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OEA

SERVICE DATE – FEBRUARY 21, 2014

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 57 (Sub-No. 61X)

Soo Line Railroad Company – Abandonment Exemption – in Racine County, Wis.

BACKGROUND

In this proceeding, Soo Line Railroad Company d/b/a Canadian Pacific (Soo Line) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 to abandon 10.63 miles of rail line between milepost 7.8 +/- and milepost 18.43 +/- (the Line). 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.

DESCRIPTION OF THE LINE

According to Soo Line, the Line is in the vicinity of the populated areas of Sturtevant, Union Grove, and Kansasville. Adjoining properties were developed prior to 1892 as various light industrial, commercial, agricultural, and residential properties. Soo Line states that the right-of-way is relatively hilly with peaks as high as 850 feet above mean sea level and valleys as low as 700 feet above mean sea level, and the average right-of-way width is 50 feet.

ENVIRONMENTAL REVIEW

Soo Line 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. NSR 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.

Diversion of Traffic

¹ The railroad's 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-57 (Sub-No. 61X).

According to Soo Line, 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

The U.S. Army Corps of Engineers, Detroit District (Corps) commented under its civil works/floodplain management program that the area of the proposed abandonment crosses several federally mapped floodplains. The Corps suggested that Soo Line refer to the National Flood Insurance Program Guidelines and to local building ordinances. The Corps also recommended that Soo Line coordinate with county officials and the State of Wisconsin regarding the applicability of a floodplain permit. Accordingly, we recommend that a condition be imposed on any decision granting abandonment authority requiring Soo Line to consult with county officials and the State of Wisconsin to determine if a floodplain permit is required and if so, to comply with its reasonable requirements

The National Resources Conservation Service (NRCS) commented that the proposed abandonment does not involve any direct or indirect conversion of farmland. Therefore, the Farmland Protection Policy Act does not apply in this case. Additionally, NRCS stated that no NRCS Easements are located next to the Line.

The National Geodetic Survey (NGS) commented that five geodetic survey markers are located within the area of the proposed abandonment. Accordingly, we recommend that a condition be imposed on any decision granting abandonment authority requiring Soo Line to consult with NGS and notify NGS at least 90 days prior to beginning salvage activities that will disturb or destroy any geodetic station markers.

Soo Line indicates that the proposed abandonment may affect a coastal zone for which a consistency certification is required. Soo Line also states that it consulted with the Wisconsin Coastal Management Program (WCMP) via telephone on December 18, 2013, and that WCMP indicated that it would review the environmental and historic report and may waive the formal certification process. OEA has not heard from WCMP. Therefore, we recommend that a condition be imposed on any decision granting abandonment authority requiring Soo Line to consult with WCMP to determine whether state coastal management consistency certification is

required and to report the results of these consultations in writing prior to the onset of salvage operations.

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 Corps and WCMP for their review and comment.

HISTORIC REVIEW

Soo Line served the historic report on the Wisconsin State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c). OEA has not heard from SHPO and therefore has not been able to consider the SHPO's opinion before determining if the rail line may be potentially eligible for listing on the National Register of Historic Places. Accordingly, we are recommending a condition requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process. Guidance regarding the Board's historic preservation review process is available on the Board's website at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the Native American Consultation Database at <http://grants.cr.nps.gov/nacd/index.cfm> to identify federally-recognized tribes which may have ancestral connections to the project area. The database indicated that the following tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: the Citizen Potawatomi Nation, Oklahoma, the Forest County Potawatomi Community, Wisconsin, the Hannahville Indian Community, Michigan, and the Prairie Band of Potawatomi Nation, Kansas.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. Soo Line Railroad Company d/b/a Canadian Pacific shall consult with Racine County officials and the State of Wisconsin to determine if a floodplain permit is required and if so, comply with its reasonable requirements.
2. Soo Line Railroad Company d/b/a Canadian Pacific 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.

3. Prior to beginning any salvage activities, Soo Line Railroad Company d/b/a Canadian Pacific (Soo Line) shall consult with the Wisconsin Coastal Management Program to determine whether state coastal management consistency certification is required. Soo Line shall report the results of these consultations in writing to the Office of Environmental Analysis prior to the onset of salvage operations.
4. Soo Line Railroad Company d/b/a Canadian Pacific (Soo Line) shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, structures and objects within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Soo Line shall report back to the Office of Environmental Analysis regarding any consultations with the SHPO, any other Section 106 consulting parties and the public. Soo Line may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

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 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 four-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 Services, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Danielle Gosselin, who prepared this EA. 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-57 (Sub-No. 61X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Danielle Gosselin, the environmental contact for this case, by phone at (202) 245-0300, fax at (202) 245-0454, or e-mail at danielle.gosselin@stb.dot.gov.

Date made available to the public: February 21, 2014.

Comment due date: March 7, 2014.

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

Attachment