



STATE OF MICHIGAN

JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
LANSING

REBECCA A. HUMPHRIES
DIRECTOR

FILED FEE WAIVED

November 4, 2004

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Office of Proceedings

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Part of
Public Record



212 568

Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

Dear Mr. Williams:

SUBJECT: Lake Superior & Ishpeming Railroad Company Abandonment in Marquette County, Michigan, STB Docket No. AB-68 (Sub-No. 4X)

This request is filed on behalf of the Michigan Department of Natural Resources (DNR), which is a government agency interested in recreation and natural resources, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost 85.6 at Humboldt Junction and milepost 94.5 at Republic Mine.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is: The corridor would make an excellent recreational trail and provides an extension of a rail corridor already developed for trail use by proponent. The time period sought is 180 days from the effective date of the abandonment authorization. Proponent needs this much time to conduct appraisal and title review and begin negotiations with the carrier.
2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

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B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

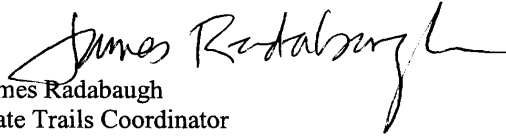
In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, the proponent is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by Lake Superior & Ishpeming Railroad Company.

The property, known as the Republic Subdivision, extends from railroad milepost 85.6 at Humboldt Junction to railroad milepost 94.5 at Republic Mine, a distance of 8.9 miles in Marquette County, Michigan. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-68 (Sub-No. 4X).

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

By my signature below, I certify service upon Lake Superior & Ishpeming Railroad Company, c/o Edward T. Lyons, Jr., Jones & Keller, P.C., World Trade Center, 1625 Broadway, 16th Floor, Denver, CO 80202, by U.S. Mail, postage pre-paid, first class, this 3rd day of November, 2004.

Respectfully submitted,



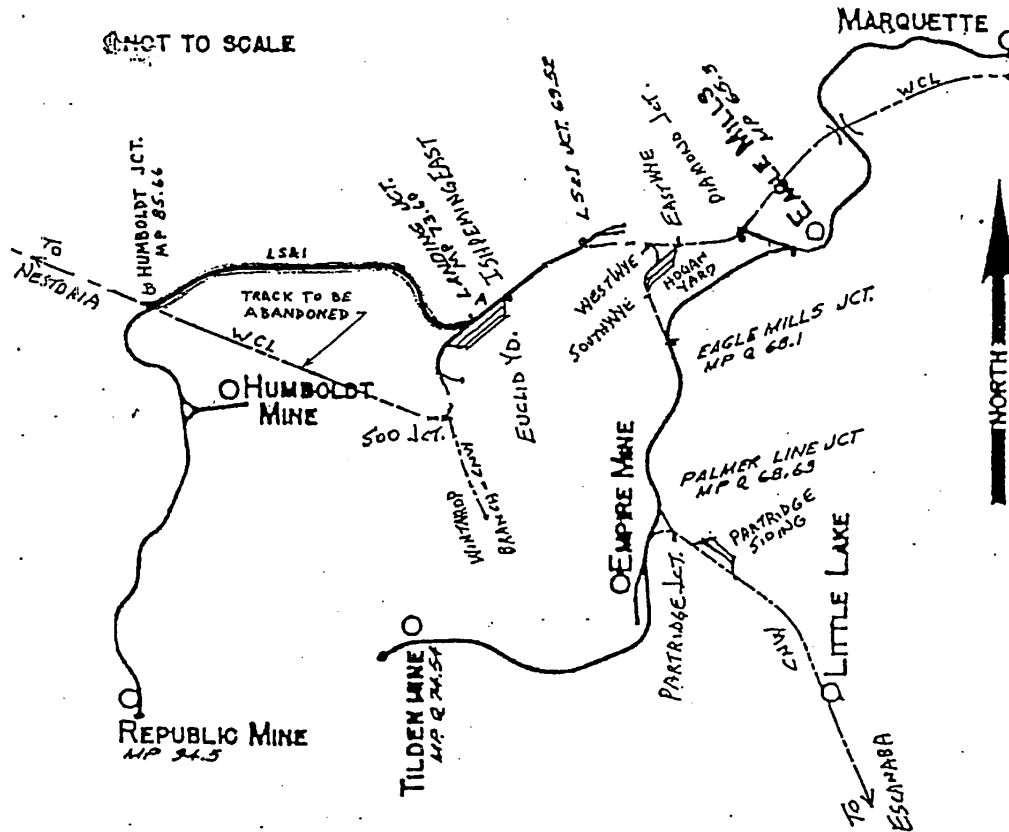
James Radabaugh
State Trails Coordinator
Recreation and Trails Section
Forest, Mineral and Fire Management
517-373-1276

On behalf of the Michigan Department
of Natural Resources

JR: kk
Attachment

cc: Mr. Edward T. Lyons, Jones & Keller, P.C.
Mr. Peter Ray, LS&I Railroad Company
Mr. Bernard Hubbard, MDNR
Mr. David Freed, MDNR

NOT TO SCALE



LEGEND

— LSAI RR
 - - - WCL

		WISCONSIN CENTRAL		Engineer. Departme
TRACK AGREEMENT WITH LSAI RR CO.				
				75
LANDING JCT. TO HUMBOLDT JCT., MICHIGAN				
EXHIBIT A	APR. 10, 1990	SCALE NONE	DRL	