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April 11, 2008

## VIA ELECTRONIC FILING

Ms. Anne K. Quinlan  
Acting Secretary  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423-0001

Re **Docket No. AB-325 (Sub-No. 4X), Florida Midland Railroad Company, Inc.— Abandonment Exemption—In Sumter County, Florida**

Dear Secretary Quinlan:

In the Environmental Assessment issued April 4, 2008, a number of conditions were recommended.

The first recommended condition was that Florida Midland Railroad Company, Inc ("FMID") shall submit a GIS-generated linear corridor or equivalent mapping program to the Florida Department of Environmental Protection. On April 10, 2008, I received a letter from the Florida Department of Environmental Protection indicating that the department has determined that FMID will not need to submit a GIS-generated linear corridor map to the Florida Department of Environmental Protection. The letter is enclosed with this correspondence herein.

The third condition recommended in the Environmental Assessment was to consult with Mr. Rick McCann of the Florida Fish and Wildlife Conservation Commission, Division of Habitat and Species Conservation, regarding tortoises in the project area and incidental take or relocation permits that may be required as a result. In addition, the fourth condition recommended in the Environmental Assessment was that FMID consult with the National Geodetic Survey ("NGS") and notify NGS at least ninety (90) days prior to beginning the salvage activities that will disturb or destroy any geodetic station markers. On April 10, 2008, a representative of FMID walked the track that is subject to abandonment and found no evidence of tortoises in the vicinity of the track nor any NGS monuments in the vicinity of the track. According to my correspondence with Mr. Simon Monroe at NOAA, if there were no NGS monuments within ten feet, then NOAA would not be concerned about the abandonment.

As a consequence of FMID's consultation activities, FMID believes that recommended conditions 1, 3 and 4 of the Environmental Assessment have been addressed and do not need to be imposed as part of this abandonment.

# FLETCHER & SIPPEN LLC

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Mr Simon Monroe of NOAA, Mr Rick McCann of Florida Fish and Wildlife Conservation Commission, and Mr Robin Branda of the Florida Department of Environmental Protection have all been copied on this letter

Thank you for your assistance with this matter. Please call me if you have questions

Respectfully submitted,

  
Michael J Barron, Jr.  
Attorney

MJB arw

Enclosure

cc. Mr Simon Monroe (via email)  
Mr Rick McCann (via email)  
Mr Robin Branda (via email)  
Mr Ben Biscan, FMID (via email)



# Florida Department of Environmental Protection

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3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000

Charlie Crist  
Governor

Jeff Kottkamp  
Lt Governor

Michael W. Sole  
Secretary

April 10, 2008

Mr. Michael J. Barron, Jr.  
Fletcher and Sippel, LLC  
29 North Wacker Drive, Suite 920  
Chicago, Illinois 60606-2832

**RE: Docket No. AB-325 (Sub-No. 4X)  
Florida Midland Railroad Company - Abandonment Exemption  
Sumter County, Florida**

Dear Mr. Barron:

With regard to the above referenced abandonment, the Department has determined that the applicant will not need to submit a GIS generated linear corridor map to the Department's District Office

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2182.

Sincerely,

**Robin Branda**

Robin Branda  
Office of Intergovernmental Programs

cc: Jim Quinn, Program Administrator, OIP  
Mike Downs, Southwest office

rsb