

43929
OEA

SERVICE DATE – AUGUST 1, 2014

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 303 (Sub-No. 44X)

**Wisconsin Central Ltd. – Abandonment Exemption –
in Forest County, Wis.**

BACKGROUND

In this proceeding, the Wisconsin Central Ltd. (WCL) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Forest County, Wisconsin. The rail line proposed for abandonment extends approximately 6.4 miles from milepost 242.21 (formerly milepost 243.00 on the old Shawano Sub) in Argonne to milepost 235.85 on the Pembine Sub (formerly milepost 249.38 on the Old Shawano Sub) in Crandon. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

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 Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

The line is located in a generally flat, rural area. The right-of-way width is approximately 100 feet. The line was previously used for general freight traffic, but there have been no rail shipments of any kind on the line in the last two years. WCL states that no reasonable possibility for the development of new rail traffic exists. Following abandonment, the railbed would remain in place but the track, ties and other track material would be salvaged.

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. 44X).

There are five public and two private grade crossings located on the line. The public crossings are equipped with crossbucks. Subsequent to abandonment, all grade crossings on the line would be removed from the interstate network. One wooden trestle is located on the line where it crosses the Peshtigo River.

The right-of-way is suitable for an alternative public use. The Wisconsin Department of Natural Resources (DNR) has expressed interest in using the abandoned corridor for trail purposes. WCL is working with DNR to develop that possibility. Because the line may be used for trail purposes in the future, the integrity of the trestle would not be disturbed. The substructures of the trestle were built in 1970 and the superstructures were built in 1971. WCL is not aware of any historic resources adjacent to the line and or archaeological resources in the area.

Diversion of Traffic

According to WCL, no local traffic has moved over the line for at least two years and there is no overhead traffic to be rerouted. 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 the construction of new access points to the right-of-way.

WCL has indicated that the tracks, ties, and other salvageable materials would be removed from the line subsequent to abandonment. The rail bed and subgrade of the line would not be disturbed and would remain in place. WCL states that it would comply with all applicable rules and regulations when conducting salvage related activities and would employ good engineering practices. WCL would follow all rules and regulations for the removal of salvageable materials.

WCL does not anticipate that existing regional or local transportation systems or patterns would be affected by the proposed abandonment, nor does it foresee any inconsistency with regional and/or local land use plans. WCL does not believe that the proposed abandonment would affect any prime or unique agricultural land.

WCL indicates that no known hazardous waste sites or sites where there have been known hazardous material spills are located in or adjacent to the right-of-way.

The National Geodetic Survey (NGS) has advised OEA that one geodetic station marker has been identified that may be affected by the proposed abandonment. OEA recommends a condition requiring that WCL notify NGS at least 90 days prior to beginning salvage activities that would disturb or destroy any geodetic station markers.

The U.S. Department of the Army Corps of Engineers, St. Paul District (Corps) has indicated that any proposed placement of dredged or fill material into waters of the United States (including jurisdictional wetlands) requires Corps authorization under Section 404 of the Clean Water Act. WCL does not believe that there would be any effects to water quality as a result of the proposed abandonment. WCL would only remove the rails on the existing trestle as part of its salvage operations, but does not intend to remove the trestle. Accordingly, WCL does not anticipate discharge of any materials into navigable waters that would require permits under Sections 402 and 404 of the Clean Water Act. The line is not located within a designated Coastal Zone Management Area (CZMA). WCL indicates that there are no wetlands located in or along the right-of-way of the line, and WCL is unaware of any 100-year flood plains that would be affected by the abandonment.

Mr. Gatlin Fenwick, indicating that he is submitting comments on behalf of the Forest County Economic Development Director, the Mayor of Crandon, and the Board Chairman of Forest County states that abandonment of the line rather than restoration of rail service to the line would result in additional highway improvements and require greater volumes of salt during snowfall events, increasing the level of sodium chloride in local water sources. As discussed previously, WCL has indicated that there would be no diversion of rail traffic to area roadways as a result of the proposed abandonment. Further, WCL has noted that no reasonable possibility for the development of new rail traffic exists.

WCL indicates that the line does not pass through or adjacent to any wildlife sanctuaries or refuges or any national or state parks or forests and, accordingly, none would be adversely affected. WCL does not believe that any critical wildlife habitat would be destroyed, altered or affected as a result of the proposed abandonment or that any endangered or threatened species are present in the area that would be adversely affected.

The Wisconsin Department of Transportation (WisDOT) encourages the preservation of the transportation corridor for future transportation needs consistent with existing land use plans. If the line is abandoned as proposed, WisDOT indicates that WCL should comply with its *Abandoned Railroad, Line Salvage and Clean-up Policy/Standards/Procedures* when conducting abandonment and related salvage activities. WisDOT further indicates that any surveying benchmarks and mapping information on the line should be protected. If abandonment authority is granted, WisDOT states that WCL should remove any rail, ties and ballast at the crossings of state highways. WCL would be required to obtain a permit from WisDOT Regional Maintenance Section to work on highway right-of-way. Before crossings are removed at streets and roadways, WCL should contact the maintaining authority to coordinate work with them.

Accordingly, OEA recommends a condition requiring that WCL consult with WisDOT prior to commencing any salvage activities to address WCL's compliance with WisDOT's *Abandoned Railroad, Line Salvage and Clean-up Policy/Standards/Procedures*.

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

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 (SHPO) pursuant to 49 C.F.R. § 1105.8(c). The SHPO has indicated that, in its opinion, the proposed abandonment would result in no historic properties affected.

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, we have determined that the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) of the proposed abandonment 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 Consultation Database to identify federally-recognized tribes that may have ancestral connections to the project area.² The database indicated that 16 federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the APE of the proposed abandonment. Those tribes include the Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Bois Forte Band of the Minnesota Chippewa Tribe, Fond du Lac Band of the Minnesota Chippewa Tribe, Forest County Potawatomi Community, Grand Portage Band of the Minnesota Chippewa Tribe, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Leech Lake Band of the Minnesota Chippewa Tribe, Mille Lacs Band of the Minnesota Chippewa Tribe, Minnesota Chippewa Tribe,

² Native American Consultation Database, <http://home.nps.gov/nacd/> (last visited July 28, 2014).

Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin, Sokaogon Chippewa Community, St. Croix Chippewa Indians of Wisconsin, and the White Earth Band of Minnesota Chippewa Tribe. OEA is sending a copy of this EA to those tribes for review and comment.

CONDITIONS

OEA recommends that the following environmental conditions be imposed on any decision granting abandonment authority:

1. Wisconsin Central Ltd. shall, prior to conducting any salvage activities related to the abandonment, consult with the Wisconsin Department of Transportation (WisDOT) to address compliance with WisDOT's *Abandoned Railroad, Line Salvage and Clean-up Policy/Standards/Procedures*.
2. Wisconsin Central Ltd. shall notify the National Geodetic Survey (NGS) at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers in order to plan for the possible relocation of the geodetic station markers by NGS.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line 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 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office 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 original and 2 copies to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Kenneth Blodgett, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 303 (Sub-No. 44X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Kenneth Blodgett by phone at (202) 245-0305, fax at (202) 245-0454, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: August 1, 2014.

Comment due date: August 15, 2014.

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

Attachment