to poor connectivity to other natural communities, and the proximate int. A small floating peat mat surrounding a bog lake, and embedded within mature forest. The occurrence has patches of coniferous canopy trees (<i>Larix laricina</i> , <i>Picea canadensis</i> , and <i>Pinus strobus</i>), a diverse tall shrub layer, and a dense short shrub layer dominated by <i>Chamaedaphne calyculata</i> and <i>Decodon verticillatus</i> . The surrounding landscape is primarily a mix of farmland, patches of forests, and wetlands, with some residential development, a railroad bed, and a large commercial development to the east. A gravel pit is located to the north.			

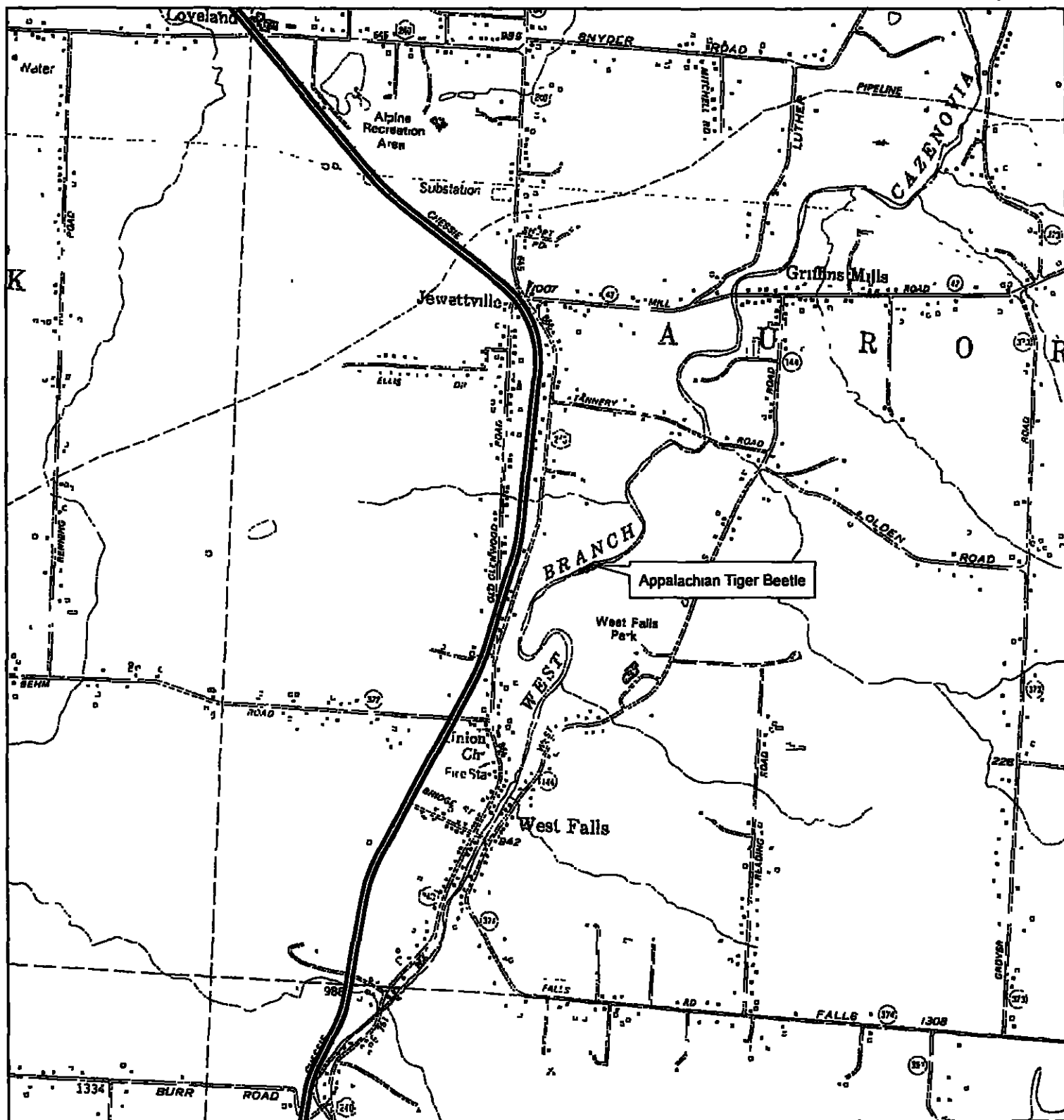
4 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acns.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

More detailed information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.acns.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on DRAFT—Ecological Communities of New York State.

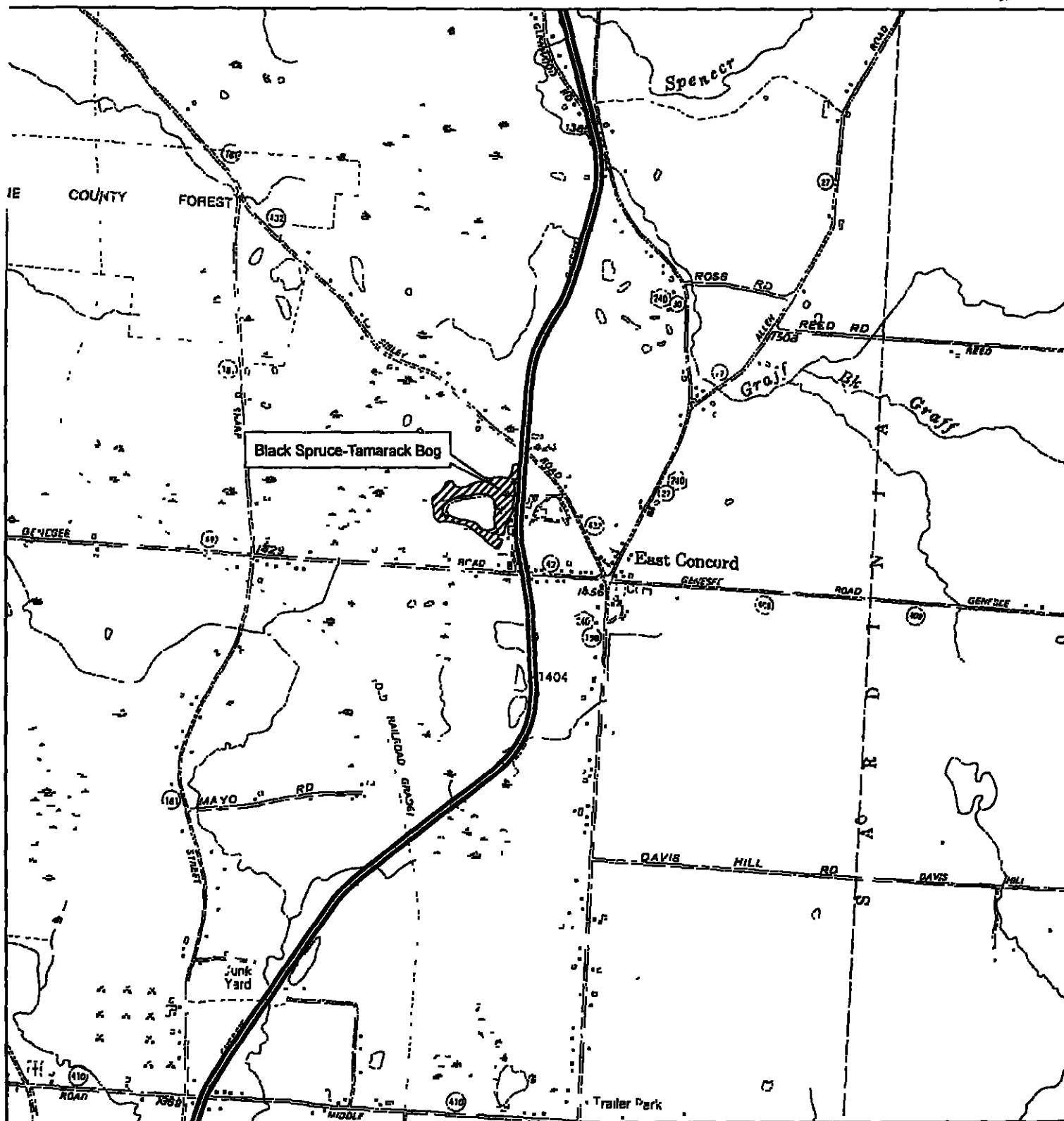
Natural Heritage Map of Rare Species and Ecological Communities

Prepared June 11, 2008 by the NY Natural Heritage Program, NYS DEC Albany, NY



Natural Heritage Map of Rare Species and Ecological Communities

Prepared June 11, 2008 by the NY Natural Heritage Program, NYS DEC Albany, NY



Legend

Project Site

NY Natural Heritage Program Database Records*

Community

Map 2 of 2

1:24,000

0 0.15 0.3 0.6 0.9 1.2 Miles

*The locations that are displayed are considered sensitive and should not be released to the public without permission. We do not provide map locations for all records. Please see report for details.



Natural Heritage Report on Rare Species and Ecological Communities

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935



HISTORICAL RECORDS

The following plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier

There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown and therefore location maps are generally not provided.

If appropriate habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there.

Natural Heritage Report on Rare Species and Ecological Communities



BIRDS

Chlidonias niger

Black Tern	NY Legal Status	Endangered	NYS Rank:	S2B - Impeniled	Office Use
	Federal Listing		Global Rank	G4 - Apparently secure	1610
	Last Report	1970s-late	EO Rank	Historical, no recent information	ESU
	County	Erie			
	Town	City Of Buffalo			
	Location	Tift Farm Marsh			
	Directions	The terns were observed at Tift Farm Nature Preserve, about 3 mi south of downtown Buffalo. From Route 5 (Fuhmann Boulevard Expressway) going south, take the Tift Street exit, and before Tift Street, turn left underneath Route 5 on Feeder Road. From Route 5 going north, take the Ohio Street exit on the Feeder Road. Go 0.3 mi north along Feeder Road to the parking lot on the right.			
	General Quality and Habitat	Nesting has not been reported since the late 1970s. The terns were observed at an extensive cattail marsh and open water complex, on a former solid waste transfer site, which is now managed as a nature preserve and environmental education center. The largest pond is directly connected to Lake Erie by a culvert under Fuhmann Boulevard.			

REPTILES

Regina septemvittata

Queen Snake	NY Legal Status	Endangered	NYS Rank	S1 - Critically impeniled	Office Use
	Federal Listing		Global Rank	G5 - Demonstrably secure	7946
	Last Report:	1967-06	EO Rank:	Historical, no recent information	ESU
	County	Erie			
	Town	Aurora, Colden			
	Location	West Branch Cazenovia Creek			
	Directions	From West Falls, go south on West Falls Road about 0.5 mi to where the road turns sharply east. Walk west along the runoff between two hills to about 50 yards east of the marsh.			
	General Quality and Habitat	A shrub next to a small stream.			

VASCULAR PLANTS

***Botrychium oneidense***

Blunt-lobed Grape Fern	NY Legal Status	Endangered	NYS Rank	S2S3 - Imperiled	Office Use 10513
	Federal Listing		Global Rank	G4Q - Apparently secure	
	Last Report	1931-09-19	EO Rank	Historical, no recent information	
	County	One			
	Town	Hamburg, Orchard Park			
	Location	Windom Woods			
	Directions	Near Windom	The specimens were collected in wet woods		
	General Quality and Habitat	Wet woods			

Physalis pubescens var. integrifolia

Husk-tomato	NY Legal Status	Endangered	NYS Rank	S1 - Critically imperiled	Office Use 10147
	Federal Listing		Global Rank	G5T5?Q - Demonstrably secure	
	Last Report	1922-09-24	EO Rank	Historical, no recent information	
	County	One			
	Town	Concord			
	Location	East Concord			
	Directions	East Concord			
	General Quality and Habitat				

Symphyotrichum boreale

Northern Bog Aster	NY Legal Status	Threatened	NYS Rank	S2 - Imperiled	Office Use 1687
	Federal Listing		Global Rank	G5 - Demonstrably secure	
	Last Report	1921-09-04	EO Rank	Failed to find but search more	
	County	One			M
	Town	Concord			
	Location	East Concord			
	Directions	East Concord			
	General Quality and Habitat	Sphagnum bog			

5 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acns.ny.gov, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants)

USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5th Floor, Albany, NY 12233-4757 phone (518) 402-8935



NATURAL HERITAGE PROGRAM The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our mission is to enable and enhance conservation of rare animals, rare plants, and significant communities. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

DATA SENSITIVITY The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

EO RANK A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

A-E = Extant A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D
F = Failed to find Did not locate species during a limited search, but habitat is still there and further field work is justified
H = Historical Historical occurrence without any recent field information
X = Extirpated Field/other data indicates element/habitat is destroyed and the element no longer exists at this location
U = Extant/Historical status uncertain
Blank = Not assigned

LAST REPORT The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

NY LEGAL STATUS – Animals

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

- E - Endangered Species** any species which meet one of the following criteria
 - Any native species in imminent danger of extirpation or extinction in New York
 - Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11
- T - Threatened Species** any species which meet one of the following criteria
 - Any native species likely to become an endangered species within the foreseeable future in NY
 - Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11
- SC - Special Concern Species** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).
- P - Protected Wildlife** (defined in Environmental Conservation Law section 11-0103) wild game, protected wild birds, and endangered species of wildlife
- U - Unprotected** (defined in Environmental Conservation Law section 11-0103) the species may be taken at any time without limit, however a license to take may be required
- G - Game** (defined in Environmental Conservation Law section 11-0103) any of a variety of big game or small game species as stated in the Environmental Conservation Law, many normally have an open season for at least part of the year, and are protected at other times

NY LEGAL STATUS – Plants

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

- E - Endangered Species** listed species are those with
 - 5 or fewer extant sites, or
 - fewer than 1,000 individuals, or
 - restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
 - species listed as endangered by U.S. Dept. of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11
- T - Threatened** listed species are those with
 - 6 to fewer than 20 extant sites, or
 - 1,000 to fewer than 3,000 individuals, or
 - restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
 - listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11

R - Rare listed species have

- 20 to 35 extant sites, or
- 3,000 to 5,000 individuals statewide

V - Exploitably vulnerable listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked

U - Unprotected, no state status

FEDERAL STATUS (PLANTS and ANIMALS) The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50 CFR 17). The species listed under this law are enumerated in the Federal Register vol 50, no 188, pp 39526 - 39527. The codes below without parentheses are those used in the Federal Register. The codes below in parentheses are created by Heritage to deal with species which have different listings in different parts of their range, and/or different listings for different subspecies or varieties.

(blank) = No Federal Endangered Species Act status

LE = Formally listed as endangered

LT = Formally listed as threatened

C = Candidate for listing

LE,LT = Formally listed as endangered in part of its range, and as threatened in the other part, or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened

LT,PDL = Populations of the species in New York are formally listed as threatened, and proposed for delisting

GLOBAL AND STATE RANKS (animals, plants, ecological communities and others) Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the intraspecific taxon's rank throughout the world. ? = Indicates a question exists about the rank. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

GLOBAL RANK

G1 - Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology

G2 - Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors

G3 - Vulnerable Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors

G4 - Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery

G5 - Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery

GH - Historically known, with the expectation that it might be rediscovered

GX - Species believed to be extinct

NYS RANK

S1 - Critically imperiled Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State

S2 - Imperiled Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State

S3 - Vulnerable Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State

S4 - Apparently secure in New York State

S5 - Demonstrably secure in New York State

SH - Historically known from New York State, but not seen in the past 15 years

SX - Apparently extirpated from New York State

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B) populations and the non-breeding populations (N), respectively, of the species

TAXON (T) RANK The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon

T1 through T5 - See Global Rank definitions above

Q - Indicates a question exists whether or not the taxon is a good taxonomic entity

Revised April

EXHIBIT B \



United States Department of the Interior

FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax (607) 753-9699

<http://www.fws.gov/northeast/nyfo>



Project Number 80552

To: Carol Lydon

Date Jun 12, 2008

Regarding: Buffalo and Pittsburgh Railroad Abandonment, 3rd Subdivision, MP 4.0 to MP 36

Town/County: Erie and Cattaraugus Counties

We have received your request for information regarding occurrences of Federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. Due to increasing workload and reduction of staff, we are no longer able to reply to endangered species list requests in a timely manner. In an effort to streamline project reviews, we are shifting the majority of species list requests to our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. Please go to our website and print the appropriate portions of our county list of endangered, threatened, proposed, and candidate species, and the official list request response. Step-by-step instructions are found on our website.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) prohibits unauthorized taking* of listed species and applies to Federal and non-Federal activities. Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the U.S. Fish and Wildlife Service (Service), to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species. For projects not authorized, funded, or carried out by a Federal agency, consultation with the Service pursuant to Section 7(a)(2) of the ESA is not required. However, no person is authorized to "take"* any listed species without appropriate authorizations from the Service. Therefore, we provide technical assistance to individuals and agencies to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any questions or require further assistance regarding threatened or endangered species, please contact the Endangered Species Program at (607) 753-9334. Please refer to the above document control number in any future correspondence.

Endangered Species Biologist Sandra Doran *Sandra Doran*

*Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.



Erie County

Federally Listed Endangered and Threatened Species and Candidate Species

Except for occasional transient individuals, no Federally-listed or proposed endangered or threatened species, or candidate species under our jurisdiction are known to exist in this county

Information current as of: 6/16/2008

[Print Species List](#)



Cattaraugus County

Federally Listed Endangered and Threatened Species and Candidate Species

This list represents the best available information regarding known or likely County occurrences of Federally-listed and candidate species and is subject to change as new information becomes available

<u>Common Name</u>	<u>Scientific Name</u>	<u>Status</u>
Bald eagle ¹	<i>Haliaeetus leucocephalus</i>	D
Clubshell	<i>Pleurobema clava</i>	E
Rayed bean	<i>Villosa fabalis</i>	C

Status Codes F=Endangered T=Threatened P=Proposed C=Candidate D=Delisted

¹ The bald eagle was delisted on August 8, 2007. While there are no ESA requirements for bald eagles after this date, the eagles continue to receive protection under the Bald and Golden Eagle Protection Act (BGEPA). Please follow the Service's May 2007 Bald Eagle Management Guidelines to determine whether you can avoid impacts under the BGEPA for your projects. If you have any questions, please contact the endangered species branch in our office.

Information current as of 6/16/2008

York State Department of Environmental Conservation

Division of Fish, Wildlife & Marine Resources

New York Natural Heritage Program

625 Broadway, Albany, New York 12233-4757

Phone: (518) 402-8935 • FAX: (518) 402-8925

www.dec.state.ny.us



Alexander B. Grannis
Commissioner

June 18, 2008

Carol Lydon
Thorp Reed & Armstrong
400 Market Street, Suit 200
Philadelphia, PA 19106

Dear Ms Lydon

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Abandonment of two segments of the Buffalo & Pittsburgh Railroad, sites as indicated on the map you provided, Docket #AB 369, located in Erie and Cattaraugus Counties

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and should not be released to the public without permission from the New York Natural Heritage Program

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted, the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,


Tara Scoane, Information Services
New York Natural Heritage Program

Enc

cc Reg. 9, Wildlife Mgr
Peter Nye, Endangered Species Unit, Albany

DIVISION OF ENVIRONMENTAL PERMITS REGIONAL OFFICES

January 2004

REGION	COUNTIES	REGIONAL PERMIT ADMINISTRATORS
1	Nassau & Suffolk	John Pavacic NYS-DEC BLDG 40 SUNY at Stony Brook Stony Brook, NY 11790-2356 Telephone (631) 444-0365
2	New York City (Boroughs of Manhattan, Brooklyn, Bronx, Queens, & Staten Island)	John Cryan NYS-DEC One Hunters Point Plaza 47-40 21st Street Long Island City, NY 11101-5407 Telephone (718) 482-4997
3	Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester	Margaret Duke NYS-DEC 21 South Putt Corners Road New Paltz, NY 12561-1696 Telephone (845) 256-3054
4	Albany, Columbia, Greene, Montgomery, Rensselaer & Schenectady	William Clarke NYS-DEC 1150 North Wescott Road Schenectady, NY 12306-2014 Telephone (518) 357-2069
4 (sub-office)	Delaware, Otsego & Schoharie	Kent Sanders NYS-DEC Route 10 HCR#1, Box 3A Stamford, NY 12167-9503 Telephone (607) 652-7741
5	Clinton, Essex, Franklin & Hamilton	Thomas Hall NYS-DEC Route 86, PO Box 296 Ray Brook, NY 12977-0296 Telephone (518) 897-1234
5 (sub-office)	Fulton, Saratoga, Warren & Washington	Thomas Hall NYS-DEC County Route 40 PO Box 220 Warrensburg, NY 12885-0220 Telephone (518) 623-1281
6	Jefferson, Lewis & St. Lawrence	Brian Fenlon NYS-DEC State Office Building 317 Washington Street Watertown, NY 13601-3787 Telephone (315) 785-2245
6 (sub-office)	Herkimer & Oneida	J. Joseph Homburger* NYS-DEC State Office Building 207 Genesee Street Utica, NY 13501-2885 Telephone (315) 793-2555

7	Cayuga, Madison, Onondaga & Oswego	John Felman NYS-DEC 615 Erie Blvd West (Env Permits Room 206) Syracuse, NY 13204-2400 Telephone (315) 426-7438
7 (sub-office)	Broome, Chenango, Cortland, Tioga & Thompson	Michael Barylski* NYS-DEC 1285 Fisher Avenue Cortland, NY 13045-1090 Telephone (607) 753-3095
8	Chemung, Genesee, Livingston, Monroe, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne & Yates	Peter Lent NYS-DEC 6774 East Avon Lima Road Avon, NY 14414-9519 Telephone (516) 226-2466
9	Eric, Niagara & Wyoming	Steve Doleski NYS-DEC 270 Michigan Avenue Buffalo, NY 14203-2999 Telephone (716) 851-7165
9 (sub-office)	Allegany, Cattaraugus, Chautauqua	Ken Taft* NYS-DEC 182 East Union, Suite 3 Allegany, NY 14706-1328 Telephone (716) 372-0645

* Deputy Regional Permit Administrator

Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor, Albany, NY
12233-4757
(518) 402-8935

- This report contains SENSITIVE information that should not be released to the public without permission from the NY Natural Heritage Program
- Refer to the User's Guide for explanations of codes, ranks and fields
- Location maps for certain species and communities may not be provided 1) if the species is vulnerable to disturbance, 2) if the location and/or extent is not precisely known, 3) if the location and/or extent is too large to display, and/or 4) if the animal is listed as Endangered or Threatened by New York State

Natural Heritage Report on Rare Species and Ecological Communities



BEETLES

Cicindela ancoclisconensis

Appalachian Tiger Beetle	NY Legal Status	Unlisted	NYS Rank	S2 - Imperiled	Office Use 11025
	Federal Listing		Global Rank	G3 - Vulnerable	
	Last Report	2003-09-04	EO Rank	Fair	
	County:	One			
	Town:	Aurora			
	Location:	West Branch Cazenovia Creek West Falls			
	Directions:	From Griffins Mills south of East Aurora, go south on West Falls Road for approximately 1 mile to West Falls Park (also called Aurora Town Park) Park in the parking lot, walk west to the back of a ballfield then continue south and west downhill to the creek. The tiger beetles were found on the first gravel bar on the east side of the creek.			
	General Quality and Habitat	The rank is based on the draft global ranking specifications of October 23, 1992. Only four to five individuals were observed, however they were in suitable habitat which suggests evidence of reproduction so it is likely the population is larger. There is also other potential suitable habitat nearby. In this stretch the West Branch of Cazenovia Creek is 20-30 feet wide and several inches to 1-3 feet deep with a few deeper pools. The substrate is primarily flat bedrock but is overlain with a few inches of silt, mud, or gravel in places. There are 20-30 feet high shale walls on some areas roughly alternating or on the opposite shore from low clay banks or low gravel bars. The stream is bordered by woods of basswood, hemlock, sycamore, maple, butternut or walnut, oak, and cottonwood. Gravel bars have the usual sparse to thicker herbaceous vegetation including vetch, goldenrod, Queen Anne's Lace, cocklebur, coltsfoot, Polygonum, Japanese bamboo, bedstraw, willow, knapweed, and sweet clover. The tiger beetles were found on a gravel bar on the east side.			

Cicindela marginipennis

Cobblestone Tiger Beetle	NY Legal Status	Unlisted	NYS Rank	S1 - Critically imperiled	Office Use 10212
	Federal Listing		Global Rank	G2 - Imperiled	
	Last Report	1999-08-10	EO Rank	Excellent or Good	
	County	One, Cattaraugus			
	Town	Otto, Concord, Collins, Ashford, East Otto			
	Location:	At, or in the vicinity of, the project site			
	Directions:	**			
	General Quality and Habitat:	**For information on the population at this location and management considerations, please contact the NY Natural Heritage Program Zoologist at 518-402-8939			

BIRDS

*Ixobrychus exilis*

Least Bittern	NY Legal Status	Threatened	NYS Rank	S3B,S1N - Vulnerable	Office Use 10893
	Federal Listing		Global Rank:	G5 - Demonstrably secure	ESU
	Last Report	**	EO Rank:	**	
	County	Erie			
	Town	City Of Buffalo			
	Location	At, or in the vicinity of, the project site			
	Directions	**			
	General Quality and Habitat	**For information on the population at this location and management considerations, please contact the NYS DEC Regional Wildlife Manager for the Region where the project is located, or the NYS DEC Endangered Species Unit at 518-402-8859			

COMMUNITIES**Black spruce-tamarack bog**

This occurrence of Black Spruce-Tamarack Bog is considered significant from a statewide perspective by the NY Natural Heritage Program. It is either an occurrence of a community type that is rare in the state or a high quality example of a more common community type. By meeting specific, documented significance criteria, the NY Natural Heritage Program considers this occurrence to have high ecological and conservation value.

NY Legal Status	Unlisted	NYS Rank	S3	Office Use 9012
Federal Listing		Global Rank	G4G5	
Last Report	2005-09-14	EO Rank		
County	Erie			
Town	Concord			
Location	Dead Mans Lake			
Directions	From the junction of Route 240 and Genesee Road in East Concord, travel west on Genesee Road about 1000 feet to True Value Hardware. The bog and lake can be observed northwest of the store, and west of the railroad tracks. Access permission is required.			
General Quality and Habitat	This peatland community has the expected plant species and physiognomic diversity, and is primarily intact. In 1990 this community received a rank of AB, however, the survey was performed with binoculars because access was denied by landowner. The current survey has revealed that deer and invasive plant species have degraded the condition in some areas. Also, the size is relatively small, the surrounding landscape provides moderate to poor connectivity to other natural communities, and the proximate int A small floating peat mat surrounding a bog lake, and embedded within mature forest. The occurrence has patches of coniferous canopy trees (<i>Larix laricina</i> , <i>Picea mariana</i> , and <i>Pinus strobus</i>), a diverse tall shrub layer, and a dense short shrub layer dominated by <i>Chamaedaphne calyculata</i> and <i>Decodon verticillatus</i> . The surrounding landscape is primarily a mix of farmland, patches of forests, and wetlands, with some residential development, a railroad bed, and a large commercial development to the east. A gravel pit is located to the north.			

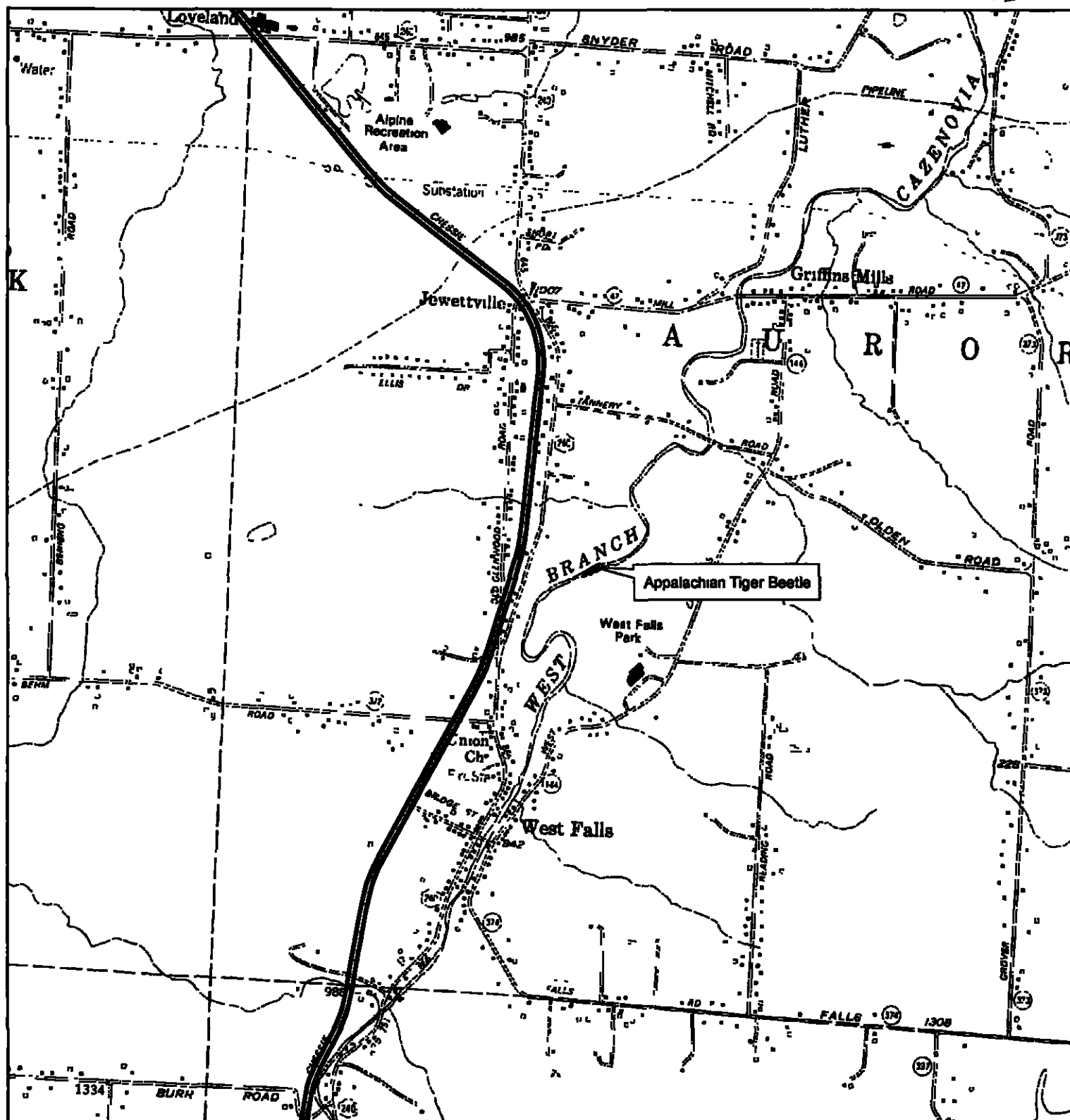
4 Records Processed

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants).

More detailed information about many of the natural community types in New York, including identification, dominant and characteristic vegetation, distribution, conservation, and management, is available online in Natural Heritage's Conservation Guides at www.acris.nynhp.org. For descriptions of all community types, go to <http://www.dec.ny.gov/animals/29384.html> and click on DRAFT—Ecological Communities of New York State.

Natural Heritage Map of Rare Species and Ecological Communities

Prepared June 11, 2008 by the NY Natural Heritage Program, NYS DEC Albany, NY



Legend

Project Site

NY Natural Heritage Program Database Records*

Animal

Map 1 of 2

1:24,000

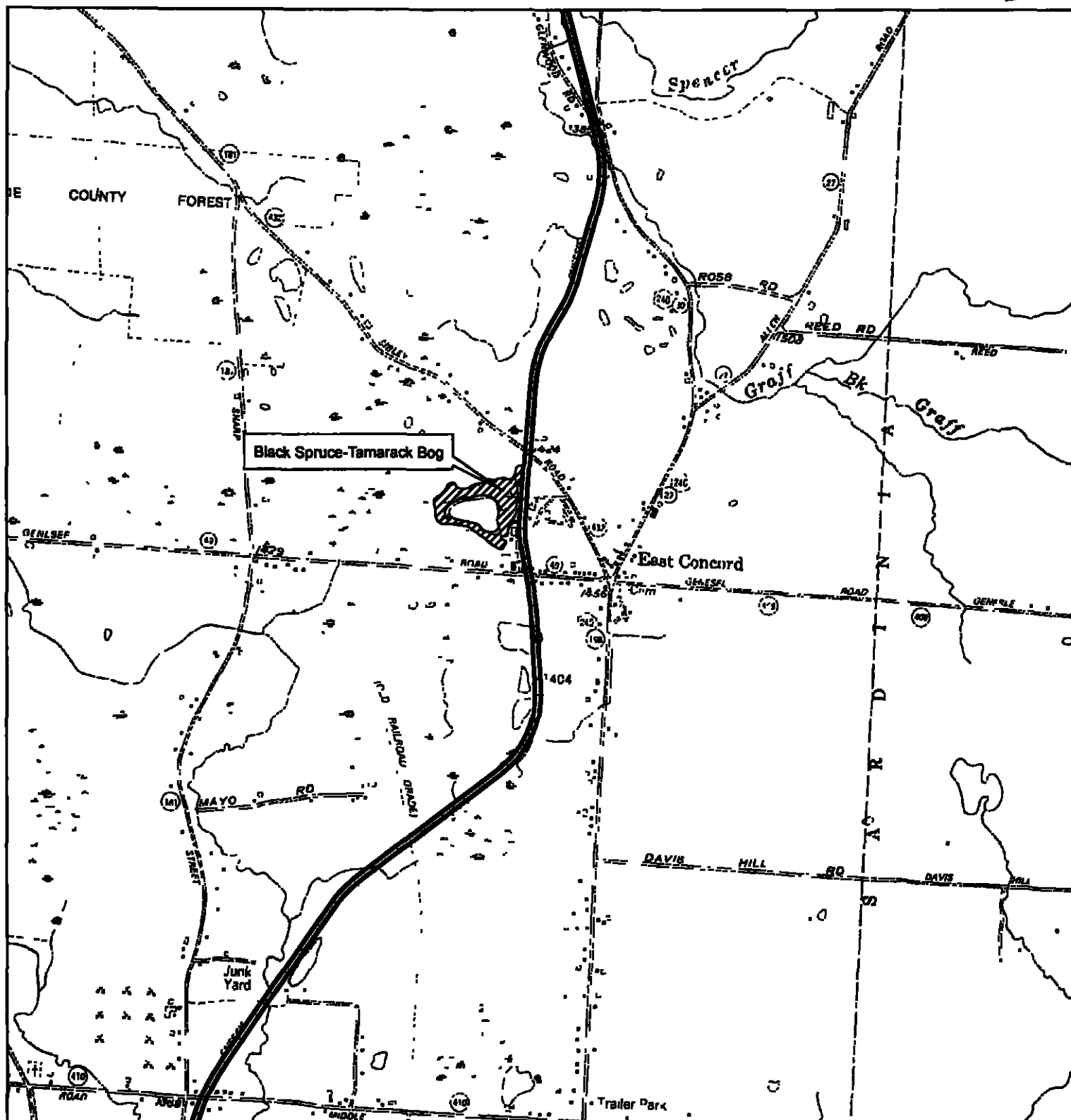
Miles
0 0.15 0.3 0.6 0.9 1.2

*The locations that are displayed are considered sensitive and should not be released to the public without permission. We do not provide map locations for all records. Please see report for details.



Natural Heritage Map of Rare Species and Ecological Communities

Prepared June 11, 2008 by the NY Natural Heritage Program, NYS DEC Albany, NY



Legend

-  Project Site
-  Community

NY Natural Heritage Program Database Records*

Map 2 of 2

1:24,000



*The locations that are displayed are considered sensitive and should not be released to the public without permission. We do not provide map locations for all records. Please see report for details.



Natural Heritage Report on Rare Species and Ecological Communities



NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,
Albany, NY 12233-4757
(518) 402-8935

HISTORICAL RECORDS

The following plants and animals were documented in the vicinity of the project site at one time, but have not been documented there since 1979 or earlier

There is no recent information on these plants and animals in the vicinity of the project site and their current status there is unknown. In most cases the precise location of the plant or animal in this vicinity at the time it was last documented is also unknown and therefore location maps are generally not provided.

If appropriate habitat for these plants or animals is present in the vicinity of the project site, it is possible that they may still occur there.

Natural Heritage Report on Rare Species and Ecological Communities



BIRDS

Chlidonias niger

Black Tern	NY Legal Status	Endangered	NYS Rank.	S2B - Imperiled	Office Use
	Federal Listing:		Global Rank:	G4 - Apparently secure	1610
	Last Report:	1970s-late	EO Rank	Historical, no recent information	ESU
	County:	Erie			
	Town:	City Of Buffalo			
	Location:	Tift Farm Marsh			
	Directions:	The terns were observed at Tift Farm Nature Preserve, about 3 mi south of downtown Buffalo. From Route 5 (Fuhrmann Boulevard Expressway) going south, take the Tift Street exit, and before Tift Street, turn left underneath Route 5 on Feeder Road. From Route 5 going north, take the Ohio Street exit on the Feeder Road. Go 0.3 mi north along Feeder Road to the parking lot on the right.			
	General Quality and Habitat:	Nesting has not been reported since the late 1970s. The terns were observed at an extensive cattail marsh and open water complex, on a former solid waste transfer site, which is now managed as a nature preserve and environmental education center. The largest pond is directly connected to Lake Erie by a culvert under Fuhrmann Boulevard.			

REPTILES

Regina septemvittata

Queen Snake	NY Legal Status	Endangered	NYS Rank:	S1 - Critically imperiled	Office Use
	Federal Listing:		Global Rank:	G5 - Demonstrably secure	7946
	Last Report	1967-06	EO Rank	Historical, no recent information	ESU
	County:	Erie			
	Town:	Aurora, Colden			
	Location:	West Branch Cazenovia Creek			
	Directions:	From West Falls, go south on West Falls Road about 0.5 mi to where the road turns sharply east. Walk west along the runoff between two hills to about 50 yards east of the marsh.			
	General Quality and Habitat:	A shrub next to a small stream.			

VASCULAR PLANTS

***Botrychium oneidense*****Blunt-lobed Grape
Fern****NY Legal Status** Endangered**NYS Rank:** S2S3 - Impaired**Office Use**
10513**Federal Listing****Global Rank:** G4Q - Apparently secure**Last Report:** 1931-09-19**EO Rank** Historical, no recent
information**County**

Erie

Town:

Hamburg, Orchard Park

Location:

Windom Woods

Directions:

Near Windom The specimens were collected in wet woods

General Quality

Wet woods

and Habitat***Physalis pubescens var. integrifolia*****Husk-tomato****NY Legal Status** Endangered**NYS Rank:** S1 - Critically impaired**Office Use**
10147**Federal Listing****Global Rank** G5T5?Q - Demonstrably
secure**Last Report:** 1922-09-24**EO Rank** Historical, no recent
information**County**

Erie

Town:

Concord

Location:

East Concord

Directions

East Concord

General Quality**and Habitat:*****Symphotrichum boreale*****Northern Bog
Aster****NY Legal Status:** Threatened**NYS Rank:** S2 - Impaired**Office Use**
1687**Federal Listing:****Global Rank:** G5 - Demonstrably secure**Last Report:** 1921-09-04**EO Rank** Failed to find but search
more**County:**

Erie

Town

Concord

Location:

East Concord

Directions:

East Concord

General Quality

Sphagnum bog

and Habitat**5 Records Processed**

More detailed information about many of the rare and listed animals and plants in New York, including biology, identification, habitat, conservation, and management, are available online in Natural Heritage's Conservation Guides at www.acns.nynhp.org, from NatureServe Explorer at <http://www.natureserve.org/explorer>, from NYSDEC at <http://www.dec.ny.gov/animals/7494.html> (for animals), and from USDA's Plants Database at <http://plants.usda.gov/index.html> (for plants)

USERS GUIDE TO NY NATURAL HERITAGE DATA

New York Natural Heritage Program, 625 Broadway, 5th Floor, Albany, NY 12233-4757 phone (518) 402-8935



NATURAL HERITAGE PROGRAM The NY Natural Heritage Program is a partnership between the NYS Department of Environmental Conservation (NYS DEC) and The Nature Conservancy. Our mission is to enable and enhance conservation of rare animals, rare plants, and significant communities. We accomplish this mission by combining thorough field inventories, scientific analyses, expert interpretation, and the most comprehensive database on New York's distinctive biodiversity to deliver the highest quality information for natural resource planning, protection, and management.

DATA SENSITIVITY The data provided in the report are ecologically sensitive and should be treated in a sensitive manner. The report is for your in-house use and should not be released, distributed or incorporated in a public document without prior permission from the Natural Heritage Program.

EO RANK A letter code for the quality of the occurrence of the rare species or significant natural community, based on population size or area, condition, and landscape context.

A-E = Extant A=Excellent, B=Good, C=Fair, D=Poor, E=Extant but with insufficient data to assign a rank of A-D
F = Failed to find Did not locate species during a limited search, but habitat is still there and further field work is justified
H = Historical Historical occurrence without any recent field information
X = Extirpated Field/other data indicates element/habitat is destroyed and the element no longer exists at this location
U = Extant/Historical status uncertain
Blank = Not assigned

LAST REPORT The date that the rare species or significant natural community was last observed at this location, as documented in the Natural Heritage databases. The format is most often YYYY-MM-DD.

NY LEGAL STATUS – Animals:

Categories of Endangered and Threatened species are defined in New York State Environmental Conservation Law section 11-0535. Endangered, Threatened, and Special Concern species are listed in regulation 6NYCRR 182.5.

- E - Endangered Species** any species which meet one of the following criteria
 - Any native species in imminent danger of extirpation or extinction in New York
 - Any species listed as endangered by the United States Department of the Interior, as enumerated in the Code of Federal Regulations 50 CFR 17.11
- T - Threatened Species** any species which meet one of the following criteria
 - Any native species likely to become an endangered species within the foreseeable future in NY
 - Any species listed as threatened by the U.S. Department of the Interior, as enumerated in the Code of the Federal Regulations 50 CFR 17.11
- SC - Special Concern Species** those species which are not yet recognized as endangered or threatened, but for which documented concern exists for their continued welfare in New York. Unlike the first two categories, species of special concern receive no additional legal protection under Environmental Conservation Law section 11-0535 (Endangered and Threatened Species).
- P - Protected Wildlife** (defined in Environmental Conservation Law section 11-0103) wild game, protected wild birds, and endangered species of wildlife.
- U - Unprotected** (defined in Environmental Conservation Law section 11-0103) the species may be taken at any time without limit, however a license to take may be required.
- G - Game** (defined in Environmental Conservation Law section 11-0103) any of a variety of big game or small game species as stated in the Environmental Conservation Law, many normally have an open season for at least part of the year, and are protected at other times.

NY LEGAL STATUS – Plants.

The following categories are defined in regulation 6NYCRR part 193.3 and apply to NYS Environmental Conservation Law section 9-1503.

- E - Endangered Species** listed species are those with
 - 5 or fewer extant sites, or
 - fewer than 1,000 individuals, or
 - restricted to fewer than 4 U.S.G.S. 7 ½ minute topographical maps, or
 - species listed as endangered by U.S. Dept. of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11
- T - Threatened** listed species are those with
 - 6 to fewer than 20 extant sites, or
 - 1,000 to fewer than 3,000 individuals, or
 - restricted to not less than 4 or more than 7 U.S.G.S. 7 and ½ minute topographical maps, or
 - listed as threatened by U.S. Department of Interior, as enumerated in Code of Federal Regulations 50 CFR 17.11

R - Rare listed species have

- 20 to 35 extant sites, or
- 3,000 to 5,000 individuals statewide

V - Exploitably vulnerable listed species are likely to become threatened in the near future throughout all or a significant portion of their range within the state if causal factors continue unchecked

U - Unprotected, no state status

FEDERAL STATUS (PLANTS and ANIMALS) The categories of federal status are defined by the United States Department of the Interior as part of the 1974 Endangered Species Act (see Code of Federal Regulations 50 CFR 17). The species listed under this law are enumerated in the Federal Register vol. 50, no. 188, pp. 39526 - 39527. The codes below without parentheses are those used in the Federal Register. The codes below in parentheses are created by Hentage to deal with species which have different listings in different parts of their range, and/or different listings for different subspecies or varieties.

(blank) = No Federal Endangered Species Act status

LE = Formally listed as endangered

LT = Formally listed as threatened

C = Candidate for listing

LE,LT = Formally listed as endangered in part of its range, and as threatened in the other part, or, one or more subspecies or varieties is listed as endangered, and the others are listed as threatened

LT,PDL = Populations of the species in New York are formally listed as threatened, and proposed for delisting

GLOBAL AND STATE RANKS (animals, plants, ecological communities and others) Each element has a global and state rank as determined by the NY Natural Heritage Program. These ranks carry no legal weight. The global rank reflects the rarity of the element throughout the world and the state rank reflects the rarity within New York State. Intraspecific taxa are also assigned a taxon rank to reflect the intraspecific taxon's rank throughout the world. ? = Indicates a question exists about the rank. Range ranks, e.g. S1S2, indicate not enough information is available to distinguish between two ranks.

GLOBAL RANK

G1 - Critically imperiled globally because of extreme rarity (5 or fewer occurrences), or very few remaining acres, or miles of stream) or especially vulnerable to extinction because of some factor of its biology

G2 - Imperiled globally because of rarity (6 - 20 occurrences, or few remaining acres, or miles of stream) or very vulnerable to extinction throughout its range because of other factors

G3 - Vulnerable Either rare and local throughout its range (21 to 100 occurrences), or found locally (even abundantly at some of its locations) in a restricted range (e.g. a physiographic region), or vulnerable to extinction throughout its range because of other factors

G4 - Apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery

G5 - Demonstrably secure globally, though it may be quite rare in parts of its range, especially at the periphery

GH - Historically known, with the expectation that it might be rediscovered

GX - Species believed to be extinct

NYS RANK

S1 - Critically imperiled Typically 5 or fewer occurrences, very few remaining individuals, acres, or miles of stream, or some factor of its biology making it especially vulnerable in New York State

S2 - Imperiled Typically 6 to 20 occurrences, few remaining individuals, acres, or miles of stream, or factors demonstrably making it very vulnerable in New York State

S3 - Vulnerable Typically 21 to 100 occurrences, limited acreage, or miles of stream in New York State

S4 - Apparently secure in New York State

S5 - Demonstrably secure in New York State

SH - Historically known from New York State, but not seen in the past 15 years

SX - Apparently extirpated from New York State

SxB and SxN, where Sx is one of the codes above, are used for migratory animals, and refer to the rarity within New York State of the breeding (B) populations and the non-breeding populations (N), respectively, of the species

TAXON (T) RANK The T-ranks (T1 - T5) are defined the same way as the Global ranks (G1 - G5), but the T-rank refers only to the rarity of the subspecific taxon

T1 through T5 - See Global Rank definitions above

Q - Indicates a question exists whether or not the taxon is a good taxonomic entity

Revised April



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866**

JUN 25 2008

**Carol D Lydon
Thorp Reed & Armstrong, LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-2535**

Dear Ms Lydon

'Thank you for providing the Environmental Protection Agency (EPA) the opportunity to comment on the proposed abandonment of two segments of the Buffalo & Pittsburgh Railroad, Inc. (B&P) 3rd Subdivision. The existing railroad line runs in a southerly direction through Erie County, New York (NY) from Milepost 4 0 in the City of Lackawanna, to the Town of Orchard Park (Segment 1) and from Milepost 8 4 in Orchard Park to Milepost 36 in the Village of Springville, Cattaraugus County, NY (Segment 2), and currently provides limited service. Your letter states that B&P plans to petition the Surface Transportation Board to authorize abandonment of the rail line through either a petition for exemption or notice of exempt abandonment by August 5, 2008. Subsequently, B&P plans to remove and sell the track so that the right-of-way may be used for public trails

EPA has reviewed the project description and the map included with your letter. In order to evaluate the potential environmental impacts of the proposed project, we are requesting that the following issues be addressed in the environmental report.

- The report should describe the length of the existing rail line and the type of service which has historically been provided, e.g., passenger and/or freight, including connections to other rail lines,**
- The alternatives analysis should address the feasibility of retaining the rail line intact, should demand for passenger and/or freight service increase in the future;**
- Information from the National Wetlands Inventory Data Layer indicates that wetland resources may be present in the vicinity of Lackawanna, Orchard Park and Colden. The nature and extent of impacts to federal and state wetlands associated with abandonment-related activities should be detailed in the report, as well as the proposed avoidance, minimization and mitigation measures;**
- In addition, the Army Corps of Engineers/Buffalo District should be consulted to determine whether a Section 404 permit is required for placing any dredged or fill materials into wetlands and other waters of the U.S., and the NYS**

Department of Environmental Conservation should be consulted regarding permit requirements for impacts to state jurisdictional wetlands,

- The report should indicate whether a site investigation will be conducted to ascertain the presence of hazardous materials, such as polychlorinated biphenyls (PCBs) and describe how these materials will be managed to avoid soil and surface/ground water degradation,
- Demolition of chemically treated railroad ties may introduce contaminants to the soil and/or wetlands due to the presence of wood preservatives such as coal tar, creosote or salts of heavy metals. The environmental report should describe how the salvage activities will be managed to contain contaminated demolition debris, including the environmental mitigation measures which will be implemented
- Emissions to the air resulting from the operation of demolition equipment should be discussed and minimized to the extent practicable.

We look forward to receiving and reviewing the environmental report. If you have any questions regarding this letter, please contact LeAndrea Dames of my staff at (212) 637-3705

Sincerely yours,

A handwritten signature in black ink, appearing to read "Grace Musumeci", with a stylized, flowing script.

Grace Musumeci, Chief
Environmental Review Section
Strategic Multi-Media Programs Branch



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001

DAVID A. PATERSON
GOVERNOR

LORRAINE A. CORTÉS-VÁZQUEZ
SECRETARY OF STATE

June 23, 2008

Ms Carol D Lydon, Paralegal
Thorpe, Reed & Armstrong, LLP
400 market Street, Suite 200
Philadelphia, Pennsylvania 19106-2535

Re U S Army Corps of Engineers/Bufalo District
Permit Bufalo & Pittsburgh Railroad, Inc
Abandon two segments of its line of railroad
known as the 3rd Subdivision

Dear Ms Lydon

The Department of State has reviewed the information for the above-referenced proposal.

The information provided indicates the proposal would not be undertaken in the State's designated coastal area and is not likely to affect land and water uses and natural resources within the State's coastal area. Therefore, it is not necessary for the Department of State to review this proposal pursuant to the consistency provisions of the federal Coastal Zone Management Act and the New York State Coastal Management Program.

If we can be of any further assistance, please contact us at (518) 474-6000

Sincerely,

Jeff Zappieri
Supervisor of Consistency Review
Division of Coastal Resources

JZ/dc



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
REGION FIVE
100 SENECA STREET
BUFFALO, NEW YORK 14203-2939
www.nysdot.gov

ALAN E TAYLOR, P E
REGIONAL DIRECTOR

ASTRID C GLYNN
COMMISSIONER

July 14, 2008

Thorp Reed & Armstrong, LLP
Attn Carol D Lydon, Paralegal
400 Market St , Suite 200
Philadelphia, PA 19106-2535

Dear Ms Lydon

This is in response to your letter dated June 2, 2008 requesting comments on the proposed abandonment of Buffalo & Pittsburgh's Railroad, 3rd subdivision line, from M P 40 to M P 360 We do not believe there will be any environmental effects of the proposed abandonment

Should you have any questions, please feel free to contact Kurt Felgemacher, of my office, at 716-847-3248

Sincerely,

Gary V Gottlieb, P E
Regional Planning & Program Manager

GVG/KF/lk

cc A E Taylor, P E , Regional Director
D Collins, President, Buffalo & Pittsburgh Railroad
M Burns, South Buffalo Railroad
R Hessinger, Passenger Transp /Freight Bureau, F5, AVE B, 10th St



DEPARTMENT OF THE ARMY
BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

REPLY TO

July 10, 2008

Regulatory Branch

SUBJECT File number 2008-01145, Buffalo & Pittsburg Railroad, Inc - abandonment of two segments of railroad known as the 3rd Subdivision in Erie and Cattaraugus Counties

**Buffalo & Pittsburg Railroad, Inc – Abandonment – Erie and
Cattaraugus Counties, NY
STB Docket No AB369 (Sub-No 7X)**

Carol D Lydon
Thorp Reed & Armstrong, LLP
400 Market Street, Suite 200
Philadelphia, PA 19106-2535

Dear Ms Lydon

This is in reference to your letter dated June 2, 2008 in which you proposed the abandonment of two segments of your line of railroad, known as the 3rd Subdivision. The 3rd Subdivision runs from Milepost 4.0 in the City of Lackawanna, Erie County, NY through Milepost 8.4 in the Town of Orchard Park, Erie County, NY ending at Milepost 36 in the Village of Springville, Cattaraugus County, NY.

The Corps of Engineers regulatory responsibilities under Section 404 of the Clean Water Act establishes jurisdiction over the discharge of dredged or fill material into waters of the United States, including wetlands.

An in-house review of the information received in your letter as well as personal communications with Carol D Lydon indicates that the proposed work will not involve a discharge of dredged or fill material into Federal, jurisdictional wetlands or waters.

We request that proper erosion control measures be taken to prevent unintentional discharges from entering the waterway. Should you modify your proposal to entail a discharge of dredged or fill material into a "Water of the United States" you must contact this office regarding Department of the Army permit requirements.

You are encouraged to contact the appropriate state and local governmental officials to insure that the proposed work complies with their requirements.

Questions pertaining to this matter should be directed to me at (716) 879-4246, by writing to the following address U S Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207, or by e-mail at [Bryan T Young@usace army mil](mailto:Bryan.T.Young@usace.army.mil)

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Young', with a long horizontal flourish extending to the right.

Bryan Young
Biologist

Lydon, Carol

From: Simon Monroe [Simon.Monroe@noaa.gov]
Sent: Tuesday, August 05, 2008 4:43 PM
To: Lydon, Carol
Cc: Surface Transportation Board; National Society of Professional Surveyors; Gilbert Mitchell
Subject: [NGS Response: STB Docket AB-369 (SUB NO. 07X)]
Follow Up Flag: Follow up
Flag Status: Red

Thank you for sharing your railroad abandonment environmental report for

Lackawanna, Orchard Park, Springville, in Erie, Cattaraugus Counties, NEW YORK

Approximately 39 geodetic survey marks may be located in the area described

If marks will be disturbed by the abandonment, [THE RAILROAD] shall

consult with the National Geodetic Survey (NGS) at least 90 days prior to

beginning salvage activities that will disturb, or destroy any geodetic station

marks are described on the attached file. Additional advice is provided at

<http://geodesy.noaa.gov/marks/railroads/>

Dist	PID	H V	Vert_Source	Approx	Approx	Stab	Designation
	NC0485	1	88/ADJUSTED	N424839	W0784826	B	B 4 07 L
	NC0484	1	88/ADJUSTED	N424829	W0784821	B	H 388
	NC0486	1	88/ADJUSTED	N424912	W0784844	D	J 388
	NC0487	1	88/ADJUSTED	N424937	W0784900	B	K 388
	NC0458	1	88/ADJUSTED	N423457	W0783841	C	T 387
	AI3115	3	88/RESET	N424655	W0784642	B	B 6 63 L RESET
	NC0483	1	88/ADJUSTED	N424748	W0784759	B	C 389
	NC0482	1	88/ADJUSTED	N424721	W0784712	B	G 388
	NC1490	2	29/VERT ANG	N424757	W0784745		HAM MET 1
	NC0480	1	88/ADJUSTED	N424623	W0784605	B	F 388
	NC1489	2	29/VERT ANG	N424605	W0784557	C	ORC ERT 3 1973
	NC1452	2	29/VERT ANG	N424554	W0784507		ORC ERT 4
	NC0476	1	88/ADJUSTED	N424526	W0784445	B	D 388
	NC0477	1	38/RESET	N424533	W0784449	C	ERTELL
	NC1132	2	29/VERT ANG	N424534	W0784355		ORC ERT 1
	NC0516	2	88/ADJUSTED	N424526	W0784445	B	ORCHARD PARK

8/11/2008

NC0475	1	88/ADJUSTED	N424503	W0784351	B	D 389
NC0474	1	88/ADJUSTED	N424430	W0784302	C	M 388
NC0473	1	88/ADJUSTED	N424410	W0784159	D	B 11 85 L
NC0471	1	88/ADJUSTED	N424323	W0784051	C	B 388
NC0470	1	88/ADJUSTED	N421233	W0784057	B	F 389
NC0469	1	88/ADJUSTED	N421144	W0784121	C	B 15 20 L
NC0464	1	88/ADJUSTED	N423832	W0784109	B	B 18 97 L
NC1277	2	29/VERT ANG	N423841	W0784026		COL ROS 2
NC1271	2	29/VERT ANG	N423751	W0784109		COL BCS 3
NC0463	0 1	88/ADJUSTED	N423755	W0784024	B	F 389
NC0465	1	88/ADJUSTED	N423836	W0784112	B	X 387
NC0461	1	88/ADJUSTED	N423657	W0783917	B	V 387
NC0462	1	88/ADJUSTED	N423729	W0783945	D	W 387
NC0460	1	88/ADJUSTED	N423631	W0783909	B	B 21 92 L
NC0459	1	88/ADJUSTED	N423541	W0783903	C	U 387
NC0458	1	88/ADJUSTED	N423457	W0783841	C	T 387
NC0457	1	88/ADJUSTED	N423431	W0783839	B	B 24 38 L
NC0454	1	88/ADJUSTED	N423253	W0783839	D	B 26 32 R
NC0453	1	88/ADJUSTED	N423228	W0783903	B	P 387
NC0451	1	88/ADJUSTED	N423109	W0783950	B	N 387
NC0446	1	88/ADJUSTED	N423012	W0784048	B	B 389
NC0447	1	88/ADJUSTED	N423026	W0784037	D	35

Lydon, Carol

From: Anne Oyer [amoyer@gw dec state ny us]
Sent: Thursday, August 07, 2008 11 13 AM
To: Lydon, Carol
Cc: Steven Doleski
Subject: Buffalo & Pittsburgh Railroad

Carol,
This is to follow up on our phone conversation today regarding the State-regulated wetland, SP-3, which the proposed abandonment of the railroad in Erie and Cattaraugus Counties may impact. A Freshwater Wetland Permit will likely be necessary for the proposed work. I recommend you have the wetland boundary delineated by a qualified consultant and then verified by us in order to determine whether there may be impacts from your project.

This link should get you plenty of information on the permit process for an Article 24 Freshwater Wetlands Permit, including a link to the actual permit application:

<http://www.dec.ny.gov/permits/6058.html>

I believe the website will likely have the information you need and the brochure I was going to send you would be redundant. If you need more information, please let me know.

You should also be aware that this wetland may be under federal jurisdiction by the U.S. Army Corps of Engineers in addition to the State jurisdiction. Their address is 1776 Niagara Street, Buffalo, New York 14207, telephone (716) 879-4330 in order to find out if they have jurisdiction as well.

Please let me know if you have any questions.

Sincerely,

Anne Oyer
Senior Wildlife Biologist
Freshwater Wetlands Program
NYS Department of Environmental Conservation 270 Michigan Ave
Buffalo, NY 14203-2999
716-851-7010

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Office of the Governor State of New York State Capitol Albany, NY 12224		Environmental consult ltr 6/2/08	
NYS Department of Transportation 50 Wolf Road Albany, NY 12232 (518) 457-6195		Environmental consult ltr 6/2/08	
Alan E. Taylor, Regional Director NYS Department of Transportation Region 5 100 Seneca Street Buffalo, NY 14203 (716) 847-3238		Environmental consult ltr 6/2/08	Letter 7/14/08 Abandonment will have no environmental effects

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Jack McKeon, Deputy Commissioner Office of Administration New York State Department of Environmental Conservation 625 Broadway Albany, New York 12233-0001 (518) 402-9401		Environmental consult ltr 6/2/08	
Abby M Snyder, Regional 9 Director NY Dept of Environmental Conservation 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7200	Russ Biz (716) 372-0645	Environmental consult ltr (cc only) 6/2/08	7/8/08 – T/C from Russ Biz, calling for A Snyder They have no problems but two remarks Concerned if there are contaminants left behind in the ballast materials Also advises that because of recent legislation, railroad ties cannot be used in water environments No need to call unless we have questions

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
NY Dept of Environmental Conservation Fish, Wildlife and Marine Resources 625 Broadway Albany, NY 12233-4750 (518) 402-8924		Environmental consult ltr (cc only) 6/2/08	
NY Dept of Environmental Conservation Fish, Wildlife and Marine Resources, Region 9 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7000		Environmental consult ltr (cc only) 6/2/08	
NY Dept of Environmental Conservation Lands and Forests 625 Broadway, 5 th Floor Albany, NY 12233 (518) 402-9405		Environmental consult ltr (cc only) 6/2/08	

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
NY Dept of Environmental Conservation Land and Forests, Region 9 Erie County 270 Michigan Avenue Buffalo, NY 14203 (716) 851-7000		Environmental consult ltr (cc only) 6/2/08	
NY Dept of Environmental Conservation Land and Forests, Region 9 – Cattaraugus County 215 South Work Street Falconer, NY 14733-1497 (716) 665-6111		Environmental consult ltr (cc only) 6/2/08	

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. -- Abandonment -- Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
NY Dept of Environmental Conservation NY Natural Heritage Program 625 Broadway, 5th Floor Albany, NY 12233-4757 (518) 402-8935	Tara Seoane, Info Services (518) 402-8935	Environmental consult ltr (cc only) 6/2/08	6/23/08 -- Rec'd letter that includes a report of rare or state-listed animals, plants, natural communities and significant habitats in the vicinity of abandonment. Unclear if action is necessary -- sent same to L.H. 6/24/08 -- Per ltr send courtesy copies to Division of Environmental Permits in the regional offices as suggested by 6/18/08 letter. Prepared draft letter to (sent to L-H for review 6/24) Steve Doleski NYS-DI-C (Erie City) 270 Michigan Ave Buffalo, NY 14203-2999 Ken Talt, Deputy Regional Permit Administrator NYS-DI-C (Cattaraugus City) 182 East Union, Suite 3 Allegany, NY 14706-1328 8/7/08 - T/C from Anne Oyer, Wetlands Division. Advised that part of the abandonment is in a protected wetlands. Will need a permit before proceeding. Via email, she provided web address with information on permits.
U:\CLIENTS\019508\097358\BGC00294 / DOC			5

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Division of Coastal Resources NYS Department of State 99 Washington Avenue, Suite 1010 Albany, NY 12231-0001 (518) 474-6000	Gary Height, (518) 486-3047	Coastal consult ltr 6/2/08	1/C 6/20/08 – site is outside the coastal zone. no comment is necessary Will send letter confirming same 6/30/08 – Received letter
Chris Collins, Erie County Executive Rath Building 16 th Floor, Room 1600 Buffalo, New York 14202 (716) 858-8500		Environmental consult ltr 6/2/08	

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
S1B Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Crystal J. Abers, Chairman of Cattaraugus County 303 Court Street Little Valley, NY 14755 (716) 938-9111	Crystal Gross, (716) 938-2442	Environmental consult ltr 6/2/08	1/c 6/6/08 – Concern re end point of railroad— it runs close to nuclear fuel site - will this affect? Sent email to M Burns re clarification 6/10/08 rec'd email from M Burns end point of the track removal will be from the north at the plant The Fox Valley at-grade crossing south of the plant will remain and be maintained as will track to the connection near Route 242 ~ 1/C to Ms. Gross on same date – left message with this information 6/11/08 Message from C. Gross, she needs add'l information Lmail to M Burns 7/C 6/11/08 with C. Gross, portion of the rail will remain for switching needs at the plant Information complete
US EPA Region 2 290 Broadway New York, New York 10007-1866		Environmental consult ltr 6/2/08	6/30/08 - Received letter with guidelines for report

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
U S Environmental Protection Agency Western New York Public Information Office 186 Exchange Street Buffalo, New York 14204		Environmental consult ltr 6/2/08	
U S Fish and Wildlife Service Northeast Regional Office 300 Westgate Center Drive Hadley, MA 01035-9589 (413) 253-8200		Environmental consult ltr 6/2/08	Received letter 6/12/08 – need to check website for requested actions Checked website and printed county information– we should not have to do anything unless contacted by state otherwise
U S Fish and Wildlife Service New York Field Office 3817 Luker Road Cortland, NY 13045 (607) 753-9334		Environmental consult ltr 6/2/08	Received fax form letter 6/12/08, **need to check website for applicable information and instructions 6/16/08 – Checked website for endangered species information Ran searches for Erie and Cattaraugus Cty No threatened or endangered species in Erie three in Cattaraugus Per website. as long as we receive no response from the NY Dept of Env Conservation or the Natural Heritage Foundation– no need to do anything else We'll wait and see

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
U S Army Engineer Division Great Lakes & Ohio River Division 550 Main Street Room 10032 Cincinnati, OH 45202-3222		Environmental consult ltr 6/2/08	
U S Army Engineer District, Buffalo, CELRB 1776 Niagara Street Buffalo, NY 14207-3199 (716) 879-4200	Brian Young (716) 879-4246	Environmental consult ltr 6/2/08	7/7/08 - T/C with Brian Young. Army Corps of Eng Wants to know if we will be coming down and removing as we go or coming in from another way? And what will be done with rails and ties? 7/8/08 – E. mail, M Burns Ties and rail will be removed by a bid contractor using both on-track and off road equipment If possible, we will use the existing tracks to move the material to a central location Both rail and cross-ties will be sold for re-use, if possible or for scrap There is access from a few road crossings 7/9/08 – T/C with B Young Relayed information Okay

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Regional Director, National Park Service Northeast Region U S Custom House 200 Chestnut Street, 5 th Floor Philadelphia, PA 19106 (215) 597-7013		Environmental consult ltr 6/2/08	
USDA, Natural Resources Conservation Service New York State Office Ron Alvarado, State Conservationist 441 E. Salina Street, Room 520 Syracuse, NY 13202-2450 (315) 477-6504		Environmental consult ltr 6/2/08	

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE REC'D	FORM OF RESPONSE/SUMMARY
Mr Richard A Snay Chief, Spatial Reference System Division United States Department of Commerce NOAA, N/NGS2 SSMC 3, Room 8828 1315 East-West Highway Silver Spring MD 20910	Simon Mouroe	Environmental consult ltr 6/2/08	Received email 8/5/08 stating that there are 39 geodetic survey marks in the described area We should consult with the NGS if these marks will be disturbed

**ENVIRONMENTAL/HISTORICAL/COASTAL CONTACT LIST
FOR THE 3rd SUBDIVISION ABANDONMENT**

**Buffalo & Pittsburgh Railroad, Inc. – Abandonment – Erie and Cattaraugus Counties, NY
STB Docket No. AB369 (Sub-No. 7X)**

AGENCY	CONTACT	DATE SENT/RESPONSE RFC'D	FORM OF RESPONSE/SUMMARY
New York State Historic Preservation Office Peebles Island Resource Center P O Box 189 Waterford, NY 12188-0189	Dan McEneny, Historic Register (518) 237-8643. ext 3257 <i>Don Jack Angelo (518) 237-8643 x3205</i>	Historical consultation 6/2/08	I/C. 6/10/08 with D McEneny Wants to know if state or federal money is being used? No Will not make a comment until surveys are complete Met with E Hocky. 6/13/08 – advised to complete Project Review Cover forms and call office for more instructions I/C 6/16/08 – per McEneny – they will not do anything until we have surveys performed There's nothing for us to do other than hire someone to perform surveys Will email EH with same 6/19/08 - Talked to HH about I/C with D M Will get information about survey consultants May need to include M Burns or their local counsel in process I/C 6/23/08 <i>Mr Angelo called to inquire about the exact endpoint of the abandonment Gave him same no other action necessary</i>

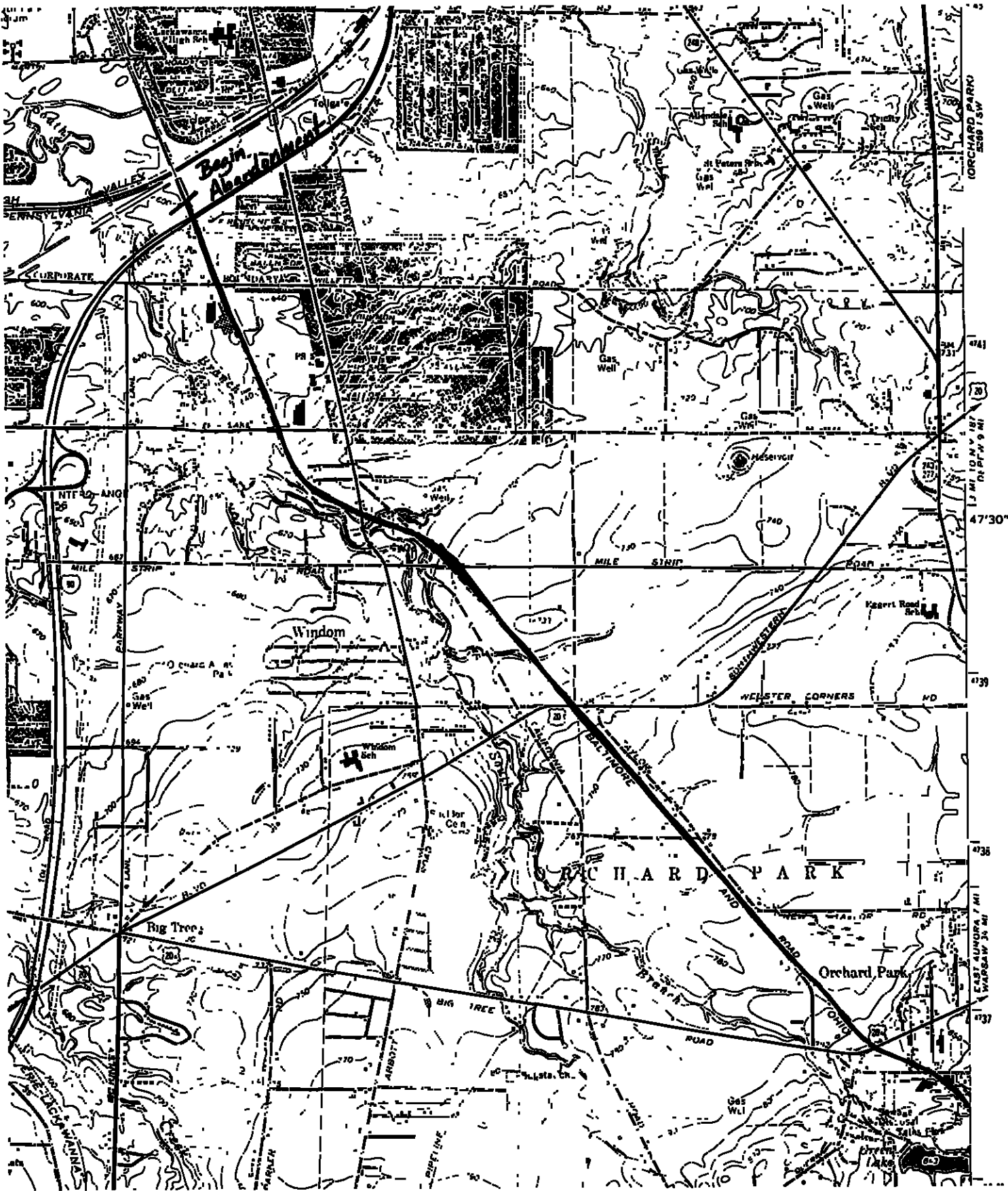
NOTICE OF INTENT TO ABANDON RAIL SERVICE

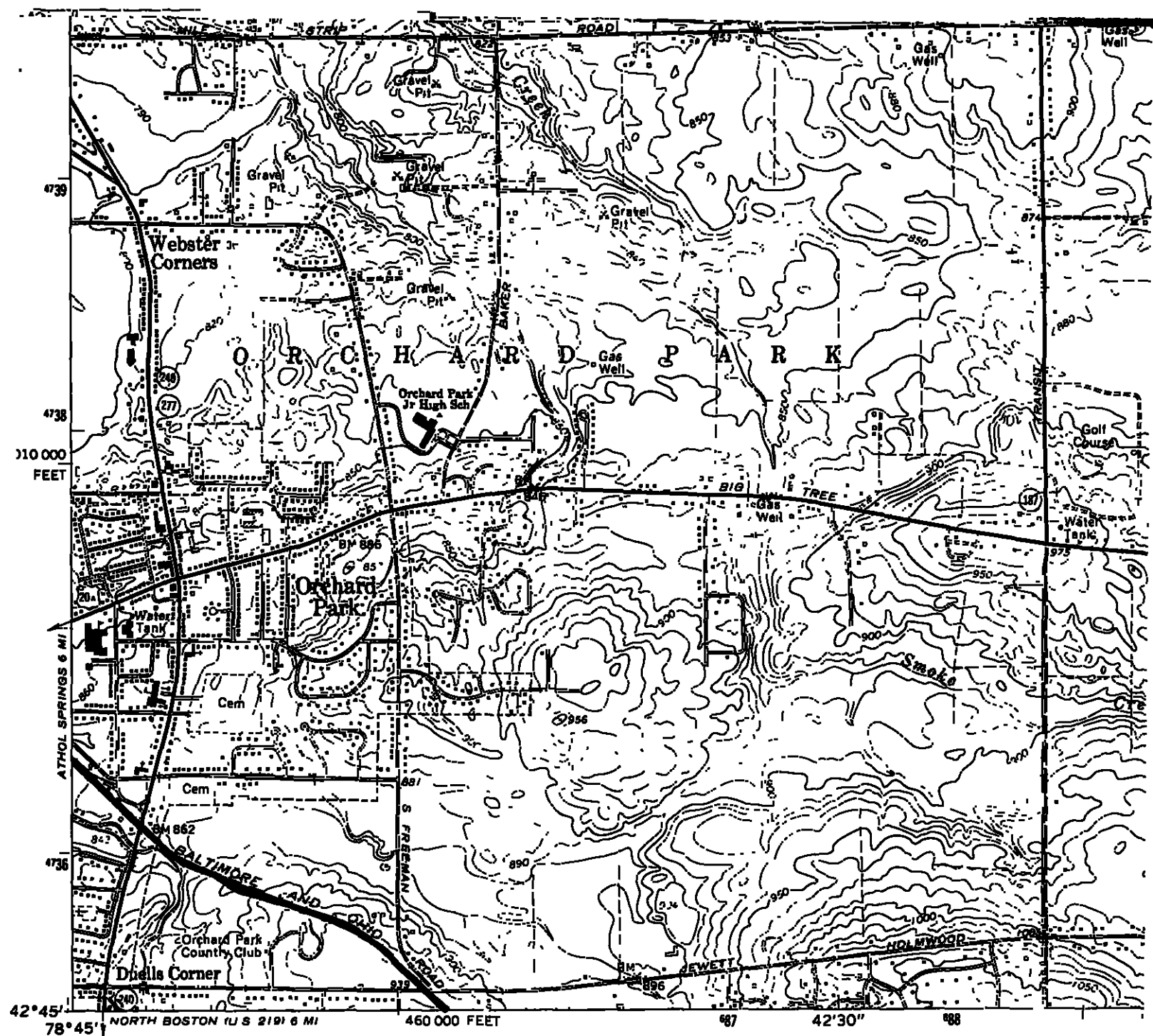
Buffalo & Pittsburgh Railroad, Inc. ("BPRR") gives notice that on or about September 3, 2008, it intends to file with the Surface Transportation Board, Washington, DC 20423, either a notice of exemption pursuant to the provisions of 49 CFR 1152 Subpart F, or a petition for exemption pursuant to the provisions of 49 USC 10502 and 49 CFR 1152 Subpart G, under STB Docket No. AB-369 (Sub No. 7X) permitting the abandonment of two segments of its line of railroad, known as the 3rd Subdivision, between Milepost 4.0 in the City of Lackawanna in Erie County, New York and Milepost 8.4 in the Town of Orchard Park, Erie County, New York (Segment 1), and between Milepost 8.4 in the Town of Orchard Park, Erie County, New York and Milepost 36 in Village of Springville, Cattaraugus County, New York (Segment 2), a total of 32.0 miles. These line segments traverse through United States Postal ZIP Codes 14218, 14127, 14025, 14033 and 14141.

The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing if BPRR files a notice of exemption, or 60 days after the filing if BPRR files a petition for exemption. Comments on environmental and energy matters should be filed no later than 15 days (in the case of a notice), or 30 days (in the case of a petition), after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the SEA, Section of Environmental Analysis (SEA), Surface Transportation Board, 395 I Street, S.W., Washington, DC 20423-0001 or by calling that office at (202) 245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, Surface Transportation Board, 395 I Street, S.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative Eric M. Hocky, Esquire, Thorp Reed & Armstrong, LLP, One Commerce Square, 2005 Market Street, Suite 1910, Philadelphia, PA 19103.

EXHIBIT E



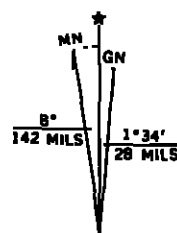


Mapped, edited, and published by the Geological Survey
in cooperation with New York Department of Public Works
Control by USGS, USC&GS, and USCE

Planimetry compiled by U S Corps of Engineers
from aerial photographs taken 1942 Topography by
planetable surveys 1948 Revised 1965

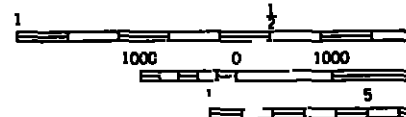
Polyconic projection 10,000-foot grid ticks based on New York
coordinate system, west zone. 1000-meter Universal Transverse
Mercator grid ticks, zone 17, shown in blue 1927 North
American Datum To place on the predicted North American
Datum 1983 move the Projection lines 2 meters south and
21 meters west as shown by dashed corner ticks

Fine red dashed lines indicate selected fence and field lines where
generally visible on aerial photographs This information is unchecked
Red tint indicates areas in which only landmark buildings are shown



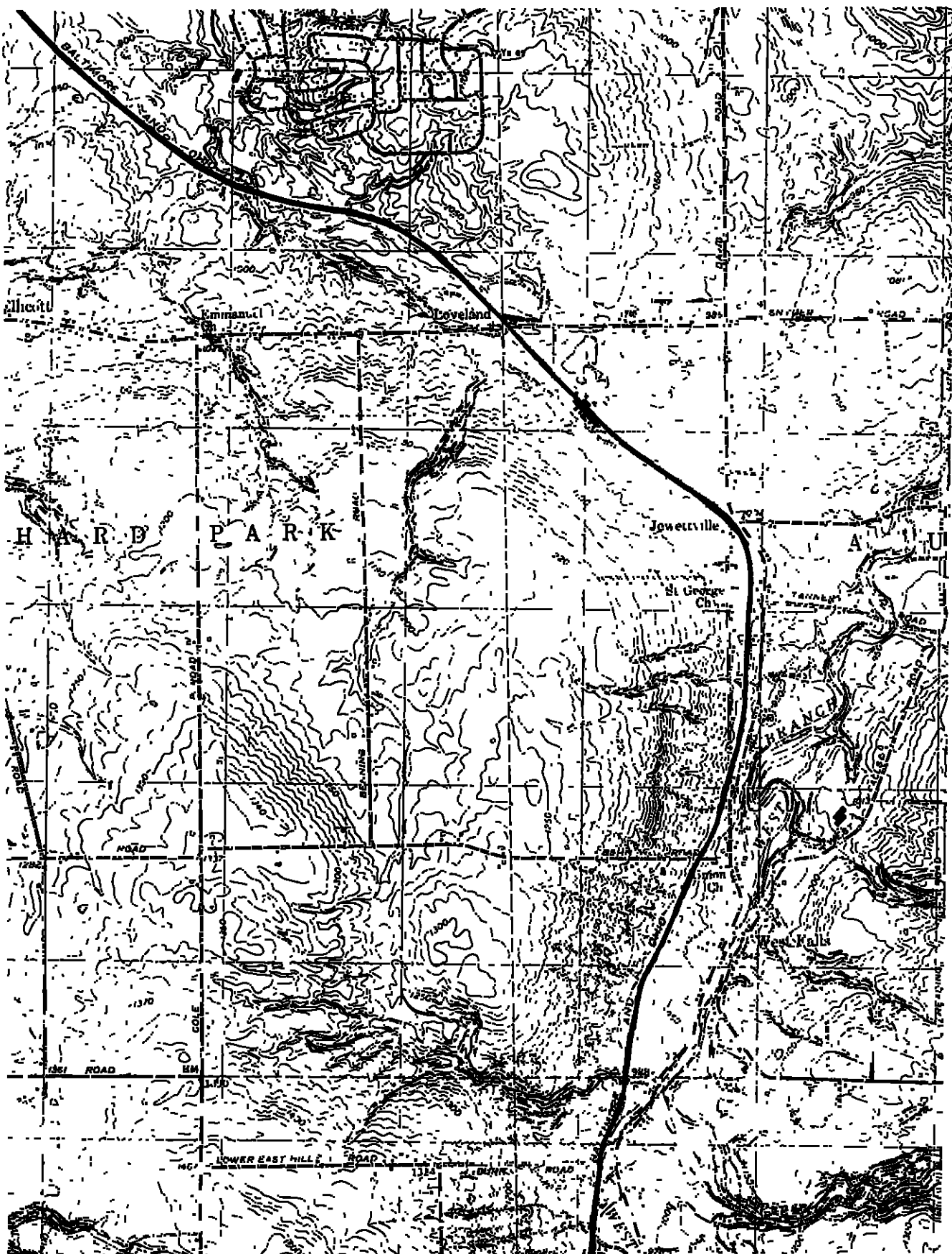
UTM GRID AND 1955 MAGNETIC NORTH
DECLINATION AT CENTER OF SHEET

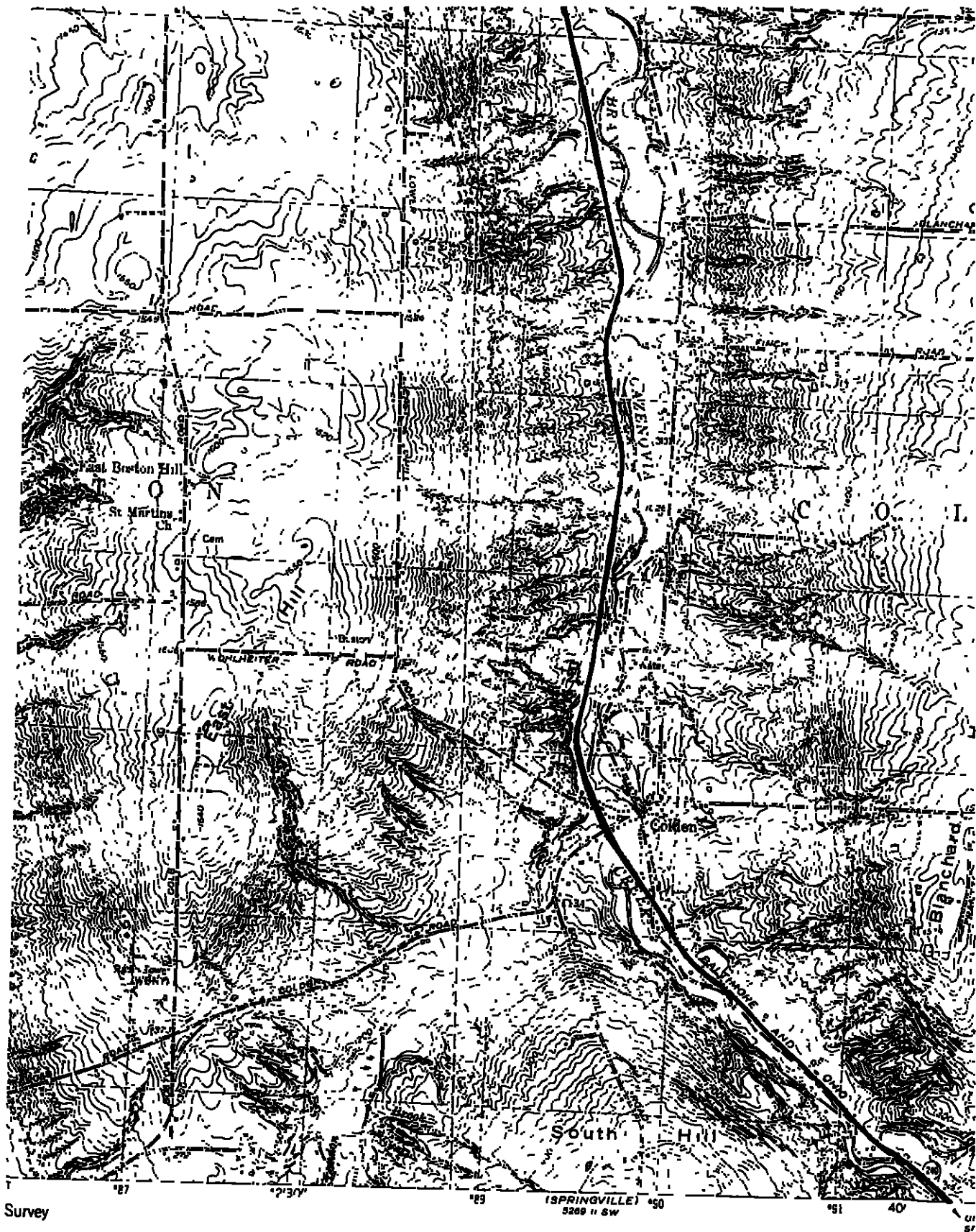
There may be private inholdings within
the boundaries of National or State
reservations shown on this map

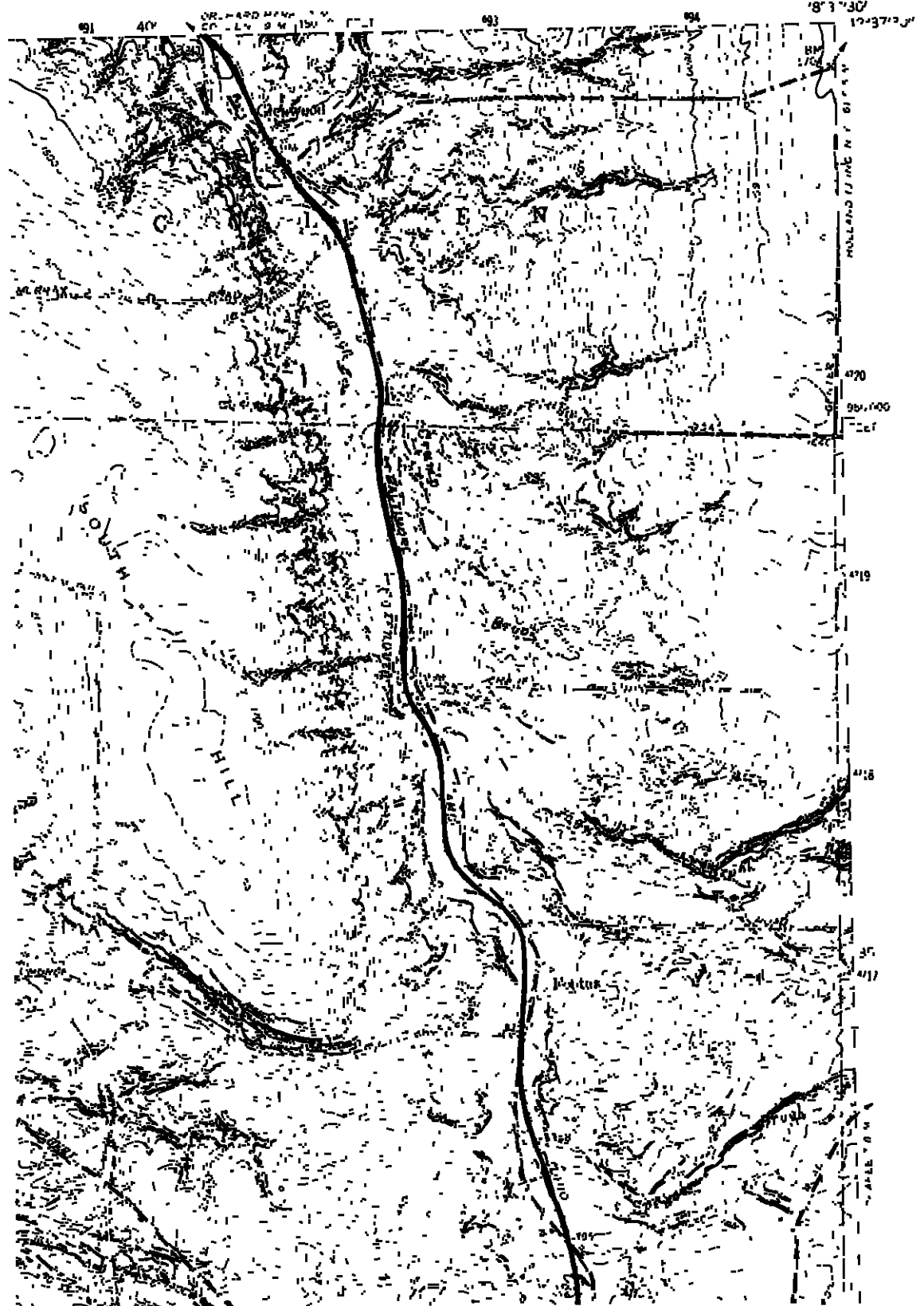


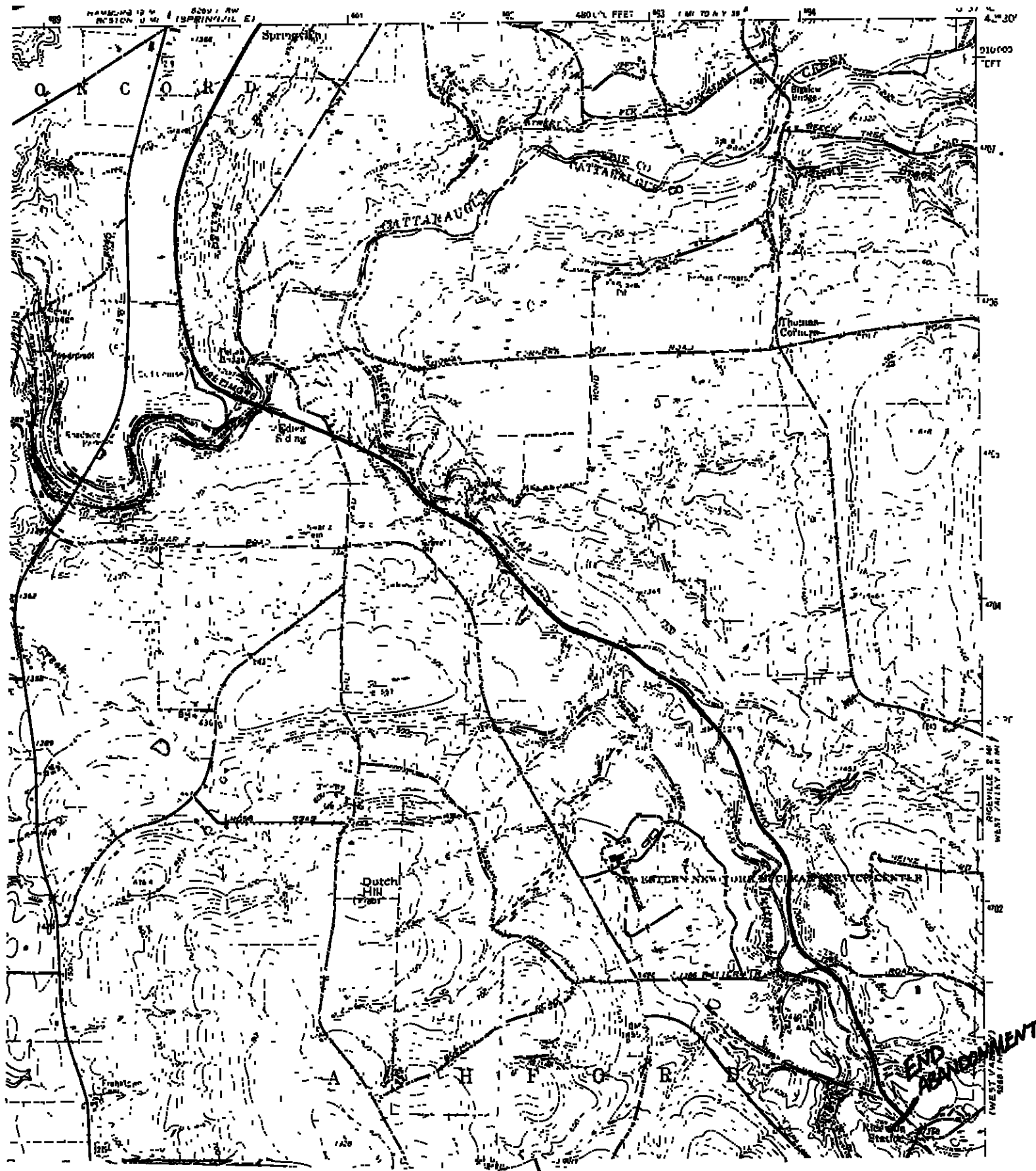
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THIS MAP COMPLIES
FOR SALE
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BUFFALO & PITTSBURGH RAILROAD NEW YORK STATE BRIDGE INVENTORY

MAIN LINE

BRIDGE #	# SPANS	TYPE	LENGTH	CROSSING	BUILT
1.06	OH	Steel/Conc		Tiffit Street	1995
1.31	OH	TPG	246'-0"	So Buffalo Railway	1953
1.81	OH	Rein. Conc.		Hopkins & Manila St	1985
2.38	1	TPG	96'-0"	So Park Avenue	1915
2.64	OH	IBMS		McKinley Parkway	1901
2.82	OH	Conc		Ridge Road	1901
3.39	1	TPG	75'-0"	Smokes Creek	1913
3.84	1	Conc. Arch	6'-0"	Stream	1916
4.07	2	TPG	130'-0"	Conrail	1907
4.11	1	TPG	60'-0"	Abandoned Railroad	1915
4.27	4	IBMS	196'-0"	New York Throughway	1957
5.56	1	TPG	100'-0"	Abbott Road	1987
5.98	1	TPG	106'-0"	Mile Strip Road	1970
6.42	1	Conc Arch	6'-0"	Stream	1911
6.63	1	TPG		U S. Route 20	1956
7.47	OH	IBMS		U S Route 219	1970
7.50	OH	IBMS		U S. Route 219	1970
8.33	OH	Conc.		U.S. Route 20A	1985
9.02	1	TPG	93'-6"	Route 272	1988
11.03	1	Conc. Arch	12'-0"	Stream	1910
14.78	1	Rail Top	6'-0"	Cattle Pass	1913
14.88	1	Rail Top	6'-0"	Cattle Pass	1913
15.20	1	Conc. Arch	10'-0"	Gold Mine Creek	1911
16.66	1	Timber	8'-0"	Stream	
17.68	2	Rail Top	12'-0"	Cattle Pass	1911
17.76	1	Rail Top	8'-0"	Stream	1912
18.72	1	Conc Arch	12'-0"	Stream	1912
18.88	OH	Conc /IBMS	30'-0"	Valley Road	1952
18.97	1	TPG	95'-6"	Cazenovia Creek	1904
20.98	1	TPG	70'-0"	Hazel Hollow Creek	1915
21.13	OH	Timber	58'-0"	Mill Street	1908
21.29	1	TPG	60'-0"	Stream	1913
21.92	1	DPG	30'-0"	Spring Brook	1913
22.91	2	IBMS	76'-0"	Stream	1975
23.32	1	Rail Top	8'-0"	Cattle Pass	1913
23.84	1	TPG	85'-9"	Cazenovia Creek	1904
24.38	1	TPG	85'-9"	Stream	1914
24.73	2	Timber	22'-0"	Stream	1929
24.80	4	Timber	43'-4"	Stream	1931
25.61	1	Timber	8'-3"	Cattle Pass	1931
27.52	1	IBMS	24'-0"	Stream	1923
28.06	2	IBMS	23'-0"	Stream	1923
29.01	2	CMP	6'-0"	Stream	1959
31.89	13	DPG/DRT	779'-9"	Cattaraugus Creek	1897
32.32	OH	Timber	106'-0"	Cattaraugus Creek	1933
32.96	2	IBMS	79'-0"	Abandoned Road	1957
33.82	1	Conc. Arch	12'-0"	Stream	1911
34.38	1	TPG	95'-6"	Buttermilk Creek	1904
34.85	2	DPG	60'-6"	Campbells Creek	1916
35.92	1	Conc. Arch	16'-0"	Buttermilk Creek	1911

MAIN LINE (cont.)

BRIDGE #	# SPANS	TYPE	LENGTH	CROSSING	BUILT
36 83	1	Timber	5'-4"	Cattle Pass	1946
37 24	1	Rail Top	6'-0"	Cattle Pass	1923
38 04	1	CMP	7'-0"	Cattle Pass	1955
38 41	1	IBMS	24'-0"	Machias Road	1923
38 61	1	Timber	11'-0"	Cattle Pass	1931
38.83	3	Timber	36'-6"	Depot Street	1926
38 92	1	IBMS	24'-0"	Stream	1923
39 37	1	CMP	7'-0"	Cattle Pass	1954
39.67	1	Conc Arch	12'-0"	Flood Plain/Cattle Pass	1910
40 94	1	Timber	5'-0"	Cattle Pass	1931
42 30	1	Timber	13'-0"	Cattle Pass	1930
45 07	1	TPG	57'-0"	Great Valley Creek	1907
83 74	1	TPG	44'-0"	Ischua Creek	1906
84.04	3	Rein Conc /TPG	104'-0"	Route 16	1936
86 08	1	Steel Pipe	12'-0"	Stream	1932
89.80	1	IBMS	25'-0"	Stream	1928
90.23	1	IBMS	35'-6"	Stream	1964
90 59	1	IBMS	35'-0"	Stream	1954
90 84	1	IBMS	23'-8"	Stream	1954
91 30	1	DPG	34'-0"	Stream	1913
91 75	1	DPG	34'-0"	Stream	1913
92 52	1	DPG	34'-0"	Stream	1913
93.58	1	TPG	32'-6"	Great Valley Creek	1913
94 61	1	TPG	70'-0"	Great Valley Creek	1903
95 23	1	TPG	70'-0"	Great Valley Creek	1903
97 25	1	TPG	80'-0"	Great Valley Creek	1903
97 65	1	IBMS	15'-8"	Mill Race	1903
98 10	1	DPG	35'-0"	Mill Street	1903
98 42	1	DPG	80'-0"	Great Valley Creek	1903
98 68	1	Rein Conc	22'-6"	Stream	2002
99.59	1	Rein Conc	16'-2"	Stream	2002
103 03	1	Rein Conc	21'-8"	Stream	2002
104 50	1	TPG	71'-6"	Route 219	1936
105.40	7	IBMS/TRT	306'-0"	Great Valley Creek	1970
106 37	2	DPG	158'-0"	Great Valley Creek	1914
107 40	1	TPG	47'-3"	Route 219/Wildwood Ave	1902
107 51	2	DPG	140'-0"	Great Valley Creek	1912
108.12	1	IBMS/Conc	9'-0"	Stream	1904
110.88	1	DPG	32'-0"	Windfall Run	1912
111.67	1	TRT/DPG	281'-6"	WNY&P/Abandoned R.R.	1904
112 06	1	Conc Arch	17'-4"	Stream	1905
112 28	6	Rein Conc.	144'-0"	Allegheny River	1912
112 55	1	IBMS/Conc.	12'-6"	Stream	1914
112.77	4	Conc Trestle	70'-0"	Dry Run	1947
112.82	OH	IBMS/Conc.		I 87	
113.33	1	IBMS/Conc	17'-6"	Stream	1914
113.47	18	DPG/TRT	716'-4"	Flood Plain	1982/1914
116 86	1	DPG	25'-0"	Leonard Run	1912
117 48	1	DPG	25'-0"	Nicholls Run	1912
117.91	1	Rein. Conc	10'-0"	Stream	1906