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SEA

SERVICE DATE – FEBRUARY 22, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-303 (Sub-No. 30X)

**Wisconsin Central Ltd. – Abandonment Exemption –
in Manitowoc County, WI**

BACKGROUND

In this proceeding, Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in Manitowoc County, Wisconsin. The rail line proposed for abandonment extends approximately 1.16 miles from milepost 43.14 to milepost 44.30 (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.

DESCRIPTION OF THE LINE

According to WCL, the Line was previously owned by WCL's predecessor the Soo Line Railroad Company. The Line was used to move cars to and from a Great Lakes ferry service that connected Manitowoc with Ludington, WI, until 1982. More recently, the Line was used to haul rocks for breakwater construction.

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 CFR 1105.7(b)].¹ The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

¹ The railroad's 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. 30X).

Diversion of Traffic

According to WCL, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in 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 materials from the Line. WCL indicates that it has contacted the Burger Boat Company to sell a portion of land underneath the Line once abandonment authority is received, and the abandonment is consummated. WCL also states that the proposed abandonment would allow permanent closure of eight crossings, seven of which are at grade.

The Wisconsin Department of Transportation, State Geodetic Advisor (WSDOT SGA) has indicated that there are no horizontal survey control markers in the vicinity of the proposed abandonment, but there is one vertical control benchmark at the intersection of the right-of-way and Revere Drive. WSDOT SGA indicated that there are other benchmarks in close proximity to the benchmark in question which could be used in the event that one of the benchmarks is lost. Therefore, WSDOT SGA does not foresee any problem in the area of the proposed abandonment.

The State of Wisconsin, Department of Natural Resources reviewed the proposed project and stated that no further investigation or remediation would be required because the project meets the requirements of the Wisconsin Administrative Code.

The United States Department of the Interior, National Park Service has indicated that no Federally owned lands would be affected by the proposed abandonment.

The U.S. Army Corps of Engineers (Corps) has indicated that the project, as proposed, would not be expected to impact floodplains if it is limited to the existing roadbed. However, the Corps recommended that WCL coordinate with state and local officials to be consistent with any state or local flood plain regulatory requirements. The Corps also indicated that the proposed abandonment appears to cross the Federal navigation channel at Manitowoc Harbor. The Corps advised that WCL contact Mr. Jim Bonetti at the Corps' Kewaunee Area Office if any work is proposed that may affect the navigation channel, such as bridge removals. Accordingly,

we recommend that conditions be imposed upon any decision granting abandonment authority requiring WCL to consult with state and local officials regarding any state or local flood plain regulatory requirements and to consult with Mr. Jim Bonetti of the Corps' Kewaunee Area Office to address the Corps' concerns about possible impacts on the navigation channel.

The Wisconsin Coastal Zone Management Program (WCZMP) has not submitted comments regarding the proposed abandonment. The proposed abandonment is located in Manitowoc County, which is part of the Wisconsin Coastal Zone. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring WCL to consult with WCZMP to determine whether state coastal management consistency certification is required.

The U.S. Environmental Protection Agency's Region 5 Office (USEPA) has not submitted comments regarding this proposed abandonment. Accordingly, SEA will provide a copy of this EA to USEPA for its review and comment.

Based on all information available to date, SEA 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, SEA is providing a copy of this EA to the Corps, WCZMP and USEPA for their review and comment.

HISTORIC REVIEW

WCL served the historic report on the Wisconsin State Historic Preservation Officer (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO submitted comments stating that two bridges eligible for inclusion in the National Register of Historic Places (National Register) would be adversely affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register until completion of the Section 106 process.

The United States Coast Guard (Coast Guard) has indicated that when bridges are no longer in service, they must be removed. The Coast Guard would like to be advised of WCL's intentions and plans to remove the bridges that cross the Manitowoc River. Accordingly, we recommend that a condition be imposed upon any decision granting abandonment authority requiring WCL to consult with the Coast Guard regarding removal of the bridges.

The City of Manitowoc, Department of Public Works (DPW) has indicated that it supports the removal of the bridges because they represent a continuing hazard to traffic on the river and a nuisance to local citizens. DPW also stated that the bridges are sufficiently documented in photo collections maintained for the public by the City of Manitowoc or the Wisconsin Maritime Museum, and DPW believes that no further documentation is necessary.

The Mayor of the City of Manitowoc (City) submitted comments stating that the City strongly supports the removal of the two railway bridges because they are severely deteriorated, and represent hazards to river traffic.

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following tribes may have an interest in the proposed abandonment: Citizen Potawatomi Nation, Oklahoma; Forest County Potawatomi Community, Wisconsin; Hannahville Indian Community, Michigan; and Prairie Band of Potawatomi Nation, Kansas. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, Wisconsin Central Ltd. shall consult with state and local officials regarding any state or local flood plain regulatory requirements.
2. Prior to commencement of any salvage activities, Wisconsin Central Ltd. shall consult with Mr. Jim Bonetti of the Corps' Kewaunee Area Office to address their concerns about the proposed abandonment's impacts on the Federal navigation channel at Manitowoc Harbor.
3. Prior to commencement of any salvage activities, Wisconsin Central Ltd. (WCL) shall consult with the Wisconsin Coastal Management Program to determine whether state coastal management consistency certification is required. If consistency certification is required, WCL 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 CFR 1105.9.
4. Wisconsin Central Ltd. (WCL) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. WCL shall report back to the Section of Environmental Analysis regarding any consultations with the SHPO and any other Section 106 consulting parties. WCL may not file its consummation notice or initiate any salvage activities related to abandonment

(including removal of tracks and ties) until the Section 106 process has been completed, and the Board has removed this condition.

5. Prior to commencement of any salvage activities, Wisconsin Central Ltd. shall consult with the United States Coast Guard regarding its concerns about removal of the bridges that cross the Manitowoc River.

CONCLUSIONS

Based on the information provided from all sources to date, SEA 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 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-303 (Sub-No. 30X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: February 22, 2008.

Comment due date: March 7, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment