

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB 1244X

**Columbia & Cowlitz Railway, LLC—Abandonment Exemption—
in Cowlitz County, Wash.**

BACKGROUND

In this proceeding, Columbia & Cowlitz Railway, LLC (CLC) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 USC § 10903 in connection with the abandonment of a line of railroad in Cowlitz County, Washington. The rail line proposed for abandonment extends approximately 7 miles from milepost 1.5, south of Ocean Beach Highway to milepost 8.5 at Ostrander Junction (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way.

The Line is adjacent to a rail line proposed for abandonment in a different proceeding, Docket Nos. AB 1242X and AB 1244 (Sub-No. 1X), which was initiated simultaneously by Patriot Woods Railroad, LLC and CLC. The rail line in that proceeding extends approximately 21.5 miles from milepost 8.5 to milepost 30 in Cowlitz County. Many of the comments submitted by consulted agencies refer to both the rail line proposed for abandonment in this proceeding and to the line covered by Docket Nos. AB 1242X and AB 1244 (Sub-No. 1X). Recognizing the relationship between these rail lines, OEA is recommending similar conditions in both cases to address the concerns of consulting agencies.

ENVIRONMENTAL REVIEW

CLC submitted a combined Environmental and Historic Report that concludes the quality of the human environment would not be affected significantly because of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. CLC served the Environmental and Historic Report on appropriate federal, state, and local agencies, as

required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

In its Environmental Report, CLC states that no traffic has moved over the Line since March 2015. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

If abandonment authority is granted in this proceeding, CLC intends to salvage track and track material, but would leave ballast, bridges, and culverts in place. The proposed abandonment would result in the elimination of 13 at-grade road crossings. CLC states that, if abandonment authority is granted, the right-of-way would be subject to a quit claim deed that gives the previous owner, Weyerhaeuser, the option to purchase the property. The Line may be available for trails use, and Cowlitz County, Washington has submitted a trails-use request with the Board.

Land Use

CLC provided the combined Environmental and Historic Report to the City of Longview, the City of Kelso (Kelso) and Cowlitz County and requested comments regarding the consistency of the proposed abandonment with local land use plans. To date, Kelso and Cowlitz County have not responded, but the City of Longview (Longview) provided comments by letter dated July 11, 2016. In those comments, Longview states that the proposed abandonment would result in positive impacts to transportation systems and public safety through the removal of at-grade road crossings and a reduction in noise in urban areas of Longview. The comments also indicate that Longview supports the reuse of the Line as a trail.

Transportation and Safety

The Washington Utilities and Transportation Commission (UTC) submitted comments regarding the impact of the proposed abandonment on railroad/road crossings. UTC notes that public grade-separated crossings would be affected by the proposed abandonment. Several of these grade-separated crossings are highway bridges where the roadway crosses over the rail right-of-way. UTC states that, under state law, the applicable road authority would continue to

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 1244X.

maintain these bridges if abandonment authority is granted and that the proposed abandonment would therefore have little effect on these crossings. Several other grade-separated crossings are railroad bridges where the rail right-of-way crosses a roadway. UTC states that, if abandonment authority is granted, responsibility for the maintenance of these crossings would fall to the applicable road authority, which would likely be Cowlitz County in this case. UTC recommends that the Board impose a condition requiring that CLC's salvage activities cause no damage or changes to the structural integrity of these structures. To address UTC's concerns, OEA is recommending that the Board impose a condition requiring CLC to consult with UTC prior to undertaking salvage activities and to follow the reasonable recommendations of that agency to prevent effects to the structural integrity of grade-separated road crossings.

UTC notes that several at-grade railroad/road crossings would be eliminated as a result of the proposed abandonment. UTC states that proper removal and remediation of at-grade road crossings is important to prevent an unnecessary traffic hazard for drivers in the area. Because certain passenger motor vehicles, such as school buses and transit buses, and commercial motor vehicles transporting hazardous, explosive, or corrosive materials must stop at all at-grade crossings, UTC states that all rail-related materials and signage should be removed from at-grade crossings to prevent drivers of such motor vehicles from becoming confused or making unnecessary stops. UTC also states that crossing infrastructure should be completely removed to ensure that the road authority does not incur the liability of remediating this infrastructure in the event that it fails in the future. Therefore, UTC recommends that the Board impose a condition on any decision granting abandonment authority in this proceeding requiring CLC to (1) remove and properly dispose of crossing surface materials at each of the at-grade crossings and repave the roadways to closely match existing pavement, (2) remove and properly dispose of all train-activated signaling equipment, including the flashing light assemblies, gates, masts, cantilevers, and bungalows, and (3) remove and properly dispose of all signage within the footprint of the crossings (i.e. within one foot of the edge of the crossing surface on each approach). UTC states that the road authority would be responsible for removing signage outside of the crossing footprint, as well as any painted road markings. To address UTC's concerns, OEA is recommending that the Board impose a condition requiring CLC to undertake the measures recommended by UTC.

CLC has requested comments from the U.S. Natural Resource Conservation Service (NRCS) regarding the impact of the proposed abandonment and discontinuance on agricultural land, but has received no comments from NRCS to date. Because salvage activity would take place within an existing rail corridor, OEA believes that the proposed abandonment would not result in the conversion of prime farmland or other impacts to agricultural resources. Accordingly, no mitigation related to agricultural resources is recommended.

CLC has requested comments on the proposed abandonment from the National Geodetic Survey (NGS) regarding the potential impact of the proposed abandonment on any geodetic state markers that may be located in the vicinity of the Line. In response, NGS provided comments stating that no geodetic station markers may be present in the vicinity of the Line. Accordingly, no mitigation related to geodetic station markers is recommended.

Coastal Zone Compliance

CLC states, and OEA review has confirmed, that the Line is not located within the designated Coast Zone Management Program boundary for Washington State. Accordingly, no mitigation related to coastal zone management is recommended.

Water Resources

The Line crosses the Cowlitz River, as well as several areas adjacent to riverine, emergent freshwater, and forested or shrub wetlands.² Because salvage activities would be limited to the removal of track and related materials, CLC believes that the proposed abandonment of the Line has the potential for impacts to water resources that would be low. CLC provided copies of the Environmental and Historic Report to the Washington Department of Ecology (WDE) and the U.S. Army Corps of Engineers (the Corps) and requested comments from those agencies regarding potential impacts to water resources.

To date, WDE has not provided comments regarding the potential impacts of the proposed abandonment on water quality or the potential need for a permit under Section 402 of the Clean Water Act (33 U.S.C. § 1342). Because the proposed abandonment would not result in the discharge of wastewater or stormwater, OEA concurs with CLC that a Section 402 permit would not be required. Accordingly, no mitigation related to impacts to water quality is recommended. OEA will provide a copy of this EA to WDE for review and comment.

To date, the Corps has not commented on the potential impact of the proposed abandonment to waterways and wetlands or the potential need for a Corps permit under Section 404 of the Clean Water Act (33 U.S.C. § 1344). Because salvage activities would be limited to the salvage of track and related material, OEA concurs with CLC that the proposed abandonment would not result in the discharge of any dredge or fill material into waters of the United States, including wetlands, and that these activities would therefore not require a Section 404 permit. Accordingly, no mitigation related to impacts to waterways or wetlands is recommended. OEA will provide a copy of this EA to the Corps for review and comment.

Hazardous Materials

CLC states that there is a known site of soil contamination on the Line at Evergreen Road, north of Kelso, and that cleanup was conducted at that site in 1998. CLC states that oil lubrication spills have occurred at rail switches along the Line up until October 2004. In response to CLC's request for comments, WDE submitted comments stating that, if soil or water contamination is suspected, is discovered, or occurs during abandonment activities, CLC should conduct testing of the potentially contaminated media. If contamination of soil or groundwater is

² U.S. Fish and Wildlife Service, National Wetlands Inventory, <http://www.fws.gov/wetlands/Data/Mapper.html> (last visited August 29, 2017).

immediately apparent or revealed by testing, WDE states that CLC should notify WDE to coordinate cleanup. WDE also states the proposed abandonment could result in the removal of structures containing treated wood (i.e. railroad ties) and that CLC should adopt best management practices for the disposal of such wood. To address WDE's comments, OEA is recommending (1) a condition requiring CLC to notify and consult with WDE in the event that contamination is suspected, is discovered, or occurs during salvage activities, and (2) a condition requiring CLC to consult with WDE regarding the disposal of treated wood removed during salvage.

Biological Resources

CLC requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species, but has received no response to date. To identify protected species that could potentially be affected by the proposed abandonment, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.³ The table below shows the protected species known or thought to occur in the general project area in Cowlitz County, Washington, as identified by OEA's search.

Protected Species in Project Area	
Mammals	Status
Columbian White-tailed Deer (<i>Odocoileus virginianus leucurus</i>)	Threatened
North American Wolverine (<i>Gulo gulo luscus</i>)	Proposed Threatened
Birds	
Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	Threatened
Marbled Murrelet (<i>Brachyramphus marmoratus</i>)	Threatened
Streaked Horned Lark (<i>Eremophila alpestris strigata</i>)	Threatened
Fishes	
Bull Trout (<i>Salvelinus confluentus</i>)	Threatened
Flowering plants	
Nelson's Checker-Mallow (<i>Sidalcea nelsoniana</i>)	Threatened
Golden Paintbrush (<i>Castilleja levisecta</i>)	Threatened
Kincaid's lupine (<i>Lupinus sulphureus ssp. kincaidii</i>)	Threatened

The Line also crosses critical habitat for the following species:

- Chinook Salmon (*Oncorhynchus tshawytscha*);

³ U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac/> (last visited August 29, 2017).

- Chum Salmon (*Oncorhynchus keta*);
- Coho Salmon (*Oncorhynchus kisutch*); and
- Steelhead (*Oncorhynchus mykiss*).

Due to the limited scope of the proposed salvage activities, OEA believes that impacts to federally listed threatened or endangered species or to critical habitat would be unlikely to occur as a result of the proposed abandonment. Because salvage would take place within the existing rail right-of-way, it is unlikely that individual Columbian white-tailed deer (*Odocoileus virginianus leucurus*) or North American wolverine (*Gulo gulo luscus*) would be encountered during salvage activities. The removal of track and related material would also be unlikely to result in any effects to three bird species—the Yellow-billed Cuckoo (*Coccyzus americanus*), the Marbled Murrelet (*Brachyramphus marmoratus*), and the Streaked Horned Lark (*Eremophila alpestris strigata*)—or to their preferred nesting habitat.

The golden paintbrush (*Castilleja levisecta*) and Kincaid's lupine (*Lupinus sulphureus ssp. kincaidii*) occur primarily in upland prairies undergoing periodic disturbance by fire regimes and would be unlikely to be present within the rail right-of-way. The Nelson's checkermallow (*Sidalcea nelsoniana*) is known to occur in sunny habitat with sufficient seasonally wet soils, including the margins of sloughs, drainage ditches, stream-sides, roadside ditches, and fence rows. Although suitable habitat for this species could occur along a rail corridor, regular maintenance, which may include the application of pesticide and clearing of vegetation, would likely prevent any individuals of this species from being present in the rail right-of-way.

Because the proposed abandonment would not result in discharge into or changes to the Cowlitz River or other waterways, OEA concludes that there are no impacts to the bull trout (*Salvelinus confluentus*) or the critical habitat for the Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), coho salmon (*Oncorhynchus kisutch*), or steelhead (*Oncorhynchus mykiss*).

Because effects to federally listed threatened or endangered species or to critical habitat are unlikely to occur as a result of the proposed abandonment, OEA is not recommending any mitigation related to biological resources. OEA is, however, providing a copy of this EA to USFWS for review and comment.

Air Quality

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality.

Noise

Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Summary

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. OEA is providing a copy of this EA to the following agencies for review and comment: WDE, UTC, USFWS, and the Corps.

HISTORIC REVIEW

Historical Background

The Line proposed for abandonment was originally constructed as part of the Weyerhaeuser Woods Railroad, a private logging railroad owned by the Weyerhaeuser timber company, which opened in 1928. The completed Weyerhaeuser Woods Railroad extended approximately 31.3 miles from Longview to Silver Lake. It was eventually expanded to include an additional 70 miles of sidings and spurs throughout the forests of Cowlitz County. The railroad served Weyerhaeuser's Mount St. Helens Tree Farm, sawmills, and other Weyerhaeuser operations. In addition to the Weyerhaeuser Woods Railroad, the Columbia & Cowlitz Railway Company (CCR), another wholly-owned subsidiary of Weyerhaeuser, also operated on the rail line, transporting lumber, chemicals, and other products to the BNSF Railway main line north of Kelso.

The Weyerhaeuser Woods Railroad was a strategically and symbolically important component of the broader Weyerhaeuser rail system, which, at its peak, included approximately 699 miles of track in Washington State. Among these Weyerhaeuser-owned railroads, the Weyerhaeuser Wood Railroad included the largest logging locomotives, the steepest grades, and the largest wood trestle. Two of the largest steam locomotives built for logging, Number 200 and Number 201, operated on the rail line during its heyday. Constructed by the Baldwin Locomotive Works in 1929 and 1933, respectively, these two locomotives had a 2-8-8-2 wheel configuration and each weighed approximately 335,000 pounds.

Weyerhaeuser railroads played an important role in the development of truck-to-rail transloading facilities in the years following World War II. Durr (2016) describes how Weyerhaeuser developed a system whereby trucks would transport logs from remote locations to designated reloading sites to be loaded onto train cars.⁴

Patriot Rails Company LLC acquired the 31.3-mile Weyerhaeuser Woods Railroad line in December 2010 and began common carrier operations as Patriot Wood Railroad, LLC and CLC. All rail traffic on the rail line ceased after March 9, 2015.

⁴ Durr, Gary, 2016, *Logging Railroads of the Pacific Northwest in Color, Volume 1: Washington State*. Morning Sun Books, Kutztown PA.

The largest rail-related structure on the Line is a bridge over the Cowlitz River near Kelso, which was originally constructed in 1926. The main span of that structure is a Parker through truss design extending approximately 250 feet across the main channel of the river. A series of elevated deck beam spans extend from both approaches. To the east, these are supported for approximately 709 feet by steel piers, crossing Cowlitz Gardens Road, and for an additional approximately 1,400 feet by wooden trestles. On the western bank, wood trestles support deck beam for a distance of approximately 258 feet over Beacon Hill Drive and Westside Highway.⁵

In addition to the Cowlitz River bridge, four other rail related structures are of note. A timber stringer bridge, approximately 220 feet in length, conveys the Line across North Pacific Avenue near Kelso. An approximately 147-foot plate girder bridge crosses the BNSF mainline near Kelso. A wooden trestle bridge approximately 410 feet in length crosses Alpha Drive and Beulah Drive near Longview. And, a plate girder bridge spans Nevada Drive near Longview. OEA has been unable to determine the construction dates of these structures based on the information provided by CLC to date.

Section 106 Process

The abandonment of a line of railroad is considered an undertaking under Section 106 of the National Historic Preservation Act (NHPA). OEA is responsible for meeting the Board's responsibilities under Section 106, including the identification of historic properties located within the Area of Potential Effect (APE) that are listed in or eligible for listing in the National Register of Historic Places (the National Register), assessing potential effects to National Register-eligible historic properties within the APE, and resolving adverse effects, in consultation with the appropriate State Historic Preservation Officer (SHPO) or SHPOs, Tribal Historic Preservation Officer (THPO) or THPOs, and other consulting parties. In railroad abandonment cases, the APE is typically defined as the rail right-of-way because this is the area where salvage activity could occur. OEA typically does not consider effects to historic properties related to potential future uses of the right-of-way by non-railroad entities because such activities are not reasonably foreseeable under NHPA.⁶

Initiation of Section 106 Process

Consistent with Board precedent and permission received from the Advisory Council on Historic Preservation (ACHP), CLC requested preliminary comments from the Washington State

⁵ See Bridgehunter.com, Weyerhaeuser Woods Bridge, <https://bridgehunter.com/wa/cowlitz/bh43293/> (last visited August 31, 2017).

⁶ See Iowa Southern R. Co. – Exemption – Abandonment, 5 I.C.C.2d 496, 501 (1989), aff'd, Goos v. ICC, 911 F.2d 1283 (8th Cir. 1990).

Department of Archaeology and Historic Preservation (the Washington SHPO) in June 2016.⁷ In its Historic Report, which was provided to the Washington SHPO at that time, CLC defined the APE as the rail right-of-way and concluded that none of the rail-related structures within the APE, including the Line itself, are eligible for listing in the National Register.

By letter dated July 5, 2016, the Washington SHPO concurred with the definition APE described in CLC's Historic Report. The Washington SHPO stated, however, that the Washington SHPO could not concur with CLC's conclusion regarding the identification of historic properties within the APE based on the information provided by CLC. The Washington SHPO stated that CLC's level of effort in identifying historic properties within the APE was not commensurate with the scope of the undertaking and that the individuals who prepared CLC's Historic Report did not meet the Secretary of the Interior's Professional Qualification Standards. The Washington SHPO recommended that CLC engage a cultural resources consultant to undertake an investigation of the historic significance and integrity of the Line and rail-related properties within the APE. The Washington SHPO requested that the Washington SHPO be consulted regarding the development of survey methodology prior to undertaking such an investigation. The Washington SHPO also requested that information regarding consultation with potentially affected tribes and other consulting parties. Finally, the Washington SHPO requested that all documentation related to the Section 106 review of the proposed abandonment be submitted electronically.

The approach recommended by the Washington SHPO is inconsistent with both the Board's environmental rules and with the delegation authority permitting railroads to engage in initial consultation with SHPOs. As the lead federal agency in the Section 106 review of the proposed abandonment, OEA remains responsible for identifying National Register-eligible properties within the APE, in consultation with the Washington SHPO. On August 31, 2017, the Washington SHPO provided OEA with additional information regarding the history of the Line and its association with the Weyerhaeuser Timber Company, which is reflected in the historic background presented above. Based on this information, the information submitted by CLC, and OEA's independent research, OEA has made the determinations discussed below.

Identification of National Register-Eligible Properties

In consultation with the Washington SHPO, OEA has determined that the Line represents a portion of the 31.5-mile Weyerhaeuser Woods Railroad, which is eligible for listing in the National Register under Criterion A for its association with the broader rail system of the Weyerhaeuser timber company and that system's contributions to American railroading history and the development of the logging industry in Washington. The recommended period of

⁷ Railroad applicants seeking to abandon a rail line have been delegated authority to initiate the Section 106 historic review process with SHPOs by preparing introductory materials (the Historic Report). The delegation authority is available on the Board's website, www.stb.gov, under the Environmental tab.

significance for the property is 1928 to 2008, which represents the period during which rail transportation of timber was active on the rail line.

OEA is providing a copy of this EA to the Washington SHPO for review and comment on this finding.

Assessment of Effects to National Register-Eligible Properties

The scope of salvage activities related to this proposed abandonment is limited to the removal of track and track material. CLC does not intend to remove or disturb any bridges or other structures within the rail right-of-way. In consultation with the Washington SHPO, OEA has determined that abandonment and sale of the Line would nevertheless constitute an adverse effect to the National Register-eligible Weyerhaeuser Woods Railroad under 36 C.F.R. 800.5(2)(vii) because it would result in a portion of that property being transferred out of federal jurisdiction.

In this case, OEA understands that CLC has agreed to enter into interim trails use negotiations with Cowlitz County under the provisions of the National Trails System Act, 16 U.S.C. § 1241 *et seq* (the Trails Act). OEA does not generally consider the conversion of a rail line into a recreational trail to be an adverse impact to historic properties, when such properties are present in the project APE. Typically, OEA considers interim trails use under the Trails Act to be beneficial for the purpose of historic preservation. The conversion of a rail line into a trail allows for historic sites and structures to be preserved and for the rail right-of-way to remain intact. Further, many trails are managed with the specific objective of promoting knowledge of and appreciation for the history of the rail line. And importantly, the rail abandonment proceeding is stayed during the existence of the rail-trail. Accordingly, OEA has determined that the conversion of the Line into a trail would result in no adverse effects to National Register-eligible historic properties within the APE.

OEA is providing a copy of this EA to the Washington SHPO for review and comment on this finding.

Resolution of Adverse Effects to National Register-Eligible Properties

Where a railroad abandonment would result in adverse effects to National Register-eligible properties, OEA's Section 106 process is typically concluded by the execution of a Memorandum of Agreement (MOA) between the railroad applicant, the appropriate SHPO(s) and/or THPO(s), and other consulting parties, where appropriate. Although the Board is limited in its ability to unilaterally impose mitigation on railroad applicants, railroads may voluntarily commit to undertake certain actions to resolve adverse effects to historic properties, potentially including documentation of a property, making a property available for sale for the purpose of preservation, or donating property.

In order to allow sufficient time for the Washington SHPO, other interested parties, and the public to review the available information in this case and for the applicable parties to

develop an MOA to resolve adverse effects, OEA is recommending that the Board impose a condition stating that CLC shall retain its interest in and make no changes to any historic properties located within the APE until the Section 106 process is complete and the Board has removed the condition.

Consultation with Federally-Recognized Tribes

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the National Park Service Native American Consultation Database to identify federally recognized tribes that may have ancestral connections to the project area.⁸ The database indicated that the following federally-recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment:

- Confederated Tribes of Siletz Indians of Oregon;
- Confederated Tribes of the Grand Ronde Community of Oregon; and
- Cowlitz Indian Tribe.

The Cowlitz Indian Tribe has submitted comments stating that, in event that any archeological or historic materials are encountered during project-related activities, CLC should stop work and (1) implement reasonable measures to protect the discovery site, (2) take reasonable steps to ensure the confidentiality of the discovery site, and (3) take reasonable steps to restrict access to the discover site. The Cowlitz Indian Tribe states that CLC and OEA should notify concerned tribes, the Washington SHPO in the event of unanticipated discoveries and consult with those parties regarding measures to remove or avoid cultural material. Accordingly, OEA is recommending a condition requiring CLC to notify OEA, the Washington SHPO, and concerned tribes in the event that unanticipated cultural materials are encountered during salvage activities. OEA sending a copy of this EA to federally recognized tribes that have been identified to date for their review and comment.

CONDITIONS

We recommend that the following conditions be imposed on any decision granting abandonment authority:

- 1. Columbia & Cowlitz Railway, LLC (CLC) shall 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**

⁸ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited August 29, 2017).

the Section 106 process of the National Historic Preservation Act, 54 U.S.C. 300101 *et seq.*, has been completed. CLC shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State of Washington Department of Archaeology & Historic Preservation, appropriate federally recognized tribes, and the public. CLC may 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.

- 2. Prior to undertaking any salvage activities, Columbia & Cowlitz Railway, LLC shall consult with the State of Washington Utilities and Transportation Commission (UTC) regarding potential impacts to public grade-separated railroad/road crossings and shall comply with the reasonable recommendations of UTC.**
- 3. Prior to undertaking any salvage activities, Columbia & Cowlitz Railway, LLC shall consult with the State of Washington Utilities and Transportation Commission (UTC) regarding the remediation of public at-grade railroad/road crossings and shall comply with the reasonable recommendations of UTC.**
- 4. Prior to undertaking any salvage activities, Columbia & Cowlitz Railway, LLC shall consult with the State of Washington Department of Ecology regarding the removal and disposal of chemically treated wood and shall follow the reasonable recommendations of that agency.**
- 5. If contamination is suspected, is discovered, or occurs during salvage activities, Columbia & Cowlitz Railway, LLC shall notify and consult with the Board's Office of Environmental Analysis the State of Washington Department of Ecology to develop a plan for testing and remediation, if necessary.**
- 6. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, the railroad will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested Federally recognized tribes, and the State of Washington Department of Archaeology & Historic Preservation (the State Historic Preservation Office or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested Federally recognized tribes, CLC, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, if the conditions above are imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption would not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

On August 22, 2017, Cowlitz County filed a request for public use pursuant to 49 C.F.R. § 1152.28.

TRAILS USE

Requests for a notice of interim trail use (NITU) are due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29).

On August 22, 2017, Cowlitz County submitted a request for a NITU pursuant to 49 C.F.R. § 1152.29. On August 31, 2017, CLC filed a reply to the request indicating that CLC is entering into trails use negotiations with Cowlitz County.

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Josh Wayland, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1244X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this

Environmental Assessment, please contact Joshua Wayland, the environmental contact for this case, by phone at (202) 245-0330, fax at (202) 245-0454, or e-mail at Joshua.Wayland@stb.gov.

Date made available to the public: September 5, 2017

Comment due date: September 20, 2017

By the Board, Victoria Rutson, Director, Office of Environmental Analysis