

SERVICE DATE – OCTOBER 15, 2020

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

FINAL ENVIRONMENTAL ASSESSMENT

Docket No. AB 303 (Sub-No. 56X)

**Wisconsin Central Ltd. – Abandonment Exemption –
In Kaukauna, Outagamie County, Wis.**

ABANDONMENT TYPE

The time for comments on the Draft Environmental Assessment (Draft EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Outagamie County, Wisconsin. The rail line proposed for abandonment extends approximately 0.30 miles from milepost 114.0 to the end of the track at milepost 113.70 (the Line). OEA served a Draft EA for this proceeding on September 29, 2020 for public review and comment. In the Draft EA, OEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the Draft EA

OEA received one comment after issuance of the Draft EA from the Oneida Nation of Wisconsin. The Tribal Historic Preservation Officer (THPO) stated that she does not believe that the proposed abandonment would impact cultural resources and that she has no concerns or questions at this time. THPO also requested that the correct agencies be contacted in the event of an inadvertent discovery during this project. Accordingly, OEA is recommending that an additional unanticipated discoveries condition be imposed on any decision granting abandonment authority.

Conclusions

The Draft EA comment period has ended. Accordingly, OEA recommends that the condition recommended in the Draft EA, as well as the additional condition recommended in this document, should be imposed upon any decision granting abandonment authority. The combined conditions are:¹

¹ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

1. To ensure that the 100-year floodplain is not adversely affected, Wisconsin Central Ltd. shall consult with the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, and the Federal Emergency Management Agency prior to commencement of any abandonment-related salvage activities regarding potential impacts to the floodplain and shall comply with their reasonable requirements.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during abandonment-related salvage activities, Wisconsin Central Ltd. (WCL) shall immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally-recognized Tribes (including the Oneida Nation of Wisconsin), and the Wisconsin State Historic Preservation Office (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally-recognized Tribes, WCL, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.