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SERVICE DATE – MARCH 17, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-303 (Sub-No. 30X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—
IN MANITOWOC COUNTY, WI

Decided: March 14, 2008

Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1.16-mile line of railroad between milepost 43.14 and milepost 44.30, in Manitowoc, Manitowoc County, WI. Notice of the exemption was served and published in the Federal Register on February 15, 2008 (73 FR 8930). The exemption is scheduled to become effective on March 18, 2008.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on February 22, 2008, setting forth environmental concerns and recommending that conditions be imposed on any decisions granting abandonment authority. In the EA, SEA notes that the U.S. Army Corps of Engineers (Corps) has indicated that the project, as proposed, would not be expected to impact floodplains if it is limited to the existing roadbed. However, the Corps recommended that WCL consult with state and local officials regarding any state or local floodplain regulatory requirements prior to commencement of any salvage activities. In addition, SEA notes that the Corps also indicated that the proposed abandonment appears to cross the Federal navigation channel at Manitowoc Harbor. Accordingly, SEA recommends that, prior to commencement of any salvage activities, WCL be required to consult with state and local officials regarding floodplain regulatory requirements, and that WCL be required to consult with the Corps' Kewaunee Area Office to address the Corps' concerns about possible impacts on the Federal navigation channel at Manitowoc Harbor.

SEA further notes in the EA that the Wisconsin Coastal Zone Management Program (WCZMP) has not submitted comments. Because the proposed abandonment is located in Manitowoc County, which is part of the Wisconsin Coastal Zone, SEA recommends that, prior to commencement of any salvage activities, WCL be required to consult with WCZMP to determine whether state coastal management consistency certification would be required. If consistency certification would be required, SEA recommends that WCL be prohibited from performing any salvage activities until it obtains consistency certification, and be required to notify SEA, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq., and the Board's environmental regulations at 49 CFR 1105.9.

SEA states in the EA that the Wisconsin State Historic Preservation Officer (SHPO) submitted comments stating that two bridges eligible for inclusion in the National Register of

Historic Places (National Register) would be adversely affected by the proposed abandonment. Accordingly, SEA recommends that WCL be required to 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 that are eligible for listing or are listed in the National Register (generally, 50 years old or older) until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). SEA also recommends that WCL be required to report back to SEA regarding the results of any consultations with the SHPO and any other section 106 consulting parties, and that WCL not be allowed to consummate the abandonment or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition.

SEA further notes in the EA that the United States Coast Guard (Coast Guard) has indicated that, when bridges are no longer in service, they must be removed. The Coast Guard would like to be advised of WCL's intentions and plans to remove the bridges that cross the Manitowoc River. Therefore, SEA recommends that WCL, prior to commencement of any salvage activities, be required to consult with the Coast Guard regarding the removal of the bridges that cross the Manitowoc River.

Comments to the EA were due by March 7, 2008. No comments were received by the due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

Based on SEA's recommendation, the proposed abandonment, if implemented as conditioned, 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 exemption for abandonment of the line described above is subject to the conditions that, prior to commencement of any salvage activities, WCL shall:
(1) consult with state and local officials regarding any state or local floodplain regulatory requirements; (2) consult with the Corps' Kewaunee Area Office regarding the Corps' concerns about possible impacts on the Federal navigation channel at Manitowoc Harbor; and (3) consult with WCZMP to determine whether state coastal management consistency certification would be required, refrain from performing any salvage activities until any necessary certification has been obtained, and then notify SEA. The exemption is also subject to the conditions that WCL shall:
(4) 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 that are eligible for listing or are listed in the National Register until the section 106 process of the NHPA has

been completed, report back to SEA regarding any consultations with the SHPO and any other section 106 consulting parties, and not file its consummation notice or initiate any salvage related to abandonment (including removal of tracks and ties) until the section 106 process has been completed and the Board has removed this condition; and (5) prior to commencement of any salvage activities, consult with the Coast Guard regarding the removal of the bridges that cross the Manitowoc River.

3. This decision is effective on its service date.

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

Anne K. Quinlan
Acting Secretary