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May 13, 2004

Via Overnight Mail

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: Docket No. AB-303 (Sub-No. 26X), Wisconsin Central Ltd.—
Abandonment Exemption — in Ashland County, Wisconsin

Dear Secretary Williams:

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 May 13, 2004 pursuant to 49 C.F.R. § 1152.50. A check in the amount of \$2,800.00, representing the appropriate fee for this filing, also is enclosed.

One extra copy of this transmittal letter is enclosed as well. Please date stamp this copy to show receipt and return it to me in the enclosed envelope.

The Environmental and Historic Reports for this proceeding have already been filed with the Board. Feel free to contact me if you have any questions. Thank you for your assistance in this matter.

Respectfully submitted,


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

Encls.

United States Region

Michael J. Barron
Counsel
CN
17641 S. Ashland Avenue
Homewood, IL 60430
T - 708-332-3954
F - 708-332-3052
E - michael.barron@cn.ca



FEE RECEIVED
MAY 14 2004
SURFACE
TRANSPORTATION BOARD

ENTERED
Office of Proceedings

MAY 14 2004

Part of
Public Record

FILED
MAY 14 2004
SURFACE
TRANSPORTATION BOARD

210898

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 26X)



WISCONSIN CENTRAL LTD.—
ABANDONMENT EXEMPTION — IN ASHLAND COUNTY, WISCONSIN

FEE RECEIVED

MAY 14 2004

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

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MAY 14 2004

SURFACE
TRANSPORTATION BOARD

Michael J. Barron, Jr.
CN
17641 S. Ashland Avenue
Homewood, IL 60430-1345
708-332-3954

ATTORNEY FOR
WISCONSIN CENTRAL LTD.

Dated: May 13, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 26X)

WISCONSIN CENTRAL LTD. ²⁻¹⁻²⁰
ABANDONMENT EXEMPTION — IN ASHLAND COUNTY, WISCONSIN

**VERIFIED NOTICE OF EXEMPTION OF
WISCONSIN CENTRAL LTD. PURSUANT TO
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 starting from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve C. Reiss Coal Company, a distance of 0.48 miles in Ashland in Ashland County, Wisconsin ("Lakefront Trackage").

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 Class I 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 starting from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve C. Reiss Coal Company, a distance of 0.48 miles in Ashland, Ashland County, Wisconsin.

Map: 49 C.F.R. § 1152.22(a)(4)

A map of Lakefront Trackage 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.
CN
17641 S. Ashland Avenue
Homewood, IL 60430-1345
708-332-3954

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

Lakefront Trackage traverses United States Postal Service ZIP Code 54806.

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 Lakefront Trackage for at least the last two years, there is no overhead traffic on Lakefront Trackage that would have to be rerouted over other lines, and no formal complaint filed by a user of rail service on Lakefront Trackage (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 July 15, 2004.

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

Lakefront Trackage right-of-way may be suitable for use as a recreational trail or other similar public purpose. 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 highly developed urban area with a mature roadway system. WCL has received an expression of interest from the City of Ashland regarding purchasing Lakefront Trackage for a trail. WCL generally holds fee title on Lakefront Trackage, with the exceptions for trackage located in crossings pursuant to ordinance. Based on information in our possession, Lakefront Trackage 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 abandonments 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 additional correspondence discussed below.

Mr. William Gantz of the Wisconsin DNR wrote a letter, a copy of which is attached herein as Exhibit D. Mr. Gantz requests that we contact Lisie Kitchell of the Wisconsin DNR in

Madison. WCL sent a copy of the Environmental and Historic Reports to Ms. Kitchell on April 14, 2004, and is awaiting a response.

Mr. Gantz notes that the abandonment goes through the Ashland /NSP Superfund Site, but if WCL is only removing the track and ties on the line it should not affect the contamination.

Mr. Gantz also noted that shoreline stabilization may be required at one location near the west end of the abandonment. WCL will consult with the Wisconsin DNR on this issue.

Mr. Sherman Banker of the Wisconsin Historical Society wrote a letter, a copy of which is attached herein as Exhibit E. Mr. Banker's letter indicates that there are no structures on the line listed in the National Register of Historical places and they are not aware of any properties that may be eligible.

Ms. Vicki Schaefer of the Wisconsin DOT wrote a letter, a copy of which is attached herein as Exhibit F. Ms. Schaefer is seeking right-of-way plats and title. WCL shall provide that.

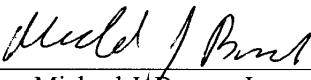
The Corps of Engineers sent correspondence, a copy of which is attached herein as Exhibit G. The Corps concluded that the proposed abandonment is not within the jurisdiction of the Corps.

Finally, the United States Environmental Protection Agency ("EPA") sent correspondence, a copy of which is attached herein as Exhibit H. I will address each of the EPA's bullet points as they appear in their letter. For bullets one, two and six, I refer the STB back to my remarks on WisDNR's letter, which is attached herein as Exhibit D. Regarding bullet three, WCL is hopeful that it can sell Lakefront Trackage as a trail in an expeditious fashion. In the interim, WCL shall maintain any culverts. On bullet four, WCL has sent its Environmental/Historic Report the Wisconsin Coastal Zone Management Program and awaits a response. On bullet five, WCL calls attention to Exhibit E herein. Regarding bullets seven

through eleven, WCL shall be mindful of applicable regulations and good practices during any salvage activities. WCL notes that it recycles ties to the greatest extent possible.

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

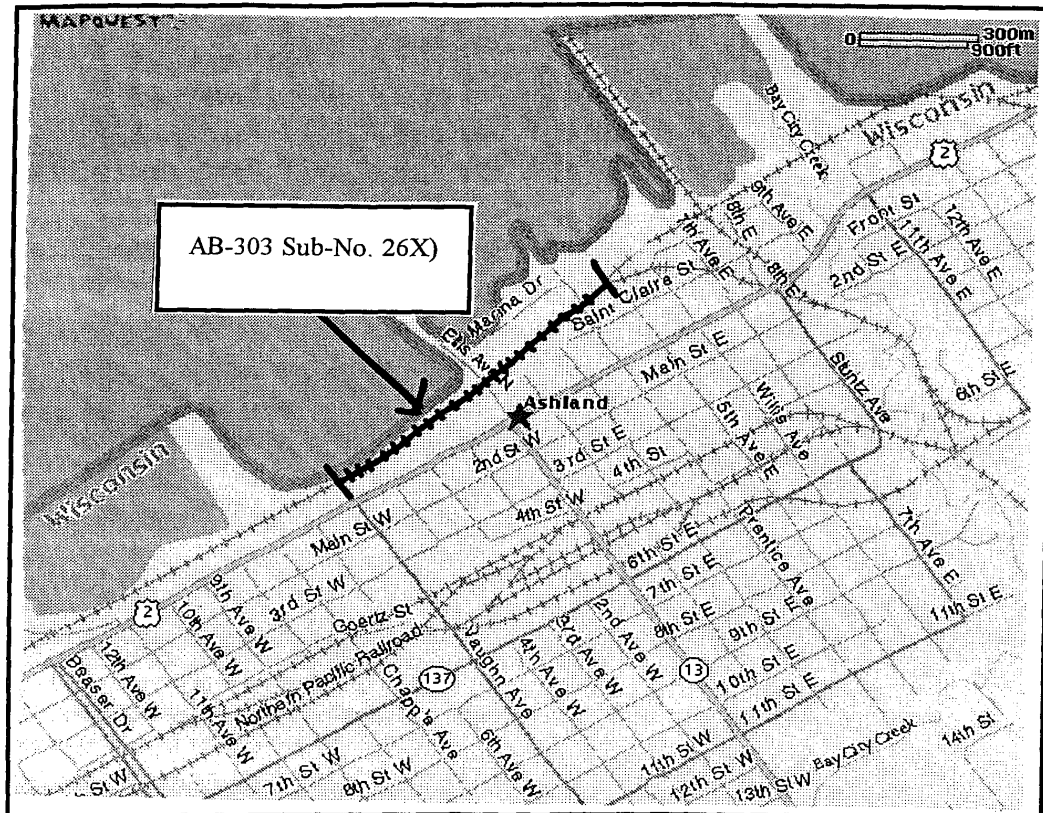
Respectfully submitted,

By 
Michael J. Barron, Jr.
CN
17641 S. Ashland Avenue
Homewood, IL 60430-1345
708-332-3954

ATTORNEY FOR WISCONSIN CENTRAL LTD.

Dated: May 13, 2004

EXHIBIT A



DOCKET NO. AB-303 (SUB-NO. 26X)

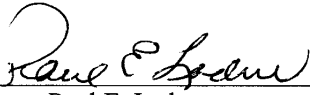
WISCONSIN CENTRAL LTD. — ABANDONMENT EXEMPTION —
IN ASHLAND COUNTY, WISCONSIN

CERTIFICATE AND VERIFICATION

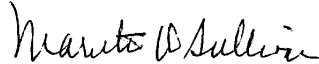
STATE OF ILLINOIS)
) ss
COUNTY OF COOK)

Paul E. Ladue, being duly sworn, deposes and says:

1. That no local traffic has moved over the line from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to be used by C. Reiss Coal Company, in Ashland, Ashland 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.

 Date: 5-13-04
Paul E. Ladue
Director - Contracts

Subscribed and sworn to
before me this 13th day of
May, 2004.


Notary Public



CERTIFICATE

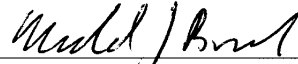
I, Michael J. Barron, Jr., an attorney for Wisconsin Central Ltd., hereby certify that, for the proceeding before the Surface Transportation Board known as Docket No. AB-303 (Sub-No. 26X), Wisconsin Central Ltd. — Abandonment Exemption — in Ashland County, Wisconsin:

(1) The notice requirements of 49 C.F.R. § 1152.50(d)(1) have been complied with, to-wit: On April 5, 2004, written notice was mailed to the: (a) United States Department of Defense, MTMCTEA, Attn: Railroads for National Defense; (b) Chief of the Forest Service, U.S. Department of Agriculture; (c) 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 March 31, April 14, and April 23, 2004, the Environmental Report and Historic Report 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 clearinghouse and 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 May 2, 2003, in The Daily Press, a newspaper of general circulation in Ashland County, Wisconsin. The notice alerted the public to the proposed abandonment, to possible reuse alternatives, and to procedures for

participating in the STB proceeding. A copy of the notice and Affidavit of Publication are attached to this Certificate as Attachment 7.



Michael V. Barron, Jr.

Dated: May 13, 2004



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Attachment 1

United States Region

Michael J. Barron
Counsel
CN
17641 S. Ashland Avenue
Homewood, IL 60430
T - 708-332-3954
F - 708-332-3052
E - michael.barron@cn.ca

April 5, 2004

United States Department of Defense
MTMCTEA
Attn: Railroads for National Defense
720 Thimble Shoals Blvd. Suite 130
Newport News, VA 23606-2574

Re: Docket No. AB-303 (Sub-No. 26X), Wisconsin Central Ltd.
Notice of Exemption in Ashland 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 April 20, 2004, file a Notice of Exemption with the Surface Transportation Board for approval to abandon trackage in Ashland County, Wisconsin, from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve C. Reiss Coal Company, a distance of 0.48 miles of railroad. Such line runs through U.S. Postal Zip Code 54806.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over these rights for at least two years and any potential overhead traffic on these rights can 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.

Sincerely,

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



www.cn.ca

April 5, 2004

Mr. Dale Bosworth
Chief, Forest Service
U.S. Department of Agriculture
201 14th Street, SW
Washington, DC 20520

United States Region

Michael J. Barron
Counsel
CN
17641 S. Ashland Avenue
Homewood, IL 60430
T - 708-332-3954
F - 708-332-3052
E - michael.barron@cn.ca

Re: Docket No. AB-303 (Sub-No. 26X), Wisconsin Central Ltd.
Notice of Exemption in Ashland 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 April 20, 2004, file a Notice of Exemption with the Surface Transportation Board for approval to abandon trackage in Ashland County, Wisconsin, from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve C. Reiss Coal Company, a distance of 0.48 miles of railroad. Such line runs through U.S. Postal Zip Code 54806.

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Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Barron, Jr.".

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



www.cn.ca

April 5, 2004

Thomas Ross, Superintendent
Center for Recreation and Conservation
National Park Service
1849 C Street
Washington, DC 20240

United States Region

Michael J. Barron
Counsel
CN
17641 S. Ashland Avenue
Homewood, IL 60430
T - 708-332-3954
F - 708-332-3052
E - michael.barron@cn.ca

Re: Docket No. AB-303 (Sub-No. 26X), Wisconsin Central Ltd.
Notice of Exemption in Ashland 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 April 20, 2004, file a Notice of Exemption with the Surface Transportation Board for approval to abandon trackage in Ashland County, Wisconsin, from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve C. Reiss Coal Company, a distance of 0.48 miles of railroad. Such line runs through U.S. Postal Zip Code 54806.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over these rights for at least two years and any potential overhead traffic on these rights can 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.

Sincerely,


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



www.cn.ca

April 5, 2004

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

United States Region

Attachment 4

Michael J. Barron
Counsel
CN
17641 S. Ashland Avenue
Homewood, IL 60430
T - 708-332-3954
F - 708-332-3052
E - michael.barron@cn.ca

Re: Docket No. AB-303 (Sub-No. 26X), Wisconsin Central Ltd.
Notice of Exemption in Ashland 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 April 20, 2004, file a Notice of Exemption with the Surface Transportation Board for approval to abandon trackage in Ashland County, Wisconsin, from milepost 435.35 on Ashland's lakefront and traveling 2,552 feet to a point where it connects to a private spur that used to serve C. Reiss Coal Company, a distance of 0.48 miles of railroad. Such line runs through U.S. Postal Zip Code 54806.

The exemption procedures set forth in § 1152.50 are being used in this case because no local traffic has moved over these rights for at least two years and any potential overhead traffic on these rights can 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.

Sincerely,


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



www.cn.ca

March 31, 2004

Attachment 5

United States Region

Michael J. Barron
Counsel
CN
17641 S. Ashland Avenue
Homewood, IL 60430
T - 708-332-3954
F - 708-332-3052
E - michael.barron@cn.ca

**Re: Wisconsin Central Ltd. Notice of Exemption for Abandonment—
Ashland County, Wisconsin—Docket AB-303 (Sub-No. 26X)**

To Whom It May Concern:

Any time on or after April 20, 2004, 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 Ashland, Ashland County, Wisconsin, starting at milepost 435.35 on the Lake Superior lakefront and continuing 2,552 feet in a southwesterly direction along the lakefront for a total of approximately 0.48 miles. 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 for 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, 1925 K Street, N.W., Washington, D.C. 20423-0001, (202) 565-1545, and refer to the above docket number.

WCL will file the Environmental Report and Historic Report with the STB on or about March 31, 2004. 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 (708) 332-3954 or by mail at the above address.

Sincerely,

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

Encls.

Service April 5, 2004

Attachment 6

Robert Whiting
Chief, Regulatory Branch
U.S. Army Corps of Engineers
190 Fifth Street East
St. Paul, MN 55101-1638

Thomas Kieweg
Ashland County Administrator
Room 301 - Courthouse
201 W. Main St.
Ashland, WI 54806-1652

Ken Lindquist
Ashland County Board Chairman
Room 301 - Courthouse
201 W. Main St.
Ashland, WI 54806-1652

David Frasher
City Administrator
City of Ashland
City Hall
601 Main Street West
Ashland, WI 54806

Janet M. Smith
Field Supervisor
U.S. Dept. of the Interior
Fish and Wildlife Service
2661 Scott Tower Drive
New Franken, WI 54311-8331

Thomas V. Skinner
Regional Administrator
US EPA, Region 5
Mail Code B-19J
77 West Jackson Blvd.
Chicago, IL 60604-3590

Patricia S. Leavenworth
State Conservationist
USDA Natural Resources Conservation Service
6515 Watts Road, Suite 200
Madison, WI 53719-2726

Dea Larsen Converse
Wisconsin Coastal Zone Management Program
Wisconsin Dept. of Administration
P.O. Box 8944
Madison, WI 53708-8944

William H. Smith
Regional Director
Wisconsin Dept. of Natural Resources
810 West Maple Street
Spooner, WI 54801

R. E. Steffes
Wisconsin Dept. of Natural Resources
101 S. Webster Street
P.O. Box 7921
Madison, WI 53707

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

Richard A. Bernstein
Div. Of Historic Preservation
Wisconsin Historical Society
816 State Street
Madison, WI 53706-1482

Edward J. McKay
Chief, Spatial Reference System Division
National Geodetic Survey
National Oceanic and Atmospheric Administration
Room 8813
1315 East-West Highway
Silver Spring, MD 20910

Service April 14, 2004

Thomas Ross, Division Chief
National Recreation and Conservation Assistance
Div.
National Park Service - Room 490
1201 Eye St., NW, 9th Floor
Washington, DC 20005

William D. Shaddox
Chief, Land Resources Division
National Park Service
1201 Eye St., NW, 9th Floor
Washington, DC 20005

(The original April 5 mailing to these two National Park Service employees came back as undeliverable)

Lisie Kitchell
Wisconsin DNR
101 S. Webster Street
Madison, WI 53707

Service April 23, 2004

James Langdon
Bureau of Intergovernmental Relations
Wisconsin Dept. of Administration
P. O. Box 8944
Madison, WI 53708-8944

(The original April 5 mailing came back as undeliverable)

LEGAL NOTICE

WISCONSIN CENTRAL LTD. gives notice that on or after June 11, 2003, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments, permitting the abandonment of an approximately 0.48 mile line of railroad starting from a point at milepost 435.35 on Ashland's lakefront, and traveling southwest along the lakefront 2,552 feet to a point where it connects with a private spur that used to serve C. Reiss Coal Company, in Ashland, Ashland County, Wisconsin, which line traverses through U.S. Postal Zip Code 54806. The proceeding will be docketed as AB-303 (Sub-No. 26X). Please disregard all prior newspaper notices that used this docket number.

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 SEA, Surface Transportation Board, 1925 K Street NW, Washington, DC 20423 or by calling that office at (202) 565-1545.

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, 1925 K Street NW, Washington, DC 20423-0001 [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 Commission's Office of Congressional and Public Services at (202) 565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Michael J. Barron, Jr., (312) 755-7954 at 455 North Cityfront Plaza Drive, 20th Floor, Chicago, IL 60611-5317.

May 2—1T Fri.

Affidavit of Publication

STATE OF WISCONSIN }
County of Ashland, } ss.

Jeff Swiston being duly sworn
on oath as Marketing Director of
THE DAILY PRESS, a daily newspaper published at Ashland, Ashland County
and State of Wisconsin, says that the annexed printed copy of
Wisconsin Central Notice

which forms a part of this affidavit, was published in said newspaper on the
following dates Friday May 2, 2003

and further, that the said printed notice so annexed was taken from the said
DAILY PRESS, the newspaper in which the same was published.

Subscribed and sworn to before me this 5th day of

May, A.D., 20 03

[Signature]
Commission Expires
10-24-2004

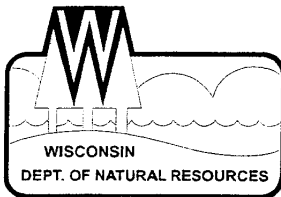


Exhibit D
State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary
William H. Smith, Regional Director

Northern Region Headquarters
810 W. Maple Street
Spooner, Wisconsin 54801
Telephone 715-635-2101
FAX 715-635-4105
TDD 715-635-4001

April 9, 2004

File Ref: Environmental Assessment

Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington DC 20423-0001

RE: Notice of Exemption for Abandonment
City of Ashland, Ashland County

*Report sent to
Lisie Kitchel
4-14-04*

Dear Mr. Barron:

We have completed our review of the Environmental Assessment you provided for the project referenced above. On May 22, we sent you a letter listing our initial environmental concerns on this project. After reviewing the Environmental Assessment, the following is a summary of our specific comments:

1. US Fish and Wildlife Service replied on July 23, 2003, with a review of impacts on federally-listed species. There is no indication that Lisie Kitchel in Madison was contacted regarding state-listed species.
2. The Ashland rail line goes through the Ashland/NSP Superfund site. The abandonment of the rail line should not affect the contamination on the site, if only the trackage and ties are removed. If excavation of ballast rock or culverts would need to be carried out, site contamination could be an issue. Other areas on site, along the rail line, also exhibit high levels of contamination, so no excavations of the rail line between Prentice Ave. and Ellis Ave. should be permitted at this time.
3. Water – Shoreline stabilization will likely be required at one location near the west end of the proposed abandonment where the bank is steep and the rail line is immediately adjacent to Lake Superior

We appreciate the opportunity to comment on your project. If you have any questions, please call me at 715-635-4227.

Sincerely,


William Gantz
Environmental Review Coordinator

Quality Natural Resources Management
Through Excellent Customer Service





WISCONSIN
HISTORICAL
SOCIETY

Headquarters Building
816 State Street
Madison, WI 53706-1482
608-264-6400

April 6, 2004

Mr. Michael Barron
Counsel
CN
17641 S. Ashland Avenue
Homewood IL 60430

SHSW#: 04-0292/AS

RE: WCL Abandonment: MP 433.20 to MP 435.95-Ashland Trackage

Dear Mr. Barron:

We have reviewed the above referenced project as required for compliance with Section 106 of the National Historic Preservation Act and 36 CFR Part 800: Protection of Historic Properties, the regulations of the Advisory Council on Historic Preservation governing the Section 106 review process.

There are no archeological or architectural properties listed in the National Register of Historic Places located within the area of potential effect of the proposed undertaking. Furthermore, we are not aware of any properties that may be eligible for the National Register in this area.

We remind you that 36 CFR 800.4 includes the requirement that you seek information, as appropriate to the undertaking, from parties likely to have knowledge of or concerns with historic properties in the project area-such as Indian tribes, local governments, and public and private organizations.

If there are any questions concerning this matter, please call me directly at (608) 264-6507.

Sincerely,

Sherman Banker
Archeologist, Office of Preservation Planning



Wisconsin Department of Transportation

Jim Doyle
Governor

Frank J. Busalacchi
Secretary

April 13, 2004

Michael J. Barron, Jr.
CN
17641 S. Ashland Avenue
Homewood, IL 60430

**Division of Transportation
Infrastructure Development**
Bureau of Railroads and Harbors
4802 Sheboygan Avenue, 701
P O Box 7914
Madison, WI 53707-7914

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

Dear Michael:

Pursuant to your notice of exemption in Ashland County for the abandonment of 0.48-mile of track, we request a copy of your right of way plats, including title documentation. Please forward to my attention. I thank you in advance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Vicki".

Vicki L. Schaefer
Railroad Property Specialist



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS
190 FIFTH STREET EAST
ST. PAUL, MN 55101-1638

REPLY TO
ATTENTION OF:

April 13, 2004

Construction-Operations
Regulatory (04-03861-JRB)

Mr. Michael Barron, Jr.
Wisconsin Central Ltd.
17641 S. Ashland Avenue
Chicago, Illinois 60430

Dear Mr. Barron:

We have reviewed information about a project of Wisconsin Central Ltd. to abandon a railroad line located in Ashland, Ashland County, Wisconsin, starting at milepost 435.35 on the Lake Superior lakefront and continuing 2,552 feet in a southwesterly direction along the lakefront for a total of approximately 0.48 miles. The project site is in Sec(s). 32 and 33, T. 48N., R. 4W., Ashland County, Wisconsin.

The work proposed at the location stated is not within the regulatory jurisdiction of the Corps of Engineers. No work will be done in a navigable water of the United States, and no dredged or fill material will be discharged in any water of the United States, including wetlands. Therefore, a Department of the Army permit is not required to do this work.

This letter is valid only for the project referenced above. If any change in design, location, or purpose is contemplated, contact this office to avoid doing work that may be in violation of Federal law. PLEASE NOTE THAT THIS CONFIRMATION LETTER DOES NOT ELIMINATE THE NEED FOR STATE, LOCAL, OR OTHER AUTHORIZATIONS, SUCH AS THOSE OF THE DEPARTMENT OF NATURAL RESOURCES OR COUNTY.

The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision.

If you have any questions, contact Jason R. Berkner in our Two Harbors office at (218) 834-6630. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

Robert J. Whiting
Robert J. Whiting
Chief, Regulatory Branch

Copy furnished to:
John Spangberg - WDNR

JURISDICTIONAL DETERMINATION
U.S. Army Corps of Engineers, St. Paul District

APPLICANT: Wisconsin Central Ltd.

PROJECT LOCATION/WATERWAY: Lake Superior

FILE NUMBER: 200403861

PROJECT REVIEW COMPLETED: ☒ Office ☐ Field

Jurisdictional Determination (JD): (For sites evaluated under 33 CFR §320-330)

- ☐ Preliminary JD - Based on available information, ☐ *there appear to be* or ☐ *there appear to be no* waters of the United States on the project site. A preliminary JD is not appealable.
- ☒ Approved JD - ☒ *There are* or ☐ *there are no* waters of the United States on the project site, as identified in the basis of jurisdictional determination indicated below. An approved JD is an appealable action (33 CFR §331). The Request for Appeal form may be downloaded from the Corps' Mississippi Valley Division web site at: http://www.mvd.usace.army.mil/nwsinfo/mvd_appeals/pdf/naoraf.pdf or by calling 651-290- 5375.

Basis of Jurisdictional Determination: (Reference 33 CFR §328.3(a) and 329)

- ☒ (1) The waters are currently used, or were used in the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters that are subject to the ebb and flow of the tide.
- ☐ (i) Section 10 waters
- ☐ (ii) Other waters that are navigable (document navigability and use in Rationale, below)
- ☐ (2) The waters or wetlands are interstate waters including interstate wetlands¹
- ☐ (3) The waters or wetlands are other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could effect interstate commerce including any such waters:
- ☐ (i) which are or could be used by interstate or foreign travelers for recreational purposes.
- ☐ (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ (4) The waters or wetlands are impoundments of jurisdictional waters.
- ☐ (5) The waters are a tributary to a water identified in (1) - (4) above
- ☐ (6) The wetlands¹ are adjacent² to interstate or other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for Basis (applies to any boxes checked above). *If the jurisdictional water is not itself a Section 10 regulated water or water that is navigable, describe the surface connection to the downstream Section 10 water or water that is navigable. If (1) or (3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection:*

Lateral Extent of Jurisdiction (Reference 33 CFR §328 and 329):

- ☐ Ordinary High Water Mark indicated by:
- ☐ clear, natural line on the bank ☐ litter and debris ☐ shelving ☐ changes in soil
- ☐ destruction of terrestrial vegetation ☐ other: _____
- ☐ Wetland, as shown on the attached wetland delineation map and/or in a jurisdictional report prepared by: _____ (Attach data sheets representing each plant community type, etc.)
- ☐ Additional supporting information. (attach when appropriate) _____

Preparer: Ann R. Berlin Date: 4-13-04

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Exhibit H

APR 28 2004

REPLY TO THE ATTENTION OF:

B-19J

Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, NW, Suite 500
Washington, DC 20423-0001

Re: Docket No. AB-303, Sub. No. 26X, *Wisconsin Central Ltd. - Abandonment Exemption*

Dear Ms. Rutson:

In accordance with the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (U.S. EPA) has reviewed an Environmental/Historic Report (Report) from counsel for Wisconsin Central Ltd. (WCL). The Report addresses a petition for abandonment offered by WCL for approximately 0.48 miles of rail line along Lake Superior in Ashland, Wisconsin.

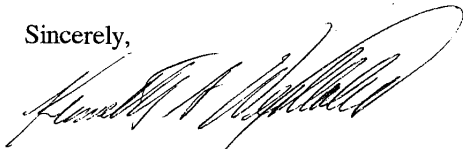
Although the U.S. EPA replied with no comments in May, 2003, upon receiving the Report we have the following comments concerning WCL's abandonment petition.

- The Ashland rail line traverses the Ashland/Northern States Power Lakefront Superfund site. Removal of rails and ties should not affect the areas of contamination; however, if ballast or culverts will be removed, site contamination may become an issue. Therefore, any excavation in the contaminated area should be coordinated with the appropriate on-site agency representative.
- Shoreline stabilization should be considered near the west end of the abandonment section. The bank is steep in this area, and the rail line is immediately adjacent to Lake Superior. This activity should be part of the abandonment procedure regardless of whether the ROW will be utilized for an alternative use.
- Retention of culverts increase the likelihood that the right-of-way (ROW) will be utilized for an alternative use. However, maintenance is an important issue. Ideally, culvert maintenance should be planned at least once per season to prevent blockage and damaging floods. Disposal of obstruction materials should take place away from the streambed, and the use of equipment in the streambed should be minimized and scheduled to coincide with periods of low or normal flow. Consideration of native flora to revegetate around culvert ends to prevent erosion should be addressed. In particular, provision of maintenance activities for culverts should be provided until the property is sold, at which time maintenance activities will be transferred to the new owner via specific real estate provisions.

- The proposed abandonment is within a coastal zone. The Report indicates that the Wisconsin Coastal Zone Management Program (Program) has not yet responded regarding the program status of Ashland trackage. We encourage consultation with the Program office to ensure the proposed abandonment will not adversely affect any land or water uses or result in any coastal impacts. We feel the Report is incomplete without the opinion of the Program office regarding this action.
- The Report indicates that there is nothing of historical note within the area of the proposed abandonment. We encourage confirmation with the Wisconsin State Historic Preservation Office (SHPO) that historical and/or archaeological artifacts will not be disturbed by the proposed abandonment and removal of track materials. Consultation should include the railroad itself which may be viewed as a historic feature of the area. The railroad could be memorialized through photographs prior to abandonment and removal. We feel the Report is incomplete without the SHPO's opinion regarding this action.
- The Wisconsin Department of Natural Resources (DNR) has indicated that endangered and threatened species may be located near the abandonment site. A complete endangered resources review should be requested from the Bureau of Endangered Resources in Madison to determine if such resources are located along the proposed route and how the abandonment might affect such species. We feel the Report is incomplete without the DNR's opinion.
- Per the July 3, 1984 Rebuttable Presumption Against Registration for three major wood preservatives under the Federal Insecticide, Fungicide, and Rodenticide Act, wood treated with creosote should be buried in a non-hazardous waste landfill unless otherwise required by the State of Wisconsin.
- Portions of the ROW which WCL owns or intends to sell for alternative use are recommended to be revegetated with native flora following removal of rails, ties, etc. Long-term benefits of this mitigation activity go beyond stormwater and soil protection to include development of habitat for wildlife, improved aesthetics, and decreased erosion.
- Removal and ultimate disposal of ballast and rails, if not recycled, should be conducted according to applicable environmental regulations.
- Storing and fueling of construction equipment should take place in upland areas, away from water bodies, floodplains or other sensitive habitat.
- Prevention and/or control of spills (i.e., fuels, lubricants or other pollutants) from construction equipment should be conducted according to applicable environmental regulations.

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

Sincerely,



Kenneth A. Westlake, Chief
Environmental Planning and Evaluation Branch

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