

FLETCHER & SIPPET LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

FILED

NOV 25 2009

**SURFACE
TRANSPORTATION BOARD**

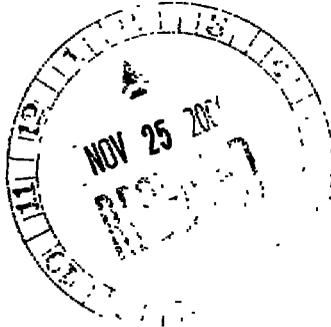
Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

November 24, 2009

226073

VIA FEDERAL EXPRESS

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 F Street, S.W., Room 1034
Washington, DC 20024



ENTERED
Office of Proceedings
NOV 25 2009
Part of
Public Record

Re: Docket No. AB 303 (Sub No. 35X) – Wisconsin Central Ltd.
Notice of Exemption for Abandonment in Outagamie County, Wisconsin

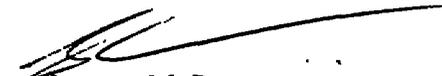
Dear Chief Brown:

Enclosed for filing in the above-captioned proceeding are an original and ten copies of the **Verified Notice of Exemption of Wisconsin Central Ltd. dated November 19, 2009, pursuant to 49 C.F.R. § 1152.50**. A check for the filing fee of \$3700.00 is also enclosed.

One extra copy of this transmittal letter and Notice is included as well. I would request that you date-stamp the transmittal letter and Notice to show receipt of this filing and return them to me in the provided envelope.

The Environmental and Historic Report for this proceeding has already been filed with the Board. Should any questions arise regarding this filing, please feel free to contact me. Thank you for your assistance on this matter.

Respectfully submitted,


Jeremy M. Berman
Counsel for Wisconsin Central

FEE RECEIVED
NOV 25 2009
**SURFACE
TRANSPORTATION BOARD**

JMB:dg
Enclosures

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-303 (SUB-NO. 35X)

**WISCONSIN CENTRAL LTD
— ABANDONMENT EXEMPTION —
IN KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN**

**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
PURSUANT TO 49 C.F.R. § 1152.50**

FEE RECEIVED

NOV 25 2009

**SURFACE
TRANSPORTATION BOARD**

Jeremy M. Berman
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, Illinois 60606
312-252-1500
ATTORNEY FOR
WISCONSIN CENTRAL LTD.

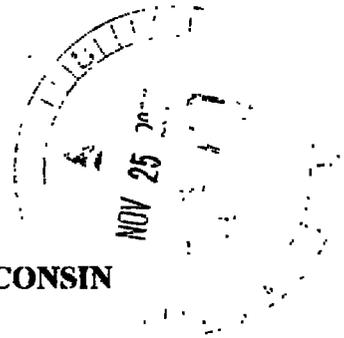
Dated November 24, 2009



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-303 (SUB-NO. 35X)

**WISCONSIN CENTRAL LTD
ABANDONMENT EXEMPTION —
IN KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN**



**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD.
49 C.F.R. § 1152.50**

Wisconsin Central Ltd. ("WCL") hereby submits this Notice of Exemption pursuant to 49 C.F.R. Part 1152, Subpart F, to abandon its line of railroad in Kaukauna, Outagamie County, Wisconsin, referred to herein as the "Line" between milepost 111.0 and milepost 112.9, a distance of 1.9 miles.

In accordance with the requirements of 49 C.F.R. § 1152.50(d)(2), WCL submits the following information:

General Corporation Information: 49 C.F.R. § 1152.22(a)(1)-(2)

WCL is a common carrier by rail which owns and operates approximately 1,800 miles of rail line in four Upper Midwestern states. WCL is a wholly-owned subsidiary of Canadian National Railway Company.

The complete name and address of WCL is:

Wisconsin Central Ltd
17641 S. Ashland Avenue
Homewood, IL 60430-1345

Relief Sought: 49 C.F.R. § 1152.22(a)(3)

Pursuant to the Board's class exemption for the abandonment of out-of-service rail lines, codified at 49 C.F.R. Part 1152, Subpart F, WCL intends to abandon its line of railroad between Mileposts 111.0 to 112.9, a distance of approximately 1.9 miles in Kaukauna, Outagamie County, Wisconsin.

Map: 49 C.F.R. § 1152.22(a)(4)

A map of the Line to be abandoned is attached hereto as Exhibit A.

WCL's Representative: 49 C.F.R. § 1152.22(a)(7)

WCL's representative to whom correspondence regarding this abandonment should be sent is:

Jeremy M. Berman
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, IL 60606
312-252-1500

ZIP Codes Traversed: 49 C.F.R. § 1152.22(a)(8)

The portion of the Line to be abandoned traverses United States Postal Service ZIP Code 54130.

Qualification for Class Exemption: 49 C.F.R. § 1152.50(b)

Per the certificate and verification attached hereto as Exhibit B, WCL certifies that no local revenue traffic has moved over the portion of the Line to be abandoned for at least the last two years, there is no overhead traffic on this trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on the portion of the Line to be abandoned (or a state or local governmental entity acting on behalf of such user) regarding

cessation of service on the proposed abandonment is pending with the Board or any U.S. District Court or has been decided in favor of the complainant during the last two years.

Consummation Date: 49 C.F.R. § 1152.50(d)(2)

WCL will not consummate the proposed abandonment any earlier than January 13, 2009.

Suitability for Other Public Purposes: 49 C.F.R. § 1152.22(c)(4)

WCL does not believe that the right-of-way would be of interest to the State or any other entity as a highway or mass transportation line or other similar public use because it sits in a developed area with a mature roadway system. Based on information in our possession, the subject line does not appear to contain any federally granted right of way.

Labor Protection: 49 C.F.R. 1152.50(d)(2)

The level of labor protection applicable in rail line abandonment's is that established in *Oregon Short Line Co — Abandonment — Goshen*, 360 I.C.C. 91 (1979).

Certificate of Compliance with Notice Requirements: 49 C.F.R. § 1152.50(d)(2)

A certificate that the notice of requirements of 49 C.F.R. § 1152(d)(1) and 49 C.F.R. § 1105.11 have been complied with is attached hereto as Exhibit C.

Environmental and Historic Report: 49 C.F.R. §§ 1105.7 and 1105.8

An Environmental Report and Historic Report, prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8, were already filed with the Surface Transportation Board in this proceeding. Since submitting the Environmental Report and Historic Report, WCL has received comments from the Army Corps of Engineers. See correspondence attached as Exhibit D. The comment indicates that a permits from the Corp will not be required if no fill material is placed in wetlands or waterways and no work is performed in the Fox River or other Section 10 waterway. WCL has

no reason to anticipate fill material being placed in wetlands or waterways and no work is contemplated in the Fox River or other waterway.

At the request of the Wisconsin Historical Society, WCL commissioned a Cultural Resource Assessment of the proposed abandonment. The Assessment concluded that the proposed abandonment will not adversely affect any significant cultural resources. A copy of the Assessment was provided to the Wisconsin Historical Society. In a letter dated October 27, 2009, the Wisconsin Historical Society indicated that it concurred with the Assessment's conclusion that no historic properties will be affected. See correspondence attached hereto as Exhibit E.

In a letter dated November 17, 2009, the Wisconsin Department of Natural Resources responded to WCL's request for environmental comments. See correspondence attached hereto as Exhibit F. WCL will comply with the DNR's recommendations should it encounter any issues raised in the DNR's correspondence.

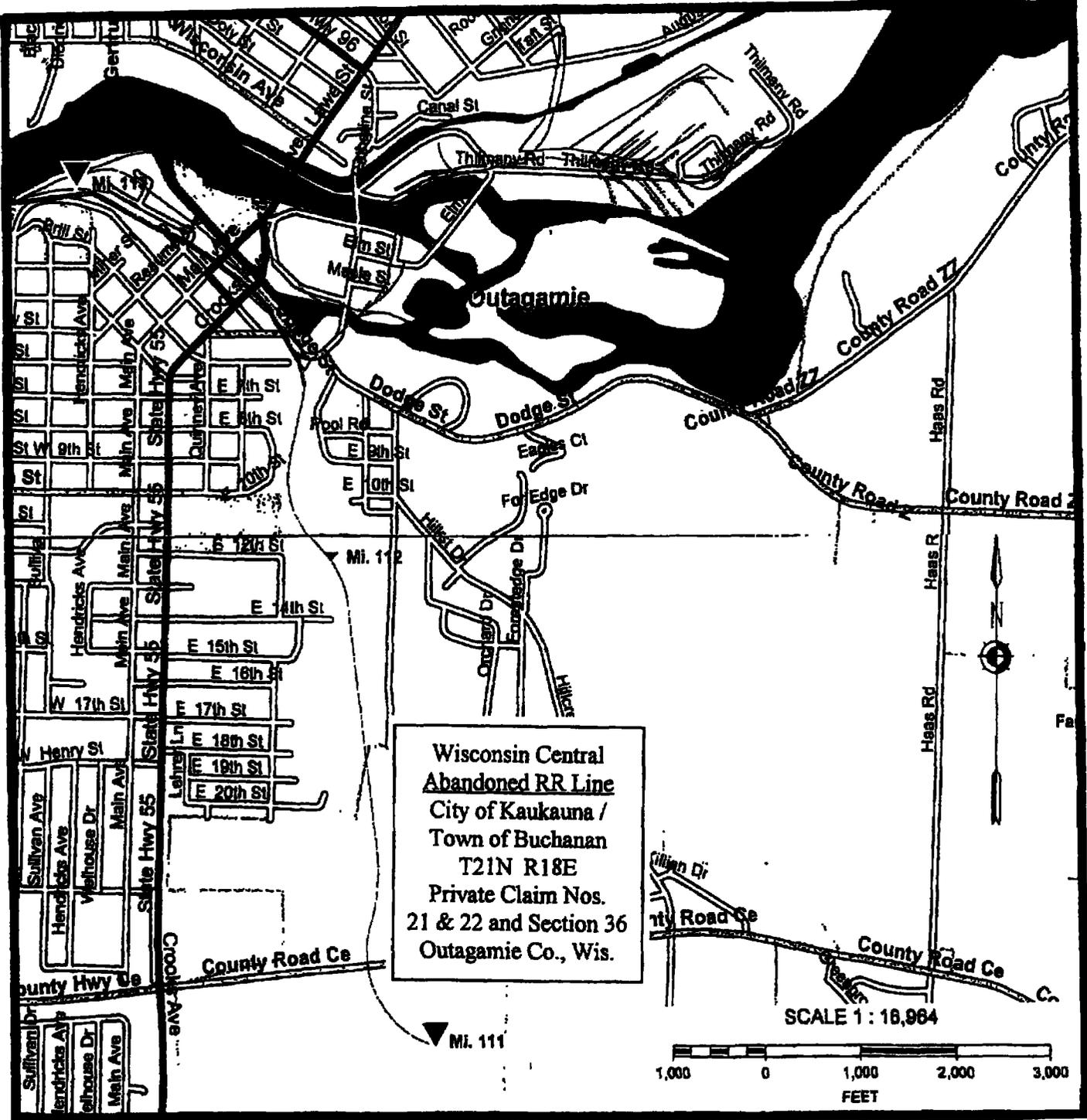
If WCL receives additional correspondence, it will forward copies to the STB.

Respectfully submitted,



Jeremy M. Berman
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, IL 60606
312-252-1500
ATTORNEY FOR WISCONSIN CENTRAL LTD.

Dated: November 24, 2009



Map 2.
 Kaukauna Rail Abandonment Map (courtesy Fletcher-Sippel LLC, Chicago, Illinois).

DOCKET NO AB-303 (SUB-NO 35X)

WISCONSIN CENTRAL, LTD
-- ABANDONMENT EXEMPTION --
IN KAUKAUNA, OUTAGAMIE COUNTY, WISCONSIN

CERTIFICATE AND VERIFICATION

STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Robert M. Wedam, being duly sworn, deposes and says

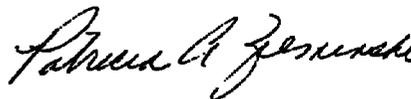
1. That no local traffic has moved over the line of Wisconsin Central Ltd ("WCL") from milepost 111.0 to 112.9, a distance of 1.9 miles in Kaukauna, Outagamie County, Wisconsin, for at least two years, and that there is no overhead traffic to be rerouted over other lines; and
2. That no formal complaint filed by a user of rail service on the subject line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is either pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of the complainant within the last two years; and
3. That he has read the foregoing Notice of Exemption, knows the facts therein asserted, and that the same are true as stated.

Dated: October 20, 2009


Robert M. Wedam
Wisconsin Central Ltd.

Subscribed and sworn to before me
this 20 day of October, 2009

PATRICIA A. ZIEMINSKI
Notary Public
Cook County Illinois
My Commission Expires
September 25, 2010



CERTIFICATE

I, Jeremy M. Berman, an attorney for Wisconsin Central Ltd., hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-303 (Sub-No. 35X), Wisconsin Central Ltd. - Abandonment Exemption - in Outagamie County, Wisconsin:

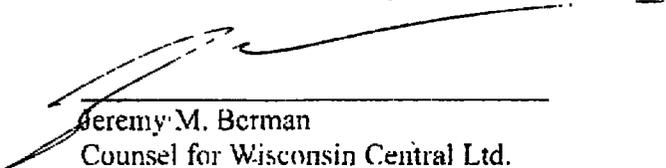
(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to wit: On October 22, 2009, written notice was mailed to the (a) United States Department of Defense, MTMCEA, Attn: Railroads for National Defense; (b) U.S. Department of Agriculture, Chief of the Forest Service; (c) National Center for Recreation and Conservation, National Park Service; and (d) Wisconsin Department of Transportation (copies of which are attached hereto as Attachments 1-4),

(2) The notice requirements of 49 C.F.R. § 1105.11 have been complied with, to wit: On October 13, 2009, the Environmental and Historic Report for this proceeding, which report has also been filed with the Surface Transportation Board, and the accompanying transmittal letters in the form set forth in 49 C.F.R. § 1105.11 (a sample of which is attached hereto as Attachment 5) were served by first-class mail, postage prepaid, on the parties listed on Attachment 6, which list includes the state historic preservation officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on October 9, 2009 in the Appleton Post-Crescent, a newspaper of general circulation in Outagamie County, Wisconsin. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for participating in the STB proceeding. Copies of the notice and Affidavit of Publication are attached to this certificate as Attachment 7.

(4) The notice requirements of 49 C.F.R. 1105.8 have been complied with.

Dated this 24th day of November, 2009.


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
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JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

October 22, 2009

Military Surface Deployment & Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA (Railroads for National Defense)
709 Ward Drive, Building 1990
Scott AFB, IL 62225-5357

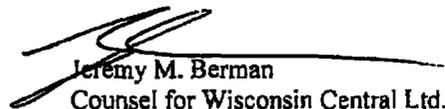
Re: Docket No. AB 303 (Sub No. 35X) – Wisconsin Central Ltd.
Proposed Abandonment in Kaukauna, Outagamie County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall on or after November 2, 2009, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 1.9 mile line of railroad between milepost 111.0 and milepost 112.9 in Kaukauna, Outagamie County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54130.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

FLETCHER & SIPPEL LLC

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29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

October 22, 2009

Mr. Tom Tidwell
Chief of the Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-0003

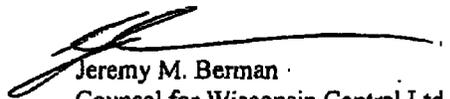
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Proposed Abandonment in Kaukauna, Outagamie County, Wisconsin

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Very truly yours,


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Counsel for Wisconsin Central Ltd.

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JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

October 22, 2009

National Park Service
Recreation Resources Assistance Division
1849 C Street
Org. Code 2220
Washington, D.C. 20240

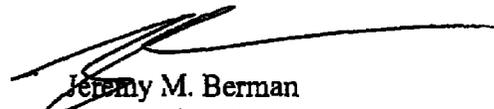
Re: Docket No. AB 303 (Sub No. 35X) – Wisconsin Central Ltd.
Proposed Abandonment in Kaukauna, Outagamie County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall on or after November 2, 2009, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 1.9 mile line of railroad between milepost 111.0 and milepost 112.9 in Kaukauna, Outagamie County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54130.

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Very truly yours,


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

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JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

October 22, 2009

Mr. Ron Adams
Director, Bureau of Railroads and Highways
Wisconsin Department of Transportation
P.O. Box 7910
Madison, WI 53707-7910

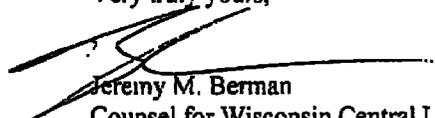
Re: Docket No. AB 303 (Sub No. 35X) Wisconsin Central Ltd.
Proposed Abandonment in Kaukauna, Outagamie County, Wisconsin

Dear Sir/Madam:

This is to inform you that pursuant to 49 C.F.R. § 1152.50 (Exempt Abandonments and Discontinuance of Service and Trackage Rights), Wisconsin Central Ltd. shall on or after November 2, 2009, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 1.9 mile line of railroad between milepost 111.0 and milepost 112.9 in Kaukauna, Outagamie County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54130.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over this line for at least two years and there is no overhead traffic that would have to be rerouted over other lines. Based on information in our possession, the line does not contain any federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 920
Chicago, Illinois 60606-2832

Phone: (312) 252-1500
Fax: (312) 252-2400
www.fletcher-sippel.com

JEREMY M. BERMAN
(312) 252-1510
jberman@fletcher-sippel.com

October 13, 2009

Re: Docket No. AB 303 (Sub No. 35X) - Wisconsin Central Ltd.
Proposed Abandonment in Kaukauna, Outagamie County, Wisconsin

To Whom It May Concern:

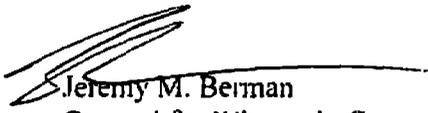
Any time on or after November 2, 2009, Wisconsin Central Ltd. ("WCL") expects to file with the Surface transportation Board ("STB") a Notice of Exemption seeking Authority to abandon a railroad line located in Kaukauna, Outagamie County, Wisconsin, starting at milepost 111.0 and continuing 10.032 feet to milepost 112.9. Enclosed is an Environmental Report and a Historic Report describing the proposed action and any expected environmental and historical effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis of the STB's independent environmental and historical analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental and historic review process, please contact their Section of Environmental Analysis ("SEA"), at the Surface Transportation Board, 395 E. Street, S.W., Washington, D.C. 20423, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on or about November 2, 2009. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to the STB (with a copy to the undersigned) would be appreciated within three weeks. Your comments will be considered by the STB in evaluating the environmental and historical impact of the contemplated action.

If there are any questions concerning this proposal, please contact the undersigned directly at (312) 252-1510 or by mail at the above address.

Sincerely,


Jeremy M. Berman
Counsel for Wisconsin Central Ltd.

Encls.

Mr. Sherman Banker
Wisconsin Historical Society
Division of Historic Preservation and Public History
816 State Street
Madison, WI 53706

U.S. Army Corp of Engineers
St. Paul District (CEMVP-PA)
190 Fifth Street East
St. Paul, MN 55101-1638

U.S. Environmental Protection Agency
Office of Water
1200 Pennsylvania Avenue, N.W
Washington, DC 20460

Mr. Kenneth A. Westlake
Chief, NEPA Implementation Section
US EPA Region 5
77 West Jackson Blvd.
Chicago, IL 60604

National Park Service
Department of Interior
1849 C Street, N.W.
Washington, DC 20240

National Geodetic Survey Information Services
SSMC-3, #9202
1315 East-West Highway
Silver Springs, Maryland 20910-3282

Mr. David M. Kennedy, Director
Office of Ocean and Coastal Resource Management
NOAA Ocean Service
1305 East-West Highway
Silver Springs, Maryland 20910

Mr. Gregory Hines, RC&D Coordinator
National Resource Conservation Service
3071 Voyager Drive, Suite E
Green Bay, WI 54311-8343

Mr. Clifford Sanderfoot
County Board Chairperson, Outagamie County, WI
410 S Walnut St
Administration Bldg - 2nd level
Appleton, Wisconsin 54911

U.S. Fish & Wildlife Service
2800 Lake Shore Drive East Suite B
Ashland, WI 54806-2427

Wisconsin Department of Natural Resources
DNR Northeast Region HDQRS
2984 Shawano Ave.
Green Bay, Wisconsin 54313-6727

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue
PO Box 7910
Madison, Wisconsin 53707-7910

Wisconsin Clearing House for Prevention Resources
1552 University Avenue
Madison, Wisconsin 53726-4085

Wisconsin Department of Administration
P.O. Box 7868
101 East Wilson Street, 6th Floor
Madison, WI 53707-7868

Wisconsin Department of Administration
Wisconsin Coastal Management Program
P O Box 8944
101 East Wilson Street
Madison, WI 53708-8944

THE POST-CRESCENT

STATE OF WISCONSIN
OUTAGAMIE COUNTY

BERMAN, JEREMY
29 NORTH WACKER DR STE 920
CHICAGO, IL 606062832

JOAN WEST

Being duly sworn, doth depose and say that she is an authorized representative of the Appleton Post Crescent, a newspaper published at Appleton, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, which was published therein on

Account Number:

Ad Number: 5821426
Published Date: October 09, 2009
Total Ad Cost: \$64.26

JW
(Signed) Joan E. West (Date) 10-09-09
Advertising Assistant

Signed and sworn before me
Sally Driscoll
Notary Public, Outagamie County, Wisconsin
My commission expires 4-8-12

BERMAN, JEREMY
Re Ad# 5821426

NOTICE
Wisconsin Central, Ltd. gives notice, that on or after October 30, 2009 it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1182 Subpart F—Exempt Abandonments permitting the abandonment of a 1.9 mile line of railroad between railroad milepost 111.8, north to railroad milepost 112.9 which traverses through United States Postal Service ZIP Codes 54130 in Outagamie County, WI. The proceeding will be docketed as No. AB 303 (Sub-No. 35X).
The Board's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-345-0293.
Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 E. Street, SW, Washington, DC 20423 (See 49 CFR 1104.1(a) and 1104.3(a)(4)) and one copy must be served on applicant's representative (See 49 CFR 1104.3(a)).
Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Commercial and Public Services at 202-345-0230. Copies of any comments or requests for conditions should be served on the applicant's representative: Fletcher & Sipple LLC, Attention: Jeremy M. Berman, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606. RUN: October 9, 2009 WMAXLP

Jeremy M. Berman

From: Domer, Nicholas T MVP [Nicholas T Domer@usace.army.mil]
Sent: Thursday, October 22, 2009 11:33 AM
To: Jeremy M Berman
Subject: Photos of Wisconsin Central LTD

Jeremy-

Thanks for providing photos of the project. It appears that several of the photographed structures would require a permit from the Corps if during the abandonment process, fill material is discharged into the waterways or wetlands. Provided no fill material is placed in wetlands or waterways, and no work is performed in the Fox River or any other Section 10 waterway, no permit is required. Please feel free to contact me with any additional questions you may have.

Nick Domer
U.S. Army Corps of Engineers
211 N. Broadway St., Suite 221
Green Bay, WI 54303
Ph: 920-448-2824; Fax: 920-448-2813
nicholas.t.domer@usace.army.mil

In order to assist us in improving our service to you, we invite you to complete the survey found at:

<http://per2.nwp.usace.army.mil/survey.html>

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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Suite 920
Chicago, Illinois 60606-2832

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JEREMY M. BERMAN
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October 23, 2009

Mr. Sherman Banker
Wisconsin Historical Society
Division of Historic Preservation and Public History
816 State Street
Madison, Wisconsin 53706

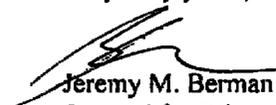
Re: Docket No. AB 303 (Sub No. 35X)
Proposed Abandonment in Outagamie County, Kaukauna, Wisconsin

Dear Mr. Banker:

Enclosed please find two copies of the Cultural Resource Assessment of Wisconsin Central LTD.'s Proposed Railroad Abandonment in Kaukauna, Wisconsin and a copy of SHPO's response to WCL's initial request for comment in this matter.

Please contact me if you require any additional information. Thank you for your assistance.

Very truly yours,



Jeremy M. Berman

Counsel for Wisconsin Central Ltd.

• Encl.

09-0844/04

REQUEST FOR SHPO COMMENT AND CONSULTATION ON A FEDERAL UNDERTAKING

Submit one copy with each undertaking for which our comment is requested. Please print or type. Return to:

Wisconsin Historical Society, Division of Historic Preservation, Office of Preservation Planning, 816 State Street, Madison, WI 53706

RECEIVED

Please Check All Boxes and Include All of the Following Information, as Applicable:

SEP 15 2009

DIV HIST PRES

I. GENERAL INFORMATION

- This is a new submittal.
 - This is supplemental information relating to Case #: _____ and title: _____
 - This project is being undertaken pursuant to the terms and conditions of a programmatic or other interagency agreement.
- The title of the agreement is _____

- a. Federal Agency Jurisdiction (Agency providing funds, assistance, license, permit): Before Transportation Board, 965 E Street, SW, Washington DC 20423 _____
- b. Federal Agency Contact Person: _____ Phone: _____
- c. Project Contact Person Jeremy Berman Phone: 312-252-1510
- d. Return Address: 29 N. Wacker Dr., Suite 920 Chicago, Illinois Zip Code: 60606
- e. Email Address: jberman@fletcher-sippel.com
- f. Project Name: Wisconsin Central Ltd. Proposed Abandonment in Kaukauna, WI, AB-303 (Sub-No. 35X).
- g. Project Street Address: N/A - Rail Line Abandonment - Outagamie County, Wisconsin
- h. County: Outagamie City: Kaukauna Zip Code: 54130
- i. Project Location: Township _____, Range _____, E/W (circle one), Section _____, Quarter Sections _____
- j. Project Narrative Description—Attach Information as Necessary
- k. Area of Potential Effect (APE). Attach Copy of U.S.G.S. 7.5 Minute Topographic Quadrangle Showing APE

II. IDENTIFICATION OF HISTORIC PROPERTIES

- Historic Properties are located within the project APE per 36 CFR 800.4. Attach supporting materials.
- Historic Properties are not located within the project APE per 36 CFR 800.4. Attach supporting materials.

III. FINDINGS

- No historic properties will be affected (i.e., none is present or there are historic properties present but the project will have no effect upon them). Attach necessary documentation, as described at 36 CFR 800.11.
- The proposed undertaking will have no adverse effect on one or more historic properties located within the project APE under 36 CFR 800.5. Attach necessary documentation, as described at 36 CFR 800.11.
- The proposed undertaking will result in an adverse effect to one or more historic properties and the applicant, or other federally authorized representative, will consult with the SHPO and other consulting parties to resolve the adverse effect per 36 CFR 800.6. Attach necessary documentation, as described at 36 CFR 800.11, with a proposed plan to resolve adverse effect(s).

Authorized Signature: _____ Date: 09/09/2009
 Type or print name: Jeremy M. Berman

IV. STATE HISTORIC PRESERVATION OFFICE COMMENTS

- Agree with the finding in section III above.
 - Object to the finding for reasons indicated in attached letter.
 - Cannot review until information is sent as follows: Township-Range-Section information needed as well as literature search
- Authorized Signature: Sherman Bentley Date: 9/24/09



EXHIBIT F

WISCONSIN
HISTORICAL
SOCIETY

October 27, 2009

Mr. Jeremy Berman
Fletcher & Sippel, LLC
29 N. Wacker Dr., Ste. 920
Chicago, IL 60606-2832

SHSW#: 09-0844/OU
RE: Wisconsin Central Abandonment: MP 111 to 112.9

Dear Mr. Berman:

We have reviewed your submittal of October 23, 2009 regarding the above referenced project which included "Cultural Resource Assessment of Wisconsin Central LTD's Proposed Abandonment at Kaukauna, Outagamie County, Wisconsin". We concur with the author's assessment that the proposed undertaking will result in no historic properties affected pursuant to 36 CFR 800.4(d)(1).

It is always possible that an accidental discovery of archaeological material may occur during construction. If archeological material is discovered, please stop all construction in that area and call me at (608) 264-6507. Should human bone be discovered, you must contact the Burial Sites Preservation Office at 1-800-342-7834 for compliance with Wis. Stat. §157.70 which provides for the protection of human burial sites.

Please call me at the above referenced telephone number if you have any questions concerning these matters.

Sincerely,

Sherman Banker
Wisconsin State Historic Preservation Office


State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
 Matthew J. Frank, Secretary
 Ronald W. Kazmierczak, Regional Director

Northeast Region Headquarters
 2984 Shawano Ave.
 Green Bay, Wisconsin 54313-8727
 Telephone 920-862-5100
 FAX 920-862-5413
 TTY Access via relay - 711

November 17, 2009

File: Outagamie, 11420

Jeremy M. Berman
 Fletcher & Sippel LLC
 29 North Wacker Drive, Suite 920
 Chicago, IL 60606-2832

SUBJECT: Fox Valley and Western Ltd. Proposed Abandonment
 Milepost 111.0 to 112.9, City of Kaukauna, WI
 Outagamie County

Dear Mr. Barron:

Thank you for the information regarding the proposed abandonment of the Fox Valley and Western Ltd. rail line from Milepost 111.0 to Milepost 112.9 in City of Kaukauna in Outagamie Counties. Department staff have reviewed the proposal and offer comments on the potential impacts of the action on the following areas of concern:

1. WATER QUALITY

Proper erosion control measures must be used and maintained during and after any track, tie, bridge or culvert removal. 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. DESIGNATED WETLANDS

The removal of track and ties should not affect any designated wetlands as they currently exist. However, original construction of the roadbed resulted in the filling of wetlands along the corridor. Original drainage patterns were also altered, resulting in changes to the local hydrology. If future use of the right-of-way is not for transportation or trail purposes, all fills should be removed and the original contours and vegetation re-established. Any work in wetlands may require local, state and/or Corps of Engineers permits.

3. 100 YEAR FLOODPLAINS

The abandonment itself should have no impact on the 100-year floodplain if no additional fill is placed in the floodplain as a result of the abandonment. 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. However, if this is not the case, all structures must be removed completely and the embankments re-graded and permanently stabilized.

4. ENDANGERED OR THREATENED SPECIES / CRITICAL HABITATS

If the disturbance caused by the track and tie removal is limited to the ballast area only, there should be no adverse impacts to the endangered species found along the route. However, railroad right-of-ways (ROW) are often found to have rare plants and remnants of prairies occurring along the undisturbed corridor. Prior to ROW conversion to trails or other uses, surveys should be conducted to determine if native grassland savanna, prairie or wet meadow remnants occur along the corridor. If these habitat types are present then rare and endangered species may occur. Additional surveys of these habitat types should be conducted to determine whether rare or endangered species occur. If these species are present, then the remnants should be mapped and the rare species noted. Prior to implementing any actions associated with rail abandonment that may disrupt the ROW or any other development of the area, including staging of equipment, ties and rails, a plan should be developed to avoid or minimize impacts to the remnant habitats and the associated species. If rare species cannot be avoided in the project's impact area, then an incidental take consultation may be conducted to determine if take of the species is allowable.

Any prairie habitat disturbed as a result of the project activities should be reseeded with DNR certified native prairie seed. Every effort should be made to ensure that invasive exotic species are not introduced to the site.

5. WILDLIFE SANCTUARIES OR REFUGES

The rail corridor runs close to Kankapot Creek. As mentioned above, often rail corridors provide valuable habitat for native plant and animal species. Disturbance due to track and tie removal should be kept to the minimum required to do the work.

6. NATIONAL OR STATE PARKS OR FORESTS

There are no National or State Parks or Forests along the project route.

7. COASTAL ZONE MANAGEMENT

Concerns regarding consistency with Coastal Zone Management would be more appropriately addressed by Michael Friis (608-267-7982) at the Wisconsin Department of Administration, 101 East Wilson Street, Madison, WI 53707.

8. SOIL AND NATURAL RESOURCE CONSERVATION

If the only work done is removal of the ties track and possibly culverts and bridges, the project should have minimal impact on natural resources along the route. As mentioned previously, proper erosion control measures must be used and maintained during and after the salvage operation and the route should be reviewed for any rare or unusual prairie habitat.

9. AGRICULTURAL LAND

No comment.

10. REGIONAL AND/OR LOCAL LAND USE PLANS

No comment.

11. SECTION 402 OR 404 PERMITS

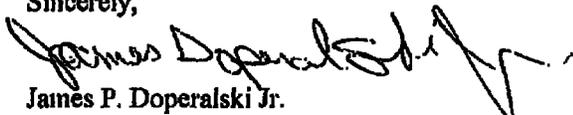
You should contact the U.S. Army Corps of Engineers office in Green Bay, WI (920-448-2824) for further information regarding the need for these permits.

12. WASTE AND DEMOLITION DISPOSAL

All demolition and waste material that cannot be recycled must be disposed of in an appropriate manner. Disposal in wetlands or surface waters is not permitted. A plan should be developed describing the method and location of all waste and demolition material disposal.

If you have any questions, please feel free to contact me at 920-662-5119.

Sincerely,



James P. Doperalski Jr.
Environmental Analysis and Review Specialist

c: Gary Hanson – Green Bay
Dave Rowe – Green Bay
Dick Nikolai – Appleton
File: 11420