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SERVICE DATE – MARCH 2, 2011

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 303 (Sub-No. 36X)

WISCONSIN CENTRAL LTD.—ABANDONMENT EXEMPTION—
IN BROWN COUNTY, WIS.

Decided: March 1, 2011

This proceeding is reopened to impose an additional environmental condition affecting a portion of the line.

Wisconsin Central Ltd. (WCL) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a 1.92-mile line of railroad extending from milepost 3.88, in the Village of Howard, Wis., to milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation (“Oneida Reservation”), in Brown County, Wis.¹ Notice of the exemption was served and published in the Federal Register on November 10, 2010 (75 Fed. Reg. 69,152). The exemption became effective on December 10, 2010.

The Board’s Office of Environmental Analysis (OEA) served an environmental assessment in this proceeding on November 15, 2010, recommending imposition of 3 salvage-related conditions and a condition under Section 106 of the National Historic Preservation Act. By decision and notice of interim trail use or abandonment (NITU) served on December 9, 2010 (December 2010 decision), the proceeding was reopened at the request of OEA, and the exemption was made subject to the conditions OEA recommended.²

Because a portion of the line traverses the Oneida Reservation, before issuing the EA, OEA initiated government-to-government consultations with the Oneida Tribe’s Tribal Historic Preservation Office (THPO). The THPO indicated to OEA that it would provide its opinion regarding the proposed action following receipt of the EA. Following issuance of the EA, OEA continued its government-to-government consultations with the THPO and, after the Board issued the December 2010 decision, OEA received the THPO’s comments concerning the

¹ The portion of the line between milepost 4.8 and milepost 5.8 is within the Oneida Reservation.

² The December 2010 decision also included a NITU for the 0.92-mile segment of the line not within the Oneida Reservation (from milepost 3.88 in the Village of Howard, Wis., to milepost 4.80 at the border of the Oneida Reservation) to permit WisDOT on behalf of DNR to negotiate a trail use agreement with WCL for that portion of the line.

proposed abandonment and requesting the imposition of an additional condition in this proceeding.

In response to the concerns of the Oneida Tribe, OEA recommends a new condition requiring WCL to comply with the reasonable requirements of the Oneida Tribe with respect to any salvage activities conducted within the Oneida Reservation on the portion of the line between milepost 4.8 and milepost 5.8. Accordingly, the new condition recommended by OEA will be imposed. The conditions previously imposed in the December 2010 decision remain in effect.

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 exemption of the abandonment of the line described above is subject to the condition that WCL shall comply with the reasonable requirements of the Oneida Tribe of Indians of Wisconsin with respect to any salvage activities conducted within the Oneida Reservation on the portion of the line between milepost 4.8 and milepost 5.8.
3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.