

Brent F. Dille
Bryce H. Dille



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brent@dillelaw.com
300597

ENTERED
Office of Proceedings
May 5, 2020
Part of
Public Record

May 5, 2020

The Honorable Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Dear Ms. Brown:

Attached please find a Verified Notice of Exemption for the City of Yelm (Yelm) to abandon an approximately 4.57 mile line of railroad between railroad milepost 20.99, near the City of Roy, WA and railroad milepost 25.56, within the City of Yelm, WA which traverses through Thurston and Pierce Counties, Washington. Consistent with 49 C.F.R. § 1002.2 (e)(1), it is requested that all associated filing fees for the City of Yelm (a local government entity) are waived.

Thank you for your assistance. If you have any questions, please contact me. I remain...

Very truly yours,

Brent F. Dille
Attorney at Law

BFD:keas
Enclosures

FEE RECEIVED
May 5, 2020
SURFACE
TRANSPORTATION BOARD

FILED
May 5, 2020
SURFACE
TRANSPORTATION BOARD

cc: Client

**Before the
Surface Transportation Board**

Docket No. STB AB 1295 (Sub-No. 0X)

City of Yelm – Abandonment Exemption – In Thurston and Pierce County, WA

Verified Notice of Exemption

Dated: February 26, 2020

The City of Yelm files this Verification Notice of Exemption pursuant to the class exemption at 49 C.F.R. § 1152.50 for CSXT to abandon an approximately 4.57-mile rail line that runs between milepost 20.99, near Roy, WA and railroad milepost 25.56, within Yelm, WA which traverses through Thurston and Pierce Counties, Washington. No local rail traffic has moved over the line during the past two years. Any overhead traffic on the Line can be and has been rerouted.

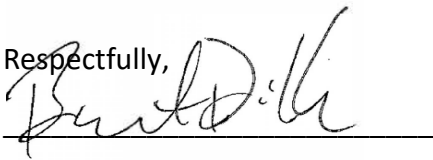
Originally part of a larger stretch of track, portions directly south of milepost 25.56 (14.5-miles) were abandoned in 1986 with granted authority for trail use. Thurston County manages this 14.5-mile corridor as a walking and cycling trail (Yelm-Tenino Trail). The City of Yelm is seeking to abandon portions of the line within its ownership, effectively extending trail access from the Cities of Tenino and Rainier through the City of Yelm northeast to the City of Roy within Pierce County.

Based on information in the possession of the City of Yelm, the line does not contain federally granted rights-of-way. Any documentation in the railroad's position will be made available promptly to those requesting it.

1. Proposed consummation date: May 1st, 2020
2. Certification required by 49 C.F.R. § 1152.SO(b): See Exhibit A.
3. Information required by 49 C.F.R. § 1152.22(a)(I) through (4), (7), and (8), and (e)(4):
 - a. General:
 - i. Exact name of applicant: City of Yelm
 - ii. Carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105: The City of Yelm is a Class III Common Carrier.

- iii. Relief sought: Yelm seeks to use class exemption 49 C.F.R. § 1152.50 to abandon an approximately 4.57-mile line that runs between mileposts 20.99 and 25.56 within Thurston and Pierce Counties, in Washington State.
 - iv. Map: See Exhibit B.
 - v. Correspondence contact: Brent F. Dille, Attorney at Law
 - vi. Traversed postal codes: The Line traverses U.S. Postal ZIP Codes 98597 and 98580.
- e. Rural and community impacts: The City of Yelm believes the property proposed for abandonment is ideally suitable for multi-modal recreational transportation consistent with existing adjacent uses, Federal Highway Administration funding requirements as stipulated within the initial acquisition of the line, City of Yelm Comprehensive Plan, and Thurston County Regional Transportation Plan.
- 2. The level of labor protection. The interests of any railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions in Oregon Short Line R. Co. - Abandonment-Goshen, 360 I.C.C. 91 (1979).
 - 3. Certification. Certificates of compliance with the notice requirements of 49 C.F.R. §§ 1152.50(d)(I) and 1105.11 are attached as Exhibit C.
 - 4. Environmental Report. See Exhibit E.
 - 5. Historic Report. See Exhibit F.

Respectfully,



Dille Law, PLLC
Brent Dille
brent@dillelaw.com
360-350-0270
2010 Caton Way SW, Suite 101
Olympia, WA 98502

Dated: April 7, 2020

Grant Beck, Director of Community Development
City of Yelm
grantb@Yelmwa.gov
360.458.8408
106 2nd ST SE
Yelm, WA 98597

Exhibit A:

VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS CRITERIA OF 49 C.F.R. SECTION 1152.50(b)

I, Grant Beck, state that I am the Director of Community Development for the City of Yelm Prairie Line (COYPL); that I am authorized to make this verification; and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated, to the best of my knowledge, information, and belief.

I hereby certify that no freight traffic has moved over the COYPL's 4.57-mile rail line, between milepost 20.99 and milepost 25.56, the end of track, in Yelm, Thurston County, WA, for two years prior to the date hereof, and that any overhead freight traffic on the line can be rerouted over other lines.

Further, no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period. The foregoing certification is made on behalf of COYPL by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

SUBSCRIBED AND SWORN TO before me this 20th day of Nov., 2019



Grant Beck, Community Development Director

STATE OF WASHINGTON)

) ss

COUNTY OF THURSTON)

On this day and year below, personally appeared before me Grant Beck, to me known to be the Community Development Director of the City of Yelm, and who executed the within and foregoing instrument and acknowledged that he/she signed the same as his/her own free and voluntary act and deed on behalf of themselves or as corporate officers of the named corporation with the full authority, for the uses and purposes herein mentioned.

Given under my hand and seal this 20th day of November, 2019.



Tami Merriman

Notary Public in and for the State of Washington,
residing at Pierce, CO

My commission expires: 07-19-21



For clarity purposes

TAMI MERRIMAN

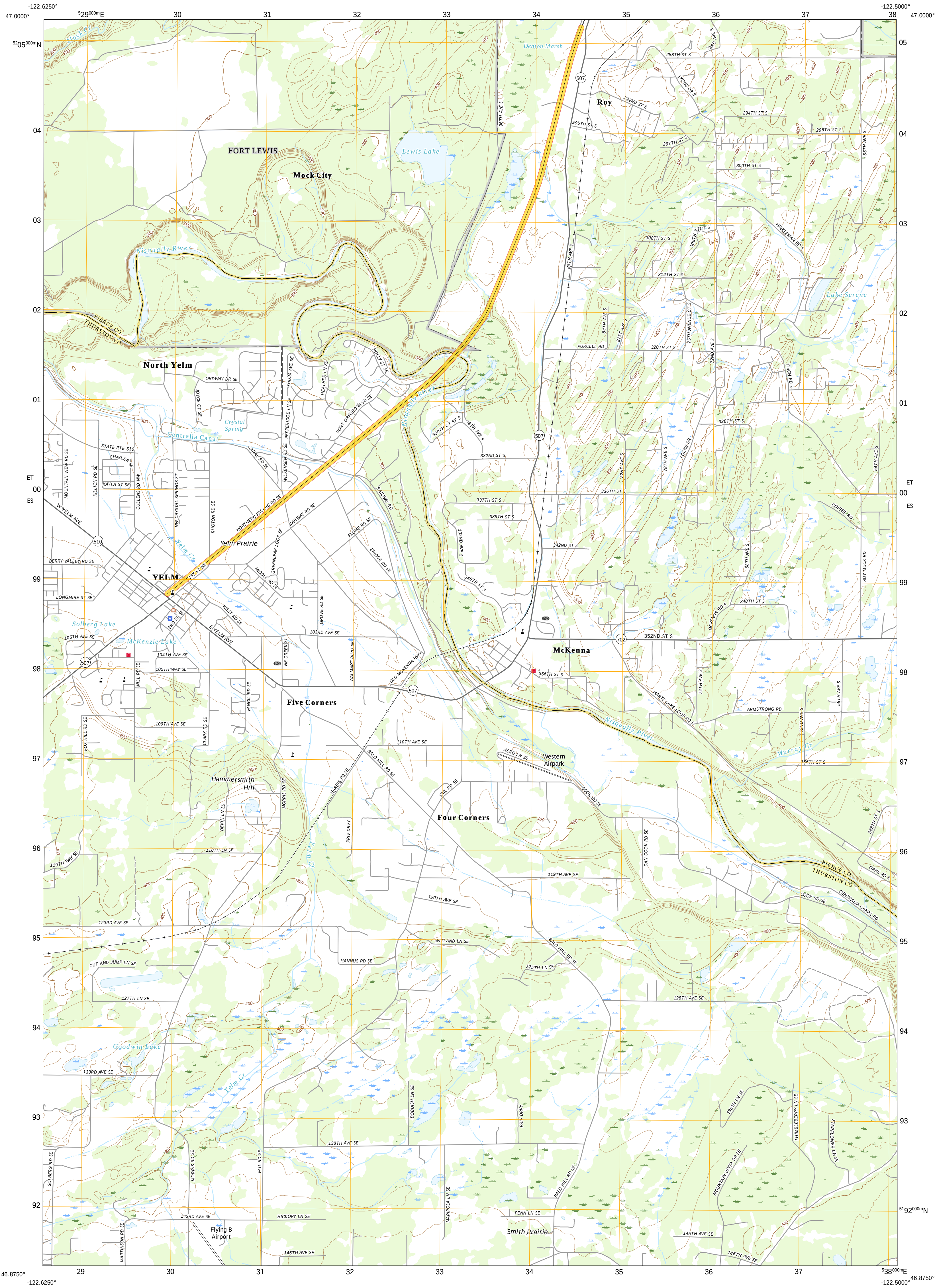
COMMISSION EXPIRES

NOTARY PUBLIC

07-19-21

STATE OF WASHINGTON

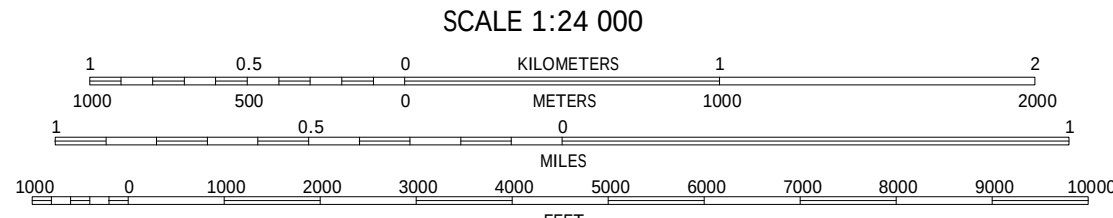
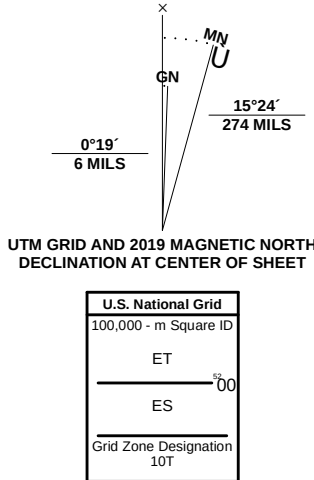
Exhibit B: Site Maps



Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84) Projection and
1 000-meter grid/Universal Transverse Mercator, Zone 10T
This map is not a legal document. Boundaries may be
generalized for this map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.

Imagery.....NAIP, August 2015 - November 2015
Roads.....U.S. Census Bureau, 2016
Names.....GNIS, 1979 - 2019
Hydrography.....National Hydrography Dataset, 2004 - 2019
Contours.....National Elevation Dataset, 1999 - 2018
Boundaries.....see metadata file, 2017 - 2018
Public Land Survey System.....BLM, 2019
Wetlands.....FWS National Wetlands Inventory 1980 - 1981



1	2	3
4	5	6
7	8	9

ADJOINING QUADRANGLES

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

Proposed Abandonment

MCKENNA, WA
2020

CONTOUR INTERVAL 20 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.18

*7643016402
NSN 643016402163
NGA REF NO. USGSX24K28430

Rail Line Abandonment | City of Yelm

LEGEND

CITY BOUNDARIES

- Urban Growth Area (UGA)
- City Limits
- County Limits

Environmental Designations

- WA State Route - 510
- TRMW Class III Shortline
- SR-510 Yelm Loop ROW
- Yelm Prairie Line ROW
- TC Yelm-Tenino Trail ROW
- Joint Base Lewis-McChord
- Nisqually Land Trust
- DNR Managed Lands
- Rivers & Streams

The 1999 City of Yelm segment acquisition runs 4.57 miles from its southern junction with the TC Yelm Tenino Trail to the northern boundary of parcel 0217044009 (directly south of the 293rd Street crossing in Roy Washington).

0 0.25 0.5 0.75 1 1.25 1.5 Miles





Yelm Prairie Line Trail

0 0.5 1 2 3 4 Miles

- | | | | |
|--------------------------------|-------------------------------|-------------|----------------------------------|
| Trail, Shared Use, Existing | Existing Bike Routes | Schools | Nisqually Indian Reservation |
| Trail, Shared Use, Planned | Bike Lane | Libraries | Urban Growth Areas |
| Trail, Shared Use, Proposed | Wide Shoulder | Trail Heads | Parks, Preserves, and Open Space |
| Route, On Street, Planned | Commonly Used Local Roads | | Department of Defense Lands |
| On Street Facilities, Proposed | Bicycle/Pedestrian Connection | | Unincorporated Thurston County |
| Featured Trail on Map | Active Railroad | | |
| | Local Streets | | |



Disclaimer

This map is for general planning purposes only. Thurston Regional Planning Council makes no representations as to the accuracy or fitness of the information for a particular purpose.

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Exhibit C:

Certificates of Service and Publication

Pursuant to 49 C.F.R. § 1152.50 (d) (1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. STB AB 1295 (Sub-No. 0 X) was mailed via first class mail on Monday March 2nd, 2020 to the following parties:

Washington Utilities and Transportation Commission

621 Woodland Square Loop SE
Lacey, WA 98503

The commission's mailing address is:
PO Box 47250
Olympia, WA 98504-7250

Military Surface Deployment and Distribution Command (SDDC)

Transportation Engineering Agency
AT1N: SDTE-SA (Railroads for National Defense)
1 Soldier Way, Building 1900 W
Scott AFB, IL 62225

National Park Service

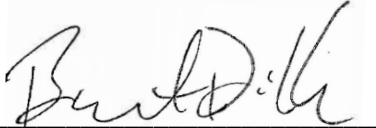
Mr. Rick Potts, Chief
Conservation and Outdoor Recreation Division
Rivers, Trails and Conservation Assistance Program National Park Service
1849 C Street, N.W. (Org Code 2220)
Washington, DC 20240

National Park Service

U.S. Department of Interior
National Park Service
Land Resources Division
1849 C Street, N.W.
Washington, DC 20240

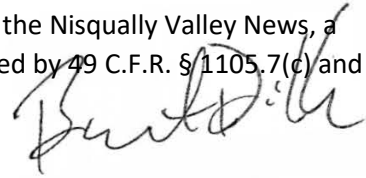
U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
1400 Independence Avenue, S.W.
Washington, DC 20250-0003


Brent Dille

Certificate of Publication:

The undersigned hereby certifies that notice of the proposed abandonment in Docket No. STB AB 1295 (Sub-No. 0 X) in the following form was advertised on January 24th, 2019 in the Nisqually Valley News, a newspaper of general circulation in Thurston and Pierce Counties as required by 49 C.F.R. § 1105.7(c) and .12.



Brent Dille
April 7, 2019

See Exhibit D**Notice of Intent to Abandon**

The City of Yelm gives notice that on or about January 1st of 2020, it intends to file with the Surface Transportation Board, Washington, DC 20423, a notice of exemption under 49 CFR 1152 Subpart F--Exempt Abandonments permitting the abandonment of a 4.57 mile line of railroad between railroad milepost 20.99, near Roy, WA, which traverses through United States Postal Service ZIP Codes 98580 and railroad milepost 25.56, near Yelm, WA which traverses through United States Postal Service ZIP Codes 98597 in Thurston and Pierce Counties, Washington. The proceeding will be docketed as No. STB AB 1295 (Sub-No. 0X).

The Board's Office of Environmental Analysis (OEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the OEA, Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-245-0295.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Chief, Section of Administration, 395 E Street, SW., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238. Copies of any comments or requests for conditions should be served on the applicant's representative: Grant Beck, Director of Community Development – City of Yelm, 106 2nd Street SE, Yelm WA, 98597, number 360.458.8408, or email Grantb@yelmwa.gov.

For additional information on why this process is taking place, feel free to visit the projects story map at the following address: <https://tinyurl.com/YelmPL>

Notice of Intent to Abandon

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For additional information on why this process is taking place, feel free to visit the

projects story map at the following address: <https://tinyurl.com/YelmPI>

Pub: Nisqually Valley News
January 23 & 30, 2020
February 6, 2020

Exhibit E:

Environmental Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7, the undersigned hereby certifies that a copy of the Environmental Report in Docket No. STB AB 1295 (Sub-No. 0 X) was mailed via first class mail on Friday March 21st, 2020 to the following parties:

U. S. Environmental Protection Agency

Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Thurston County Commissioners

Thurston County Courthouse
2000 Lakeridge Drive SW
Olympia, WA 98502-1045

Pierce County Council

District 3 – Jim McCune
930 Tacoma Ave. S.
10th Floor, Rm 1046
Tacoma, WA 98402

U.S. Fish and Wildlife Service

Pacific Region – Washington (R1)
Eastside Federal Complex
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers

Seattle District Headquarters
P.O. Box 3755
Seattle, WA 98124-3755

The National Park Service

Pacific West Region
1849 C Street NW
Washington, DC 20240

Natural Resources Conservation Service

Olympia Service Center and State Office
1835 BLACK LAKE BLVD SW STE B
OLYMPIA, WA 98512-5715

Natural Resources Conservation Service

Puyallup Service Center
1011 E MAIN AVE SUITE 306
PUYALLUP, WA 98372

Washington State Department of Ecology

Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775

National Geodetic Survey

Communications and Outreach Branch
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

Thurston Economic Development Council

4220 6th Avenue SE
Lacey, WA 98503

Thurston Regional Planning Council

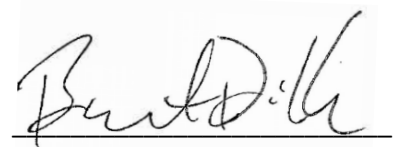
2424 Heritage Court SW
Olympia, WA 98502

Nisqually Land Trust

1420 Marvin Road NE, Suite C
PMB 243
Lacey, WA 98513

City of Roy

Jeff Boers – Planning Department
216 McNaught Street
Roy, WA 98580



Brent Dille

Exhibit E:

Environmental Report (combined)

Docket No. STB AB 1295 (Sub-No. 0 X)

Dated: 3/16/2020

The following information is provided in accordance with 49 C.F. R. Section 1105.8:

The Board may waive or modify information requirements when the information is not necessary to evaluate the environmental impacts of the proposed action. [See 1105.7 (g)]. If some information requested does not apply in a particular case, the applicant should explain why in the environmental report except as provided in paragraph (b) for abandonments and discontinuances.

If an historic report is required under Sec. 1105.8, the Environmental Report should also include the Historic Report required by that section.

(1) Proposed action and alternatives.

- a. 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.*

The City of Yelm proposes to abandon approximately 4.57 miles of City owned rail line between Roy, Washington (rail milepost 20.99 near 293rd Street South) and Yelm, Washington (rail milepost 25.56 at the lines southern terminus in Thurston County Washington).

The identified 4.57-mile segment has not generated any originating or terminating traffic in over two (2) years.

The City of Yelm is interested in extending the Yelm-Tenino Trail, potentially converting this section of corridor into a bicycle and pedestrian transportation route.

Abandonment of this line will result in the removal of the rail, crossties, and possibly the upper layer of ballast. The City of Yelm does not intend to disturb any sub grade structures.

While there is an alternative where the line would not be abandoned and the opportunity costs of retaining the line would be passed on to other interested operators, the City of Yelm has pursued this option over the past 20-years with no outside interest. This alternative is no longer considered a prudent utilization of resources.

A map which delineates the proposed project is attached (see Exhibit B: Site Maps). A distribution list of all parties who have received a copy of this report is also attached (Exhibit E: Environmental Report, Certificate of Service).

(2) Transportation system.

- a. 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.*

No train/rail activity currently exists on this line (passenger, freight, or otherwise). Since there has not been any traffic on this line for over two (2) years, there will not be any passenger or freight diversions to other transportation systems or modes as a result of this proposed action. Regional and local systems and patterns will not be adversely impacted by this proposal.

As a possible future use of this corridor, new opportunities for pedestrian and cyclist traffic has the potential to pull these uses from adjacent streets effectively lessening existing system demands in the area.

(3) Land use.

- a. 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.

Governing agencies including Pierce County, the City of Roy, Thurston County, and the City of Yelm have been contacted as part of the abandonment process. These plans are consistent with regional and county planning policies, parks plans, and local comprehensive plans.

The Nisqually Land Trust is another major land holder in the area. This proposal is consistent with their long-term goals, vision, and mission statement.

Potential trail use along this corridor has been identified within the Pierce County, Thurston County, City of Roy and City of Yelm Comprehensive Plans and Thurston Regional Planning Council Transportation Plan.

- b. Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

As all proposed possible actions will remain within the boundaries of the previously established and developed corridor, no effects or conversions of prime agricultural lands will take place as a result of this project.

- c. If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

As all proposed possible actions will remain within the boundaries of the previously established and developed corridor, no effects or impacts are anticipated to any designated costal zones. This proposal does not take place within a designated coastal zone.

- d. 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. 10906 and explain why.

The properties proposed for abandonment are well suited for a non-motorized transportation corridor as identified within the Pierce County, Thurston County, City of Roy and City of Yelm Comprehensive Plans and Thurston Regional Planning Council Transportation Plan.

(4) Energy.

- a. Describe the effect of the proposed action on transportation of energy resources.

The proposed action will have no effect on the movement and/or recovery of energy resources. As a possible future use of this corridor, new opportunities for pedestrian and cyclist traffic has the potential to pull these uses from adjacent streets effectively lessening existing system demands in the area.

- b. Describe the effect of the proposed action on recyclable commodities.

This abandonment will not adversely affect movement or recovery of recyclable commodities as the line is out of service. Existing rail materials will be removed and reused within the development of other corridors.

- c. State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

The proposed action will not result in an increase or decrease in overall energy efficiency as the line is out of service. As a possible future use of this corridor, new opportunities for pedestrian and cyclist traffic has the potential to pull these uses from adjacent streets effectively lessening existing system demands in the area.

- d. If the proposed action will cause diversions from rail to motor carriage of more than:
- 1,000 rail carloads a year;
 - 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. To minimize the production of repetitive data, the information on overall energy efficiency in Sec. 1105.7(e)(4)(iii) need not be supplied if the more detailed information in Sec. 1105.7(e)(4)(iv) is required.

There will be no diversion or rail traffic to motor carriage as a result of this process.

(5) Air.

- a. If the proposed action will result in either:
- 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
 - An increase in rail yard activity of at least 100 percent (measured by carload activity)
 - 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 subsection (5)(i)(A) will apply.

The above stated thresholds will not be exceeded.

- b. If the proposed action affects a class I or nonattainment area under [[Page 108]] the Clean Air Act, and will result in either:
- 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
 - An increase in rail yard activity of at least 20 percent (measured by carload activity)
 - 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.

The above stated thresholds will not be exceeded.

- c. 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.

Not applicable.

(6) Noise.

- a. If any of the thresholds identified in item (5)(a) of this section are surpassed, state whether the proposed action will cause:
- An incremental increase in noise levels of three decibels Ldn or more
 - An increase to a noise level of 65 decibels Ldn or greater.
- o 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.

The above thresholds will not be exceeded.

(7) Safety.

- a. Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

Applicant believes that the abandonment will result in an improvement to public safety and health by elimination multiple public, at-grade road crossings. As a possible future use of this corridor, new opportunities for pedestrian and cyclist traffic has the potential to pull these uses from adjacent streets effectively lessening existing system demands and modal conflicts.

- b. 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.

Abandonment will not result in the transportation of hazardous materials.

- c. 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.

There are no known hazardous waste sites where there have been known hazardous materials spilled on the right-of-way.

(8) Biological resources.

- a. 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.

As abandonment of this corridor would result in the elimination of future train activity, we do not anticipate any adverse impacts to any federally endangered or threatened species as a result of this process. Upon consultation of U.S. Fish and Wildlife inventories, there are a variety of species and habitats that exist along this line, primarily associated with the Nisqually River crossing. This abandonment has the potential to eliminate rail related stressors on these habitats resulting in an overall improvement to habitat systems in the area.

- b. State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

This corridor crosses the Nisqually River. One of the primary landowners in this area is the Nisqually Land Trust. The stated mission of the Nisqually Land Trust is to acquire and manage critical lands to permanently benefit the water, wildlife, and people of the Nisqually River Watershed. As a possible future use of this corridor, new opportunities for pedestrians and cyclists has the potential to offer non-motorized access to these trust lands.

(9) Water.

- a. 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.

Applicant does not anticipate any action known to be inconsistent with federal, state and/or local water quality standards. Any necessary permits or applications will be obtained as well as compliance with conditions or procedures required by regulatory agencies. An NPDES permit is not required as a part of this process as there will be no soil disturbing activities in the removal of track materials as the railbed will remain intact. No dredging or fill activities are planned as a part of this process.

- b. 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.

Line abandonment will not result in any impacts to wetland or flood plain habitats. Upon receiving abandonment authority, removal of line material will be accomplished by use of existing corridor and public and private crossings. Applicant 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 upper track material.

During track removal, proper measures will be implemented to prevent/control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Minimal erosion may occur from naturally occurring runoff during material removal. To address this possibility, erosion and sediment control measures will be employed and maintained throughout the removal process as site conditions warrant.

Upon completion of track removal, the site will be stabilized with pavement and vegetation including grass and landscaping. Once stabilized, no erosion is expected due to use of the completed project improvements. Based upon this course of action and review of Section 404 of the CWA, no permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed abandonment. Future ROW uses including the possible construction of a non-motorized transportation corridor may require a general permit from the U.S. Army Corps of Engineers.

- c. State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or

the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Abandonment will not require coverage under the National Pollutant Discharge Elimination System (NPDES) permit. Upon receiving abandonment authority, removal of line material will be accomplished by use of existing corridor and public and private crossings. Applicant does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of the soil.

During track removal, proper measures will be implemented to prevent/control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Minimal erosion may occur from naturally occurring runoff during material removal. To address this possibility, erosion and sediment control measures will be employed and maintained throughout the removal process as site conditions warrant.

Upon completion of track removal, the site will be stabilized with pavement and vegetation including grass and landscaping. Once stabilized, no erosion is expected due to use of the completed project improvements. Based upon this course of action and review of Section 402 of the CWA, no permits under section 402 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed abandonment. Future ROW uses including the possible construction of a non-motorized transportation corridor may require a general permit from the U.S. Army Corps of Engineers.

(10) Proposed Mitigation.

- a. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result from this abandonment will be in accordance with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. As such, applicant does not believe there will be any adverse environmental impacts in the project area as a result of this abandonment. However, Applicant will closely comply with reasonable state and Federal regulations and obtain any necessary permits required.

Exhibit F:

Historical Report (combined)

Docket No. STB AB 1295 (Sub-No. 0 X)

Dated: 3/16/2020

The following information is provided in accordance with 49 C.F. R. Section 1105.8:

(1) A U.S.G.S. topographic map (or an 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.

Attached is a copy of the McKenna Quadrangle topographic map prepared by the U. S. Department of Interior Geological Survey. The line to be abandoned has been identified by a heavy yellow over red line. (Exhibit B: Site Maps)

There are no City-owned buildings that are 50 years old or older that may be eligible for listing in the National Register as part of the proposed action. An existing and previously decommissioned railroad trestle will remain in place.

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

The right of way varies in width from approximately 40 feet to 100 feet from the centerline of track. The segment of the Prairie Line in the project area comprises a raised trapezoidal-shaped roadbed with crushed stone ballast, treated timber ties, standard-gauge welded steel rails, steel bolts, baseplates, clips, and wedges.

The line runs from the City of Yelm northeast then north to the City of Roy through a combination of residential, commercial/light industrial, agricultural and undeveloped/natural areas. The corridor is predominantly rural in nature and crosses the Nisqually River near mile marker 23. Topography is of a mild grade consistent of rail corridor development.

(3) Good quality photographs of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

Attached as Exhibit G: Corridor Images

(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 Prairie line was originally constructed in 1873. The Yelm depot and ticket agency were closed in 1959 and has since been removed. In 1984 and 1986, portions southwest of the City of Yelm were removed from service and converted into a paved multi-modal trail. The following is an excerpt from the Department of Archaeology and Historic Preservation Report on Northern Pacific Railway-Prairie Line:

The inventoried segment of the former Burlington Northern Railway (BN) was part of the earlier Northern Pacific Railway (NP) mainline constructed in 1873. The line has undergone continual maintenance and renovation since that time to meet changing operational needs and safety

requirements. In 1970, the NP was merged with two other roads to become the BN. This segment of railroad has had little or no use over a period of the last dozen years or so.

The rail line no longer retains integrity of design, materials, workmanship, setting, feeling, or association, due to the removal of tracks, sections of abandonment, demolition of the Yelm depot and ticket agency, construction of the Yelm-Tenino Trail in the railroad ROW, and the construction of numerous residential housing tracts on former farmland adjacent to the corridor.

The full report has been attached as Exhibit H: Department of Archaeology and Historic Reservation Historic Property Report

(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 Prairie line was originally constructed in 1873. The following is an excerpt from the Department of Archaeology and Historic Preservation Report on Northern Pacific Railway-Prairie Line:

The inventoried segment of the former Burlington Northern Railway (BN) was part of the earlier Northern Pacific Railway (NP) mainline constructed in 1873. The line has undergone continual maintenance and renovation since that time to meet changing operational needs and safety requirements. In 1970, the NP was merged with two other roads to become the BN. This segment of railroad has had little or no use over a period of the last dozen years or so.

The rail line no longer retains integrity of design, materials, workmanship, setting, feeling, or association, due to the removal of tracks, sections of abandonment, demolition of the Yelm depot and ticket agency, construction of the Yelm-Tenino Trail in the railroad ROW, and the construction of numerous residential housing tracts on former farmland adjacent to the corridor.

The full report has been attached as Exhibit H: Department of Archaeology and Historic Reservation Historic Property Report

As a result of the proposed abandonment, rail operations will formally cease. There is an opportunity through the regulatory process for sponsors to acquire the line for trail use or continued operations.

(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:

Not applicable.

(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):

A review of our records indicates the Nisqually River Bridge (as pictured within section 3 above) is over 50 years old and may be eligible for listing in the National Register. A report completed by the Department of Archaeology and Historic Preservation reviewed the bridge as part of the Northern Pacific Railway-Prairie Line with the following conclusion:

The Northern Pacific Railway/Yelm Railroad (1873), while a typical standard-gauge rail line constructed of common materials, does embody the distinctive characteristics of a type, period, or method of construction. HRA recommends that the Northern Pacific Railway/Yelm Railroad no longer retains sufficient integrity from its period of construction to qualify for listing in the NRHP or WHR under Criterion C, or in the TCHR under Criterion 2.

It was the conclusion of the report that the resource was not eligible for listing in the NRHP.

The City does not know of any archeological resources or any other previously unknown 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 man-made) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

The line was disturbed during construction by cuts and fill and any archeological resources that may have been located in the proposed project area would have been affected at that time versus during the proposed salvage operations associated with rail removal. Our records do not indicate that any swampy conditions exist, or that any hazardous material spills have occurred within the project area.

Exhibit G: Corridor Images







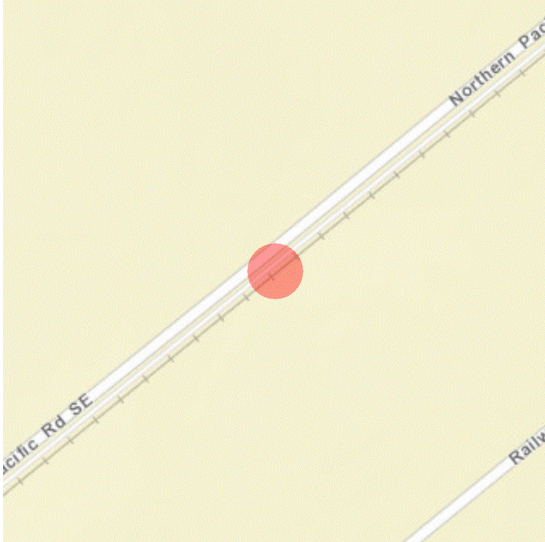
Exhibit H Historic Property Report

Historic Property Report

Resource Name: Northern Pacific Railway-Prairie Line

Property ID: 51060

Location



Address: Stevens St, Yelm, WA 98597
Location Comments: The Northern Pacific Railway's Prairie Line runs between Tenino and Tacoma.
Tax No/Parcel No: 22719311100
Plat/Block/Lot: Government Lot 1
Geographic Areas: Thurston County, MC KENNA Quadrangle, Thurston Certified Local Government, Yelm Certified Local Government, Thurston County, T17R02E19, MC KENNA Quadrangle

Information

Number of stories: N/A

Construction Dates:

Construction Type	Year	Circa
Built Date	1873	☐

Historic Use:

Category	Subcategory
Transportation	Transportation - Rail-Related
Transportation	Transportation - Rail-Related

Historic Context:

Category
Transportation
Commerce



Historic Property Report

Resource Name: Northern Pacific Railway-Prairie Line

Property ID: 51060

Architect/Engineer:

Category	Name or Company
Engineer	Northern Pacific Railway Office of Bridge Engineer

Thematics:

Local Registers and Districts

Name	Date Listed	Notes
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Project History

Project Number, Organization, Project Name	Resource Inventory	SHPO Determination	SHPO Determined By, Determined Date
2007-01-00005, , City of Yelm - Stevens Street Upgrade	12/14/2006	Not Determined	
2017-08-06147, , 8-28-2017 bb			
2019-03-02283, FHWA, Thurston County_ SR 510/ Yelm Loop- New Alignment Phase 2	4/23/2019		

Historic Property Report

Resource Name: Northern Pacific Railway-Prairie Line

Property ID: 51060

Photos



Mainline segment, view southwest



Northern Pacific Railway/Yelm Railroad



Northern Pacific Railway/Yelm Railroad



Siding track, view southwest



Historic Property Report

Resource Name: Northern Pacific Railway-Prairie Line

Property ID: 51060

Inventory Details - 12/14/2006

Common name: Burlington Northern Railway

Date recorded: 12/14/2006

Field Recorder: Charles T. Luttrell

Field Site number:

SHPO Determination

Detail Information

Characteristics:

Category	Item
Foundation	Stone
Plan	Rectangle

Surveyor Opinion

Property appears to meet criteria for the National Register of Historic Places: No

Property is located in a potential historic district (National and/or local): No

Significance narrative: The inventoried segment of the former Burlington Northern Railway (BN) was part of the earlier Northern Pacific Railway (NP) mainline constructed in 1873. The line has undergone continual maintenance and renovation since that time to meet changing operational needs and safety requirements. In 1970, the NP was merged with two other roads to become the BN. This segment of railroad has had little or no use over a period of the last dozen years or so.

The inventoried segment of the former NP mainline does not appear to meet the criteria of the National Register of Historic Places. While the structure is intact, it is a tiny 60-ft segment of the historic mainline that linked Portland, Oregon and Tacoma, Washington. The line has been repeatedly maintained and improved since its construction in 1873. South of Yelm Avenue W/State Route 510, along the majority of the railroad ROW to Tenino, Washington, the tracks have been removed and the roadbed covered in asphalt as a rails-to-trails recreational byway.

Physical description: A segment of the BN, the former NP mainline between Yelm and Roy, Washington, is located near Railroad Street NW in the city center of Yelm. The railroad right-of-way (ROW) is 100 feet in width and extends over a distance of 60 feet, the width of the adjacent Stevens Street ROW. This segment of railroad ROW contains standard-gauge track upon a raised trapezoidal-shaped rock roadbed. In addition, there is a segment of siding track at a slightly lower elevation that adjoins the mainline track. The two 60-ft lengths of track and their associated roadbeds within the historic railroad ROW are the primary subjects of this inventory property.

Bibliography: Luttrell, Charles T.
2006 "Cultural Resources Investigations for the City of Yelm Stevens Street Improvement Project, Thurston County." Short Report 908. Archaeological and Historical Services, Eastern Washington University, Cheney.



Historic Property Report

Resource Name: Northern Pacific Railway-Prairie Line

Property ID: 51060

Inventory Details - 4/23/2019

Common name: Prairie Line
Date recorded: 4/23/2019
Field Recorder: Chrisanne Beckner
Field Site number:
SHPO Determination

Detail Information

Surveyor Opinion

Property appears to meet criteria for the National Register of Historic Places: No

Property potentially contributes to a historic district (National and/or local): No

Significance narrative: The Burlington Northern Santa Fe (BNSF) line through the project area was built by Northern Pacific (NP) in 1873. This line ran from Tacoma and Tenino and was known as the Prairie Line (Sullivan and Howard 2011).

Integrity

Little of the full extent of the Prairie Line through the project area exists today, as the rail line has undergone alterations since its date of construction (1873). Over the years, the line has undergone repairs, replacement of deteriorated materials, and regular upkeep as needed to maintain the structural condition of the railroad. While rails, ties, and roadbed ballast appear to be extant from Tacoma southwest into Yelm through the project area, few rails and ties remain extant in the rail corridor southwest of Stevens St. NW, where historical aerial imagery indicates the tracks were removed sometime between August 2006 and May 2009 when the Yelm-Tenino Trail was paved (Google Earth 2019).

From its period of construction (1873), the Northern Pacific Railway/Yelm Railroad retains integrity of location, as it remains at its original alignment on its original roadbed. The rail line no longer retains integrity of design, materials, workmanship, setting, feeling, or association, due to the removal of tracks southwest of Stevens St. NW, abandonment of the line by the railroad company, demolition of the Yelm depot and ticket agency, construction of the Yelm-Tenino Trail in the railroad ROW, and the construction of numerous residential housing tracts on former farmland, northwest of the tracks.

Evaluation

The Northern Pacific Railway/Yelm Railroad line was previously recorded on an HPI form (Property ID no. 51060) for the City of Yelm – Stevens Street Upgrade Project (Luttrell 2006). The surveyor recommended the resource not eligible for listing in the NRHP, however no formal determination of eligibility was made.

HRA recorded the Northern Pacific Railway/Yelm Railroad at a reconnaissance level and evaluated for architectural significance only. The rail line through the project area was built by NP in 1873. It ran between Tacoma and Tenino and was at first referred to as the Pacific Division line; it later became known as the Prairie Line (Sullivan and Howard 2011:11–12). The NP leased trackage rights on the Prairie Line to the Union Pacific (UP),

Historic Property Report

Resource Name: Northern Pacific Railway-Prairie Line

Property ID: 51060

Great Northern (GN), and also scheduled some Grays Harbor Trains to utilize the line (Sullivan and Howard 2011:12–13). Rail traffic was heavy enough around 1912 for a depot and ticket agency to be constructed in Yelm (Sullivan and Howard 2011:12). In 1914, a new double track line over a lower grade was installed from Tenino through Plumb, Nisqually, Steilacoom, Point Defiance, Ruston, and then south into Tacoma. UP and NP rerouted all freight traffic to the new Point Defiance Line, and by 1916, only one NP passenger train and one Grays Harbor train continued to use the Prairie Line (Sullivan and Howard 2011:13). Like most railroad lines, traffic increased in the 1920s, but slowed during the Depression, and then picked up again during WWII (Sullivan and Howard 2011:13–15). The Yelm depot and ticket agency closed in 1959 (Sullivan and Howard 2011:15). By 1984, the southwestern portion of the line between Tenino and Rainier was taken out of service, and by 1986, Burlington Northern (BN)—which merged NP and GN with the Chicago, Burlington & Quincy, and the Seattle, Portland, & Spokane, and later became BNSF—took the line southwest of Yelm out of service (Sullivan and Howard 2011:16). Until 1996, the line between Yelm and Tacoma continued to be utilized occasionally for freight. About that same time, Thurston County Parks and Recreation began a rails-to-trails project transforming 14.5 miles of the line into the Yelm-Tenino Trail and the City of Yelm purchased the Roy to Yelm segment from BNSF (Alonso 2018; Sullivan and Howard 2011:16; Thurston County Parks n.d.).

The Northern Pacific Railway/Yelm Railroad (1873), while a typical standard-gauge rail line constructed of common materials, does embody the distinctive characteristics of a type, period, or method of construction. HRA recommends that the Northern Pacific Railway/Yelm Railroad no longer retains sufficient integrity from its period of construction to qualify for listing in the NRHP or WHR under Criterion C, or in the TCHR under Criterion 2.

Physical description:

The segment of the Prairie Line in the project area comprises a raised trapezoidal-shaped roadbed with crushed stone ballast, treated timber ties, standard-gauge welded steel rails, steel bolts, baseplates, clips, and wedges. Adjacent to the rail line and within the railroad right-of-way is a paved walking and bicycling trail, the Yelm-Tenino Trail.



Historic Property Report

Resource Name: Northern Pacific Railway-Prairie Line

Property ID: 51060

Bibliography:

Alonso, Julie

2018 The Yelm-Tenino Trail: A Decidedly Different Experience. Thurston Talk. Electronic document, <https://www.thurstontalk.com/2018/10/12/the-yelm-tenino-trail-a-decidedly-different-experience/>, accessed April 19, 2019.

Google Earth

2019 Historical Imagery of Yelm, WA. Electronic digital imagery <https://www.google.com/earth/>, accessed May 8, 2019.

Luttrell, Charles T.

2006 Historic Property Inventory Form for Northern Pacific Railway, Property ID no. 51060. On file at the Department of Archaeology and Historic Preservation, Olympia, Washington.

Sullivan, Michael, and Spencer Howard

2011 Prairie Line Terminal Section: Catalog of Character-Defining Features. Artifacts Architectural Consulting. University of Washington, Tacoma. Electronic document <https://www.tacoma.uw.edu/finance-administration/history-prairie-line>, accessed May 6, 2019.

Thurston County Parks

n.d. Trails in Thurston County. Electronic document, <https://www.co.thurston.wa.us/parks/trails-yelm-tenino.htm>, accessed April 19, 2019.