

Road to milepost 1.5 at Biron Drive in Biron, Wis.

This transaction is related to a concurrently filed verified notice of exemption in *Watco Holdings, Inc.—Continuance in Control Exemption—Wisconsin Rapids R.R.*, Docket No. FD 36340, in which Watco Holdings, Inc., seeks to continue in control of WRR upon WRR's becoming a Class III rail carrier.

WRR states that it and WCL will shortly execute a Track Lease and Operating Agreement pursuant to which WRR will lease the Line from WCL and will be the operator of the Line.¹ WRR further states that the proposed agreement between WRR and WCL does not contain any provision that limits WRR's future interchange of traffic on the Line with a third-party connecting carrier.

WRR certifies that its projected annual revenues as a result of this transaction will not result in WRR's becoming a Class II or Class I rail carrier. WRR further certifies that the projected annual revenue of WRR will not exceed \$5 million.

The transaction may be consummated on or after September 1, 2019, the effective date of the exemption (30 days after the verified notice was filed).

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than August 23, 2019 (at least seven days before the exemption becomes effective).

¹ WRR states that it, WCL, and ND Paper, Inc. (ND), the sole shipper on the Line, have entered into arrangements that contemplate WCL's abandonment of, and WRR's discontinuance of service on, the Line; ND's subsequent acquisition of the trackage as a noncarrier; and WRR's provision of switching service for ND on what will then be ND industry trackage. WRR states that it is leasing the Line from WCL and submitting its verified notice of exemption here at the request of ND, so that WRR service to ND can begin immediately while the parties' longer-term arrangements are implemented. Acquisitions of active rail lines under 49 U.S.C. 10901 are supposed to be for continued rail use. See, e.g., *Land Conservancy—Acquis. & Operation Exemption—Burlington N. & Santa Fe Ry.*, 2 S.T.B. 673 (1997), recons. denied, FD 33389 (STB served May 13, 1998), *pet. for judicial review dismissed sub nom. Land Conservancy of Seattle & King Cty. v. STB*, 238 F.3d 429 (9th Cir. 2000). If WRR elects to file for discontinuance authority, it must submit evidence showing that discontinuance of service over the Line is warranted under the Board's statutory authority and rules, and must, under these circumstances, demonstrate (e.g., by providing the parties' agreement or a statement from ND) that the interests of the shipper here will be protected. See *Almono LP—Acquis. & Operation Exemption—Line of Monogahela Connecting R.R.*, FD 34250, slip op. 1 n.2 (STB served Oct. 2, 2002).

All pleadings, referring to Docket No. FD 36339, must be filed with the Surface Transportation Board either via e-filing or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on WRR's representative, Audrey L. Brodrick, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606.

According to WRR, this action is excluded from environmental review under 49 CFR 1105.6(c) and from historic reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at www.stb.gov.

Decided: August 13, 2019.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Jeffrey Herzig,
Clearance Clerk.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project, the San Antonio Creek Bridge Scour Mitigation Project located approximately 12 miles north of the City of Lompoc in the County of Santa Barbara, California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(j)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before January 13, 2020. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans, Matt Fowler, Branch Chief, Central Region Environmental, Caltrans District 5, 50 Higuera Street, San Luis

Obispo, CA 93401, 805-542-4603, matt.c.fowler@dot.ca.gov, Monday-Friday, 9:00 a.m.-5:00 p.m. PDT.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans, have taken final agency actions subject to 23 U.S.C. 139(j)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: San Jose Creek Bridge Scour Mitigation Project on State Route 1 at postmile 33.1, approximately 12 miles north from the City of Lompoc in the County of Santa Barbara, California. Caltrans proposes to prevent further scour damage on the southwestern bank of the San Antonio Creek by extending the existing erosion control features in order to protect the foundations of San Antonio Creek Bridge. Project activities will occur in an area of less than one acre, within existing Caltrans right-of-way and outside of the creek channel. FHWA project reference number P001(610). The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) with Finding of No Significant Impact (FONSI) for the project, approved on June 12, 2019 and in other documents in Caltrans' project records. The FEA, FONSI and other project records are available by contacting Caltrans at the addresses provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4335]
2. The National Historic Preservation Act (NHPA) of 1966 [16 U.S.C. 470(f) *et seq.*]
3. Archaeological Resource Protection Act (ARPA) of 1977 [16 U.S.C. 470(aa)-470(ll)]
4. Archaeological and Historic Preservation Act [16 U.S.C. 469-489(c)]
5. Native American Grave protection and Repatriation Act (NAGPRA) [25 U.S.C. 30001-3013]
6. Clean Water Act [33 U.S.C. 1344]
7. Wild and Scenic Rivers Act [16 U.S.C. 1271-1287]
8. Federal Endangered Species Act (FESA) [16 U.S.C. 1531-1543]
9. Migratory Bird Treaty Act [16 U.S.C. 760c-760g]

10. Invasive Species Executive Order
11988

(Catalog of Federal Domestic Assistance
Program Number 20.205, Highway Planning
and Construction. The regulations

implementing Executive Order 12372
regarding intergovernmental consultation on
Federal programs and activities apply to this
program.)

Authority: 23 U.S.C. 139(l)(1).

Issued on: August 12, 2019.

Tashia J. Clemons,

*Director, Planning and Environment, Federal
Highway Administration, Sacramento,
California.*

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