

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

**STB DOCKET NO. AB-303 (Sub. No. 34X)
Wisconsin Central Ltd. - Abandonment Exemption -
in Brown County, WI**

BACKGROUND

In this proceeding, Wisconsin Central Ltd. (WCL) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for WCL to abandon 0.25 miles of rail line in Denmark, Brown County, Wisconsin. The line begins at Milepost 97.50 and continues 1,320 feet to Milepost 97.75. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, WCL will be able to remove any railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

WCL indicates that there is no demand for or prospect of rail service over the line and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic would be diverted to highway mode as a result of the abandonment. The line was previously used to move general freight traffic and is located in a mixed industrial and residential setting.

According to WCL, salvage operations were inadvertently completed on this line as part of salvage activities that were previously conducted on a connecting line. The inadvertent salvage operations resulted in the removal of tracks and ties that should have ended at Milepost 97.50 but were inadvertently carried out to Milepost 97.75, thus encompassing this line entirely.

WCL has entered into a “Contract for Preservation Right of Way Through Interim Trail Use” with the Wisconsin Department of Natural Resources (DNR) that would enable DNR to purchase the line right-of-way for use as a trail. WCL is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes. WCL indicates that the rail line does not contain any federally granted right-of-way.

WCL states that it does not intend to remove or alter the contour of the roadbed underlying the rail line to be abandoned. There are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment. WCL records indicate that there are no structures or buildings located on or along the line.

ENVIRONMENTAL REVIEW

WCL submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities, including 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 CFR 1105.7(b)). The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

WCL states that it does not anticipate that abandonment of the line would result in environmental impacts, as the line has already been salvaged. Furthermore, WCL has no plans to complete dredging or filling within the right-of-way.

WCL does not believe that the proposed abandonment would affect any land or water that would result in coastal impacts.

WCL indicates that, to the best of its knowledge, the area proposed for abandonment does not contain hazardous waste or waste materials.

The St. Paul, Minnesota District of the U.S. Army Corps of Engineers (ACOE) has contacted WCL and indicated that the proposed abandonment would not require any permits under its jurisdiction as long as WCL does not conduct any activities, such as dredging and filling, that would adversely affect waters of the United States, including wetlands.

Based on all information available to date, SEA does not believe that the proposed post abandonment activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, SEA is providing a copy of this EA to the following agencies for review and comment: Wisconsin DNR; U.S. Fish and Wildlife Service; ACOE; Wisconsin Department of Transportation; the National Resources Conservation Service; and the U.S. Environmental Protection Agency.

HISTORIC REVIEW

WCL submitted an historic report as required by the Surface Transportation Board's environmental rules (49 CFR 1105.8(a)). WCL served the report on the Wisconsin Historical Society (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. SEA has reviewed the report and the information provided by the SHPO and concurs with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the Section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The

documentation for this finding, as specified at 36 CFR 800.11(d), consists of WCL's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's web site at <http://www.stb.dot.gov>.

Pursuant to 36 CFR 800.2, SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes, which may have ancestral connections to the project area. The database identified the Oneida Tribe of Indians of Wisconsin and the Forest County Potawatomi Community, Wisconsin as being potentially interested in the proposed abandonment. Both tribes will receive copies of this EA for their review and comment.

CONDITIONS

SEA recommends that no environmental conditions be placed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, 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 of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 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 CFR 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 EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. 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. 34X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, 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: November 27, 2009.

Comment due date: December 14, 2009.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Attachment