



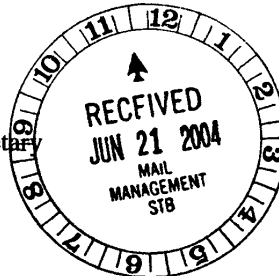
Audubon SOUTH CAROLINA

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



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Re: STB Finance Docket No. 34421, *HolRail LLC – Petition for Exemption from 49 USC 10901 to Construct and Operate a Rail Line in Orangeburg and Dorchester Counties, SC;* - 211375

STB Finance Docket No. 34421 (Sub-No. 1), *HolRail LLC – Petition for Crossing Authority Under 49 USC 10901(d).* - 211376

Dear Secretary Williams:

I am submitting this letter in the above-referenced dockets, on behalf of The National Audubon Society, in order to address an issue that has been raised by the Petitioner, HolRail LLC ("HolRail"), and by CSX Transportation, Inc. ("CSX"). HolRail has sought authority to construct and operate a rail line approximately two miles long in order to connect the cement plant of its parent company, Holcim (US) Inc. ("Holcim"), to the Norfolk Southern Railroad. Holcim's plant currently is rail-served only by CSX. HolRail's proposed construction would cross Four Holes Swamp, which is an environmentally sensitive wetland within South Carolina's Coastal Management Zone. The Audubon Society has a strong interest in avoiding the construction of a new rail line if at all possible, and minimizing the impact of the proposed new construction project upon Four Holes Swamp if a new rail absolutely must be built.

Four Holes Swamp is one of the finest remaining forest of its type in the world. The National Audubon Society owns roughly 13,000 acres of Four Holes Swamp both upstream and downstream from the existing CSX line and the proposed new rail. It owns about 5,000 acres of the swamp just across and upstream from SC Highway 453 and the existing tracks, and about 8,000 acres located 2 ½ miles downstream from the site. The downstream area contains 1,700 acres of the finest remaining virgin black water bald cypress-tupelo gum forest in the world. The overall health of the swamp controls the long-term viability of this old-growth forest and the wetland in general.

Audubon understands there are times and situations that make impacts to this and other wetlands unavoidable. This is, however, not such a time and situation. CSX could find an accommodation with Norfolk Southern and Holcim, which would allow its track to be shared, avoiding the need to build a new line through this world-renowned forested wetland, further fragmenting the forest and filling in vital wildlife habitat.

The habitat threatened by this new track is some of the most productive songbird habitat in the United States. Many birds that nest, winter and migrate in it are among the group called neotropical migrants - birds that summer in the United States and winter in Central and South America - making them among the most vulnerable of all song birds.

HolRail has proposed two alternative routes for the proposed construction. The "Preferred" Route would be to cross lengthwise the existing CSX right-of-way in order to mitigate potential adverse environmental consequences. The "Alternate" Route would parallel the Preferred Route approximately fifty yards further east on property already owned by Holcim. HolRail has stated that it is preparing a petition, pursuant to 49 USC 10901(d), to cross the CSX right-of-way, but has been unable to do so because CSX has refused it the necessary discovery to complete the petition. CSX, in turn, has sought to dismiss HolRail's petition. Both of these disputes have been submitted to the Board for resolution. The Audubon Society takes no position on the legal issues underlying these disputes.

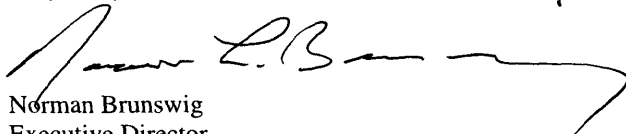
If it proves impossible for CSX and Norfolk Southern to work out an arrangement to share CSX's existing track, a situation that we hope can be avoided, The National Audubon Society strongly supports the use of HolRail's Preferred Route over its Alternate Route. Construction of the Preferred Route, within CSX's existing right-of-way, will be much less detrimental to the environment than the Alternate Route.

The existing power line, highway and rail crossings of the swamp have fragmented the forest, causing not only the loss of important wetland habitat, but also the degradation of the adjacent habitat by making it less attractive to forest interior species. Such animals do not occupy the portions of the forest that are near its edge. By keeping the rail lines close together there is little or no forest left between the two, minimizing the forest edge effect. Placing the new line as close as possible to the existing one would certainly destroy the swamp beneath the footprint of the new rail fill, but it would not increase the amount of edge habitat, thus avoiding still more habitat degradation.

I have been the Manager of the Francis Beidler Forest since 1973 and I am now also the Executive Director of Audubon South Carolina. Last month, in Washington D. C., I was awarded one of six 2004 Wetland Conservationist of the Year Awards by the Environmental Law Institute and EPA, for thirty years of work protecting the Four Holes Swamp wetland system. Both Audubon and I are deeply committed to the protection, enhancement and restoration of Four Holes Swamp. We take this new rail line matter very seriously.

On behalf of the Audubon Society, I thank you for this opportunity to present our views on this matter. Per the Board's rules, I have enclosed ten copies of this letter and served it upon counsel for HolRail and CSX.

Very Truly Yours,



Norman Brunswig
Executive Director

Cc: Louis E. Gitomer, Attorney for CSX Transportation, Inc.
Jeffrey O. Moreno, Attorney for HolRail LLC