

May 15, 2024

Mr. Joe Graham  
Project Manager  
Wisconsin Department of Natural Resources  
810 West Maple Street  
Spooner, WI 54801

RE: BNSF Railway Company Response to Request for Information, Tower Avenue Slip; BRRTS #11-16-591466

Dear Joe:

Please accept this response to your letter dated February 9, 2024, requesting information in the possession of BNSF Railway Company (“BNSF”) relating to the Tower Avenue Slip in Lake Superior and completed to the best of BNSF’s ability based on the information available.

Thank you for granting the extension in supplying this response. BNSF anticipates supplementing this response addressing the remaining Questionnaire in a forthcoming letter. Due to the size of the files, and for ease of access, the responsive documents may be accessed at a third-party file share site. The direct link will accompany the transmittal of this letter. Please contact me if you have any issues accessing the documents.

Please note BNSF is utilizing the same definition of Site as the Wisconsin Department of Natural Resources (“DNR”) in defining the scope of this response. BNSF is providing information related to the “property owned by Burlington Northern Inc.: Douglas County PID #s (04-804-01020-01, 04-804-00983-01, 04-804-00998-00, 04-804-00997-00, 06-806-00734-00, 06-806-00733-00, 06-806-00732-00, 06-806-00738-00, 06-806-00736-00, 07-807-02999-00, 04-806-00980-00 (BRRTS #02-16-000475), 04-804-01035-00 (BRRTS # 02-16-000336), 04-804-01033-00 (BRRTS # 03-16-000145), 04-804-01036-00 (open BRRTS # 02-16-577100), and 04-804-00876-00” (referred to in this letter as the “Site”).

Please be aware that in preparing this response, BNSF determined that the requested Parcel # 04-806-00980-00 does not exist. BNSF has interpreted this as a request for information regarding Parcel # 04-804-00980-00.

For ease of reference, an Annotated Site Map has been prepared to refer to the 15 parcels with simple numbers. This Annotated Site Map and simple reference numbers are particularly helpful in the forthcoming supplemental letter responding to DNR’s remaining questions. This response refers to the Site in three geographic areas comprising the 15 parcels:

**Property North of Winter Street:**

Parcel 1 – 04-804-01020-01	Parcel 11 – 04-804-00980-00
Parcel 2 – 04-804-00983-01	Parcel 12 – 04-804-01035-00
Parcel 3 – 04-804-00998-00	Parcel 13 – 04-804-01033-00
Parcel 4 – 04-804-00997-00	Parcel 14 – 04-804-01036-00

**Rail Yard South of Winter Street:**

Parcel 5 – 06-806-00734-00	Parcel 8 – 06-806-00738-00
Parcel 6 – 06-806-00733-00	Parcel 9 – 06-806-00736-00
Parcel 7 – 06-806-00732-00	Parcel 10 – 07-807-02999-00

**East of Tower Avenue Slip:**

Parcel 15 – 04-804-00876-00

With this context, BNSF provides the following responses to the questionnaire (DNR questions in bold):

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**1. Identify the current owner and operator of the Site. State the dates during which the current owner and operator owned, operated, leased, or occupied any portion of the Site and provide copies of all documents evidencing such ownership, operation, lease, or occupation, including but not limited to purchase and sale agreements, deeds, leases, etc.**

BNSF is the current owner of all properties of the Site.

Each parcel has disparate and complex ownership and operational histories that date back to the 1880s. Please see Column F “Response to Question 1” in excel document “Master Response to RFI Tower Avenue Slip.” This document describes cross-references to relevant documents in subfolders “Deeds”, “CAD”, “Historical Maps”, “Land Schedules”, “Leases”, “Permits”, and “Track Agreements.”

**2. Identify any persons who in addition to the owner/operator exercises actual control over the Site or who holds significant authority to control activities at the Site.**

Please see Column G, “Response to Question 2” in excel document “Master Response to RFI Tower Avenue Slip.” This document describes cross-references to relevant documents in subfolders “Deeds”, “CAD”, “Historical Maps”, “Land Schedules”, “Leases”, “Permits”, and “Track Agreements.”

**3. Identify any legal or equitable interest that you now have, or previously had, in the Site and describe the nature of any such interest, including when, how, and from whom such**

Mr. Joe Graham  
May 15, 2024  
Page 3

**interest was obtained as well as when, how, and to whom such interest was conveyed. Provide documentation evidencing the acquisition or conveyance of any identified interest.**

Please see response to Question 1 and the referenced responsive documents evidencing conveyance and acquisition of ownership and leasehold interests. BNSF is not aware of any equitable interests in the Site responsive to this question. Please see Column H, "Response to Question 3" in excel document "Master Response to RFI Tower Avenue Slip."

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Thank you for your evaluation of this letter and the 192 responsive documents shared in the electronic folder accompanying this letter. As stated above, BNSF is preparing a supplemental response to this RFI with answers to Questions 4 through 17 and will share with DNR as soon as possible.

Please reach out to me if you have any questions.

Very truly yours,

GODFREY & KAHN, S.C.



Edward (Ned) B. Witte  
Attorney

Attachments:

Responsive Documents shared Electronically

cc: Sandra Moore, BNSF  
Brooke Gaede, BNSF  
Greg Jeffries, BNSF  
Bill Nelson, Godfrey & Kahn, S.C.

EBW:wjn

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