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September 20, 2019

VIA ELECTRONIC FILING

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

ENTERED
Office of Proceedings
September 20, 2019
Part of
Public Record

Re: **Docket No. AB-1290X**
Wisconsin Rapids Railroad, L.L.C. – Discontinuance
of Service Exemption – In Wood County, Wisconsin

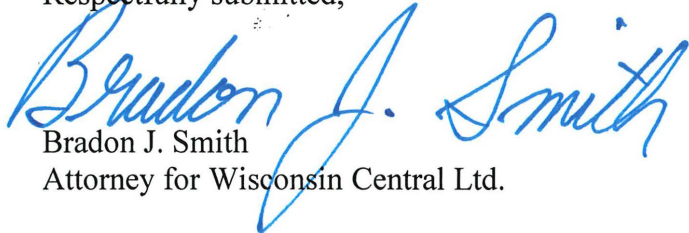
Docket No. AB-303 (Sub-No. 52X)
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Ms. Brown:

Attached for filing in the above-captioned proceeding is the **Joint Petition for Exemption of Wisconsin Rapids Railroad, L.L.C. and Wisconsin Central Ltd.**, dated September 20, 2019. The appropriate filing fees for the Petition have been tendered electronically via Pay.gov.

If you have any questions regarding this filing, please feel free to contact me.
Thank you for your assistance on this matter.

Respectfully submitted,


Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS:bs

Attachment

cc: Michael E. Gray, Esq.

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1290X

WISCONSIN RAPIDS RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WOOD COUNTY, WISCONSIN

DOCKET NO. AB-303 (SUB-NO. 52X)

WISCONSIN CENTRAL LTD.
– ABANDONMENT EXEMPTION –
IN WOOD COUNTY, WISCONSIN

**JOINT PETITION FOR EXEMPTION OF
WISCONSIN RAPIDS RAILROAD, L.L.C.
AND WISCONSIN CENTRAL LTD.**

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**ATTORNEYS FOR WISCONSIN
CENTRAL LTD.**

Dated: September 20, 2019

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-1290X

WISCONSIN RAPIDS RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WOOD COUNTY, WISCONSIN

DOCKET NO. AB-303 (SUB-NO. 52X)

WISCONSIN CENTRAL LTD.
– ABANDONMENT EXEMPTION –
IN WOOD COUNTY, WISCONSIN

**JOINT PETITION FOR EXEMPTION OF
WISCONSIN RAPIDS RAILROAD, L.L.C.
AND WISCONSIN CENTRAL LTD.**

Pursuant to 49 U.S.C. § 10502 and the regulations of the Surface Transportation Board (the “Board”) at 49 C.F.R. §§ 1121 and 1152.60, Wisconsin Rapids Railroad, L.L.C. (“WRR”) and Wisconsin Central Ltd. (“WCL”) (collectively, “the Railroads”) hereby petition the Board for an exemption from the prior approval requirements of 49 U.S.C. § 10903 permitting WRR to discontinue service over, and WCL to abandon, a line of railroad extending approximately 1.1 miles from MP 0.4 at Plover Road (State Highway 54) north to MP 1.5 at South Biron Drive in Biron, Wood County, Wisconsin (the “Biron Lead” or “the Line”). A map showing the location of the Biron Lead is attached to this Petition as Exhibit A. A draft *Federal Register* notice of this Petition in the form prescribed by 49 C.F.R. § 1152.60(c) is attached hereto as Exhibit B.

After discontinuance and abandonment, the rail and track materials on the Biron Lead will remain in place and will be transferred to ND Paper Inc. (“ND Paper”), which owns a

paper mill (“the Biron Mill”) that is the sole rail-served facility on the Line. The Biron Lead connects to the private track owned by ND Paper at South Biron Drive. The Biron Lead was recently the subject of a notice of exemption in *Wisconsin Rapids Railroad, L.L.C. – Lease and Operation Exemption – Line of Wisconsin Central Ltd.*, Docket No. FD 36339 (STB served Aug. 16, 2019) (“*WRR Lease*”), which contemplated the undertaking of this Petition. *WRR Lease* at 1, n.1. WRR began to operate the Biron Lead on September 1, 2019.

Upon consummation of discontinuance and abandonment and conveyance of the Biron Lead to ND Paper, WCL will continue to handle ND Paper traffic to Plover Road pursuant to rail transportation contract, and WRR (or an affiliate) will handle the traffic over the Biron Lead as a private contract switching carrier for ND Paper. The proposed discontinuance, abandonment and conveyance are being undertaken at the behest of ND Paper and pursuant to a settlement agreement of various matters between ND Paper and WCL, and will permit ND Paper to control and conduct switching, placement, and storage of rail cars on the newly-private Biron Lead. ND Paper has been integrally involved in and fully supports this filing. A statement of support from ND Paper is attached hereto as Exhibit C.

Aside from existing rail traffic to ND Paper, there is and has been no other rail traffic on the Biron Lead. There is no reasonable possibility for the development of other rail traffic as the stub-ended, 1.1-mile Biron Lead serves only ND Paper and there is no further trackage beyond the Biron Mill. *See Exhibit A.*

In accordance with 49 C.F.R. § 1150.60(d), a copy of this Petition has been served on the parties designated in 49 C.F.R. § 1152.50(d). As discussed further below, discontinuance and abandonment of the Biron Lead satisfies the exemption criteria of 49 U.S.C. § 10502, and this Petition should be granted.

I. IDENTIFICATION OF PETITIONERS

Petitioner WRR is a Class III common carrier by rail which operates the Biron Lead pursuant to lease from WCL. WRR is a wholly-owned subsidiary of Watco Holdings, Inc. *Watco Holdings, Inc. – Continuance in Control – Wisconsin Rapids Railroad, L.L.C.*, Docket No. FD 36340 (STB served Aug. 16, 2019).

The complete name and address of WRR is:

Wisconsin Rapids Railroad, L.L.C.
315 West 3rd Street
Pittsburg, Kansas 66762
(620) 231-2230

Petitioner WCL is a common carrier by rail which owns or operates approximately 2,400 route miles of rail line in the states of Illinois, Indiana, Michigan, Minnesota and Wisconsin. WCL is a wholly-owned indirect subsidiary of Canadian National Railway Company. *See Canadian National Ry. Co. – Control – Wisconsin Central Transp. Corp.*, 5 S.T.B. 890 (2001).

The complete name and address of WCL is:

Wisconsin Central Ltd.
17641 South Ashland Avenue
Homewood, Illinois 60430
(708) 332-4381

II. DESCRIPTION OF LINE TO BE ABANDONED

The Biron Lead begins at MP 0.4 at Plover Road (State Highway 54) and extends north to MP 1.5 at South Biron Drive in Biron, Wood County, Wisconsin. From the south end of the Biron Lead at Plover Road, WCL track extends south a short distance to a connection with WCL's Plover Subdivision mainline at Coyne, just northeast of Wisconsin Rapids. At the north end of the Biron Lead at South Biron Drive, the Biron Lead connects with private industry track of ND Paper's Biron Mill, the only rail-served facility on the Biron Lead.

The Biron Lead and WCL's other rail lines in the area were acquired by a WCL predecessor in 1993. *See generally Fox Valley & Western Ltd. – Exempt., Acq. and Oper.*, 9 I.C.C.2d 209 (1992) and 9 I.C.C.2d 272 (1993), *aff'd sub nom. Fox Valley & Western Ltd. v. ICC*, 15 F.3d 641 (7th Cir. 1994); *Wisconsin Central Transportation Corporation, Wisconsin Central Ltd. and Fox Valley & Western Ltd. – Intracorporate Family Transaction Exemption*, Docket No. FD 34296 (STB served Jan. 22, 2003).

WRR has leased and operated the Biron Lead since September 1, 2019, in anticipation of the discontinuance and abandonment proposed in this Petition and the conversion of the Biron Lead to private industry track owned by ND Paper and operated by WRR pursuant to a private switching contract with ND Paper. *WRR Lease*.

The right-of-way of the Biron Lead is 75 feet wide along the southerly quarter-mile of the line, and 50 feet wide along the remainder. Pursuant to 49 C.F.R. § 1152.60(d) and based on information in its possession, WCL states that the Biron Lead does not contain any federally-granted rights of way. Any relevant documentation on this subject in WCL's possession will be made available promptly to those requesting it. The Biron Lead traverses United States Postal Service ZIP Code 54494.

III. JURISDICTION AND STATUTORY STANDARDS

The Board has jurisdiction over the Railroads' respective discontinuance and abandonment of the Biron Lead pursuant to 49 U.S.C. § 10903. Generally, a common carrier by rail must obtain authority from the Board under Section 10903 before discontinuing service or abandoning a line of railroad. However, 49 U.S.C. § 10502 requires the Board to exempt a person, transaction or service from the statutory and regulatory requirements otherwise applicable to a rail carrier when the Board determines that: (1) application of those requirements

is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either (a) the transaction is of limited scope or (b) regulation is not needed to protect shippers from an abuse of market power. 49 U.S.C. § 10502.

IV. CRITERIA OF 49 U.S.C. § 10502

1. Detailed Scrutiny under 49 U.S.C. § 10903 Is Not Necessary to Carry Out the Rail Transportation Policy of 49 U.S.C. § 10101

Granting the Railroads an exemption to discontinue service on and abandon the Biron Lead is consistent with the goals articulated in the national Rail Transportation Policy, 49 U.S.C. § 10101. No rail customer will lose rail service as a result of the proposed discontinuance and abandonment. Instead, as explained above, ND Paper will be able to expand its private track ownership and operations to include the Biron Lead, and will gain desired control and flexibility over switching, placement, and storage of railcars at the Biron Mill. WCL line-haul service for ND Paper traffic will remain unchanged, and the common carrier switching operations now conducted by WRR will continue as private switching provided under contract with ND Paper.

The transaction will thus promote the development of an economically sound and efficient transportation system by permitting ND Paper to own, control and utilize the Biron Lead for its own rail activities. 49 U.S.C. §§ 10101(3), (4), (5) and (9). Both the intention and effect of the proposed action are to facilitate the continuation of rail service to the sole customer on the Biron Lead, thus satisfying the Board's criterion for WRR's initial lease exemption and this ensuing discontinuance and abandonment. *WRR Lease* at 1, n.1 ("Acquisitions of active rail lines under 49 U.S.C. § 10901 are supposed to be for continued rail use."). Unlike the *Almono* case cited by the Board in *WRR Lease*, the interest of all of the relevant parties here (ND Paper, WCL and WRR) has always been in continued rail operations on the Biron Lead rather than

solely the underlying real estate. *Compare Almono LP – Acquisition and Operation Exemption – Line of Monongahela Connecting Railroad Company*, Docket No. FD 34250 (STB served Oct. 2, 2002) at 1, n.2.

The Board has previously exempted abandonments in similar circumstances. *E.g., Wisconsin Central Ltd. – Abandonment Exemption – In Winnebago County, Wis.*, Docket No. AB-303 (Sub-No. 41X) (STB served Nov. 20, 2013) (abandonment to allow track conveyance to line’s sole customer). To be sure, the Board requires that the interests of customers will be adequately protected under any proposed substitute arrangement. *Compare Union Pacific Railroad Company – Abandonment Exemption – In Pottawattamie County, IA*, Docket No. AB-33 (Sub-No. 274X) (STB served Dec. 12, 2008) (“*Red Giant I*”) (abandonment denied in absence of evidence of discussions or agreement with customers on future service arrangements) *with Union Pacific Railroad Company – Abandonment Exemption – In Pottawattamie County, IA*, Docket No. AB-33 (Sub-No. 330X) (STB served Jan. 20, 2012) (“*Red Giant II*”) (same abandonment subsequently approved under revised arrangement where first customer would acquire line and second customer would acquire permanent access easement); *see Energy Solutions, LLC, dba Heritage Railroad Corporation – Abandonment Exemption – In Anderson and Roane Counties, Tenn.*, Docket No. AB-1128X (STB served Oct. 13, 2015) (“*Energy Solutions*”) (denying abandonment on line with multiple customers and lack of mitigating “protective measures” such as were present in *Red Giant II*). Here, ND Paper – the sole customer on the Biron Lead – will acquire and control the trackage after discontinuance and abandonment, and has explicitly endorsed (and, indeed, sought) the approach that the Railroads have followed. ND Paper’s interests are wholly protected in this matter.

The rail transportation policy also provides that the Board should minimize the need for federal regulatory control over the rail transportation system, expedite regulatory decisions and reduce barriers to exit. 49 U.S.C. §§ 10101(2), (7), and (15). The statutory exemption procedure of Section 10502 obviates the need for the expensive and time-consuming processes attendant to a proceeding under Section 10903, including the costs of preparing an application. Reliance on the adequate and expeditious exemption procedure herein would minimize Board regulation of this transaction and reduce the regulatory burden on the Railroads. None of the other rail transportation policy criteria will be adversely affected.

2. (a) The Transaction Is of Limited Scope

The transaction for which exemption is sought consists solely of the discontinuance and abandonment of a stub-ended spur track extending only 1.1 miles and serving a single customer which desires to acquire the trackage for private operation and fully supports the proposed action. There is no reasonable prospect of other future rail traffic, as there is no further trackage beyond ND Paper's Biron Mill, which abuts the Wisconsin River. The proposed discontinuance and abandonment clearly are of limited scope.

(b) Regulation Is Not Necessary To Protect Shippers from an Abuse of Market Power

Since this transaction is of limited scope, the Railroads do not need to demonstrate that regulation is unnecessary to protect shippers from abuse of market power. 49 U.S.C. § 10502(a)(2). Even so, it is clear that this transaction will not and cannot possibly subject customers to any market power abuse. Consistent with Board precedent, transfer of the Biron Lead to the ownership and control of the willing sole customer on the line results in no abuse – or potential of abuse – of market power. *See HC Railroad, LLC – Abandonment Exemption – In Rush County, Ind.*, Docket No. AB-1250 (Sub-No. 1X) (STB served Jun. 20,

2017) (“*Honey Creek*”) at 3 (“We also find that regulation of the proposed transaction is not necessary to protect shippers from the abuse of market power. As discussed earlier, the only shipper on the Line does not object to HC Railroad’s petition.” (footnote omitted)). As noted, ND Paper supports the proposed discontinuance and abandonment. After abandonment, WCL’s connecting line extending from the Plover Subdivision to what will now be ND Paper’s private trackage at Plover Road will remain regulated track; ND Paper will itself control all rail operations beyond that point. *Cf. Energy Solutions* at 3 (“ES could end service on the Line at any time without Board authorization, and these shippers would lose their regulatory remedies for service failures or inadequacies.”).

V. LEVEL OF LABOR PROTECTION TO BE IMPOSED

The appropriate level of employee protection to be imposed on this discontinuance and abandonment is that established in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979). WRR does not anticipate any adverse impact on employment levels as a result of the proposed abandonment and discontinuance. The Biron Mill will remain a rail-served facility and WRR (or an affiliate) will continue its current operations in substantially similar fashion as a contract switcher for ND Paper.

Under the unique circumstances of this matter, WCL does not contest that the short-term lease of the Biron Lead to WRR was undertaken “in anticipation of” WCL’s proposed abandonment of the Biron Lead for purposes of Article I, Section 10 of the *Oregon Short Line* conditions. 360 I.C.C. at 101; see *The Baltimore and Ohio Railroad Company – Exemption – Abandonment in Harrison, Doddridge, Ritchie and Wood Counties, WV*, Docket No. FD 31566 (Sub-No. 1) (ICC served Jan. 13, 1995), *aff’d sub nom. CSX Transp., Inc. v. STB*, 75 F.3d 696 (D.C. Cir. 1996).

VI. OFFERS OF FINANCIAL ASSISTANCE

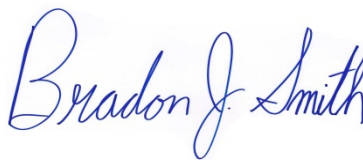
The Railroads do not seek exemptions from the offer of financial assistance (“OFA”) procedures of 49 U.S.C. § 10904. Nevertheless, given the lack of need for the Biron Lead by any customer other than ND Paper, any person seeking to file an OFA must provide evidence that there is some customer (other than ND Paper) in need of common carrier service. *Honey Creek* at 3; *Red Giant II* at 4.

VI. ENVIRONMENTAL REPORT

In accordance with the requirements of 49 C.F.R. §§ 1105.7(a), 1105.8(a) and 1121.3(b), an Environmental/Historic Report is attached as Exhibit D to this Petition. Notice was published in accordance with 49 C.F.R. § 1105.12; certification thereof is attached as Exhibit E.

WHEREFORE, the Railroads respectfully request that the Board exempt from the prior approval requirements of 49 U.S.C. § 10903 WRR’s discontinuance of service on and WCL’s abandonment of the Biron Lead extending from MP 0.4 at Plover Road (State Highway 54) north to MP 1.5 at South Biron Drive in Biron, Wood County, Wisconsin.

Respectfully submitted,



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(620) 231-2230

**ATTORNEY FOR WISCONSIN
RAPIDS RAILROAD, L.L.C.**

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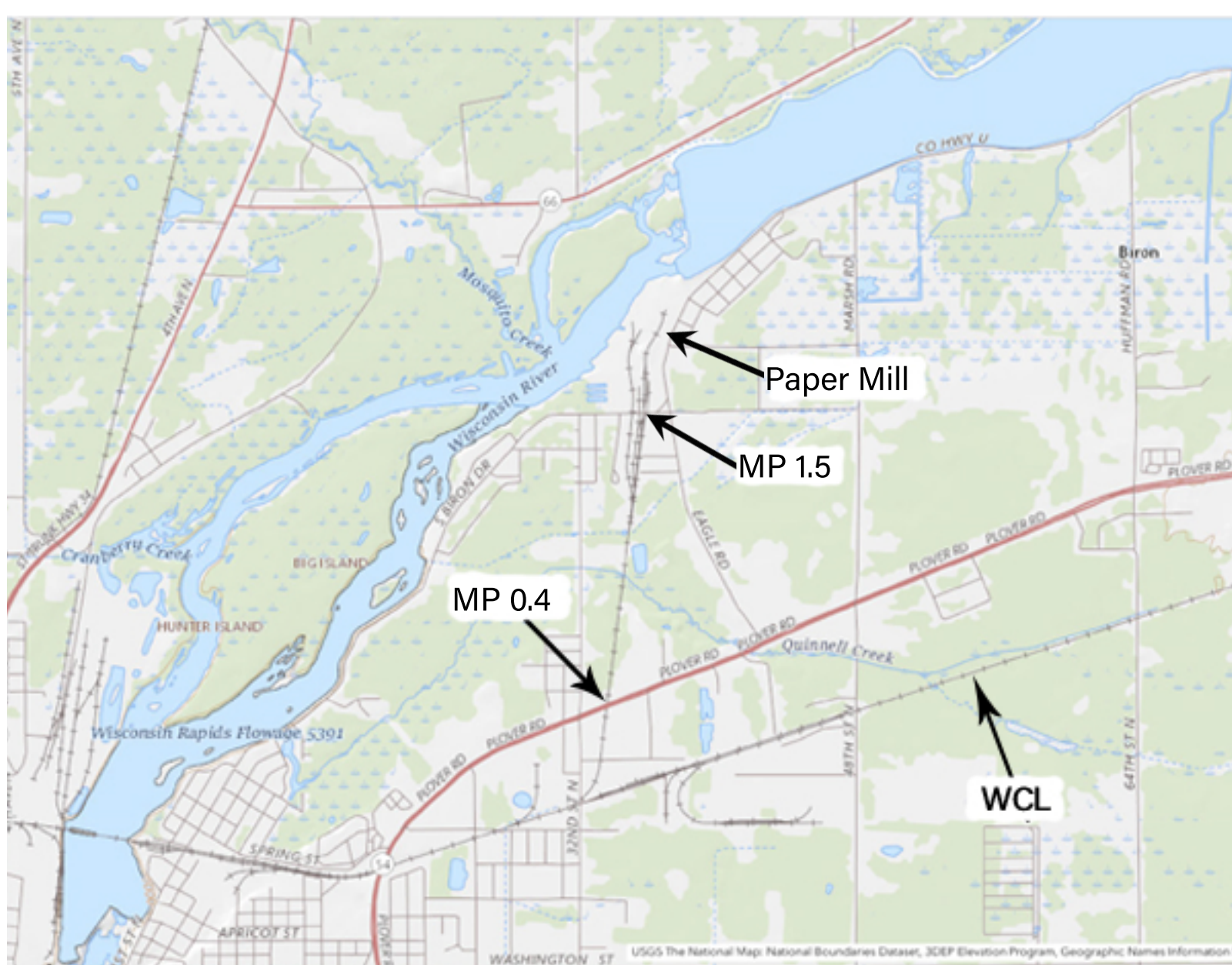
**ATTORNEYS FOR WISCONSIN
CENTRAL LTD.**

Dated: September 20, 2019

Docket No. AB-1290X Wisconsin
Rapids Railroad, L.L.C.

Docket No. AB-303 (Sub-No. 52X)
Wisconsin Central Ltd.

Biron, Wisconsin



Federal Register Notice

DOCKET NO. AB-1290X

WISCONSIN RAPIDS RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WOOD COUNTY, WISCONSIN

DOCKET NO. AB-303 (SUB-NO. 52X)

WISCONSIN CENTRAL LTD.
– ABANDONMENT EXEMPTION –
IN WOOD COUNTY, WISCONSIN

Notice of Petition for Exemption to Abandon and Discontinue Service

On September 20, 2019, Wisconsin Rapids Railroad, L.L.C. (WRR) and Wisconsin Central Ltd. (WCL) filed with the Surface Transportation Board, Washington, DC 20423, a petition for exemption for WRR to discontinue service on, and for WCL to abandon, a line of railroad known as the Biron Lead extending from MP 0.4 at Plover Road (State Highway 54) north to MP 1.5 at South Biron Drive in Biron, Wood County, Wisconsin, a distance of approximately 1.1 miles. The Biron Lead traverses United States Postal Service ZIP Code 54494.

After discontinuance and abandonment, the rail and track materials on the Biron Lead will remain in place and will be conveyed to ND Paper Inc., the sole shipper on the line, which will retain the Biron Lead as private industry track and utilize WRR (or an affiliate) as a private contract switcher to support operations at ND Paper's Biron, Wisconsin paper mill. ND Paper supports the proposed discontinuance and abandonment.

The line does not contain federally granted rights-of-way. Any documentation in WCL's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions specified in *Oregon Short Line R. Co. – Abandonment – Goshen*, 360 I.C.C. 91 (1979).

Any offer of financial assistance (OFA) will be due no later than 10 days after service of a decision granting the petition for exemption. Any person seeking to file an OFA must provide evidence that there is a shipper (other than ND Paper) in need of common carrier service.

Given post-abandonment plans to convey the Biron Lead to ND Paper for continued use as private industry track, WCL does not believe that the line is suitable for other public use. Any request for a public use condition will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*. Requests for interim trail use/rail banking will not be entertained.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis.

Any environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Office of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.



September 6, 2019

Cynthia T. Brown, Chief
Section of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

Dear Ms. Brown:

Re: Docket No. AB-303 (Sub-No. 52X)

ND Paper Inc. (ND Paper) respectfully requests that the Surface Transportation Board approve Wisconsin Central Ltd.'s (WCL's) petition for exemption for the abandonment of a short segment of a line of railroad in order to preserve and facilitate railroad service to and from ND Paper's mill in Biron, Wisconsin (Biron Mill).

ND Paper acquired the historic Biron Mill in June 2018, preserving 350 jobs. ND Paper has announced plans to invest \$189 million in the Biron Mill to enable it to expand operations and engage in new lines of business. These enhancements will add 27 additional jobs at the Mill.

The Biron Mill depends on cost-effective rail service to meet its business needs and serve its customers. The Mill is located on the "Biron Lead," a stub ended track that terminates at the Mill. The Biron Lead serves no other customers, and connects the Mill to WCL's nearby mainline. In order to facilitate rail service to the Biron Mill, ND Paper has arranged for the purchase of just over a mile of the Biron Lead and right of way leading to the Mill, along with additional connected property. This portion of the Biron Lead is the subject of WCL's abandonment exemption petition. ND Paper requires this portion of the Biron Lead in order to store and privately switch its railcars, improve transportation efficiencies and lower operating costs, and enhance the competitiveness of the Mill.

WCL and ND Paper have agreed that the preferred method for realizing these efficiencies is for WCL to petition the Surface Transportation Board to abandon this line before transferring track and property ownership to ND Paper. *See, e.g., Wis. Cent. Ltd. – Abandonment Exemption – in Winnebago Cnty., Wis., AB 303 (Sub-No. 41X) (STB served Nov. 20, 2013) (abandonment to allow track conveyance to line's sole shipper)*

Granting WCL's petition will further the statutory purpose because the Biron Mill will remain rail-served after line abandonment, and ND Paper's acquisition and operation of the private line following abandonment will preserve, protect, and enhance cost-effective rail service to the Mill. Conversely, denial of WCL's petition, in this instance, will impede ND Paper's plan to acquire and operate this segment of track privately, and jeopardize ND Paper's ability to improve service efficiencies and meet its transportation service requirements.

For these reasons, ND Paper strongly supports WCL's petition to abandon so that it can fully proceed with its expansion plans for the Mill and meet its transportation service requirements. ND Paper likewise supports the concurrent and related request by Wisconsin Rapids Railroad, LLC ("WRR") to discontinue its lease operations over this portion of the Biron Lead. WRR undertook that lease at ND Paper's behest, and will serve as ND Paper's contract operator on the private trackage once acquired from WCL after abandonment.

On behalf of ND Paper, we greatly appreciate the Board's attention to this matter, and would be pleased to provide any further information that you may require.

Sincerely,

A handwritten signature in black ink that reads "David Falk". The signature is written in a cursive, flowing style.

David Falk

Vice President & General Manager, Biron Mill

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB-303 (SUB-NO. 52X)

WISCONSIN CENTRAL LTD.
– ABANDONMENT EXEMPTION –
IN WOOD COUNTY, WISCONSIN

ENVIRONMENTAL/HISTORIC REPORT

Wisconsin Central Ltd. (“WCL”) submits this Environmental/Historic Report in compliance with the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. Supporting correspondence and certifications are appended. As described in this Report, the proposed abandonment action will not significantly impact the quality of the human environment or affect the conservation of energy resources.¹

ENVIRONMENTAL REPORT - 49 C.F.R. § 1105.7(e)

1. Proposed Action and Alternatives. WCL seeks to abandon its approximately 1.1-mile line of railroad extending from MP 0.4 at Plover Road (State Highway 54) north to MP 1.5 at South Biron Drive in Biron, Wood County, Wisconsin (the “Biron Lead”). From the south end of the Biron Lead at Plover Road, WCL track extends south a short distance to a connection with WCL’s Plover Subdivision mainline at Coyne. At South Biron Drive the Biron Lead connects with private industry track of ND Paper Inc. (“ND Paper”), the sole shipper on the Biron Lead.

Upon abandonment, WCL will convey the Biron Lead to ND Paper, which will retain the trackage as private industry track over which rail operations for ND Paper will be

¹ See generally 49 C.F.R. § 1105.5(a) (incorporating “significant” standard of 40 C.F.R. § 1508.27).

provided by an ND Paper contract switcher. No salvage or removal of the Biron Lead trackage is proposed. WCL will continue to provide rail service to ND Paper over the Plover Subdivision and WCL's remaining line between Coyne and Plover Road.

Concurrently with WCL's abandonment of the Biron Lead, Wisconsin Rapids Railroad, L.L.C. ("WRR") will seek to discontinue its regulated operation of the Biron Lead pursuant to lease.² After abandonment and conveyance of the Biron Lead to ND Paper as private industry track, WRR will act as ND Paper's contract switcher on the track.

No alternatives to the proposed abandonment appear reasonable or desirable, particularly given that the Biron Lead trackage will continue to be used for rail operations by and for the benefit of ND Paper. The only alternative is retention of the Biron Lead in its current regulated state, which would have no environmental impact but would not satisfy ND Paper's objectives in acquiring and operating the Biron Lead as private industry track to support the operation of its Biron mill.

A map showing the Biron Lead is attached hereto as Appendix A.

2. Transportation System. WCL does not anticipate that existing regional or local transportation systems or patterns will be significantly affected by the proposed abandonment. There will be no diversion of rail traffic to other transportation systems given the continued operation of the Biron Lead as private industry track serving ND Paper. WCL has requested input from Wood County, the North Central Wisconsin Rural Planning Commission ("NCWRPC") and the Wisconsin Department of Transportation. Appendices B, C and D. No

² WRR's discontinuance request will be filed as Docket No. AB-1290X, *Wisconsin Rapids Railroad, L.L.C. – Discontinuance of Service Exemption – In Wood County, WI*. WRR's lease of the Biron Lead is the subject of a notice of exemption filed in Docket No. FD 36339, *Wisconsin Rapids Railroad, L.L.C. – Lease and Operation Exemption – Wisconsin Central Ltd.*

replies have been received to date. NOAA/National Geodetic Survey also has been contacted but has not responded. Appendix E.

3. Land Use.

(i) WCL does not foresee any inconsistency with regional and/or local land use plans absent further comment from NCWRPC and given the continued use of the Biron Lead as private trackage for rail operations supporting ND Paper's Biron mill.

(ii) WCL is unaware of prime agricultural farmland in the vicinity of the Biron Lead. The Natural Resource Conservation Service ("NRCS") has been contacted. Appendix F. WCL has received no comments from NRCS to date.

(iii) The Biron Lead does not appear to be within a designated Coastal Zone Management Area and, accordingly, the proposed abandonment will not affect any land or water uses in such an area or result in any coastal impacts; WCL notified the Wisconsin Coastal Management Program within the Wisconsin Department of Administration to confirm. Appendix G. No comment has been received.

(iv) WCL is not aware of any alternative public use under 49 U.S.C. § 10905 for which the right-of-way of the Biron Lead would be suitable – nor is such an alternative public use available, given the planned continued use of the Biron Lead trackage as private industry track by ND Paper.

4. Energy.

(i) The proposed abandonment will not have any effect on the transportation of energy resources, given the intention for rail operations on the Biron Lead trackage and rail service to ND Paper to continue.

(ii) The movement and/or recovery of recyclable commodities will not be adversely affected by this abandonment, given the intention for rail operations on the Biron Lead trackage and rail service to ND Paper to continue.

(iii) The abandonment will not result in an increase or decrease in overall energy efficiency, as significant changes in the nature of rail operations serving ND Paper's paper mill facility at Biron are not contemplated.

(iv) Not applicable. The abandonment of the Biron Lead and subsequent conveyance of the Biron Lead trackage to ND Paper as private industry track will not cause the diversion of more than 1,000 rail carloads per year or an average of 50 rail carloads per mile.

5. Air.

(i) Not applicable. Abandonment will not result in (A) a minimum increase in rail traffic of 100% or eight trains per day on any segment of rail line; (B) an increase in rail yard activity of at least 100%; or (C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles per day on any road segment. Rail traffic to ND Paper's Biron mill will continue, and will simply be handled on the former Biron Lead trackage by an ND Paper contract switcher rather than a regulated rail carrier.

(ii) Not applicable. WCL does not believe that the Biron Lead is within a Nonattainment Area under the Clean Air Act. In any event, the abandonment of the Biron Lead will not result in traffic increases which exceed the thresholds specified in 49 C.F.R. § 1105.7(e)(5)(ii)(A), (B) or (C).

(iii) Not applicable. To WCL's knowledge no ozone depleting materials are transported over the Biron Lead, and no such shipments would be diverted as a result of this abandonment.

WCL has contacted and requested comments from the U.S. Environmental Protection Agency Region 5 and Wisconsin Department of Natural Resources ("WDNR"). Appendices H and I. WDNR has indicated that it has no comment on the proposed abandonment. Appendix I-1.

6. Noise. Not applicable. As indicated above, none of the thresholds identified in 49 C.F.R. § 1105.7(e)(5)(i) will be exceeded as a result of the abandonment.

7. Safety.

(i) The proposed action will have no adverse effect upon public health or safety. An existing rail-highway grade crossing at South Biron Road equipped with crossbucks (FRA #281613C) will remain in place after abandonment and will be maintained by ND Paper or its contract switcher. WCL will retain responsibility for the rail-highway grade crossing at Plover Road/State Highway 54 (FRA #281612V) and its cantilevered flashing warning lights.

(ii) Not applicable. Rail service to ND Paper, the sole shipper on the Biron Lead, will continue after abandonment, and thus the proposed action will have no effect on the transportation of hazardous materials.

(iii) There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way of the Biron Lead.

8. Biological Resources.

(i) No critical habitat will be destroyed, altered or affected as a result of the proposed abandonment, and WCL does not believe that any endangered or threatened species are present in the area or would be adversely affected. No track removal or salvage will be undertaken in connection with the proposed abandonment. WCL has requested comments from WDNR and the U.S. Fish and Wildlife Service. Appendices I and J, respectively. WDNR has indicated that it has no comment on the proposed abandonment. Appendix I-1.

(ii) WCL is not aware of any national or state parks, or forests, wildlife sanctuaries, or refuges that are adjacent to or in the vicinity of the Biron Lead. WCL has contacted and requested comments from the National Park Service, as set forth in Appendix K. No response has been received to date. WDNR has indicated that it has no comment on the proposed abandonment. Appendix I-1.

9. Water.

(i) WCL believes that the proposed abandonment of the Biron Lead is consistent with applicable federal, state and local water quality standards. No track will be removed or salvaged in connection with the abandonment, and rail operations will continue with the Biron Lead converted to private industry track after abandonment. The U.S. Environmental Protection Agency Region 5 and WDNR have been contacted. Appendices H and I. WDNR has indicated that it has no comment on the proposed abandonment. Appendix I-1.

(ii) The proposed abandonment does not involve the placement of dredged or fill materials into waters of the United States, and thus a permit under Section 404 of the Clean Water Act is not required. WCL is unaware of any designated wetlands or 100-year

flood plains that would be affected by the proposed abandonment. The U.S. Army Corps of Engineers has been contacted but has not responded. Appendix L.

(iii) WCL does not anticipate the discharge of any pollutants in relation to the proposed abandonment. Additionally, no material will be disposed of into waterways as part of the abandonment, given the contemplated continued use of the Biron Lead as private industry trackage by ND Paper. Accordingly, WCL concludes that no permits under Section 402 of the Clean Water Act are required.

* * * * *

HISTORIC REPORT - 49 C.F.R. § 1105.8(d)

1. Map. A map of the Biron Lead is attached hereto as Appendix A.
2. Description of Line. The Biron Lead extends in a generally north-south orientation from MP 0.4 at Plover Road (State Highway 54) to ND Paper's Biron Mill at MP 1.5 at South Biron Drive in Biron, Wisconsin. It is single-track for most of its length, but includes a 1,950-foot passing track at the north end. The right-of-way is 75 feet wide along the southerly quarter-mile of the line, and 50 feet wide along the remainder. The surrounding area is generally flat and lies just northeast of the city of Wisconsin Rapids. Adjacent land uses are commercial toward the south end of the line along Plover Road, becoming more wooded with some residential use as the line extends north before entering the industrialized area of ND Paper's Biron Mill at the north end.

There are no structures or buildings of any kind located on the Biron Lead. The Biron Lead will continue in use as a private industrial track owned by ND Paper after abandonment.

3. Photographs. Not applicable. There are no structures or buildings of any kind located on the Biron Lead.

4. Information on Structures. Not applicable. There are no structures or buildings of any kind located on the Biron Lead.

5. History of Operations. The Biron Lead was constructed in 1895 by the Green Bay, Winona, & St. Paul Railroad Company. It was acquired from creditors of that company in 1896 by the Green Bay & Western Railroad Company (“GBW”). *See Green B. & W. R. Co.*, 114 I.C.C. 61, 64, 95 (1926).³ In 1993, the Biron Lead and the remainder of GBW’s rail lines were acquired by Fox Valley & Western Ltd. (“FVW”), a WCL affiliate. *Fox Valley & Western Ltd. – Exemption Acquisition and Operation – Certain Lines of Green Bay & Western Railroad Company, Fox River Valley Railroad Corporation, and The Ahnapee & Western Railroad Company*, Docket No. FD 32035 (ICC served May 22, 1992); *Fox Valley & Western Ltd. – Exempt., Acq. and Oper.*, 9 I.C.C.2d 209 (1992) and 9 I.C.C.2d 272 (1993), *aff’d sub nom. Fox Valley & Western Ltd. v. ICC*, 15 F.3d 641 (7th Cir. 1994). FVW was merged into WCL in 2002. *Wisconsin Central Transportation Corporation, Wisconsin Central Ltd. and Fox Valley & Western Ltd. – Intracorporate Family Transaction Exemption*, Docket No. FD 34296 (STB served Jan. 22, 2003). Since 2001, WCL has been a wholly-owned, indirect subsidiary of Canadian National Railway Company. *See Canadian National Ry. Co. -- Control -- Wisconsin Central Transp. Corp.*, 5 S.T.B. 890 (2001).

WCL has utilized the Biron Lead to provide rail service to ND Paper’s Biron Mill, the only shipper on the line. WRR recently filed a notice of exemption in Docket No. FD

³ This Valuation Report references “Grand Rapids, Wisconsin,” a municipality that became “Wisconsin Rapids” in 1920. *See gen. Origin of Wisconsin Rapids, Wisconsin*, DICTIONARY OF WISCONSIN HISTORY, <https://www.wisconsinhistory.org/Records/Article/CS15389> (last visited Aug. 6, 2019).

36339, *supra* note 2, that will permit WRR to provide rail service on the Biron Lead to ND Paper during the pendency of the instant abandonment proceeding. Upon abandonment of and discontinuance of service on the Biron Lead by, respectively, WCL and WRR, the Biron Lead will be conveyed to ND Paper as private industry track to support operations at ND Paper's Biron mill.

6. Engineering Documents. Not applicable. There are no structures or buildings of any kind located on the Biron Lead.

7. Historic Criteria. Based on readily available information in its possession, WCL does not believe that any site or structure listed in or meeting the criteria for listing in the *National Register of Historic Places* is located on the Biron Lead or will be affected by the abandonment. As noted, there are no structures of any kind on the Biron Lead. WCL also believes that no culturally significant locations, archaeological sites or unique land forms will be affected by the abandonment.

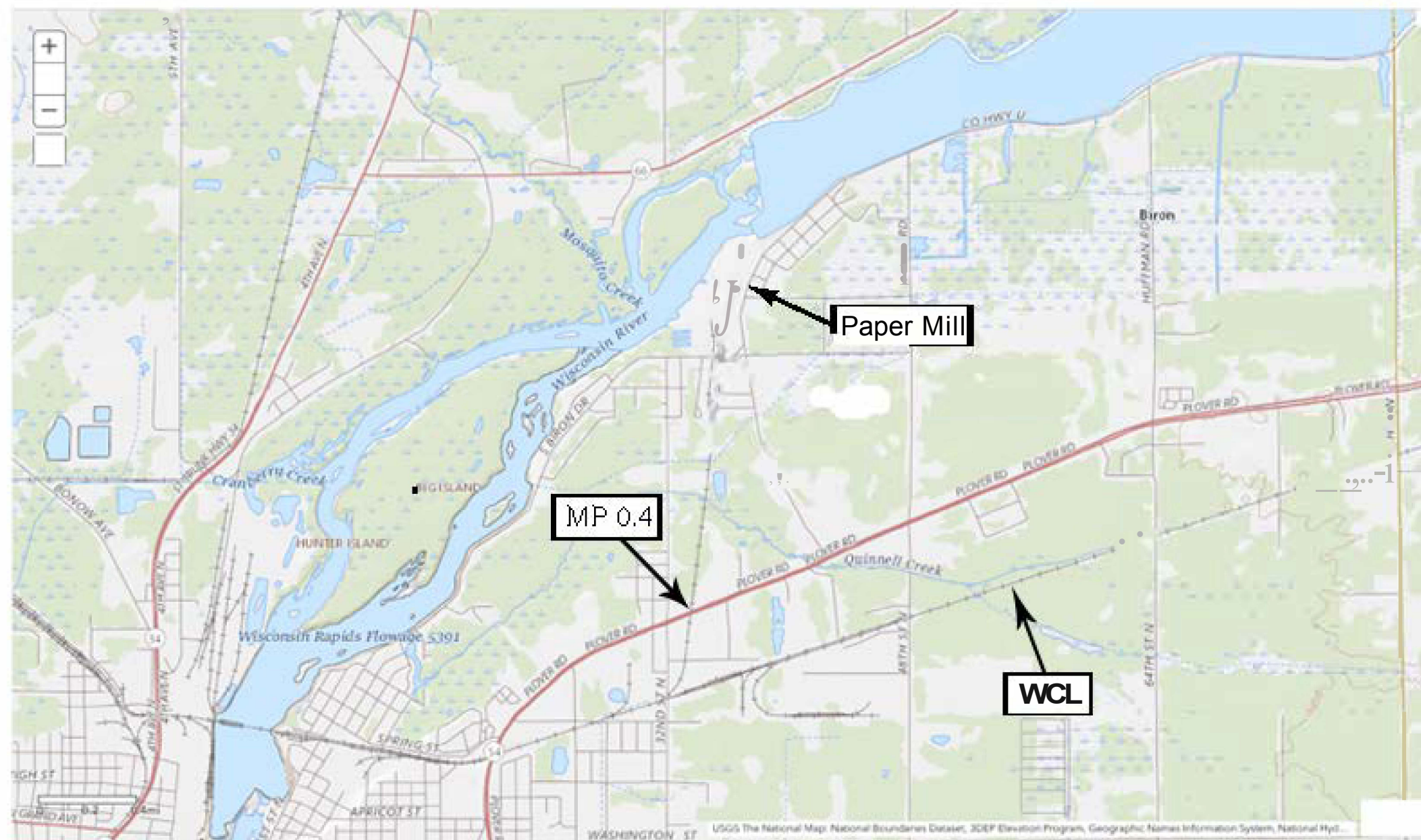
WCL has contacted and given notice of the proposed abandonment to the Wisconsin Historical Commission, acting as the State Historic Preservation Officer ("SHPO"). Appendix M. A complete copy of the Historical Society's response to both the solicitation letter and the Environmental/Historic Report itself is attached hereto as Appendix M-1.⁴

8. Ground Disturbances. Based on readily available information in its possession, WCL believes that subsurface ground disturbance occurred when the Biron Lead was constructed more than 120 years ago. WCL is unaware of other environmental conditions that

⁴ This sentence and Appendix M-1 were not included in the draft Environmental/Historic Report circulated for consultation pursuant to 49 C.F.R. § 1105.7(c) due to the receipt of the subject correspondence after circulation of the Report.

might affect the archaeological recovery of resources. Access to the Biron Lead is generally good.

Docket No. AB-303 (Sub - No. 52X) **Wisconsin Central Ltd. - Proposed Abandonment -** **In Wood County, Wisconsin**



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bsmith@fletcher-sippel.com

July 15, 2019

Wood County Board of Supervisors
400 Market St.
PO Box 8095
Wisconsin Rapids, WI 54495-8095

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Sir/Madam:

Wisconsin Central Ltd. (“WCL”) intends to file on or after August 26, 2019 a Petition for Exemption (“Petition”) with the Surface Transportation Board (“STB”) pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to abandon approximately 1.1 miles of railroad line in Biron, Wisconsin extending between MP 0.4 at Plover Road and MP 1.5 at Biron Drive (the “Biron Spur”). A map depicting the location of the Biron Spur is enclosed for your reference.

Upon abandonment, the Biron Spur will be conveyed to ND Paper Inc. (“ND”), the sole shipper on the line, which will retain the trackage for continued use in providing rail service to ND’s paper mill facility in Biron. No salvage of rail or other track materials is anticipated.

In accordance with the STB’s environmental regulations, 49 C.F.R. § 1105, WCL is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

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6. Designated wetlands and 100-year old flood plains;
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8. Wildlife sanctuaries or refuges and national or state parks or forests;
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Wood County Board of Supervisors

July 15, 2019

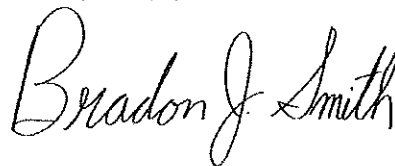
Page 2

10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-303 (Sub-No. 52X) and be sent to the undersigned, as counsel for WCL.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before the Petition is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,



Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

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July 15, 2019

North Central Wisconsin Rural Planning Commission
210 McClellan Street
Suite 210
Wausau, WI 54403

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

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North Central Wisconsin Rural Planning Commission
July 15, 2019
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July 15, 2019

Wisconsin Department of Transportation
Hill Farms State Transportation Bldg.
4802 Sheboygan Avenue
P.O. Box 7910
Madison, WI 53707-7910

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

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Wisconsin Department of Transportation
July 15, 2019
Page 2

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Very truly yours,

A handwritten signature in black ink that reads "Bradon J. Smith". The signature is written in a cursive, flowing style.

Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

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BRADON J. SMITH
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bsmith@fletcher-sippel.com

July 15, 2019

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

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Mr. Kennedy:

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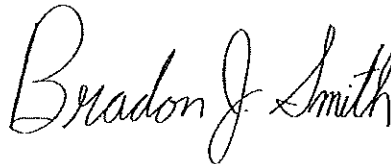
Mr. David M. Kennedy
Office of Ocean and Coastal Resource Management
NOAA Ocean Service
July 15, 2019
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Very truly yours,

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Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

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bsmith@fletcher-sippel.com

July 15, 2019

Mr. Gregory Hines
RC&D Coordinator
Natural Resources Conservation Service
8030 Excelsior Drive, Suite 200
Madison, WI 53717-2906

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Mr. Hines:

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FLETCHER & SIPPEL LLC

Mr. Gregory Hines
July 15, 2019
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July 15, 2019

Wisconsin Coastal Management Program
Department of Administration
P.O. Box 8944
101 East Wilson Street, 10th Floor
Madison, WI 53708-8944

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

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Wisconsin Coastal Management Program

July 15, 2019

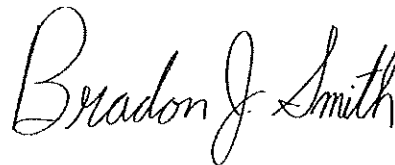
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July 15, 2019

U.S. Environmental Protection Agency
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

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3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;

FLETCHER & SIPPEL LLC

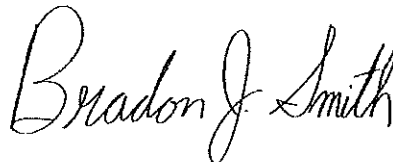
U.S. Environmental Protection Agency
July 15, 2019
Page 2

10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

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A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before the Petition is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,



Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

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

BRADON J. SMITH
(312) 252-1516
bsmith@fletcher-sippel.com

July 15, 2019

VIA EMAIL:

Jonathan.Simonsen@wisconsin.gov

Mr. Jon Simonsen, Environmental Review Coordinator
Wisconsin Department of Natural Resources
Bureau of Energy, Transportation & Environmental Analysis
Central Office
P.O. Box 7921
Madison, WI 53707-7921

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Mr. Simonsen:

Wisconsin Central Ltd. (“WCL”) intends to file on or after August 26, 2019 a Petition for Exemption (“Petition”) with the Surface Transportation Board (“STB”) pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to abandon approximately 1.1 miles of railroad line in Biron, Wisconsin extending between MP 0.4 at Plover Road and MP 1.5 at Biron Drive (the “Biron Spur”). A map depicting the location of the Biron Spur is enclosed for your reference.

Upon abandonment, the Biron Spur will be conveyed to ND Paper Inc. (“ND”), the sole shipper on the line, which will retain the trackage for continued use in providing rail service to ND’s paper mill facility in Biron. No salvage of rail or other track materials is anticipated.

In accordance with the STB’s environmental regulations, 49 C.F.R. § 1105, WCL is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

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FLETCHER & SIPPEL LLC

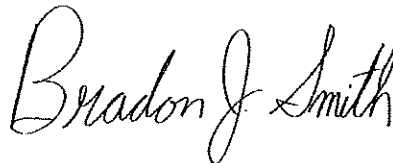
Mr. Jon Simonsen, Environmental Review Coordinator
Wisconsin Department of Natural Resources
Bureau of Energy, Transportation & Environmental Analysis
July 15, 2019
Page 2

5. Bodies of water and overall water quality under applicable federal, state or local standards;
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10. Existing or potential safety hazards;
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12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-303 (Sub-No. 52X) and be sent to the undersigned, as counsel for WCL.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before the Petition is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,



Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

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

BRADON J. SMITH
(312) 252-1516
bsmith@fletcher-sippel.com

July 15, 2019

Wisconsin Department of Natural Resources
West Central Region, Eau Claire
DNR Service Center
1300 W. Clairemont
Eau Claire, WI 54701

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Sir/Madam:

Wisconsin Central Ltd. (“WCL”) intends to file on or after August 26, 2019 a Petition for Exemption (“Petition”) with the Surface Transportation Board (“STB”) pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to abandon approximately 1.1 miles of railroad line in Biron, Wisconsin extending between MP 0.4 at Plover Road and MP 1.5 at Biron Drive (the “Biron Spur”). A map depicting the location of the Biron Spur is enclosed for your reference.

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FLETCHER & SIPPEN LLC

Wisconsin Department of Natural Resources

July 15, 2019

Page 2

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Very truly yours,



Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

From: [Betthauser, Bradley J - DNR](#)
To: [Bradon J. Smith](#)
Cc: [Phyllis A. Jones](#); [Mednick, Adam C - DNR](#)
Subject: FW: Docket No. AB-303 (Sub-No. 52X)
Date: Tuesday, July 30, 2019 3:06:08 PM
Attachments: [Simonsen re AB-303.pdf](#)

Bradon,

Per my review of the provided information and per our recent phone call discussion, we have no comment on the proposed rail abandonment (attached), as the letter stated, “we foresee no adverse environmental effects.” This is because of the limited aspect(s) of the proposal. If the proposal should change, please reinstate coordination with DNR.

Please follow-up with me if you have any questions or concerns.

Thank you for your coordination,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Brad Betthauser

Environmental Analysis and Review Specialist – Bureau of Environmental Analysis & Sustainability

Wisconsin Department of Natural Resources

473 Griffith Ave.

Wisconsin Rapids, WI 54494

Office Phone: 715-421-7851

Cell: 715-213-9064

Fax: 715-421-7830

Bradley.Betthauser@wisconsin.gov



From: Simonsen, Jonathan M - DNR
Sent: Monday, July 15, 2019 3:30 PM
To: Betthauser, Bradley J - DNR <Bradley.Betthauser@wisconsin.gov>
Cc: PJones@fletcher-sippel.com; BSmith@fletcher-sippel.com
Subject: FW: Docket No. AB-303 (Sub-No. 52X)

Brad, please see the attached rail abandonment proposal in Wood County.

Ms. Jones: Attached is a current directory of the county coverage for WI DNR environmental review coordinators. You will be working with Brad on this project.

Sincerely,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jon Simonsen

Cell: (715) 367-1936

Jonathan.simonsen@wisconsin.gov

From: Phyllis A. Jones <PJones@fletcher-sippel.com>

Sent: Monday, July 15, 2019 3:22 PM

To: Simonsen, Jonathan M - DNR <Jonathan.Simonsen@wisconsin.gov>

Cc: Bradon J. Smith <BSmith@fletcher-sippel.com>

Subject: Docket No. AB-303 (Sub-No. 52X)

Mr. Simonsen,

Please see the attached correspondence in connection with the above-referenced matter.

Thank you.

Phyllis A. Jones (PJ)

Legal Assistant to Jim Fletcher (Retired), T.J. Litwiler,

Liza Bryant, Tom Paschalis and Brandon Thompson

Fletcher & Sippel LLC

29 North Wacker Drive, Suite 800

Chicago, Illinois 60606-3208

Direct: 312-252-1540

Phone: 312-252-1500

Fax: 312-252-2400

Email: pjones@fletcher-sippel.com



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From: [Simonsen, Jonathan M - DNR](#)
To: [Betthausen, Bradley J - DNR](#)
Cc: [Phyllis A. Jones](#); [Bradon J. Smith](#)
Subject: FW: Docket No. AB-303 (Sub-No. 52X)
Date: Monday, July 15, 2019 3:30:31 PM
Attachments: [Simonsen re AB-303.pdf](#)
[Liaisons.pdf](#)

Brad, please see the attached rail abandonment proposal in Wood County.

Ms. Jones: Attached is a current directory of the county coverage for WI DNR environmental review coordinators. You will be working with Brad on this project.

Sincerely,

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Jon Simonsen

Cell: (715) 367-1936

Jonathan.simonsen@wisconsin.gov

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Sent: Monday, July 15, 2019 3:22 PM
To: Simonsen, Jonathan M - DNR <Jonathan.Simonsen@wisconsin.gov>
Cc: Bradon J. Smith <BSmith@fletcher-sippel.com>
Subject: Docket No. AB-303 (Sub-No. 52X)

Mr. Simonsen,

Please see the attached correspondence in connection with the above-referenced matter.

Thank you.

Phyllis A. Jones (PJ)

Legal Assistant to Jim Fletcher (Retired), T.J. Litwiler,

Liza Bryant, Tom Paschalis and Brandon Thompson

Fletcher & Sippel LLC

29 North Wacker Drive, Suite 800

Chicago, Illinois 60606-3208

Direct: 312-252-1540

Phone: 312-252-1500

Fax: 312-252-2400

Email: pjones@fletcher-sippel.com



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FLETCHER & SIPPEL LLC

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

BRADON J. SMITH
(312) 252-1516
bsmith@fletcher-sippel.com

July 15, 2019

Mr. Peter Fasbender
Field Office Supervisor
U.S. Fish & Wildlife Service
2661 Scott Tower Drive
New Franken, WI 54229

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Mr. Fasbender:

Wisconsin Central Ltd. (“WCL”) intends to file on or after August 26, 2019 a Petition for Exemption (“Petition”) with the Surface Transportation Board (“STB”) pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to abandon approximately 1.1 miles of railroad line in Biron, Wisconsin extending between MP 0.4 at Plover Road and MP 1.5 at Biron Drive (the “Biron Spur”). A map depicting the location of the Biron Spur is enclosed for your reference.

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In accordance with the STB’s environmental regulations, 49 C.F.R. § 1105, WCL is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

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FLETCHER & SIPPEL LLC

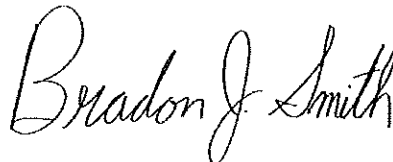
Mr. Peter Fasbender
July 15, 2019
Page 2

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A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before the Petition is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink that reads "Bradon J. Smith". The signature is written in a cursive, flowing style.

Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

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

BRADON J. SMITH
(312) 252-1516
bsmith@fletcher-sippel.com

July 15, 2019

National Park Service
Midwest Regional Office
601 Riverfront Drive
Omaha, NE 68102

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Sir/Madam:

Wisconsin Central Ltd. (“WCL”) intends to file on or after August 26, 2019 a Petition for Exemption (“Petition”) with the Surface Transportation Board (“STB”) pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to abandon approximately 1.1 miles of railroad line in Biron, Wisconsin extending between MP 0.4 at Plover Road and MP 1.5 at Biron Drive (the “Biron Spur”). A map depicting the location of the Biron Spur is enclosed for your reference.

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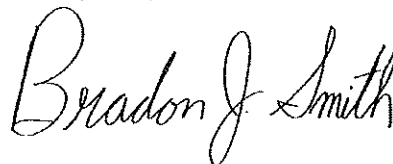
National Park Service
July 15, 2019
Page 2

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Very truly yours,

A handwritten signature in black ink that reads "Bradon J. Smith". The signature is written in a cursive, flowing style.

Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

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

BRADON J. SMITH
(312) 252-1516
bsmith@fletcher-sippel.com

July 15, 2019

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

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Sir/Madam:

Wisconsin Central Ltd. (“WCL”) intends to file on or after August 26, 2019 a Petition for Exemption (“Petition”) with the Surface Transportation Board (“STB”) pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to abandon approximately 1.1 miles of railroad line in Biron, Wisconsin extending between MP 0.4 at Plover Road and MP 1.5 at Biron Drive (the “Biron Spur”). A map depicting the location of the Biron Spur is enclosed for your reference.

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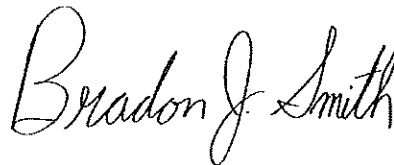
U.S. Army Corp of Engineers
St. Paul District (CEMVPA-PA)
July 15, 2019
Page 2

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Very truly yours,

A handwritten signature in black ink that reads "Bradon J. Smith". The signature is written in a cursive, flowing style.

Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

FLETCHER & SIPPEN LLC

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Chicago, Illinois 60606-3208

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

BRADON J. SMITH
(312) 252-1516
bsmith@fletcher-sippel.com

July 15, 2019

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

Re: **Docket No. AB-303 (Sub.-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Sir/Madam:

Wisconsin Central Ltd. (“WCL”) intends to file on or after August 26, 2019 a Petition for Exemption (“Petition”) with the Surface Transportation Board (“STB”) pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to abandon approximately 1.1 miles of railroad line in Biron, Wisconsin extending between MP 0.4 at Plover Road and MP 1.5 at Biron Drive (the “Biron Spur”). A map depicting the location of the Biron Spur is enclosed for your reference.

Upon abandonment, the Biron Spur will be conveyed to ND Paper Inc. (“ND”), the sole shipper on the line, which will retain the trackage for continued use in providing rail service to ND’s paper mill facility in Biron. No salvage of rail or other track materials is anticipated.

There are no railroad structures of any kind located on the Biron Spur.

In accordance with the Board’s environmental and historic preservation regulations, 49 C.F.R. § 1105.8, we are advising you of the proposed abandonment of the Biron Spur so that you may determine whether this action will have any effect on any historic structures or sites.

We would appreciate your review of the proposed action and provision of any comments you may have in a written response as soon as possible. Any written comments should reference Docket No. AB-303 (Sub.-No. 52X) and be sent to the undersigned, as counsel for WCL.

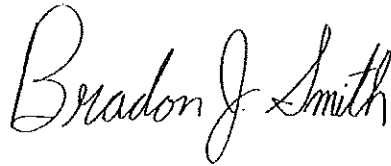
In accordance with the Board’s regulations, a copy of the Environmental/Historic Report prepared in connection with this abandonment will be forwarded to you at least twenty days before WCL’s petition for exemption is filed at the Board. If you have any questions or

FLETCHER & SIPPEL LLC

Wisconsin Historical Society
July 15, 2019
Page 2

need additional information in the meantime, please feel free to contact me at 312-252-1500.
Thank you for your assistance on this matter.

Very truly yours,

A handwritten signature in black ink that reads "Bradon J. Smith". The signature is written in a cursive style with a large, looping initial "B".

Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS:hc

Enclosure

From: [Katie Kaliszewski](#)
To: [Bradon J. Smith](#)
Subject: RE: Docket No. AB-303 (Sub.No 52X) Wisconsin Central Ltd. - Abandonment, Wood County
Date: Monday, August 19, 2019 8:37:40 AM

We received another subject in reference to this project.

Please see the email below.

Thank you,

Katie Kaliszewski
Historic Preservation Specialist – Compliance Reviewer
State Historic Preservation Office

Wisconsin Historical Society
816 State St., Madison WI 53706
608-261-2457 (O)
katie.kaliszewski@wisconsinhistory.org

Wisconsin Historical Society
[Collecting, Preserving, and Sharing Stories Since 1846](#)

From: Katie Kaliszewski
Sent: Thursday, July 18, 2019 9:55 AM
To: 'bsmith@fletcher-sippel.com'
Subject: Docket No. AB-303 (Sub.No 52X) Wisconsin Central Ltd. - Abandonment, Wood County

Good morning,

We have received notice on the subject project. Since there was nothing for our office to review, we will not comment on the letter. We will comment on the Environment/Historic Report when we receive it, per Section 106 of the National Preservation Act of 1966.

When submitting the report, please attach out SHPO Request for Comment form in order for us to complete our review. (<https://wisconsinhistory.org/Records/Article/CS3986>)

Thank you and we look forward to working on this project with you,

Katie Kaliszewski
Historic Preservation Specialist – Compliance Reviewer
State Historic Preservation Office

Wisconsin Historical Society
816 State St., Madison WI 53706

608-261-2457 (O)

katie.kaliszewski@wisconsinhistory.org

Wisconsin Historical Society

[Collecting, Preserving, and Sharing Stories Since 1846](#)

FLETCHER & SIPPEL LLC

ATTORNEYS AT LAW

29 North Wacker Drive
Suite 800
Chicago, Illinois 60606-3208

Phone: (312) 252-1500
Fax: (312) 252-2400
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BRADON J. SMITH
(312) 252-1516
bsmith@fletcher-sippel.com

July 15, 2019

Wisconsin Department of Administration
P.O. Box 7868
101 East Wilson Street, 10th Floor
Madison, WI 53707-7868

Re: **Docket No. AB-303 (Sub-No. 52X)**
Wisconsin Central Ltd. – Abandonment
Exemption – In Wood County, Wisconsin

Dear Sir/Madam:

Wisconsin Central Ltd. (“WCL”) intends to file on or after August 26, 2019 a Petition for Exemption (“Petition”) with the Surface Transportation Board (“STB”) pursuant to 49 U.S.C. § 10502 and 49 C.F.R. § 1152.60 to abandon approximately 1.1 miles of railroad line in Biron, Wisconsin extending between MP 0.4 at Plover Road and MP 1.5 at Biron Drive (the “Biron Spur”). A map depicting the location of the Biron Spur is enclosed for your reference.

Upon abandonment, the Biron Spur will be conveyed to ND Paper Inc. (“ND”), the sole shipper on the line, which will retain the trackage for continued use in providing rail service to ND’s paper mill facility in Biron. No salvage of rail or other track materials is anticipated.

In accordance with the STB’s environmental regulations, 49 C.F.R. § 1105, WCL is advising you of the proposed abandonment so that you may assist us in identifying any potential effects it may have on the following (to the extent they are within your area of expertise or authority):

1. Regional and/or local use plans;
2. Regional or local transportation systems and patterns, including alternative transportation modes;
3. Energy consumption and efficiency;
4. Air emissions and noise levels;
5. Bodies of water and overall water quality under applicable federal, state or local standards;
6. Designated wetlands and 100-year old flood plains;
7. Endangered or threatened species and critical habitats;
8. Wildlife sanctuaries or refuges and national or state parks or forests;
9. Prime agricultural land, and soil and natural resource conservation;

FLETCHER & SIPPEL LLC

Wisconsin Department of Administration

July 15, 2019

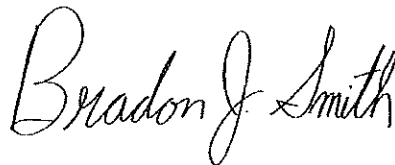
Page 2

10. Existing or potential safety hazards;
11. Coastal Zone Management Areas; and
12. The need for permits under Sections 402 or 404 of the Clean Water Act.

Because of the limited nature of the proposed action, we foresee no adverse environmental effects. Nevertheless, we would appreciate your review and any comments you may wish to offer. We request a written response as soon as possible so that we may include it in the Environmental/Historic Report which will be prepared in connection with this abandonment in accordance with 49 C.F.R. § 1105.7. Any written comments should reference Docket No. AB-303 (Sub-No. 52X) and be sent to the undersigned, as counsel for WCL.

A copy of the Environmental/Historic Report will be forwarded to you at least twenty days before the Petition is filed at the STB. If you have any questions or need additional information in the meantime, please feel free to contact me at 312-252-1500. Thank you for your assistance.

Very truly yours,



Bradon J. Smith
Attorney for Wisconsin Central Ltd.

BJS/tjl

Enclosure

CERTIFICATE OF COMPLIANCE

DOCKET NO. AB-1290X

WISCONSIN RAPIDS RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WOOD COUNTY, WISCONSIN

DOCKET NO. AB-303 (SUB-NO. 52X)

WISCONSIN CENTRAL LTD.
– ABANDONMENT EXEMPTION –
IN WOOD COUNTY, WISCONSIN

I, Bradon J. Smith, an attorney for Wisconsin Central Ltd. (“WCL”), hereby certify that WCL has consulted with the following agencies regarding the above-referenced docket on August 9, 2019 and served each of them via First Class Mail, postage prepaid, with a copy of the foregoing Environmental/Historic Report in draft form:

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

U.S. Environmental Protection Agency
US EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

National Park Service
Midwest Regional Office
601 Riverfront Dr.
Omaha, NE 68102

Office of Ocean and Coastal Resource Management
NOAA Ocean Service
1305 East-West Highway
Silver Springs, Maryland 20910

National Geodetic Survey Information Services
Office of Ocean and Coastal Resource Management
NOAA Ocean Service
1305 East-West Highway
Silver Springs, Maryland 20910

Natural Resources Conservation Service
8030 Excelsior Drive, Suite 200
Madison, WI 53717-2906
Mr. Gregory Hines
RC&D Coordinator

Wood County Board of Supervisors
400 Market St Po Box 8095
Wisconsin Rapids, WI 54495-8095

North Central Wisconsin Rural Planning Commission
210 McClellan Street
Suite 210
Wausau, WI 54403

Field Office Supervisor
U.S. Fish & Wildlife Service
2661 Scott Tower Drive
New Franken, WI 54229

Wisconsin Department of Natural Resources
Bureau of Energy, Transportation & Environmental Analysis
Central Office
PO Box 7921
Madison WI 53707-7921

Wisconsin Department of Natural Resources
West Central Region
Eau Claire
DNR Service Center
1300 W Clairemont
Eau Claire WI 54701

Wisconsin Department of Transportation
Hill Farms State Transportation Bldg.
4802 Sheboygan Avenue
P.O. Box 7910
Madison, WI 53707-7910

Wisconsin Coastal Management Program
Department of Administration
P.O. Box 8944
101 East Wilson Street, 10th Floor
Madison, WI 53708-8944

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

Wisconsin Department of Administration
P.O. Box 7868
101 East Wilson Street, 10th Floor
Madison, WI 53707-7868



Bradon J. Smith
Attorney for Wisconsin Central Ltd.

Dated: September 20, 2019

CERTIFICATE OF PUBLICATION

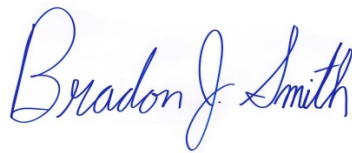
DOCKET NO. AB-1290X

WISCONSIN RAPIDS RAILROAD, L.L.C.
– DISCONTINUANCE OF SERVICE EXEMPTION –
IN WOOD COUNTY, WISCONSIN

DOCKET NO. AB-303 (SUB-NO. 52X)

WISCONSIN CENTRAL LTD.
– ABANDONMENT EXEMPTION –
IN WOOD COUNTY, WISCONSIN

I, Bradon J. Smith, an attorney for Wisconsin Central Ltd., hereby certify for the above-referenced dockets that a newspaper notice was published September 13, 2019 in the *Wisconsin Rapids Daily Tribune*, a newspaper of general circulation in Wood County, Wisconsin.



Dated: September 20, 2019

Bradon J. Smith
Attorney for Wisconsin Central Ltd.

VERIFICATION

State of Kansas)
) ss:
County of Crawford)

Rick D. Baden, being duly sworn, deposes and says that he is President of Wisconsin Rapids Railroad, L.L.C., that he has read the foregoing Petition for Exemption and knows the facts asserted therein with respect to Wisconsin Rapids Railroad, L.L.C., and that the same are true as stated.



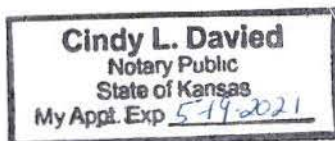
Rick D. Baden

SUBSCRIBED AND SWORN TO
before me this 20th day
of September, 2019.



Notary Public

My Commission expires: 5-19-2021



VERIFICATION

I, Brian Buchanan, verify under penalty of perjury that I am Manager, Business Development for CN, that I have read the foregoing Petition for Exemption and know the facts asserted therein with respect to Wisconsin Central Ltd., and that the same are true as stated.


Brian Buchanan

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2019, a copy of the foregoing **Petition for Exemption of Wisconsin Rapids Railroad, L.L.C. and Wisconsin Central Ltd.** was served by first class mail, postage prepaid, upon the agencies specified in 49 C.F.R. § 1152.60(d) and all known customers on the line to be abandoned, as follows:

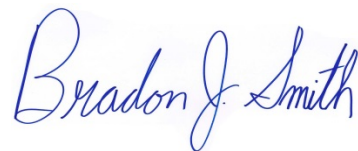
Wisconsin Department of Transportation
Hill Farms State Transportation Bldg.
4802 Sheboygan Avenue
P.O. Box 7910
Madison, WI 53707-7910

Ms. Vicki Christiansen
Chief, Forest Service
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250-1111

National Park Service
Recreation Resources Assistance Division
P.O. Box 37127
Washington, D.C. 20013-7127

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

ND Paper Inc.
Biron Division
621 N. Biron Drive
Wisconsin Rapids, WI 54494
Attn: Kirk Freeberg



Bradon J. Smith