



DEPARTMENT OF THE ARMY
DETROIT DISTRICT, CORPS OF ENGINEERS
477 MICHIGAN AVE.
DETROIT, MICHIGAN 48226-2550

December 27, 2013

IN REPLY REFER TO:

Planning Office
Environmental Analysis Branch

Surface Transportation Board
Office of Environmental Analysis
395 E Street, SW
Washington D.C. 20423-0001

RE: STB Docket No. AB-57 (Sub-No. 61X), Rail Abandonment, Racine County, WI

This is in response to the November 20, 2013, correspondence from Leonard, Street, and Deinard requesting comments on the proposed abandonment of approximately 10.63 miles of rail line in Racine County, Wisconsin. The proposed abandonment extends from Milepost 7.8+/- (west of Wisconsin Street near Sturtevant) to Milepost 18.43+/- (west of South Beaumont Avenue in Kansasville).

Regulatory jurisdiction for the project area is within our St. Paul District. Their Regulatory Office has provided comments in a separate mailing (Enclosure 1). No activities under the Corps of Engineers' regulatory jurisdiction may commence without prior Corps' authorization.

In accordance with our responsibilities at the Detroit District, Corps of Engineers, the following comments are provided under our civil works/floodplain management program. Our civil works program does not include any current plans to develop waterways in the vicinity of your project; nor do we have any current or proposed flood control studies for the area described in your letter.

Review of the applicable Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps shows that the rail abandonment project area crosses several Federally mapped floodplains (Enclosures 2 – 5). Effects on floodplains could occur during deconstruction and construction, including movement of railroad foundation materials, side casting of materials from the project, or from above ground features such as bridge abutments. Please refer to the National Flood Insurance Program Guidelines and to local building ordinances for construction requirements of structures within a floodplain.

We also recommend that the project be coordinated with county officials and with the State of Wisconsin regarding the applicability of a floodplain permit prior to construction. This coordination would help ensure compliance with county and state

floodplain management regulations and acts. If you obtain information that any part of your project would impact the flood plain, you should consider other sites. This would be consistent with current Federal policy to formulate projects that, to the extent possible, avoid or minimize adverse impacts associated with use of the floodplain.

We appreciate the opportunity to comment on the proposed abandonment of approximately 10.63 miles of rail line in Racine County, Wisconsin, extending from a point near Sturtevant to a point south of Kansasville. If you have any questions regarding the attached Regulatory comments, please contact Marie Kopka, St. Paul District Regulatory Office, at 651-290-5733. Any other questions may be directed to Mr. Paul Allerding of my staff at 313-226-7590 or me at 313-226-2476.

Sincerely,



for Charles A. Uhlarik, Chief
Environmental Analysis Branch

Enclosures:

1. St. Paul District Regulatory Comments
2. Collage of FEMA Flood Insurance Rate Maps (FIRMs)
- 3-5. FRIMettes of specific floodplain crossings

Copies furnished (electronic):

Marie Kopka, Corps Regulatory Office, St. Paul District
Mary Weidel, Corps Floodplain Management Services Coordinator, Detroit District
Mr. W. Karl Hansen, Leonard, Street, and Deinard



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST. PAUL MINNESOTA 55101-1678

REPLY TO
ATTENTION

December 3, 2013

Operations
Regulatory (2013-04657-MHK)

Mr. W. Karl Hansen
Leonard, Street, and Deinard
150 S. Fifth Street, Suite 2300
Minneapolis, Minnesota 55402

Dear Mr. Hansen:

We have received your November 20, 2013 letter requesting comments on potential environmental impacts of the proposed Soo Rail Line d/b/a Canadian Pacific Railway abandonment between Milepost 7.8 to Milepost 18.43 in Racine County, Wisconsin. Please consider the following general information concerning our regulatory program that may apply to the proposed project.

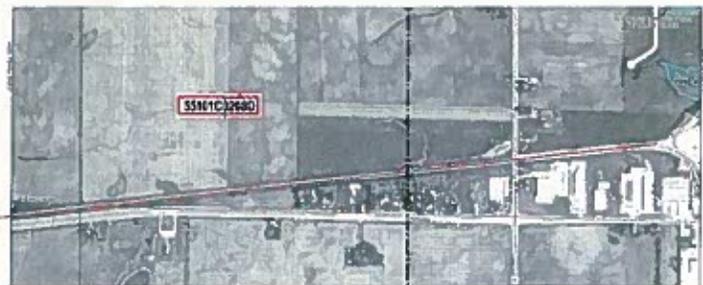
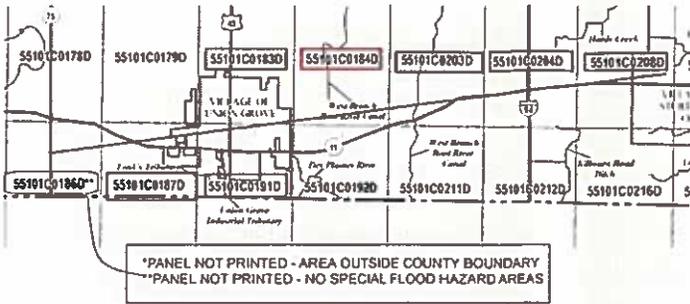
If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

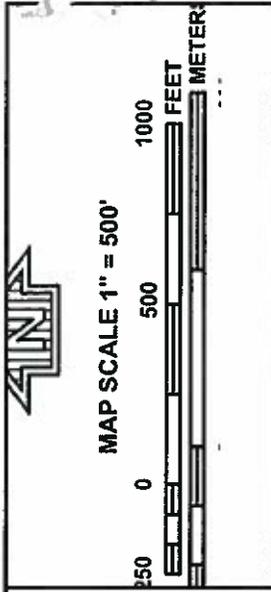
The Corps' evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic

Re: Request for Comments on Potential Environmental Impact of Proposed Rail Line Abandonment Located between Milepost 7.8+/- (west of Wisconsin Street near Sturtevant) to Milepost 18.43+/- (west of South Beaumont Avenue in Kansasville) in Racine County, State of Wisconsin (U.S. Postal Zip Codes 53139, 53182, and 53177) - STB Docket No. AB-57 (Sub-No. 61X)



End. 2



NFIP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0183D

FIRM
FLOOD INSURANCE RATE MAP
RACINE COUNTY,
WISCONSIN
AND INCORPORATED AREAS

PANEL 183 OF 295
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	RACINE COUNTY	NUMBER	550347	PANEL	0183	SUFFIX	D
	UNION GROVE, VILLAGE OF		550586		0183		D

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
55101C0183D

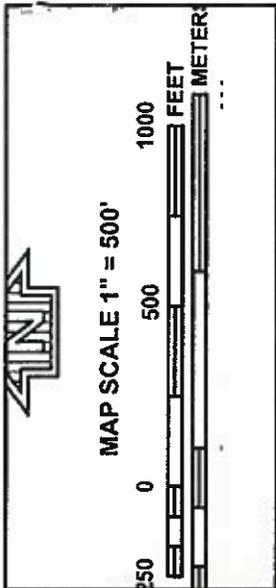
EFFECTIVE DATE
MAY 2, 2012

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-killt CH-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



Encl. 3



NFP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0184D

FIRM
 FLOOD INSURANCE RATE MAP
 RACINE COUNTY,
 WISCONSIN
 AND INCORPORATED AREAS

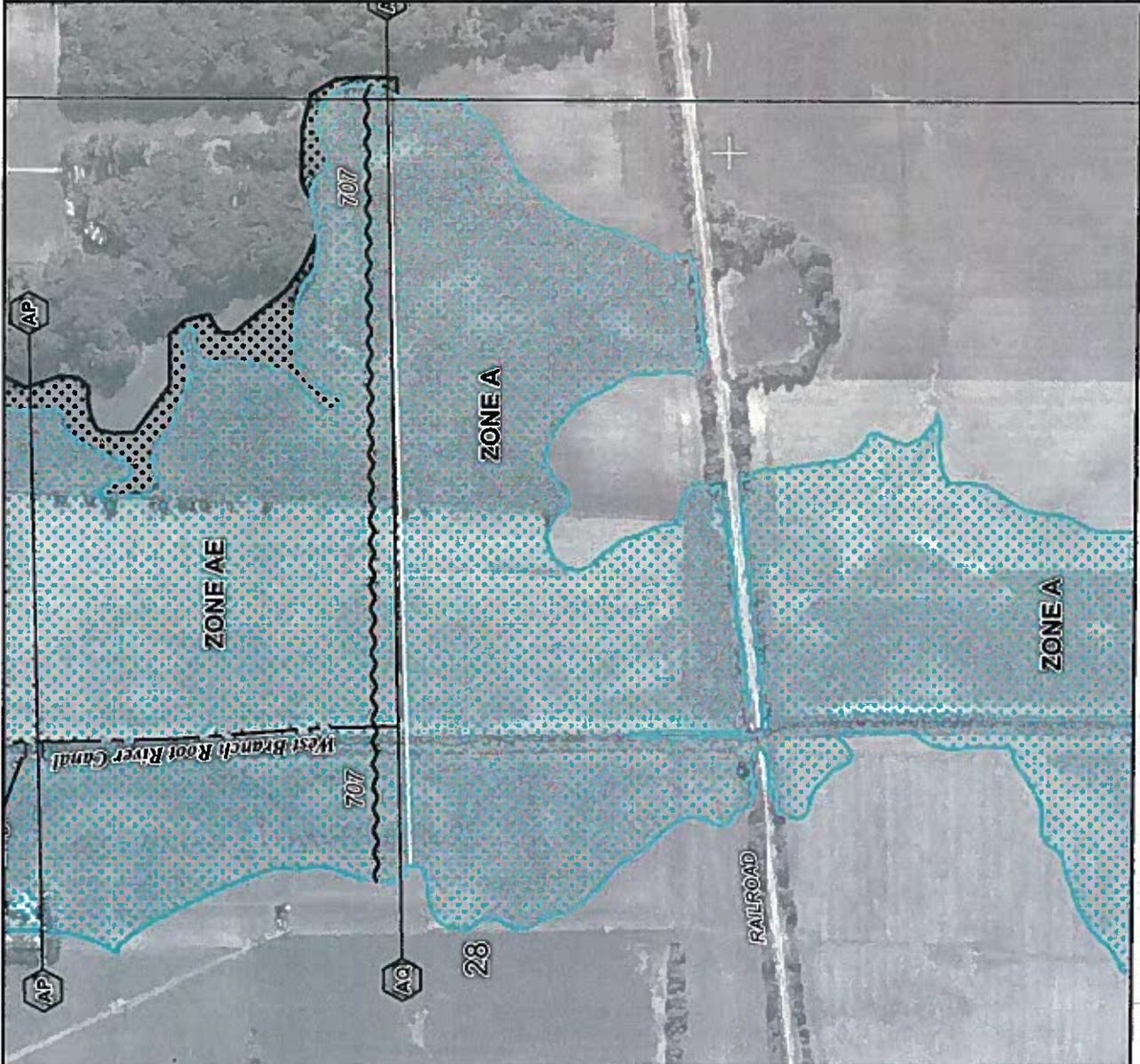
PANEL 184 OF 295
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
 COMMUNITY NUMBER 560047
 RACINE COUNTY
 PANEL NUMBER 0184
 SUFFIX D

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
55101C0184D
EFFECTIVE DATE
MAY 2, 2012

Federal Emergency Management Agency

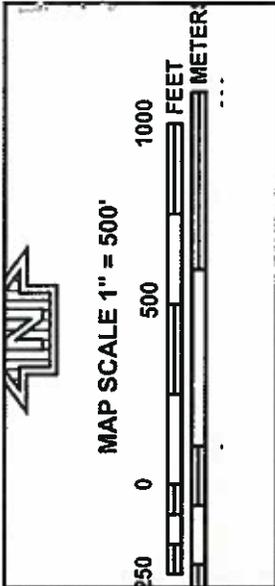


JOINS PANEL 0192

2500000 FT

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Encl. 4



NFP NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0203D

FIRM
 FLOOD INSURANCE RATE MAP
 RACINE COUNTY,
 WISCONSIN
 AND INCORPORATED AREAS

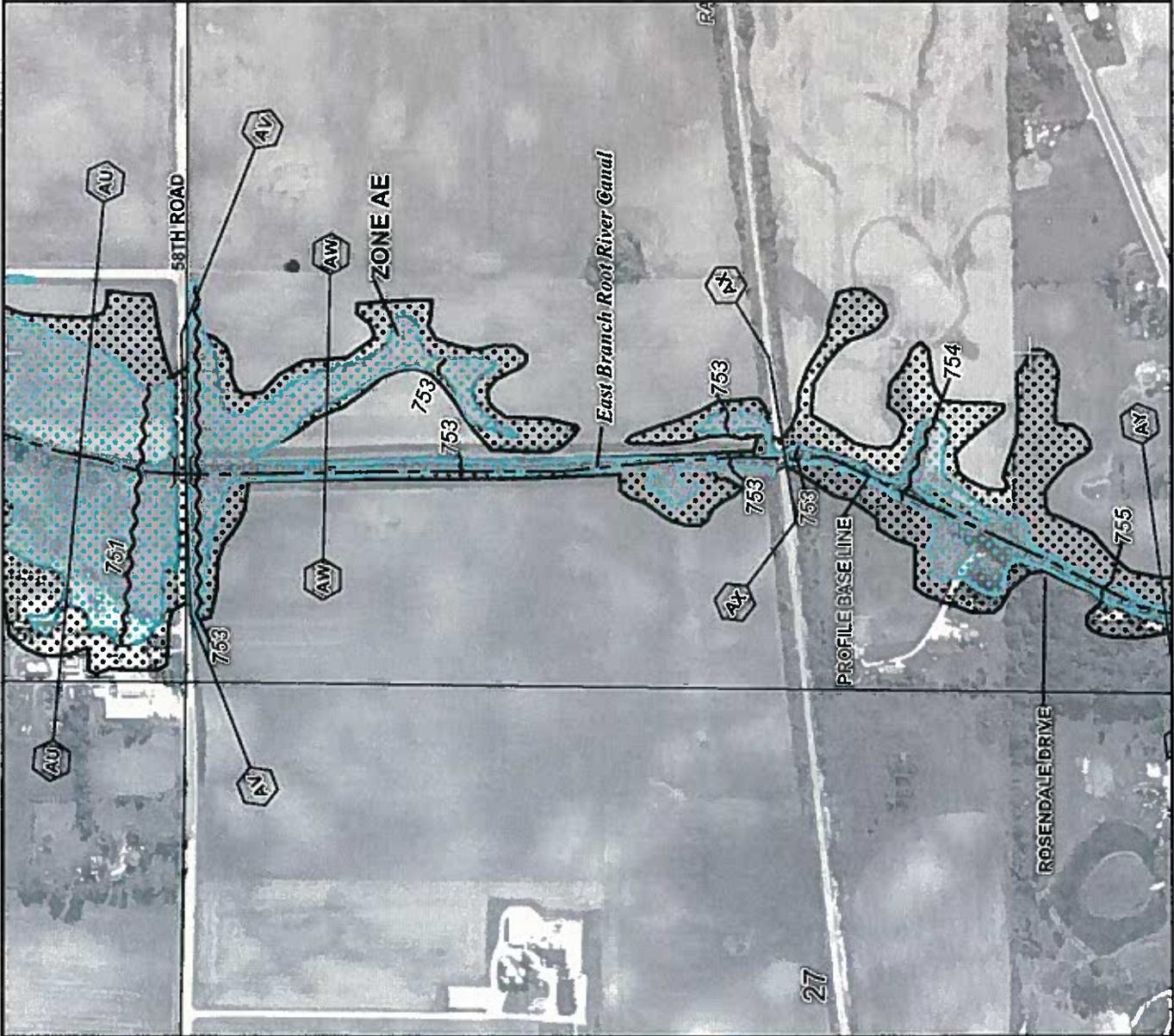
PANEL 203 OF 295
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:
 COMMUNITY NUMBER 560347
 RACINE COUNTY PANEL 0003
 SUFFIX D

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
 55101C0203D
EFFECTIVE DATE
 MAY 2, 2012

Federal Emergency Management Agency



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Encl. 5