



AB-31 (Sub. No. 40X)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONS 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

EI- 1937

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MAR 01 2006

REPLY TO THE ATTENTION OF:

B-19J

Michael J. Barron, Jr., Esq.
Fletcher & Sipple, LLC
29 North Wacker Drive, Suite 920
Chicago, Illinois 60606-2832

Dear Mr. Barron:

This letter is in response to our phone conversation of Wednesday, February 22, 2006, regarding the Surface Transportation Board (STB) Environmental Assessment (EA) of the Grand Trunk Western Railroad Incorporated-Abandonment Exemption- in Genesee County, Michigan, STB Docket No. AB-31 (Sub. No. 40X). That EA stipulates a condition that prior to initiating salvage activities, we be contacted regarding the disposition of two bridges which carry the right-of-way (ROW) over roadways, and adequate protection of the wetlands associated with the involved ROW.

It is our understanding that should a trail or public use be identified and approved for sale of this ROW, there would be a contractual obligation of the new owners to maintain the two bridges of concern. If no trail or public use is identified within the time limits specified, the railroad would outright abandon the ROW and include dismantling of these two bridges in their salvage operations. These two options are acceptable to the Environmental Protection Agency.

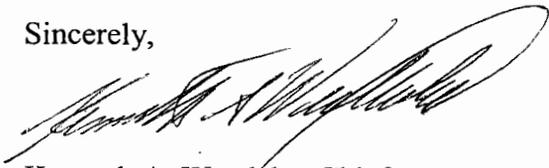
We acknowledge that the typical salvage operations along a railroad ROW are neat, clean procedures which are confined within the ROW along most of the extent of track. It is true, however, that access, egress and staging areas are routinely required and temporary stacking or storing of track and ties is necessary. And, while these are relatively short lived circumstances related to the construction work, in certain settings they can set precedence and cause cumulative impacts from the public perceiving and utilizing these same "established" paths for access, egress, dumping and other activities harmful to the environment. Because the wetlands associated with this portion of ROW to be abandoned are particularly sensitive, being headwaters to rivers emptying directly into the Great Lakes, we ask that the following issues be addressed in any contracts for salvage and other work related to this abandonment.

- **In order to assure protection of wetland areas related to this right-of-way, no vehicular or other access, egress or associated movements shall traverse upon areas designated as wetlands.**
- **No materials of any nature shall be even temporarily stacked, piled or otherwise placed off the railbed in areas designated as wetlands.**

- **No wetland areas shall be used for staging areas, parking or other such project related functions.**
- **All work related to this abandonment, where passing through designated wetland areas, shall remain within the existing railbed right-of-way and shall adequately avoid or protect from silt, erosion and other run-off from accumulating in the wetlands.**
- **No fueling, discharging, draining, cleaning or similar machinery maintenance will be performed within or along the right-of-way where it passes through these designated wetlands.**
- **Additional precautions should be taken to assure no incidental polluting occurs from discarding of materials, equipment, supplies, packaging, food related debris or other litter.**

Should you have any concerns or questions regarding these points, please contact my staff member, Norm West, at 312-353-5692 or west.norman@epa.gov. Thank you for this opportunity to clarify our concern and further assure our environment's health and integrity.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section
Office of Science, Ecosystems and Communities

Cc: Catherine Glidden
Surface Transportation Board
Case Control Unit
1925 K Street, NW
Washington, D.C. 20423

Thomas Kenney
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