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OEA

SERVICE DATE – NOVEMBER 19, 2019

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**Docket No. AB-303 (Sub-No. 52X)**  
**Wisconsin Central Ltd. – Abandonment Exemption in – Wood County, Wis.**

**Docket No. AB-1290X**  
**Wisconsin Rapids Railroad, L.L.C. – Discontinuance Exemption – in Wood County, Wis.**

**BACKGROUND**

In this proceeding, Wisconsin Central Ltd. (WCL), and Wisconsin Rapids Railroad, LLC (WRR) (jointly Applicants), filed a petition for exemption under 49 U.S.C. § 10502 from the prior approval requirements of 49 U.S.C. § 10903 in connection with the abandonment and discontinuance, respectively, of a line of railroad in Wood County, Wisconsin. The rail line proposed for abandonment extends approximately 1.1 miles from MP 0.4 at Plover Road (State Highway 54) north to MP 1.5 at South Biron Drive in Biron, Wood County, Wisconsin (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). 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**

After receiving abandonment authority, Applicants state that the track and property would be conveyed to ND Paper Inc. (“ND Paper”), the only shipper on the line. ND Paper plans to use the track for continued rail service to its paper mill (“the Biron Mill”), the sole rail-served facility on the Line. The Line connects to private track owned by ND Paper at South Biron Drive. WCL would continue to handle ND Paper traffic to Plover Road pursuant to a rail transportation contract, and WRR (or an affiliate) would handle traffic over the Line as a private contract switching carrier for ND Paper. Applicants state that the proposed abandonment, discontinuance and conveyance are being undertaken at the behest of ND Paper pursuant to a settlement agreement and would permit ND Paper to control and conduct switching, placement, and storage of rail cars on the newly private track. The proposed abandonment, discontinuance and conveyance would also support the planned expansion of the Biron Mill and increased employment at the facility.

## **ENVIRONMENTAL REVIEW**

Applicants submitted a combined environmental and historic report that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment. Applicants served the environmental and historic report on appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].<sup>1</sup> The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

Applicants state that existing regional or local transportation systems or patterns would not be significantly affected by the proposed abandonment. There would be no diversion of rail traffic to other transportation systems given the continued operation of the Line as private industry track serving ND Paper. 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 construction of new access points to the right-of-way. After receiving abandonment authority, Applicants state that the Line would not be salvaged. Rail and track materials would remain in place. As noted above, Applicants state that WCL would continue to handle ND Paper traffic to Plover Road, and WRR (or an affiliate) would handle traffic over the Line as a private contract switching carrier for ND Paper. Accordingly, OEA has concluded that there would be no environmental impacts related to salvage activities.

The Wisconsin Department of Natural Resources (WDNR) indicated that it had no comment due to the proposed abandonment's limited nature and lack of potential impacts.

A search of the U.S. Fish and Wildlife Service's (USFWS) Information for Planning and Consultation (IPaC) website identified a number of threatened or endangered species that could potentially be affected by the proposed abandonment. These species include: Gray Wolf (*Canis lupus*); Northern Long-eared Bat (*Myotis septentrionalis*); Whooping Crane (*Grus Americana*); and Karner Blue Butterfly (*Lycaeides Melissa samuelis*). There are no known critical habitats in the area of the proposed abandonment. Given that the Line would continue to operate, and there would be no ground disturbance, OEA has determined that there would be no potential to affect

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<sup>1</sup> The environmental and historic reports are available for viewing on the Board's website at [www.stb.gov](http://www.stb.gov) by going to "E-Library," selecting "Filings," and then conducting a search for AB-303 (Sub-No. 52X).

any species as a result of the proposed abandonment. Therefore, no further consultation with USFWS is necessary.

OEA conducted a search of the Wisconsin Coastal Management Program website<sup>2</sup> and has determined that the Line is not within any state coastal zone boundaries. Thus, no further consultation is necessary.

Applicants believe that the proposed abandonment would be consistent with applicable water quality standards and that no permits under Sections 402 or 404 of the Clean Water Act would be required.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. Because OEA has not received responses from several federal, state and local agencies, OEA is sending a copy of this EA to Wood County, the North Central Wisconsin Rural Planning Commission, the Wisconsin Department of Transportation, the Wisconsin Coastal Management Program (within the Wisconsin Department of Administration), the Natural Resource Conservation Service, the U.S. Fish and Wildlife Service, the U.S. Forest Service, the National Park Service, the U.S. Army Corps of Engineers, the National Geodetic Survey, and the U.S. Environmental Protection Agency (Region 5) for their review and comment.

## **HISTORIC REVIEW**

Applicants served the historic report on the Wisconsin Historical Commission, acting as the State Historic Preservation Officer (SHPO), pursuant to 49 C.F.R. § 1105.8(c).<sup>3</sup> SHPO submitted comments stating that no historic properties would be affected by the proposed abandonment. OEA has reviewed the available information and concurs with the SHPO's comments.

Accordingly, 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, OEA has determined that the proposed abandonment would have no effect on historic properties listed in or eligible for inclusion in the National Register of Historic Places. The

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<sup>2</sup> Wisconsin Coastal Management Program website, <https://doa.wi.gov/> (last visited November 13, 2019).

<sup>3</sup> Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act (NHPA). Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at [https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation of 106 in Rail Abandonments.pdf](https://www.stb.gov/stb/docs/EnvironmentalDecisions/Delegation%20of%20106%20in%20Rail%20Abandonments.pdf).

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 [www.stb.gov](http://www.stb.gov).

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool,<sup>4</sup> to identify federally recognized tribes which may have ancestral connections to the project area. The search indicated that there are no tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment.

## **CONDITIONS**

OEA recommends that no conditions be imposed on any decision granting abandonment authority.

## **CONCLUSIONS**

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, 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 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).

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<sup>4</sup> U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tadat/> (last visited October 15, 2019).

## **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 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 an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Alan Tabachnick, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-303 (Sub-No. 52X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Alan Tabachnick, the environmental contact for this case, by phone at (202) 245-0367, fax at (202) 245-0454, or e-mail at [alan.tabachnick@stb.dot.gov](mailto:alan.tabachnick@stb.dot.gov).

Date made available to the public: November 19, 2019.

**Comment due date: December 16, 2019.**

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

Attachment