



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
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EI-934
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JUN 18 2004

REPLY TO THE ATTENTION OF:

B-19J

David Navecky
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Re: Docket No. AB-303, Sub. No. 27X, *Wisconsin Central Ltd. - Abandonment Exemption*

Dear Mr. Navecky:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (U.S. EPA) has reviewed an Environmental/Historic Report (Report) from counsel for Wisconsin Central Ltd. (WCL). The Report addresses a petition for abandonment offered by WCL for a distance of 37 miles of rail line between Saukville and Kiel in Ozaukee, Sheboygan, and Manitowoc Counties, Wisconsin.

Pursuant to a review of the Report, we understand WCL intends to remove the rails, cross-ties, but leave the right-of-way (ROW) intact for the possible subsequent conversion to a recreational trail. In particular, we feel that removal poses questions regarding subsequent use of said equipment (e.g., salvage/recycle or disposal in accordance with appropriate regulations). To that end, we have the following comments which should be discussed in the forthcoming Environmental Assessment (EA).

- ▶ Removal and ultimate disposal of rails should be conducted according to applicable environmental regulations;
- ▶ Per the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Wisconsin;
- ▶ The Report indicated that bridges and culverts will remain in place to facilitate the conversion to trail use, however, maintenance is an important issue. Ideally, culvert maintenance should be planned at least once per season to prevent blockage and damaging floods, while bridge maintenance activities should be planned yearly. Disposal of obstruction materials should take place away from the streambed, and the use of equipment in the streambed should be minimized and scheduled to coincide with periods of low or normal flow. Consideration of native flora to revegetate around culvert ends and bridge foundations

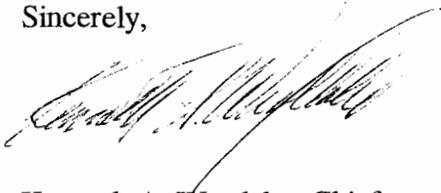
to prevent erosion should be addressed. In particular, provision of maintenance activities for culverts and bridges should be provided until the property is sold, at which time, maintenance activities should be transferred to the new owner via specific real estate provisions;

- ▶ The Report indicates that structures of historical note are not located within the project area. We encourage confirmation of this opinion with the Wisconsin State Historic Preservation Office (SHPO). Consultation should include the railroad itself which may be viewed as a historic feature of the area. The railroad could be memorialized through photographs prior to abandonment and removal. We feel the EA would be incomplete without the SHPO's opinion regarding this action;
- ▶ Removal of material should be accomplished using the ROW for access, along with existing public and private crossings, particularly in wooded areas and areas adjacent to wetlands. We recommend silt fencing be placed along the wetlands prior to removal activities to provide proper erosion control. In addition, areas of disturbed soil should be restored to original grade and reseeded immediately with a native species mix;
- ▶ Storing and fueling of construction equipment should take place in upland areas, away from water bodies, floodplains or other sensitive habitat; and
- ▶ Prevention and/or control of spills (i.e., fuels, lubricants or other pollutants) from construction equipment should be conducted according to applicable environmental regulations.

Lastly, we encourage discussions between WCL and the Wisconsin Department of Natural Resources to convert the ROW into a recreational trail. The conversion could link the Ice Age, Old Plank, and other trails with fishing, recreation, and wildlife areas as well as environmental corridors in the area and offer unique natural and recreational opportunities.

We look forward to receiving the EA regarding this abandonment. Should you have any questions, please do not hesitate to contact me or Kathleen Kowal of my staff at (312) 353-5206 or via e-mail at kowal.kathleen@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

cc: Michael J. Barron, Jr., counsel for Wisconsin Central Ltd.