



United States Department of the Interior

FISH AND WILDLIFE SERVICE
446 Neal Street
Cookeville, TN 38501

August 28, 2014

Mr. Brian Yates
Ensafe
5724 Summer Trees Drive
Memphis, Tennessee 38134

Subject: FWS# 2014-CPA-0659. STB Finance Docket No. 35802. Northwest Tennessee Regional Port Authority – Rail Construction and Operation in Lake County, Tennessee.

Dear Mr. Yates:

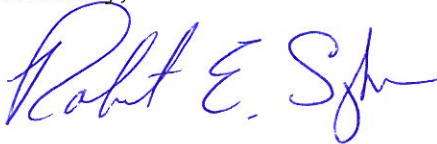
The Surface Transportation Board (STB) has requested the U. S. Fish and Wildlife Service (Service) provide comments during the environmental review phase of the subject project. The Northwest Tennessee Regional Port Authority is proposing a new 5.5-mile rail line to serve the Port of Cates Landing on the Mississippi River. The rail line would primarily cross open farmland and possibly cross two public roads. The STB has requested our agency submit comments to your office since Ensafe, Inc., is OEA's independent third-party contractor for this proposal. The following constitute the comments of the U.S. Department of the Interior, provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), Migratory Bird Treaty Act (16 U.S.C. 703–712), and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Information available to the Service does not indicate that wetlands exist within the impact area of the proposed project. However, our wetland determination has been made in the absence of a field inspection and does not constitute a wetland delineation for the purposes of Section 404 of the Clean Water Act. The Corps of Engineers and Tennessee Department of Environment and Conservation should be contacted if other evidence, particularly that obtained during an on-site inspection, indicates the potential presence of wetlands and or streams.

The least tern (*Sterna antillarum*) is known to occur and nest along the Mississippi River near the Port of Cates Landing. However, the least tern tends to occupy sandbar-type areas along the river and we would not expect it to occur in the area where the project is proposed. Our database does not indicate any current federally listed species in the vicinity of the project that would be impacted by the project. Therefore, based on the best information available at this time, we believe that the requirements of the Fish and Wildlife Coordination Act and section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the

Act must be reconsidered if (1) new information reveals impacts of the action that may affect listed species or critical habitat in a manner not previously considered, (2) the action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the action. Thank you for the opportunity to comment on this proposed action. If you have any questions regarding the information which we have provided, please contact Robbie Sykes of my staff at 931/525-4979.

Sincerely,


for Mary E. Jennings
Field Supervisor