

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

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POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN
STB DOCKET NO. AB-303 (Sub-No. 28X)

January 2, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

Notice of Exemption Petition for Exemption Regulated Abandonment

NO NEW COMMENTS WERE RECEIVED

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On April 28, 2006, the Surface Transportation Board (Board) issued a decision in this proceeding indicating that the abandonment was subject to the following environmental conditions:

- Wisconsin Central Limited Railroad (WCL) shall consult with the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources regarding salvaging and abandonment procedures prior to commencement of any salvage activities;
- Wisconsin Central Limited Railroad shall consult with the City of Ashland regarding institution of appropriate safety measures prior to the commencement of any salvage activities;
- If it appears that salvage activities may occur near nesting sites of the Common Tern (*Sterna hirundo*), WCL shall consult with the Wisconsin Department of Natural Resources, Bureau of Endangered Resources, prior to the commencement of any salvage activities, regarding salvage methods to minimize impacts to the Common Tern;
- Wisconsin Central Limited Railroad shall consult with the City of Ashland prior to the commencement of any salvage activities regarding potential impacts of abandonment on the City's 100 year floodplain; (5) WCL shall retain its interest in and take no steps to alter the historic integrity of the Ashland Ore Dock, which has been determined eligible for listing in the National Register of Historic Places, until the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. WCL shall report back to SEA regarding any consultations with the Wisconsin Historical Society and any other section 106 consulting parties. WCL shall not consummate the abandonment of the Ashland Ore Dock or initiate any salvage activities related thereto until the Board removes this condition; and
- Prior to the expiration of 6 months from the service date of this decision, WCL shall submit a status report on resolution of outstanding issues related to the Ashland Ore Dock and completion of the feasibility study.

New Comments:

On October 24, 2006, WCL submitted a status report related to the Ashland Ore Dock (Dock) and completion of the feasibility study. To aid in this process, WCL agreed to allow the Wisconsin Department of Administration to hire Westbrook Associated Engineers, Inc. (Westbrook) to conduct a feasibility study on the condition of the Dock.

In November 2006, Westbrook released the findings of their feasibility study. Westbrook found in its structural analysis of the Dock that portions, including the chutes, timber approaches, and appurtenances, are in severely deteriorated condition and pose an imminent threat to public health and safety, thereby requiring the immediate salvage or stabilization of these items.

In a letter dated January 17, 2007, the Wisconsin Department of Natural Resources (WI-DNR) stated that the feasibility study outlines several "Potential Safety Concerns." WI-DNR acknowledged that WCL has taken steps to address some of these concerns, but that the overall condition of the Dock warrants a timely review to assure the protection of the public and the surrounding resources.

In a telephone call on September 14, 2007, with Ms. Katry Harris, Advisory Council on Historic Preservation, (Council), Ms. Harris indicated that in the Council's view it is appropriate that those portions of the Dock identified by Westbrook as presenting a safety hazard should be salvaged or stabilized as soon as possible to prevent possible injury to the public or damage to the Dock or surrounding resources. Ms. Harris further noted that WCL should determine if HABS/HAER documentation could be safely conducted without removing the unsafe portions of the Dock. If WCL should determine that HABS/HAER could not be safely completed until after the Dock has been rendered safe, then WCL should take the appropriate steps to make the Dock safe, then conduct HABS/HAER documentation on the remaining portions of the structure.

In a letter dated October 19, 2007, WCL requests that the Board modify the Section 106 Condition to allow for the immediate salvage of the chutes, appurtenances, and remaining timber approach. WCL believes that salvage of these items have been identified by the Westbrook feasibility study as unsafe and should be removed promptly.

In a letter dated November 9, 2007, Mr. Edward Monroe, Mayor, City of Ashland, WI, (City) asked that the Board consider modifying the conditions of the abandonment proceeding to allow for the removal of the attachments and appurtenances of the concrete structure. The City also requested that if the Section 106 Condition is modified, that WCL and its contractors maintain certain components, such as several chutes, light towers, etc., for transfer to the City along with the base of the Dock for reuse as the park/fishing pier.

Last, in a letter dated November 15, 2007, the WI-DNR states that a subsequent structural analysis conducted by more recently by Westbrook than its November 2006 feasibility study revealed that several components of the Dock, including chutes, timbers, and appurtenances are in a severely deteriorated condition and pose an imminent threat to public health and safety. Furthermore, WI-DNR states that the City in a letter dated September 25, 2005, to the Board, voiced similar concerns about the safety and structural stability of the Dock. WI-DNR further notes that there are reports of concrete pieces falling on to the U.S. Geological Survey research vessel previously moored adjacent to the Dock. Therefore, WI-DNR requests that the Section 106 process be expedited so that the aforementioned safety issues can be addressed as quickly as possible.

Based on the information provided, SEA recommends that Condition 5 be modified to allow WCL to salvage and/or secure the portions of the Dock identified by Westbrook in its November 2006 feasibility study (i.e. chutes, timber approaches, and appurtenances) as being in a severely deteriorated condition. Therefore, SEA recommends that Condition 5 be modified as follows:

WCL shall retain its interest in the Ashland Ore Dock, which has been determined eligible for listing in the National Register of Historic Places, until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. Based on the feasibility study prepared for the Wisconsin Department of Administration by Westbrook Associated Engineers, Inc., WCL shall take such steps necessary to protect the public health and safety by removing and/or stabilizing as necessary those portions of the Dock identified by Westbrook Associated Engineers, Inc. in its November 2006 feasibility study. WCL shall not consummate the abandonment of the Ashland Ore Dock or initiate any salvage activities related thereto until the Board removes this condition

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Attachments