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SERVICE DATE – JANUARY 19, 2006

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 29X)

WISCONSIN CENTRAL LTD.–ABANDONMENT EXEMPTION–
IN FOREST COUNTY, WI

Decided: January 17, 2006

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments to abandon a 4.62-mile line of railroad, from milepost 235.84 on the Pembine Sub (formerly milepost 249.38 on the old Shawano Sub), near Crandon, to the end of the track at milepost 231.22 on the Pembine Sub (formerly milepost 254.00 on the old Shawano Sub), in Forest County, WI. Notice of the exemption was served and published in the Federal Register on October 13, 2005 (70 FR 59802-03). The exemption became effective on November 12, 2005.

By decision served on November 10, 2005 (November 2005 decision), the proceeding was reopened at the request of the Board's Section of Environmental Analysis (SEA) and the exemption was made subject to the conditions that WCL shall: (1) consult with the Wisconsin Department of Transportation regarding salvaging and abandonment procedures prior to commencement of any salvage activities; (2) consult with the U.S. Fish and Wildlife Service prior to commencement of any salvage activities, regarding potential impacts from salvaging activities to critical habitats and/or Federally listed threatened and endangered species that may occur in the vicinity of the line; (3) contact the U.S. Environmental Protection Agency and the Wisconsin Department of Natural Resources (WisDNR) prior to commencement of any salvage activities on the project concerning removal and salvage methods; final disposition of crossties preserved with creosote; procedures for storing and fueling of removal equipment; waste management; recycling; procedures for the prevention and/or control of spills; sediment and erosion controls; stormwater runoff mitigation practices; and temporal restrictions in class II waterways during the fish spawning period; (4) consult with the U.S. Army Corps of Engineers (Corps) to determine whether a Corps permit under section 404 of the Clean Water Act is required, prior to the commencement of any salvage activities; (5) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or are listed in the National Register of Historic Places until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. The railroad shall report back to SEA regarding the results of any consultations with the Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning (SHPO); and (6)

contact WisDNR regarding the legal status of at-grade road crossings, the actual width of the right-of-way, the status of easements for town roads and driveways at-grade within the right-of-way, and the precise location of the abandonment with regard to Highway 8.

Through a series of phone calls with SEA, the SHPO stated that compliance with the section 106 process had been fulfilled. The SHPO determined that the proposed abandonment will not affect historic properties. Therefore, SEA recommends that the section 106 historic preservation condition be removed.

Accordingly, the proceeding will be reopened and the previously imposed historic preservation condition will be removed.

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 section 106 historic preservation condition imposed in the November 2005 decision is removed. Conditions (1), (2), (3), (4), and (6) imposed in the November 2005 decision remain in effect.
3. This decision is effective on its service date.

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

Vernon A. Williams
Secretary