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OEA

SERVICE DATE – OCTOBER 30, 2015

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 303 (Sub-No. 47X)

**Wisconsin Central Ltd. – Abandonment Exemption –
In Lincoln County, Wis.**

BACKGROUND

In this proceeding, the Wisconsin Central Ltd. (WCL) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon an approximately 0.49-mile segment of rail line that extends from milepost 132.89 to milepost 133.38 in the City of Tomahawk, Lincoln County, Wisconsin. WCL states that the rail line proposed for abandonment was used for general freight traffic and yard purposes, but has been out-of-service for several years. WCL indicates that the track and ties have been removed but that the roadbed and subgrade remain intact.

WCL states that the City of Tomahawk is interested in acquiring the rail line proposed for abandonment for trail use, pursuant to the National Trails System Act. The trail would connect to an adjoining trail segment north of milepost 133.38 that was abandoned in 1991 in AB-343 (Sub-No. 1X). WCL indicates that the rail line segment immediately to the south of the proposed abandonment right-of-way contains the former Tomahawk Yard, and that the track and ties have been removed at this location.

The rail line travels through light industrial land uses on nearly level terrain. The right-of-way is generally 100-feet in width and the line traverses U.S. postal zip code 54487. If the notice becomes effective, WCL would be able to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

WCL submitted an environmental report that concludes the quality of the human environment would 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 Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental

¹ The 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. 47X).

Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

WCL states that no local traffic has moved over the line proposed for abandonment for at least two years and any overhead traffic can be rerouted over other rail lines. WCL indicates that a shipper facility to the west of the former Tomahawk yard is served by a spur track off a different WCL line and neither the spur track nor the service to that facility would be affected by the proposed abandonment. 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 construction of new access points to the right-of-way. However, as previously stated, WCL has removed the track, ties, and other track material, but intends to retain the underlying roadbed and ballast if the abandonment is authorized. WCL states that there are no trestles or bridges on the line, and further notes that a former depot located adjacent to the right-of-way is not on WCL property.

The National Geodetic Survey (NGS) commented that no geodetic station markers would be affected by the proposed abandonment. OEA has therefore determined that no further consultation with NGS is necessary in this proceeding.

The U.S. Army Corps of Engineers (Corps), Saint Paul District, Programs and Project Management Division, commented that no existing or future Corps civil works projects would be impacted by the proposed abandonment. The letter states that information on the proposed abandonment was also forwarded to the Regulatory Office in the event that permit coordination is needed. OEA believes that a Section 404 permit under the Clean Water Act (33 U.S.C. § 1344) would not be needed because the underlying roadbed would remain intact and there would be no disturbances to drainage flows, but has nevertheless included the Corps' Regulatory Office in the service list for this proceeding so that it may receive a copy of the EA and comment, if necessary.

The City of Tomahawk has not provided comments in this proceeding. However, OEA believes that the proposed abandonment is consistent with regional and local land use plans because WCL has stated that the City of Tomahawk is interested in extending an existing trail over the abandonment right-of-way.

OEA believes that the proposed abandonment would have no adverse effect on public health or safety because WCL has indicated that it would permanently close two rail-highway grade crossings if the proposed abandonment is authorized.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA 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, OEA is providing a copy of this EA to the following agencies for review and comment: the U.S. Fish and Wildlife Service; the U.S. Environmental Protection Agency; the U.S. Army Corps of Engineers; the Natural Resources Conservation Service; the National Park Service; the Wisconsin Department of Natural Resources; the Wisconsin Department of Administration; the Wisconsin Department of Transportation; the Lincoln County Board; and the City of Tomahawk .

HISTORIC REVIEW

WCL submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Wisconsin Historical Society (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). Based on available information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effects, or APE) of the proposed abandonment. The SHPO did however caution that there are historic properties adjacent to the APE and that any subsequent projects could require additional work by a preservation professional to determine National Register eligibility.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American and the Tribal Directory Assessment Tool Consultation Databases to identify federally recognized tribes that may have ancestral connections to the project area.² The databases indicate that there are 25 federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment and OEA is providing a copy of this EA to the following tribes for review and comment: The Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin; the Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota; the Flandreau

² Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited October 19, 2015) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tadat/Tribal.aspx> (last visited October 19, 2015).

Santee Sioux Tribe of South Dakota; the Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota; the Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota; the Keweenaw Bay Indian Community, Michigan; the Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin; the Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin; the Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan; the Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota; the Lower Sioux Indian Community in the State of Minnesota Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota; the Minnesota Chippewa Tribe, Minnesota; the Prairie Island Indian Community in the State of Minnesota; the Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin; the Sac and Fox Nation of Missouri in Kansas and Nebraska; the Sac and Fox Nation, Oklahoma; the Sac and Fox Tribe of the Mississippi in Iowa; the Santee Sioux Nation, Nebraska; the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota; the Sokaogon Chippewa Community, Wisconsin; the Spirit Lake Tribe, North Dakota; the St. Croix Chippewa Indians of Wisconsin; the Upper Sioux Community, Minnesota; and the White Earth Band of Minnesota Chippewa Tribe, Minnesota.

CONDITIONS

We recommend that no conditions be imposed on any decision granting abandonment authority.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if any recommended mitigation is 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 4-part showing for imposition of a public use condition (49 C.F.R. § 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental 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 Assistance, Governmental Affairs, and Compliance, 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. 47X) 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) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: October 30, 2015.

Comment due date: November 17, 2015.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment