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SERVICE DATE - MARCH 31, 2000

SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423

## ENVIRONMENTAL ASSESSMENT

NO. AB-534 (SUB-NO. 2X)

LAKE STATE RAILWAY COMPANY -  
--ABANDONMENT EXEMPTION--  
IN ALPENA AND PRESQUE ISLE COUNTIES, MICHIGAN

### BACKGROUND

In this proceeding, Lake State Railway Company (LSRC) 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 a portion of its railroad line known as the Huron Subdivision, located between milepost 125.2, at Alpena, and the end of the line at milepost 151.25, near Metz, as well as a connecting branch line, the Rogers City Branch, which extends from milepost 141.8 at Posen, to the end of the line at milepost 11.5 at Rogers City, a total distance of 37.55 miles in Alpena and Presque Isle Counties, Michigan. A map depicting the rail lines 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

There are three firms on the lines which have received rail traffic in the last three years. No traffic has originated on the lines in that period. The inbound (i.e., terminated) commodities that have been handled are plastic pellets and ammonium nitrate. The inbound traffic has amounted to 121 carloads in 1997, 132 in 1998, and 126 in 1999. LSRC states that the firm accounting for the largest number of carloads has informed LSRC that it will reduce its use of the lines by about 50% in the Year 2000. Thus, LSRC estimates that traffic will amount to approximately 80 carloads in 2000.

The lines pass through the Mackinaw State Forest and various wetland areas. LSRC states that the two bridges on the lines will not be removed, and that no grading of the right-of-way will be undertaken in wetland areas.

## 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 verified the record in this proceeding. Responses to the railroad's request for comments thus far have indicated the need for three mitigation conditions, set forth below.

## CONDITIONS

In response to the requests of the U.S. Department of Commerce, National Geodetic Survey; the Michigan State Historic Preservation Office, and the Michigan Department of Environmental Quality, respectively, we recommend that the following three conditions be placed on any decision granting abandonment authority:

1. If salvage operations are expected to destroy or disturb the geodetic station markers shown on the list appended, the railroad shall notify the U.S. Department of Commerce, National Geodetic Survey at least ninety days prior to commencement of such operations.
2. If artifacts or any kind of bones are discovered during salvage operations, the railroad shall immediately stop salvage operations and notify the Michigan State Historic Preservation Office.
3. The railroad shall continue to maintain the Swan River Bridge for as long as it owns the bridge, so that the bridge is structurally sound and in sufficient repair to prevent the abutments, fill or deck from falling into the river or associated floodplain. In addition, the railroad shall remove all soils requiring stockpiling as a result of salvage operations and all salvaged materials from wetlands and floodplains.

## 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 lines 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**

If abandonment and salvage of the rail lines takes place, 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 (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, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Harold McNulty, who prepared this environmental assessment. **Please refer to Docket No. AB-534 (Sub No. 2X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Mr. McNulty at (202) 565-1539.

Date made available to the public: March 31, 2000.

**Comment due date: May 1, 2000.**

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

Vernon A. Williams  
Secretary

PLEASE SCAN THE MAP

PLEASE SCAN GEODETIC CONTROL MARKS