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244048

244050

August 3, 2017

Ms. Victoria Rutson
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings
August 7, 2017
Part of
Public Record

RE: Docket No. AB-1243X *Patriot Woods Railroad, LLC—Abandonment Exemption—in Cowlitz County, WA*

AB-1244 (Sub-No. 1X) *Columbia & Cowlitz Railway, LLC—Discontinuance Exemption—in Cowlitz County, WA*

Dear Ms. Rutson:

On or about August 11, 2017, we expect to be filing with the Surface Transportation Board ("STB") a Verified Notice of Exemption for Patriot Woods, LLC ("PW") to abandon and Columbia & Cowlitz Railway, LLC ("CLC") to discontinue service over an approximately 21.50-mile rail line between Ostrander Junction, milepost 8.5 and milepost 30, the end of the line, in Cowlitz County, WA

Enclosed for electronic filing is the Combined Environmental and Historic Report ("CEHR") which describes the proposed action and any expected environmental and/or historical effects, as well as maps of the affected area. A draft CEHR was mailed vial first class mail to the parties required under 49 C.F.R. 1105.7 and under 49 C.F.R. 1105.8(c) on June 1, 2016 and an updated CEHR was mailed on February 17, 2017.

Sincerely yours,



Melanie B. Yasbin
Attorney for Columbia & Cowlitz Railway, LLC

Enclosure

COMBINED ENVIRONMENTAL AND HISTORIC REPORT
(49 C.F.R. 1105.7 and 1105.8)

Docket No. AB-1243

PATRIOT WOODS RAILROAD, LLC—ABANDONMENT EXEMPTION—IN COWLITZ
COUNTY, WA

Docket No. AB-1244 (Sub-No. 1X)

COLUMBIA & COWLITZ RAILWAY, LLC—DISCONTINUANCE EXEMPTION—
IN COWLITZ COUNTY, WA

Dated: February 17, 2017

ENVIRONMENTAL REPORT

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Patriot Woods Railroad, LLC (“PW”) proposes to abandon the 21.50-mile rail line between milepost 8.5 and milepost 30, the end of the line, in Cowlitz County (the “Line”). Columbia & Cowlitz Railway, LLC (“CLC”) seeks to discontinue service over the Line. Some of the track between milepost 17.98 and the end of the line, has already been removed. Upon receipt of abandonment authority from the Surface Transportation Board (the “Board”), PW will salvage the remaining track and material on the Line.

Abandonment of the Line will result in the removal of the rail still on the Line. PW does not own the underlying property and does not intend to disturb any sub grade or sub grade structures and does not intend to remove any bridge structures. The underlying property is owned by Weyerhaeuser Company. The operations and maintenance of the Line will cease. Removal of the Line will result in the elimination of 3 public road crossings and 13 private road crossings.

There has been no local or overhead traffic on the Line since March 9, 2015. Prior to March 9th, the Line carried trash and leachate. The number of cars on the line has been steadily declining as trash has move to truck and a pipeline was completed to move the leachate.

The only alternative to a full abandonment would be for PW not to abandon the Line. With no traffic and no potential traffic, PW has decided to seek abandonment of the Line.

A map of the proposed abandonment is attached hereto as Exhibit 1.

(2) Transportation System. Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

There is no passenger traffic on the Line to be diverted to other modes as a result of the proposed abandonment. There is no freight traffic on the Line to be diverted to motor carrier. Accordingly, the proposed abandonment should have no adverse effects on regional or local transportation systems and patterns.

(3) Land Use. (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies. (ii) Based on consultation with the U.S. Soil Conversation Service, state the effect of the proposed action on any prime agricultural land. (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by 1105.9. (iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

(i) PW considers the proposed abandonment to be consistent with existing land use plans.

The area surrounding the Line is rural in nature and according the Cowlitz County Draft Comprehensive Plan map dated March 2015 a large portion of the Line runs through what the County refers to as smallholding land (areas intended to provide for self-sustaining lifestyle choices with the opportunity for management of natural resources for the creation of economic benefit) and forest.

PW contacted the city of Castle Rock ("Castle Rock") and Cowlitz County, by letters dated June 1, 2016 and provided them with a copy of the draft CEHR. And again by letters dated February 17, 2017, which also included a revised copy of the draft CEHR. See Exhibit 2. With regard to the portion of the Line between milepost 8.5 and 17.98, Castle Rock responded by letter dated June 21, 2016 and Cowlitz County replied by letter dated June 20, 2016. Castle Rock states that its corporate limits lie to the north of the Line and that it supports turning the Line into a trail.

Cowlitz County intends to file a Notice of Interim Trail Use for milepost 8.5 and milepost 17.98. Cowlitz County notes that Public Works is concerned about the potential for debris plugging culverts and causing flooding upstream, without inspection of the culverts and periodic clearing as debris is deposited. Cowlitz County also states that Public Works would be interested in obtaining the right to use the Line from Guier Road crossing to the access road northeast of the rail crossing of Ostrander Road to use as an alternate route for traffic when flooding closes Ostrander Road. Cowlitz County includes comments from Drainage Improvement District #1 which state a portion of the right of way between milepost 8.5 and milepost 17.98 includes an easement for and serves as the levee for Drainage Improvement District No. 1. Cowlitz County states that this portion of the right-of-way will need to be maintained to meet the USACE standards.

Cowlitz County states that although the bridges are potential historic structures, without proper maintenance they may post a future safety risk. According to Cowlitz County, the bridges that cross county roadways classified as arterials and collectors (including Nevada Drive, Alpha Drive, Beacon Hill Drive, and North Pacific Ave), currently limit vehicle height and restrict the width of the roadway. The County believes that these restrictions reduce safety by creating potential collisions into the bridge structures or other vehicles.

Cowlitz County states that the steep slope above the Line that runs parallel to N. Pacific Ave is a known landslide area and because of this maintenance of the area should continue to prevent future debris slides onto the roadway. In addition to removal of the track at roadway crossings, Cowlitz County would like the removal of all other infrastructure including but not limited to signs and crossing arms. *See Exhibit 2.*

By letter dated March 30, 2017, the Utilities and Transportation Commission (“UTC”) recommends that the Board condition approval of the abandonment on the railroads causing no damage to, or affecting any change to the structural integrity of, the grade-separated public road crossings where the highway runs under the railroad while conducting salvage operations of track and materials. The UTC also recommends that for the public at-grade road crossings the railroad be responsible for: (1) removing and properly disposing of crossing surface materials at each of the crossings and repaving the roadways to closely match existing pavement; (2) removing and properly disposing of all train-activated signaling equipment, including the flashing light assemblies, gates, masts, cantilevers, and bungalows; and (3) removing and properly dispose of all signage within the footprint of the crossing.

(ii) PW does not believe that there is any prime agricultural land that will be affected. PW notified the United States Department of Agriculture (“USDA”) Natural Resources

Conservation Service (the agency succeeding to the responsibilities of the Soil Conservation Service) of the proposed abandonment by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised copy of the CEHR) requesting assistance in identifying any potential effects on prime agricultural land. See Exhibit 2.

(iii) The Line does not pass through a designated coastal zone.

(iv) PW does not own the underlying property but it is willing to consider interim trail use/rail banking.

(4) Energy. (i) Describe the effect of the proposed action on transportation of energy resources. (ii) Describe the effect of the proposed action on recyclable commodities. (iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why. (iv) If the proposed action will cause diversions from rail to motor carriage of more than: (A) 1,000 rail carloads a year; or (B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

(i) The proposed abandonment will have no effect on the transportation of energy resources.

(ii) The proposed abandonment will have no effect on the transportation of recyclable commodities.

(iii) The proposed abandonment will have minimal effect on overall energy efficiency since there has been no traffic on the Line.

(iv) The proposed abandonment will not cause the diversion of more than 1,000 rail carloads a year; or an average of 50 rail carloads per mile per year for any part of the line segments of rail traffic to motor carriage.

(5) Air. (i) If the proposed action will result in either: (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or (B) an increase in rail yard activity of at least 100 percent (measured by carload activity), or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §

10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in sub-section (5)(i)(A) will apply. (ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either: (A) an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line; (B) an increase in rail yard activity of at least 20 percent (measured by carload activity); or (C) an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply. (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

(i) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(ii) The proposed abandonment will not result in meeting or exceeding the specified thresholds.

(iii) The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise. If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause: (i) an incremental increase in noise levels of three decibels Ldn or more; or (ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

Not applicable.

(7) Safety. (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings). (ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials. (iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials

spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

(i) The proposed abandonment will have no detrimental effects on public health and safety.

(ii) The proposed abandonment will not affect the transportation of hazardous materials.

(iii) PW is aware of an oil spilled caused by the derailment of an outbound train from Green Mountain log scales. The oil was collected and the rail beds were excavated and trenched to stop the flow of oil into water area. The area was restored and approved by WA Department of Ecology.

PW is aware of a groundwater contamination at Headquarters Camp shop that was caused by a third party who provided an independent cleanup. There was also an oil spill caused by derailment of an outbound train from Green Mountain log scales. The oil was collected and the rail beds were excavated and trenched to stop the flow into water areas. The area was restored and approved by WA Department of Ecology.

(8) Biological Resources. (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects. (ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

(i) PW does not believe that the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat. PW notified the U.S. Fish and Wildlife Service ("USF&W") of the proposed abandonment by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised copy of the CEHR), and requested assistance in determining whether the proposed abandonment will adversely affect endangered or threatened species or areas designated as a critical habitat. *See* Exhibit 2. To date, no response to this request has been received.

(ii) PW does not believe any wildlife sanctuaries or refuges, National or State parks or forests would be adversely affected by the proposed abandonment.

PW notified the National Parks Service of the proposed abandonment by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised copy of the CEHR) and requested assistance in identifying any potential effects on wildlife sanctuaries or refuges, National or State parks or forests. *See* Exhibit 2. To date, no response to this request has been received.

(9) Water. (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies. (ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects. (iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

(i) PW is confident that the proposed abandonment will be consistent with applicable water quality standards. PW contacted the Washington Department of Ecology (“WDE”) and the United States Environmental Protection Agency (“USEPA”) by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised copy of the CEHR). *See* Exhibit 2. WDE responded by letter dated July 6, 2016. WDE requests that if CLC removes structures that contain treated wood, CLC refer to WDE’s publication “Focus on Treated Wood Exclusion” for suggested best management practices and disposal requirements. WDE also states with regard to toxics cleanup that “If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, [WDE] must be notified.” No other responses to this request has been received.

(ii) PW believes that no permits under section 404 of the Clean Water Act are required for the proposed abandonment. While the Line passes through designated wetland areas PW does not believe designated wetlands or 100-year flood plains will be affected by the proposed abandonment. Upon receiving abandonment authority, removal of remaining material will be accomplished by use of the right-of-way for access. No new access roads are contemplated. PW does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil, and does not anticipate any dredging or use of fill in the removal of the track material. The crossties and/or other debris will be transported away from the Line and will not be discarded along the right-of-way nor be placed or left in streams or wetlands, or along the banks of such waterways. Also, during track removal, appropriate measures will be implemented to prevent or control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Based upon this course of action, PW does not believe a permit under Section 404 of the Clean Water Act will be required.

PW contacted the U.S. Army Corps of Engineers by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised copy of the CEHR). To date, no response to this request has been received. *See Exhibit 2.*

(iii) PW believes that no permit under section 402 of the Clean Water Act would be required for the abandonment. PW contacted the WDE and the USEPA by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised copy of the CEHR). *See Exhibit 2.* To date, no response to this request has been received.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

PW does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. PW will, of course, adhere to any remedial actions required by the Board.

HISTORIC REPORT

1. A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action;

U.S. Geological Survey Maps have been supplied to the Washington Department of Archeology and Historic Preservation. *See Exhibit 3.*

2. A written description of the right of way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area;

The right-of-way railroad corridor is approximately 21.50 miles long and 20 feet in width, 10 feet on each side of the centerline line. The Line begins at milepost 8.5 approximately 200 feet north of Misty Mountain Road. The Line travels north and crosses Guier Road. It continues moving northeast crossing a branch of the Ostrander Creek. The Line then turns north and crosses the South Fork Ostrander Creek. Moving northeastward again, the Line crosses Ostrander Creek. The Line then follows the Ostrander Creek crossing several tributaries and heads north. The Line crosses Frye Road, south of S. Silver Lake Road. The Line parallels S. Silver Lake Road and goes past Weyerhaeuser Regional Landfill located at 3434 S. Silver Lake Road, Castle Rock, WA, 98611. The Line runs east, parallel to Logging 1600 Rd. It then crosses Logging 1600 Rd and a creek. The Line turns north and then northwest. The Line then turns east and southeast before ending at milepost 30.0, the Green Mountain Sawmill.

3. Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are seven bridges on the property and one tunnel. The five bridges at milepost 9.85, milepost 9.90, milepost 11.20, milepost 11.20001, and milepost 11.50 all cross the Ostrander Creek. The tunnel is located at milepost 9.60

4. The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known;

The dates of construction for the bridges and tunnel are not known.

5. A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action;

The Weyerhaeuser Woods Railroad was originally built by Weyerhaeuser and opened in 1928. It was a 100 mile line that ran through the forests of Cowlitz County and served Weyerhaeuser's Mount St. Helens Tree Farm, its sawmills and other operations, including hauling logs, wood chips and finished. The Weyerhaeuser Woods Railroad line carried lumber, chemicals and other products to the BNSF Railway main line north of Kelso. PW received authority to acquire and operate approximately 21.5 miles of the Weyerhaeuser Woods Railroad by decision served on November 5, 2010. *See Patriot Woods Railroad, LLC—Acquisition and Operation Exemption—Weyerhaeuser NR Company, Weyerhaeuser Woods Railroad Operating Division* STB Docket No. FD-35431 (STB served Nov. 5, 2010). In this proceeding, PW is seeking to abandon and CLC is seeking to discontinue service over approximately 21.50 miles of the approximately 31.3-mile Weyerhaeuser Woods Railroad that was acquired by Patriot Rail from Weyerhaeuser.

6. A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic;

PW possesses valuation maps and track charts of the Line, but is not aware of any other documentation in its possession.

7. An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

PW believes that the bridges on the Line are not unusual or noteworthy for inclusion on

the National Register of Historic Places. It is also PW's opinion that there are no archeological resources or other railroad related historic properties in the project area.

8. A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic waste), and the surrounding terrain.

Based on a review of its records, PW believes that there are no known subsurface ground disturbances or fill, or environmental conditions that might affect the archeological recovery of any potential resources.

9. Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (*i.e.* prehistoric or native American).

PW does not foresee the likelihood that any additional information will need to be supplied in association with the proposed abandonment other than that information previously submitted. But, if any additional information is requested, PW will promptly supply the necessary information.

CLC contacted the Washington Department of Archeology and Historic Preservation ("DAHP") by letters dated June 1, 2016 (including a draft CEHR) and February 17, 2017 (including a revised copy of the CEHR). *See* Exhibit 2. DAHP replied by letter dated July 5, 2016, asking that CLC hire a cultural resources firm and conduct an inventory of the integrity and eligibility of the railroad and its appurtenances. *See* Exhibit 2.

EXHIBIT 1 – MAP

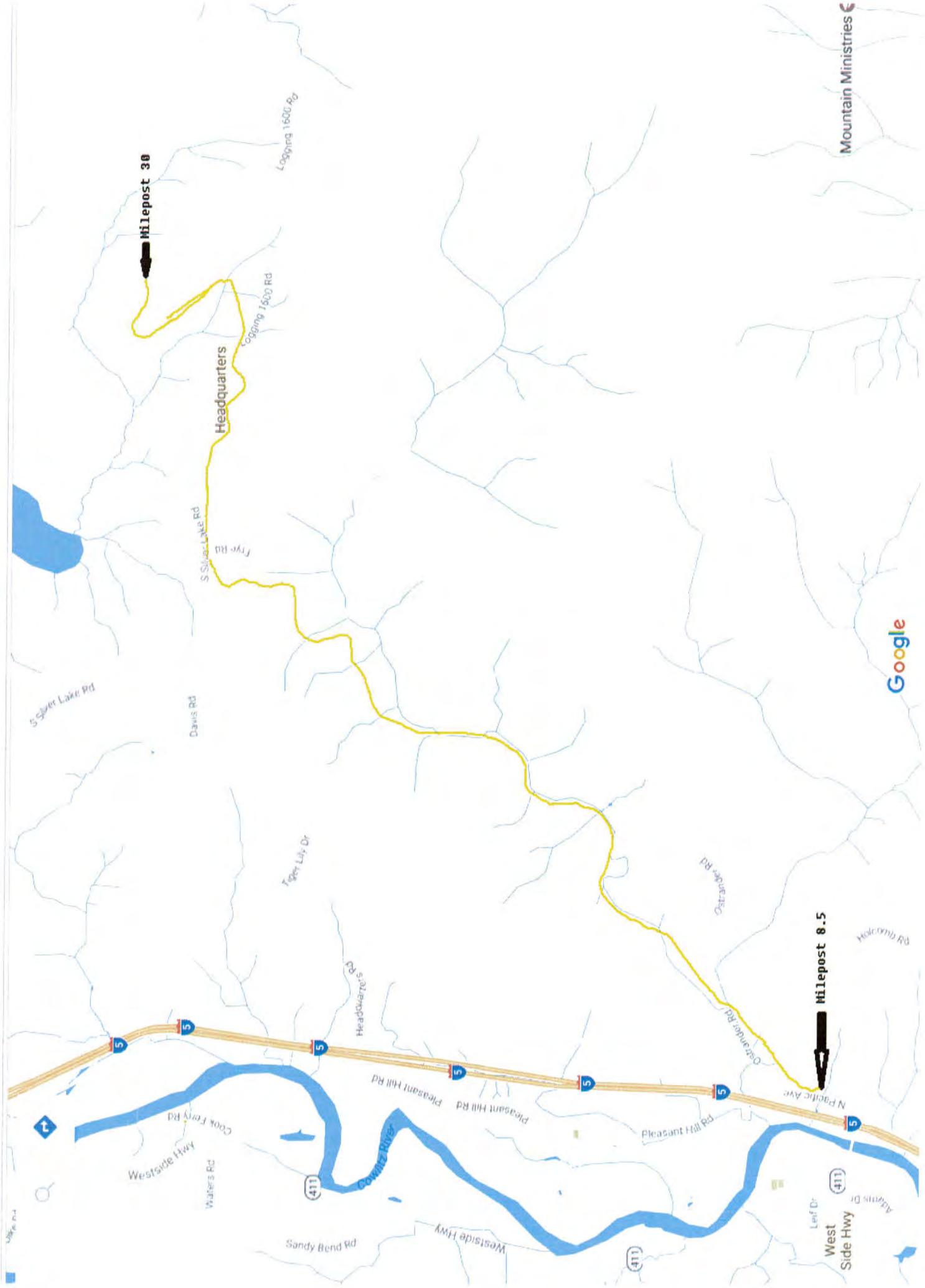


EXHIBIT 2 – LETTERS

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Louis@lgraillaw.com

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
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MELANIE B. YASBIN
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410-296-2205

Commissioner Michael Karnofski
207 4th Ave. N.
Room 305
Kelso, WA 98626

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC—Abandonment
Exemption in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC
Discontinuance Exemption in Cowlitz County, WA

Dear Mr. Karnofski:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board (“STB”) a petition for exemption seeking authority for the Patriot Woods Railroad, LLC to abandon and Columbia & Cowlitz Railway, LLC to discontinue service over an approximately 9.48-mile rail line between milepost 8.5 and milepost 17.98 in Cowlitz County (the “Line”).

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB’s independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E. Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket Nos. AB-1243X and AB-1244 (Sub-No. 1X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yasbin who may be contacted by telephone at 410-296-2250, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure



Board of Commissioners

County Administration Building
207 Fourth Avenue North
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COMMISSIONERS

Michael A. Karnofski
Chairman
District 1

Dennis P. Weber
District 2

Joe Gardner
District 3

CLERK OF THE
BOARD
Tiffany Ostreim

June 20, 2016

Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington DC 20423

Melanie B. Yasbin
600 Baltimore Avenue, Suite 301
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RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC – Abandonment
Exemption – in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC –
Discontinuance Exemption-In Cowlitz County, WA

Thank you for the providing Cowlitz County the opportunity to comment on the above referenced proposals. Cowlitz County has reviewed the combined Environmental and Historic Report that is to provide the basis for an independent environmental analysis. Based on the combined Report, the County offers the following comments and would ask that they be reflected in the record.

- Proposed Action and Alternative:
 - In addition to removal of the track at the roadway crossings all other infrastructure should be removed including but not limited to all signs and crossing arms.
- Land Use:
 - *(i) indicates consultation with local and/or regional planning agencies and /or a review of the official planning documents prepared by such agencies, state where the proposed action is consistent with land use plans. Describe any inconsistencies.*
 - Cowlitz County was not consulted for the Report. The Report states, PW (Patriot Woods) “considers the proposed abandonment to be consistent with existing land use plans. The surrounding area is rural in nature.” This is a generalized statement about perceived land use compatibility and does not indicate any consistency or inconsistency with our Comp Plan.
 - The maps included with the Report are insufficient to identify the actual location of the rail
 - (i) Public Works is concerned about the potential for debris plugging of the culverts. Without inspection of the culverts and periodic clearing as debris is deposited, there is a potential for the culverts to plug and cause flooding upstream. This could impact public right of ways and private property.
 - *(iv) if the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 USC 10905 and explain why.*

- The Report states, "PW does not own the underlying property and does not believe the Line would be suitable for an interim trail use/rail banking."
- 49 USC 10905 states: §10905. Offering abandoned rail properties for sale for public purposes
 - "When the Board approves an application to abandon or discontinue under section 10903, the Board shall find whether the rail properties that are involved in the proposed abandonment or discontinuance are appropriate for use for public purposes, including highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. If the Board finds that the rail properties proposed to be abandoned are appropriate for public purposes and not required for continued rail operations, the properties may be sold, leased, exchanged, or otherwise disposed of only under conditions provided in the order of the Board. The conditions may include a prohibition on any such disposal for a period of not more than 180 days after the effective date of the order, unless the properties have first been offered, on reasonable terms, for sale for public purposes."
- Drainage Improvement District #1 was not consulted, comments from their engineer are included here: a portion of the right of way also includes an easement for and serves as the levee for Drainage Improvement District No. 1. This portion of the right of way will need to be maintained to meet the USACE standards. Drainage Improvement District No. 1 was not included in the distribution.

- Safety:

- (i) *The proposed abandonment will have no detrimental effects on public health or safety.*

- The bridges, although they are potential historic structures, without proper maintenance may pose future safety risks. Without maintenance the bridge structures could deteriorate and pose a risk to the roadway below. In addition, the bridges crossing County roadways that are classified as arterials and collectors, currently limit vehicle height and restrict the width of the roadway. These restrictions reduce safety by creating potential collisions into the bridge structure or other vehicles and the introduction of bicycle and pedestrian traffic into the traveled way. The crossings over County arterials and collectors include Nevada Drive, Alpha Drive, Beacon Hill Drive and North Pacific Avenue.
 - Concerning the slope above N Pacific Avenue. The steep slope above the railway that parallels N Pacific Avenue is a known landslide area. Without proper maintenance and emergency response, this area has the potential to negatively impact the travelling public on N Pacific Avenue. In December 2015, there was a slide onto the tracks and the roadway below which needed to be closed to the public until the debris could be cleared. Maintenance of the area should continue to prevent future debris slides onto the roadway.
 - There is a section of the railway from the Guier Road crossing to the access road northeast of the rail crossing of Ostrander Road that Public Works is interested in obtaining the right to use as an alternate route for traffic when flooding closes Ostrander Road.

- Historic Report:

- The Report indicates as outlined below that there are 5 bridges and 1 tunnel of "unknown" age on the line that was constructed in 1928. No plan for archeological work is planned. No listing of structures is planned. The County may want to indicate that these structures may be of historic significance and that more research is required. The information included in the Historic Report is not of a comprehensive nature to allow determination of historical and cultural significance.

- Historic Report, #1:

- *A USGS topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the*

proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.

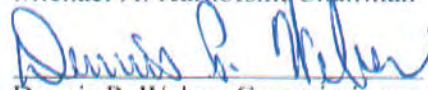
- The Report states, [USGS] maps have been supplied to the Washington Department of Archeology and Historic Preservation. See Exhibit 3.
 - The map included in exhibit 3 does not identify the location of structures and is inadequate for detailing the impact of the proposed action.
- Historic Report, #3:
 - *Good quality photographs of railroad structures on the property that are 50 years old or older.*
 - The Report indicates that there are five bridges and one tunnel on the line
- Historic Report, #4:
 - *The dates of construction of the structures and the date and extent of any major alterations, to the extent such information is known.*
 - Report states that dates of construction are not known and provides no further information.
- Historic Report #5:
 - A brief narrative history of carrier operations in the area . . .
 - The Report indicates that the line was constructed in 1928

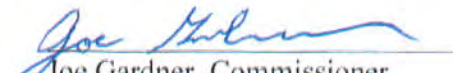
In addition to the above comments, Cowlitz County intends to file with a Notice of Interim Trail Use, together with a "Statement of Willingness to Assume Financial Responsibility" and a request to establish a Public Use Condition or 'PUC' in accordance with 49 CFR 1152.29.

Sincerely,

**Board of County Commissioners
of Cowlitz County, Washington**


Michael A. Karnofski, Chairman


Dennis P. Weber, Commissioner


Joe Gardner, Commissioner

LAW OFFICES OF
LOUIS E. GITOMER, LLC

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
TOWSON, MARYLAND 21204-4077
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FAX (410) 332-0885

LOUIS E. GITOMER
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MELANIE B. YASHIN
Melanie@lgraillaw.com
410-296-2205

Commissioner Michael Karnofski
207 4th Ave. N.
Room 305
Kelso, WA 98626

RE: Docket No. AB-1243 (Sub-No. 1X), Patriot Woods Railroad, LLC—
Abandonment Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 2X) Columbia & Cowlitz Railway, LLC—
Discontinuance Exemption—in Cowlitz County, WA

Dear Mr. Karnofski:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority for the Patriot Woods Railroad, LLC to abandon and Columbia & Cowlitz Railway, LLC to discontinue service over an approximately 12.02-mile rail line between milepost 17.98 and milepost 30, the end of the line, in Cowlitz County (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Office of Environmental Analysis (OEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket Nos. AB-1243 (Sub-No. 1X) and AB-1244 (Sub-No. 2X).

Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to OEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Melanie Yashin who may be contacted by telephone at 410-296-2250, email at Melanie@lgraillaw.com, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

Melanie Yashin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

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MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

Chairman Joe Gardner
207 4th Ave, N.
Room 305
Kelso, WA 98626

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC—Abandonment
Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC—
Discontinuance Exemption—in Cowlitz County, WA

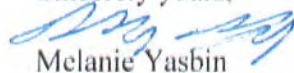
Dear Chairman Gardner:

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Sincerely yours,



Melanie Yasbin

Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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June 1, 2016

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Melanie B. Yasbin
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410-296-2205

Kelso City Hall
PO Box 819
Kelso, WA 98626

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC Abandonment
Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC
Discontinuance Exemption—in Cowlitz County, WA

Dear Madam/Sir:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Patriot Woods Railroad, LLC to abandon and Columbia & Cowlitz Railway, LLC to discontinue service over an approximately 9.48-mile rail line between milepost 8.5 and milepost 17.98 in Cowlitz County (the "Line").

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Melanie Yasbin
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Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

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February 17, 2017

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MELANIE B. YASBIN
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410-296-2205

Kelso City Hall
PO Box 819
Kelso, WA 98626

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC—Abandonment
Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC—
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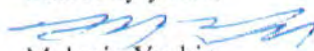
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Sincerely yours,



Melanie Yasbin

Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Louis@lgrailaw.com

June 1, 2016

MELANIE B. YASBIN
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FAX: 410-337-0883

Laura Joss, Regional Director
U.S. National Park Service
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC Abandonment
Exemption— in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC
Discontinuance Exemption—in Cowlitz County, WA

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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June 1, 2016

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MELANIE B. YASHIN
Melanie@lgraillaw.com
410-296-2205

Laura Joss, Regional Director
U.S. National Park Service
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

RE: Docket No. AB-1243 (Sub-No. 1X), Patriot Woods Railroad, LLC
Abandonment Exemption – in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 2X) Columbia & Cowlitz Railway, LLC
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LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
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410-296-2205

Laura Joss, Regional Director
U.S. National Park Service
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

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Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
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MELANIE B. YASBIN
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410-296-2205

U.S. Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

RE: Docket No. AB-1243 (Sub-No. 1X), Patriot Woods Railroad, LLC
Abandonment Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 2X) Columbia & Cowlitz Railway, LLC—
Discontinuance Exemption—in Cowlitz County, WA

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Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Louis@lgraillaw.com

June 1, 2016

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MELANIE B. YASBIN
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U.S. Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC Abandonment
Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. IX) Columbia & Cowlitz Railway, LLC
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Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

600 BALTIMORE AVENUE, SUITE 301
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MELANIE B. YASBIN
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410-296-2205

U.S. Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

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Enclosure

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LOUIS E. GITOMER
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June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
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MELANIE B. YASHIN
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410-296-2205

Natural Resources Conservation Service
USDA
316 West Boone Ave
Suite 450
Spokane, WA 99201

RE: Docket No. AB-1243 (Sub-No. 1X), Patriot Woods Railroad, LLC
Abandonment Exemption—in Cowlitz County, WA
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June 1, 2016

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Natural Resources Conservation Service, USDA
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RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC Abandonment
Exemption in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC
Discontinuance Exemption in Cowlitz County, WA

Dear Madam/Sir:

On or about June 21, 2016, we expect to be filing with the Surface Transportation Board ("STB") a petition for exemption seeking authority for the Patriot Woods Railroad, LLC to abandon and Columbia & Cowlitz Railway, LLC to discontinue service over an approximately 9.48-mile rail line between milepost 8.5 and milepost 17.98 in Cowlitz County (the "Line").

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

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MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

Natural Resources Conservation Service
USDA
316 West Boone Ave
Suite 450
Spokane, WA 99201

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC—Abandonment
Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC—
Discontinuance Exemption—in Cowlitz County, WA

Dear Madam/Sir:

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Sincerely yours,



Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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June 1, 2016

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MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

RE: Docket No. AB-1243 (Sub-No. 1X), Patriot Woods Railroad, LLC
Abandonment Exemption in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 2X) Columbia & Cowlitz Railway, LLC
Discontinuance Exemption in Cowlitz County, WA

Dear Madam/Sir:

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Sincerely yours,

Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Louis@lgraillaw.com

June 1, 2016

MELANIE B. YASHIN
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FAX 410-332-0888

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC—Abandonment
Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC—
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Sincerely yours,

Melanie Yashin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

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MELANIE B. YASBIN
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410-296-2205

U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

RE: Docket No. AB-1243X, Patriot Woods Railroad, LLC—Abandonment
Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 1X) Columbia & Cowlitz Railway, LLC—
Discontinuance Exemption—in Cowlitz County, WA

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Sincerely yours,



Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
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MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

U.S. Fish and Wildlife Service
Pacific Region
911 NE 11th Ave
Portland, OR 97232

RE: Docket No. AB-1243 (Sub-No. 1X), Patriot Woods Railroad, LLC
Abandonment Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 2X) Columbia & Cowlitz Railway, LLC
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Melanie Yasbin
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Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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June 1, 2016

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MELANIE B. YASBIN
Melanie@lgraillaw.com
410-296-2205

U.S. Fish and Wildlife Service
Pacific Region
911 NE 11th Ave
Portland, OR 97232

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Melanie Yasbin
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Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
Lou@lgraillaw.com

February 17, 2017

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MELANIE B. YASBIN
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410-296-2205

U.S. Fish and Wildlife Service
Pacific Region
911 NE 11th Ave
Portland, OR 97232

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Sincerely yours,


Melanie Yasbin

Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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MELANIE B. YASHIN
Melanie@lgraillaw.com
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June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
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(410) 296-2250 • (202) 366-6517
FAX (410) 337-0885

Washington Shorelines and Environmental Assistance
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

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Melanie Yashin
Columbia & Cowlitz Railway, LLC

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LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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June 1, 2016

600 BALTIMORE AVENUE, SUITE 301
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410-296-2205

Washington Shorelines and Environmental Assistance
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: Docket No. AB-1243 (Sub-No. 1X), Patriot Woods Railroad, LLC—
Abandonment Exemption—in Cowlitz County, WA
Docket No. AB-1244 (Sub-No. 2X) Columbia & Cowlitz Railway, LLC
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Melanie Yasbin
Columbia & Cowlitz Railway, LLC

Enclosure

LAW OFFICES OF
LOUIS E. GITOMER, LLC

LOUIS E. GITOMER
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February 17, 2017

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MELANIE B. YASBIN
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Washington Shorelines and Environmental Assistance
Department of Ecology
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