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238801

July 10, 2015

E-FILED

ENTERED  
Office of Proceedings  
July 10, 2015  
Part of  
Public Record

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

Re: Docket No. AB 6 (Sub-No. 490X), BNSF Railway Company --  
Abandonment Exemption -- in King County, Washington

Dear Ms. Rutson:

Attached please find BNSF Railway Company's Environmental and Historic  
Reports in the above-referenced proceeding.

Sincerely,



Karl Morell

Enclosure

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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<b>BNSF RAILWAY COMPANY</b>	)	
<b>ABANDONMENT EXEMPTION</b>	)	<b>DOCKET NO. AB 6</b>
<b>IN KING COUNTY,</b>	)	<b>(SUB-NO. 490X)</b>
<b>WASHINGTON</b>		

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**ENVIRONMENTAL AND HISTORIC REPORTS**

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**BNSF RAILWAY COMPANY**  
2650 Lou Menk Drive  
P.O. Box 96157  
Fort Worth, TX 76161-0057

**Tyler White**  
Assistant General Attorney  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, Texas 76131-2828

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(202) 595-9045

**Service Date:** July 10, 2015

## ENVIRONMENTAL REPORT

### (49 C.F.R. § 1105.7)

*(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 1,100 linear feet of rail line located between Milepost 4.53 and Engineering Station 258+07 (end of line) in Seattle, King County, Washington (the "Line"). A map of the project area is attached as **Exhibit A**.

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of the rails and ties. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing

waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis ("OEA") and imposed by the Surface Transportation Board ("STB") in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no traffic since prior to 1995. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

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

There will be no passenger or freight traffic diverted to other transportation systems as a result of the proposed abandonment. There has been no local or overhead traffic on this line since prior to 1995.

**(3) Land Use**

**(i)** *Based on consultation with local and/or regional planning agencies and/or 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 is consistent with existing land use plans. BNSF contacted the City of Seattle – Department of Planning and Development and King County – Department of Permitting and Environmental Review. King County referred us to the City of Seattle’s Department of Planning and Development. The City of Seattle replied, “This proposal does not appear to be inconsistent with the City’s land use plans.” 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 agriculture land.*

BNSF does not believe that the proposed abandonment will have an adverse effect on prime agriculture land. BNSF sent a letter to the Washington NRCS State Office. As of the date of this Environmental Report, the agency has not replied to BNSF’s inquiry. A copy of the letter is attached as **Exhibit C**.

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

BNSF does not believe the proposed abandonment is located within a designated

coastal zone. BNSF sent a letter to the State of Washington, Department of Ecology, Northwest Regional Office. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit D**.

*(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 may be suitable for alternative public use. BNSF contacted the City of Seattle – Department of Planning and Development and King County – Department of Permitting and Environmental Review.

**(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 not adversely affect 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 action will not result in an increase or decrease in overall energy efficiency as there has been no traffic on the line since prior to 1995.

*(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 the 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 the 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 action 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 1 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 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 reinstatement of service over a previously abandoned

*line, only the three train a day threshold in this item shall apply.*

The proposed action will not result in meeting or exceeding the specified thresholds in (ii) (A), (B) or (C) above.

*(iii) If the 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.*

Not applicable.

**(7) Safety**

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

This abandonment should have no adverse effect on health or public safety.

There are no private at-grade crossings and three (3) public at-grade crossings on the Line.

*(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 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 material 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 does not believe that the proposed abandonment will have an adverse effect on endangered or threatened species or areas designated as a critical habitat. BNSF contacted the U.S. Fish and Wildlife Service, Ecological Services Field Office ("USFWS"), in reference to this proposed abandonment.

Shirley Burgdorf, with USFWS, replied in an e-mail dated August 28, 2014, explaining the process for obtaining an official species list for a proposed project. BNSF generated and reviewed the list of Endangered Species Act Species List for the project area and determined that the abandonment project will have "no effect" on listed species, their habitats, or proposed or designated critical habitat as the project area is located in the city streets and salvage activities will be

restricted to the railroad right-of-way. A copy of Ms. Burgdorf's e-mail is attached as **Exhibit E**.

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

BNSF does not believe that any wildlife sanctuaries or refuges, National or State parks or forests will be adversely affected by the proposed abandonment. BNSF contacted the U.S. Department of the Interior, Bureau of Land Management ("BLM") and the National Park Service, Pacific West Region.

J.A. Vacca, with BLM, replied in an e-mail dated August 28, 2014, stating, "I did a quick check of our GIS layers in comparison with the map provided, and I was unable to locate any BLM-administered lands within your project area." As of the date of this Environmental Report, the National Park Service has not replied to BNSF's inquiry. Copies of the e-mail and letter are attached as **Exhibit F**.

**(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.*

BNSF sent a letter to the State of Washington, Department of Ecology, Northwest Regional Office. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit D**.

BNSF also contacted the U.S. EPA Region 10 regarding the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit G**.

*(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 is confident that no designated wetlands or 100-year flood plains will be adversely affected by the proposed abandonment. BNSF contacted the U.S. Army Engineer District, Seattle in reference to the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit H**.

*(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).*

BNSF sent a letter to the State of Washington, Department of Ecology, Northwest Regional Office. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit D**.

BNSF also contacted the U.S. EPA Region 10 regarding the proposed abandonment. As of the date of this Environmental Report, the agency has not replied to BNSF's inquiry. A copy of the letter is attached as **Exhibit G**.

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

BNSF does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. BNSF will, of course, 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)

*(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 1,100 linear feet of rail line located between Milepost 4.53 and Engineering Station 258+07 (end of line) in Seattle, King County, Washington (the "Line"). A map of the project area is attached as **Exhibit A**.

BNSF's salvage process as it relates to this project is as follows:

The proposed abandonment will include the removal of the rails and ties. The railroad right-of-way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right-of-way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into rail cars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right-of-way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right-of-way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis ("OEA") and imposed by the Surface Transportation Board ("STB") in the final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

The Line has had no traffic since prior to 1995. The Line is stub-ended and, therefore, not capable of handling overhead traffic. Because of the lack of traffic on the Line, only very limited maintenance has been performed on the Line for some time. Therefore, the proposed abandonment will have no impact on rail freight operations and maintenance practices on the Line.

The only alternative to abandonment would be to not abandon the Line and forego the opportunity costs from salvaging the Line.

## HISTORIC REPORT

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 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 subject Line extends approximately 1,100 linear feet between Milepost 4.53 and Engineering Station 258+07 (end of line) in Seattle, King County, Washington. The urban right-of-way is generally 100 feet wide. There are no federally granted rights of way involved.

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.*

None.

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.*

None.

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 Seattle, Lake Shore and Eastern Railway Company acquired the right of way in 1887. The Seattle, Lake Shore and Eastern Railway Company was a predecessor to the Northern Pacific Railway Company ("NP"). The NP merged in 1970 with the Great Northern Railway Company and the Chicago Burlington and Quincy Railroad Company to become the Burlington Northern Railroad Company ("BN"). BN merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become 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 furnished 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).*

BNSF contacted the Washington State Department of Archaeology & Historic Preservation ("SHPO") in reference to the proposed abandonment. By letter dated March 24, 2015, Matthew Sterner, M.A., Transportation Archaeologist, stated, "no historic properties affected for the proposed abandonment." A copy of the letter is attached as **Exhibit I**.

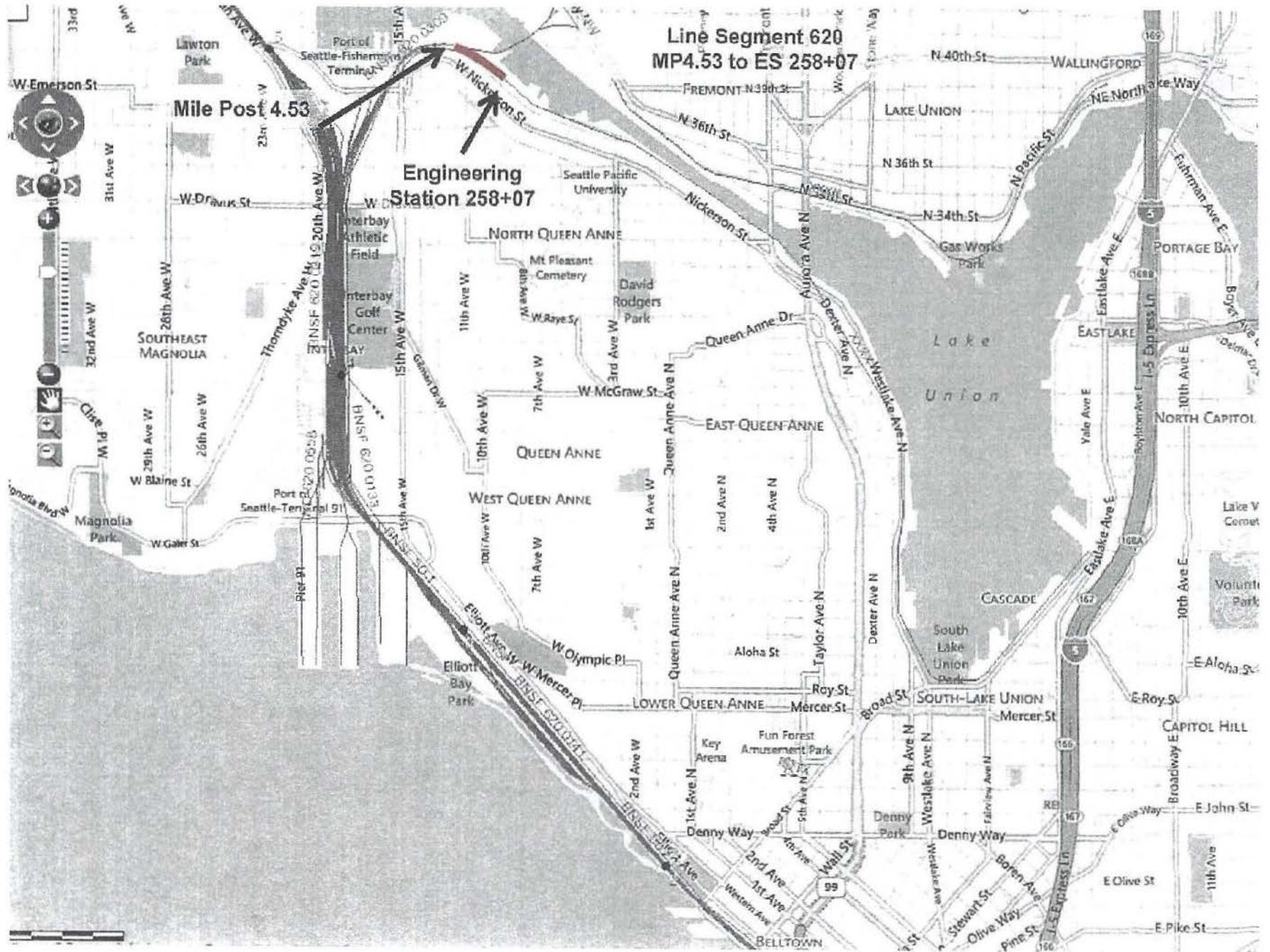
8. *A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence 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 project 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 specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).*

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

# EXHIBIT A

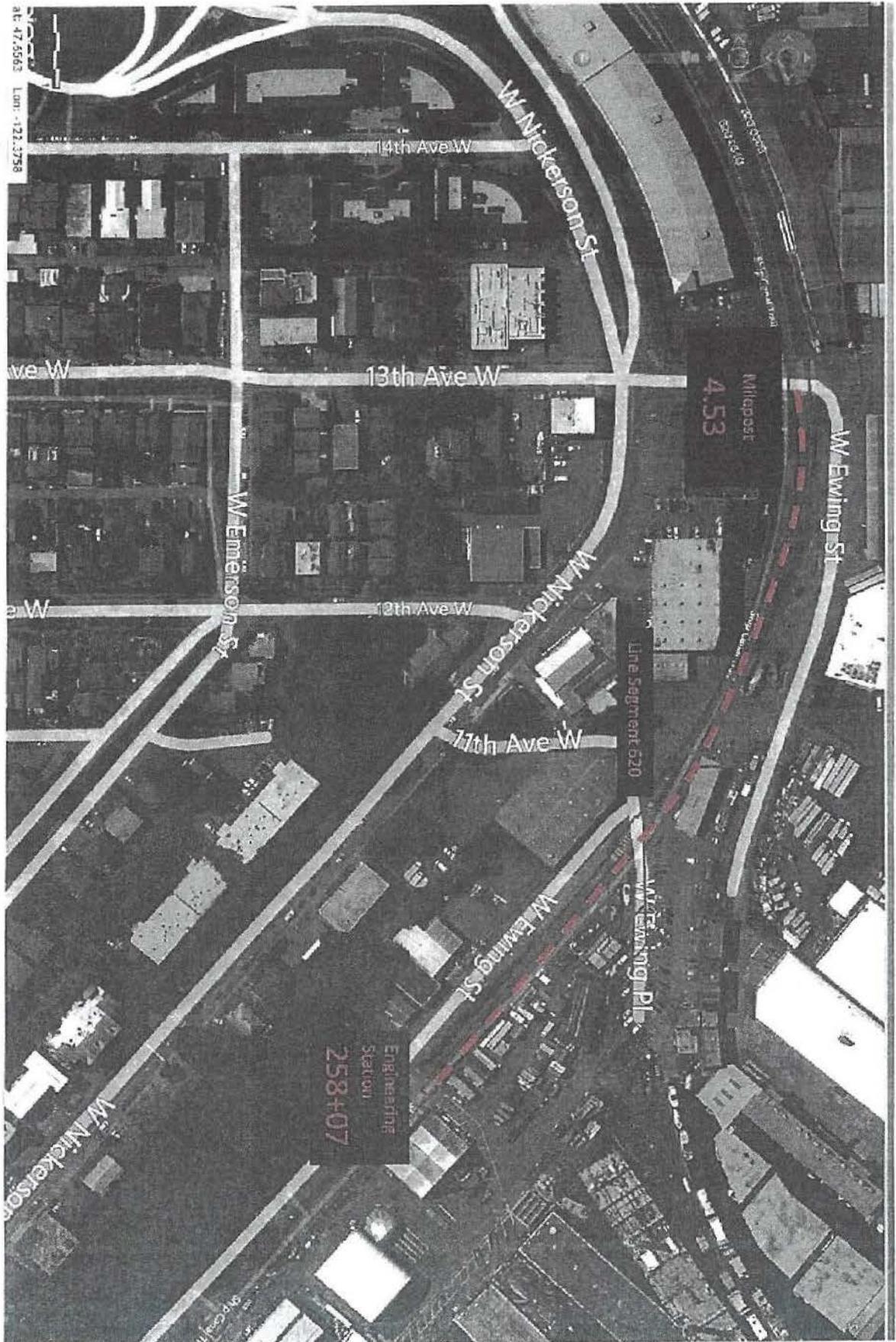


Line Segment 620  
MP4.53 to ES 258+07

Engineering  
Station 258+07

Mile Post 4.53





at: 47.3563 Lon: -122.3738

14th Ave W

W Nickerson St

13th Ave W

4.53

W Ewing St

W Emerson St

12th Ave W

W Nickerson St

Line Segment 020

11th Ave W

W Ewing St

W Ewing Pl

Engineering Station 258+07

W Nickerson

# EXHIBIT B



## City of Seattle

Edward B. Murray, Mayor

**Seattle Department of Planning and Development**

Diane M. Sugimura, Director

September 8, 2014

John Sims  
BNSF Railway Company  
2500 Lou Menk Drive AOB -3  
Fort Worth, TX 76131-2828

Dear Mr. Sims:

Thank you for informing us of the pending abandonment of the BNSF rail line near the Ship Canal in Seattle. This proposal does not appear to be inconsistent with the City's land use plans.

Please contact me at 206-684-0343 if you have further questions.

Sincerely,

Nathan Torgelsen  
Deputy Director



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City of Seattle, Department of Planning and Development  
700 Fifth Avenue, Suite 2000  
P.O. Box 34019, Seattle, WA 98124-4019

An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

## Sims, John A

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**From:** Sandin, Randy <Randy.Sandin@kingcounty.gov>  
**Sent:** Monday, August 25, 2014 6:01 PM  
**To:** Sims, John A  
**Subject:** STB Docket Noi. AB 6 (Sub-No. 490X)

Dear Mr. Sims:

Your letter requesting a determination whether the proposed abandonment of 0.6 miles of railroad in South Seattle Canal was forwarded to me for a response. This rail line is located within the corporate limits of the City of Seattle and would therefore be subject to Seattle's comprehensive planning policies and adopted land use regulations. You should direct your inquiry to the City of Seattle's Department of Planning and Development, 700 5<sup>th</sup> Avenue, Suite 2000, Seattle, WA 98104.

Thanks.

Randy Sandin, Product Line Manager - Resource  
King County  
Department of Permitting and Environmental Review  
35030 S.E. Douglas Street, Suite 210  
Snoqualmie, WA 98065  
Phone: (206) 477-0378

**\*\* Important Message \*\***

**More Customer Service Hours**

**Begin Feb. 3<sup>rd</sup>, 2014**

**7:30-11:30 & 1:00-3:00 Mon/Tue/Thur/Fri**

**CLOSED WEDNESDAY**

# EXHIBIT C



John A. Sims, CP  
Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2367  
Email john.sims@bnsf.com

August 21, 2014

Ms. Roylene Rides-at-the-Door  
Washington NRCS State Office  
316 W. Boone Ave., Suite 450  
Spokane, WA 99201-2348

**Re: STB Docket No. AB 6 (Sub-No. 490X); BNSF Railway Company –  
Abandonment Exemption – in King County, Washington**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.60 miles of rail line in King County, Washington, between Milepost 4.53 and Engineering Station 258+07 in South Seattle Canal.

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.

information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted. Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by October 21, 2014. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)

# EXHIBIT D



**John A. Sims, CP**  
Paralegal  
Law Department

**BNSF Railway Company**  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email – john.sims@bnsf.com

August 20, 2014

Josh Baldi, Director  
Department of Ecology  
Northwest Regional Office  
State of Washington  
3190 – 160<sup>th</sup> Ave. SE  
Bellevue, WA 98008-5452

**Re: STB Docket No. AB 6 (Sub-No. 490X); BNSF Railway Company –  
Abandonment Exemption – in King County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.60 miles of rail line in King County, Washington, between Milepost 4.53 and Engineering Station 258+07 in South Seattle Canal.

As part of the environmental report, BNSF is required to contact your agency to determine if the proposed abandonment:

1. will affect land or water uses within a designated coastal zone;
2. is consistent with applicable Federal, State or local water quality standards (with a description of any inconsistencies identified); and
3. will require permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342).

For your reference I have enclosed a map of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not** to place

fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted. Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by October 20, 2014. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,

John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjlp.com](mailto:kmorell@bjlp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)

# EXHIBIT E

**Sims, John A**

---

**From:** Burgdorf, Shirley <shirley\_burgdorf@fws.gov>  
**Sent:** Thursday, August 28, 2014 1:34 PM  
**To:** Sims, John A  
**Subject:** Abandonment exemption in King County, Washington

John,

The process for obtaining an official species list for a proposed project is to go to the Information, Planning, and Conservation System (IPaC) website (<https://ecos.fws.gov/ipac/>). If this is your first time to use IPaC, I suggest going to our office website ([http://www.fws.gov/wafwo/species\\_new.html](http://www.fws.gov/wafwo/species_new.html)) and looking at the 'View detailed instructions for navigating IPaC'. Once you have identified the project location and selected the project type, you will arrive at the Trust Resources Page. Scroll down and select the 'Request an official species list' button. An email will be sent with an official species list for any federally listed species and designated critical habitat in the county of your project.

Please contact me if you have questions.  
Shirley

Shirley Burgdorf  
Fish & Wildlife Biologist  
U.S. Fish & Wildlife Service  
510 Desmond Dr. SE, Suite 102  
Lacey, WA 98503  
360/534-9340



## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Washington Fish and Wildlife Office  
510 DESMOND DRIVE SE, SUITE 102  
LACEY, WA 98503  
PHONE: (360)753-9440 FAX: (360)753-9405  
URL: [www.fws.gov/wafwo/](http://www.fws.gov/wafwo/)

Consultation Tracking Number: 01EWF00-2014-SLI-0701  
Project Name: South Seattle Canal, WA rail line abandonment

August 28, 2014

**Subject:** List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project.

### To Whom It May Concern:

The enclosed species list identifies threatened, endangered, and proposed species, designated and proposed critical habitat, and candidate species that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. The species list is currently compiled at the county level. Additional information is available from the Washington Department of Fish and Wildlife, Priority Habitats and Species website: <http://wdfw.wa.gov/mapping/phs/> or at our office website: [http://www.fws.gov/wafwo/species\\_new.html](http://www.fws.gov/wafwo/species_new.html). Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether or not the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species, and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.). You may visit our website at <http://www.fws.gov/pacific/eagle/> for information on disturbance or take of the species and information on how to get a permit and what current guidelines and regulations are. Some projects affecting these species may require development of an eagle conservation plan: ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Also be aware that all marine mammals are protected under the Marine Mammal Protection Act (MMPA). The MMPA prohibits, with certain exceptions, the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas. The importation of marine mammals and marine mammal products into the U.S. is also prohibited. More information can be found on the MMPA website: <http://www.nmfs.noaa.gov/pr/laws/mmpa/>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Related website:

National Marine Fisheries Service:

[http://www.nwr.noaa.gov/protected\\_species/species\\_list/species\\_lists.html](http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html)

Attachment



United States Department of Interior  
Fish and Wildlife Service

Project name: South Seattle Canal, WA rail line abandonment

## Official Species List

**Provided by:**

Washington Fish and Wildlife Office  
510 DESMOND DRIVE SE, SUITE 102  
LACEY, WA 98503  
(360) 753-9440  
<http://www.fws.gov/wilwo/>

**Consultation Tracking Number:** 01EWF00-2014-SLI-0701

**Project Type:** Land - Easement / Right-Of-Way

**Project Description:** salvage of BNSF rail line within the city street of seattle. salvage will be done within railroad right-of-way



United States Department of Interior  
Fish and Wildlife Service

Project name: South Seattle Canal, WA rail line abandonment.

**Project Counties:** King, WA



United States Department of Interior  
Fish and Wildlife Service

Project name: South Seattle Canal, WA rail line abandonment

## Endangered Species Act Species List

There are a total of 10 threatened, endangered, or candidate species on your species list. Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Critical habitats listed under the **Has Critical Habitat** column may or may not lie within your project area. See the **Critical habitats within your project area** section further below for critical habitat that lies within your project. Please contact the designated FWS office if you have questions.

Amphibians	Status	Has Critical Habitat	Condition(s)
Oregon Spotted frog ( <i>Rana pretiosa</i> )	Proposed Threatened	Proposed	
<b>Birds</b>			
Marbled murrelet ( <i>Brachyramphus marmoratus</i> ) Population: CA, OR, WA	Threatened	Final designated	
Northern Spotted owl ( <i>Strix occidentalis caurina</i> ) Population: Entire	Threatened	Final designated	
Yellow-Billed Cuckoo ( <i>Coccyzus americanus</i> ) Population: Western U.S. DPS	Proposed Threatened	Proposed	
<b>Conifers and Cycads</b>			
Whitebark pine ( <i>Pinus albicaulis</i> )	Candidate		
<b>Fishes</b>			
Bull Trout ( <i>Salvelinus confluentus</i> ) Population: U.S.A., conterminous, lower 48 states	Threatened	Final designated	



United States Department of Interior  
Fish and Wildlife Service

Project name: South Seattle Canal, WA rail line abandonment

<b>Flowering Plants</b>			
Golden Paintbrush ( <i>Castilleja levisecta</i> )	Threatened		
<b>Mammals</b>			
Canada Lynx ( <i>Lynx canadensis</i> ) Population: (Contiguous U.S. DPS)	Threatened	Final designated. Proposed	
Gray wolf ( <i>Canis lupus</i> ) Population: U.S.A. All of AL, AR, CA, CO, CT, DE, FL, GA, KS, KY, LA, MA, MD, ME, MO, MS, NC, NE, NH, NJ, NV, NY, OK, PA, RI, SC, TN, VA, VT and WV, those portions of AZ, NM, and TX not included in an experimental population, and portions of IA, IN, IL, ND, OH, OR, SD, UT, and WA Mexico	Endangered		
Grizzly bear ( <i>Ursus arctos horribilis</i> ) Population: lower 48 States, except where listed as an experimental population or delisted	Threatened		



United States Department of Interior  
Fish and Wildlife Service

Project name: South Seattle Canal, WA rail line abandonment

## Critical habitats that lie within your project area

The following critical habitats lie fully or partially within your project area.

Birds	Critical Habitat Type
Marbled murrelet ( <i>Brachyramphus marmoratus</i> ) Population: CA, OR, WA	Final designated
Northern Spotted owl ( <i>Strix occidentalis caurina</i> ) Population: Entire	Final designated
<b>Fishes</b>	
Bull Trout ( <i>Salvelinus confluentus</i> ) Population: U.S.A., continuous, lower 48 states	Final designated

# EXHIBIT F

## Sims, John A

---

**From:** Vacca, J <jvacca@blm.gov>  
**Sent:** Thursday, August 28, 2014 10:42 AM  
**To:** Sims, John A  
**Cc:** Brenda Woods; Linda Coates-Markle  
**Subject:** STB Docket no. AB6

John,

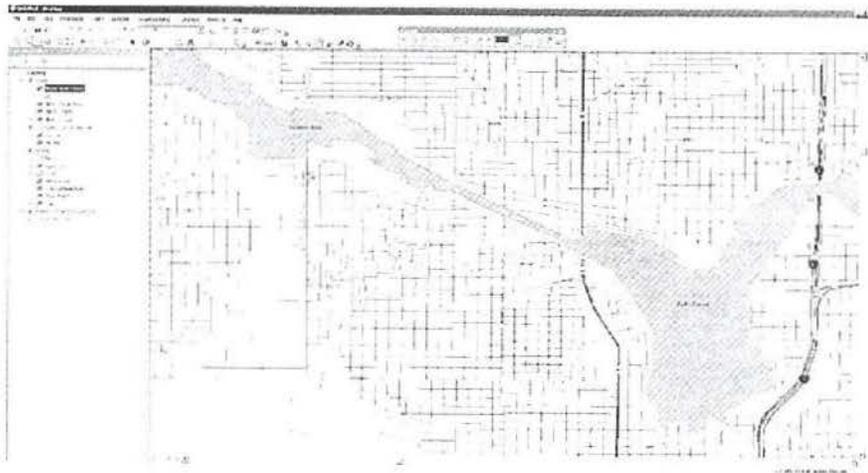
Our office received your letter dated August 21, 2014 requesting information on threatened and endangered species and the potential for effects from a railway abandonment project. At this point, it is unclear from your letter whether or not the proposed abandonment occurs on BLM-administered public land, or within a BLM-administered Right-of-way.

Those are the only two scenarios in which the BLM would have administrative jurisdiction or responsibility to provide information on endangered species within the project area. Otherwise, all consultation and coordination for threatened and endangered species is handled by the U.S. Fish and Wildlife Service, a separate agency under the Department of the Interior.

I did a quick check of our GIS layers in comparison with the map you provided, and I was unable to locate any BLM-administered lands within your project area (see Map below). However, if you would like to download the BLM-administrative layers and double check, those files can be accessed online (<http://www.blm.gov/or/gis/data.php>). If you happen to have a BLM-issued Right of Way case number or some other indication (Township, Range and Section identifying BLM-administered lands) establishing a BLM connection to this project, that would also help. Otherwise, I believe the BLM may not be the correct agency to be in contact with regarding this matter.

Please call or email if you have further questions or I can be of assistance.

Figure 1: Screenshot of approximate project area. According to our layer files, there are no BLM-administered units in the project area.



*J.A. Vacca*  
Wildlife Biologist  
Wenatchee Field Office  
Spokane District  
(509-665-2135  
[District Homepage/Facebook/Twitter/YouTube/Flickr](#)





John A. Sims, CP  
Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – ACB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
Email - john.sims@bnsf.com

August 21, 2014

Ms. Christine Lehnertz, 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. 490X); BNSF Railway Company –  
Abandonment Exemption – in King County, Washington**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.60 miles of rail line in King County, Washington, between Milepost 4.53 and Engineering Station 258+07 in South Seattle Canal.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not there are any wildlife sanctuaries or National or State parks or forests adjacent to or near the line, and 2) if so, what effects the proposed action may have on same.

For your reference I have enclosed maps of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and not to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted. Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by October 21, 2014. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Director

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)

# EXHIBIT G



John A. Sims, CP  
Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2828  
tel 817-352-2376  
fax 817-352-2397  
email john.sims@bnsf.com

August 21, 2014

U.S. EPA Region 10  
1200 6<sup>th</sup> Avenue, Suite 900  
Seattle, WA 98101

**Re: STB Docket No. AB 6 (Sub-No. 490X); BNSF Railway Company –  
Abandonment Exemption – in King County, Illinois**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.60 miles of rail line in King County, Washington, between Milepost 4.53 and Engineering Station 258+07 in South Seattle Canal.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not this action will be consistent with Federal, State or local water quality standards, and 2) whether or not Section 402 and/or National Pollutant Discharge Elimination System ("NPDES") permits are required for performance of the salvage activity described below. Please note: **BNSF anticipates the proposed abandonment will not disturb more**

For your reference I have enclosed maps of the subject railroad line. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

The culverts, ballast and right of way will remain intact so as not to alter the prevailing waterflows along the line. In addition, BNSF salvage contractors are required to limit their activities to the width of the right of way and **not** to place fills or other material in water bodies, including inland waterways. When the salvage process is complete, waterflows in the area should not be disrupted.

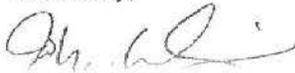
Finally, road crossings are removed and remediated, then repaved with gravel, asphalt or concrete, as required by governing authority. Any signals are also dismantled and removed.

BNSF salvage work for abandonments is always performed by experienced rail material salvagers and is generally bid on the open market. Each salvage contract includes detailed information on any environmental or historical conditions recommended by the Office of Environmental Analysis and imposed by the Surface Transportation Board in their final decision. Completed work is independently inspected by a BNSF roadmaster (or equal representative) to ensure compliance with BNSF standards of quality and all contractual obligations, including STB-imposed conditions, if applicable.

Please provide your assessment and comments to me at the address above, if at all possible, by October 21, 2014. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



John A. Sims, CP  
Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)

# EXHIBIT H



John A. Sims, CP  
Paralegal  
Law Department

BNSF Railway Company  
2500 Lou Menk Drive – AOB-3  
Fort Worth, Texas 76131-2628  
tel 817-352-2375  
fax 817-352-2397  
Email – john.sims@bnsf.com

August 21, 2014

US Army Engineer District, Seattle  
ATTN: Regulatory Branch  
4735 East Marginal Way South  
Seattle, WA 98134-2385

**Re: STB Docket No. AB 6 (Sub-No. 490X); BNSF Railway Company –  
Abandonment Exemption – in King County, Washington**

BNSF Railway Company ("BNSF") anticipates filing in about 60 days a Notice of Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 0.60 miles of rail line in King County, Washington, between Milepost 4.53 and Engineering Station 258+07 in South Seattle Canal.

As part of the requisite environmental report, BNSF needs to know: 1) whether or not Section 404 permits will be required for the performance of salvage activity, and 2) if the proposed abandonment will affect any 100-year floodplains or any designated wetlands. Your assessment and comments are respectfully requested. In addition, if it is your

and white maps of each designated floodplain area. Please note: **BNSF does not anticipate any potential impacts to waters of the U.S. as a result of the proposed abandonment.**

For your reference maps of the subject railroad line are enclosed. Following is information on BNSF's salvage process as it relates to this project that should also be of use:

The proposed abandonment will include the removal of the rails and ties; however, the railroad right of way, ballast and culverts will remain in place.

The salvage process begins with the unbolting of the track materials or rails. With the use of specialized machinery placed on the railroad right of way, the rails and related steel (angle bars, tie plates, spikes, switches and any other metal parts) are removed. Next the wooden ties are raised from among the ballast with a tool designed for minimum disruption of ground material. The ties are separated into three groups as follows: (1) good quality ties that will be re-used in rail service, (2) landscape-quality ties that will be re-sold to lumber dealers for landscaping and (3) scrap ties. Scrap ties are loaded into railcars and shipped by BNSF to an EPA-approved disposal site.

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Please provide your assessment and comments to me at the address above, if at all possible, by October 21, 2014. You may contact me by email or telephone with any questions or concerns.

Thank you in advance for your time and contribution.

Sincerely,



Paralegal

Enclosure as stated

cc via email: Courtney Estes – BNSF – [courtney.estes@bnsf.com](mailto:courtney.estes@bnsf.com)  
Suzanne Wellen – BNSF – [suzanne.wellen@bnsf.com](mailto:suzanne.wellen@bnsf.com)  
Karl Morell – Ball Janik LLP – [kmorell@bjllp.com](mailto:kmorell@bjllp.com)  
Mark Norton – BNSF – [mark.norton@bnsf.com](mailto:mark.norton@bnsf.com)  
Brian Blevins – BNSF – [brian.blevins@bnsf.com](mailto:brian.blevins@bnsf.com)

# EXHIBIT I



Allyson Brooks Ph.D., Director  
State Historic Preservation Officer

March 24, 2015

Mr. John A. Sims  
BNSF Railway Company  
2500 Lou Menk Drive - AOB-3  
Fort Worth, TX 76131-2828

In future correspondence please refer to:

Log: 091614-06-STB

Property: BNSF Abandonment, King Co., STB Docket No. AB 6 (Sub-No. 490X)

Re: Archaeology - No Historic Properties

Dear Mr. Sims:

Thank you for contacting our office and responding to my inquiry for additional information. Based on the information you provided in your email of March 12, 2015, I concur with your finding of no historic properties affected for the proposed abandonment.

We would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4).

These comments are based on the information available at the time of this review and on the behalf of the State Historic Preservation Officer in conformance with Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800.

Should additional information become available, our assessment may be revised. In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity must stop, the area secured, and this office and the concerned tribes notified.

Thank you for the opportunity to review and comment. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Matthew Sterner'.

Matthew Sterner, M.A.  
Transportation Archaeologist  
(360) 586-3082  
matthew.sterner@dahp.wa.gov

