

## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary  
William R. Selbig, Regional Director

Northeast Regional Headquarters  
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P.O. Box 10448  
Green Bay, Wisconsin 54307-0448  
TELEPHONE 920-492-5800  
FAX 920-492-5913  
TDD 920-492-5812

January 30, 1998

1600  
KEWAUNEE

Mr. Michael Barron, Jr.  
Fox Valley and Western, Ltd.  
One O'Hare Center  
6250 North River Road  
Rosemont, IL 60018

SUBJECT: Fox Valley and Western Ltd. Proposed Abandonment  
Milepost 18.9 to 35.6 (end-of-track)  
Kewaunee County, Wisconsin

Dear Mr. Barron:

Thank you for the information regarding the proposed abandonment of the Fox Valley and Western (FV&W) rail line from Milepost 18.9 to Milepost 35.6 (end-of-track) in Kewaunee County, Wisconsin. Department staff have reviewed the proposal and offer comments on the potential impacts of the action on the following areas of concern:

1. SOLID AND HAZARDOUS WASTE

The rail line runs immediately adjacent to the Kewaunee Marsh arsenic spill. There are a number of conditions that the Department recommends for any abandonment activity that may disturb this portion of the right-of way.

- \* The ballast and soil beneath the ballast have never been sampled for arsenic contamination. Considering that the spill probably originated on the tracks and ballast, the ties, ballast and underlying soil must be sampled and the degree and extent of contamination defined if any of this material is disturbed or removed. Any contamination must be remediated according to chapters NR 700-750, Wisconsin Administrative Code.
- \* The contaminated soil/sediment in a portion of the right-of-way and all of the contaminated sediments in the adjacent wetland have been covered and fenced as part of an interim remedial action. The abandonment must not affect or disturb the cover or fencing.

There are other contaminated sites along the rail line that are presently undergoing investigation and remediation. The extent and degree of contamination on FV&W property should be determined and addressed in the abandonment plan. The other location are: Kewaunee Engineering, Kewaunee; Key Terminals, Kewaunee; Kuehl Oil, Kewaunee; Kewaunee Co-Op, Kewaunee; Bultman Oil Bulk Plant, Kewaunee; Fox Valley & Western Railroad, Kewaunee; Hathaway Landing, Kewaunee; Van Drisse Oil, Luxemburg; Luxemburg Milling, Luxemburg. You should contact Jennifer Huffman, (920-492-5868) of the Northeast Region Solid and Hazardous Waste staff for further information regarding these sites.

All demolition and waste material that cannot be recycled must be disposed of in an appropriate manner. Disposal in wetlands or surface waters is not allowed. A plan should be developed describing the method and location of all waste and demolition material disposal.

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*Quality Natural Resources Management  
Through Excellent Customer Service*



2. WATER QUALITY

As mentioned above, the arsenic spill in the Kewaunee Marsh is a significant potential source of pollution in the Kewaunee River valley. Any disturbance in the spill vicinity may expose the arsenic to the environment, and because of the close proximity of the spill to the Kewaunee River and Lake Michigan could have a significant adverse impact on water quality.

Proper erosion control measures should be used during the removal of salvageable materials, culverts or bridges. This should be minimize the impacts on the water quality in the project area.

3. DESIGNATED WETLANDS

The removal of track and ties will not affect any designated wetlands as they currently exist. However, original construction of the roadbed resulted in the filling of a variety of wetland types all along the corridor. Original drainage patterns were also altered, resulting in changes to local hydrology. If future use of the right-of-way is not for transportation or trail purposes, all fills should be removed and the original contours and vegetation re-established. Any work in wetlands may require local, state and/or Corps of Engineers permits.

4. 100 YEAR FLOODPLAINS

The abandonment itself should have no impact on 100-year floodplains if no additional fill is placed in the floodplain as a result of the abandonment. If the right-of-way is to be used for transportation or trail purposes, the existing bridges and culverts may remain in place if maintained. However, if this is not the case, all structures must be removed completely and the embankment regraded and permanently stabilized.

5. ENDANGERED OR THREATENED SPECIES/CRITICAL HABITATS

The Kewaunee River Marsh in T 23N, R 24E and T 23N, R 25E is a State listed Natural Area, consisting of quality emergent wetlands, with good diversity of species, and providing considerable wildlife and waterfowl habitat. Any abandonment activities must take this valuable resource into consideration.

6. WILDLIFE SANCTUARIES OR REFUGES

The State has extensive land holdings along the rail corridor from the City of Kewaunee west to Section 30 in the Town of Casco. This is the C. D. "Buzz" Besadny Fish and Wildlife Area. The rail line is either adjacent to or within the State property for much of this distance along the Kewaunee River (see enclosed map #1). While simply removing the rail and ties from the roadbed should not have much effect on the state-owned land, changes in ownership and use may have long-term impacts on the state property.

7. NATIONAL OR STATE PARKS OR FORESTS

There are no National Parks or Forests along the route.

The western end of this abandonment will meet the southern terminus of the Ahnapee State Park Trail near Luxemburg (see map #2). Changes in ownership or land use of the proposed abandonment may have conflict with the trail use or operation.

As noted above, the C. D. "Buzz" Besadny Fish and Wildlife Area is located in the project area.

8. COASTAL ZONE MANAGEMENT

Comments on consistency with Coastal Zone Management would be more appropriately addressed by Mary Frazer, Wisconsin Department of Administration, 101 East Wilson Street, Madison, WI 53707 (608-266-8269).

9. SOIL AND NATURAL RESOURCE CONSERVATION

Proper erosion control measures must be used and maintained during and after removal of the track, bridges culverts or other structures or facilities. An erosion control plan for the project should be developed and made part of the project specifications. All areas of disturbed soil should be restored to original grade and re-seeded as soon as possible. Native species should be used whenever appropriate.

10. AGRICULTURAL LAND

Comments on this issue should be addressed by the Kewaunee County Land Conservation Committee or the local Natural Resource Conservation Service office.

11. REGIONAL AND/OR LOCAL LAND USE PLANS

This corridor is identified as a desirable addition to the Wisconsin State Trail System (see attached map #2). Upon abandonment, steps would most likely be taken to place this corridor in public ownership via the Rails to Trails acquisition program provided an agreement can be reached with the owners on just compensation.

12. PERMITS UNDER SECTION 402 OR 404 OF THE CLEAN WATER ACT

This abandonment should not require any permits under Section 402 of the Clean Water Act. Permits may be required under Section 404 for any activities involving fills or discharges to wetlands. You should contact the U.S. Army Corps of Engineers office in Green Bay, WI (920-448-2824) for further permit information.

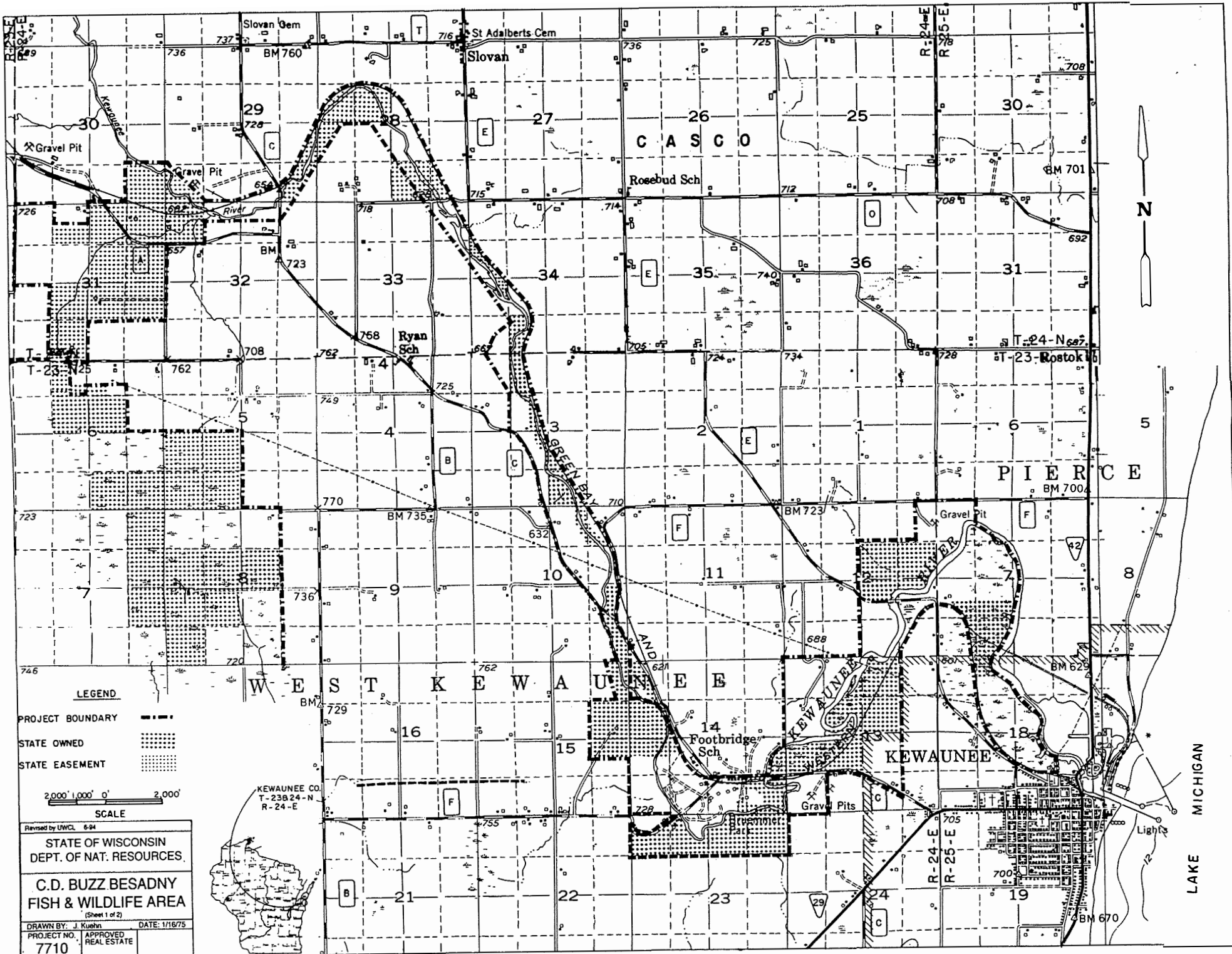
If you have any questions, please feel free to contact me at 920-492-5818.

Sincerely,



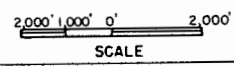
Al Stranz  
Environmental Impact Coordinator

CC: SS/6  
R. Fassbender Sturgeon Bay  
A. Lindauer Sturgeon Bay  
J. Pagels NER  
D. Hildreth NER  
L. Kriese NER  
ER/4  
Jennifer Huffman NER



**LEGEND**

- PROJECT BOUNDARY
- STATE OWNED
- STATE EASEMENT



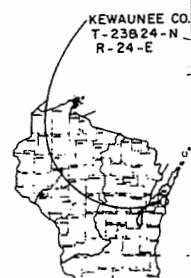
Revised by UWCL 5-94

STATE OF WISCONSIN  
DEPT. OF NAT. RESOURCES

**C.D. BUZZ BESADNY  
FISH & WILDLIFE AREA**  
(Sheet 1 of 2)

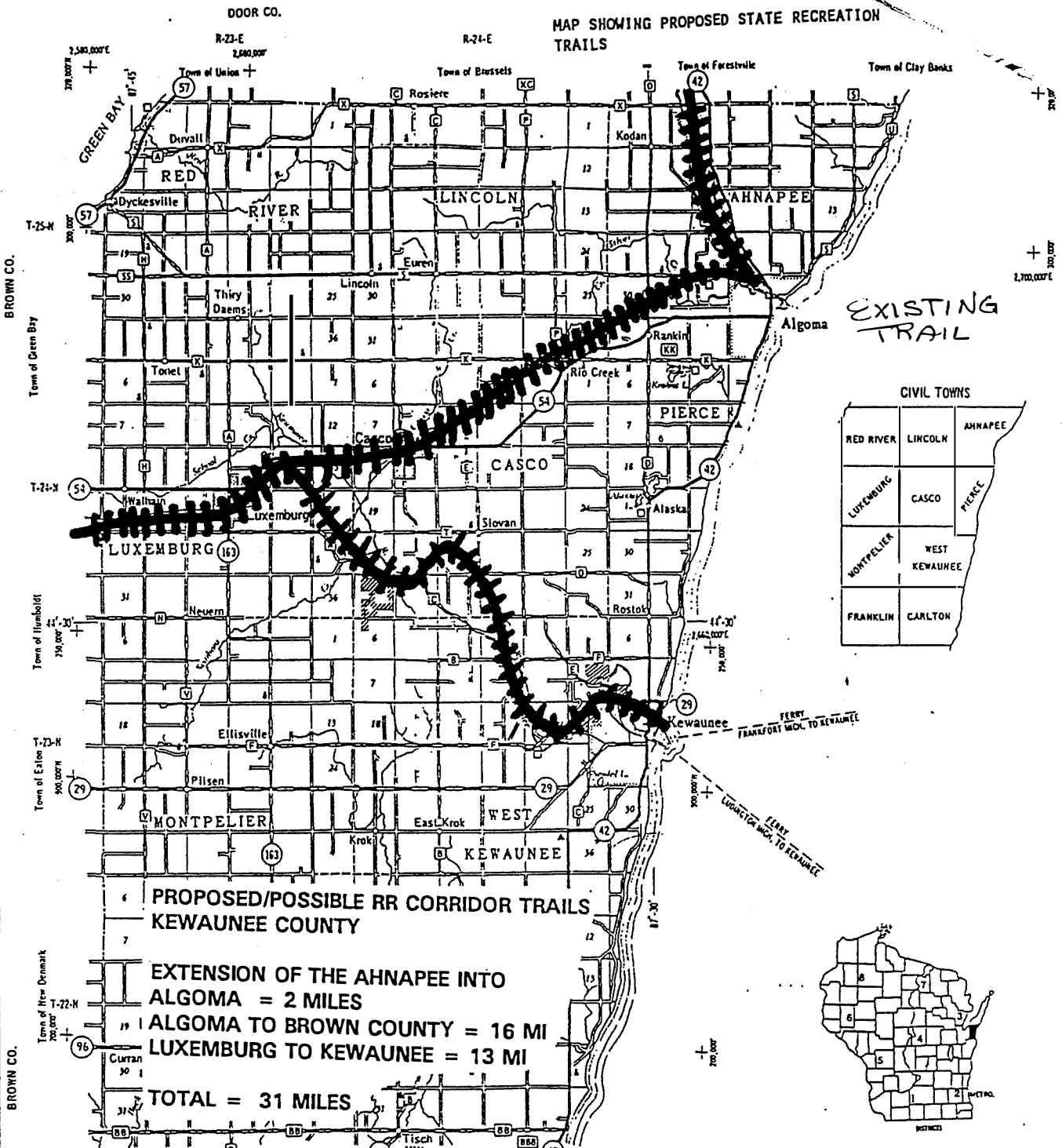
DRAWN BY: J. Kuehn      DATE: 1/16/75

PROJECT NO. 7710      APPROVED REAL ESTATE



LAKE MICHIGAN

MAP SHOWING PROPOSED STATE RECREATION TRAILS



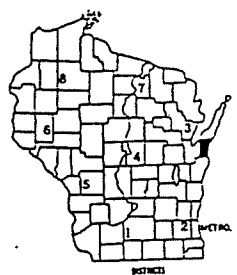
EXISTING TRAIL

CIVIL TOWNS

RED RIVER	LINCOLN	AHNAPEE
LUXEMBURG	CASCO	PIERCE
MONTPELIER	WEST KEWAUNEE	
FRANKLIN	CARLTON	

PROPOSED/POSSIBLE RR CORRIDOR TRAILS  
KEWAUNEE COUNTY

EXTENSION OF THE AHNAPEE INTO  
ALGOMA = 2 MILES  
ALGOMA TO BROWN COUNTY = 16 MI  
LUXEMBURG TO KEWAUNEE = 13 MI  
TOTAL = 31 MILES



MILES OF HIGHWAY  
AS OF JAN. 1, 1964

STATE	25
COUNTY	183
LOCAL ROADS	512
OTHER ROADS	
TOTAL FOR COUNTY	720

**LEGEND**

Portland Canal	U.S. & STATE	State Highway No.	County Seat
Bahn Concrete	COUNTY	County Hwy. Letter	Unincorp. Village
Barreness	Railroad	Railroad - Single	Schools
Gravel	Railroad	Railroad - Double	Public Hunt or Fish Cr.
Earth	Dam	Hospital	
Town Road	State Boundary	Lookout Tower	
Fire Lane	County Boundary	Ranger Station	
Interstate Highway	Civil Town Boundary	Public Camp & Picnic Grs.	
Interchange	Corporate Limits	State Park	
Highway Separation	Hot & State Forest	County or City Park	
Interstate Highway No.	Airport	Woods	
U.S. Highway No.	Fish Hatchery	Game Farm	
	Fair Grounds		

\* Surface types on town roads not shown

TOWNSHIP NUMBERING

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

+ Grid based on Wisconsin coordinate system, north-central zone.

Land Area 371 Sq. Mi.  
Population 11,721  
County Seat Kewaunee

**KEWAUNEE CO.**  
STATE HIGHWAY COMMISSION OF WISCONSIN  
STATE OFFICE BUILDING  
Madison, Wisconsin  
SCALE 1" = 1 MILE  
Corrected for  
JAN. 1967  
Compiled from U.S.C.S. Quadrangle  
Based on Aerial Photographs