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OEA

SERVICE DATE – MARCH 11, 2011

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 303 (Sub-No. 37X)

**Wisconsin Central, Ltd. – Abandonment Exemption –
in Marathon County, Wis.**

BACKGROUND

In this proceeding, Wisconsin Central, Ltd. (WCL) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Marathon County, Wisconsin. The rail line proposed for abandonment extends 1.14 miles from milepost 17.50 to milepost 18.64 in Weston (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

WCL submitted an Environmental Report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. WCL served the Environmental Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

The Line is located in a suburban setting bordered by warehouses to the south and a vacant field to the north. WCL states that there are no structures along the Line.

WCL states that no local traffic has moved over the Line for at least 2 years and there is no overhead traffic that would need to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 303 (Sub-No. 37X).

recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could cause significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. WCL states that it intends to salvage rail, ties and track material but does not plan on disturbing the rail bed or subgrade during salvage.

The Wisconsin Department of Natural Resources (DNR) requested clarification from WCL regarding the proposed abandonment including what sorts of activities would be performed during salvage. In response, WCL noted that it only intends to salvage the rails and ties along the Line and plans to leave any embankments and drainage structures in place. To date, no additional comments have been received from the Wisconsin DNR.

The National Geodetic Survey (NGS) has commented that 1 geodetic station marker may be affected by the proposed abandonment. We therefore recommend a condition for WCL to notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.

The National Park Service has stated that the proposed abandonment would have no impacts to any segments of the Ice Age National Scenic Trail System located in Marathon County, Wisconsin.

The Wisconsin Coastal Management Program has indicated that the proposed abandonment would have no effect on coastal zone resources within its jurisdiction and that federal consistency review is therefore not needed.

The U.S. Fish and Wildlife Service provided comments stating that it foresees no potential impacts from the abandonment to Necedah National Wildlife Refuge lands.

The Wisconsin Department of Transportation (WisDOT) sent a letter to WCL in which it encouraged the preservation of the rail corridor for future transportation uses consistent with existing land use plans. WisDOT added that, in the event the Line is abandoned, WCL must comply with its salvage and cleanup standards and procedures during salvage and that it must take care to ensure surveying benchmarks, monumentation and mapping information of the segment is protected. WisDOT also stated that upon abandonment, WCL must remove all rail, ties, and ballast at any state highway crossings on the Line, manage traffic during salvage operations at highway crossings, and restore any salvaged roads within its jurisdiction in kind. In order to address its concerns, we are recommending a condition that WCL consult with

WisDOT concerning any planned salvage operations along highway rights-of-ways within its jurisdiction.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

To date, no comments have been received from the U.S. Army Corps of Engineers (Corps), the National Resource Conservation Service (NRCS) or the U.S. Environmental Protection Agency (EPA).

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the Corps, NRCS, and EPA for review and comment.

HISTORIC REVIEW

WCL sent its Historic Report to the Wisconsin State Historic Preservation Office (SHPO), pursuant to 49 C.F.R. § 1105.8(c). In its Historic Report, WCL reported that the Line right-of-way (also the Area of Potential Effect) contains no National Register of Historic Places eligible or listed historic properties that need to be considered under Section 106 of the National Historic Preservation Act. In written comments to WCL, the SHPO agreed and stated that the proposed abandonment would have no effect on historic properties. Based on the above, OEA recommends a finding of "no historic properties affected" pursuant to 36 C.F.R. § 800.4(d)(1).

OEA conducted a search of the Native American Consultation Database to identify any federally recognized tribes that may have ancestral connections to the project area.² The database indicated that the following federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; Keweenaw Bay Indian Community, Michigan; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan; Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; Minnesota Chippewa Tribe, Minnesota; Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin;

² Native American Consultation Database, <http://home.nps.gov/nacd> (last visited February 17, 2011).

Sokaogon Chippewa Community, Wisconsin; St. Croix Chippewa Indians of Wisconsin; White Earth Band of Minnesota Chippewa Tribe, Minnesota. Accordingly, OEA is sending a copy of this EA to the above tribes for review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Wisconsin Central, Ltd. shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that could disturb or destroy any geodetic station markers.
2. Prior to commencement of any salvage activities, Wisconsin Central, Ltd. shall consult with the Wisconsin Department of Transportation regarding the use of appropriate procedures when performing abandonment activities including the removal of any highway rights-of-way under its jurisdiction.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite 4-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and 2 copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 303 (Sub-No. 37X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at gliddenc@stb.dot.gov.

Date made available to the public: March 11, 2011.

Comment due date: March 28, 2011.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment