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SEA

SERVICE DATE – JULY 25, 2008

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-506 (Sub-No. 1X)

**Sault Ste. Marie Bridge Company – Abandonment Exemption – in
Iron Mountain, Dickinson County, MI**

BACKGROUND

In this proceeding, the Sault Ste. Marie Bridge Company (SSMB) 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 Iron Mountain, Dickinson County, MI. The Line extends approximately 0.64 miles from milepost 29.60 to milepost 30.24 (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 dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to SSMB, the Line was part of the main line for the Chicago and North Western Railroad extending from Iron Mountain, MI to Ironwood, MI. SSMB purchased the Line from the Union Pacific Railroad (UPRR) in 1996. SSMB states that the Line is not suitable for other public purposes, including roads or highways, as rail service continues on another portion of the track. SSMB also indicates that the area is in an urban location already well served with a mature roadway system.

According to SSMB, there have been no shippers on the Line in many years, and no commodities have originated or terminated on the Line in 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.

ENVIRONMENTAL REVIEW

SSMB 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. SSMB 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.

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of bridges or other structures that may be present on the rail 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. According to SSMB, proposed salvage activities would include salvage of any rail, ties and track material. SSMB states that it also intends to close two at grade public crossings located at Milepost 29.68 and Milepost 29.90.

SSMB states that the Line contains no Federally granted right-of-way and that none of the adjacent property is reversionary. SSMB indicates that the proposed salvage activities would have no detrimental effects on public health and safety and that hazardous commodities have not been handled on the Line for many years. SSMB notes, however, that prior to its purchase of the Line from UPRR, the latter had been investigating and performing remediation for hazardous waste at the site. In its environmental report, SSMB indicates that the Michigan Department of Environmental Quality (DEQ) issued a "no further action" letter on April 15, 2008, and that UPRR will be sealing "remaining monitoring wells in the near future."

In a letter dated April 15, 2008, Clifton Clark of the DEQ Remediation and Redevelopment Division (RRD), summarized past activities conducted to remediate contamination problems in the area of the proposed abandonment. This summary was drawn from the "Union Pacific Railroad Site Closure Report, Antoine Rail Yard, Iron Mountain Michigan," dated June-December 2007, and submitted to the DEQ on behalf of SSMB by Coleman Engineering Company. Past remediation activities noted in the summary include: the extraction and recycling of 200 gallons of diesel fuel from a former refueling system; the removal and disposal of two tons of non-hazardous sludge; cleaning of the former track pit; the removal of general rubbish; the excavation of 490 tons of petroleum contaminated soil; and various other remediation activities. In addition to the above, DEQ noted in its letter that it does not concur with the site closure report's conclusions that all corrective actions have been completed in accordance with the Natural Resources Protection Act (Part 201, Environmental Remediation) at the site. Consequently, SEA recommends a condition for SSMB to consult with DEQ regarding steps it shall take to ensure that all environmental contaminants have been properly remediated prior to the initiation of salvage operations along the Line.

The National Geodetic Survey indicates that no geodetic station markers have been identified that may be affected by the proposed abandonment.

¹ The railroad's environmental and historic reports are available for viewing on the Board's Website at <http://www.stb.dot.gov> by conducting a search for AB-506 (Sub-No. 1X) within "Filings" under "E-Library."

The U.S. Fish and Wildlife Service (FWS) provided comments to SSMB indicating that the area of the proposed abandonment does not contain Federally listed, proposed or candidate species nor is it located within designated or proposed critical habitat. However, the FWS states that SSMB should determine if the site may be suitable for the Canada Lynx, and/or whether the Canada Lynx may be affected by the proposed action. Therefore, SEA recommends a condition for SSMB to consult with the FWS, East Lansing Field Office (517-351-8315), prior to the onset of salvage activities to determine any potential impacts that may occur to the Canada Lynx from the proposed abandonment.

In addition to the above, the FWS stated to SSMB that it should consult with the DEQ, Land and Water Management Division (Upper Management District Office, 906-346-8300) regarding the potential impact of the proposed abandonment activities on public trust fish and wildlife resources. Consequently, SEA recommends a condition to this effect.

The DEQ, Land and Water Management Division, has indicated that the proposed project is located outside of the Michigan coastal management boundary and that no adverse impacts to coastal resources are anticipated.

The U.S. Army Corps of Engineers provided written notice to SSMB stating that the DEQ has been delegated permitting authority in the state of Michigan under Sections 402 and 404 of the Clean Water Act. SSMB followed up with a request for comment from the DEQ regarding any regulatory requirements that may need to be met under the Clean Water Act. In its response, the DEQ provided that no permits were required as long as the activities associated with the proposed abandonment would not result in the excavation of fill material or the removal of bridges or culverts from streams, or the use of a wetlands. In its response, SSMB assured the DEQ that they would not be impacting water or wetlands during its planned salvage operations following abandonment of the Line. However, DEQ indicated that it needed additional information regarding the proposed project (including site location, maps etc.) prior to making any definitive assessments regarding the project's potential impacts. Therefore, SEA is recommending a condition that SSMB consult with DEQ to ensure that it has the information it needs to properly assess any potential impacts that the proposed abandonment could have to wetlands and streams.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. Neither SEA nor SSMB have received comments from the U.S Environmental Protection Agency or the U.S. Natural Resources Conservation Service regarding the proposed abandonment. Accordingly, copies of the EA will be provided to these and other local and state agencies for their review and comment.

HISTORIC REVIEW

SSMB submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Michigan State Historic Preservation Office (SHPO), pursuant to 49 CFR 1105.8(c). The SHPO submitted comments to SEA indicating that

the proposed abandonment would have **no affect on historic properties** listed in or eligible for inclusion in the National Register of Historic Places. SEA concurs with this recommendation in compliance with the Section 106 regulations pursuant to 36 CFR 800.4(d)(1), **“No historic properties affected.”**

SEA conducted a search of Native American consultation databases at <http://home.nps.gov/nacd/> and <http://www.hud.gov/offices/cpd/environment/tribal/index.cfm> to identify Federally recognized Tribes that may have ancestral connections to the project area. The databases listed the following 14 Tribes: Bad River Band of Lake Superior Chippewa; Bois Fort Band (Nett Lake) of the Minnesota; Fond du Lac Band of the Minnesota Chippewa; Grand Portage Band of the Minnesota; Keeweenaw Bay Indian Community; Lac Lour Oreilles Band of Lake Superior Chippewa; Lac Vieux Desert Band of Lake Superior Chippewa; Leech Lake Band of the Minnesota Chippewa Tribe; Mille Lacs Band of the Minnesota Chippewa Tribe; Minnesota Chippewa Tribe; Red Cliff Band of the Lake Superior Chippewa Indians; Sokaogon Chippewa Indian Community; St. Croix Chippewa Indians of Wisconsin; and the White Earth Band of Minnesota. SEA is sending a copy of this EA to the above Tribes for their review and comment.

CONDITIONS

SEA recommends that the following environmental conditions be imposed on any decision granting abandonment authority:

- 1. The Sault Ste. Marie Bridge Company shall consult with the Michigan Department of Environmental Quality, Remediation and Redevelopment Division (Mr. Christopher Austin, 906-875-2072), prior to the onset of any salvage activities regarding potential environmental contamination within the right-of-way of the proposed abandonment project area.**
- 2. Prior to the onset of salvage activities, the Sault Ste. Marie Bridge Company shall consult with the Michigan Department of Environmental Quality, Land and Water Management Division (Upper Management District Office, 906-346-8300) regarding the potential impact of the proposed abandonment activities on public trust fish and wildlife resources.**
- 3. Prior to the onset of salvage activities, the Sault Ste. Marie Bridge Company shall consult with the Michigan Department of Environmental Quality, (Crystal Falls Field Office, 906-875-2071) regarding any reasonable regulatory requirements within its purview under the Clean Water Act.**
- 4. The Sault Ste. Marie Bridge Company shall consult with the U.S. Fish and Wildlife Service, East Lansing Field Office (Tameka Dandridge, 517-351-8315),**

prior to the onset of salvage activities to determine any potential impacts that could occur to the Canada Lynx as a result of the proposed abandonment.

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 the petition for 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, Government Affairs and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Services, 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 web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-506 (Sub-No. 1X) 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: July 25, 2008.

Comment due date: August 11, 2008.

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

Anne K. Quinlan
Acting Secretary

Attachment