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SERVICE DATE - OCTOBER 20, 2000

SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

AB-303 (SUB-NO.21X)

THE WISCONSIN CENTRAL LTD. - NOTICE OF EXEMPTION - IN MARQUETTE COUNTY, MICHIGAN.

BACKGROUND

In this proceeding, the Wisconsin Central LTD. (WCL), has 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 its line of railroad between railroad milepost 162.84, and 154.0, a distance of 8.84-miles in Marquette County, MI. A map depicting the rail line in relationship to the area served is appended to the report. (See Attachment A.) 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

WCL states in its application that no local or overhead traffic has moved along the rail line proposed for abandonment for the last two years. The rail line was previously used for transporting iron ore commodities.

WCL further notes that part the rail line proposed for abandonment passes through the city's commercial and residential areas, with numerous homes located to the south and commercial/small businesses located to the north. Other portions of the rail line traverse through a dense wooded area containing several wetlands bordering Lake Superior. The subject rail line connects with the Marquette Ore Dock Line, but does not overlap.¹

¹In decision served October 7, 1999, in STB Docket No. AB-303 (Sub No. 5X), the Board granted abandonment authority of WCL to abandon its 0.75-mile of railroad known as the Marquette Ore Dock Line.

ENVIRONMENTAL REVIEW

The WCL 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 WCL 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 the record in this proceeding.

Also, the Section of Environmental Analysis (SEA) consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Region 5 (EPA), U.S. Army Corps of Engineers, National Geodetic Survey, U.S. Department of Agriculture, National Park Service, Michigan Department of Environmental Quality (Michigan DEQ), Michigan Department of Natural Resources, Michigan State Historic Preservation Office, Michigan Department of Transportation, Marquette County Planning Commission.

In its application, WCL indicates that there are three (3) remediation sites located in the vicinity of the rail line; (1) the Marquette Roundhouse Site, (2) the Marquette tank Farm Site and, (3) the Superior Stop UST site. A map depicting these three sites is attached. (See Attachment B.) After communications with Michael Barron, the attorney representing WCL, SEA determined that none of the three remediation sites will have an impact on, or be impacted by, the proposed abandonment².

Consultation with Steve Harrington, with the Michigan Department of Environmental Quality, the lead state agency monitoring the clean-up of these three sites, indicated that abandonment and salvage activity will not adversely impact, or exacerbate any environmental hazards of the Marquette Tank Farm Site, the Marquette Roundhouse Site, and the Superior Stop Site.³

Mr. Newton Ellens, Environmental Protection Specialist, Office of Strategic Environmental Analysis with the U.S. EPA, Region-5 (EPA), notified SEA about EPA's continuing environmental

²SEA is attaching to this EA a copy of a letter from Michael Barron that further describes these three remediation sites in more detail. (See Attachment C.)

³Mr. Steve Harrington can be contacted at (906) 228-6561 concerning any of the three remediation sites.

concerns regarding the WCL's proposed abandonment and subsequent salvage activity. After further consultation with Mr. Ellens, he requested that, prior to abandonment and salvage of the rail line, WCL prepare and submit to EPA for review and approval a detailed plan to mitigate the potential environmental impacts caused by salvage activity.⁴ SEA will recommend such a condition.

CONDITIONS

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

1. The U.S. Environmental Protection Agency (EPA) Region-5 has expressed continuing concern regarding the possible impacts the proposed abandonment and salvage activity may have on the project area. In response to EPA's concern, WCL shall, prior to abandonment and any salvage activities, prepare and submit to EPA for EPA's review and approval a detailed plan to address and/or mitigate the potential environmental impacts resulting from salvage of the right-of-way. WCL shall provide SEA with confirmation in writing that EPA's concerns have been addressed.
2. The Nation Geodetic Survey has identified fifteen (15) geodetic station markers that may affect the proposed abandonment. Therefore, SEA recommends that WCL notify NGS at least 90 days prior to any salvage activity so that plans may be made for their relocation.

CONCLUSIONS

Based on the information provided from all sources to date, and subject to the recommended condition(s), 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.

⁴SEA is also attaching to this EA a copy of an e-mail from Newton Ellens that sets forth EPA's concerns. (See Attachment D.)

PUBLIC USE

WCL notes in its application, that it is open to the possibility of preserving the proposed line for abandonment as a recreational trail.⁵ 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 (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, Room 848, 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, Room 711, Washington, DC 20423, to the attention of Bernard L. Brown, who prepared this environmental assessment. **Please refer to Docket No. AB-303 (Sub No. 21X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Bernard L. Brown at (202) 565-1539.

⁵ The Marquette County Planning Commission has expressed interest in acquiring the right-of-way as a rails-to-trails.

Date made available to the public: October 20, 2000.
Comment due date: November 3, 2000.

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

Vernon A. Williams
Secretary

Attachments

MAP AND ATTACHMENTS TO BE SCANNED