

SERVICE DATE – MARCH 16, 2022

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 1243X

PATRIOT WOODS RAILROAD, LLC—ABANDONMENT EXEMPTION—IN COWLITZ
COUNTY, WASH.

Decided: March 16, 2022

Patriot Woods Railroad, LLC (PW), filed a verified notice of exemption under 49 C.F.R. part 1152 subpart F—Exempt Abandonments to abandon approximately 21.50 miles of rail line between milepost 8.5 at Ostrander Junction and the end of the line at milepost 30 in Cowlitz County, Wash. (the Line). Notice of the exemption was served and published in the Federal Register on August 31, 2017 (82 Fed. Reg. 41,462). The exemption became effective on September 30, 2017.

By decision served on September 29, 2017, the Board imposed a historic preservation condition under Section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, which requires PW to (a) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the NHPA has been completed; (b) report back to the Board’s Office of Environmental Analysis (OEA) regarding any consultations with the Washington State Department of Archaeology and Historic Preservation (Washington SHPO), appropriate federally recognized tribes, and the public; and (c) not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.¹

OEA served a Supplemental Final Environmental Assessment served on February 8, 2022, attaching a Memorandum of Agreement (MOA) executed by OEA, the Washington SHPO, and PW. OEA states that the MOA was negotiated to comply with the Section 106 process and that the filing of this MOA with the Advisory Council on Historic Preservation completes the Board’s compliance responsibilities under Section 106 of the NHPA. For this

¹ The Board’s decision also included a notice of interim trail use or abandonment and a 180-day public use condition under 49 U.S.C. § 10905, both of which have since expired. In addition, the decision imposed several environmental conditions relating to salvage, which remain in effect but are not barriers to consummation.

reason, OEA recommends removing the Section 106 historic preservation condition imposed in the September 29, 2017 decision.

Accordingly, based on OEA's recommendation, this proceeding will be reopened, and the previously imposed Section 106 historic preservation condition will be removed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the Section 106 historic preservation condition imposed in the September 29, 2017 decision is removed.
3. This decision is effective on its date of service.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.