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SEA**

SERVICE DATE – NOVEMBER 27, 2007

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-303 (Sub-No. 31X)

Wisconsin Central Ltd.—Abandonment Exemption—in Sawyer County, Wisconsin

BACKGROUND

In this proceeding, the Wisconsin Central Ltd. (WCL) filed a verified notice of exemption pursuant to the Surface Transportation Board's (Board) regulations at 49 C.F.R.1152.50. WCL proposes to abandon its line of railroad extending from milepost 100.80 to milepost 102.60 in Hayward, Sawyer County, Wisconsin, a total distance of 1.80 miles. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, WCL will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way. According to WCL, the salvage contractors would remove the rails, wooden ties, as well as any other railroad-related track materials on the right-of-way. Three grade crossings would be removed. WCL states that there are no structures or bridges located along the line.

ENVIRONMENTAL REVIEW

WCL submitted an environmental report that concludes the quality of the human environment would not be affected significantly as a result of abandonment, 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 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the environmental record in this proceeding.

The line proposed for abandonment would have no effect on existing transportation systems or patterns as there has been no local traffic on the line for over two years. The line was previously used to transport pulp wood from nearby smaller communities. The proposed abandonment does not appear to be inconsistent with regional and/or local land use plans. As a result of abandonment activities, no impacts on air quality, noise levels, or energy resources are expected to occur. WCL states that the proposed abandonment would be handled in a manner that is consistent with the applicable Federal, state, and local water quality standards. WCL states that no known hazardous waste sites or spills have occurred on the right-of-way.

In response to WCL's request for consultation, the Wisconsin Department of Natural Resources (WDNR) states that during salvage activities proper erosion control measures must be used, care must be taken to ensure that no critical habitats or protected species near the Namekagon River are impacted, and rails and ties should be properly disposed of at a state

approved facility. WDNR also indicates that no fill should be placed in the 100-year floodplain that crosses or runs adjacent to a portion of the rail line.

The United States Army Corps of Engineers (Corps) has not responded to WCL's request for comment, however SEA believes that based on the potential for impacts to waterways or wetlands that cross or run adjacent to the line consultation with the Corps is warranted. Accordingly, SEA recommends that a condition be imposed, requiring the railroad to contact the Corps prior to beginning salvage activities. The United States Fish and Wildlife Service (USFWS) has not responded to WCL's request for comment on the presence of Federally-listed endangered or threatened species, wildlife sanctuaries or critical habit that may be located near the line proposed for abandonment. Because WDNR has identified state protected species that may be located in the project area, SEA believes that consultation with USFWS is warranted to determine if any Federally-listed threatened or endangered species may exist in the area of the proposed abandonment. Accordingly, SEA recommends that a condition be imposed requiring WCL to contact USFWS prior to beginning salvage activities to discuss potential impacts to any Federally-listed endangered or threatened species. In a letter of June 13, 2007, the Wisconsin Department of Transportation (WDOT) states that WCL must comply with the WDOT Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures if it salvages the line. SEA recommends that a condition be imposed, requiring the railroad to contact WDOT prior to beginning salvage activities to discuss clean-up activities related to salvaging the line.

To ensure that the 100-year floodplain is not adversely affected, SEA recommends that the railroad consult with the WDNR prior to commencement of any salvage activities regarding potential impacts to the floodplain and comply with the reasonable requirements of the WDNR to protect the floodplain.

The National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment, SEA recommends that a condition be imposed requiring WCL to consult with the NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

HISTORIC REVIEW

WCL submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Wisconsin State Historic Preservation Office (WSHPO) pursuant to 49 CFR 1105.8(c). Based on available information, the WSHPO 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 Effect, or APE) of the proposed abandonment.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 CFR 800.4(d)(1), and following consultation with the WSHPO and any other Section 106 consulting parties that have been identified and the public, we have 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 CFR 800.11(d), consists of the

railroad's historic report, all relevant correspondence, and this EA, which have been provided to the WSHPO, and any other Section 106 consulting parties that have been identified and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally-recognized tribes that may have ancestral connections to the project area. The database identified the following 14 Federally-recognized tribes that may have an interest in the proposed abandonment:

- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe, Minnesota
- Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota
- Grand Portage Band of the Minnesota Chippewa Tribe, Minnesota
- Keweenaw Bay Indian Community, Michigan
- Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
- Lac Vieux Desert Band of Lake Superior Chippewa Indians, Michigan
- Leech Lake Band of the Minnesota Chippewa Tribe, Minnesota
- Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota
- Minnesota Chippewa Tribe, Minnesota
- Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
- Sokaogon Chippewa Community, Wisconsin
- St. Croix Chippewa Indians of Wisconsin
- White Earth Band of Minnesota Chippewa Tribe, Minnesota

Accordingly, SEA is sending a copy of this EA to the 14 tribes identified above for their review and comment.

CONDITION

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

- Wisconsin Central Ltd. (WCL) shall consult with the National Geodetic Survey (NGS) and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.
- WCL shall contact the U.S. Fish and Wildlife Service (USFWS) prior to beginning salvage activities to discuss potential impacts to any Federally-listed endangered or threatened species. The railroad shall report the results of this consultation to the Board's Section of Environmental Analysis (SEA) in writing. Should any potential impacts be identified, the railroad shall consult with SEA and USFWS to develop appropriate mitigation measures.
- WCL shall prior to commencement of any salvage activities consult with the United States Army Corps of Engineers (Corps) regarding potential impacts on wetlands. WCL shall

comply with the reasonable requirements of the Corps, if applicable.

- WCL shall consult with the Wisconsin Department of Natural Resources (WDNR) prior to commencement of any salvage activities regarding potential impacts to the floodplain and comply with the reasonable requirements of the WDNR to protect the floodplain. WCL shall consult with WDNR, and comply with the reasonable requirements of WDNR to avoid or reduce potential impacts to state protected species. WCL shall consult with WDNR regarding the disposal of rails and ties following salvage activities.
- WCL shall contact the Wisconsin Department of Transportation prior to beginning salvage activities to discuss clean-up activities related to salvaging the line.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, abandonment would 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, discontinuance of service and salvage of the rail line, a portion of the rights-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 is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the class 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) 245-0230, 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, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, 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. 31X)**. If you have any questions regarding this environmental assessment, please contact Phillis Johnson-Ball, the environmental contact for this case, by phone at (202) 245-0304, fax at (202) 245-0454, or e-mail johnson-ballp@stb.dot.gov.

Date made available to the public: November 27, 2007.

Comment due date: December 12, 2007.

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

Vernon A. Williams
Secretary

Attachment