

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN DOCKET NO. AB 1244X

September 25, 2017

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

() NO NEW COMMENTS WERE RECEIVED

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In this proceeding, Columbia & Cowlitz Railway, LLC proposes to abandon an approximately 7-mile line of railroad in Cowlitz County, Washington. The line proposed for abandonment extends from milepost 1.5 south of Ocean Beach Highway in Longview, Washington to milepost 8.5 at Ostrander Junction (the Line). The Line is adjacent to a rail line proposed for abandonment in a different proceeding under Docket Nos. AB 1243X and AB 1244 (Sub-No. 1X), which extends from milepost 8.5 to milepost 30.

OEA served an Environmental Assessment (EA) for this proceeding on September 5, 2017 for public review and comment. In the EA, OEA recommended six environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment. The EA also concluded that the Line is a segment of the Weyerhaeuser Woods Railroad, an historic property that OEA has determined to be eligible for listing in the National Register of Historic Places (the National Register). The EA concludes that the abandonment of the Line would result in an adverse effect to that National Register-eligible property. Accordingly, one of the conditions recommended in the EA would require CLC to retain its interest in and take no steps to alter the historic integrity of historic properties within the rail right-of-way until the completion of the Section 106 process of the National Historic Preservation Act (NHPA). If this condition is imposed, CLC would not be able to conduct salvage activities or consummate the abandonment until the Section 106 process is complete.

Comments on the EA

The public comment period for the EA in this proceeding concluded on September 20, 2017. During the comment period, OEA received three comments from community organizations and members of the public.

On September 19, 2017, OEA received comments from the Toutle Valley Community Association (TVCA). In those comments, TVCA raised several issues related to environmental and historic impacts of the proposed abandonment. Regarding land use issues, TVCA states that, because many local land use plans call for more trails, any post-abandonment activity other than trails use would be adverse to the goals of those local land use plans. OEA notes these comments from TVCA. No changes to the conditions previously proposed in the EA are recommended.

Regarding impacts to water resources, TVCA states that the EA fails to identify several waterbodies crossed by the Line, including the South Toutle River, Hemlock Creek, Wyant Creek, and Studebaker Creek. TVCA states that these waterways may contain federally listed species of fish. OEA notes that the portion of the Weyerhaeuser Woods Railway that crosses the waterways identified by TVCA is proposed for abandonment under Docket No. AB 1243X. The Line proposed for abandonment in this case does not cross those waterways. No changes to conditions proposed in the EA are recommended.

Regarding impacts to wildlife, TVCA states that smelt, a federally threatened species, may be present in the Cowlitz River, which is crossed by the Line. TVCA also states that state-listed protected species could also be affected by the proposed abandonment. Because salvage activity would be confined to an existing rail right-of-way and would be limited to the removal of track and related materials, OEA believes that impacts to federally or state-listed protected species would be unlikely to occur as a result of the proposed abandonment. To address the concerns of TVCA, however, OEA is recommending an additional condition be imposed that would require CLC to consult with the Washington Department of Fish and Wildlife regarding impacts to state-listed protected species prior to undertaking salvage activities.

TVCA states that portions of the Weyerhaeuser Wood Railroad were constructed prior to 1928 as part of the Ostrander Railway & Timber Company, the third logging railroad in the Northwest, which was incorporated in 1896. TVCA also states that portions of the Weyerhaeuser Wood Railroad may have historical significance related to damage incurred during the 1980 eruption of Mount St. Helens. OEA believes that these comments support OEA's finding that the Weyerhaeuser Wood Railroad is a historic property that is eligible for listing in the National Register of Historic Places, pursuant to the National Historic Preservation Act. Accordingly, no changes to conditions proposed in the EA are recommended.

TVCA states that some salvage activity may have already occurred on the Line, including the removal of a culvert and of railroad ties. OEA notes these comments from TVCA.

OEA also received comments from Ms. Dunn of Longview, Washington. Ms. Dunn expressed support for the conversion of the Line into a recreational trail. OEA notes these comments.

OEA also received comments from Mr. Fred Wert of Rail-Trail Planning Services. Mr. Wert states that PW has made changes to the Line prior to seeking abandonment authority that may have resulted in impacts to historic properties. Mr. Wert states that the Section 106 condition recommended by OEA may be inadequate and recommends that an "Environmental Stay" should be placed on the proceeding pending additional review. OEA notes that the Section 106 condition recommended in the EA, if imposed, would prevent PW from conducting salvage activities or disposing of the Line. The intention of recommending this condition is to allow OEA, the SHPO, the railroad applicant, and other consulting parties sufficient time to complete the Section 106 process. OEA believes that the concerns raised by Mr. Wert and other commenters will be addressed in the ongoing Section 106 process.

Conclusions

The EA comment period has ended. OEA recommends that the following conditions, including the six conditions previously recommended in the EA and an additional condition related to potential effects to state-list protected species, should be imposed upon any decision granting abandonment authority:

- 1. Columbia & Cowlitz Railway, LLC (CLC) shall retain its interest in and take no**

steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 54 U.S.C. 300101 et seq, has been completed. CLC shall report back to the Office of Environmental Analysis (OEA) regarding any consultations with the State of Washington Department of Archaeology & Historic Preservation, appropriate federally recognized tribes, and the public. CLC may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

2. Prior to undertaking any salvage activities, Columbia & Cowlitz Railway, LLC shall consult with the State of Washington Utilities and Transportation Commission (UTC) regarding potential impacts to public grade-separated railroad/road crossings and shall comply with the reasonable recommendations of UTC.
3. Prior to undertaking any salvage activities, Columbia & Cowlitz Railway, LLC shall consult with the State of Washington Utilities and Transportation Commission (UTC) regarding the remediation of public at-grade railroad/road crossings and shall comply with the reasonable recommendations of UTC.
4. Prior to undertaking any salvage activities, Columbia & Cowlitz Railway, LLC shall consult with the State of Washington Department of Ecology regarding the removal and disposal of chemically treated wood and shall follow the reasonable recommendations of that agency.
5. If contamination is suspected, is discovered, or occurs during salvage activities, Columbia & Cowlitz Railway, LLC shall notify and consult with the Board's Office of Environmental Analysis the State of Washington Department of Ecology to develop a plan for testing and remediation, if necessary.
6. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, the railroad will immediately cease all work and notify the Office of Environmental Analysis (OEA), interested Federally recognized tribes, and the State of Washington Department of Archaeology & Historic Preservation (the State Historic Preservation Office or SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, interested Federally recognized tribes, CLC, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.
7. Prior to undertaking salvage activities, Columbia & Cowlitz Railway, LLC shall consult with the Washington Department of Fish and Wildlife regarding potential impacts of the proposed abandonment to species of state concern and shall follow the reasonable recommendations of that agency during salvage activities.

If the above conditions are imposed, OEA believes that the proposed action will not significantly affect the quality of the human environment.

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