

228030



FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

October 20, 2010

VIA OVERNIGHT DELIVERY

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20024



Re: Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd. - Abandonment
Exemption – Brown County, Wisconsin

Dear Ms. 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 October 20, 2010, pursuant to 49 C.F.R. § 1152.50. A check for the filing fee of \$3,600.00 is also enclosed.

An 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 Reports for this proceeding have 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,

Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

MJB/jc
Enclosures

ENTERED
Office of Proceedings
OCT 21 2010
Part of
Public Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-303 (SUB-NO. 36X)

**WISCONSIN CENTRAL LTD
— ABANDONMENT EXEMPTION —
IN BROWN COUNTY, WISCONSIN**

**ENTERED
Office of Proceedings**

OCT 21 2010

**Part of
Public Record**

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

FEE RECEIVED

OCT 21 2010

**SURFACE
TRANSPORTATION BOARD**

FILED
OCT 21 2010
**SURFACE
TRANSPORTATION BOARD**

Michael J. Barron, Jr.
Fletcher & Sippel LLC
29 N. Wacker Dr., Suite 920
Chicago, Illinois 60606
312-252-1500
ATTORNEY FOR
WISCONSIN CENTRAL LTD.

Dated October 20, 2010

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

DOCKET NO AB-303 (SUB-NO. 36X)

**WISCONSIN CENTRAL LTD
ABANDONMENT EXEMPTION —
IN BROWN 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 Brown County, Wisconsin, referred to herein as the "Line" between milepost 3.88, in the Village of Howard, Wisconsin, and milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation ("Oneida Reservation"), a distance of 1.92 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 milepost 3.88, in the Village of Howard, Wisconsin, and milepost 5.8, on the Oneida Reservation, a distance of approximately 1.92 miles in Brown 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:

Michael J. Barron, Jr.
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 54307.

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 December 10, 2010.

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

The Line may be suitable for a trail. Given the already-developed road system in the vicinity of the Line, it would not be suitable for a roadway. Based on information in our possession, the Line does appear to contain 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 correspondence from the U.S. Fish & Wildlife Service, the Wisconsin Department of Administration, and the Wisconsin Department of Transportation, all attached herein as Exhibits D, E and F, respectively.

In their correspondence, the U.S. Fish & Wildlife Service determined that no federally-listed species, candidate species, or designated critical habitat occurs on the Line. See Correspondence attached as Exhibit D.

The Wisconsin Department of Administration, Wisconsin Coastal Management Program, indicated it has no comments and was not going to conduct a federal consistency review. See correspondence attached as Exhibit E.

The Wisconsin Department of Transportation (“WisDOT”) asked for an updated map. WCL is providing an updated map as Exhibit A to this Notice of Exemption. I certify that a copy of this updated map was served on all parties that received the Environmental/Historic Report on October 19, 2010. A sample copy of the Transmittal Letter that accompanied the updated map is attached as Exhibit G. WCL notes that in its environmental report it indicates that milepost 5.8 is the end of track, notwithstanding what maps currently in circulation may show. WCL will consult with WisDOT during salvage of the Line to address any concerns that WisDOT may have.

WisDOT also notes it has received correspondence from the Oneida THPO (copy enclosed as part of Exhibit F), and that WisDOT met with the Oneida THPO, with the results of the consultation described. WisDOT indicates that it would incorporate the Oneida THPO’s requests in an agreement with WCL which agreement is connected to a road project that WisDOT is undertaking. WCL plans on salvaging the rail on the Line as part of the road project. WCL will work with WisDOT to work out issues in any required agreements.

To date, WCL has received no written feedback from any Oneida representative in this abandonment process, although Oneida representatives have been served with all required environmental and historical materials.

WisDOT also provided an attachment that describes the environmental region in and around the Line. But no concerns or requests for mitigation were raised. See correspondence attached as Exhibit F. If WCL receives additional correspondence, it will forward copies to the STB.

Respectfully submitted,



Michael J. Barron, Jr.

Fletcher & Sippel LLC

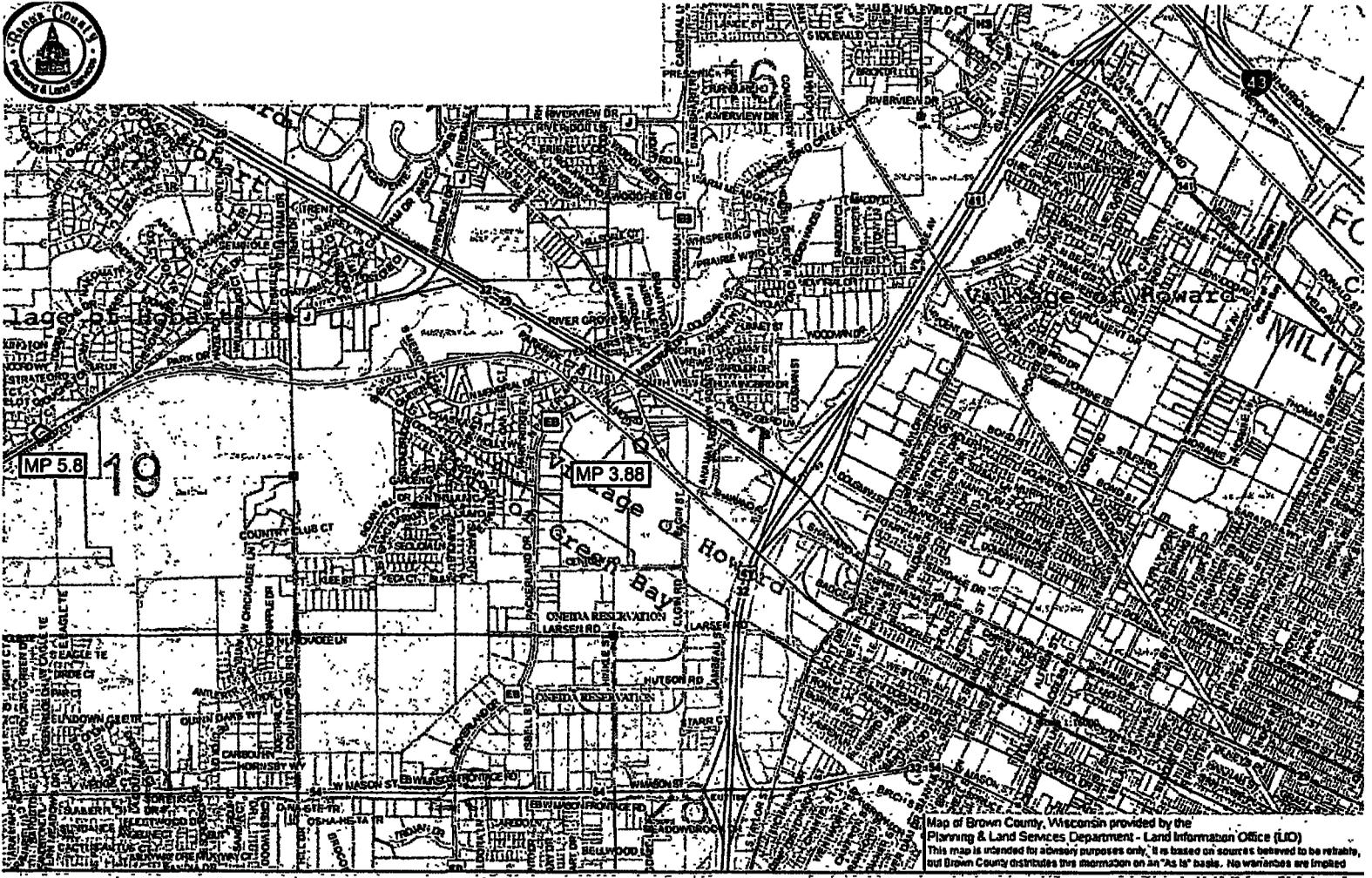
29 N. Wacker Dr., Suite 920

Chicago, IL 60606

312-252-1500

ATTORNEY FOR WISCONSIN CENTRAL LTD.

Dated: October 20, 2010



☐ - Proposed Abandonment

DOCKET NO AB-303 (SUB-NO. 36X)

WISCONSIN CENTRAL LTD
— ABANDONMENT EXEMPTION —
NEAR GREEN BAY, BROWN 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 3.88, in the Village of Howard, Wisconsin, to milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, a distance of 1.92 miles in Brown 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 1, 2010

Robert M. Wedam

Robert M. Wedam
Senior Manager Network Strategies
Wisconsin Central Ltd

Subscribed and sworn to before me
this 1st day of October, 2010

Rebecca S. Bott

Notary Public



CERTIFICATE

I, Michael J. Barron, Jr., 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. 36X), Wisconsin Central Ltd. – Abandonment Exemption – in Brown County, Wisconsin:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to wit: On September 22, 2010, written notice was mailed via first class U.S. mail 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) Recreation Resources Assistance Division, 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 September 30, 2010, the Environmental and Historic Reports for this proceeding, which reports have 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 and the Oneida Tribal Historic Preservation Officer, as required by 49 C.F.R. § 1105.7(b) and § 1105.11.

(3) A newspaper notice was published on September 2, 2010 in the Green Bay Press-Gazette, a newspaper of general circulation in Brown 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 20th day of October, 2010.



Michael J. Barron, Jr.

Counsel for Wisconsin Central Ltd.

EXHIBIT C

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

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

September 22, 2010

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. 36X) – Wisconsin Central Ltd.
Proposed Abandonment near Green Bay, Brown 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 October 18, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 1.92 mile line of railroad between milepost 3.88, in the Village of Howard, Wisconsin, and milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54307.

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** contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
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

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

September 22, 2010

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

**Re: Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd.
Proposed Abandonment near Green Bay, Brown 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 October 18, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 1.92 mile line of railroad between milepost 3.88, in the Village of Howard, Wisconsin, and milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54307.

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** contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
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

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

September 22, 2010

National Park Service
Recreation Resources Assistance Division
1849 C Street NW
Washington, D.C. 20240

**Re: Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd.
Proposed Abandonment near Green Bay, Brown 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 October 18, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 1.92 mile line of railroad between milepost 3.88, in the Village of Howard, Wisconsin, and milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54307.

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** contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
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

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

September 22, 2010

Mr. Ron Adams
Director, Bureau of Railroad and Highways
Wisconsin Department of Transportation
PO Box 7910
Madison, Wisconsin 53707-7910

**Re: Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd.
Proposed Abandonment near Green Bay, Brown 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 October 18, 2010, file a Notice of Exemption with the Surface Transportation Board for approval to abandon a 1.92 mile line of railroad between milepost 3.88, in the Village of Howard, Wisconsin, and milepost 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. Such line runs through U.S. Postal Zip Codes 54307.

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** contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,



Michael J. Barron, Jr.
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

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

September 30, 2010

Re: Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd.
Proposed Abandonment in Brown County, Wisconsin

To Whom It May Concern:

Any time on or after October 20, 2010, 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 Brown County, Wisconsin, starting at milepost 3.88 in the Village of Howard, Wisconsin and continuing 1.92 miles to milepost 5.8 on the Oneida Tribe of Indians of Wisconsin Reservation. 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, telephone number (202)-245-0295, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on September 30, 2010. 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) 252-1511 or by mail at the above address.

Sincerely,



Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

Encl.

ATTACHMENT 5

ATTACHMENT A

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

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

Mr. Guy Zima
County Board Chairperson – Brown County ,
WI
305 East Walnut Street
Green Bay, WI 54305

U.S. Fish & Wildlife Service
2661 Scott Tower Drive
New Franken, Wisconsin 54229

Wisconsin Department of Natural
Resources
DNR Northeast Region HDQRS
2984 Shawano Ave.
Green Bay, Wisconsin 54313-6727
ATTN: James P. Doperalski, Jr.

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue, Suite 115B
Madison, Wisconsin 53705
ATTN: Kathleen Chung

Wisconsin Department of Administration
Intergovernmental Services
PO Box 8944
101 East Wilson Street, 9th Floor
Madison, WI 53707-8944

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

Oneida Tribe of Indians of Wisconsin
PO Box 365
Oneida, Wisconsin 54155

Ms. Corina Williams, THPO
Oneida Tribe of Indians of Wisconsin
3703 Hillcrest Drive
PO Box 365
Oneida, WI 54155

GREEN BAY PRESS-GAZETTE



STATE OF WISCONSIN
BROWN COUNTY

FLETCHER & SIPPEL LLC
29 NORTH WACKER DRIVE, SUITE 920
CHICAGO, IL 60606

Holly Schmude

Being duly sworn, doth depose and say that she is an authorized representative of the Green Bay Press Gazette newspaper published in Brown and Kewaunee Counties, Wisconsin, and that an advertisement of which is annexed is a true copy, taken from said paper, which was published therein on

Account Number: 475547

Ad Number: 6127423

Published Date: September 02, 2010

Total Ad Cost: \$68.44

(Signed) Holly Schmude
Legal Clerk

(Date) 9/1/10

Signed and sworn before me

Rhonda M. Babin
Notary Public, Brown County, Wisconsin

My commission expires 10/6/2013

FLETCHER & SIPPEL LLC
Re: abandon rail service

Notice of Intent To Abandon Rail Service Wisconsin Central LLC (WCSL) has filed a notice of intent to abandon rail service on or about September 16, 2010, in accordance with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1192 Subpart F - Exempt Abandonments permitting the abandonment of a 1.92 mile line of railroad between railroad milepost 3.00, in the Village of Howard, Wisconsin, and milepost 4.9, on the Onondaga Tribe of Indians of Wisconsin Reservation, which traverses through United States Postal Service ZIP Code 54807 in Brown County, Wisconsin. The proceeding will be docketed as No. AB003 (Sub-A, 34K). 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) 445-0235. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail bank/trails use can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails, public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, SW, Washington, DC 20420-8001 (See 49 CFR 1104.1(a) and 1104.3(a)), and one copy must be served on applicant's representative (See 49 CFR 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Departmental Affairs, and Compliance at (202) 445-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Michael J. Bolz, Jr., Fletcher & Sippel LLC, 29 N. Wacker Dr., Suite 920, Chicago, IL 60606, ph. 312-252-1511. Sept. 2, 2010 WMAXLP

GANNETT WI MEDIA
435 EAST WALNUT ST.
PO BOX 23430
GREEN BAY, WI 54305-3430



ATTACHMENT B

PHONE 920-431-8298
FAX 877-943-0443

EMAIL: legal@greenbaypressgazette.com

ATTACHMENT 7

10-TA-0489

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

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

MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

U.S. Fish & Wildlife Service
2661 Scott Tower Drive
New Franken, Wisconsin 54229

U.S. FISH & WILDLIFE SERVICE
RECEIVED

SEP 3 2010

GREEN BAY FIELD OFFICE

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

August 31, 2010

**Re: Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.
Proposed Abandonment In Brown County, Wisconsin**

Dear Sir or Madame:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

1. Water quality;
2. Designated wetlands;
3. 100-year-old flood plains;
4. Endangered or threatened species;
5. Critical habitats;
6. Wildlife sanctuaries or refuges;
7. National or State parks or forests;
8. Coastal zone management;
9. Soil and natural resource conservation;
10. Agricultural land;
11. Regional and/or local use plans; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

"The U.S. Fish and Wildlife Service (Service) has reviewed the proposed action and determined that no federally-listed species, candidate species, or designated critical habitat occurs within the project area."

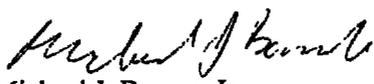

For the Field Supervisor

10/4/10
Date

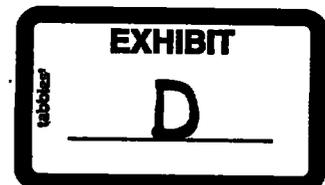
Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,


Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

MJB:jc
Encl





**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

**JIM DOYLE
GOVERNOR
DANIEL J. SCHOOFF
SECRETARY**

Division of Intergovernmental Relations
Post Office Box 8944
Madison, WI 53708-8944
Voice (608) 266-0288
Fax (608) 267-6917

October 5, 2010

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

RE: Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd.
Proposed Railroad Abandonment in Brown County, Wisconsin

Dear Ms. Brown:

The Wisconsin Coastal Management Program (WCMP) has received the Wisconsin Central Ltd materials documenting its intent on filing a Notice of Exemption for the above referenced proposed abandonment on or after October 20, 2010.

Through its Federal Consistency authority, the WCMP reviews federally-affiliated projects that are likely to have impacts on coastal uses and resources within the coastal zone, defined as the fifteen counties adjacent to Lake Superior, Green Bay and Lake Michigan.

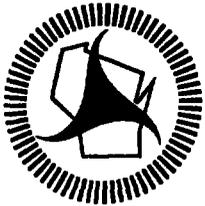
The WCMP does not have any comments and will not conduct a federal consistency review. This is with the expectation that Wisconsin Central Ltd will continue to work with the Wisconsin Department of Natural Resources, Wisconsin Department of Transportation, the Oneida Tribe and others to obtain and fulfill the exemption requirements. This letter does not waive the proposed project from requiring any other necessary state or local permits or authorizations.

If you have any questions, please feel free to contact me at (608) 267-2125.

Sincerely,

Anne Iwata
Program and Planning Analyst
Wisconsin Coastal Management Program





Wisconsin Department of Transportation

www.dot.wisconsin.gov

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

Office of General Counsel
4802 Sheboygan Ave., Rm. 115B
P O Box 7910
Madison, WI 53707-7910

Telephone: 608-266-8810
FAX: 608-267-6734
E-mail: ogc.exec@dot.state.wi.us

October 4, 2010

Michael J. Barron, Jr.
Counsel
Wisconsin Central Ltd.
17641 South Ashland Avenue
Homewood, IL 60430

Re: Wisconsin Central Ltd. Proposed Abandonment in Brown County, Wisconsin

Dear Mr. Barron,

This letter is a response to your letter dated August 31, 2010 and received September 7, 2010, notifying the Wisconsin Department of Transportation about proposed abandonment Docket No. AB 303 (Sub. No. 36X). At your request, the Docket was reviewed for potential effects of the proposed abandonment of approximately 1.92 miles of railroad line, starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. Below are WisDOT's findings and recommendations:

The proposed abandonment map that WCL provided does not accurately reflect the location of milepost 5.8 on the ground. WisDOT requests that you provide a new map that accurately delineates the abandonment endpoints.

For lands outside the Oneida Tribe of Indians of Wisconsin Reservation, as a multimodal agency, WisDOT encourages the preservation of this transportation corridor consistent with existing land use plans, protecting the corridor for future transportation needs if the line is abandoned.

If the line is abandoned, Wisconsin Central Ltd. must comply with the *WisDOT Abandoned Railroad Line Salvage and Clean-up Policy/Standards/Procedures* when performing abandonment and related activities. Please see Attachment 1 for a copy of this document. Additionally, surveying benchmarks, monumentation and mapping information for the segment need to be protected.

WisDOT has plans to remove the Packerland Avenue crossing and the Northeast Regional Office of WisDOT has been working with WCL on this project. Upon abandonment, the railroad must remove any rail, ties and ballast at the crossings of the state highways. The railroad is required to obtain a permit from the WisDOT Regional Maintenance section to work on highway right-of-way. The railroad will be responsible for traffic management during abandonment activities. The roadway shall be restored in like kind. Before crossings are removed across other streets and roadways, the railroad must contact the maintaining authority to coordinate work with them.



To assess possible cultural and archaeological resource impacts, WisDOT notified Corina Burke, the Oneida Tribal Historic Preservation Officer (THPO), about the proposed abandonment. On September 10, 2010 WisDOT received a formal consultation request from Ms. Burke under section 106 of the National Historic Preservation Act (NHPA). This request is included as Attachment 2. As a result of Ms. Burke's formal request to consult under section 106 of the NHPA, additional consultation may be required between the federal agency (STB) and the Oneida THPO, Ms. Burke. If requested, WisDOT is willing to assist with coordination and consultation. To address this request as a state agency, WisDOT under Executive Order 39, *Relating to an Affirmation of the Government-to-Government Relationship Between the State of Wisconsin and Indian Tribal Governments Located Within the State of Wisconsin*, arranged a consultation meeting on September 29, 2010 to meet and receive comments provided by Ms. Burke, which included:

- Tribal Policies, procedures and protocols will need to be reviewed prior to abandonment activities; and
- Potential exists for impacting culturally sensitive areas; and
- Monitoring (tribal and archaeological) on site of track removal operations will be conducted to assess potential cultural sensitive areas; and
- Prior to abandonment activities, a medicinal/traditional plant assessment will be conducted and documented.

At this meeting, the regional project team agreed these requests seemed reasonable and appropriate and will incorporate the requests in the Work Force Agreement that will be developed between WisDOT and WCL.

Ms. Burke's contact information is as follows:

Corina Burke, Oneida Tribal Historic Preservation Officer
PO Box 365
Oneida Tribe of Wisconsin
Oneida, WI 54155
Office Phone: (920) 496-5386
Email: cburke@oneidanation.org

Please see Attachment 3 for a summary and photos of other WisDOT identified potential environmental effects of the proposed action including potential impacts on: 1) water quality; 2) designated wetlands; 3) 100 year flood plains; 4) endangered or threatened species; 5) critical habitats; 6) wildlife sanctuaries or refuges; 7) national or State parks or forests; 8) coastal zone management; 9) soil and natural resource conservation; 10) agricultural land; 11) regional and/or local land use plans; and 12) the need for permits under Sections 402 and 404 of the Clean Water Act.

If you have any questions, feel free to contact me.

Sincerely,



Kathleen Chung
Attorney

pc: Frank Huntington
Paul Vraney
Richard Steffes
Corina Burke
James Becker

ONEIDA CULTURAL HERITAGE HISTORIC PRESERVATION PROGRAM

Corina Burke/Williams/THPO/Tribal Historic Preservation Officer
POST OFFICE BOX 365
ONEIDA, WI 54155
PHONE: (920) 496.5386
FAX: (920) 494-4362

September 10th 2010

Sheri Waltz
Railroad Property specialist
Wisconsin Department of Transportation- Railroads and Harbors Section
4802 Sheboygan Ace Rm 701
P. O. Box 7914
Madison, WI 53707-7914

Dear Mrs Waltz,

As part of the WisDOT highway project with Wisconsin Central Limited Railroad for the abandonment of a portion of track that is within the reservation boundaries of the Oneida Nation of Wisconsin, I am requesting a formal Consultation Meeting to be set by your agency in order for our Tribe to assess any cultural impacts by this project. Please notify me at your earliest convenience with time and dates.

Please notify me if you have any questions thank you for your time and matter to protect our cultural resources.

Respectfully,



Corina Burke
Oneida Tribal Historic Preservation Officer
P. O. Box 365
Oneida Nation of Wisconsin
(920) 496-5386 Office
(920) 713-8554 Cell
(920) 494-4362 Fax

Cc: Becky Webster, Tribal Attorney
Lynn Cloud, WisDOT
Jim Becker, WisDOT

Wisconsin Department of Transportation Abandoned Railroad Line Salvage and Clean-up Policy

PART ONE - GENERAL

SECTION I - PURPOSE AND OBJECTIVE

These procedures are for use by the Wisconsin Department of Transportation (WisDOT) and local roadway authorities in working with railroads owning rail lines which have been authorized for abandonment or service discontinuation. These procedures are intended to accomplish the following:

1. Guide the preparation and development of site-specific performance standards to be used in the salvage and clean-up of abandoned railroad lines.
2. Provide a process for railroads to consult with WisDOT during the preparation of a salvage/clean-up plan for a specific rail line, and the establishment of a time schedule for accomplishment and administration of the specific salvage/clean-up plan.
3. Direct the coordination of site reviews and inspections to facilitate the implementation of the salvage/clean-up operation and roadway/street/highway restoration, commencing with the pre-planning development stage through to post salvage/clean-up review.
4. Specify the terms for the issuance of written department documentation approving the salvage/clean-up plan and the final post-project acceptance.

SECTION II - BACKGROUND

Since the late 1970's more than 3000 miles of railroad lines have been abandoned in Wisconsin and the tracks removed. It is not unusual to find areas on these former rail

lines where material relating to the railroad has been left in-place. Most often this material consists of railroad ties, culverts, and bridge piers, pilings and abutments.

Experience has shown that without an agreed upon plan for salvage and clean-up, quite often the work does not meet the expectations of WisDOT, local officials and the general public with regards to the proper method of clean-up and disposal of debris and other discarded materials.

Likewise, poor quality, in both the workmanship and in the materials used in restoration of streets and roadways, has been experienced much too often.

The failure to properly remove debris which is often left behind on these former rail lines after items of value have been removed contributes to a potential for environmental damage and hazards to safety and the general welfare of the public. Efforts to have these deficiencies corrected at a later time often result in substantial costs being passed to the public sector.

PART TWO - CRITERIA, STANDARDS AND SCHEDULE

SECTION I - PERFORMANCE STANDARDS FOR SALVAGE AND CLEAN-UP OPERATIONS

The following standards are to be applied to each abandoned rail line throughout its entire length unless alternative standards are agreed to in writing by WisDOT and the railroad for specific sites:

1. All rail, spikes, tie plates, joint bars, anchors and other metal track material shall be removed from the corridor. In cases of side track either owned by an industry or where the ownership of the track is unclear, the railroad shall contact the industry and work out an agreeable arrangement for the removal of all materials.
2. All ties shall be removed from the corridor. This includes ties which have been previously removed from use in the track and discarded alongside of the track zone.
3. All track material (rail, ties, other track materials and ballast) shall be removed from the full width of every road/street/highway right of way. The roadway shall be restored through the former crossing zone for such distance as necessary on each approach to the crossing zone that the restored portion of the roadway meets design standards appropriate to the type of roadway being restored. The traveled roadway surface shall be restored to the same standards of design, material and workmanship as exists on the adjacent roadway surface, subgrade, drainage and slope. This restoration

shall also include the addition or replacement of sidewalk, curb and gutter if present on the approaching roadway.

4. All railroad warning devices (flashing lights, advance warning signs, cross-arm gates, cross-bucks, etc) shall be removed, including posts, footings, foundations and related electrical equipment associated with any warning device.

5. Bridges not associated with water:

a. All railroad bridges over roadways shall be removed, including footings, foundations, backwalls, abutments.

b. If a roadway bridge over the railroad is owned and maintained by the railroad, it shall be removed as per 5a unless the road authority having jurisdiction for the roadway agrees in writing to accept ownership and maintenance of the structure.

c. If a roadway bridge over a railroad is owned by the railroad and maintained by the roadway authority, it shall be removed as per 5a at the joint expense of the railroad and roadway authority unless the roadway authority agrees to accept ownership of the structure.

d. Unless refuted by documentary evidence to the contrary, bridges ordered installed by a public regulatory body at railroad expense, but where the maintenance of the structure is unclear yet the structure has been included by the roadway authority in its mileage calculations for receipt of state road maintenance aids, shall be removed at the expense of the roadway authority unless the roadway authority accepts in writing ownership of the structure.

In cases where ownership is undocumented, acceptance of state road maintenance aids by the roadway authority, which included the bridge and the approaches to the mileage aids calculations, shall be defacto evidence of the roadway authority's ownership of the structure.

6. All bridges over water shall be removed to the level of the stream bed or lake floor. This removal shall include all footings, foundations, backwalls, abutments and piers.

7. All buildings and other structures shall be removed from the railroad property, including footings, foundations, retaining walls and piers.

8. All telegraph or signal communications poles and wire shall be removed from the corridor. Poles may be cut flush with the ground.

9. All waste products and debris from the salvage and clean-up activities, articles such as pieces of concrete, asphalt, wood, wire, glass and the like shall be removed from the corridor.

10. A traffic control methodology shall be developed for the control and direction of vehicular traffic at each roadway crossing restoration site.

11. All earth cuts and areas where the soil has been disturbed in the removal of bridge components shall be covered with topsoil and seeded with both a quick growing annual, and a perennial vegetation, to prevent erosion. Back slopes shall be cut at an angle no greater than 2@:1 to prevent erosion. In addition to the covering with topsoil and seeding, the early re-establishment of vegetation on the areas denuded by the salvage/clean-up operation may require one or more of the following methods to control sedimentation and erosion:

- a. silt fencing
- b. polyethylene sheeting
- c. sedimentation basins
- d. erosion bales and mulching

SECTION II - SCHEDULING THE SALVAGE AND CLEAN-UP EFFORTS

The railroad abandonment salvage and clean-up work may be divided into three categories. The first is the planning and design function. The second is the implementation activities. The third is the approval and close-out role.

1. The development of a railroad abandonment salvage and clean-up plan, including the preparation of the "railroad abandonment salvage and clean-up disposition form", may begin any time after the abandonment or service discontinuation authority has been granted by a regulatory or judicial body having jurisdiction for such action. In circumstances where such authority is not required by either a regulatory or judicial body, development of the railroad abandonment salvage and clean-up plan may begin at the request of the railroad. The railroad shall provide WisDOT with the necessary evidence that proper authority to abandon the rail line or discontinue service has been received, or that such authority is not required, whichever is appropriate.

2. Neither the removal of improved property (track and structures) nor the sale of either personalty or realty may commence until WisDOT has declared that there is no state interest in acquiring any of the property and has issued in recordable form a written release document of the state's first right of acquisition to the abandoned railroad property.

WisDOT is not obligated to make a determination of the state's interest in abandoned railroad property, nor issue a release statement, unless the abandoning railroad or other eligible entities file a qualified request in writing for such release. (See s.85.09(4), Wis. Stats.,)

3. The agreed upon salvage and clean-up plan may be altered or modified by mutual written agreement to handle unforeseen circumstances such as extreme weather conditions which could affect the implementation or operation activities of the salvage and clean-up work

PART THREE - IMPLEMENTATION

SECTION I - PLANNING AND DESIGN

A. ROLE COORDINATION

Three groups have a major role in the salvage/clean-up of an abandoned railroad line, the railroad abandoning the rail line, the Wisconsin Department of Transportation and the local road authorities.

The salvage of the rail lines is usually performed by a individual/company under contract with the owning railroad. This contractor often subcontracts with others to perform specific portions of the salvage and clean-up work. It is the responsibility of the railroad to contract for and monitor its agents, contractors and assigns, to ascertain that the standards of performance set forth in these guidelines or as agreed to in writing between the parties in the specific salvage/clean-up plan, are adhered to, and fulfilled.

The role of each group is as follows:

1. The railroad and its agents, contractors and assigns, shall:
 - a. Participate in an on-site inspection of the abandoned railroad property as arranged by WisDOT for the purpose of developing a site specific salvage and clean-up plan, including but not limited to, the scope of work and specifications.
 - b. Provide map(s) of the abandoned property which adequately locate the railroad property, roadway crossings, bridges, buildings, etc., by reference points, identification numbers or other familiar methods of identification.
 - c. Participate in the preparation of the "railroad abandonment salvage and clean-up disposition form" with WisDOT and the local roadway authority. This form will set forth the project method, process, work scope and project timing as agreed to by

the various parties in the salvage and clean-up of the individual elements of the abandoned railroad property.

d. Monitor the work of its agents, contractors and assigns to assure all work is accomplished according to the standards agreed to and delineated in the salvage and clean-up plan.

e. Correct any defect or deficiency in the work performed by its agents, contractors and assigns when notified of a defect or deficiency in writing by either WisDOT or the local roadway authority, and upon completion of the corrective action required, shall request in writing from the appropriate party an acknowledgment that the corrective action was satisfactorily performed.

f. Notify WisDOT in writing when the salvage and clean-up project is completed.

2. The Wisconsin Department of Transportation and its agents shall:

a. Upon its own initiative or upon written request from a railroad, arrange a meeting of the affected local road authorities, the railroad and appropriate units of WisDOT staff to conduct the on-site inspection of the abandoned railroad property for the purpose of establishing the project method, process, work scope, project timing and any special conditions, together with preparing the "railroad abandonment salvage and clean-up disposition form".

b. If authorized in writing, represent the interests of local road authorities.

c. Conduct progress inspections of the removal, clean-up and restoration work activities.

d. Provide written notice to the railroad, its agents, contractors and assigns of defective and deficient work, and shall provide timely written acknowledgment to the railroad, et al, when the corrective action has been satisfactorily performed.

e. Provide written notification to the railroad, et al, if the work is acceptable upon the completion of the railroad abandonment salvage and clean-up project.

f. Provide the railroad, et al., with written notification delivered by certified mail, if the final work for completion of the railroad abandonment salvage and clean-up project is unacceptable. The notification that the final project is unacceptable shall contain a detailed list of all defective and deficient work remaining. A copy of this notification shall be forwarded to WisDOT's Office of General Counsel.

3. The local roadway authorities, their agents and assigns, shall have sole jurisdiction over matters pertaining to salvage and clean-up of roadway crossings under its jurisdiction, unless such authority has been delegated in writing to WisDOT. The local roadway authority shall:

a. Discuss with a WisDOT representative, prior to on-site inspections of the abandoned salvage and clean-up operation, the specifications for restoration work or vehicular traffic control desired by the roadway authority.

b. Determine if it will delegate its authority regarding the restoration work on the salvage and clean-up operations to WisDOT.

c. If authority regarding the restoration work on the salvage and clean-up operations is not delegated to WisDOT, meet with the railroad, its agents, contractors and assigns, and with WisDOT at each roadway crossing under its jurisdiction to prepare the project method, process, work scope, timing and special conditions, together with preparing the "railroad abandonment salvage and clean-up disposition form".

d. At its option, conduct progress inspections of the removal, clean-up and restoration work.

e. Provide written notice to the railroad, its agents, contractors and assigns of defective and deficient work, and shall provide timely written acknowledgment to the railroad, et al, when the corrective action has been satisfactorily performed.

f. Provide written notification to the railroad, et al, if the work is acceptable upon the completion of the railroad abandonment salvage and clean-up project.

g. Provide the railroad, et al, with written notification delivered by certified mail, if the final work for completion of the railroad abandonment salvage and clean-up project *is unacceptable*. The notification that the final project is unacceptable shall contain a detailed list of all defective and deficient work remaining. A copy of this notification should be forwarded to the local roadway authority's legal counsel.

B. SALE OF PROPERTY BY RAILROAD AFTER ABANDONMENT

Before clean-up and removal of track can commence, railroads shall inform WisDOT of any property it proposes to sell to others. "No person owning abandoned rail property, including any person to whom ownership reverts upon abandonment, may convey or dispose of any abandoned rail property without first obtaining a written release from the

department of transportation indicating that the first right of acquisition under this subsection will not be exercised or assigned.....Any conveyance made without obtaining such release is void" (s.85.09, stats.)(Emphasis Added).

A railroad may only sell its abandoned property after receiving a written release statement in recordable form from WisDOT of the state's first right of acquisition. The railroad shall have the release statement recorded within 90 days by register of deeds for each county in which the rail property is located. It shall be the responsibility of the individual or entity that acquires the abandoned railroad property to conform with local, state, and federal laws, ordinances, rules and regulations.

Railroad property which is not abandoned and which is being conveyed to others for continuing railroad purposes may be conveyed without any release document from WisDOT.

C. SALVAGE AND CLEAN-UP PLAN DEVELOPMENT

1. At the request of a railroad or upon its own initiative, WisDOT shall in accordance with Part Three - Section I (A) Role Coordination, arrange for an on-site inspection of the abandoned rail line for the purpose of determining the scope of work and materials and performance standards for the work which will constitute the salvage and clean-up of the abandoned rail line.

2. The on-site inspection shall be conducted by the groups set forth in Part Three - Section I (A) 1, 2, and 3.

3. The groups identified in Part Three - Section I (A) 1, 2, and 3 shall identify in the plan the person or persons (together with addresses and telephone numbers) who will be the official representative for the plan and any subsequent notifications relating to the same.

4. The representatives of the respective group shall on the basis of the site inspection develop an agreed upon general statement of work for the salvage and clean-up plan and for specific activities for inclusion in the "railroad abandonment salvage and clean-up disposition form" which includes the following:

- a. Removal of track materials from roadway crossings;
- b. Restoration of roadway crossings;
- c. Removal of bridges (if applicable);
- d. Removal of culverts (if applicable);
- e. Removal of track material from remainder of railroad corridor;

- f. Disposition of signal and railroad warning devices;
- g. Removal of buildings and other structures;
- h. Removal of telegraph or signal communication facilities;
- i. Removal of all other waste or debris on the railroad corridor;
- j. Traffic control methodology developed for control at each crossing;
- k. Erosion control steps for appropriate sites;
- l. The time schedule for accomplishing the salvage and clean-up operation;
- m. Any specific environmental challenges and considerations;
- n. First right releases as appropriate.

5. A separate "railroad abandonment salvage and clean-up disposition form" shall be completed for each roadway crossing and signed by representatives from the railroad, local roadway authority as appropriate, and WisDOT. WisDOT will prepare the subject form for all state and federal highways, and if requested, will assist the local roadway authorities with the preparation of the subject forms for roadway crossing within the appropriate local roadway jurisdictions.

6. The railroad shall provide plat(s), map(s), track chart(s) or other appropriate documentation, which adequately locates the various components set forth in Part Three-Section I (C) above. Such documentation shall become a part of the salvage and clean-up plan.

SECTION II - IMPLEMENTATION

A. PLAN APPROVAL, MODIFICATION AND NOTICES

1. Upon completion of the plan and the appropriate "railroad abandonment salvage and clean-up disposition forms", together with the plats, maps and other documents used to accurately locate the various components and specific sites on the project, WisDOT will execute a letter of approval of the salvage and clean-up plan. (This letter of approval will not cover local roadway items unless the local roadway authority(s) has delegated its authority to WisDOT or has notified WisDOT in writing of its approval of those items under its jurisdiction.) WisDOT will deliver a copy of this approval letter, together with a copy of the plan, forms and plats/maps to the railroad and the local roadway authorities as appropriate.

2. No term or provision of the final approved salvage and clean-up plan, including attached documents, may be changed, waived, discharged or terminated orally, but require a written letter from WisDOT. Consents and approvals required, and interpretations of the plan may be made or granted by letter, or by an exchange of letters between the parties.

3. Any notice required or permitted relating to the approved salvage and clean-up plan shall be mailed by certified United States Mail, return receipt requested, postage prepaid, to the person or persons at addresses as indicated in the plan.

B. WORK PERFORMANCE AND PROGRESS MONITORING

1. The railroad may commence the operational phase of the salvage and clean-up of the abandoned rail line upon receipt from WisDOT (and local roadway authority(s) as appropriate) of the approved plan.

2. WisDOT (and local roadway authority(s) as appropriate) may conduct progress inspections during the salvage and clean-up operation. If, as a result of an inspection, a defect or deficiency in workmanship or material is discovered, written notice shall be given by WisDOT (or local roadway authority) to the railroad to correct the situation.

3. When the defect or deficiency has been remedied, the railroad shall notify WisDOT (and local roadway authority if applicable) in writing that the corrective action has been taken. WisDOT (or local roadway authority as appropriate) shall promptly reinspect the property, and if the corrective action is sufficient, issue a written acknowledgment to the railroad that the corrective action was satisfactorily performed.

4. In the event that agreement cannot be reached on resolution of an alleged defect or deficiency, a brief written report on the situation shall be exchanged between WisDOT (and local roadway authority as appropriate) and the railroad. If, in the judgment of WisDOT, immediate resolution of the disagreement over the alleged defect or deficiency does not greatly or materially impact the remaining salvage and clean-up items, work may continue on the salvage and clean-up project. If however, in the judgment of WisDOT, the disagreement over an alleged defect or deficiency does substantially impact and materially affect the remaining salvage and clean-up project, then an immediate remedy under law may be pursued by WisDOT (or the local roadway authority(s) as appropriate) to resolve the disagreement.

C. SPECIFIC ENVIRONMENTAL CONSIDERATIONS

The start-up, continuation or completion of the salvage/clean-up operation may be restricted to certain time periods to prevent biological disruption or damage to various species, habitat, or water and air quality. Such time restrictions shall be made a part of the salvage/clean-up plan and specifically addressed in the planning and design function of the clean-up plan in scheduling the salvage and clean-up efforts.

D. OBLIGATION OF RAILROAD RELATIVE TO IMPLEMENTATION DELAYS

It is the public objective that the salvage and clean-up of abandoned rail lines commence as soon as possible after the decision or authority to abandon a rail line has been determined. This policy is intended to minimize safety, transportation and environmental challenges which could arise by delay. Nevertheless, there may exist reasonable corporate reasons for delaying the start-up and implementation of the salvage and clean-up operations.

After notification has been received from either regulatory or judicial authority authorizing abandonment or discontinuance of service over a rail line, a railroad shall be required to continue to properly maintain all roadway crossings for the safety of the traveling public. Within 90 days after receiving said notification of abandonment, if the railroad has not commenced a WisDOT approved salvage and clean-up operation, the railroad shall erect signs at all public road crossings notifying the public that the rail line is "abandoned".

It is the public objective that the salvage and clean-up operation be completed within 12 months of the approval of the final plan.

SECTION III - CLOSEOUT

SALVAGE AND CLEAN-UP PROJECT CLOSE OUT

1. At the time the railroad determines that the salvage and clean-up operation on the entire line is completed (except for elements that may still be in dispute), the railroad shall in accordance with Part Three - Section II, (A) Notices, notify WisDOT (and the local roadway authority(s) as appropriate) that it is requesting a final inspection of the project.

2. WisDOT (and the local roadway authority(s) as appropriate), shall within 30 days of receipt of the foregoing final inspection request:

- a. conduct a final inspection of the work performed, and
- b. provide the railroad with a written acceptance (or denial of acceptance) report.

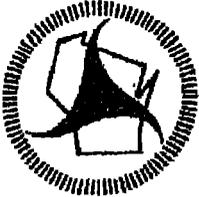
Unless snow cover or flooding makes a final inspection impossible, failure to conduct a final inspection or failure to provide written acceptance (or denial of acceptance) within

the said 30 day period shall constitute acceptance and close out of the salvage and clean-up project.

3. For each element denied, or for each defect or deficiency noted, WisDOT (or local roadway authority(s) as appropriate) shall describe in writing the corrective action required or the work remaining to be done to obtain final acceptance.

4. Railroad shall have 30 days to correct the defects and deficiencies noted by WisDOT (or local roadway authority) in the final inspection report. Railroad may request in writing additional time to accomplish the corrective action. Upon notification by railroad that corrective action has been accomplished, WisDOT (or local roadway authority(s) as appropriate) shall reinspect the work performed, if found to be acceptable, prior written notification to railroad as earlier set forth.

In the event that railroad does not request an extension of time to make corrective actions and 30 days passes without notification from the railroad that corrective action has been taken to remedy the defects and deficiencies earlier noted, WisDOT (or local roadway authority as appropriate) may pursue judicial relief to accomplish the public objective of satisfactory salvage and clean-up of the abandoned railroad corridor to minimize safety, transportation and environmental issues.



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary



Division of Transportation
Infrastructure Development
Bureau of Railroads and Harbors
4802 Sheboygan Avenue, 155B
P O Box 7914
Madison, WI 53707-7914

January 1, 1998

SAMPLE LETTER

Mr. Railroad Official, (Appropriate Title)
(Name of Railroad Company)
(Street Address or PO Box)
(City, State and Mailing Zip Code)

Telephone: (608) 267-7348
Facsimile (FAX): (608) 267-3567

Dear (Railroad Official):

On behalf of the Wisconsin Department of Transportation (and local roadway authority if applicable), we hereby acknowledge receipt and acceptance of your salvage and clean-up plan which was presented on (insert appropriate date) for the railroad line between (insert appropriate termini point) and (insert appropriate termini point) in the County(s) of (insert the names of the appropriate counties).

All of the standards, conditions and methods incorporated in the plan are found to be acceptable, or if appropriate use the following sentence

All of the standards, conditions and methods incorporated in your plan are found to be acceptable except for item(s) (insert appropriate specific items that are not acceptable). (Insert name of individual) from this department will be in contact with you shortly to work out a mutually acceptable solution.

We look forward to working cooperatively with you and your company. We hope that the clean-up, salvage and restoration operation will be commenced and completed in a timely, efficient fashion.

Sincerely,

(Name of appropriate WisDOT Official)

cc: (Local officials as appropriate)
(Appropriate DOT staff)
(Others as appropriate)

Encl: Approved Salvage/Clean-Up Plan

RAILROAD ABANDONMENT SALVAGE AND CLEAN-UP DISPOSITION FORM

Regulatory Control Number (if any): _____

RAILROAD NAME: _____

RAIL LINE IDENTIFICATION: _____

CONTACT PERSON: _____

Name of Major Termini Points _____

MAILING ADDRESS: _____

to _____

Mile Posts _____ to _____

TELEPHONE NUMBER: () _____

Element(s) Involved in Salvage Operation - (Check all that apply)

Roadway Crossing	Railroad Bridge over Roadway	Buildings
Crossing Signals	Roadway Bridge over Railroad	Poles/Wire
Track - Steel	Railroad Bridge over Water	Culvert
Track - Ties	Residual Waste and Debris	Other

ELEMENT LOCATION: Describe the specific location of the element involved. If more than one location under consideration for the work plan, describe each in a separate description. (Attach additional sheets as needed.)

WORK PLAN: Describe action to be taken, by whom and when. Include appropriate measurements, starting and ending points. Describe materials, type of process or workmanship for work to be done as appropriate. List specific environmental considerations if any. (Attach additional sheets as needed)

Date: _____

Page _____ of _____ Pages

Attachment No. 2

**CONTINUATION SHEET
RAILROAD ABANDONMENT
SALVAGE AND CLEAN-UP**

ELEMENT LOCATION: Describe the specific location of the element involved. If more than one location under consideration for the work plan, describe each in a separate description. (Attach additional sheets as needed)

Work Plan: Describe action to be taken, by whom and when. Include appropriate measurements, starting and ending points. Describe materials, type of process or workmanship for work to be done as appropriate. List specific environmental considerations, if any. (Attach additional sheets as needed)

Date: _____ Page _____ of _____ Pages
Attachment No. 2

**CONTINUATION SHEET
RAILROAD ABANDONMENT
SALVAGE AND CLEAN-UP**

ELEMENT LOCATION: Describe the specific location of the element involved. If more than one location under consideration for the work plan, describe each in a separate description. (Attach additional sheets as needed)

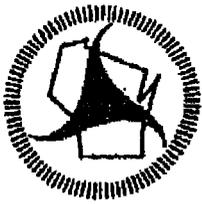
Work Plan: Describe action to be taken, by whom and when. Include appropriate measurements, starting and ending points. Describe materials, type of process or workmanship for work to be done as appropriate. List specific environmental considerations, if any. (Attach additional sheets as needed)

**WORK PLAN
APPROVED**

	DEPARTMENT	RAILROAD	LOCAL ROAD AUTHORITY
NAME			
ADDRESS			
TELEPHONE NUMBER			

SIGNATURE AND DATE			
--------------------	--	--	--

Date: _____ Page _____ of _____ Pages
Attachment No. 2



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary



Division of Transportation
Infrastructure Development
Bureau of Railroads and Harbors
4802 Sheboygan Avenue, 155B
P O Box 7914
Madison, WI 53707-7914

January 1, 1998

SAMPLE LETTER

Mr. Railroad Official, (Appropriate Title)
(Name of Railroad Company)
(Street Address or PO Box)
(City, State and Mailing Zip Code)

Telephone: (608) 267-7348
Facsimile (FAX): (608) 267-3567

Dear (Railroad Official):

Your request for final approval of the salvage, clean-up and restoration work on the (name of appropriate railroad line) has been received.

On (date)(name of appropriate WisDOT Official) conducted a joint final inspection of the property with (put in appropriate names and organization) and found that everything set forth in the initial salvage/clean-up plan has been accomplished.

or alternatively insert the following sentence

On (date)(name of appropriate WisDOT Official) conducted a final inspection of the property and found that everything set forth in the salvage/clean-up plan has been accomplished.

or alternatively insert the following sentence

On (date)(name of appropriate WisDOT Official) conducted a (joint) final inspection of the property with (put in appropriate names and organization) and found that everything set forth in the initial salvage/clean-up plan has been accomplished with the exception of the following (put in number) items which need correction:

- a. (insert appropriate item)
- b. (insert appropriate item)
- c. etc.

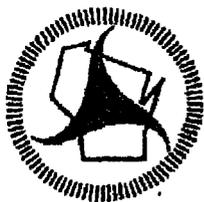
You have thirty (30) days in which to correct the defects and deficiencies noted above. We will inspect the property as soon as you notify us that the necessary corrections have been completed.

Sincerely,

(Name of appropriate WisDOT Official)

cc: (Local officials as appropriate)
(Appropriate DOT staff)
Others as Appropriate)

Encl: Worksheet of Deficiencies



Wisconsin Department of Transportation

Tommy G. Thompson
Governor

Charles H. Thompson
Secretary



January 1, 1998

SAMPLE LETTER

Division of Transportation
Infrastructure Development
Bureau of Railroads and Harbors
4802 Sheboygan Avenue, 155B
P O Box 7914
Madison, WI 53707-7914

Telephone: (608) 267-7348
Facsimile (FAX): (608) 267-3567

Mr. Railroad Official, (Appropriate Title)
(Name of Railroad Company)
(Street Address or PO Box)
(City, State and Mailing Zip Code)

Dear (Railroad Official):

Your request for final approval of the salvage, clean-up and restoration work on the (name of appropriate railroad line) was been received by this office on (insert date)

On (date)(name of appropriate WisDOT Official) conducted a (joint) final inspection of the property with (put in appropriate names and organization) and found that everything set forth in the initial salvage/clean-up plan has been accomplished with the exception of the following (put in number) items which need correction:

- a. (insert appropriate item)
b. (insert appropriate item)
c. etc.

You were notified on (date) that you had thirty (30) days in which to correct the defects and deficiencies noted. On (date), (put in appropriate name) of this office reinspected the property and found that the defects and deficiencies had not yet been corrected. Will you please advise me when you expect to have the needed corrections completed so that this project may be closed out in a timely fashion.

or if appropriate use the following sentence

You were notified on (date) that you had 30 days in which to correct the defects and deficiencies noted. On (date), (put in appropriate name) of this office reinspected the property and found that the defects and deficiencies still remained to be corrected. Two follow-up letters were sent to your office and there has been no response. Several telephone messages were also left with your office, but no messages returned. We would like to have this matter resolved in a mutually cooperative and timely manner. Please contact (put in name of individual) within the next three days.

Sincerely,

(Name of appropriate WisDOT Official)

cc: (Local officials as appropriate)
(Appropriate DOT staff)
Others as Appropriate)

Encl: Worksheet of Deficiencies

FLETCHER & SIPPEL LLC

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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

August 31, 2010

Wisconsin Department of Transportation
Hill Farms State Transportation Building
4802 Sheboygan Avenue, Suite 115B
Madison, Wisconsin 53705
ATTN: Ms. Kathleen Chung

Re: **Docket No. AB 303 (Sub No. 36X) Wisconsin Central Ltd.
Proposed Abandonment In Brown County, Wisconsin**

Dear Kathleen:

Wisconsin Central Ltd. ("WCL"), as successor-in-interest to Fox Valley & Western Ltd., is planning to file a proposed abandonment with the Surface Transportation Board ("STB") for approval to abandon approximately 1.92 miles of railroad line starting at MP 3.88, in the Village of Howard, Wisconsin, and ending at MP 5.8, on the Oneida Tribe of Indians of Wisconsin Reservation, in Brown County, Wisconsin. For your convenience, we have attached a map for your reference. WCL is advising you of the proposed action so that you may assist us in identifying any potential effects of the proposed action on, among other things, the following:

- | | |
|---|-------------------------------------|
| <ol style="list-style-type: none">1. Water quality;2. Designated wetlands;3. 100-year-old flood plains;4. Endangered or threatened species;5. Critical habitats;6. Wildlife sanctuaries or refuges;7. National or State parks or forests;8. Coastal zone management;9. Soil and natural resource conservation;10. Agricultural land;11. Regional and/or local use plans; and12. The need for permits under Sections 402 or 404 of the Clean Water Act. | See attached
information |
|---|-------------------------------------|

Because of the nature of the proposed action, we foresee no adverse effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We would appreciate a written response as soon as possible so that we may include it in the environmental report, which we will file with the STB. We intend on filing the Environmental Report in four weeks.

Thank you for your assistance.

Very truly yours,



Michael J. Barron, Jr.
Attorney for Wisconsin Central Ltd.

RECEIVED

SEP 07 2010

WISCONSIN
OFFICE OF PUBLIC COUNSEL

MJB:jc
Encl

CN Railroad Abandonment Environmental Factors

The proposed CN Railroad abandonment corridor is shown on the attached aerial photos (Figures 1-4) that illustrate environmental and development features adjacent to the railroad. Other maps concerning environmental factors were obtained from the Brown County Comprehensive Plan (2004). The Environmental Assessment (EA) for the US 41/WIS 29 interchange project was also used as a source of information for applicable environmental factors.

1. Water quality

The CN Railroad crosses Duck Creek (see Figure 2). The following information on Duck Creek is from the US 41/WIS 29 interchange EA:

Duck Creek is a warm water stream. Common fish species include yellow perch, carp, white sucker, rock bass, gizzard shad, Johnny darter, creek chub, log perch, common shiner, bluntnose minnow, longnose dace, and blackside darter. Invertebrate species indicate good water quality conditions. Potential pollution sources include sediment, nutrients, pesticides, and PCB's due to agricultural and construction practices, and past paper mill discharges. Duck Creek is on EPA's 2006 impaired waterway list under Section 303(d) of the Clean Water Act due to low Dissolved Oxygen (DO) levels caused by nonpoint source runoff. No restrictions were noted except for a general advisory regarding Total Maximum Daily Load (TMDL) which is a calculation of the maximum amount of pollutant that a waterbody can receive and still safely meet water quality standards. Duck Creek was on DNR's 2006 impaired waterway list but was deleted from the 2008 list because portions of the creek are on Tribal Reservation land. A Priority Watershed Plan for Duck, Apple, and Ashwaubenon Creeks was completed in 1997 as a joint effort among DNR, Brown County, Outagamie County, and the Oneida Nation. Nonpoint source control measures are being planned and implemented throughout the watershed.

2. Designated wetlands

DNR's wetland inventory maps show two mapped wetlands adjacent to the railroad (Figures 2 and 3). Wetlands delineated by WisDOT for the US 41/WIS 29 interchange project are shown on Figure 4. The wetlands shown on the figures are approximate and should not be used for regulatory purposes. There may also be additional wetlands in the CN Railroad abandonment corridor.

3. 100-year floodplain

The Duck Creek 100-year floodplain is illustrated in Figure 5.

4. Endangered or threatened species

Information provided by DNR for the US 41/WIS 29 interchange project EA indicates the Wood turtle (state threatened species) has historically inhabited Duck Creek and its riparian corridor. Information provided by the U.S. Fish and Wildlife Service indicates there are no known federally-listed threatened or endangered species in the area of potential effect for the US 41/WIS 29 interchange project. The U.S. Fish and Wildlife website indicates only the Lake iris (threatened plant) is potentially present in Brown County. This species is found along lake shores and is therefore unlikely to be present in the CN Railroad corridor.

5. Critical habitat

Further coordination with DNR is recommended to determine whether critical habitat for the Wood turtle is present in the portion of Duck Creek crossed by the CN Railroad. As shown on Figure 6, except for the Duck Creek corridor, there are no environmentally sensitive areas in the CN Railroad abandonment corridor.

6. Wildlife sanctuaries or refuges

There are no wildlife sanctuaries or refuges within the CN Railroad abandonment corridor.

7. National or State parks or forests

As shown on Figure 7, there are no national or state parks or forests within the CN Railroad abandonment corridor. However, as shown on Figures 1 and 7, Pamperin Park (Brown County facility) is adjacent to the railroad corridor.

8. Coastal zone management

The US 41/WIS 29 project is not within a Coastal Zone Management Special Coastal Area. The Wisconsin Coastal Management Program waived review of this project provided that it is coordinated through the WisDOT/DNR Cooperative Agreement process. It is assumed that the CN Railroad abandonment would also fall into this category.

9. Soil and natural resource conservation

Soil information was obtained from the USDA website for the US 41/WIS 29 EA. General soil types in the WIS 29 corridor from County J to US 41 are listed below. Soils along the CN Railroad abandonment corridor would likely be similar.

CTH J to CTH EB

Au (Alluvial land; hydric; moderate erosion potential)
Aw (Alluvial land wet; hydric; moderate erosion potential)
BtB (Briggsville; moderate erosion potential)
Ca (Carbondale; hydric; moderate erosion potential)
KhB and KhD2 (Kewaunee; high erosion potential)
WoD2 (Waymor; high erosion potential)
YaA (Yahara; hydric; moderate erosion potential)

CTH EB to USH 41

Fd (Fill land; moderate erosion potential)
Ke (Keowns; moderate erosion potential)
MfB (Manistee; moderate erosion potential)
YaA (Yahara; hydric; moderate erosion potential)

10. Agricultural land

As indicated on Figure 8 and as illustrated on Figures 1-4, there is no agricultural land present in the CN Railroad abandonment corridor.

11. Regional and/or local land use plans

Land use in the CN Railroad abandonment corridor is illustrated on Figure 9.

12. Need for permits under Sections 402 or 404 of the Clean Water Act

A Clean Water Act Section 404 permit would be needed from the U.S. Army Corps of Engineers (USACE) for any discharge of fill material into waters of the U.S. including wetlands. Water quality certification under Section 401 of the Clean Water Act and Wisconsin Administrative Code Chapter NR 299, would be needed from the Wisconsin Department of Natural Resources (DNR).

A Section 404 permit has been applied for and Section 401 water quality certification has been requested for the US 41/WIS 29 interchange project. The wetlands illustrated on Figure 4 were covered in that permit application and water quality certification request.

Because a portion of the US 41/WIS 29 interchange project is within the exterior boundary of the Oneida Nation reservation, water quality certification and authorization under the National Pollution Discharge Elimination System (NPDES) have also been applied for from the U.S. Environmental Protection Agency.

FIGURE 1

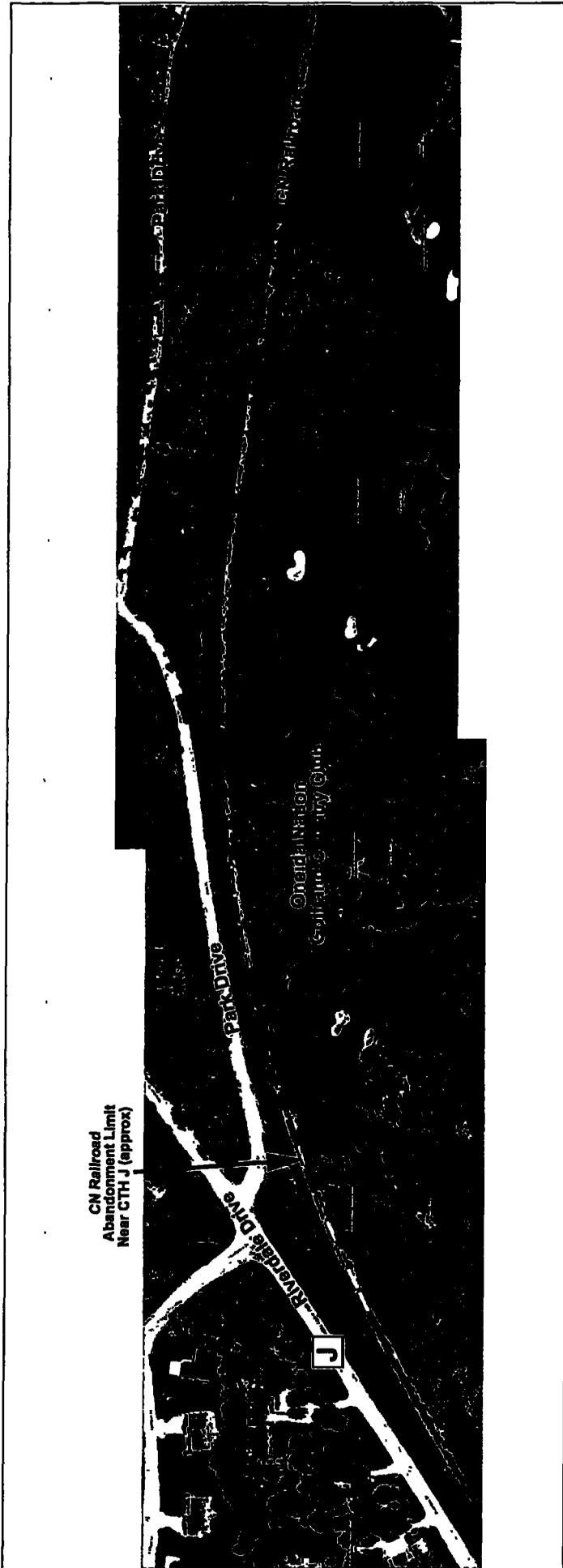


FIGURE 2



FIGURE 3

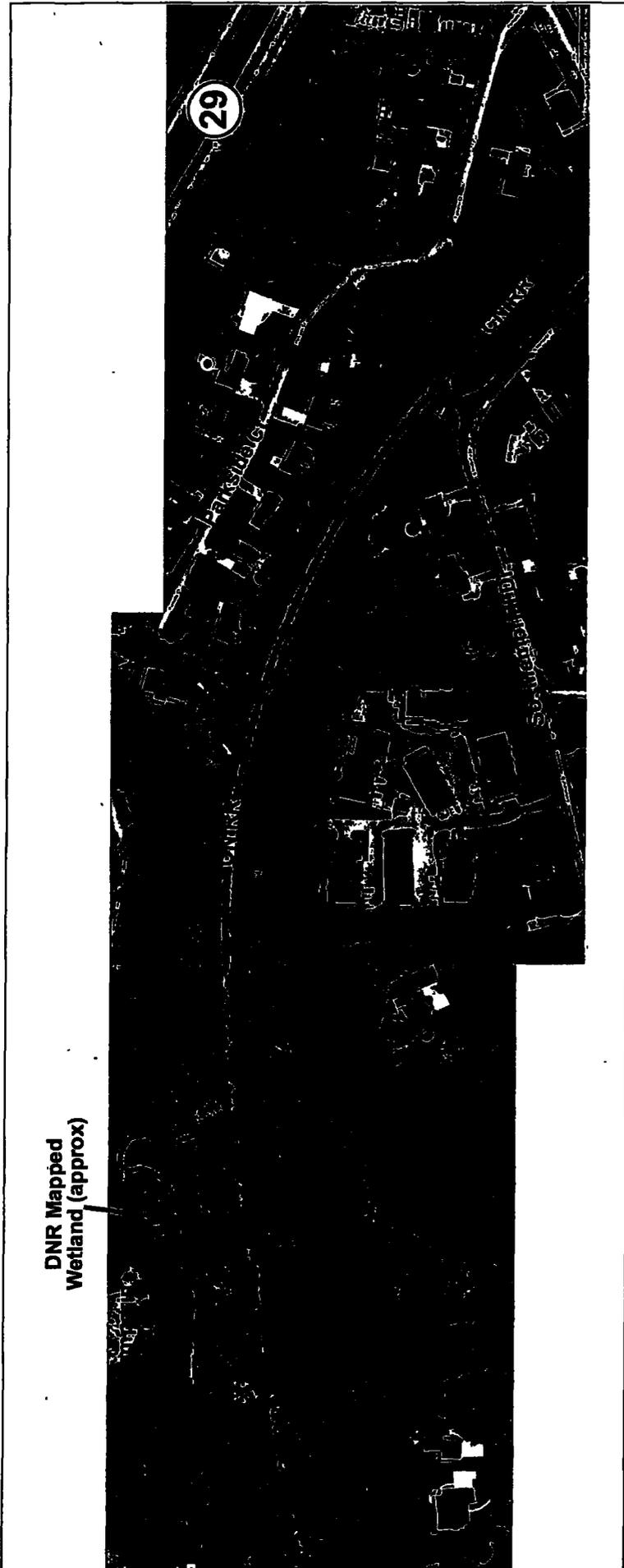


FIGURE 5—Floodplain

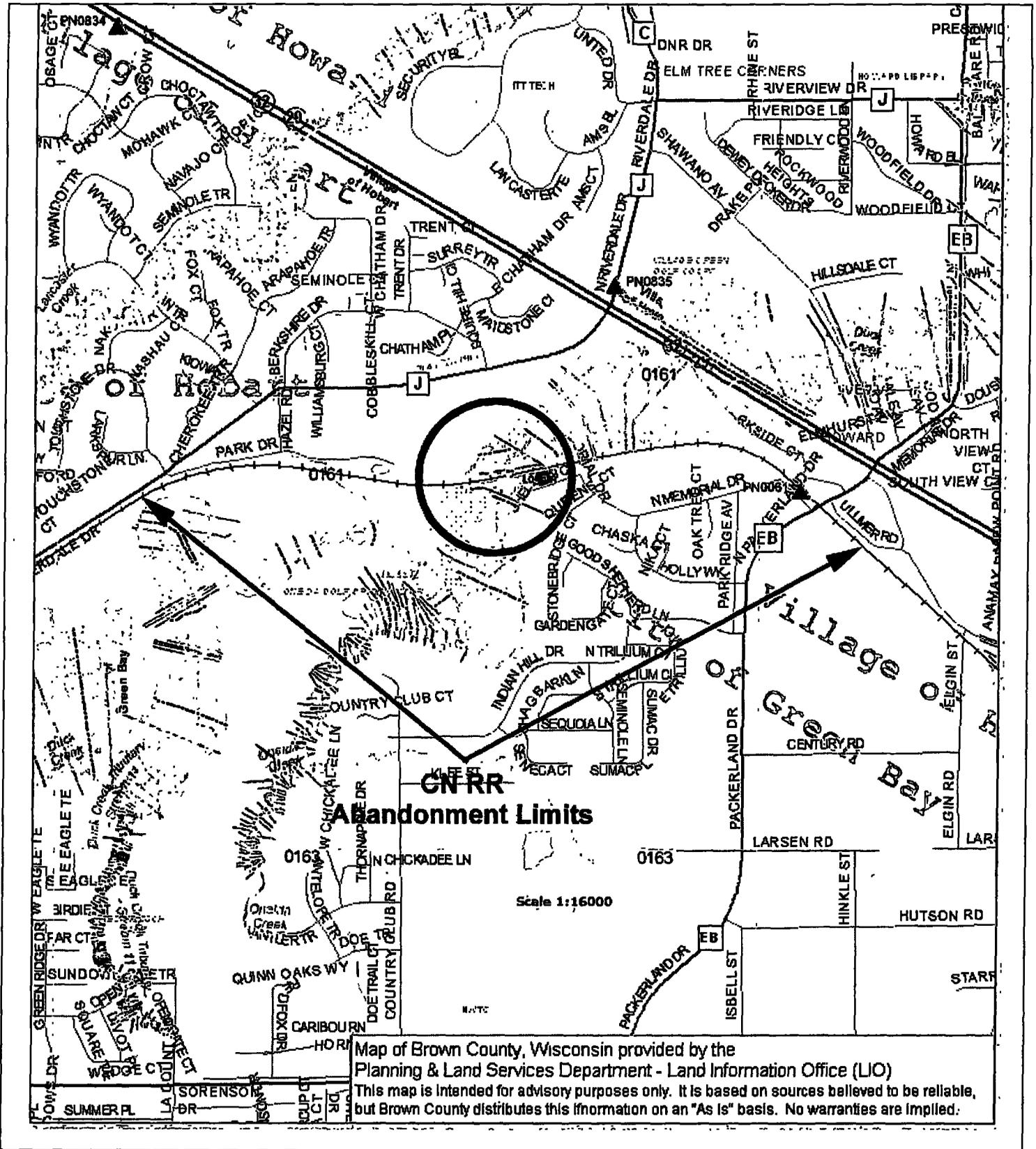
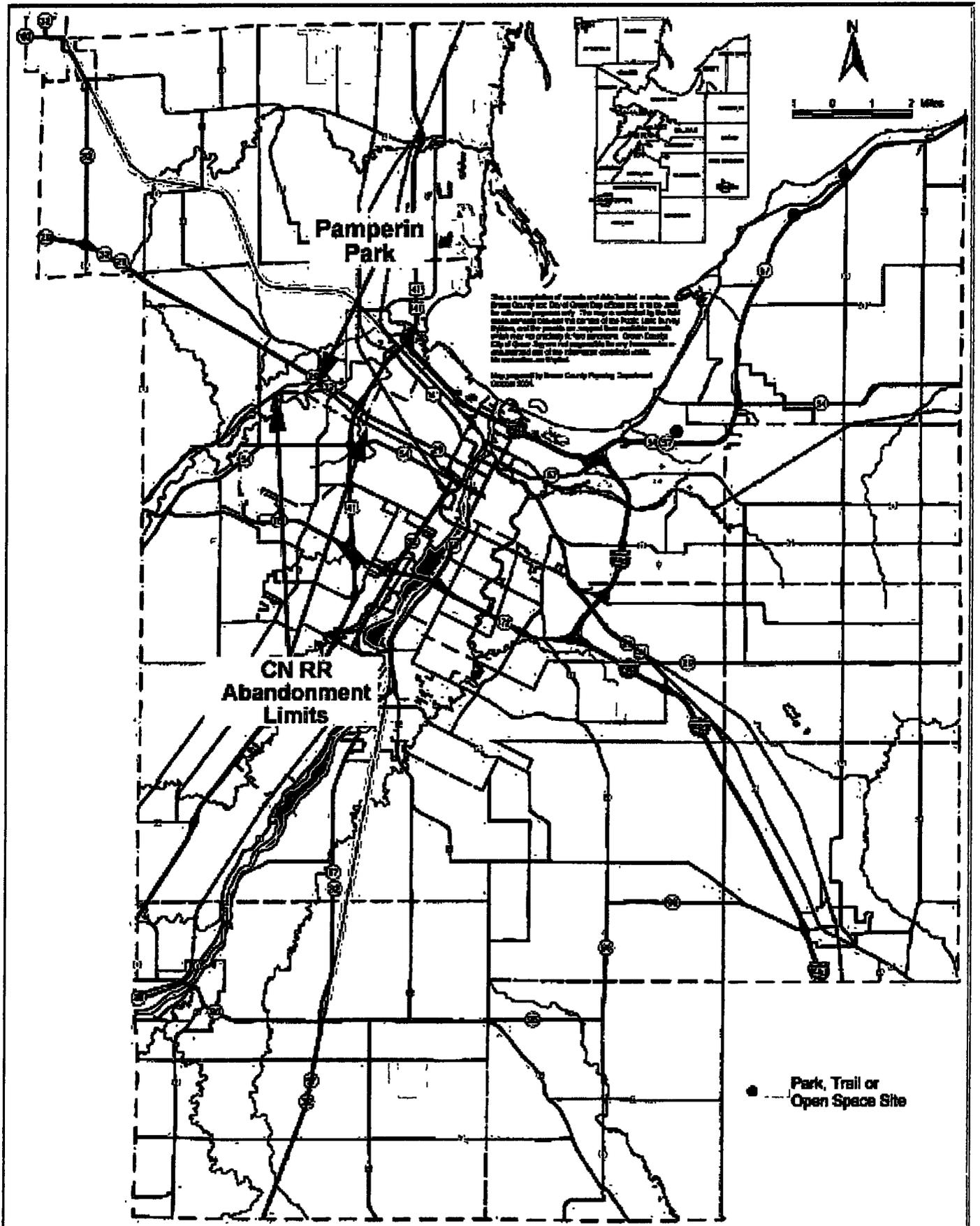


FIGURE 7—Parks and Open Space



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MICHAEL J. BARRON, JR.
(312) 252-1511
mbarron@fletcher-sippel.com

October 19, 2010

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

Re: Docket No. AB 303 (Sub No. 36X) – Wisconsin Central Ltd.
Proposed Abandonment in Brown County, Wisconsin

Dear Mr. Banker:

Please substitute the enclosed map for the map marked as Appendix A in the Environmental/Historic Report served on you on September 30, 2010.

Sincerely,



Michael J. Barron, Jr.
Counsel for Wisconsin Central Ltd.

MJB:mr
Enclosure