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May 18, 2010

BY HAND DELIVERYMs. Victoria Rutson
Director, Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001RE: *Escanaba & Lake Superior Railroad Company – Abandonment Petition for
Exemption – Line in Ontonagon and Houghton Counties, MI, STB Docket No.
AB-415 (Sub-No. 2X)*

Dear Ms. Rutson:

On May 7, 2010, the Board's Section of Environmental Analysis ("SEA") issued an Environmental Assessment ("EA") in the above-referenced rail line abandonment proceeding, in which Escanaba & Lake Superior Railroad Company ("ELS") is seeking Board authority to abandon a 42.93-mile railroad line located in Ontonagon and Houghton Counties, MI, running from milepost 408.02 at Ontonagon to milepost 365.09 at Sidnaw (the "Line"). In the EA, the SEA recommended that certain conditions be imposed upon any decision granting abandonment authority in this proceeding, including the following condition:

3. Prior to beginning any salvage activities, Escanaba & Lake Superior Railroad Company (ELS) shall consult with Mr. Chris Antieau (517-373-3894 or antieauc@michigan.gov), at the Michigan Department of Environmental Quality, to determine whether state coastal management consistency certification is required. If consistency certification is required, ELS shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Board's Section of Environmental Analysis, pursuant to the Coastal Zone Management Act, 16 U.S.C. § 1451 *et seq.* and the Board's environmental regulations at 49 C.F.R. § 1105.9.

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Ms. Victoria Rutson

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This letter is to inform you that, in connection with the above condition, ELS has consulted with Chris Antieau at the Michigan Department of Natural Resources & Environment's Land and Water Management Division ("DNRE-LW") to determine whether any of the Line is located within a coastal zone, and whether the project is consistent with Michigan's Coastal Management Program ("MCMP"). Mr. Antieau has advised ELS by letter that the subject Line is outside of Michigan's coastal management boundary, and that the project is therefore consistent with MCMP. A copy of Mr. Antieau's letter is attached hereto.

Mr. Antieau has informed us that he would be prepared to follow up with SEA, should the Board require further information on the coastal zone matter.

In light of Mr. Antieau's written response on behalf of DNRE-LW (attached hereto) in connection with coastal zone matters in this proceeding, ELS respectfully requests that EA Condition No. 3 be removed.

If you have any questions concerning this matter, including the correspondence attached hereto, please contact me at (202) 663-7824.

Sincerely,



Robert A. Wimbish
Counsel for Escanaba & Lake Superior
Railroad Company

Enclosure

cc: Robert Bach
Tom Klimek
Chris Antieau



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

May 7, 2010

Mr. Ron Wimbish
Baker & Miller PLLC
Suite 300
2401 Pennsylvania Ave., NW
Washington, D.C. 20037

Dear Mr. Mullins:

SUBJECT: Federal Consistency Determination for Proposed Escanaba & Lake Superior
Railroad Company Abandonment Exemption for Rail Line in Ontonagon &
Houghton Counties, STB Docket No. AB-415 (Sub-No. 2X)

Staff of the Land and Water Management Division has reviewed this phase of the project for consistency with Michigan's Coastal Management Program (MCMP), as required by Section 307 of the Coastal Zone Management Act, PL 92-583, as amended. Thank you for providing the opportunity to review this proposed activity.

Our review indicates that this project is located outside of Michigan's coastal management boundary. No adverse impacts to coastal resources are anticipated from this proposed activity as described in the information you forwarded to our office. Therefore, this phase of the project is consistent with MCMP.

This consistency determination does not waive the need for permits that may be required under other federal, state or local statutes.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Antieau".

Chris Antieau
Great Lakes Shorelands Unit
Land and Water Management Division
517-373-3894

cc: Mr. Matt Smar, DNRE