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SERVICE DATE - FEBRUARY 8, 1999
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB Docket NO. AB-402 (Sub-No. 6X)

**Fox Valley & Western Ltd.--Abandonment Exemption--
in Waupaca County, WI**

February 3, 1999

BACKGROUND

In this proceeding, Fox Valley & Western Ltd. (FVW) has filed a petition under 49 U.S.C. 10502 seeking exemption from the requirements of 49 U.S.C. 10903 to abandon a 10.7-mile line of railroad between milepost 50.3 in Manawa and milepost 61.0 in Scandinavia, in Waupaca County, WI. A map depicting the rail line in relationship to the area served is appended to the report. 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

In its petition, FVW states that the only active shipper on the line is Anthony Farms (AF). FVW states that AF has been informed of the abandonment and does not contest. Rail service will not be discontinued to AF because the shipper will relocate its operation to Waupaca, a facility that is now being served and will continue to be served directly by the Wisconsin Central Ltd. No other rail users will be affected by this abandonment.

The width of the right-of-way is approximately 100 feet. The land adjacent to the right-of-way is generally made up of lightly wooded gently rolling hills. The right-of-way between milepost 60.0 and 50.3 immediately adjacent to the track consists of cedar swamp and marsh. The land is used for agricultural purposes, with a mixture of pasture and land under cultivation.

ENVIRONMENTAL REVIEW

FVW has 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. FVW served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included Wisconsin Department of Resources; U.S. Department of Interior, Fish and Wildlife Service; Wisconsin Coastal Management Program, Division of Energy &

Intergovernmental Relations; Wisconsin Coastal Management Zone; U.S. Environmental Protection Agency; U.S. Army Corps of Engineers; U.S. Department of Agriculture; National Geodetic Survey, Wisconsin Department of Transportation; State Historic Society of Wisconsin and the County Board of Supervisors.

The Wisconsin Department of Transportation (WisDot) has expressed concern regarding the disposal of debris during salvage operations. WisDot request that FVR comply with the WisDot Abandoned Railroad Line Salvage and Clean-up Policy Standards/Procedures; protect surveying benchmarks, monumentation and mapping information on the right-of-way; and that rail, ties, and ballast at the state highways must removed and a permit from the District Maintenance Section is required. FVR would need to handle traffic while the crossing is being removed and the highways should be restored after salvage operations are complete. FVR in its environmental report stated that all salvage operations would comply with procedures previously approved by the State of Wisconsin in 1992 and outline in Docket No. AB-303 (Sub-No. 10), Wisconsin Central Ltd. - Abandonment Exemption - in Douglas County, IN. In light of WisDot's comment, we recommend a condition be imposed requiring FVW to consult with WisDot prior to salvage operations.

The State of Wisconsin Department of Natural Resources (DNR) has expressed concern about water quality, designated wetlands, 100-year floodplains, endangered and threatened species/critical habitat and waste and demolition disposal. WISDOT indicates that: (1) proper erosion control measures must be used and maintained during and after salvage operations. An erosion control plan should be developed and made part of the project plans and specifications. All areas of disturbed soil should be restored to original grade and re-seeded as soon as possible. Native species should be used where appropriate; (2) if the right-of-way is not used for transportation or trail purposes, all fills should be removed and the original contours and vegetation re-established. Any work in the wetlands may require local, state and/or U.S. Army Corps of Engineers permits; (3) If the right-of-way is to be used for transportation or trail purposes, the existing bridges and culverts may remain in place if maintained. If the right-of-way is not used in this manner, all structures must be removed completely and the embankments re-graded and permanently stabilized; (4) the federally listed species, karner blue butterfly (*Lycaeides melissa samuelis*) is found along the right-of-way in Section 19, T23N, R21E near Ogdensburg. The area where the butterfly habitat is located should be fenced to prevent disturbing the site during salvage operations; and (5) Demolition and waste material cannot be recycled or disposed in wetland or surface waters. A plan should be developed describing the method and location of all waste and demolition material disposal. Therefore, we recommend that FVR contact DNR prior to salvage operations.

The U.S. Department of Commerce, National Geodetic Survey (NGS) had advised that 13 geodetic station markers have been identified that may be affected by the proposed abandonment. NGS requests that it receive not less than 90 days' notification in advance of any salvage activities in order to plan for their relocation. We will recommend NGS's requests as a condition to any abandonment.

The U.S. Environmental Protection Agency-Region 5 (EPA Region-5) indicates that FVR

should indicate the method that will be used to remove the rail line, either by lifting the rail off the ties or by plowing the ties out of the ground and any environmental impacts associated with the method. Therefore, we recommend that FVR consult with the EPA-Region-5 prior to salvage operations.

CONDITIONS

We recommend the following environmental conditions be placed on any decision granting abandonment authority:

- 1. FVR shall consult with the Wisconsin Department of Transportation prior to salvage operations.**
- 2. FVR shall consult with the Wisconsin Department of Natural Resources prior to salvage operations.**
- 3. The National Geodetic Survey (NGS) has identified 13 geodetic station markers that may be affected by the proposed abandonment. Therefore, FVR shall notify NGS at least 90 days prior to salvage activities in order to plan their relocation.**
- 4. FVR shall consult with the U.S. Environmental Protection Agency-Region 5, prior to salvage operations.**

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, 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 discontinuance would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In this case, 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 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 (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, 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 Vernon A. Williams, Office of the Secretary, Room 2215, Washington, DC 20423, to the attention of Ann Newman, who prepared this environmental assessment. **Please refer to Docket No. AB-402 (Sub-No. 6X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Ann Newman at (202) 565-1629.

Date made available to the public: February 8, 1999.

Comment due date: March 10, 1999.

By the Board, Elaine K. Kaiser, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

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PLEASE SCAN MAP