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January 31, 2023  
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January 31, 2023

**VIA E-FILING**

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

Re: Portland & Western Railroad, Inc. – Abandonment Exemption –  
In Washington County, OR  
Surface Transportation Board Docket No. AB 541 (Sub-No. 3X)

Dear Ms. Brown:

On January 31, 2023, the Board issued a Draft Environmental Assessment in the above referenced docket instructing Portland & Western Railroad, Inc. "PNWR" to report to OEA any consultations that PNWR has with the State Historic Preservation Office ("SHPO").

Enclosed please find a December 29, 2022 email from the SHPO that indicates the SHPO review process is complete and that the PNWR abandonment may proceed. The SHPO email acknowledges receipt of PNWR's request for consultation and states:

If the SHPO chooses to not respond within 30 calendar days from receipt of this submittal your responsibilities under Section 106 of the National Historic Preservation Act of 1966 as amended, Oregon Revised Statute 358.653, local permitting process, and/or other similar request are complete and the project may proceed as described in the submitted scope of work. The 30-day SHPO response period for this project ends after 1/5/2022 (*sic*).

The SHPO provided no further response following this email. Therefore, as per the its statement, the SHPO's review process is complete.

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If you have any questions related to this filing, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Justin J. Marks". The signature is written in a cursive, flowing style.

Justin J. Marks  
*Counsel to Portland & Western Railroad, Inc.*

cc: Parties of Record  
Enclosure

**Marks, Justin J.**

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**From:** CLEARANCE ORSHPO \* OPRD <ORSHPO.Clearance@opr.oregon.gov>  
**Sent:** Thursday, December 29, 2022 10:51 AM  
**To:** Marks, Justin J.  
**Subject:** RE: SHPO Case # 19-1862

**[External Message]**

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**THIS E-MAIL CONFIRMS RECEIPT OF AN ELECTRONIC SUBMISSION FOR AN HISTORIC RESOURCE/106 REVIEW  
THIS E-MAIL DOES NOT REPRESENT CONCLUSION OF THE REVIEW/106 CONSULTATION.....**

We received a clearance submission on your above referenced project. Thank you.

**The assigned SHPO Case Number is 19-1862. Refer to this case number on all future correspondence or submitting any change to the scope of work for review using the provided SHPO case number. Please retain this email for your records.**

If the SHPO chooses to not respond within 30 calendar days from receipt of this submittal your responsibilities under Section 106 of the National Historic Preservation Act of 1966 as amended, Oregon Revised Statute 358.653, local permitting process, and/or other similar request are complete and the project may proceed as described in the submitted scope of work. The 30-day SHPO response period for this project ends after 1/5/2022. Federal and state laws protecting cultural resources, local permitting requirements; and necessary consultation with Native American Indian Tribes for federal, state and local government projects still apply. See <https://www.oregon.gov/opr/OH/Pages/lawsrules.aspx>.

**Do not respond to this email.**

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**From:** Marks, Justin J. <jmarks@ClarkHill.com>  
**Sent:** Monday, December 5, 2022 8:28 AM  
**To:** CLEARANCE ORSHPO \* OPRD <ORSHPO.Clearance@opr.oregon.gov>  
**Subject:** SHPO Case # 19-1862

Attached please find the SHPO form and a zip file to the Environmental and Historical Report submitted to the Surface Transportation Board in docket AB 541 (Sub. No. 3X).

This report is also available via the STB's website under filings – Docket Number AB 541 (Sub. No. 3X).

Thank you,

Justin

**Justin J. Marks**

Attorney at Law

**Clark Hill**

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