

March 24, 2006

Freeborn & Peters LLP

**VIA FEDERAL EXPRESS**

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001



216084

**Re: *Surface Transportation Board Docket No. AB-6 (Sub-No. 440X),  
BNSF Railway Company Abandonment in Olympia, WA***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

Dear Secretary Williams:

Enclosed for filing in the referenced docket are the original and ten copies of The Burlington Northern and Santa Fe Railway Company's Notice of Exemption, and a check for \$3,000.00, covering the filing fee.

Please acknowledge receipt of this material by date stamping the enclosed copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

The environmental and historic reports have been forwarded to the responsible agencies and copies have been directed to the Section of Environmental Analysis. The Notice of Exemption includes a certificate of notice upon various interested state and federal authorities (the U. S. Department of the Interior – National Park Service, Recreation and Conservation Assistance Program; the U. S. Department of the Interior – National Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Washington Utilities and Transportation Commission; the Washington State Transportation Commission; and the Chief of Forest Service, U. S. Department of Agriculture).

*Chicago*

*Springfield*

Sincerely,

Brian Nettles

**FEE RECEIVED**

/bn  
Enclosures

MAR 27 2006

SURFACE  
TRANSPORTATION BOARD

**FILED**

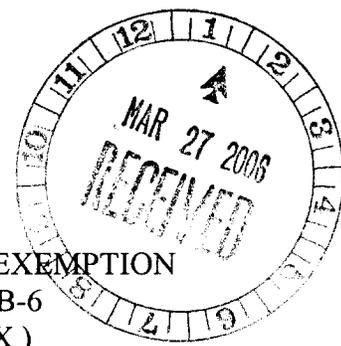
MAR 27 2006

FILED  
TRANSPORTATION BOARD

216084

BEFORE THE

SURFACE TRANSPORTATION BOARD



Abandonment of a line of Railroad  
Between BNSF Station 521 + 42,  
And Station 533 + 65 in Olympia,  
Thurston County, Washington

NOTICE OF EXEMPTION  
Docket No. AB-6  
(Sub-No. 440X )

TO THE SURFACE TRANSPORTATION BOARD:

The BNSF Railway Company (BNSF) hereby notifies the Board that it intends to  
abandon its line of railroad between BNSF M.P. Station 521 + 42 and M.P. Station 533 +  
65 in Olympia, in Thurston County, Washington, a total distance of 0.23 miles, pursuant  
to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in  
support of the Notice, respectfully provides the following information:

Office

- I. Proposed consummation date for the abandonment.

May 17, 2006

Received

- II. Certification required in 49 C.F.R. § 1152.50(b)

FILED

MAR 27 2006

SURFACE TRANSPORTATION BOARD

The attached Certification of Michael Smith certifies that no  
formal complaint filed by a user of rail service on this line (or a state or  
local government entity acting on behalf of such user) regarding cessation  
of service over the line is pending with the Board or any U.S. District  
Court or has been decided in favor of a complainant within the last two  
years. The attached Verification of Richard A. Batie certifies that no local  
traffic has moved over this line for at least two (2) years and any overhead  
traffic on the line can be rerouted over other lines.

FREE RECEIVED

MAR 27 2006

SURFACE TRANSPORTATION BOARD

- III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

(a) General

- (1) Exact name of Applicant.

The BNSF Railway Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Olympia, Washington line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr., Suite 3000  
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Olympia, Washington line traverses United States Postal Service Zip codes 98502.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met is attached.

Respectfully submitted,



---

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: March 24, 2006

**VERIFICATION**

STATE OF TEXAS            )  
  )ss  
COUNTY OF TARRANT    )

Richard A. Batie makes oath and says he is Manager, Network Development in the Network Development department of BNSF Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 440X ); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.

*Richard A. Batie*

Richard A. Batie  
Manager, Network Development

Subscribed and sworn to before me the 23 day of March, 2006.



*Gretchen E. Adams*  
Notary Public

BNSF RAILWAY COMPANY  
NO. AB-6 (Sub No. 440X )

**CERTIFICATION**

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Washington Public Utilities Commission; the Washington Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on February 16, 2006; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on February 16, 2006; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on February 16, 2006; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on March 5, 2006 in The Olympian, affidavit of publication is attached.



---

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: March 24, 2006

# Affidavit of Publication

STATE OF WASHINGTON  
County of Thurston County

SS.

Legal #2664

### NOTICE OF INTENT TO ABANDON

The BNSF Railway Company gives notice that on or after March 9, 2006, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F - Exempt Abandonments permitting the abandonment of or discontinuance of service on 0.23 miles of railroad line between BNSF M.P. Station 521 + 42 to BNSF M.P. Station 533 + 65 in Olympia, Washington, which traverses through United States Postal ZIP Code 98502 in Thurston County, Washington. The proceeding will be docketed as No. AB-6 (Sub No. 440X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

Publish: March 5, 2006

The undersigned being first duly sworn on oath deposed and says: That she is the Principal Clerk of The Olympian which is a legal newspaper printed and published in the city of Olympia, Thurston County, Washington: of general circulation in said City, County and State;

that the **Notice of Intent to Abandon**  
In the case of **Freeborn & Peters**

of which the attached is a printed copy, was published in said newspaper:

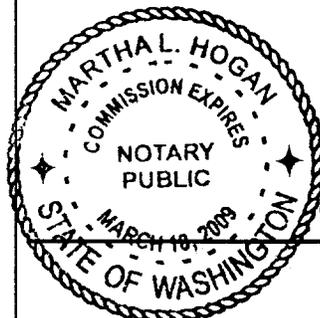
On the **5th** day of **March** 2006  
the day of 2006

that the said newspaper was generally circulated during all of said time, and has been published for more than six months prior to the dates of the publication of this legal document, and that said notice was published in the newspaper proper and not in supplement form.

The amount of fee charged for this publication **\$172.20 -- PREPAID**

*Suz Nelson*  
Principal Clerk

Subscribed and sworn to me this 5th day of March 2006



*Martha L. Hogan*  
Notary Public in and for the State of Washington  
Residing at Olympia, Thurston County, Washington

The Olympian has been appointed as a legal newspaper by order of the Superior Court of the State of Washington for Thurston County, dated July 10, 1941, in the county in which said newspaper is published in accordance with RCW 65.16.020 and RCW 63.16.040.

Note - The above affidavit and fee is in compliance with RCW 63.16.030 and Sec. 3, Chapter 34, Laws of 1977.

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad  
Between BNSF Station 521 + 42 ,  
And Station 533 + 65 in Olympia,  
Thurston County, Washington

Docket No. AB-6  
(Sub-No. 440X )

**ENVIRONMENTAL REPORT**

The following information is submitted to the Surface Transportation Board by The BNSF Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between BNSF Engineering Station 521 + 42 and BNSF Engineering Station 533 + 65 in Olympia, Thurston County, Washington, a total distance of 0.23 miles.

**(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 seeks to abandon and discontinue service of the line. This may involve the removal of track materials, bridges and structures. A map of the line is attached as Exhibit A.

**(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.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

**(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.

BNSF believes the proposed exemption will be consistent with existing land use plans. The Thurston County Board of Commissioners and the Olympia City Council were notified by letters dated October 25, 2004. See Exhibits B and C. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

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

BNSF believes the abandonment will not affect any prime agricultural lands. The site is located in an area that is in urban development. The proposed abandonment will have no effect on prime agricultural farmlands. See Exhibit D, letter from the Natural Resources Conservation Service.

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

BNSF believes the abandonment will not affect any land or water used within a designated coastal zone. The Washington Department of Ecology was notified by a letter dated January 12, 2005. See Exhibit E. As of the date of this report, the Washington Department of Ecology has not

responded. BNSF will provide the Board copies of any response it may receive.

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

BNSF does not know whether the right-of-way is suitable for alternative public uses. The Thurston County Board of Commissioners and the Olympia City Council were notified by letters dated October 25, 2004. See Exhibits B and C. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

**(4) Energy:**

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

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

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

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

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

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(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.

There will be no diversions of traffic because the line is out of service.

**(5) Air:**

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(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% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic of more than 10-% of the average daily traffic of 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 in 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 abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) 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.

This action will have no effect on the transportation of ozone depleting materials as the line is out of service.

**(6) Noise:** If any of the thresholds identified in item (5)(c) 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,

N/A

(ii) An increase to a noise level of 76 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 those receptors if the thresholds are surpassed.

N/A

**(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 four public crossings and five private crossings. During salvage operations on the line, if any may be required, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(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 and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site 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.

BNSF is not aware of any evidence of known hazardous waste site or sites where there have been known hazardous materials 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.

The U.S. Fish and Wildlife Service states that listed endangered species occurring in Thurston County include: Wintering bald eagles (*Haliaeetus leucocephalus*) occur in the county from about October 31 through March 31. There is a bald eagle wintering concentration located in the county along the Nisqually River. There are 19 bald eagle nesting territories located in the county.

Nesting activities occur from about January 1 through August 15. Bull trout (*Salvelinus confluentus*), Marbled murrelets (*Brachyramphus marmoratus*), and Northern spotted owls (*Strix occidentalis caurina*) occur in the county throughout the year. See Exhibit F, response from the U.S. Fish and Wildlife Service.

The Washington Department of Fish and Wildlife states that priority species occurring within the vicinity of the proposed abandonment include: Wood Duck, Mink, Vaux's Swift, Peregrine Falcon, Bald Eagle and the Purple Martin. See Exhibit G, response from the Washington Department of Fish and Wildlife.

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

BNSF believes the proposed abandonment will have no effect on wildlife sanctuaries, refuges, National or State parks or forests. There are no national parks, forests or refuges, nor any park administered by the Washington State Parks and Recreation Commission in the vicinity of the abandonment. However, there is a state Heritage Park administered by the Department of General Administration, state fisheries facilities and resource concerns at Percival Cove and Capitol Lake, and resource issues of concern to the City of Olympia and the Port of Olympia with respect to this proposed abandonment. See Exhibit H, letter from the Washington State Parks and Recreation Commission.

**(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 believes the proposed exemption will be consistent with applicable Federal, State or local water quality standards. This project may need an NPDES Construction Stormwater permit if the project will disturb one acre or more, and discharge to surface waters. Given the proximity to the bay, a discharge is a possibility. If the project will not disturb more than one acre, then Best Management Practices (BMP's) must be used to ensure there is not a discharge of contaminated stormwater or other polluting material from the site. See Exhibit I, e-mail from the Washington Department of Ecology. BNSF will require its salvage contractors to take every measure and precaution to ensure that no pollutant will be discharged into state waters.

(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 floodplains will be affected. Describe the effects.

A Section 404 permit will not be required. The Army Corps of Engineers has reviewed the information pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act and has determined that a DA permit is not required for the proposed abandonment. See Exhibit J, letter from the U.S. Army Corps of Engineers.

BNSF does not believe the proposed abandonment will affect the 100-year floodplain. The proposed abandonment crosses the 100-year flood plain. See Exhibit K, response from the City of Olympia.

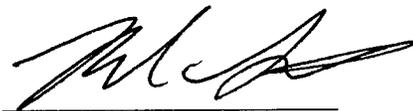
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

BNSF believes a section 402 permit will not be required. The Washington Department of Ecology was notified by a letter dated October 25, 2004. See Exhibit I. As of the date of this report, the Washington Department of Ecology has not responded. BNSF will provide the Board copies of any response it may receive.

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

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,



Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: March 24, 2006

BEFORE THE  
SURFACE TRANSPORTATION BOARD

Abandonment of a line of Railroad  
Between BNSF Station 521 + 42 ,  
And Station 533 + 65 in Olympia,  
Thurston County, Washington

Docket No. AB-6  
(Sub-No. 440X )

**HISTORICAL REPORT**

The following is submitted to the Surface Transportation Board by The BNSF Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between BNSF Engineering Station 521 + 42 and BNSF Engineering Station 533 + 65 in Olympia, Thurston County, Washington, a total distance of 0.23 miles.

(1) A U.S.G.S. topographic map (or 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 the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Washington Office of Archeology and Historic Preservation and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(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 right of way for the Olympia, Washington Trackage varies from 16 to 100 feet in width. The right of way is located within the Olympia Metropolitan Statistical

Area which includes the cities of Olympia and Lacey. Olympia has a population of 42,514 and is the state capital. The line is located primarily in a north-south direction on the east side of Budd Inlet which is on the west side of Olympia. The line is essentially flat along the waterfront and a hill is adjacent just west of the line.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no railroad structures along the line.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(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 right of way was acquired by the Northern Pacific Railway Company (NP) in 1890. The NP merged with the Great Northern Railway Company (GN) and the Chicago Burlington and Quincy Railroad Company (CBQ) in 1970 to become The Burlington Northern Railroad Company (BN). In 1995 BN merged with the Atchison Topeka and Santa Fe Railway Company (ATSF) to become The Burlington Northern and Santa Fe Railway Company (BNSF). In 2005 BNSF changed its name to the BNSF Railway (BNSF). The Olympia, Washington Trackage has been out of service for several years. No changes in carrier operations are anticipated as a result of the proposed abandonment as there is no train service on the line.

(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 to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such 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 C.F.R. § 60.4), and whether there is a likelihood of archaeological 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);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The Washington Office of Archeology and Historic Preservation has been contacted concerning the status of the properties. See Exhibit L. When a response is received it will be forwarded to the Surface Transportation Board's Section of Environmental Analysis.

(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 archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Smith', written in a cursive style.

---

Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: March 24, 2006

**CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)**

BNSF Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on February 16, 2006, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson  
Chief, SEA  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Dr. Allyson Brooks  
State Historic Preservation Officer  
Office of Archeology & Historic  
Preservation  
PO Box 48343  
Olympia, WA 98504-8343

Joseph K. Buesing  
District Manager  
U.S. Department of the Interior  
Bureau of Land Management  
1103 Fancher  
Spokane, WA 99212-1275

William Jolly  
Environmental Program Manager  
Washington State Parks and Recreation  
Commission  
7150 Cleanwater Lane  
P.O. Box 42650  
Olympia, WA 98504-2650

Washington Department of Natural  
Resources  
Office of the Commissioner of Public  
Lands  
1111 Washington ST SE  
MS: 47001  
Olympia, WA 98504-7001

Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967

Thurston County Board of Commissioners  
Thurston County Courthouse  
Building One, Room 269  
2000 Lakeridge Drive SW  
Olympia, WA 98502-1045

Brenda Stocker  
Engineering Technician II  
City of Olympia  
Public Works Department  
P.O. Box 1967  
Olympia, WA 98507-1967

Ken S. Berg  
Manager  
Fish and Wildlife Service  
Western Washington Fish and  
Wildlife Office  
510 Desmond Drive, SE, Suite 102  
Lacey, WA 98503

Lori Guggenmos  
GIS Programmer  
Washington Department of Fish and  
Wildlife  
Priority Habitats and Species  
600 Capital Way N.  
Olympia, WA 98501-1091

Michelle Walker  
Chief, South Application Review Section  
U.S. Army Corps of Engineers  
Seattle District  
P.O. Box 3755  
Seattle, WA 98124-3755

Dave Allen  
Regional Director  
U.S. Department of the Interior  
Fish and Wildlife Service  
Eastside Federal Complex  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4181

Natural Resources Conservation Service  
Olympia Service Center  
and Rd State Office  
1835 Black Lake Blvd SW, Suite B  
Olympia, WA 98512-5607

Linda Matlock  
Washington Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

Kelly Susewind  
Water Quality Department  
Department of Ecology  
Southwest Regional Office  
2108 Grand Boulevard  
Vancouver, WA 98661-4622

Paula Ehlers  
Shorelands & Environmental Assistance  
Washington Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775

National Park Service  
Pacific West Region  
Regional Director  
One Jackson Center  
1111 Jackson Street, Suite 700  
Oakland, CA 94607

U.S. Environmental Protection Agency  
Region 10  
1200 Sixth Avenue  
Seattle, WA 98101

Gus Hughbanks  
State Conservationist  
Natural Resources Conservation Service  
316 W. Boone Ave., Suite 450  
Spokane, WA 99201-2348

Washington Utilities and Transportation  
Commission  
1300 S. Evergreen Park Drive SW  
Olympia, WA 98504-7250

Washington State Transportation  
Commission  
P.O. Box 47308  
Olympia, WA 98504-7308

Richard Snay  
National Geodetic Survey  
NOAA - SSMC3  
1315 East-West Highway  
Silver Spring, MD 20910

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



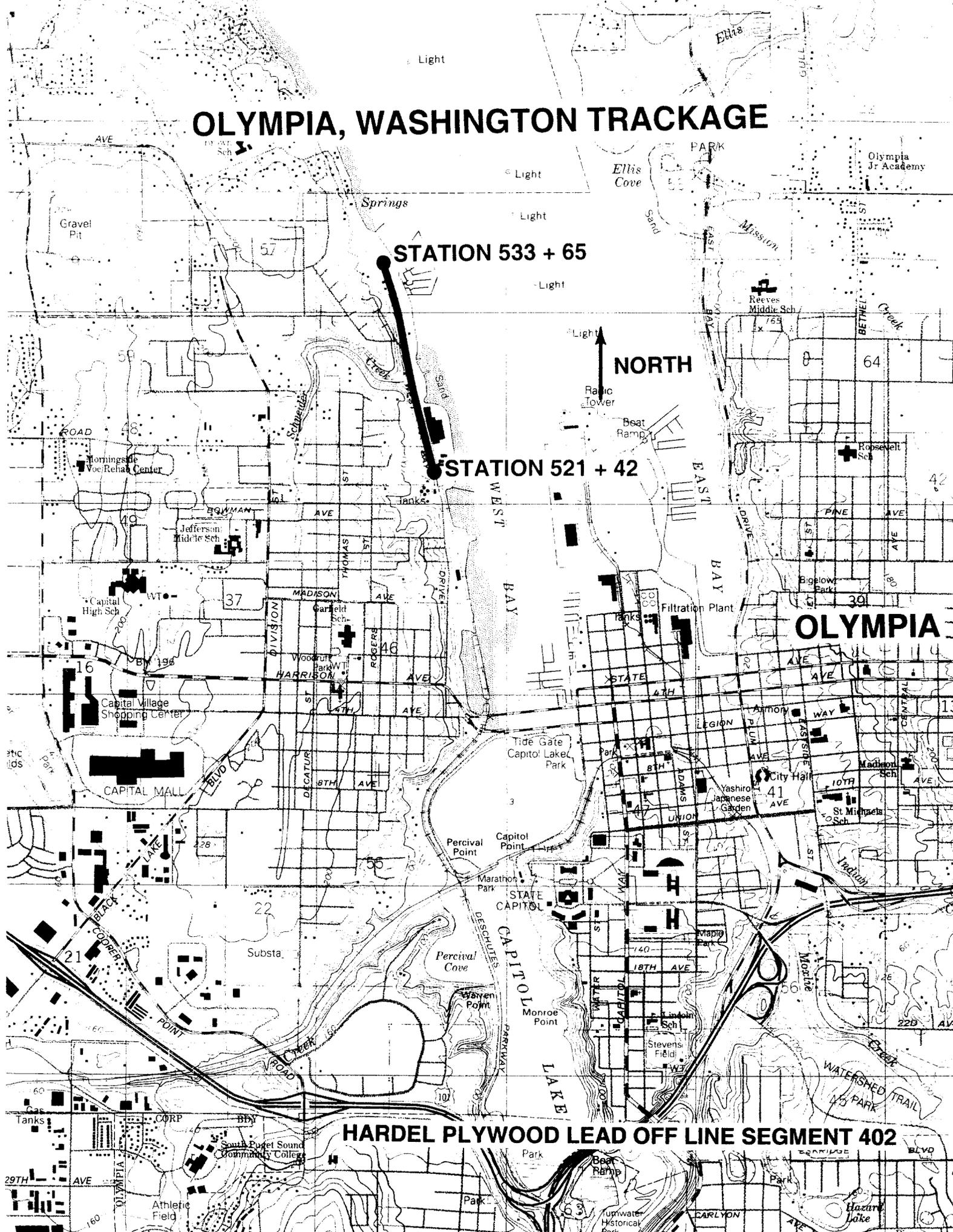
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Michael Smith  
Freeborn & Peters  
311 S. Wacker Dr. Suite 3000  
Chicago, Illinois 60606-6677  
Phone: (312) 360-6724  
Fax: (312) 360-6598

Date: March 24, 2006



# OLYMPIA, WASHINGTON TRACKAGE



STATION 533 + 65

STATION 521 + 42

NORTH

OLYMPIA

HARDEL PLYWOOD LEAD OFF LINE SEGMENT 402



Freeborn & Peters LLP

October 25, 2004

Thurston County Board of Commissioners  
Thurston County Courthouse  
Building One, Room 269  
2000 Lakeridge Drive SW  
Olympia, WA 98502-1045

Attorneys at Law

South Wacker Drive  
Suite 3000  
Chicago, Illinois  
312.360.6677  
312.360.6000

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Olympia, Washington***

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between station 0 + 00 and Station 533 + 65 in Olympia, Washington.

As part of the environmental report BNSF needs to know whether or not the abandoned right-of-way is suitable for alternative public use such as a recreational trail and if so, why.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information as soon as possible. For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

Enclosure

an Nettles

alegal

ect 312.360.6336

312.360.6596

ttles@

bornpeters.com

ago

ingfield



# Freeborn & Peters LLP

October 25, 2004

Olympia City Council  
PO Box 1967  
Olympia, WA 98507-1967

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment  
of Olympia, Washington***

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between station 0 + 00 and Station 533 + 65 in Olympia, Washington.

As part of the environmental report BNSF needs to know whether or not the abandoned right-of-way is suitable for alternative public use such as a recreational trail and if so, why.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information as soon as possible. For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

Enclosure

Attorneys at Law

South Wacker Drive  
Suite 3000  
Chicago, Illinois  
Tel: 312.360.6677  
Fax: 312.360.6000

Brian Nettles  
Legal  
Tel: 312.360.6336  
Fax: 312.360.6596  
bnettl@freebornpeters.com

Chicago

Springfield

**D**

United States Department of Agriculture



Natural Resources Conservation Service  
1011 East Main, Suite 106  
Puyallup, WA 98372  
(253) 845-9272, Fax (253) 845-4569

---

February 14, 2005

Brian Nettles  
Freeborn & Peters  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment  
of Olympia, Washington, Station 0+00 to Station 533+65

Dear Mr. Nettles:

As per your letter dated October 25, 2004, I have reviewed the area of the proposed railroad line abandonment. The site is located in an area that is in urban development. The proposed abandonment will have no effect on any prime agricultural farmlands.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in cursive script, appearing to read "Charles Natsuhara".

Charles Natsuhara  
Area Resource Soil Scientist



Freeborn & Peters LLP

January 12, 2005

Paula Ehlers  
Shorelands & Environmental Assistance  
Washington Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment  
of the Olympia, Washington Trackage***

*Attorneys at Law*

311 South Wacker Drive  
Suite 3000  
Chicago, Illinois  
60606-6677  
Tel 312.360.6000

Brian Nettles  
Paralegal  
Direct 312.360.6336  
Fax 312.360.6596  
bnettl@  
freebornpeters.com

Dear Ms. Ehlers:

BNSF plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon railroad line between Engineering Station 533 + 65 and Engineering Station 0 + 00 in Olympia, Washington.

As part of the environmental report BNSF needs to know whether any action affects land or water used within a designated coastal zone.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

Please provide this information **as soon as possible**. For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn  
Enclosure

*Chicago*

*Springfield*

F



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Western Washington Fish and Wildlife Office  
510 Desmond Dr. SE, Suite 102  
Lacey, Washington 98503

Dear Species List Requestor:

The E-Government Act of 2002 strives to enhance services and increase business efficiencies through the use of technology. As such, we recently developed a website where you can obtain your species lists electronically and in a timely fashion. Therefore, we ask that you obtain your species lists at [http://westernwashington.fws.gov/se/SE\\_List/Endangered\\_Species.asp](http://westernwashington.fws.gov/se/SE_List/Endangered_Species.asp).

To assist you in evaluating the effects of your project, site-specific information of listed species occurrences in Washington State may be obtained from the Washington Department of Fish and Wildlife Priority Habitat and Species Program at (360)-902-2543 or their website [www.wdfw.wa.gov/hab/phspage.htm](http://www.wdfw.wa.gov/hab/phspage.htm) and from the Washington Department of Natural Resources Natural Heritage Program at (360) 902-1667 or their website at [www.dnr.wa.gov/nhp/](http://www.dnr.wa.gov/nhp/).

When you submit a request for section 7 consultation, we request that you include your downloaded species list, and the date it was downloaded, as an attachment. This will document your compliance with 50 CFR 402.12 (c).

We hope our website meets your needs. If you have any questions or suggestions regarding this website or your species list, please contact John Grettenberger at (360) 753-6044.

Sincerely,

Ken S. Berg, Manager  
Western Washington Fish and Wildlife Office

**LISTED AND PROPOSED ENDANGERED AND THREATENED SPECIES AND CRITICAL  
HABITAT; CANDIDATE SPECIES; AND SPECIES OF CONCERN  
IN WESTERN WASHINGTON  
AS PREPARED BY  
THE U.S. FISH AND WILDLIFE SERVICE  
WESTERN WASHINGTON FISH AND WILDLIFE OFFICE**

**(Revised October 8, 2004)**

**THURSTON COUNTY**

**LISTED**

Wintering bald eagles (*Haliaeetus leucocephalus*) occur in the county from about October 31 through March 31.

There is a bald eagle wintering concentration located in the county along the Nisqually River.

There are 19 bald eagle nesting territories located in the county. Nesting activities occur from about January 1 through August 15.

Bull trout (*Salvelinus confluentus*) occur in the county.

Marbled murrelets (*Brachyramphus marmoratus*) occur in the county.

Northern spotted owls (*Strix occidentalis caurina*) occur in the county throughout the year.

Major concerns that should be addressed in your Biological Assessment of project impacts to listed species include:

1. Level of use of the project area by listed species.
2. Effect of the project on listed species' primary food stocks, prey species, and foraging areas in all areas influenced by the project.
3. Impacts from project activities and implementation (e.g., increased noise levels, increased human activity and/or access, loss or degradation of habitat) which may result in disturbance to listed species and/or their avoidance of the project area.

*Castilleja levisecta* (golden paintbrush) occurs in the county.

Major concerns that should be addressed in your Biological Assessment for this listed plant species include:

1. Distribution of taxon in project vicinity.
2. Disturbance (trampling, uprooting, collecting, etc.) of individual plants and habitat loss.
3. Changes in hydrology where taxon is found.

**DESIGNATED**

Critical habitat for the northern spotted owl has been designated in Thurston County.

Critical habitat for the marbled murrelet has been designated in Thurston County.

**PROPOSED**

Critical habitat for the bull trout (Coastal-Puget Sound distinct population segment) has been proposed in Thurston County.

**CANDIDATE**

Fisher (*Martes pennanti*) (West Coast distinct population segment)  
 Mardon skipper (*Polites mardon*)  
 Mazama pocket gopher (*Thomomys mazama*) (includes ssp. *couchi*, *glacialis*, *louiei*,  
*melanops*, *pugetensis*, *tacomensis*, *tumuli*, *yelmensis*)  
 Oregon spotted frog (*Rana pretiosa*)  
 Streaked horned lark (*Eremophila alpestris strigata*)  
 Whulge (Edith's) checkerspot (*Euphydryas editha taylori*)

**SPECIES OF CONCERN**

California wolverine (*Gulo gulo luteus*)  
 Cascades frog (*Rana cascadae*)  
 Coastal cutthroat trout (*Oncorhynchus clarki clarki*)  
 Long-eared myotis (*Myotis evotis*)  
 Long-legged myotis (*Myotis volans*)  
 Northern goshawk (*Accipiter gentilis*)  
 Northern sea otter (*Enhydra lutris kenyoni*)  
 Northwestern pond turtle (*Emys* (= *Clemmys*) *marmorata marmorata*)  
 Oregon vesper sparrow (*Pooecetes gramineus affinis*)  
 Olive-sided flycatcher (*Contopus cooperi*)  
 Pacific lamprey (*Lampetra tridentata*)  
 Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)  
 River lamprey (*Lampetra ayresi*)  
 Slender-billed white-breasted nuthatch (*Sitta carolinensis aculeata*)  
 Tailed frog (*Ascaphus truei*)  
 Valley silverspot butterfly (*Speyeria zerene bremeri*)  
 Van Dyke's salamander (*Plethodon vandykei*)  
 Western gray squirrel (*Sciurus griseus griseus*)  
*Aster curtus* (white-top aster)  
*Cimicifuga elata* (tall bugbane)  
*Sidalcea malviflora* ssp. *virgata* (rose checker-mallow)

**G**



State of Washington  
**DEPARTMENT OF FISH AND WILDLIFE**

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207  
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

Date: NOV 10 2004

Dear Habitats and Species Requester:

Enclosed are the habitats and species products you requested from the Washington Department of Fish and Wildlife (WDFW). This package may also contain documentation to help you understand and use these products.

These products only include information that WDFW maintains in a computer database. They are not an attempt to provide you with an official agency response as to the impacts of your project on fish and wildlife, nor are they designed to provide you with guidance on interpreting this information and determining how to proceed in consideration of fish and wildlife. These products only document the location of important fish and wildlife resources to the best of our knowledge. It is important to note that habitats or species may occur on the ground in areas not currently known to WDFW biologists, or in areas for which comprehensive surveys have not been conducted. Site-specific surveys are frequently necessary to rule out the presence of priority habitats or species.

Your project may require further field inspection or you may need to contact our field biologists or others in WDFW to assist you in interpreting and applying this information. Generally, for assistance on a specific project, you should contact the WDFW Habitat Program Manager for your county and ask for the area habitat biologist for your project area. Refer to the enclosed directory for those contacts.

Please note that sections potentially impacted by spotted owl management concerns are displayed on the 1:24,000 scale standard map products. If specific details on spotted owl site centers are required they must be requested separately.

These products are designed for users external to the forest practice permit process and as such, does not reflect all the information pertinent to forest practice review. The Forest Practice Rules adopted August 22, 1997 by the Forest Practice Board and administered by the Washington Department of Natural Resources require forest practice applications to be screened against marbled murrelet detection areas and detection sections. Marbled murrelet detection locations are included in the standard priority habitats and species products, but the detection areas and detection sections are not included. If your project is affected by Forest Practice Regulations, you should specially request murrelet detection areas.

WDFW updates this information as additional data become available. Because fish and wildlife species are mobile and because habitats and species information changes, project reviews for fish and wildlife should not rest solely on mapped information. Instead, they should also consider new information gathered from current field investigations. Remember, habitats and species information can only show that a species or habitat type is present, they cannot show that a species or habitat type is not present. These products should not be used for future projects. Please obtain updates rather than use outdated information.

**WASHINGTON DEPARTMENT OF FISH AND WILDLIFE  
REGIONAL HABITAT PROGRAM MANAGER CONTACTS**

**For assistance with Priority Habitats and Species Information contact a regional habitat program manger and they will direct your questions to a biologist.**

**County project is in...**

**Contact...**

Asotin, Columbia, Ferry, Garfield Lincoln,  
Pend Oreille, Spokane, Stevens, Walla Walla,  
Whitman

Kevin Robinette  
8702 North Division Street  
Spokane, WA 99218-1199  
Phone: (509) 456-4082

Adams, Chelan, Douglas, Grant, Okanogan

Tracy Lloyd  
1550 Alder Street NW  
Ephrata, WA 98823-9699  
Phone: (509) 754-4624

Benton, Franklin, Kittitas, Yakima

Ted Clausing  
1701 24th Avenue  
Yakima, WA 98902-5720  
Phone: (509) 575-2740

Island, King, San Juan, Skagit, Snohomish,  
Whatcom

Rich Costello  
16018 Mill Creek Blvd.  
Mill Creek, WA 98012-1296  
Phone: (425) 775-1311

Clark, Cowlitz, Klickitat, Lewis, Skamania,  
Wahkiakum

Steve Manlow  
2108 Grand Blvd.  
Vancouver, WA 98661  
Phone: (360) 696-6211

Clallam, Grays Harbor, Jefferson, Kitsap, Mason,  
Pacific, Pierce, Thurston

Steve Kalinowski  
48 Devonshire Road  
Montesano, WA 98563-9618  
Phone: (360) 249-4628

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - HABITATS AND SPECIES REPORT  
 IN THE VICINITY OF T18R02W SECTION 55  
 Report Date: November 09, 2004

Information About Sensitive Habitats And Species

This report and the accompanying map contains the following species and/or habitat locations that are deemed sensitive by the Washington Department of Fish and Wildlife under its Releasing Sensitive Fish and Wildlife Policy - 5210. Please refer to this policy for conditions regarding the use of this information. The policy is available by contacting the Priority Habitats and Species Section at (360)902-2543.

This report and the accompanying map are not for general distribution. Washington State Law (RCW 42.17.310) exempts Sensitive Fish and Wildlife information from public inspection and copying.

PHS Code	Common Name	Species Use	Species Use Description
FAPE	PEREGRINE FALCON	E	EYRIE

Information About Priority Habitats and Species Polygons

Priority Habitats and Species (PHS) polygons are labeled with a unique number and "+" symbol, roughly in the center of the polygon on the map. This PHS Poly number refers to a list of form numbers and species and habitat codes contained in the PHS Polygon Cross Reference Report (listed below). The form numbers refer to the attached PHS Polygon Report. This report details each species or habitat depicted as a polygon on the map. For a complete description of the codes used in this report please refer to the Fish and Wildlife Map Products document. This document may be viewed on our web site at <http://www.wdfw.wa.gov/hab/release.htm>.

Priority Habitats and Species Polygon - Summary Habitat and Species List:

This report and the accompanying maps may contain some species or habitats that are not considered priority by the agency. YES under the "PHS" column in the table below indicates that the species is considered a priority and is on the Priority Habitats and Species List and/or the Species of Concern List. NO under the "PHS" column indicates the species/habitat is not considered an agency priority.

PHS	State Status	PHS Code	Common Name	Species Use	Species Use Description
YES		AISP	WOOD DUCK	B	BREEDING OCCURRENCE
YES		MUVI	MINK	RC	REGULAR CONCENTRATION
YES		SHBI	SHOREBIRD CONCENTRATIONS	RC	REGULAR CONCENTRATION
YES		UNOS	URBAN NATURAL OPEN SPACE		
YES		WAFO	WATERFOWL CONCENTRATIONS	RC	REGULAR CONCENTRATION

Priority Habitats and Species Polygon Cross Reference Report:

Form number 900000 indicates presence of PHS is unknown or the area was not mapped. Form numbers 909998, 909997, or 909996 indicate compilation errors.

PHS Poly#	Form#	PHS Code*Species Use
2	900000	*-
3	912902	SHBI*RC-
4	900987	AISP*B-
5	912902	SHBI*RC-
6	913900	UNOS*-
7	913900-913901	UNOS*-WAFO*RC-
8	913900	UNOS*-
9	901114-913900-913901	MUVI*RC-UNOS*-WAFO*RC-
10	901114-913900	MUVI*RC-UNOS*-
11	913900	UNOS*-
12	901114	MUVI*RC-
13	900987-901114-913900	AISP*B-MUVI*RC-UNOS*-
14	900987	AISP*B-
15	901114-913900	MUVI*RC-UNOS*-

Information About Wildlife Heritage Point Report

Wildlife Heritage points on the map can be referenced to this report by noting the quadpt number where the point occurs on the map, and then looking up the information listed below. This report is sorted by the quadpt number and provides details on each species depicted on the map. For a complete description of the codes used in this report, please refer to the Fish and Wildlife Map Products document. This document may be viewed on our web site at <http://www.wdfw.wa.gov/hab/release.htm>.

Wildlife Heritage Point - Summary Species List:

This report and the accompanying maps may contain some species or habitats that are not considered priority by the agency. YES under the "PHS" column in the table below indicates that the species is considered a priority and is on the Priority Habitats and Species List and/or the Species of Concern List. NO under the "PHS" column indicates the species/habitat is not considered an agency priority.

PHS	State Status	Species Code	Common Name	Species Use	Species Use Description
NO	SM	ARALB	GREAT EGRET	RI	REGULARLY OCCURRING INDIVIDUAL
NO	SM	BUVIRE	GREEN HERON	B	BREEDING OCCURRENCE
YES	SC	CHVA	VAUX'S SWIFT	CR	COMMUNAL ROOST
NO	SM	COGU	RIFFLE SCULPIN	IO	INDIVIDUAL OCCURRENCE
YES	SS	FAPE	PEREGRINE FALCON	E	EYRIE

YES	ST	HALE	BALD EAGLE	B	BREEDING OCCURRENCE
NO	SM	PAHA	OSPREY	B	BREEDING OCCURRENCE
YES	SC	PRSU	PURPLE MARTIN	BOX	NEST BOX

Wildlife Heritage Point Report:

Quadpt#: 4712218009 Species Code: PRSU Species Use: BOX Common Name: PURPLE MARTIN  
Year: 1985 Class: SA Accuracy: C Scientific Name: PROGNE SUBIS  
State Status: SC Federal Status: Priority: YES WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S14 Occurrence#: 4 Sequence#: 1  
General Description: PURPLE MARTIN NESTS IN BOXES ON PILINGS AT PERCIVAL LANDING ON BUDD INLET IN DOWNTOWN OLYMPIA.

Quadpt#: 4712218013 Species Code: ARALB Species Use: RI Common Name: GREAT EGRET  
Year: 1982 Class: SA Accuracy: C Scientific Name: ARDEA ALBA  
State Status: SM Federal Status: Priority: NO WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S14 Occurrence#: 6 Sequence#: 1  
General Description: GREAT EGRET RI, STANDING ON THE SHORE OF BUDD INLET BEHIND MARK-IT FOODS, OLYMPIA 1977-82. ALSO PERCIVAL CK & CAPITOL LK.

Quadpt#: 4712218028 Species Code: BUVIRE Species Use: B Common Name: GREEN HERON  
Year: 1980 Class: SA Accuracy: C Scientific Name: BUTORIDES VIRESCENS  
State Status: SM Federal Status: Priority: NO WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S55 Occurrence#: 9 Sequence#: 1  
General Description: GREEN HERON RI PERCIVAL CR-CAPITOL LK 1975,77,78,80. ALSO REPORTED TO BREED IN A REA.

Quadpt#: 4712218045 Species Code: CHVA Species Use: CR Common Name: VAUX'S SWIFT  
Year: 1994 Class: SA Accuracy: C Scientific Name: CHAETURA VAUXI  
State Status: SC Federal Status: Priority: YES WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S47 S 1/2 Occurrence#: 9 Sequence#: 1  
General Description: VAUX'S SWIFT OBSERVED ENTERING CHIMNEYS AT 1712 CAPITOL WAY FOR SECOND CONSECUTIVE DUSK. NIKKI MCCLURE ESTIM. 30-40. MOST WENT INTO CHIMNEY ON FRONT SIDE OF HOUSE (FACING WEST).

Quadpt#: 4712218055 Species Code: PRSU Species Use: BOX Common Name: PURPLE MARTIN  
Year: 1996 Class: SA Accuracy: C Scientific Name: PROGNE SUBIS  
State Status: SC Federal Status: Priority: YES WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S41 NW Occurrence#: 68 Sequence#: 1  
General Description: PURPLE MARTIN BOXES PLACED ON PILINGS IN SOUTHERN MOST PART EAST BAY.

Quadpt#: 4712218069 Species Code: HALE Species Use: B Common Name: BALD EAGLE  
Year: 2000 Class: SA Accuracy: C Scientific Name: HALIAETUS LEUCOCEPHALUS  
State Status: ST Federal Status: FT Priority: YES WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S47 NWOFWSW Occurrence#: 1291 Sequence#: 1  
General Description: BALD EAGLE NEST IN DOUGLAS FIR ABOUT 50 M SOUTH OF STEAM PLANT ON SLOPE WEST OF GOVERNOR'S MANSION. SITE MAPPED DIRECTLY BY BIOLOGIST.

Quadpt#: 4712218075 Species Code: COGU Species Use: IO Common Name: RIFFLE SCULPIN  
Year: 2000 Class: SA Accuracy: C Scientific Name: COTTUS GULOSUS  
State Status: SM Federal Status: Priority: NO WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S63 NWOFSE Occurrence#: 56 Sequence#: 1  
General Description: RIFFLE SCULPIN. CAUGHT IN LARGE MINNOWTRAP. THREE-SPINE STICKLEBACK AND SPECKLED DACE CAUGHT ALSO. NO RIFFLE SCULPINS CAUGHT IN TRAP JUNE 21 2000. DATA IN NONGAME FISH BINDER.

Quadpt#: 4712218079 Species Code: HALE Species Use: B Common Name: BALD EAGLE  
Year: 2001 Class: SA Accuracy: C Scientific Name: HALIAETUS LEUCOCEPHALUS  
State Status: ST Federal Status: FT Priority: YES WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S63 NWOFNE Occurrence#: 1291 Sequence#: 2  
General Description: BALD EAGLE NEST.

Quadpt#: 4712218084 Species Code: FAPE Species Use: E Common Name: PEREGRINE FALCON  
Year: 2003 Class: SA Accuracy: C Scientific Name: FALCO PEREGRINUS  
State Status: SS Federal Status: FCo Priority: YES WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S42 NWOFWSW Occurrence#: 143 Sequence#: 1  
General Description: PEREGRINE FALCON EYRIE AT TOP OF NORTHERNMOST CRANE. THREE EGGS OBSERVED ON 05/07/03 WHEN CRANE LOWERED FOR ROUTINE INSPECTION. ADULTS RETURNED TO NEST WHEN BOOM RAISED TO VERTICAL BUT ABANDONED SHORTLY THERAFTER.

Quadpt#: 4712218086 Species Code: PAHA Species Use: B Common Name: OSPREY  
Year: 2004 Class: SA Accuracy: C Scientific Name: PANDION HALIAETUS  
State Status: SM Federal Status: Priority: NO WDFW Region: 6 Verified: V  
Township - Range - Section: T18N R02W S16 NEOFWSW Occurrence#: 1186 Sequence#: 1  
General Description: OSPREY NEST ON TOP OF LIGHT STANDARD AT BASEBALL FIELD IN YAUGER PARK.

Codes Used In Wildlife Heritage Point Report

Quadpt# : Unique sequential number for a point based on a US Geological 7.5-minute quadrangle.

Species Code : Code which identifies the species. List of codes are available in the documentation.

Species Use : Criteria that identifies how the area is used by the indicated species. List of codes are available in the documentation.

Common Name : Common name of the species.

Year : Year of the observation.

Class : Code that separates animals into general groups.

AA = Artificial animal (e.g., nest platforms).

GA = Game animal.

SA = Special animal (e.g., state listed and monitor species).

Accuracy : Mapping accuracy.

C = Accurate to within 1/4 mile radius and confirmed by a reliable source.

U = Accurate to within 1/4 mile radius and unconfirmed by a reliable source.

Scientific Name : Scientific name of the species.

State Status : State listing status.

SE = State endangered. SC = State candidate.

ST = State threatened. SM = State monitor.

SS = State sensitive.

Federal Status : Federal listing status.

FE = Federal endangered. FC = Federal candidate.

FT = Federal threatened. FCo = Federal concern.

Priority : Species and habitats that are considered to be priorities for conservation and management by Washington Department of Fish and Wildlife (WDFW). For a copy of the most current Priority Habitats and Species List contact WDFW PHS Section at (360)902-2543, or it is available on our web site at <http://www.wdfw.wa.gov/hab/phspage.htm>.

YES = Indicates that the species is considered a WDFW priority and is on the Priority Habitat and Species List and/or Species of Concern List.

NO = Indicates that the species is not a WDFW priority.

WDFW Region : This contains the WDFW administrative region number 1-6.

Verified : Verification code for an observation.

V = Verified by a reliable source, generally WDFW or other agency biologist.

U = Not verified by a reliable source, or identification of species is uncertain.

1 = Confirmed grizzly bear or wolf observation.

2 = Probable grizzly bear or wolf observation.

Township - Range - Section : The legal description of the species occurrence.

Occurrence# : An ascension catalog number that combined with sequence number identifies a unique record within a species.

Sequence# : Occurrences with multiple locations of a species.

General Description : Description of location of species.

Priority Habitats and Species Polygon Report

Form#: 900987                    PHS Code: AISP                    Species Use: B                    Common Name: WOOD DUCK  
Season: SUF                    Definition: 6                    Accuracy: 1                    Scientific Name: AIX SPONSA  
State Status:                    Federal Status:                    Priority: YES                    Site Name: WEST OLYMPIA  
General Description: WOOD DUCK BREEDING AREA

Source: SKRILETZ, JEFF WDW  
Source Date: 05 91                    Source Code: PROF  
Synopsis: ROUTINE FIELD VISITS SINCE 1978

Form#: 901114                    PHS Code: MUVI                    Species Use: RC                    Common Name: MINK  
Season:                    Definition: 6                    Accuracy: 1                    Scientific Name: MUSTELA VISON  
State Status:                    Federal Status:                    Priority: YES                    Site Name: PERCIEVAL CREEK-CAPITOL LAKE  
General Description: MINK LOCATIONS

Source: TRAPPER HARVEST  
Source Date: 12 91                    Source Code: SIGN  
Synopsis: RON KERR AND CARL VOGTS HARVEST

Form#: 912902                    PHS Code: SHBI                    Species Use: RC                    Common Name: SHOREBIRD CONCENTRATIONS  
Season: WS F                    Definition: 6                    Accuracy: 1                    Scientific Name:  
State Status:                    Federal Status:                    Priority: YES                    Site Name: BUDD INLET  
General Description: SHOREBIRDS FORAGE IN SOUTHWEST AND SOUTHEAST PARTS OF INLET. SANDPIPERS ROOST  
ON COBBLE AT OR NEAR RAILROAD GRADE IN SOUTHWEST; ALSO ROOST (WITH GREATER)  
YELLOWLEGS) ON LOG RAFTS ALONG WEST SIDE OF INLET.

Source: WASHINGTON BIRDS 6:34-62 (1997)  
Source Date: 97                    Source Code: LIT  
Synopsis: FLOCKS OF WINTERING DUNLINS USUALLY NO LARGER THAN ABOUT 300.

Priority Habitats and Species Polygon Report

Form#: 913900 PHS Code: UNOS Species Use: Common Name: URBAN NATURAL OPEN SPACE  
 Season: Definition: 6 Accuracy: 1 Scientific Name:  
 State Status: Federal Status: Priority: YES Site Name: CAPITOL LAKE  
 General Description: REMNANT WOODED SHORELINE AND ALL AQUATIC HABITAT ASSOCIATED WITH CAPITOL LAKE.  
 MYOTIS BATS REGULARLY FORAGE OVER CAPITOL LAKE AND NIGHT ROOST IN TREES ALONG  
 SHORELINE. BALD EAGLE NESTING. FORAGE HABITAT FOR OSPREYS AND GREAT BLUE HERONS.

Source: FALXA, GREG CASCADIA RESEARCH  
 Source Date: 06 04 Source Code: SURV  
 Synopsis: 2003 AND 2004 STUDY OF FORAGING HABITAT OF MYOTIS BATS FROM WOODWARD BAY MATER-  
 NITY COLONY. POSSIBLY 100S OF BATS USINF CAPITOL LAKE FOR FORAGING.

Source: MCALLISTER, KELLY WDFW AND E. TEACHOUT USFWS  
 Source Date: 102301 Source Code: SURV  
 Synopsis: BALD EAGLE TERRITORY WITH TWO ALTERNATE NESTS DISCOVERED DURING OCCUPANCY AND  
 PRODUCTIVITY SURVEYS. SEE WILDLIFE HERITAGE POINTS 1291-1 AND 1291-2.

Source: SALZER, LORI WDFW  
 Source Date: 051604 Source Code: PROF  
 Synopsis: INCIDENTAL OBSERVATIONS OF GREAT BLUE HERONS AND OSPREYS FORAGING.

Form#: 913901 PHS Code: WAFO Species Use: RC Common Name: WATERFOWL CONCENTRATIONS  
 Season: WS F Definition: 6 Accuracy: 1 Scientific Name:  
 State Status: Federal Status: Priority: YES Site Name: CAPITOL LAKE  
 General Description: WATERFOWL CONCENTRATION AREA. THIS AREA IS VERY IMPORTANT FOR WINTERING WATERFOW  
 PARTICULARLY IN THE PAST SEVERAL YEARS. WATERFOWL NOTED ARE MALLARDS, GADWALLS,  
 WIGEONS, SCAUPS, BUFFLEHEADS, RUDDY DUCKS, RING-NECKED DUCKS, AND GOLDENEYES.

Source: MCALLISTER, KELLY WDFW REGION 6 WILDLIFE BIOLOGIST  
 Source Date: 01 04 Source Code: SURV  
 Synopsis: ANNUAL MID-WINTER WATERFOWL SURVEYS IN THE SOUTH PUGET SOUND SINCE 1988.

Codes Used In Priority Habitat and Species Polygon Report

Form# : Unique number that links the information in the reports to features on the map.

PHS Code : Code that identifies the priority habitat or species. List of codes are available in the documentation.

Species Use : Criteria that identifies how the area is used by the indicated species. List of codes are available in the documentation.

Common Name : Common name of the species or habitat.

Season : Season of species use.

W = Winter use. S = Spring use.  
 U = Summer use. F = Fall use.  
 S = Severe winter use.

Definition : Identifies the definitions or criteria used to classify the area as a priority. List of codes are available in the documentation.

Accuracy : Mapping accuracy of the line delineation as determined by the mapper.

1 = Accurate within a 1/4 mile. 3 = Location known to within one mile.  
 2 = Accurate within a 1/2 mile. 4 = Location known to general locality only.

Scientific Name : Scientific name of the species.

State Status : State listing status.

SE = State endangered. SC = State candidate.  
 ST = State threatened. SM = State monitor.  
 SS = State sensitive.

Federal Status : Federal listing status.

FE = Federal endangered. FC = Federal candidate.  
 FT = Federal threatened. FCo = Federal concern.

Priority : Species and habitats that are considered to be priorities for conservation and management by Washington Department of Fish and Wildlife (WDFW). For a copy of the most current Priority Habitats and Species List contact WDFW PHS Section at (360)902-2543, or it is available on our web site at <http://www.wdfw.wa.gov/hab/phspage.htm>.  
 YES = Indicates that the species is considered a WDFW priority and is on the Priority Habitat and Species List and/or Species of Concern List.  
 NO = Indicates that the species is not a WDFW priority.

Site Name : Name assigned to the area based generally on a local place name.

General Description : Description about the area, including how it is used and why it is important.

Source : Source of information; single or multiple sources may be cited.

• Source Date : Date of source of information.

Source Code : Code identifying the source of information.

Synopsis : Brief narrative describing content of source of information.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE  
 PRIORITY ANADROMOUS AND RESIDENT FISH PRESENCE REPORT FROM THE STREAMNET DATABASE  
 FOR TOWNSHIP T18R02W, SECTION 55  
 Report Date: November 09, 2004

Information About The Fish Presence Report  
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The fish information in this report only includes information that Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. This information only documents the location of important fish resources to the best of our knowledge. It is not a complete inventory of the fish species in the state. Fish are identified as priority by WDFW if they meet one of three criterion as listed in the Priority Habitats and Species List. The list is available by contacting WDFW Priority Habitats and Species section at (360)902-2543, or it is available on our web site at <http://www.wdfw.wa.gov/hab/phspage.htm>. To insure appropriate use of this information, users are encouraged to consult with WDFW biologists.

State status information is not available in the StreamNet database for these species. Please see WDFW Species of Concern List for current status. For a copy of this list, contact WDFW Endangered Species Section at (360)902-2515, or it is available on our web site at <http://www.wdfw.wa.gov/wlm/diversty/soc/soc.htm>.

Priority Anadromous Fish Presence:

Code	Common Name	Stream Name	Stream LLID	Record Date	Source
CHFA	Fall Chinook	Black River	1232184468211	07-31-97	J. Linth, WDFW
COHO	Coho Salmon	Black River	1232184468211	07-15-97	WDFW
SRCT	Searun Cutthroat	Black River	1232184468211	01-01-90	WDFW Staff
CHFA	Fall Chinook	Deschutes River	1229016470241	05-19-97	C. Smith
COHO	Coho Salmon	Deschutes River	1229016470241	06-04-97	C. Boranski, WDFW
SRCT	Searun Cutthroat	Deschutes River	1229016470241	01-01-90	WDFW Staff
STWI	Winter Steelhead	Deschutes River	1229016470241	01-18-97	T. Crop, WDFW
CHFA	Fall Chinook	Stream name(s) not in database	1229077470439	06-31-97	C. Smith, WDFW
STWI	Winter Steelhead	Stream name(s) not in database	1229077470439	06-23-97	T. Crop, WDFW

Priority Resident Fish Presence:

Code	Common Name	Stream Name	Stream LLID	Record Date	Source
CCT	Resident Cutthroat	Black River	1232184468211	07-15-97	WDFW Staff
CCT	Resident Cutthroat	Deschutes River	1229016470241	07-15-97	WDFW Staff
CCT	Resident Cutthroat	Indian Creek	1228866470390	07-15-97	WDFW Staff

Code : WDFW alphanumeric code that identifies the fish species.

Common Name : Common name of the fish species.

Stream Name : Stream name based on the US Geological Survey, Geographic Names Information System database.

Stream LLID : Unique stream identifier (ID) generated from the node latitude and longitude located at a stream's mouth. This ID is to be construed only as an ID, and not necessarily as a reference to a stream's location.

Record Date : Date the information was entered into the StreamNet database.

Source : Name of the individual and/or organization that reviewed, edited, or provided the information.

H



STATE OF WASHINGTON  
WASHINGTON STATE PARKS AND RECREATION COMMISSION

7150 Cleanwater Lane • P.O. Box 42650 • Olympia, Washington 98504-2650 • (360) 902-8500

Internet Address: <http://www.parks.wa.gov>

TDD (Telecommunications Device for the Deaf): (360) 664-3133

November 1, 2004

Brian Nettles  
Paralegal  
Freeborn & Peters LLP  
311 South Wacker Drive  
Suite 3000  
Chicago, IL 60606-6677

RE: BNSF Abandonment of railroad line between Station 0 + 00 and Station 533 + 65  
in Olympia, WA

By your letter dated October 25, 2004 you inquire whether there are any "wildlife sanctuaries or refuges, National or State parks or forests in the proposed project impact area and if so, what effects would occur as a result of the abandonment."

While there are no national parks, forests or refuges, nor any park administered by the Washington State Parks and Recreation Commission, there is a state Heritage Park administered by the Department of General Administration, state fisheries facilities and resource concerns at Percival Cove and Capitol lake, and resource issues of concern to the City of Olympia and the Port of Olympia with respect to this proposed abandonment [and possible interest for trail purposes in seeking STB "railbanking" treatment. Accordingly, I am cc'ing each of those four agencies so they may comment to you directly if they wish.

Thank you for the opportunity to comment on my agency's behalf.

Sincerely,

William C. Jolly  
Environmental Program Manager  
Stewardship Service Center

Cc Dave Schilperoot, Park Planner, Department of General Administration  
Sue Patnude, Region 6 Manager, Washington Department of Fish and Wildlife



John Wolfe, Executive Director, Port of Olympia  
David Hanna, Parks Director, City of Olympia

H:\BNSF Comment, Olympia Line Abandonment November 1, 2004.doc

**Nettles, Brian**

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**To:** Smith, Michael

**Subject:** RE: Docket # AB-6 (Sub-No. 440X):

**From:** Cornett, Deborah [mailto:DCOR461@ECY.WA.GOV]

**Sent:** Friday, March 10, 2006 3:43 PM

**To:** Smith, Michael

**Subject:** Docket # AB-6 (Sub-No. 440X):

Hello Mr. Smith-earlier today I left a voice message concerning this project, the BNSF Railway Company Abandonment in Olympia, Washington. I have just reviewed the document, and these comments may be past the comment deadline. Comments from Ecology were submitted before, but if possible, I would like to add the following comment: This project may need an NPDES Construction Stormwater permit if the project will disturb one acre or more, and discharge to surface waters. Given the proximity to the bay, a discharge is a possibility.

If the project will not disturb more than one acre, then Best Management Practices (BMPs) must be used to ensure there is not a discharge of contaminated stormwater or other polluting material from the site. For more information about appropriate BMPs, Ecology's Stormwater Manual is an excellent source of information. The web site for that document is:<http://www.ecy.wa.gov/programs/wq/stormwater/manual.html>.

If you have any comments, please call me at 360-407-7269. Thank-you.

Deborah Cornett  
Watershed Resources Unit Supervisor





REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
SEATTLE DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 3755  
SEATTLE, WASHINGTON 98124-3755

NOV 2 2004

Regulatory Branch

Mr. Brian Nettles  
Freeborn & Peters, LLP  
311 South Wacker Drive, Suite 3000  
Chicago, Illinois 60606-6677

Reference: Burlington Northern  
Santa Fe Railway

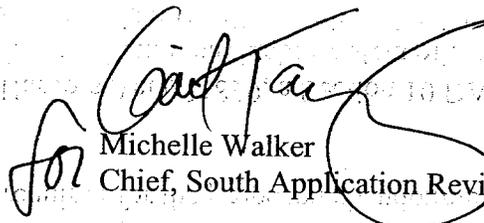
Dear Mr. Nettles:

We have received your letter dated October 25, 2004, concerning Burlington Northern Santa Fe Railway's proposed abandonment of a railroad line between station 0+00 and 533+65 at Olympia, Washington. We have reviewed the information you provided to us pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899. We have determined that a DA permit is not required for the proposed abandonment as described in your letter.

Under Section 10 of the Rivers and Harbors Act of 1899, a Section 10 DA permit is normally required for work or structures in or affecting navigable waters of the U.S. Under Section 404 of the Clean Water Act, a DA permit is normally required for the discharge of dredged or fill material (e.g., fill, excavation, or mechanized land clearing) into waters of the U.S., including wetlands and navigable waters of the U.S. Because the proposed work associated with the abandonment does not involve work in waters of the U.S., a DA permit is not required.

While a DA permit is not required, local, state, and other federal requirements may still apply. For example, you may need to obtain a Shoreline Substantial Development Permit from the local government or a Hydraulic Project Approval from the Washington Department of Fish and Wildlife. If you have any questions about this letter or our regulatory program, please contact Mr. Jim Green, at (206) 764-6906 or via email at [James.D.Green@usace.army.mil](mailto:James.D.Green@usace.army.mil).

Sincerely,

  
Michelle Walker  
Chief, South Application Review Section

**K**



City of  
**OLYMPIA**

P.O. Box 1967, Olympia, WA 98507-1967

November 1, 2004

Mr. Brian Nettles  
Freeborn and Peters, LLP  
311 South Wacker Drive, Suite 3000  
Chicago, IL 60606-6677

Dear Mr. Nettles:

**SUBJECT: Requested information**

As requested, please find the enclosed map of the Burlington Northern and Santa Fe Abandonment in Olympia, WA 100-year Flood Plain Designations.

If you have any questions, please feel free to contact me via email at [bstocker@ci.olympia.wa.us](mailto:bstocker@ci.olympia.wa.us) or at (360) 753-8351.

Sincerely,

**BRENDA STOCKER**  
Engineering Technician II  
Public Works Department

BS:cr  
EAENGINEERING\BSNettles Freeborn and Peters.doc  
Enclosure

**COUNCIL**

Mark Foutch  
Mayor

Laura Ware  
Mayor Pro Tem

TJ Johnson

Curt Pavola

Matthew Green

Doug Mah

Jeanette Hawkins

**CITY MANAGER**

Steven R. Hall

City Council  
City Manager  
City Attorney  
Administrative Services

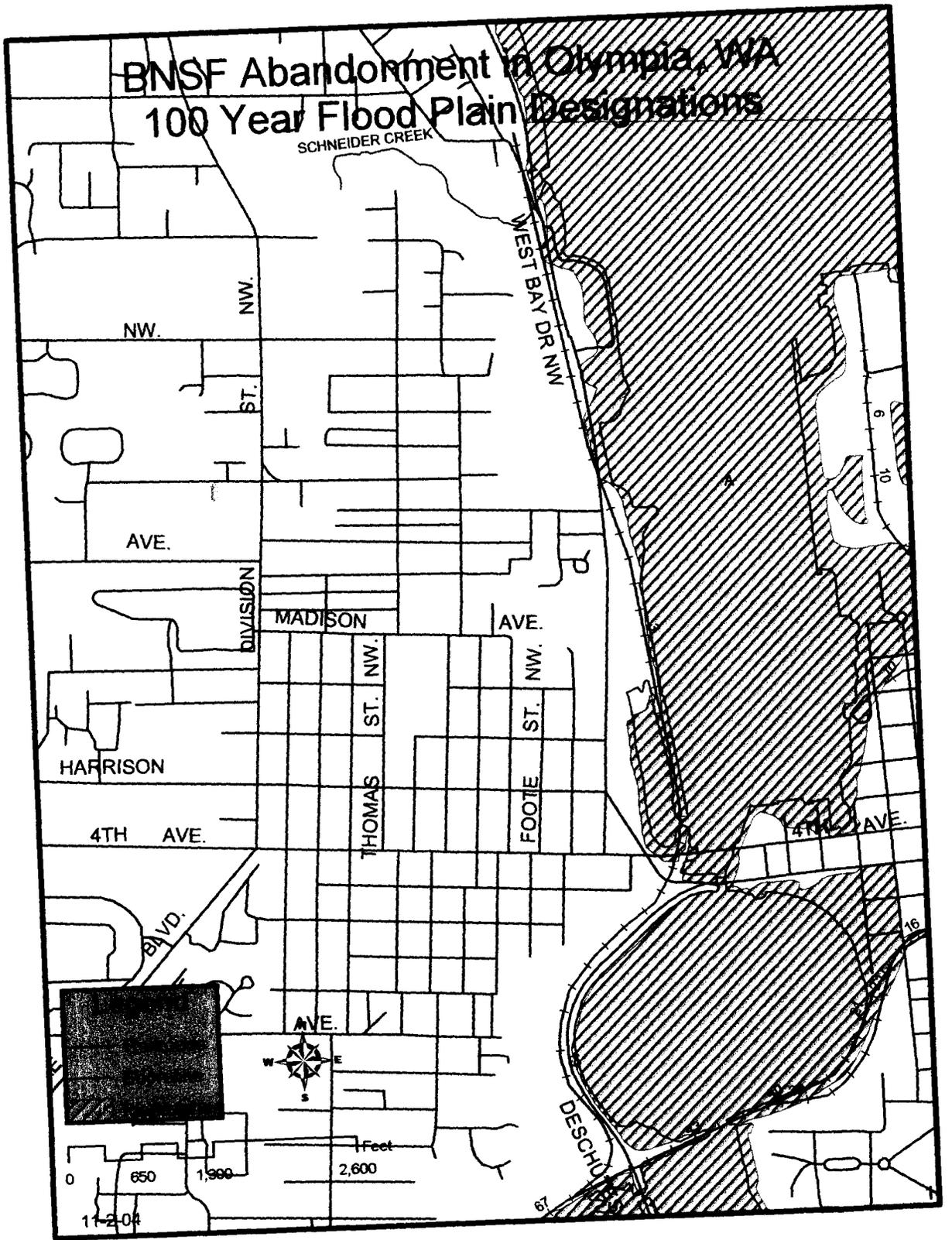
(360) 753-8447  
(360) 753-8447  
(360) 753-8449  
(360) 753-8325

Community Planning & Development  
Fire  
Human Resources  
Parks, Arts & Recreation

(360) 753-8314  
(360) 753-8348  
(360) 753-8442  
(360) 753-8380

Police (360) 753-8300  
Public Works (360) 753-8362

# BNSF Abandonment in Olympia, WA 100 Year Flood Plain Designations







STATE OF WASHINGTON

**Office of Archaeology and Historic Preservation**

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501  
(Mailing Address) PO Box 48343 • Olympia, Washington 98504-8343  
(360) 586-3065 Fax Number (360) 586-3067

March 1, 2005

Mr. Brian Nettles  
Attorney at Law  
Freeborn and Peters  
311 S. Wacker Drive  
Chicago, IL 60606-6677

In future correspondence please refer to:  
Log: 030105-04-STB  
Property: BNSF abandonment of Hardel Lead  
Re: No Historic Properties

Dear Mr. Nettles:

We have reviewed the materials forwarded to our office for the above referenced property. It is our opinion that no resources included in or eligible for inclusion in National Register of Historic Places have been recorded in the identified area of potential effect as of this date.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer in compliance with the Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations 36CFR800.4. Should additional information become available, our assessment may be revised, including information regarding historic properties that have not yet been identified. 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).

In the event that archaeological or historic materials are discovered during project activities, work in the immediate vicinity should be discontinued, the area secured, and the tribe's cultural committee and this office notified. Thank you for the opportunity to comment and a copy of these comments should be included in subsequent environmental documents.

Sincerely,

Russell Holter  
Project Compliance Reviewer  
(360) 586-3533  
russellh@cted.wa.gov