

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

CG

SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
DOCKET NO. AB 303 (Sub-No. 36X)

January 14, 2011

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

OEA served an Environmental Assessment (EA) for this proceeding on November 26, 2010 for public review and comment. In the EA, OEA recommended 4 environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment. No comments were received during the comment period, and OEA issued a Final EA on December 2, 2010 in which it recommended that the same 4 conditions previously recommended in the EA be imposed by the Board in any decision granting abandonment authority:

1. Wisconsin Central Ltd. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy and geodetic station markers.
2. Prior to the commencement of any salvage activities, Wisconsin Central Ltd. shall consult with the Wisconsin Department of Transportation regarding the use of appropriate procedures when performing abandonment activities including the removal of highway rights-of-way under its jurisdiction.
3. Prior to the commencement of any salvage activities, Wisconsin Central Ltd. shall consult with the Wisconsin Department of Natural Resources regarding potential impacts on water quality, wetlands, 100-year floodplains, endangered or threatened species and critical habitats, wildlife sanctuaries or refuges, national or state parks, soil and water conservation, land use, and environmental cleanup/waste management.
4. Wisconsin Central Ltd. shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed on the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470f, has been completed. Wisconsin Central Ltd. shall report back to the Office of Environmental Analysis regarding any consultations with the State Historic Preservation Office, other section 106 consulting parties, and the public. Wisconsin Central Ltd. may not file its consummation notice or initiate salvage activities related to abandonment (including the removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

By Board decision served on December 9, 2010, the Board explained that the exemption would become effective on December 10, 2010 and imposed upon the railroad the 4 conditions listed above. The Board also issued a Notice of Interim Trails Use (NITU) for a portion of the rail right-of-way between milepost 3.88 and milepost 4.80 (from the Village of Howard to the border of the reservation of the Oneida Tribes of Indians of Wisconsin Reservation), providing 180 days for the parties interested in trails use (the railroad and Wisconsin Department of Natural Resources) to negotiate a mutually acceptable trails use agreement. The Board noted that if no agreement is reached within 180 days of the effective date of the exemption, the railroad may fully abandon the line, subject to any outstanding conditions.

To satisfy the historic preservation condition imposed by the Board (Condition 4 listed above), OEA engaged in government-to-government consultations with the Oneida Tribe's Tribal Historic Preservation Officer (THPO). (Approximately 1 mile of the rail line, from milepost 4.8 to milepost 5.8, extends onto the Oneida Tribe of Indians of Wisconsin Reservation, thus requiring consultation with the Tribe's THPO.)

The THPO has recently provided OEA with its comments concerning the proposed abandonment and has requested the imposition of an additional condition in this proceeding that addresses policies that it would like followed during any salvage activities completed on the Oneida Indian Reservation. In response to the concerns of the Oneida Tribe, we recommend that the following **additional new environmental condition** be imposed by the Board:

Wisconsin Central Ltd. shall follow the appropriate guidelines of the Oneida Tribe during any salvage activities conducted on sections of the Line located within the Oneida Indian Tribal Reservation or between milepost 4.8 and milepost 5.8.

Conclusion

With the imposition of the 4 original conditions that have already been imposed by the Board and the imposition of the additional new environmental condition recommended here, OEA believes that the proposed action will not significantly affect the quality of the human environment.

OEA CONTACT: Catherine Glidden 202-245-0293