



# Ashland

WISCONSIN

E1-3264

October 31, 2007

Paul E. LaDue  
Region Director Contracts and Administration  
Canadian National Railway Co.  
17641 So. Ashland Ave.  
Homewood, IL 60430-1345

Re: Ashland Ore Dock Park Proposal

Dear Paul:

Please consider the following proposal from the City of Ashland as an alternative to the demolition and complete removal of the Ashland Soo Line Ore Dock from the City of Ashland water front and lake bed.

As you are well aware, the ore dock is a local icon and historic symbol of Ashland's rail road and industrial past. Since no entity to date has offered or been able to demonstrate the financial ability to stabilize and maintain the Ore Dock in it's current configuration, the City offers this proposal in an attempt to reduce WCL's overall cost of cost of removal while saving a usable part of this important structure for future generations.

If you accept this proposal, the result will be an attractive, accessible and affordable amenity that will retain much of the historic significance and stand as a testament to the contributions of WCL and its predecessors in supporting the life and economy of the City of Ashland.

I look forward to discussing the details of this proposal with you.

Sincerely,

Brian Knapp  
City Administrator  
715-682-7904  
bknapp@coawi.org

CITY OF ASHLAND • 601 Main Street West • Ashland, Wisconsin 54806  
Phone (715) 682-7071 • Fax (715) 682-7048



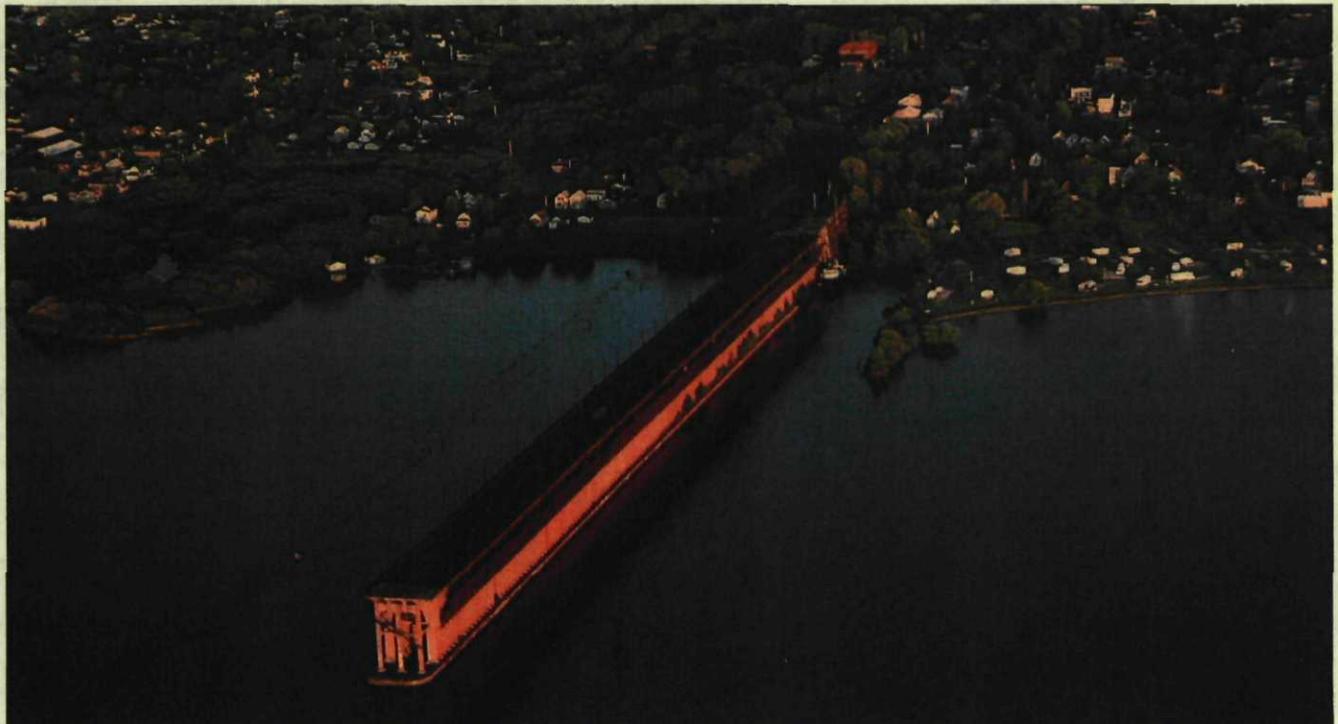
# Ashland

WISCONSIN

## City of Ashland's Soo Line Ore Dock Acquisition & Reuse Proposal

Approved by Ashland City Council on October 30th, 2007  
Submitted to Canadian National on October 31st, 2007

- I) Background
- II) Overview of the Proposal
- III) Soo Line Ore Dock Park Concept Drawing
- IV) Proposal
- V) Cost Estimate
- VI) Letters of Support
- VII) Summary



## **I) Background**

We appreciate Canadian National's sincere consideration of a reuse proposal of the Soo Line Ore Dock which has been developed by the City of Ashland to meet the needs of both the community and Canadian National. To reiterate what these needs are, we understand that Canadian National is interested in terminating its long-term liabilities for the dock, meaning that Canadian National (CN) would very much like to transfer ownership of the dock, or completely remove the dock so that the company is no longer responsible for the dock. The City of Ashland is interested in resolving the public safety hazards, which the dock in its current condition, presents. Resolution to these public safety issues may occur in several manners, however we believe that one manner to resolve these issues is through the follow proposal, which our objective is to be a win-win for both the City of Ashland and Canadian National.

Complete removal of the Soo Line Ore Dock, which Canadian National is progressing towards, will result in the company no longer being responsible for the dock. After removal of all components of the dock, down to the lakebed, there would be nothing left to be responsible for. This, however, is a very costly venture. The City believes that through the reuse proposal presented here, millions of dollars may be saved for Canadian National, as compared to the option of complete removal.

It's our intention to save Canadian National money, however we have not seen any actual costs or cost estimations following the bid let this summer. The City would welcome the opportunity to discuss actual costs of removal with Canadian National.

## **II) Overview of the Proposal**

To summarize the reuse proposal, we believe that through the reuse of the Ore Dock as a City-owned fishing pier/maritime park/commercial vessel facility, the Ore Dock could present a value-added structure to Ashland's community, and would help encourage economic development and tourism.

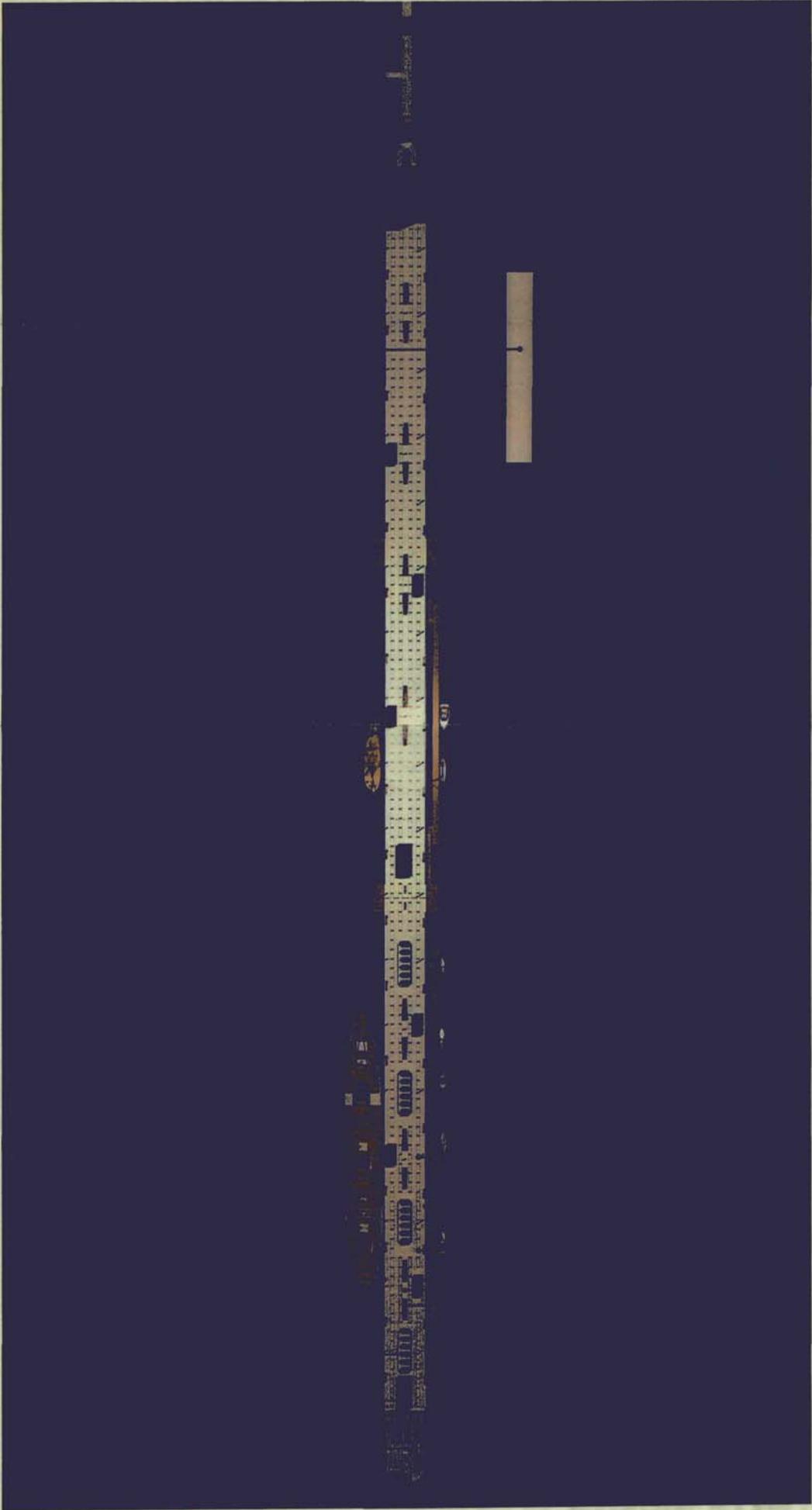
## **III) Soo Line Ore Dock Park Concept Drawing**

Please find the concept drawings on the following pages.

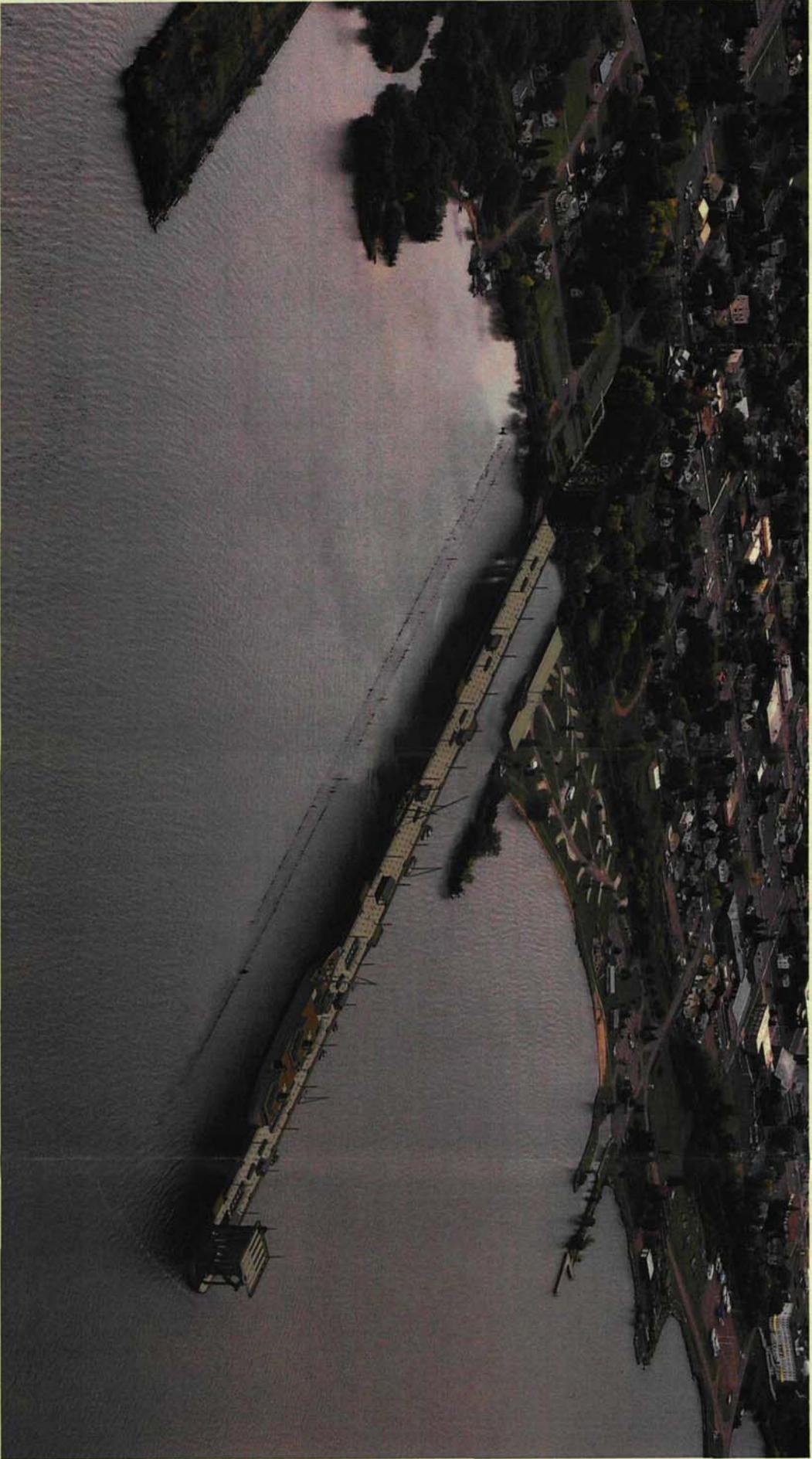
# SOO LINE ORE DOCK PARK

Wisconsin Central Limited  
Canadian National Railroad  
Ashland, WI  
10.05.2007

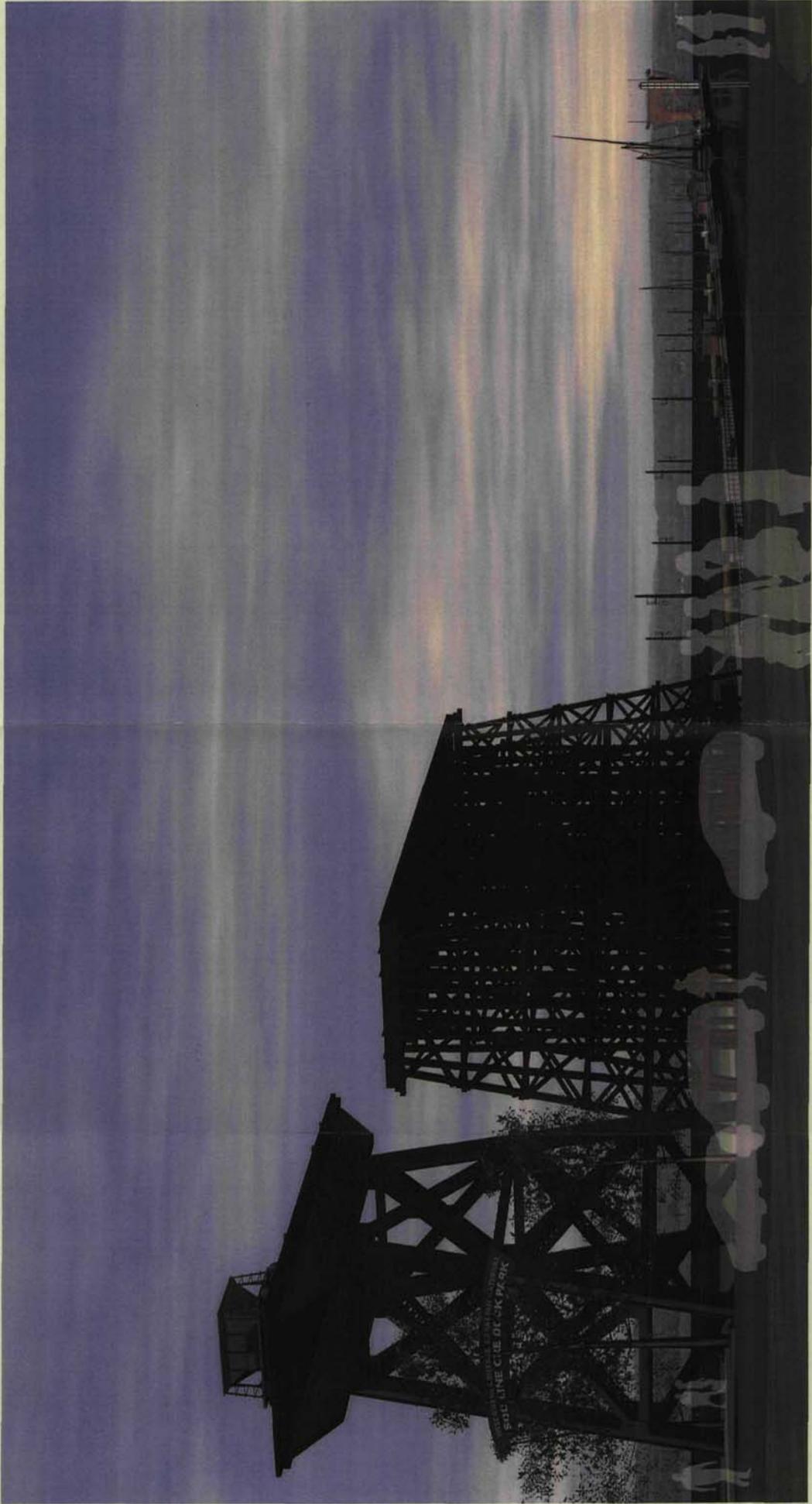




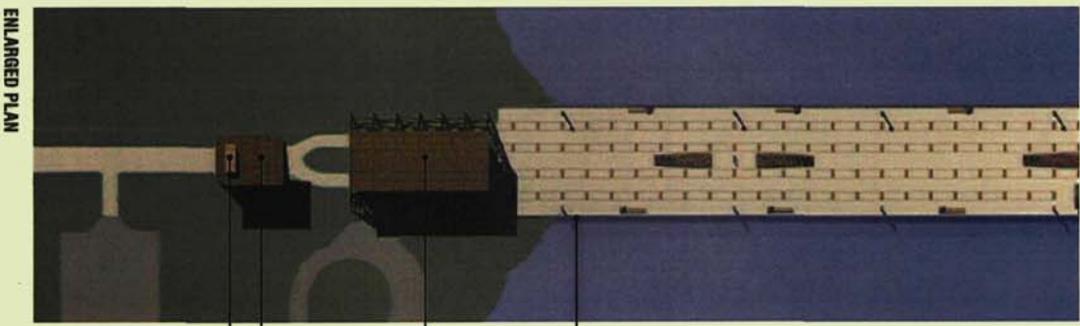
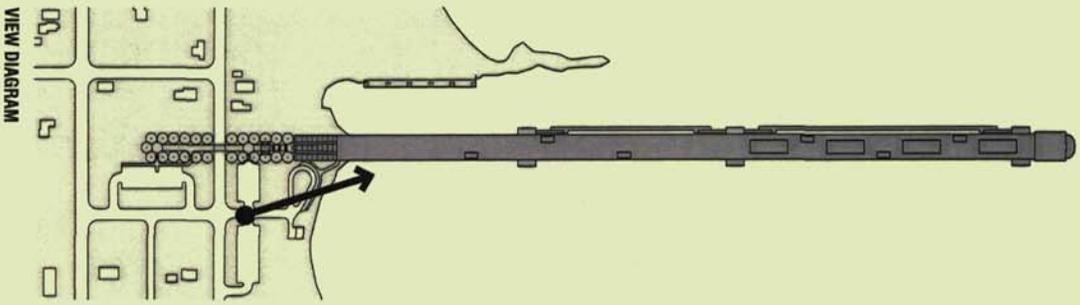
2 ORE DOCK PARK PLAN



OBLIQUE VIEW FROM NORTH



4 VIEW FROM ENTRANCE GATEWAY



**EXTERIOR SHEETING**

**WOOD TRESTLE STRUCTURE WITH BOARDWALK**

**STEEL TRESTLE GATEWAY RECONDITIONED ORE CAR**



**EXTERIOR SHEETING**  
Exterior sheeting will be installed around the 1916 portion of the ore dock for protection of the existing timber cribs.

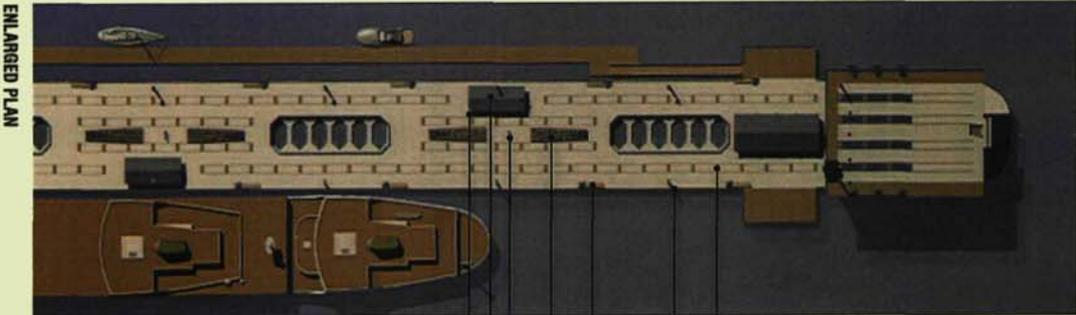
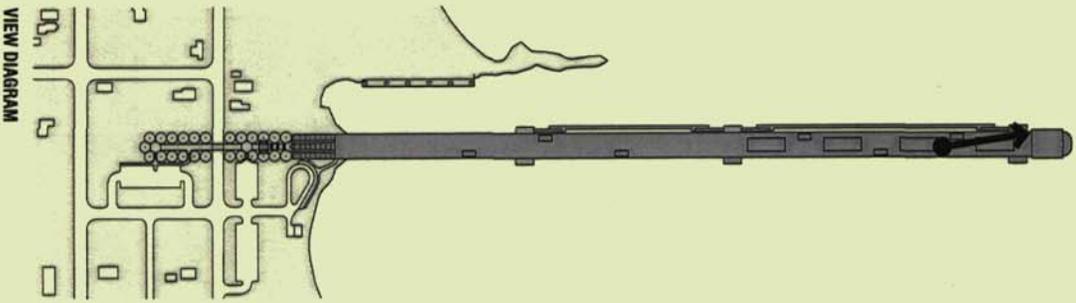
**WOOD TRESTLE STRUCTURE WITH BOARDWALK**  
An in-place existing series of wood trestles will be used as the park entry. A timber boardwalk will wind through the base of the structure, providing an interesting view of the historic trestle construction.

**STEEL TRESTLE GATEWAY**  
The park's gateway entrance will be created with rehabbed steel bents from the existing ore dock. The bents will provide an entrance archway for visitors with a lighted arched entry sign overhead.

**RECONDITIONED ORE CAR**  
A reconditioned ore car will be placed on top of the gateway entrance structure as a sculptural element and a striking icon of the ore dock's history.



6 VIEW OF PICNIC SHELTERS, INTERPRETIVE SIGNAGE & PLANTERS



- WALKWAY WITH RAILROAD TRACK PAVING
- LIGHT TOWERS
- HOIST BENCHES
- ORE CHUTE PLANTERS
- INTERPRETIVE SIGNAGE
- PICNIC SHELTERS
- REPLICA PICNIC TABLES

**WALKWAY WITH RAILROAD TRACK PAVING**

The 1924 section will be filled so that it matches the deck elevation of the 1916 section. This will eliminate the need for ADA ramps and stairways, provide considerable maintenance and construction efficiencies, protect utilities, and allow for an expanded, continuous walkway over the entire length of the ore dock structure. The walkway's concrete and brick paving replicates the ore dock's train rail system.

**LIGHT TOWERS**

The refitting and refurbishing of the existing light towers with historic fixtures will create a unique, signature lighting system.

**HOIST BENCHES**

The ore dock's existing hoists will be used to create a highly unique bench design. These benches will be located along the length of the ore dock along with trash receptacles.

**ORE CHUTE PLANTERS**

Reconditioned ore chutes will be used as planters, featuring native/ornamental grasses and other easily maintained plants. These planters will provide an attractive landscape element without the more intensive maintenance issues posed by trees. They will also fit more seamlessly and attractively into the overall park design.

**INTERPRETIVE SIGNAGE**

Interpretive signs will be located throughout the park, telling the story of the ore dock and Ashland's ore mining history, as well as the story of the creation of the park itself.

**PICNIC SHELTERS**

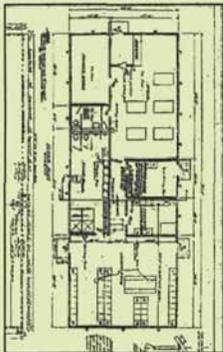
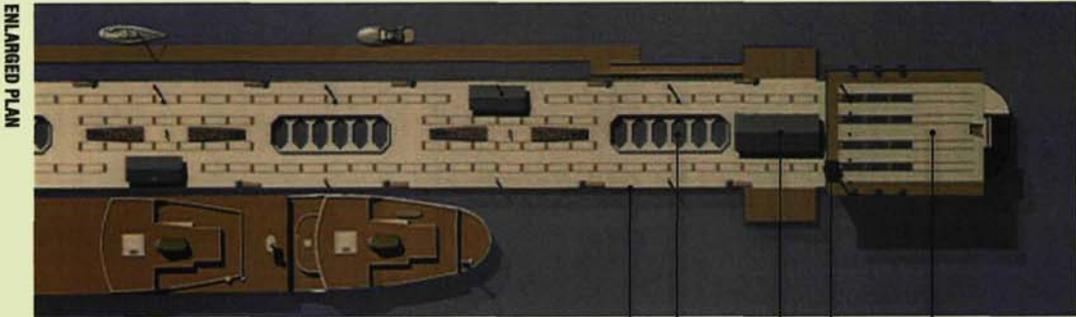
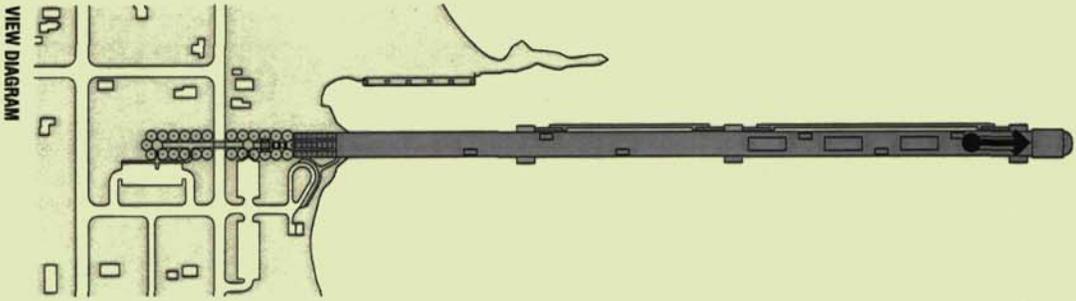
These unique shelters will be fabricated using base sections of the dock's existing concrete benches. The reuse of these concrete benches helps recreate the historic look and character of the ore dock's original structure. The shelters will include grills, garbage receptacles, benches, and other amenities.

**REPLICA PICNIC TABLES**

Exact replicas of the original ore dock picnic tables will be provided using the original table construction documents from 1916.



8 VIEW OF OBSERVATION PLATFORM AND OPEN DIAMONDS AT DUSK



**OBSERVATION PLATFORM**

**ELEVATOR**

**BATHROOM PAVILION**

**OPEN DIAMONDS**

**SAFETY RAILING**

**OBSERVATION PLATFORM**

A restored and rehabilitated section will be retained at the north end of the ore dock to preserve the architecture of the original structure. The restored structure will provide an observation platform with dramatic views of Ashland and Lake Superior. A new eight-foot wide staircase with safety railing takes people along the exterior of the structure to the top of the platform.

**ELEVATOR**

A glass elevator provides ADA accessibility to the observation platform while providing striking views during the trip up and down.

**BATHROOM PAVILIONS**

The bathroom pavilions are modeled after the ore dock's historic warming houses.

**OPEN DIAMONDS**

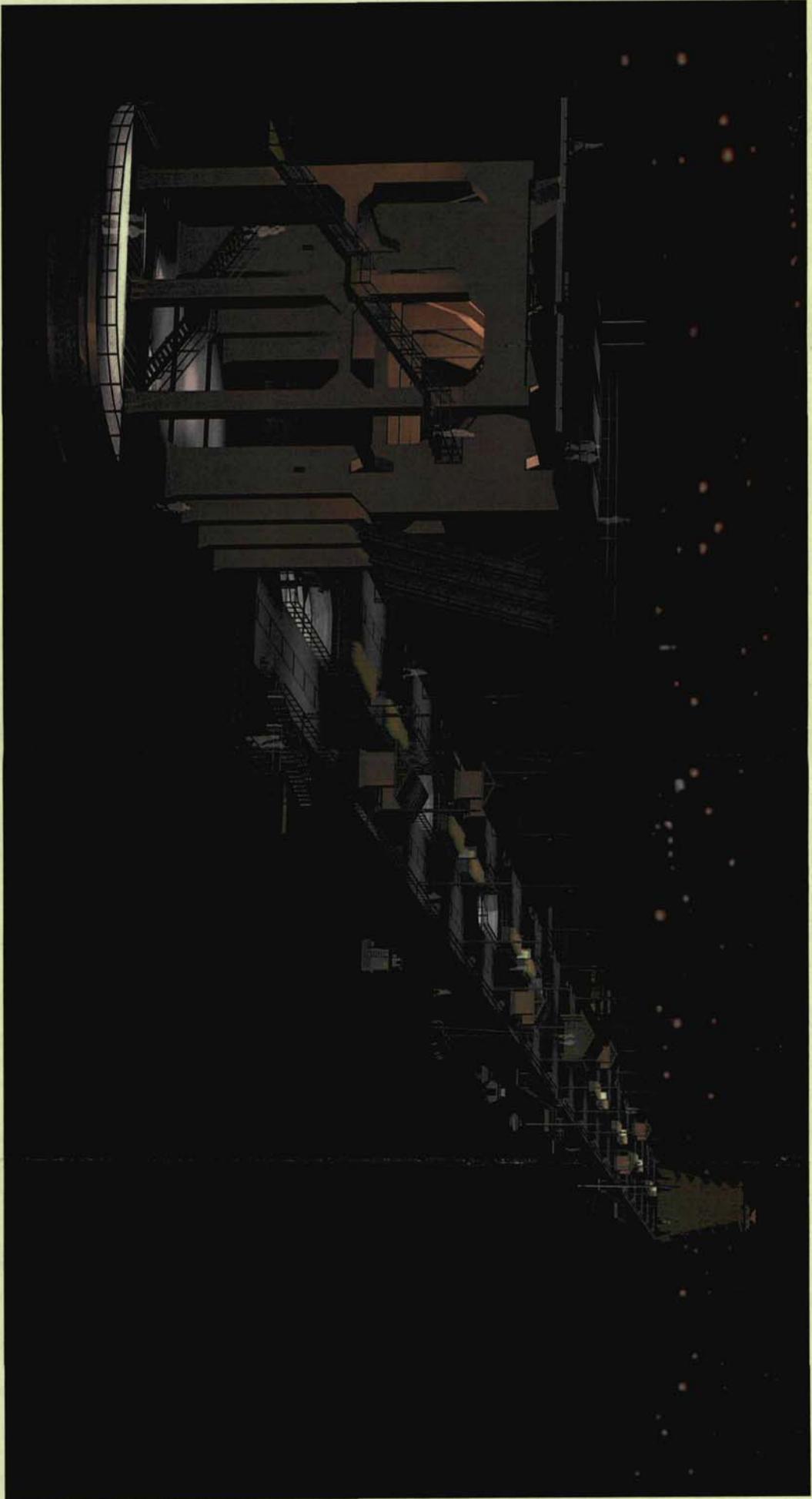
24 of the ore dock's open diamonds will be retained. The remainder will be covered with precast concrete panels. The open diamonds will include new safety ladders and perimeter safety railing. The design will allow for fishing access and views down to the lake below while also revealing the dock's historic construction. Special lighting will also make the diamonds a striking nighttime design feature.

**SAFETY RAILING**

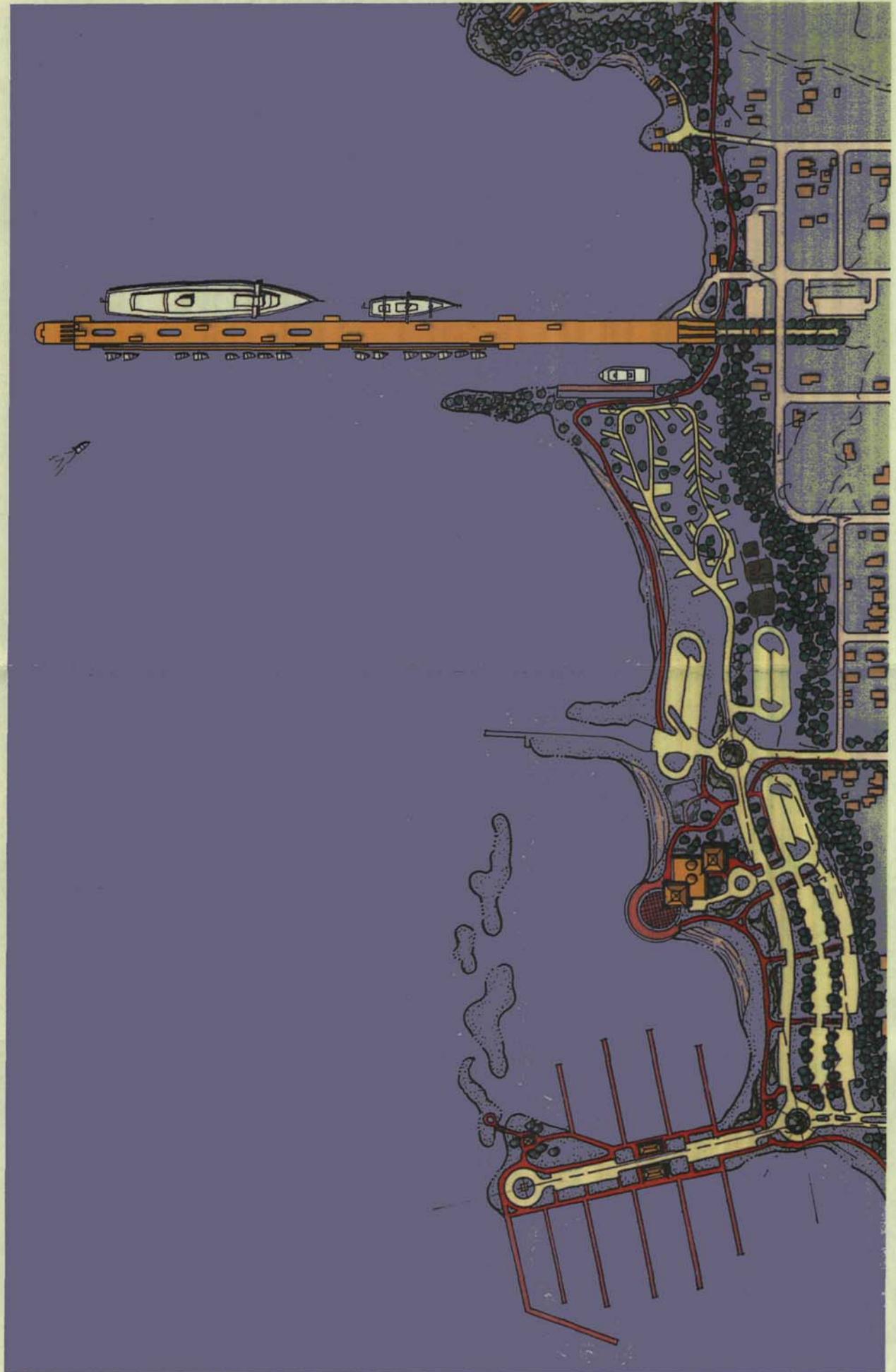
New safety railing replicating the original ore dock railings will be used around the entire dock platform, the observation platform, and the perimeter of the open diamonds. Stainless steel marine cable will be used to bring the railings up to current safety standards while retaining the more open look of the historic railing system.



10 VIEW FROM LAKE SUPERIOR AT NIGHT



OBLIQUE VIEW AT NIGHT 11



#### IV) Proposal

The City will accept the Ore Dock in a modified condition, as envisioned in the previously attached concept drawings, from Canadian National, as well as accept all future liabilities of the Dock, including the future maintenance and possible removal, contingent on the following:

**a) Transfer Ownership of the Structure & Adjacent Lands; Agree to City of Ashland as Lakebed Leasee with BCPL.**

Transfer of the Ore Dock structure, the trestle approach, and all lands adjacent to the Ore Dock to City of Ashland at no expense. The City would be the owner of the structure and the leasee of the *Lakebed Lease* through the WiDNR/ Board of Commissioners of Public Lands (BCPL). The City would need to be the riparian owner in order to be the Lakebed Leasee from BCPL.

**b) Partial Demo Activities to Protect Integrity of Concrete Base.**

The *Ore Dock Park* proposal will lessen the long term maintenance for the City of Ashland, in that the majority of the superstructure will be removed/ razed. It is understood that Canadian National has a partial demolition contract with Veit & Company, which, with the City's reuse proposal may still be carried out. Since it would be the intent to maintain the base of the structure and a small portion of the northern superstructure, the City requests that any demolition activities be done in a careful and planned manner so as to protect the integrity of the concrete base of the structure for its future use.

**c) Donation of Certain Salvage Components to the City of Ashland.**

Reuse of the Ore Dock, per this proposal, builds on the lengthy maritime and rail history that this structure strongly represents. Historical components of the dock are planned to be salvaged and reused (i.e., 8 ore chutes for future use as planter boxes). To allow for the reuse of these historical components, the City requests that Canadian National donate certain components for reuse in the *Ore Dock Park*. Additionally the City requests that Canadian National and its contractors work with the City and the City's consultants/contractors to preserve these key components for reuse in the maritime park. Initially the City envisions these components to include the following:

- 4 to 6 concrete bents (on each side) at the north end of the ore dock, (for reuse as an observation platform);
- steel trestle over east-west rail line (north of Water Street), (for reuse as entrance feature);
- a portion of the wood trestle approach, between steel trestle to Ore Dock base (for reuse as entrance feature);
- 60 light towers;
- 50 hoists (mechanical device for chutes) (for reuse as benches);
- 30 ore chutes (fore reuse as planters);

- o existing mooring systems;
- o the lower portion of several concrete bents (for reuse in picnic shelters and to cover a portion of the diamonds);
- o a portion of the iron ore which currently remains in bins #96 and #98 on the Ore Dock; and
- o the steel bridge removed over U.S. Hwy 2 (for reuse as an entrance feature).

**d) Financial Contribution to City of Ashland for Build-out of Ore Dock Park.**

The City of Ashland is requesting a *\$7,650,000 million dollars* donation from Canadian National for the build-out of the Ore Dock Park. It will be understood that the build-out of Ore Dock Park will be capped at this amount and any cost overruns would be the responsibility of the City of Ashland.

**e) Financial Contribution to a Long-Term Care & Maintenance Fund.**

The Board of Commissioners of Public Lands (BCPL) and the Department of Natural Resources (DNR) have indicated that an escrow fund will be required to be created prior to the issuance of a Lakebed Lease by the BCPL. An escrow fund would be established by the City of Ashland to cover long-term maintenance and possible removal costs, for which, the City is requesting an upfront donation by Canadian National of *\$1,550,000 million dollars* to establish this fund. Please note that the escrow fund does not include an approximate \$45,000 a year for City operational costs, which include personnel, equipment, and supplies; the City of Ashland would need to pick up this expense.

**f) Transfer of the "Missing Link".**

The process of abandonment has been initiated by Wisconsin Central, Ltd., through a request with the Surface Transportation Board (STB) for an abandonment exemption for a portion of rail line, known by the City as the "Missing Link" (STB Docket No. AB-303 Sub-No. 26x). The City would like to acquire this property to complete the connection of a major portion of its recreational Waterfront Trail. The City has grant funding to acquire this property, and had an appraisal completed in spring 2007 which valued the property at \$65,000. The City is willing to pay \$65,000 for this section of land, upon closure of the Rails-to-Trails agreement, if the transfer occurs by December 31, 2007.

**g) Transfer of all Railroad Lands.**

As per the "Agreement Between the City of Ashland, Wisconsin and Wisconsin Central Ltd. (WCL)", dated 10-16-2003, and negotiated as part of the *Grade Crossing Elimination/Corridor Traffic Redirection Project*, paragraph 8, envisions the transfer of all non-operating properties within the City of Ashland, from Wisconsin Central, Ltd. to the City of Ashland. The City requests that WCL transfer such properties to the City in exchange for the value of the City relieving WCL of a portion of its significant liability and removal costs of the base of the Ore Dock structure.

V) Summarized Cost Estimate

<b>ASHLAND ORE DOCK PARK - COST ESTIMATE</b>	
Mobilization / Site Demolition	\$200,000
Exterior Dock Stabilization / Reinforcement	\$1,553,500
Dock Surface Stabilization / Fill	\$822,000
Superstructure Stabilization	\$342,500
Observation Deck Features	\$278,750
Diamonds - Rehab & Fill	\$299,250
Fishing Pier / Docks	\$450,000
Commercial Vessel Facilities	\$54,500
Picnic Shelters / Pavilions / Amenities	\$655,600
Storage Shed	\$20,000
Perimeter & Diamond Railings / Ladders	\$521,200
Water Service	\$94,000
Sanitary Service	\$103,500
Electrical System	\$111,200
Lighting	\$275,000
Earthwork / Landscaping	\$120,000
Entry Features	\$190,400
<b>SUBTOTAL</b>	<b>\$6,091,400</b>
Contingency (10%):	\$609,140
Architectural/ Engineering/ Administration (15%):	\$913,710
<b>TOTAL ESTIMATE:</b>	<b>\$7,614,250</b>

**VI) Letter of Support**

Understanding that Canadian National would like to move with expediency on this project, the City of Ashland has requested preliminary comments from some regulatory agencies about the reuse concept of the Ore Dock. In general the Board of Commissioners of Public Lands (BCPL), the Department of Natural Resources (DNR), and the Department of Transportation (DOT) are supportive about this reuse concept. The Army Corps of Engineers has stated that they anticipate that the beneficial effects of the project would outweigh any potential adverse effects. Initial letters of support are enclosed. Signed originals and additional letters will be sent in a subsequent mailing.



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
John Gozdziwski, Regional Director

Superior Service Center  
1401 Tower Avenue  
Superior, Wisconsin 54880  
Telephone 715-392-7988  
FAX 715-392-7993  
TTY Access via relay - 711

October 31, 2007

Brea Lemke  
City of Ashland Dept. of Planning and Development  
601 Main Street West  
Ashland, WI 54806

Dear Ms. Lemke:

We have reviewed your October 19, 2007 letter and conceptual plan prepared by JJR and Westbrook Associated Engineers dated October 5, 2007 concerning the reuse of the Soo Line Ore Dock in the City of Ashland. The plan contemplates the transfer of the Ore Dock to the City of Ashland for use as a maritime park, fishing pier, and docking facility for commercial and/or recreational boats.

The concept plan does not appear to conflict with the Wisconsin Public Trust Doctrine as it relates to the use of structures in navigable waters. The Department of Natural Resources would support such a proposal contingent upon an appropriate legal transfer of the Ore Dock along with riparian upland to the City of Ashland, approval of final plans which include adequately addressing the safety and needed repair issues of the structure, and demonstration of financial responsibility to ensure the long-term maintenance of the structure. Appropriate authorization from the Department and the Board of Commissioners of Public Lands will be required as part of any transfer agreement.

We appreciate the City's desire to preserve some of the rich maritime history associated with the mining and shipping industry that previously existed in the area and we feel that your proposed alternative will serve to further that goal while also addressing the significant safety and maintenance issues associated with the superstructure of the Ore Dock.

Also, please be aware that there may be other state and federal permit requirements associated with this structure that would need to be complied with as this project proceeds. Thank you for the opportunity to review the proposal and please contact me if you have questions.

Sincerely,

Duane J. Lahti  
Watershed Supervisor  
Lake Superior Basin



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

October 31, 2007

REPLY TO  
ATTENTION

Operations-Regulatory  
MVP-OP-R-2005-1436-JRB

Ms. Brea R. Lemke  
Zoning Administrator/ City Planner  
601 Main Street West  
Ashland, WI 54806

Dear Ms. Lemke:

We have reviewed the concept plan which the City of Ashland is considering for the reuse of the Soo Line Ore Dock. The plan consists of retaining portions of the dock for use as a city park. The project site is in Sec. 33, T. 48N., R. 4W., Ashland County, Wisconsin.

Because the proposal involves work in navigable waters of the United States, it is subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has received Department of the Army authorization.

Further, if the proposal would involve deposition of dredged or fill material into waters of the United States, it would be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act .

The Corps' evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

Based on the nature of the project, the decision whether to issue a permit would be primarily based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impact that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which

it will be allowed to occur, are therefore determined by the outcome of this general balancing process.

Based a cursory review of the conceptual plans in consideration of the public interest factors that Corps must consider as part of our permit review, we would anticipate that the beneficial effects of the proposal would outweigh any potential adverse effects. We recommend you contact the Corps to schedule a pre-application consultation meeting obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process.

If you have any questions, or you would like to request a pre-application consultation meeting, please contact Jason Berkner at (715) 934-2170, the Corps' project manager for the County in which this proposal is located.

Sincerely,

Robert J. Whiting  
Chief, Regulatory Branch

## VII) Summary

To summarize this proposal, it is intent of the City of Ashland that this proposal be a win-win for both the City of Ashland and Canadian National. The City of Ashland is looking to create a proposal that is less expensive for Canadian National than the cost of complete removal of the Ore Dock, and one that would allow Canadian National to terminate its long-term liabilities from the Soo Line Ore Dock. By working together cooperatively, Canadian National stands to gain financially, and the City of Ashland stand to gain a City-owned fishing pier/maritime park/commercial vessel facility. The park would be named after Wisconsin Central/ Canadian National and would become a regional focal point that would showcase the cooperation between the Canadian National and City of Ashland.

Additionally, the *Soo Line Ore Dock Park* reuse plan, as presented in this proposal, would, in the City's opinion, meet the intent of the Section 106, historical review process. The Section 106 process is intended to "avoid, minimize, or mitigate adverse effects on a historic property". As the Soo Line Ore Dock is eligible for the National Registry of Historic Properties, the reuse of the Ore Dock as a fishing pier/maritime park/commercial vessel facility, which integrates many of the historical features of the 1916 / 1925 structure, would be a feasible way to minimize and/or mitigate the adverse effects that complete demolition would have on the Ore Dock. Moving forward with this proposal may be a way to expedite the Section 106 historical review process.

The City of Ashland has always been and is still interested in resolving the public safety hazards, which the Ore Dock in its current condition, presents. The City believes however, that the best manner to resolve these safety concerns would be through the cooperative transfer of the Ore Dock, as outlined in this proposal, to the City of Ashland. This proposal will allow both parties to move forward; the City, with its development of the *Soo Line Ore Dock Park*, and Canadian National, with termination of the significant long-term liabilities that the Ore Dock challenges the company with.

We appreciate Canadian National's sincere consideration of the *Soo Line Ore Dock Park* reuse proposal, which is a win-win for both parties.

