

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

ED-910
RE

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB- 303 (Sub No. 28X)

May 5, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

Notice of Exemption Petition for Exemption Regulated Abandonment

NO NEW COMMENTS WERE RECEIVED

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SEA served an Environmental Assessment (EA) for this proceeding on February 28, 2006, for public review and comment. In the EA, SEA recommended five environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

Summary

SEA previously recommended that the Section 106 Condition (Condition No. 5) imposed in the April 28, 2006 Board decision be modified to allow Wisconsin Central Ltd. (WCL) to salvage and/or secure the portions of the Dock identified by Westbrook in its feasibility study (i.e., chutes, timber approaches, and appurtenances) as being in a severely deteriorated condition. Condition No. 5 was modified by Board decision dated February 12, 2008 as follows:

WCL shall retain its interest in the Ashland Ore Dock, which has been determined eligible for listing in the National Register of Historic Places, until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Based on the feasibility study prepared for the Wisconsin Department of Administration by Westbrook Associated Engineers, Inc., WCL shall take such steps as are necessary to protect the public health and safety by removing and/or stabilizing as necessary those portions of the Dock identified as being in a severely deteriorated condition. WCL shall not consummate the abandonment of the Dock or initiate any salvage activities related thereto until the Board removes this condition.

On or about February 1, 2008, SEA learned that the Army Corps of Engineers (Corps) was conducting a parallel Section 106 review to satisfy its requirements before issuing a permit to WCL that would allow removal of the Ashland Ore Dock. At the suggestion of the Advisory Council on Historic Preservation, SEA worked closely with the Corps to develop a joint Memorandum of Agreement (MOA) that addressed the needs of all parties. This joint MOA was signed by SEA, Corps, Wisconsin State Historic Preservation Officer (SHPO), and WCL with an effective date of April 11, 2008.

SEA consulted with the Corps, SHPO, and WCL pursuant to Section 36 CFR 800.6 regarding ways to avoid, minimize, or mitigate effects to the historic resource as a result of the abandonment and disposition of WCL's assets and all have determined that no such measures are necessary.

Accordingly, we recommend that the Section 106 condition be removed. Please feel free to contact me if you have any questions.

SEA CONTACT: Troy Brady can be reached via phone at 610.793.4301 or e-mail at Troy.Brady@stb.dot.gov.

Cc Original to Ann Newman, Office of Proceedings
Mr. Sherman Banker, Wisconsin Historical Society
Mr. Jeffrey Olson, U.S. Army Corps of Engineers, Wisconsin Section Chief
Mr. Michael Barron, Wisconsin Central Ltd.
Copies furnished to SEA Chron and ECT