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OEA

SERVICE DATE – LATE RELEASE SEPTEMBER 5, 2017

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

Docket No. AB-1243X
Patriot Woods Railroad, LLC – Abandonment Exemption

Docket No. AB-1244 (Sub-No. 1X)
Columbia & Cowlitz Railway, LLC – Discontinuance Exemption

In Cowlitz County, Washington

BACKGROUND

In this proceeding, Patriot Woods Railroad, LLC (PW), and 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 and discontinuance, respectively, of a line of railroad in Cowlitz County, Washington. The rail line proposed for abandonment extends 21.5 miles from approximately milepost 8.5 and milepost 30 in Cowlitz County, Washington (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). Milepost 8.5 connects the Line to another line of railroad being discontinued by CLC in a different proceeding, Docket No. AB-1244X; the Line terminates at milepost 30. To streamline this environmental assessment (EA), OEA will principally discuss potential impacts related to the proposed abandonment by PW, which encompasses issues of greater complexity than, and inclusive of, those of the proposed discontinuance by CLC. 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.

Some confusion occurred among consulted agencies regarding the simultaneous submission of Docket Nos. AB-1243X and AB-1244 (Sub-No. 1X), in this proceeding, and Docket No. AB-1244X (the adjacent rail line segment to the southwest after milepost 8.5) by the same applicants. Substantive comments submitted applied to one or both cases, and OEA is recommending similar conditions in these cases to address the concerns of consulting agencies.

ENVIRONMENTAL REVIEW

PW submitted a combined Environmental and Historic Report that concludes that the quality of the human environment would not be affected significantly from the proposed abandonment, including salvage and disposition of the right-of-way. PW served the Environmental and Historic Report on appropriate federal, state, and local agencies as required

by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)].¹ Initially, PW served its combined environmental and historic report (CEHR) on June 1, 2016, the later served a revised CEHR on February 17, 2017. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to PW, no local traffic has moved over the Line since March 9, 2015, and all overhead traffic was rerouted years ago. 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

Salvage and disposal of a rail line typically include the removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. PW states that, if abandonment were authorized, salvage would consist of removing rail and track material from the existing roadbed, leaving the contour of the roadbed, bridges, and any existing drainage systems in place. PW states that no ballast would be removed and no soil disturbance would occur. The proposed abandonment would, according to PW, also result in the elimination of several public road crossings and private road crossings. PW also states that the underlying property is owned by Weyerhaeuser Company. Comments on the Environmental Report were submitted by several local, state, and federal agencies, and are discussed in the corresponding sections below.

Land Use

OEA received comment from the City of Castle Rock disagreeing with the applicant's initial belief that the Line would not be suitable for interim trails use or rail banking, and describing its support of the establishment of a trails agreement under the National Trails System Act to preserve the corridor and promote tourism in the area. Since this comment was submitted in June of 2016, the applicants have stated their willingness to negotiate an agreement with a trails user, and on August 22, 2017, Cowlitz County Board of Commissioners filed a trail use request; on August 30, 2017, PW filed its willingness to negotiate terms. While this information does not impact the EA, it is included for context in response to the City of Castle Rock's comment on the initial CEHR.

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 1243X.

Transportation and Safety

The Washington Utilities and Transportation Commission (UTC) submitted comments regarding the impact of the proposed abandonment on road crossings of three types: private crossings, public grade-separated crossings, and public at-grade crossings. UTC noted that it has no jurisdiction over private crossings. UTC stated that where grade-separated crossings are highway bridges crossing over the rail right-of-way, under state law, the applicable road authority would continue to maintain these bridges if abandonment authority is granted, having little practical effect. UTC further stated that where grade-separated crossings are railroad trestle bridges where the rail right-of-way crosses a roadway, 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 recommended that the Board impose a condition requiring that 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 PW to consult with UTC prior to undertaking salvage activities and to follow the reasonable recommendations of that agency to prevent any damage to the structural integrity of grade-separated road crossings.

UTC noted that several at-grade road crossings would be eliminated because of the proposed abandonment, and stated that proper removal and remediation of these crossings was 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 stated 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 stated that crossing infrastructure should be completely removed to ensure that the road authority does not incur the liability of remediating this infrastructure if it fails in the future. Therefore, UTC recommended that the Board impose a condition on any decision granting abandonment authority in this proceeding requiring the applicants to (1) remove and properly dispose of crossing surface materials at each at-grade crossing in the Line 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 crossing (i.e. within one foot of the edge of the crossing surface on each approach). UTC stated 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 the applicants to consult with UTC prior to beginning salvage activities near at-grade road crossings regarding UTC's infrastructure-related concerns and undertake the measures recommended by UTC.

Because salvage activity would take place within an existing rail corridor, OEA concludes that the proposed abandonment would not result in the conversion of prime farmland or other impacts to agricultural resources.

Coastal Zone Compliance

The proposed abandonment is located outside of the State of Washington's defined coastal zone, as Cowlitz County is not one of the 15 counties with marine shorelines. According to PW, the proposed abandonment and related salvage activities would not impact Washington's coastal resources. OEA concurs and believes that the proposed abandonment does not require a federal consistency determination, and is providing a copy of this EA to the State of Washington, Department of Ecology (Ecology), Coastal Zone Management Program for its review.

Water Resources

According to PW, there are seven bridges on the property and one tunnel; five bridges cross the Ostrander Creek (at milepost 9.85, milepost 9.90, milepost 11.20, and milepost 11.20001, and milepost 11.50), and the tunnel is located at milepost 9.60. PW could not determine the construction dates for the bridges and tunnel, however the Line was constructed in 1928. PW does not intend to dismantle or salvage any bridge structures themselves, limiting salvage activities to the track and related material.

PW plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to PW, salvage activities would not cause sedimentation or erosion of the soil, and PW does not anticipate any dredging or use of fill when removing the track material. PW states that debris would not be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials.

According to PW, no in-stream work, dredging, or use of fill materials are contemplated. Additionally, PW does not contemplate any excavation or other ground-disturbance activity, or the need for related storm water mitigation measures. To date, Ecology 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 USC § 1342). Because the proposed abandonment would not result in the discharge of wastewater or stormwater, OEA concurs with PW that a Section 402 permit likely would not be required. Accordingly, no mitigation related to impacts to water quality is recommended. OEA will provide a copy of this EA to Ecology 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 USC § 1344). Because salvage activities would be limited to the salvage of track and related material, and not the bridges themselves, OEA concurs with PW 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

PW is aware of two releases of hazardous substances in or near the Line: an oil spill caused by derailment of an outbound train from Green Mountain log scales and groundwater contamination at Headquarters Camp shop caused by a third party who provided an independent cleanup. PW states that the oil was collected and the rail beds were excavated and trenched to stop the flow into water areas; PW states that the area was restored and approved by Ecology.

Ecology submitted a response in a letter dated July 6, 2016, with remarks from two of its programs. The Hazardous Waste and Toxics Reduction Program advised PW of its recommended best practices and disposal requirements for treated wood, which the Line may contain. The Toxic Cleanup Program reminded PW to test any potentially contaminated media if contamination is suspected, discovered, or occurs, and notify Ecology if contamination of soil or groundwater is apparent or revealed by such testing. To address Ecology's comments, OEA is recommending that any decision granting abandonment authority include conditions requiring the applicants to (1) notify and consult with Ecology's Toxics Cleanup Program in the event that contamination is suspected or discovered, or occurs, during salvage activities, and (2) consult with Ecology's Hazardous Waste and Toxics Reduction Program and comply with Ecology's reasonable requirements regarding the disposal of any treated wood removed during salvage.

Biological Resources

PW 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 potentially-affected protected species, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system to identify protected species in the project area.² 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
Gray wolf (<i>Canis lupus</i>)	Endangered
North American wolverine (<i>Gulo gulo luscus</i>)	Proposed Threatened
Birds	
Yellow-billed cuckoo (<i>Coccyzus americanus</i>)	Threatened

² U.S. Fish and Wildlife Service, Information, Planning, and Conservation System, <http://ecos.fws.gov/ipac> (last visited September 1, 2017).

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

Due to the limited scope of the proposed salvage activities, OEA has determined that none of these species or critical habitats would be adversely affected by the proposed abandonment, and recommends no mitigation. OEA explains its rationale below and is submitting this EA to the Washington Fish and Wildlife Office for their review and comment.

Because salvage would take place within the existing rail right-of-way, it is unlikely that a grey wolf or North American wolverine would be encountered or affected during salvage activities due to the species' transience in rail corridors and mobility. The removal of track and related material using existing right-of-way would be unlikely to adversely affect the yellow-billed cuckoo, the marbled murrelet, and the streaked horned lark or their preferred nesting habitats, as no trees will be felled to create access roads or facilitate salvage activities.

The golden paintbrush, Nelson's checker-mallow, and Kincaid's lupine are unlikely to be present within the rail right-of-way, even in any suitable habitat for these species that may occur along a rail corridor, because regular railroad usage and maintenance, which may include the application of pesticides or herbicides and clearing of vegetation, would likely prevent any individuals of these species from being present.

Because the proposed abandonment would not result in discharge into or changes to waterways, OEA concludes that there would be no impacts to the bull trout or the critical habitat for the Chinook salmon, chum salmon, coho salmon, or steelhead.

Air Quality

Because salvage operations would be limited in scope and areal extent, and any air emissions associated with salvage operations would be temporary, OEA believes that salvage operations would not have a significant impact on air quality.

Noise

OEA believes that any noise impacts from salvage activities would be temporary and should not have a significant local impact.

Summary

Based on all information available to date, OEA does not believe that salvage activities would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this EA to the following agencies: Corps, USFWS, UTC, and Ecology.

HISTORIC REVIEW

Historical Background

The Line proposed for abandonment was originally constructed as part of the Weyerhaeuser Woods Railroad (WWR), a private logging railroad owned by the Weyerhaeuser timber company, which opened in 1928. The completed WWR 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 WWR, 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, Washington.

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 the Line's operational peak. 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, developing a system whereby trucks would transport logs from remote locations to designated reloading sites to be loaded onto train

cars.³

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.

Section 106 Process

The abandonment of a line of railroad is considered an undertaking under Section 106 of the National Historic Preservation Act (NHPA) because it requires federal approval from the Board. OEA is responsible for meeting the Board's responsibilities under Section 106, including:

1. initiation of the Section 106 process, including definition of the project's area of potential effect (APE)
2. identifying historic properties located within the Line's right-of-way, the project's Area of Potential Effect (APE), that are listed in or eligible for listing in the National Register of Historic Places (the National Register),
3. assessing potential effects to National Register-eligible historic properties within the APE, and
4. 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 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 post-abandonment uses of the right-of-way by non-railroad entities because such activities are not reasonably foreseeable under NHPA.⁴

Initiation of Section 106 Process

Consistent with Board precedent and permission received from the Advisory Council on Historic Preservation (ACHP),⁵ PW requested preliminary comments from the Washington State Department of Archaeology and Historic Preservation (the Washington SHPO) in June 2016. In its Historic Report, which was provided to the Washington SHPO at that time, the applicants defined the APE as the rail right-of-way and concluded that none of the rail-related structures

³ Durr, Gary, 2016, *Logging Railroads of the Pacific Northwest in Color, Volume 1: Washington State*. Morning Sun Books, Kutztown, PA.

⁴ 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)

⁵ Railroad applicants seeking to abandon a rail line have been delegated the 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, by selecting "Historic Preservation from the Environmental Matters menu and clicking the "Section 106 Delegation" link at the top of the page.

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 of the APE described in the applicants' Historic Report, but not with their conclusion regarding the identification of historic properties within the APE. The Washington SHPO stated that the applicants' level of effort in identifying historic properties within the APE was not commensurate with the scope of the undertaking and asserted that the individuals who prepared the Historic Report did not meet the Secretary of the Interior's Professional Qualification Standards. The Washington SHPO recommended that the applicants 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 consultation regarding the development of survey methodology prior to undertaking the investigation. The Washington SHPO also requested that information regarding consultation with potentially affected tribes and other consulting parties, along with other information 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 Weyerhaeuser Wood Railway Longview Branch, 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. The recommended period of 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 the applicants have 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, as 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; many such trails are managed with the specific objective of promoting knowledge of and appreciation for the history of the rail line. The rail abandonment proceeding is also stayed when an agreement for interim trails use under the Trails Act is finalized. 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 to promote 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 PW 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.⁶ The database indicated that the following federally-

⁶ National Park Service, National NAGPRA Program Native American Consultation Database, <http://grants.cr.nps.gov/nacd/index.cfm> (last visited August 31, 2017).

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.

OEA received comments from the Cowlitz Indian Tribe requesting that, if archaeological or historic materials are encountered during project work, the applicant cease work in the immediate area, notify the Tribe and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation (SHPO in Oregon), and take the following actions:

1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
2. Take reasonable steps to ensure the confidentiality of the discovery site; and
3. Take reasonable steps to restrict access to the discovery site.

The Cowlitz Indian Tribe advised that if human remains are uncovered, appropriate law enforcement agencies shall be notified prior to following the steps above. If such remains are determined to be Native, consultation with the affected Tribes must take place in order to mitigate the final disposition of said remains. Accordingly, OEA is recommending the addition of an inadvertent discovery condition to any decision granting abandonment authority in this proceeding to meet the Cowlitz Indian Tribe's requests. OEA is 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. Patriot Woods Railroad, LLC (PW) 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 the Section 106 process of the National Historic Preservation Act, 54 USC 300101 *et seq*, has been completed. PW 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. PW 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, PW 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 to prevent any damage to the structural integrity of grade-separated crossings during salvage.**
- 3. Prior to undertaking any salvage activities, PW shall consult with UTC regarding the remediation of public at-grade railroad/road crossings.**
- 4. Prior to undertaking any salvage activities, PW shall consult with the State of Washington, Department of Ecology, Hazardous Waste and Toxics Reduction Program and shall follow the reasonable recommendations of that agency regarding the removal and disposal of chemically treated wood.**
- 5. If contamination is suspected, is discovered, or occurs during salvage activities, PW shall notify and consult with the Board's OEA and the State of Washington, Department of Ecology, Toxics Cleanup Program to develop a plan for testing and remediation, if necessary.**
- 6. If any unanticipated archaeological sites, human remains, funerary items, or associated artifacts are discovered during the railroad's salvage activities, PW shall immediately cease all work and (a) notify the appropriate law enforcement agencies (if human remains are present), (b) implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering, (c) take reasonable steps to ensure the confidentiality of the discovery site, and (d) take reasonable steps to restrict access to the discovery site. PW shall then notify the Cowlitz Indian Tribe, OEA, interested federally-recognized tribes, and the SHPOs of both Washington and Oregon pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with interested federally-recognized tribes, SHPOs, PW, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary. If any human remains are determined to be Native, further consultation with the affected Tribes must take place in order to mitigate the final disposition of said remains.**

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions 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 should 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

A request for a notice of interim trail use (NITU) is 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 if 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, 395 E. Street SW, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, comments may be mailed to the Surface Transportation Board, 395 E. Street SW, Washington, DC 20423, to the attention of Adam Assenza, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 1243X in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Adam Assenza, the environmental contact for this case, by phone at (202) 245-0301, fax at (202) 245-0454, or e-mail at adam.assenza@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.

Attachment