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SERVICE DATE - JUNE 7, 2001

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 21X)

WISCONSIN CENTRAL LTD.--ABANDONMENT EXEMPTION--
IN MARQUETTE COUNTY, MI

Decided: June 4, 2001

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments to abandon an approximately 8.84-mile line of its railroad between milepost 154 and milepost 162.84 in Marquette County, MI. Notice of the exemption was served and published in the Federal Register on October 13, 2000 (65 FR 61020-21).

By decision and notice of interim trail use (NITU) served November 14, 2000,¹ the proceeding was reopened and the exemption was made subject to the conditions that WCL shall: (a) consult with the National Geodetic Survey (NGS) and provide NGS with 90 days' notice prior to disturbing or destroying any geodetic markers; (b) before beginning any salvage activities, submit to the Board's Section of Environmental Analysis (SEA) for review and approval a detailed track salvage work plan that describes WCL's proposed salvage of the right-of-way and addresses in detail the concerns of the U.S. Environmental Protection Agency-Region 5 (EPA) regarding salvage and clean-up of the right-of-way (upon its approval of the track salvage work plan, SEA will notify EPA); and (c) consult with the Michigan Department of Environmental Quality, Land and Management Division (DEQ), prior to conducting any salvage operations.

SEA reports that WCL forwarded a detailed track salvage work plan for its review and that SEA has concluded that WCL appropriately addressed EPA's environmental concerns regarding abandonment and subsequent salvage of the right-of-way. Based upon SEA's review of the plan, SEA recommends that the EPA condition imposed in the November 14, 2000

¹ The NITU issued under 49 CFR 1152.29 and the National Trails System Act, 16 U.S.C. 1247(d), provided a 180-day period for the Michigan Department of Natural Resources to negotiate an interim trail use/rail banking agreement with WCL for the portion of the right-of-way between milepost 156.57 and milepost 162.84. The NITU was scheduled to expire on May 13, 2001, but was extended to November 9, 2001, by decision served May 11, 2001, for the portion of the line between milepost 156.57 and milepost 160.12. The November 14, 2000 decision also imposed a 180-day public use condition for the entire line between milepost 154 and milepost 162.84. The public use condition expired on May 13, 2001. By letter filed May 30, 2001, WCL notified the Board that it had consummated the abandonment of the line between milepost 160.12 and milepost 162.84, effective May 14, 2001.

decision be removed. Accordingly, the proceeding will be reopened and the previously imposed EPA condition will be removed.²

As conditioned, this decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the EPA condition imposed in the decision served November 14, 2000, is removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

² The NGS and the DEQ environmental conditions imposed in the November 14, 2000 decision remain in effect.