

SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS

FINAL ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS
IN DOCKET NOS. AB 1243X and AB 1244 (Sub-No. 1X)

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, Patriot Woods Railroad, LLC (PW), proposes to abandon the approximately 21.5-mile line of railroad that extends from milepost 8.5 at Ostrander Junction to milepost 30 in Cowlitz County, Washington (the Line). The Line is adjacent to a rail line proposed for abandonment in a different proceeding under Docket No. AB 1244X, which extends from milepost 1.5 to milepost 8.5.

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.

Comments on the EA

The Toutle Valley Community Association (TVCA) submitted comments about the history, land use, water resources, hazardous materials, and biological resources sections of the EA. TVCA found the railway's historical and cultural importance understated in the EA and provided additional information about the Line's earlier history as part of Everell Stanton (E.S.) Collins' company in Ostrander, near milepost 8.5 on the Line. The Ostrander Railway & Timber Company, incorporated in 1896, created the rail line as the third logging railroad in the Northwest; the twelve miles of standard gauge line was handled by Shay, Heisler, and Climax steam locomotives, according to the Collins Companies (www.collinsco.com). TVCA also described how the eruption of Mount St. Helens created mudflows that destroyed the railroad bridge spanning the South Toutle River, causing it to be rebuilt for the Line's continued rail use; TVCA notes that piers of the pre-eruption bridge remain below the newer bridge. OEA appreciates the additional information provided by TVCA and will incorporate that information into its ongoing Section 106 review, and no changes to the previously recommended historic condition are necessary.

TVCA also notes that most local and state land use plans in the region call for increased trails and outdoor recreation. OEA notes TVCA's support for trails use. 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. Regarding water resources, TVCA states that the Line crosses the South Toutle River, Hemlock Creek, Wyant Creek, and Studebaker Creek, which

contain federally-protected species of fish. OEA evaluated the water bodies crossed by the Line for potential impacts in its initial review though it did not list each water body by name in the EA. TVCA states that additional federally-listed species with threatened status were not included in the EA. OEA obtained an official species list from the U.S. Fish and Wildlife Service (USFWS) prior to making its determination of no effect, and, to date, USFWS has not submitted comment in response to the EA. TVCA identified one state plant species of concern, the Western Wahoo. Though OEA believes impacts to this species would be unlikely to occur due to the limitation of salvage activity to the existing rail right-of-way, OEA is recommending an additional condition be imposed that would require Patriot Woods Railroad, LLC, to consult with the Washington Department of Fish and Wildlife regarding impacts to state-listed protected species prior to undertaking salvage activities.

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. Accordingly, OEA recommends that the six conditions previously recommended in the EA, as well as the additional condition recommended in this document, should be imposed upon any decision granting abandonment authority. The combined conditions are:

- 1. Patriot Woods Railroad, LLC (PW) 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 USC 300101 et seq, has been completed. PW 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. PW 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, PW 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 to prevent any damage to the structural integrity of grade-separated crossings during salvage.**

3. **Prior to undertaking any salvage activities, PW shall consult with UTC regarding the remediation of public at-grade railroad/road crossings.**
4. **Prior to undertaking any salvage activities, PW shall consult with the State of Washington, Department of Ecology, Hazardous Waste and Toxics Reduction Program and shall follow the reasonable recommendations of that agency regarding the removal and disposal of chemically treated wood.**
5. **If contamination is suspected, is discovered, or occurs during salvage activities, PW shall notify and consult with the Board's OEA and the State of Washington, Department of Ecology, Toxics Cleanup Program to develop a plan for testing and remediation, if necessary.**
6. **If any unanticipated archaeological sites, human remains, funerary items, or associated artifacts are discovered during the railroad's salvage activities, PW shall immediately cease all work and (a) notify the appropriate law enforcement agencies (if human remains are present), (b) implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering, (c) take reasonable steps to ensure the confidentiality of the discovery site, and (d) take reasonable steps to restrict access to the discovery site. PW shall then notify the Cowlitz Indian Tribe, OEA, interested federally-recognized tribes, and the SHPOs of both Washington and Oregon pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with interested federally-recognized tribes, SHPOs, PW, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary. If any human remains are determined to be Native, further consultation with the affected Tribes must take place in order to mitigate the final disposition of said remains.**
7. **Prior to undertaking salvage activities, PW 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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