

28658

SERVICE DATE - JANUARY 23, 1998

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

NO. AB-303 (SUB-NO. 18X)

**Wisconsin Central Ltd.
Abandonment Exemption
In Polk County, Wisconsin**

BACKGROUND

In this proceeding, Wisconsin Central Ltd. (WCL) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its railroad line from Milepost 47.83 in Dresser to Milepost 63.08 (the end of the line) in Amery, a distance of 15.25 miles in Polk County, WI. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption 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

In its application, WCL states that the only active shipper on the line is Amery Equity Co-op which plans to relocate to another WCL line. The line itself traverses rolling hills and the surrounding land is mainly used for agricultural purposes.

ENVIRONMENTAL REVIEW

The railroad has 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. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated and reviewed the record in this proceeding.

A number of Federal and state agencies contacted WCL during the environmental review process and requested specific procedures during any salvage operations to minimize potentially

harmful environmental impacts. WCL acknowledged these requests in its application and agreed to implement them.

The Wisconsin Department of Natural Resources (WI DNR) has advised us and WCL of a known petroleum soil contamination site at the Amery Bulk Plant in Amery, WI. Although the buildings and petroleum tanks were not owned by WCL, the contamination site is located on the WCL right-of-way. WI DNR requests that we impose a condition requiring WCL to come into compliance with state regulations regarding the clean up process for this site prior to being granted authority to abandon the line.

We will recommend a condition to any abandonment authority requiring WCL to consult with WI DNR in order to fulfill WCL's obligation in the clean up process at the Amery Bulk Plant site, and any other contamination site involving the WCL right-of-way in this proposed abandonment. This consultation will be required whether or not WCL plans to initiate any salvage activity and prior to any salvage activity.

The Wisconsin State Historic Preservation Officer has not yet completed a determination of historic significance for several structures located on the WCL right-of-way proposed for abandonment. We will recommend a condition to any abandonment authority prohibiting WCL from disposing of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act.

CONDITIONS

1. We recommend that a condition be placed on any abandonment authority requiring WCL to consult with the Wisconsin Department of Natural Resources in order to fulfill WCL's obligation in the clean up process at the Amery Bulk Plant site, and any other contamination site involving the WCL right-of-way in this abandonment. This consultation will be required whether or not WCL plans to initiate any salvage activity and prior to any salvage activity.

2. The Wisconsin State Historic Preservation Officer has not completed a determination of historical significance for several WCL properties located on the right-of-way. Accordingly, a condition is recommended requiring that WCL shall retain its interest in and take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended conditions, we conclude 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 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 Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services 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, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB- 303 (Sub No. 180X) in all correspondence addressed to the Board.** If you have questions

regarding this environmental assessment, you should contact Dana White at (202) 565-1552.

Date made available to the public: January 23, 1998.

Comment due date: February 20, 1998. (30 Days)

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

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