

DID # 0102091001

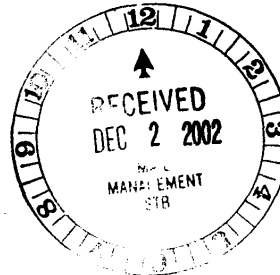
206745

Stockbridge-Munsee Community

BAND OF MOHICAN INDIANS

LEGAL OFFICE

November 18, 2002



Surface Transportation Board
ATTN: Vernon Williams
1925 K St. NW
Room 700
Washington, DC 20423-0001

**RE: Wisconsin Central / Canadian National Abandonment
AB 303 (Sub No. 25X)**

Dear Mr. Williams:

Please find enclosed a Petition for Notice of Interim Trail Use and Statement of Financial Willingness and 10 copies of the same from the Stockbridge-Munsee Community Indian Tribe along with the applicable filing fee.

I certify that this correspondence is being served on the CN / Wisconsin Central on the same date as the Board.

Sincerely,

Paul Stenzel
Staff Attorney

cc: Michael Barron
Allyn Lepeska

FILED

DEC 2 2002

**SURFACE
TRANSPORTATION BOARD**

SEE RECEIVED

DEC 2 2002

**SURFACE
TRANSPORTATION BOARD**

FILED

SURFACE
TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-303 (SUB-NO. 25X)



**WISCONSIN CENTRAL LTD. - ABANDONMENT EXEMPTION -
IN LANGLADE, MENOMINEE AND SHAWANO COUNTIES, WISCONSIN**

**STOCKBRIDGE-MUNSEE COMMUNITY
PETITION FOR NOTICE OF INTERIM TRAIL USE**

FILED

DEC 2 2002

BACKGROUND

**SURFACE
TRANSPORTATION BOARD**

On September 19, 2000, the Wisconsin Central Ltd. (subsequently purchased by Canadian National) ("CN/WCL") filed with the Surface Transportation Board ("Board") a petition under 49 U.S.C. § 10502 for exemption from the provisions of 49 U.S.C. §§ 10903 - 10905 to abandon a line of railroad known as the White Lake-Shawano Line, between milepost 280 north of White Lake and milepost 314.3 north of Shawano, in Langlade, Menominee and Shawano Counties, WI, a distance of 34.3 miles. The line traverses U.S. Postal Service Zip Codes 54491, 54150, 54128 and 54166 and includes station at White Lake (milepost 282.8), Neopit (milepost 296.8) and Thornton (milepost 312.0).

On October 12, 2000 the Wisconsin Department of Natural Resources signed a Statement of Willingness to Accept Financial Responsibility Pursuant to 49 C.F.R. § 1152.29. This statement is for the segment of CN/WCL railroad line at White Lake Milepost 280.0 to Shawano Milepost 314.3, a distance of approximately 34.3 miles in Langlade, Menominee and Shawano Counties, Wisconsin.

The Board issued an NITU under 49 C.F.R. § 1152.29, which was served on January 5, 2001, allowing the Wisconsin DNR the full 180 days from date of service or until July 4, 2001.

Subsequently, various requests for extensions of the NITU have been filed by Wisconsin DNR and CN/WCL and granted by the Board. The current extension is set to expire on November 27, 2002.

On November 18, 2002 the Stockbridge-Munsee Community ("Tribe") signed a Statement of Willingness to Accept Financial Responsibility pursuant to 49 C.F.R. § 1152.29. The statement is enclosed with this Petition. The statement is for the segment of CN/WCL railroad line approximately from milepost 303 to milepost 306.4, about 3 ½ miles.

PURPOSE

The Stockbridge-Munsee Community petitions to obtain a Notice of Interim Trail Use for interim highway, pedestrian and other trail purposes and railbanking pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 for the Tribe for the specified segment of the right of way involved in this proceeding. The Tribe will use or preserve the land corridor and related real property for interim public transportation and recreational purposes (highway, pedestrian and other trail), subject to restoration for railroad purposes.

The land corridor is located within the boundaries of the Tribe's Reservation. As such, the proposed trail will be subject to the jurisdiction of the Tribe.

NOTICE OF INTERIM TRAIL USE

The Tribe respectfully requests that the Board provide the Tribe a notice of interim pedestrian and other trail use and rail banking condition to accomplish the above public purposes. The Tribe is interested in acquiring and using the right of way of the rail line being abandoned for interim pedestrian and other trail use and rail banking. This condition would facilitate accomplishment of the policy, planning, and project requirements of Title 23 of the United State Code, including coordination of highway,

rail, pedestrian, bicycle and other trails.

CONCLUSION

The Tribe respectfully requests the Board to issue a Notice of Interim Trail Use for the land corridor and related real property, including bridge structures, on a line of railroad known as the White Lake-Shawano Line, approximately between milepost 303 (as railroad exits NW 1/4 NE 1/4, Sec. 20, T28N, R14E) and milepost 306.4 (just north of Gresham), in Shawano County, Wisconsin.

Dated this _____ day of _____, 2002.

Respectfully submitted,

Paul Stenzel
Wisconsin State Bar No. 1022432
Stockbridge-Munsee Community
PO Box 70
Bowler, WI 54416
715-793-4392

206745

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-303 (SUB-NO. 25X)

**WISCONSIN CENTRAL LTD. - ABANDONMENT EXEMPTION -
IN LANGLADE, MENOMINEE AND SHAWANO COUNTIES, WISCONSIN**

**STATEMENT OF WILLINGNESS TO ACCEPT RESPONSIBILITY BY
STOCKBRIDGE-MUNSEE COMMUNITY
PURSUANT TO 49 C.F.R. 1152.29**

In order to establish interim trail use and rail banking under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29, the Stockbridge-Munsee Community ("Tribe") is willing to assume full responsibility for management of the property it acquires from the present owner and operator, Wisconsin Central / Canadian National. Upon acquisition, the Tribe is willing to assume full responsibility for its operation on the property and for the payment of any taxes or assessments that thereafter may be lawfully levied against it. The segment for which the Tribe is making this statement of Willingness is the following portion of the White Lake - Shawano Line:

Milepost 303 to Milepost 306.4, a distance of approximately 3½ miles, in Shawano County, Wisconsin.

A map of the property depicting the right-of-way is attached.

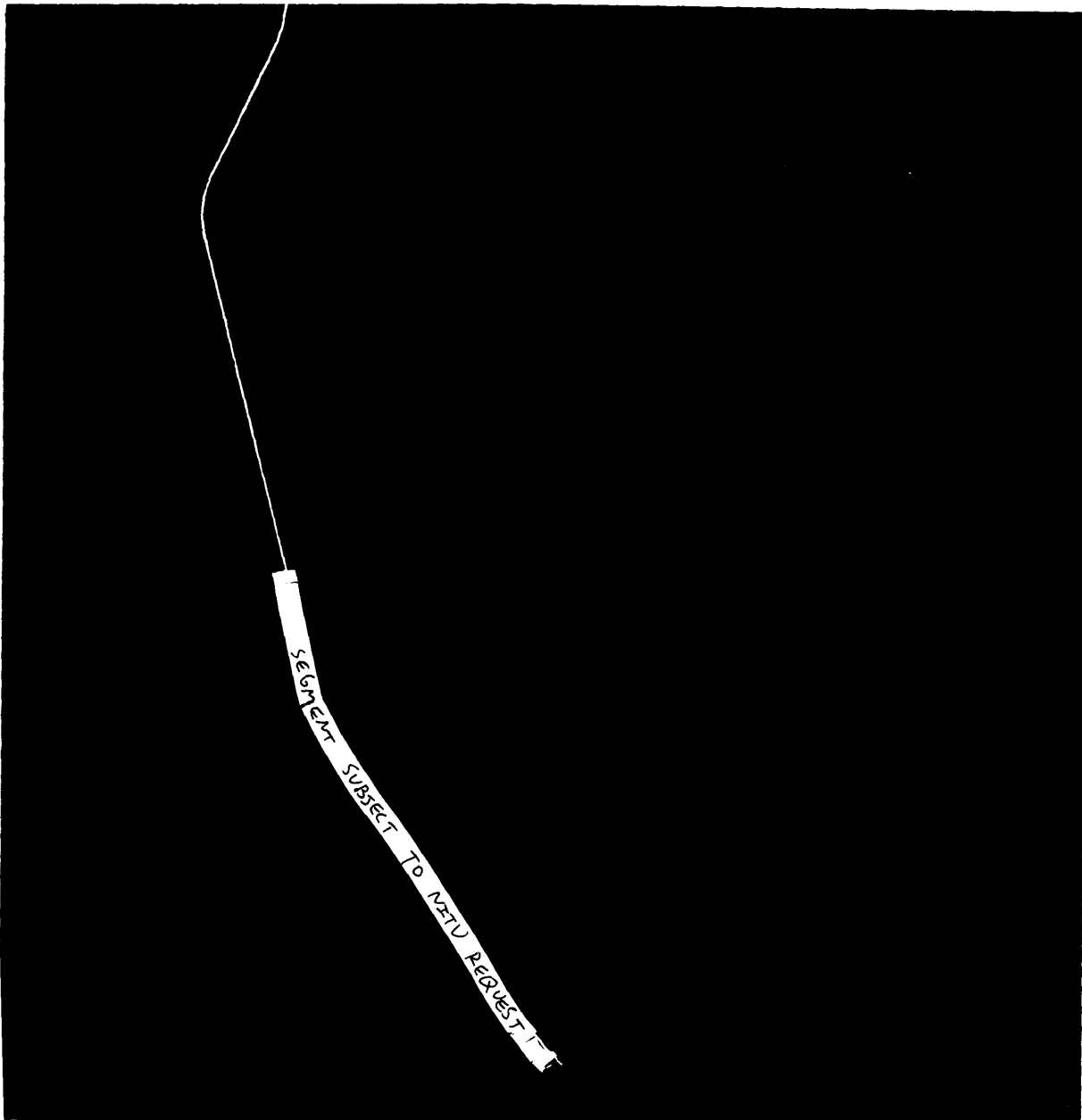
The Tribe acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service. A copy of this statement is being served on the railroad on the same date it is being served on the Board.

Dated this 18th day of November, 2002.



Robert Chicks
President
Stockbridge-Munsee Community

C.N. Wisconsin Central Railroad T.28N.-R.14E. Red Springs



LEGEND

Abandoned Railroad