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SEA

SERVICE DATE – OCTOBER 18, 2005

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-303 (Sub-No. 29X)

Wisconsin Central Ltd. – Abandonment Exemption – in Forest 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 Forest County, Wisconsin. The “Crandon Line” extends approximately 4.62 miles from milepost 235.84 on the Pembine Subdivision (formerly known as milepost 249.38 on the old Shawano Subdivision) near Crandon and terminates at milepost 231.22 on the Pembine Subdivision (formerly referred to as milepost 254.00 of the old Shawano Subdivision). The line traverses the sparsely populated communities of Crandon to the north, and progresses southward past Lake Metonga on the west and forested tracts to the east and south. There is no development on the line, except in Crandon.

According to the railroad, the Crandon Line was originally part of the Shawano Subdivision, connecting Northern Wisconsin and Upper Michigan with the Fox Valley area, a growing urban center approximately 80 miles southeast of Crandon, near Green Bay. There are no buildings or structures within the proposed abandonment; however, one timber bridge is located near the south end of the subject area. A substantial portion of the old Shawano Subdivision, including the area immediately south of the track point, is a trail under the Federal Rails-to-Trails program. WCL certifies that there are no customers on the line and no revenue cars have used the line for the past two years. If the abandonment becomes effective, WCL will be able to salvage rail, tie and track materials. The railroad has indicated that two at-grade road crossings, one at US Highway 8 and the other at Keith’s Siding Road, could be removed. No alternatives to the abandonment have been considered other than a possible conversion to trail/recreational use. WCL has received an indication of interest from the Wisconsin Department of Natural Resources regarding possible trail conversion. If the line is converted to a trail, the railroad has indicated that all culverts would remain in place. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

DESCRIPTION OF THE LINE

The line to be abandoned was placed into service over a period of years, beginning in 1906 by the Wisconsin and Northern Railroad Company. The line was fully operational by 1917. It was the railroads intent to expand service to ports on Lake Superior and the Gulf of Mexico but the cost of track construction averted such efforts. Instead, the railroad expanded

south of Shawano to the Fox Valley area. The Wisconsin and Northern Line was purchased by the Soo Line in the 1920's, and in the 1980's, the Lake States Division was formed from this and other segments. In 1987, WCL acquired the Lake States Division and operated the Crandon Line as part of its Shawano Subdivision. Most of the Shawano Subdivision has since been abandoned, with portions already converted to trail use immediately south of the proposed abandonment. Based on information provided by the railroad, the Crandon Line does not appear to contain any federally granted 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 and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (the Board) environmental rules [49 CFR 1105.7(b)]. The Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

As stated above, no traffic has moved on the line segment within the last two years. 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.

WCL believes the proposed abandonment will be consistent with existing land use plans. No alternatives to the abandonment have been considered, other than a possible conversion to trail use. The Wisconsin Department of Natural Resources has indicated that the proposed rail abandonment would be suitable for a Rails-To-Trails conversion. In addition, the Wisconsin Department of Transportation (WisDOT) commented that preservation of the corridor would be consistent with existing land use plans and that there is an interest in trail use. Further, WisDOT states that the railroad is required to comply with its Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures. The document requires that all surveying benchmarks, monumentation and mapping information be protected, and that the railroad coordinate with the appropriate agencies, and obtain a permit from the District Maintenance Section for work on the highway right-of-way. SEA is therefore recommending that the railroad consult with the WisDOT prior to the onset of salvage

It is anticipated that this proposed abandonment would not have an adverse impact on public health and safety because there will be no diversion of rail traffic to other modes. Short-term impacts on noise levels associated with salvaging activities would not be significant. WCL is not aware of any hazardous waste sites or hazardous materials spills along the line.

WCL contacted the U.S. Department of Agriculture, Natural Resources Conservation Service for possible impacts on prime agricultural lands, but to date, has not received a response.

The properties east and south of the proposed abandonment are forested, and Montego Lake sits to the west. Therefore, it is not likely that the subject abandonment will have an adverse impact on farmland soils.

The Wisconsin Department of Administration, Coastal Management Program, commented that the proposed abandonment does not lie within a designated coastal zone area, therefore no coastal impacts are expected.

The U.S. Fish and Wildlife Service determined that the proposed abandonment is not likely to have an adverse impact on any federally-listed species, or adversely modify any areas designated as critical habitats. However, they note that the project is adjacent to extensive natural areas, including a large deciduous forest and wetlands, and that over time, species and/or habitats at or near the project site may become eligible for federal listing. They indicate that the species and critical habitat lists are updated every six months, and given the time lag between abandonment and salvage activities, are requesting that the railroad provide advance notice of salvage operations in accordance with Section 7 of the Endangered Species Act. SEA is therefore recommending a condition that the railroad consult with the U.S. Fish and Wildlife Service prior to the onset of salvage activities.

The Wisconsin Department of Natural Resources (DNR) commented that there are no wildlife sanctuaries, refuges, or National or State parks associated with the proposed abandonment. DNR, however, noted that the proposed abandonment crosses land owned by Forest County and recommended contacting the Forest County Forest Administrator to determine potential impacts to the County's forest management plan. As a follow-up, WCL included said contact on the service list and has indicated that the Environmental and Historic Report will be forwarded accordingly.

WCL contacted the U.S. Environmental Protection Agency (USEPA) and the DNR regarding impacts to water quality in accordance with Section 402 of the Clean Water Act, and to determine if the proposed abandonment is consistent with applicable Federal, State, or local water quality standards. USEPA directed WCL to other agencies, but requested that waste and debris be properly disposed of, and that soil disturbance be minimized to the greatest extent possible during salvage operations. The railroad has affirmed that such practices will be followed. DNR commented that the corridor crosses Swamp Creek, a class II trout stream, and two unnamed tributaries. The treatment of these crossings, as well as culverts that may exist in wetland areas, will depend on the final alternative use of the rail line. DNR commented that if the right-of-way is not ultimately used as a public recreational trail, then the removal of culverts may be required. Further, if salvage operations take place on the Swamp Creek crossing or banks of the creek, timing restrictions may be specified to protect the trout populations in these waters during the spawning period. DNR states that the removal of track and ties should not affect any designated wetlands as they currently exist. However, original construction of the roadbed resulted in the filling of wetlands along the corridor. Original drainage patterns were also altered, resulting in changes to the local hydrology. If future use of the right-of-way, following abandonment, is not for transportation or trail purposes, DNR recommends that all fills

be removed and original contours and vegetation be re-established. Any work in wetlands during this time may require permits. DNR commented that all waste and demolition material that cannot be recycled must be disposed of in an appropriate manner. Disposal of any materials in wetlands or surface waters is not permitted. DNR recommends that the railroad prepare a waste plan describing the disposal method and location of all waste and demolition material, and that a sediment and erosion plan be submitted at least two weeks prior to the start of salvage operations. Finally, DNR would like to conduct two field evaluations, one prior to salvage operations and the other following salvage. Based on these extensive comments, SEA is recommending that the railroad consult with DNR prior to the onset of salvage activities.

The U.S. Army Corps of Engineers commented that the proposed abandonment is not subject to the permit requirements of Section 404 of the Clean Water Act, as no work will be performed in waters of the United States, and no dredged or fill material will be discharged into any waters of the United States. The Corps notes, however, that any contemplated design changes would necessitate further consultation. This could include the removal of stream culverts, should the trail conversion not occur. SEA is therefore recommending a condition that the rail road consult with the U.S. Army Corps of Engineers prior to commencement of any salvage activities to determine the applicability and need for permits.

The National Geodetic Survey commented that no geodetic station markers have been identified along the subject abandonment, therefore no impact to this resource is expected.

HISTORIC REVIEW

WCL submitted a historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning (SHPO), pursuant to 49 CFR 1105.8(c). WCL indicates that there are no structures on the line; however, a timber bridge is located near the south end of the abandonment. Based on readily available information, the railroad believes that the bridge does not meet the criteria for listing on the National Register of Historic Places (National Register), but nonetheless, submitted information to the SHPO for comment. To date, the SHPO has not commented on the bridge, but did confirm the presence of an archaeological resource within close proximity to the proposed abandonment. The Keith's Siding Road Archaeological Site is located west of the proposed abandonment, and immediately south of Keith's Siding Road. The SHPO states that the site is eligible for inclusion in the National Register, but is of the opinion that the proposed abandonment will not effect said archaeological resource, providing salvage activities occur on the roadbed above the ballast, but not on original ground below the ballast. In response, WCL provided the SHPO with a description of salvage operations. The railroad states that salvage may entail removing scrap tires and telegraph poles on the right-of-way, possibly disturbing the underlying soil. To date, the SHPO has not responded. Therefore, SEA has determined that the SHPO has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, the railroad shall retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures

on the line until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

SEA conducted a search of the National Park Service's Native American Consultation Database regarding tribes that may have an interest in the project. SEA is required to consult with tribes pursuant to 36 CFR 800.3(f)(2) to seek their input regarding any National Register eligible properties of traditional religious and cultural significance that may be affected by the proposed abandonment. The data base provided a list of Federally recognized tribes that may have ancestral connections to the project area and may therefore have an interest in the project's potential impacts on any areas of tribal interest. The tribes include the Bad River Band; the Bois Forte Band; the Fond du Lac Band; the Forest County Potawatomi Community; the Grand Portage Band; the Keweenaw Bay Indian Community; the Lac Courte Oreilles Band; the Lac Vieux Desert Band; the Leech Lake Band; the Mille Lacs Band; the Minnesota Chippewa Tribe; the Red Cliff Band; the Sokaogon Chippewa Community; the St. Croix Chippewa Indians of Wisconsin; and the White Earth Band. SEA has added the tribes to the service list for this proceeding to ensure they receive a copy of this EA for their comment.

CONDITIONS

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

1. If the subject rail line is abandoned, the Wisconsin Department of Transportation stated that the railroad would need to comply with its Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures; protect surveying benchmarks and monumentation; remove rail ties, and ballast at the crossings of state highways; restore state highways at abandoned crossings; and coordinate highway crossing activities with the Wisconsin Department of Transportation. Accordingly, Wisconsin Central Ltd. shall consult with the Wisconsin Department of Transportation regarding salvaging and abandonment procedures prior to commencement of any salvage activities.
2. The U.S. Fish and Wildlife Service indicates that the project is adjacent to extensive natural areas that could, over time, contain critical habitats or federally-listed species, given that the species and habitat lists are updated every six months. Accordingly, prior to the commencement of any salvage activities, Wisconsin Central Ltd. shall consult with the U.S. Fish and Wildlife service regarding potential impacts from salvaging activities to critical habitats and/or federally-listed threatened and endangered species that may occur in the vicinity of the line.
3. To address the concerns raised by the U.S. Environmental Protection Agency (USEPA), and the Wisconsin Department of Natural Resources, Wisconsin Central Ltd. shall contact the USEPA and the Wisconsin Department of Natural Resources prior to commencement of any salvage activities on the project concerning removal

and salvage methods; final disposition of crossties preserved with creosote; procedures for storing and fueling of removal equipment; waste management; recycling; procedures for the prevention and/or control of spills; sediment and erosion controls; stormwater runoff mitigation practices; and temporal restrictions in class II waterways during the fish spawning period.

4. Prior to commencement of any salvage activities, Wisconsin Central Ltd. shall consult with the U.S. Army Corps of Engineers to determine whether a Corps permit under Section 404 of the Clean Water Act is required.
5. The Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning (SHPO) has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, Wisconsin Central Ltd. shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. The railroad shall report back to the Section of Environmental Analysis regarding the results any consultations with the SHPO.

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), and discontinuance of service without abandonment. 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 Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, 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 Diana Wood, 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. 29X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 565-1552, fax at (202) 565-9000, or e-mail at woodd@stb.dot.gov

Date made available to the public: October 18, 2005.

Comment due date: **November 2, 2005.**

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

Vernon A. Williams
Secretary

Attachment