

Sally Mordi*
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ENTERED
Office of Proceedings
June 5, 2019
Part of
Public Record



June 5, 2019

VIA E-FILING

Ms. Victoria Rutson, Esq.
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW, Room 1106
Washington, DC 20423

**Re: STB Docket No. AB 6 (Sub-No. 499X), BNSF Railway Company--
Abandonment Exemption--in Los Angeles County, California**

Dear Ms. Rutson:

On or about June 25, 2019, we expect to be filing with the Surface Transportation Board ("STB") a Verified Notice of Exemption for BNSF Railway Company ("BNSF") to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately milepost 2.1 and approximately milepost 7.95 in Los Angeles County, California.

Attached for filing is a copy of BNSF's Environmental and Historic Reports prepared pursuant to 49 C.F.R. §§ 1105.7 and 1105.8. The Environmental and Historic Reports were mailed via first class mail to the parties required under §§ 1105.7 and 1105.8(c) on June 5, 2019.

June 5, 2019
Page 2

Please contact me with any questions.

Respectfully submitted,

A handwritten signature in dark ink, reading "Sally Mordi". The signature is written in a cursive, flowing style.

Sally Mordi
Attorney for BNSF Railway Company

Enclosure

BEFORE THE
SURFACE TRANSPORTATION BOARD

DOCKET NO. AB 6 (Sub-No. 499X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—
IN LOS ANGELES COUNTY, CALIFORNIA

ENVIRONMENTAL REPORT
(49 C.F.R. § 1105.7(e))

- (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.

BNSF Railway Company (“BNSF”) proposes to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately milepost 2.1 and approximately milepost 7.95 in Los Angeles County, California (the “Line”). Maps of the proposed area are attached as Exhibit A.

The physical assets of the Line are owned by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”). LACMTA desires to construct the Rail to Rail Active Transportation Corridor Project – Segment A (the “Project”). The Project will consist of on- and off-street bicycle and pedestrian/multi-purpose

paths within existing street and railroad rights-of-way. The western portion of the Project, approximately 0.5 miles, will be within public street rights-of-way. The remaining 5.9 miles of the Project will be located within the Harbor Subdivision right-of-way. The Project is entering into the final design and construction phases.

The Line has had no local traffic for about 10 years. The Line does not handle overhead traffic. Therefore, there will be no change to any freight service provided on the Line. The only alternative to abandonment would be to not abandon the Line and jeopardize LACMTA's desires to construct the Project.

(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.

No passenger or freight traffic will be diverted to other transportation systems as a result of the proposed abandonment. No traffic has traveled over the Line since approximately 2009, and there is no overhead traffic on the Line.

(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.

The proposed action should be consistent with existing land use plans. On April 10, 2019, BNSF sent letters to the Los Angeles County Department of Regional Planning, the Los Angeles County Board of Supervisors, and the City of Los Angeles Planning Commission regarding the proposed abandonment. As of the

date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters are attached as Exhibit B.

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

BNSF understands that the proposed abandonment will have no adverse effect on prime agriculture land. On April 10, 2019, BNSF sent a letter to the Richard E. Lyng Service Center of the U.S. Department of Agriculture's Natural Resources Conservation Service ("NRCS") regarding the proposed abandonment. As of the date of this Environmental Report, the NRCS has not responded to our inquiry. A copy of the letter is attached as Exhibit C.

- (iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by §1105.9.**

BNSF understands that the proposed abandonment is not located within a designated coastal zone.

- (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.**

The proposed abandonment will facilitate LACMTA's desires to construct the Project. On April 10, 2019, BNSF sent letters to the Los Angeles County Department of Regional Planning, the Los Angeles County Board of Supervisors, and the City of Los Angeles Planning Commission regarding the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters are attached as Exhibit B.

(4) Energy.

- (i) Describe the effect of the proposed action on transportation of energy resources.**

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

- (ii) Describe the effect of the proposed action on recyclable commodities.**

The proposed abandonment will have no adverse effect on the movement or recovery of recyclable commodities.

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

The proposed abandonment will not result in an increase or decrease in overall energy efficiency because no local traffic has traveled over the Line since approximately 2009, and there is no overhead traffic on the Line.

- (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.

The proposed abandonment will not result in a diversion of rail 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.**

The proposed abandonment will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (i)(A), (B), or (C) above.

- (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.**

The proposed abandonment will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in (ii)(A), (B), or (C) above.

- (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.

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.**

This provision is not applicable to the proposed abandonment.

(7) Safety.

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

BNSF expects that the proposed abandonment will have no adverse effect on public health and safety. On April 10, 2019, BNSF sent letters to the Los Angeles County Department of Regional Planning, the Los Angeles County Board of Supervisors, and the City of Los Angeles Planning Commission regarding the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from these agencies. Copies of the letters are attached as Exhibit B.

On the Line, there are 4 private at-grade crossings (2 active, 2 closed); 33 public at-grade crossings (28 active, 5 closed); and 1 pedestrian at-grade crossing (0 active, 1 closed).

- (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.**

The proposed abandonment will not result in the transportation 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.**

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

(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.**

BNSF believes that the proposed abandonment will not have an adverse effect on endangered or threatened species or areas designated as a critical habitat.

On April 10, 2019, BNSF sent a letter to the U.S. Fish and Wildlife Service

("USFWS") regarding the proposed abandonment. On April 16, 2019, USFWS

provided BNSF with instructions on how to self-assess whether the proposed action

would be likely to adversely affect endangered species or threatened species or areas designated as a critical habitat. BNSF generated a species list for the proposed abandonment area. It is BNSF's self-determination that there should be "no effect" to any endangered or threatened species regarding this proposed action. A copy of the letter to USFWS and the response is attached as Exhibit D.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

BNSF expects that no wildlife sanctuaries or refuges, National or State parks or forests will be affected by the proposed abandonment. On April 10, 2019, BNSF sent letters to the California State Office of the Bureau of Land Management and to the Pacific West Regional Office of the National Park Service regarding the proposed abandonment. In response to our letter, we received a phone call from the National Park Service on June 3, 2019. The agency's representative stated that the agency has reviewed the distance between the Line and the closest park and determined that there is no nexus for the Park Service. Thus, there is nothing more for the agency to do. As of the date of this Environmental Report, we have not received a reply from the Bureau of Land Management. Copies of the letters are attached as Exhibit E.

(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.

On April 10, 2019, BNSF sent letters to the California Department of Water Resources and Region 9 of the U.S. Environmental Protection Agency regarding the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from either agency. Copies of the letters are attached as Exhibit F.

- (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.**

BNSF understands that the proposed abandonment will not require any permits under Section 404 of the Clean Water Act and that no designated wetlands or 100-year flood plains will be adversely affected. On April 10, 2019, BNSF sent a letter to the Los Angeles District of the U.S. Army Corps of Engineers (“Corps”) regarding the proposed abandonment. The Corps responded and stated that a permit would be required if there would be a discharge of dredged or fill material into waters of the U.S. or work or structures in navigable waters of the U.S., otherwise, a Section 404 or Section 10 permit would not be required. A copy of BNSF’s letter and the Corps’ response are attached as Exhibit G.

- (iii) 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.)**

On April 10, 2019, BNSF sent letters to the California Department of Water Resources and to Region 9 of the U.S. Environmental Protection Agency regarding

the proposed abandonment. As of the date of this Environmental Report, we have not received any replies from either agency. Copies of the letters are attached as Exhibit F.

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

BNSF expects that no adverse environmental impact will result from the proposed abandonment and, therefore, is not aware of any need for mitigating actions. BNSF will consult, as required, with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

HISTORIC REPORT
(49 C.F.R. § 1105.8(d))

§ 1105.7(e)(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.

BNSF Railway Company (“BNSF”) proposes to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately milepost 2.1 and approximately milepost 7.95 in Los Angeles County, California (the “Line”). Maps of the proposed area are attached as Exhibit A.

The physical assets of the Line are owned by the Los Angeles County Metropolitan Transportation Authority (“LACMTA”). LACMTA desires to construct the Rail to Rail Active Transportation Corridor Project – Segment A (the “Project”). The Project will consist of on- and off-street bicycle and pedestrian/multi-purpose paths within existing street and railroad rights-of-way. The western portion of the Project, approximately 0.5 miles, will be within public street rights-of-way. The remaining 5.9 miles of the Project will be located within the Harbor Subdivision right-of-way. The Project is entering into the final design and construction phases.

The Line has had no local traffic for about 10 years. The Line does not handle overhead traffic. Therefore, there will be no change to any freight service provided

on the Line. The only alternative to abandonment would be to not abandon the Line and jeopardize LACMTA's desires to construct the Project.

- (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.**

The required topographic map is attached to this Historic Report as Exhibit

A.

- (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 Line extends approximately 5.93 miles in Los Angeles County, California, beginning at approximately milepost 2.1 to approximately milepost 7.95. The right-of-way is 30 feet through this area of track.

- (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 five culverts on the property that are 50 years old or older.

Photographs of the culverts are attached to this Historic Report as Exhibit H.

- (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.**

There are five culverts on the property that are 50 years old or older. They are as follows:

1. Culvert beginning at milepost 2.1, built in 1934;
2. Culvert beginning at milepost 2.9, built in 1929;
3. Culvert beginning at milepost 3.2, built in 1923;

4. Culvert beginning at milepost 3.46, built in 1926; and
 5. Culvert beginning at milepost 3.52, built in 1942.
- (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.**

On December 28, 1900, Santa Fe Land Improvement Company (“SFLI”) was incorporated in California. On September 29, 1988, SFLI was merged into Santa Fe Pacific Realty Corporation (“SFPRC”). On June 1, 1990, SFPRC changed its name to Catellus Development Corporation (“Catellus”). On December 4, 1990, Catellus was spun-off to Santa Fe Pacific Corporation (“SFP”). On September 22, 1995, SFP and Burlington Northern Inc. (“BNI”) effected a business combination by which each became wholly-owned subsidiaries of Burlington Northern Santa Fe Corporation. On December 30, 1996, BNI merged with and into SFP. On January 2, 1998, SFP merged with and into The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in 2005.

- (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.**

Documents in BNSF’s possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. These documents are too large for practical reproduction in this report but can be supplied upon request, if they are available.

- (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 CFR 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).

On April 10, 2019, BNSF sent letters to the Office of Historic Preservation of California State Parks (the State Historic Preservation Office), and the Communications and Outreach Branch, NOAA, N/NGS12, National Geodetic Survey, SSMC3 #9340 (“NOAA”) regarding the proposed abandonment. As of the date of this Historic Report, we have not received any replies from either agency. Copies of the letters are attached as Exhibit I.

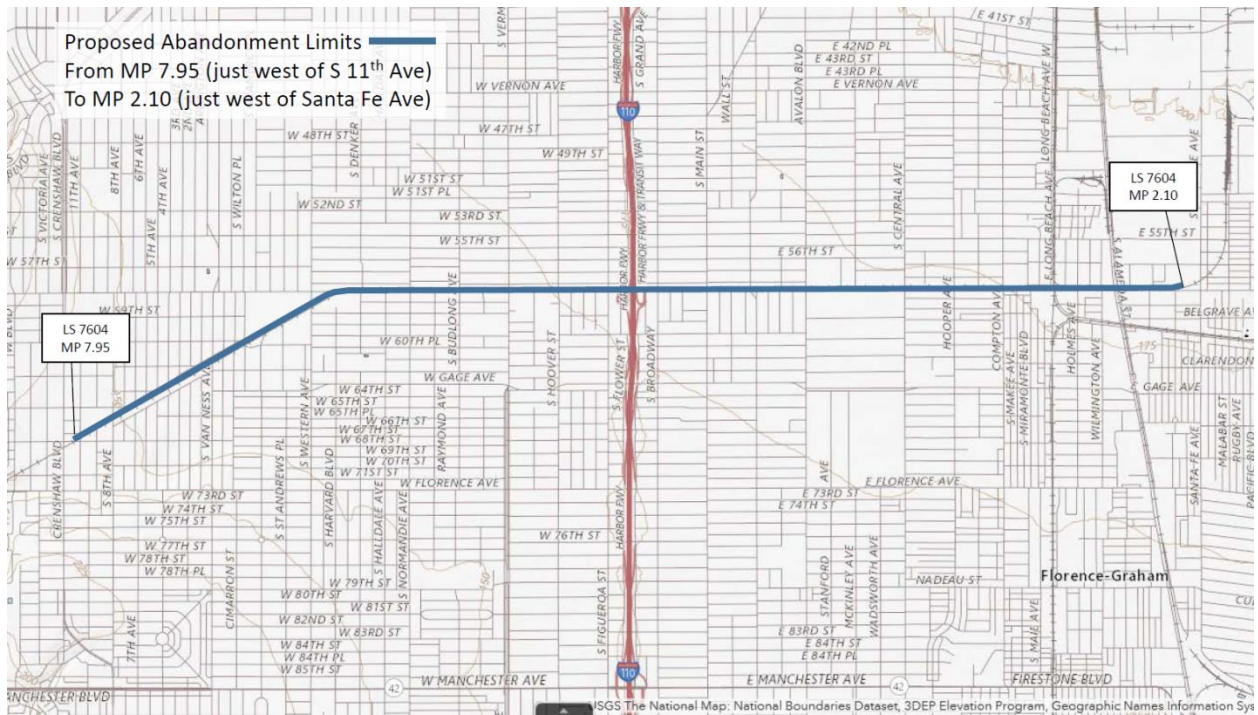
- (8) A description (based on readily available information in the railroad’s possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence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

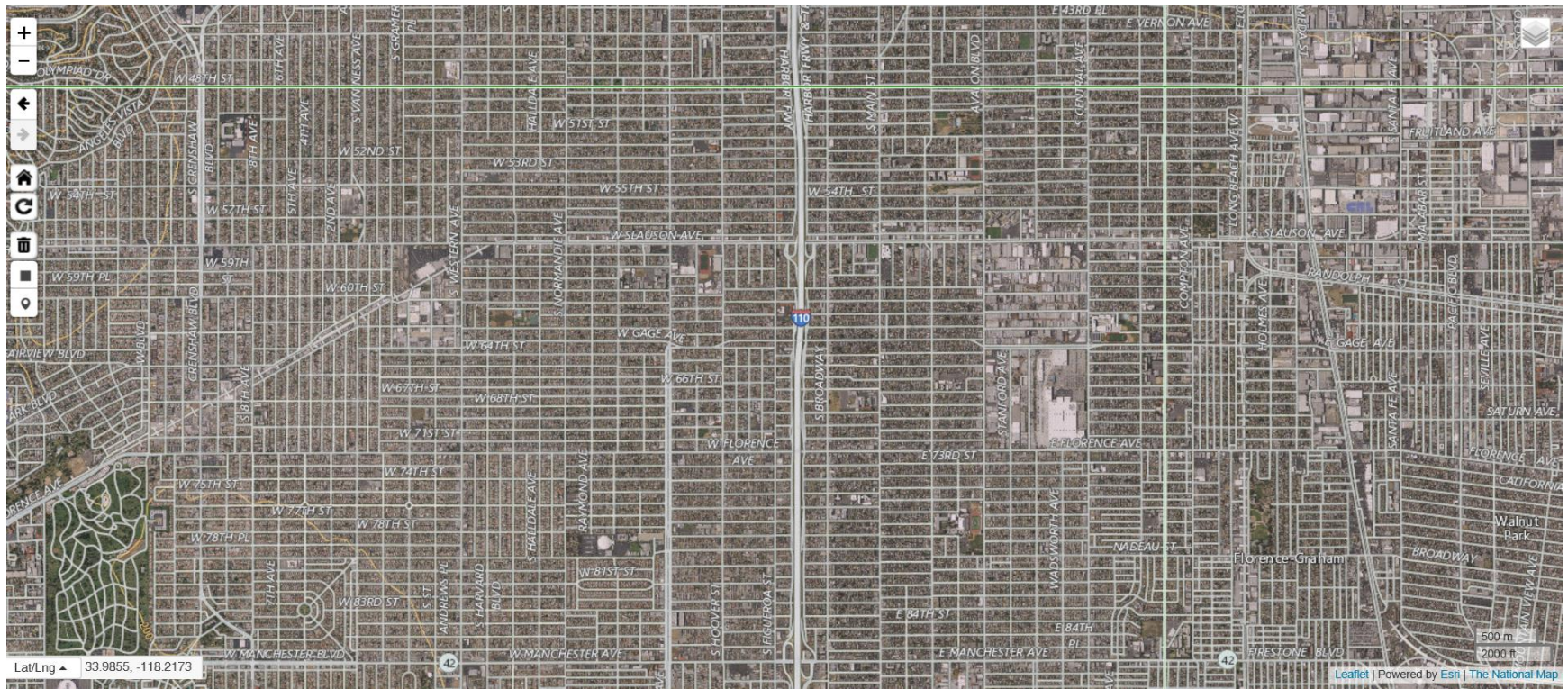
The Line was disturbed during original construction by cuts and fill, and any archaeological resources that may have been located in the proposed abandonment area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of resources.

- (9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad 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).**

If any additional information is requested, BNSF will promptly supply the necessary information.

Maps of proposed abandonment:





Lat/Lng 33.9855, -118.2173

Leaflet | Powered by Esri | The National Map

EXHIBIT B

Letters sent to the Los Angeles County Department of Regional Planning, the Los Angeles County Board of Supervisors, and the City of Los Angeles Planning Commission:

Sally Mordi*
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smordi@steptoe.com

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supervision of an active member of the District of Columbia Bar.

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April 10, 2019

Amy J. Bodek, Director
Department of Regional Planning
County of Los Angeles
1390 Hall of Records
320 West Temple St.
Los Angeles, CA 90012

**Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment
Exemption—in Los Angeles County, California**

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

For your reference I have enclosed a map of the subject railroad line. As part of the requisite environmental report, BNSF needs to know whether the proposed action is consistent with existing land use plans. If applicable, please describe any inconsistencies.

BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

Sally Mordi*
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smordi@steptoe.com

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April 10, 2019

Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

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BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

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Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

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Washington, DC 20036-1795
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April 10, 2019

City of Los Angeles
Planning Commission
200 North Spring St.
Los Angeles, CA 90012

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

For your reference I have enclosed a map of the subject railroad line. As part of the requisite environmental report, BNSF needs to know whether the proposed action is consistent with existing land use plans. If applicable, please describe any inconsistencies.

BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

EXHIBIT C

Letter sent to the Richard E. Lyng Service Center of the U.S. Department of
Agriculture's Natural Resources Conservation Service:

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smordi@steptoe.com

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April 10, 2019

Carlos Suarez
State Conservationist
Richard E. Lyng USDA Service Center
430 G St., #4164
Davis, CA 95616-4164

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite environmental report, BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands. Your assessment and comments are respectfully requested.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

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Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

EXHIBIT D

Letter sent to the Carlsbad Fish and Wildlife Office of the U.S. Fish and
Wildlife Service and the response:

Sally Mordi*
202 429 6287
smordi@steptoe.com

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Washington, DC 20036-1795
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April 10, 2019

Jonathan Snyder, Division Chief
U.S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
2177 Salk Avenue, Suite 250
Carlsbad, California 92008

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite environmental report, BNSF needs to know: (1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and (2) if so, what effects the proposed action may have on the same.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

Mordi, Sally

From: Snyder, Jonathan <jonathan_d_snyder@fws.gov>
Sent: Tuesday, April 16, 2019 2:34 PM
To: Mordi, Sally
Subject: Species List Request for BNSF Abandonment Exemption

Ms. Mordi,

This is in response to your request for information on the presence of federally listed species and their critical habitat within and adjacent to location described in your letter dated April 10, 2019 regarding "STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company - Abandonment Exemption - in Los Angeles County, California."

We now have an automated species list generator, which creates official species lists. Please use the following link to access the automatic species list generator.

<http://ecos.fws.gov/ipac/wizard/chooseLocation!prepare.action>

Click on "Initial Project Scoping" and follow the instructions to generate a species list for your project. The species list that is generated will include all threatened and endangered species with a reasonable potential to occur in the USGS quadrangle(s) where the project occurs, so the list will include some species that are unlikely to occur at your project location due to a lack of suitable habitat. Because we do not have site-specific information for the proposed project, we recommend that a qualified biologist familiar with the habitat conditions and associated species in and around the project site assess the actual potential for direct, indirect, and cumulative impacts that are likely to result from the proposed activity.

Feel free to contact me using the information in the signature block below if you have any questions.

Sincerely,
Jonathan

--

Jonathan Snyder, Division Chief
U.S. Fish and Wildlife Service
2177 Salk Avenue, Suite 250
Carlsbad, CA 92008
(760) 431-9440 x307
jonathan_d_snyder@fws.gov

EXHIBIT E

Letters sent to the California State Office of the Bureau of Land Management
and the Pacific West Regional Office of the National Park Service:

Sally Mordi*
202 429 6287
smordi@steptoe.com

*Admitted in Maryland only and practicing under the supervision of an active member of the District of Columbia Bar.

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



April 10, 2019

U.S. Department of the Interior
Bureau of Land Management
California State Office
2800 Cottage Way, Suite W1623
Sacramento, CA 95825

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite environmental report, BNSF needs to know: (1) whether or not there are any endangered or threatened species, wildlife sanctuaries or refuges, or areas designated as critical habitat adjacent to or near the line, and (2) if so, what effects the proposed action may have on the same.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

Sally Mordi*
202 429 6287
smordi@steptoe.com

*Admitted in Maryland only and practicing under the supervision of an active member of the District of Columbia Bar.



1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

April 10, 2019

Stan Austin, Regional Director
National Park Service
Pacific West Region
333 Bush Street, Suite 500
San Francisco, CA 94104-2828

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite environmental report, BNSF needs to know:

- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies.
- (2) whether or not permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in dark ink that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

EXHIBIT F

Letters sent to the California Department of Water Resources and Region 9
of the U.S. Environmental Protection Agency:

Sally Mordi*
202 429 6287
smordi@steptoe.com

*Admitted in Maryland only and practicing under the supervision of an active member of the District of Columbia Bar.

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



April 10, 2019

California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company ("BNSF") anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite environmental report, BNSF needs to know:

- (1) whether the proposed action will affect land or water uses within a designated coastal zone.
- (2) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies.
- (3) whether or not permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System ("NPDES") are required for the proposed action.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)
To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

Sally Mordi*
202 429 6287
smordi@steptoe.com

*Admitted in Maryland only and practicing under the supervision of an active member of the District of Columbia Bar.

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



April 10, 2019

US EPA Pacific Southwest, Region 9
75 Hawthorne St.
San Francisco, CA 94105

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite environmental report, BNSF needs to know:

- (1) whether the proposed action is consistent with applicable Federal, State or local water quality standards. If applicable, please describe any inconsistencies.
- (2) whether or not permits under Section 402 of the Clean Water Act (33 U.S.C. 1342) or permits under the National Pollutant Discharge Elimination System (“NPDES”) are required for the proposed action.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

EXHIBIT G

Letters sent to the Los Angeles District of the U.S. Army Corps of Engineers
and the response:

Sally Mordi*
202 429 6287
smordi@steptoe.com

*Admitted in Maryland only and practicing under the supervision of an active member of the District of Columbia Bar.

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



April 10, 2019

U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd., Suite 1101
Los Angeles, CA 90017

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite environmental report, BNSF needs to know: (1) 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; and (2) if so, what effects the proposed action may have on the same.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

Florence-Graham

Mordi, Sally

From: Estes, Stephen M CIV USARMY CESPL (US) <Stephen.M.Estes@usace.army.mil>
Sent: Thursday, May 2, 2019 5:11 PM
To: Mordi, Sally
Subject: BNSF Railway Company Abandonment Exemption Project (Corps File No. SPL-2019-00363-REG)

Sally,

Thank you for the voicemail. Regarding the BNSF Railway Company Abandonment Exemption Project (Corps File No. SPL-2019-00363-REG), a permit would be required from the Corps Regulatory Program if there would be a discharge of dredged or fill material into waters of the U.S. or work or structures in navigable waters of the U.S. Otherwise, a section 404 or 10 permit would not be required. Please feel free to call me if you have any questions.

Very respectfully,
Steve

Stephen M. Estes
Chief, Los Angeles and San Bernardino Counties Section North Coast Branch, Regulatory Division Los Angeles District,
U.S. Army Corps of Engineers
915 Wilshire Boulevard, Suite 930
Los Angeles, California 90017
stephen.m.estes@usace.army.mil

Office: 213-452-3660
Government Mobile: 213-309-2090

Assist us in better serving you! Please complete our brief customer survey, located at the following link:
http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

EXHIBIT H

Photographs of railroad structures on the property that are 50 years old or older:

HARBOR SUB CULVERTS

LS 7604

A series of several thin, white, parallel lines that originate from the bottom right corner and extend diagonally upwards towards the top right corner of the slide.



2.1 (ONLY VISIBLE FROM ONE SIDE)



2.9 (BOTH SIDES)



3.2 (ONLY VISIBLE FROM ONE SIDE)



UPSTREAM IS THE DRAIN GRATE



3.52 (ONLY ONE SIDE VISIBLE)

EXHIBIT I

Letters sent to the Office of Historic Preservation of California State Parks,
and the Communications and Outreach Branch, NOAA, N/NGS12, National
Geodetic Survey, SSMC3 #9340:

Sally Mordi*
202 429 6287
smordi@steptoe.com

*Admitted in Maryland only and practicing under the supervision of an active member of the District of Columbia Bar.

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



April 10, 2019

Julianne Polanco, State Historic Preservation Officer
California State Parks
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816

Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment Exemption—in Los Angeles County, California

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite historic report, BNSF needs to know: (1) whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4); and (2) whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

Proposed Abandonment Limits

From MP 7.95 (just west of S 11th Ave)

To MP 2.10 (just west of Santa Fe Ave)

LS 7604
MP 7.95

LS 7604
MP 2.10

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smordi@steptoe.com

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Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com



April 10, 2019

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East-West Highway
Silver Spring, MD 20910-3282

***Re: STB Docket No. AB 6 (Sub-No. 499X); BNSF Railway Company—Abandonment
Exemption—in Los Angeles County, California***

BNSF Railway Company (“BNSF”) anticipates filing in the near future a Notice of Exemption seeking Surface Transportation Board (“STB”) authority in the above-referenced docket to abandon a freight rail easement over approximately 5.93 miles of track on the Harbor Subdivision between approximately Milepost 2.1 and approximately Milepost 7.95 in Los Angeles County, California.

As part of the requisite environmental report, BNSF needs to know whether or not any geodetic survey marks may be located in the area described.

For your reference I have enclosed a map of the subject railroad line. BNSF will not be performing any salvage activities in connection with this abandonment.

Please provide your assessment and comments to me at the address above by May 10, 2019. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

A handwritten signature in cursive script that reads "Sally Mordi".

Sally Mordi
Attorney for BNSF Railway Company

Enclosure as stated

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