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SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
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SIDNEY L. STRICKLAND, JR.
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

October 19, 2006

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

**Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—
Abandonment Exemption – in King County, WA**

Dear Secretary Williams:

Enclosed please find an original and 10 copies of the Verified Notice of Exemption under 49 C.F.R. 1152.50 for filing with the Board in the above-referenced matter.

Also enclosed is a check in the amount of \$3,100.00 for the filing fee.

Very truly yours,

Sidney L. Strickland, Jr.
Attorney for BNSF Railway Company

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Office of Proceedings

OCT 19 2006

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SURFACE
TRANSPORTATION BOARD

TRANSPORTATION BOARD

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SURFACE
TRANSPORTATION BOARD

BEFORE THE
SURFACE TRANSPORTATION BOARD



BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN KING COUNTY, WA

DOCKET NO. AB-6
(SUB. NO. 453X)

VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50

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

By: SIDNEY L. STRICKLAND, JR
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATE FILED: October 19, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN KING COUNTY, WA**

**DOCKET NO. AB-6
(SUB. NO. 453X)**

**VERIFIED NOTICE OF EXEMPTION
UNDER 49 C.F.R. § 1152.50**

BNSF RAILWAY COMPANY (BNSF) (“Applicant”) files this Verified Notice of Exemption under 49 C.F.R. 1152 Subpart F- Exempt Abandonments (49 C.F.R. 1152.50) for BNSF to abandon a rail line that extends between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, Washington, a total distance of approximately 0.65 miles (the “Line”).

The Line is depicted in a map that is attached to this Notice as Appendix 1.

Responses to 49 C.F.R. § 1152.50(d)(2):

I. *Proposed consummation date for the abandonment.*

The proposed consummation date of this abandonment will be at least 50 days from the filing date of October 19, 2006, which is December 8, 2006.

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

The required certification is attached hereto as Appendix 2.

III. *Information required by 49 C.F.R. § 1152.22(a)(1-4), (7) and (8) and (e)(4).*

(a) General

- (1) Exact name of Applicant.
BNSF Railway Company (BNSF).
- (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 (abandonment of line or discontinuance of service).*
BNSF seeks to use the class exemption from Surface Transportation Board approval authorizing the abandonment of the King County Line specified above.
- (4) *Detailed map of the subject line.*
See Appendix 1.
- (7) *Name, title and address of representative of applicant to whom correspondence should be sent:*
Sidney L. Strickland, Jr.
Sidney Strickland And
Associates, PLLC
3050 K Street, N.W.
Suite 101
Washington, DC 20007
(202) 338-1325
Attorney for BNSF
- (8) *List of all United States Postal Service ZIP Codes that the line traverses.*
The Line traverses United States Postal Service Zip Code 98005.
- (e)(4) *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 properties of the proposed abandonment appear to be appropriate for other public purposes. Based on information in our possession, there are no federally granted rights-of-way within the corridor. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. *Level of Labor Protection.*

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in *Oregon Short Line RR Co. - Abandonment - Goshen*, 360 I.C.C. 91 (1979).

V. *Certification that Applicants have complied with the notice requirements of 49 C.F.R. §§ 1152.50(d)(1) and 1105.11.*

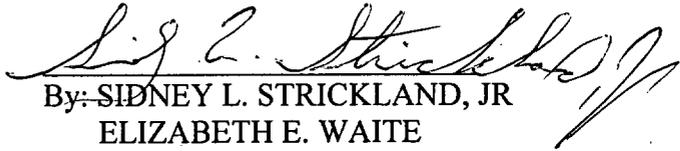
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

VI. *Environmental and Historic Reports.*

A combined Environmental and Historic Report is attached to this Notice of Exemption as Appendix 4.

Respectfully submitted,

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



By: SIDNEY L. STRICKLAND, JR
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATE FILED: October 19, 2006

APPENDIX 1

Detailed Map of the Line

APPENDIX 2

Certifications Required in 49 C.F.R. § 1152.50(b)

**VERIFICATION AND CERTIFICATION THAT RAIL LINE MEETS
CRITERIA OF 49 C.F.R. SECTION 1152.50(b)**

I, Richard A. Batie, being duly sworn depose and state that, as Manager, Network Development in the Network Development department of the BNSF Railway Company ("BNSF"), I am authorized to make this verification, and that I have read the foregoing Notice of Exemption and know the facts asserted therein are true and accurate as stated to the best of my knowledge, information, and belief.

In accordance with 49 C.F.R. § 1152.50(b), I hereby certify that, with respect to the line which is the subject of the Notice of Exemption filed in Docket No. AB-6 (Sub-No. 453X), no local traffic has moved on the line for at least two (2) years prior to the date hereof. Also, the overhead traffic handled on the Line will be rerouted. Further, no formal complaint filed by a user of rail service on the Line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board or any U.S. District Court or has been decided in favor of a complainant within the two-year period.

The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.

Richard A. Batie

Richard A. Batie
Manager, Network Development

Subscribed and sworn to
before me the 13 day of October, 2006.



Tina Mailhos

APPENDIX 3

*Certifications that Applicant Has Complied with the Notice Requirements
of 49 C.F.R. 1152.50(d)(1) and 1105.11*

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.50(d)(1), the undersigned hereby certifies that notice of the proposed abandonment in Docket No. AB-6 (Sub. No. 453X) was mailed via first class mail on October 9, 2006 to the following parties:

Washington Utilities and Transportation Commission
P.O. Box 47250
1300 S. Evergreen Park Dr. SW
Olympia, WA 98504-7250

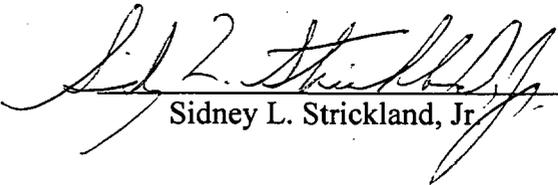
Military Traffic Management Control
Attn: Railroads for National Defense
720 Thimble Shoals Boulevard, #130
Newport News, VA 23606-2574

U.S. Department of the Interior
National Park Service
Recreational Resources Assistance Division
1849 C Street, NW
Washington D.C. 20240-0001

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, D.C. 20250

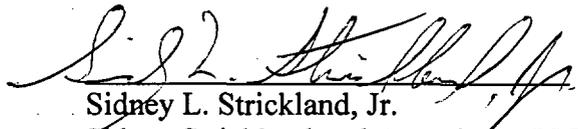
Washington State Department of Transportation
Public Transportation and Rail Division
P.O. Box 47387
Olympia, WA 98504-7387

-- Dated-October 19, 2006 --


Sidney L. Strickland, Jr.

**CERTIFICATION OF COMPLIANCE WITH THE NEWSPAPER
PUBLICATION REQUIREMENTS OF SECTION 49 C.F.R. § 1105.12**

The undersigned certifies that a "Notice of Intent to Abandon Rail Service" was published in the form prescribed by the Board for out of service abandonment exemptions. The notice was published one time in the following newspaper of general circulation in King County, Washington: *The Seattle Times*. Publication of the notice was accomplished on October 13, 2006. An Affidavit of Publication and a copy of the publication are attached.


Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, NW
Suite 101
Washington, DC 20007
Phone: (202) 338-1325
Fax: (202) 672-5499

The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**

PO Box 70, Seattle, WA 98111

SIDNEY STRICKLAND & ASSOC

3050 K STREET NW, SUITE 101
WASHINGTON, DC 20007

Re: Advertiser Account #32069903

Ad #: 726887900

Affidavit of Publication

3573708 / 1

STATE OF WASHINGTON

Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times and representing the Seattle Post-Intelligencer, separate newspapers of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times and the Seattle Post-Intelligencer have been approved as legal newspapers by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper	Publication Date
The Seattle Times	10/13/06
The Seattle Post-Intelligencer	10/13/06

Agent Mary C. Hiatt Signature Mary C. Hiatt

Subscribed and sworn to before me on 13 October 2006
(DATE)

Diane L. Chernis
(NOTARY SIGNATURE) Notary Public in and for the State of Washington, residing at Seattle



The Seattle Times



REPRESENTING THE **Seattle Post-Intelligencer**

Re Advertiser Account #32069903

Ad # 726887900

Ad TEXT:

STB Docket No. AB-6
(Sub. No. 453X)

**NOTICE OF INTENT TO
ABANDON RAIL SERVICE**

BNSF RAILWAY COMPANY (BNSF) gives notice that on or about October 19, 2006, it intends to file with the Surface Transportation Board (the Board), Washington, DC, 20423, a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments permitting the abandonment of the 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, Washington. The rail line traverses through United States Postal Service Zip Code 98005. The proceeding will be docketed as STB Docket No. AB-6 (Sub. No. 453X).

The Board's Section of Environmental Analysis (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 (SEA), Surface Transportation Board, Washington, DC 20423 or by calling that office at 202-565-1545.

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 applicant's 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 Congressional and Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative: Sidney Strickland, Sidney Strickland and Associates, PLLC, 3050 K Street, Suite 101, Washington, DC, 20007-5108, (202) 338-1325.

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on September 29, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

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

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504

USDA Natural Resource Conservation Service
West 316 Boone Avenue
Suite 450
Spokane, WA 99201

Charles Natsuhara
Area Soil Scientist
Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

Water Quality Department
Department of Ecology
300 Desmond Drive
P.O. Box 47600
Olympia, WA 98504-7600

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452

Jim Green
Seattle District Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

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

U.S. Bureau of Land Management
1103 N Fancher Road
Spokane, WA 97212-1200

Bill Schuger
Bureau of Land Management
Wenatchee Resource Area
915 Walla Walla
Wenatchee, WA 98801

Brian Ward
450 110th Ave NE
P.O. Box 90012
Bellevue, WA 98009

Steve Sarkowsky, City Manager
P.O. Box 90012
Bellevue, WA 98009-9012

Goran G. Sparrman, P.E.
Director, Transportation Department
P.O. Box 90012
Bellevue, WA 98009-9012

Washington State Department of Transportation
Public Transportation and Rail Division
P.O. Box 47387
Olympia, WA 98504-7387

Gregory F. Gress
Chief, Pacific Land Resources Program Center
U.S. National Park Service,
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

Clifford J. Villa
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Matthew Sterner
Transportation Archaeologist
State of Washington
Office of Archeology and Historic
Preservation
P.O. Box 48343
Olympia, WA 98504-8343

Washington State Parks and Recreation Commission
7150 Cleanwater Drive S.W.
P.O. Box 42650
Olympia, WA 98504-2650

Washington Department of Fish and Wildlife
600 Capitol Way N.
Olympia, WA 98501-1091

Larry Fisher
Area Habitat Biologist
State of Washington Department of Fish and Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012

King County Council
516 Third Avenue
King County Courthouse
Room 1200
Seattle, WA 98104

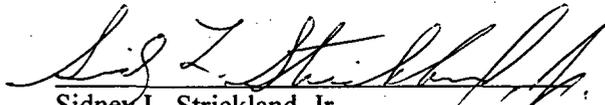
Kathy Koelker
Mayor
City of Renton
1055 South Grady Way
Renton, WA 98057

Eric Temple, President
Spirit of Washington Dinner Train
P.O. Box 835
Renton, WA 98057

Tom Sibley
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

National Oceanic and Atmospheric
Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

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.



Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W.,
Suite 101
Washington, D.C. 20007

APPENDIX 4

Environmental and Historic Reports

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN KING COUNTY, WA**

**DOCKET NO. AB-6
(SUB. NO. 453X)**

ENVIRONMENTAL AND HISTORIC REPORTS

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

By: SIDNEY L. STRICKLAND, JR.
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W.,
Suite 101
Washington, DC 20007
(202) 338-1325

Attorneys for BNSF Railway Company

DATED: September 29, 2006

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN KING COUNTY, WA**

**DOCKET NO. AB-6
(SUB. NO. 453X)**

**ENVIRONMENTAL AND HISTORIC REPORTS
(49 C.F.R. 1105.7 AND 49 C.F.R. 1105.8)**

Pursuant to 49 C.F.R. § 1105.7 and § 1105.8, BNSF Railway Company (BNSF) (referred to as "Applicant") hereby files Environmental and Historic Reports. These Reports constitute Applicant's assessment of the environmental effects and historic effects of abandonment of rail service on the involved rail line. Persons who review these Reports are entitled to provide comments to the Surface Transportation Board (STB), Section of Environmental Analysis (SEA), 1925 K Street, N.W., Suite 500, Washington, DC 20423. There is information in the Applicant's files to indicate that the rail line covered by these Reports does not contain a federally granted right-of-way. *See* 49 C.F.R. § 1152.60(d). These Reports have been prepared in conjunction with the prospective filing of a Notice of Exemption for abandonment of the involved rail line. STB regulations provide that the Notice of Exemption cannot be filed until at least 20 days after these Reports are submitted.

I
ENVIRONMENTAL REPORT
(49 C.F.R. 1105.7)

The following information is submitted to the STB by 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 seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25 near Wilburton in King County, Washington (the "Line").

(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 this line. The proposed abandonment may include the removal of the rails and ties, including the bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden ties are removed and separated into second hand ties, landscape quality ties and scrap ties (which are disposed of at an appropriate site). The bridges and crossings as well as any other structures are removed last. Culverts and the rail line embankment stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings are pulled out, cut off at ground level or broken off at or below the mud line. Steel bridges are dismantled and removed. If there are concrete abutments or piers involved, they may be left intact. BNSF salvage contractors are required not to place fills or other material in water bodies, including inland waterways. Contractors are also required to

limit their activities to the width of the right of way. When the salvage process is complete, waterflows in the area are not to be disrupted. In this instance, there is one (1) bridge and one (1) undercrossing on the right-of-way that will be removed; both structures are less than 50 years in age. BNSF is not aware of any other structures on the line. 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 effect on existing transportation systems or patterns as there has been no local traffic on the Line for over two years. There is overhead traffic on the Line consisting of high, wide loads which will be re-routed. BNSF is aware of no potential traffic that may move over the Line following the re-routing of the high, wide loads.

(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 abandonment should not be inconsistent with local or regional land use plans. The City of Bellevue (“Bellevue”) indicates the proposed action is not inconsistent with adopted City policy and plans for the regional vision for the larger BNSF corridor. Bellevue further indicates it is participating in a regional planning process, led by the Puget Sound Regional Council, to identify a preferred public use for the entire length of the BNSF railroad corridor and supports preserving the rail corridor for future public use as a multi-modal transportation corridor. Bellevue also comments that the Bellevue City Council

has adopted an interest statement providing direction for future multi-modal transportation uses for the corridor. Finally, Bellevue's Pedestrian and Bicycle Transportation Plan Update identifies the BNSF corridor as a potential significant north-south facility linking the city and beyond as part of a regional trail network plan. See Exhibit B, letter from Goran G. Sparrman, Director, Transportation Department, City of Bellevue.

Also, the City of Renton ("Renton") indicates it, along with other jurisdictions, is participating in the BNSF Advisory Committee ("Committee"). Renton also comments the Committee is participating in the Puget Sound Regional Council's BNSF Corridor Preservation Study, which is a regional effort to plan for the future of the BNSF corridor between Renton and Snohomish. Renton indicates this study is considering: (1) retaining a railroad, and (2) utilizing the line for a bicycle and pedestrian trail. Finally, Renton indicates it strongly supports retaining a railroad line to service the Spirit of Washington dinner train, for movement of freight, and for security and redundancy of freight service as the Boeing Company makes shipments to the Boeing Renton plant along the railroad line. See Exhibit C, letter from Kathy Keolker, Mayor, City of Renton.

Finally, the Spirit of Washington Dinner Train ("SWDT") indicates that it has conducted dinner trains over the Line during the past 14 years. SWDT further indicates that in light of the important public interest served by the widening of Interstate 405, SWDT supports the proposed abandonment of the Line. See Exhibit D, letter from Eric Temple, President, Spirit of Washington Dinner Train.

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

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service ("NRCS") (formerly known as the U.S. Soil Conservation Service) indicates the proposed abandonment should have no effect on any prime agricultural farmlands because the site is considered "land in urban development." See Exhibit E, letter from Charles Natsuhara, Area Soil Scientist, NRCS.

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

The proposed abandonment should not affect land or water uses within a designated coastal zone. The Washington Department of Ecology ("WDE"), Shorelands and Coastal Management Program, indicates via phone conversation with Loree' Randall, that the proposed abandonment is located within a state coastal zone. However, WDE further comments that any project within a coastal county will be consistent with the state coastal management plan where the project is consistent with six enforceable policy acts. The WDE also indicates that four of the six enforceable policy acts are relevant to the proposed abandonment: (1) State Environmental Policy Act; (2) Sections 401 and 402 of the Clean Water Act; (3) Clean Air Act, and; (4) Shoreline Management Act. Ms. Randall can be reached at: P.O. Box 47600, Olympia, WA 98504-7600, (360) 407-6068. No evidence has been submitted suggesting any of the four above listed enforceable policy acts would be triggered.

(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. § 10906 and explain why.

The proposed abandonment may be suitable for alternative public use. As noted above, Bellevue supports preserving the rail corridor for future public use as a multi-modal transportation corridor; the Bellevue City Council has adopted an interest statement providing direction for future multi-modal transportation uses for the corridor; and, Bellevue's Pedestrian and Bicycle Transportation Plan Update identifies the BNSF corridor as a potential significant north-south facility linking the city and beyond as part of a regional trail network plan. See Exhibit B, letter from Goran G. Sparrman, Director, Transportation Department, City of Bellevue.

Also, as noted above, Renton is participating in the Puget Sound Regional Council's BNSF Corridor Preservation Study, and supports retaining a railroad line. See Exhibit C, letter from Kathy Keolker, Mayor, City of Renton.

Finally, as noted above, the SWDT indicates that in light of the important public interest served by the widening of Interstate 405, SWDT supports the proposed abandonment of the Line. See Exhibit D, letter from Eric Temple, President, Spirit of Washington Dinner Train.

(4) Energy:

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

There are no known recoverable energy resources along the Line. There has been no local traffic on the Line for over two years and the overhead traffic on the Line will be re-routed.

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

This abandonment will not adversely affect movement or recovery of recyclable commodities as there has been no local traffic on the Line for over two years and the overhead traffic on the Line will be re-routed.

(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 there has been no local traffic on the Line for over two years and the overhead traffic on the Line will be re-routed.

(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 as there has been no local traffic on the Line for over two years and the overhead traffic on the Line will be re-routed.

(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

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

(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 result in meeting or exceeding the specified

thresholds. Moreover, 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 there has been no local traffic on the Line for over two years and the overhead traffic on the Line will be re-routed.

(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 or 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 action will not result in meeting or exceeding the specified thresholds.

Moreover, the proposed abandonment will not result in an increase of rail or truck traffic as there has been no local traffic on the Line for over two years and the overhead traffic on the Line will be re-routed.

(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,

N/A

(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 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 is one (1) public crossing and no private crossings on the Line.

During salvage operations, 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.

The abandonment will not result in the 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.

There are no 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 (“FWS”) recommended BNSF obtain a species list from its website. FWS further recommended BNSF could obtain site-specific information of listed species occurrences in Washington State from the Washington Department of Fish and Wildlife Priority Habitat and Species Program and from the Washington Department of Natural Resources (“WDNR”) Natural Heritage Program. See Exhibit F, letter from Ken S. Berg, Manager, Western Washington Fish and Wildlife Office. BNSF downloaded a species list from the FWS website (attached as Exhibit G) and site specific information from the WDNR’s website as recommended by FWS (attached as Exhibit H). The WDNR did not have specific information as to the projects area’s township, range, and section, and the project location did not register under Sections that Contain Natural Heritage Features.

BNSF also contacted the State of Washington Department of Fish and Wildlife (“WDFW”) as suggested by FWS. WDFW indicates it reviewed its Priority Habitats and Species Database and its Salmonscape database, and found the proposed abandonment site is close to a large wetland which bald eagles use for breeding, roosting, and foraging. However, WDFW further indicates that the project location is separated from direct contact with the wetland and stream system, so that, provided that adequate temporary erosion and sedimentation control practices are employed for the project, direct impacts to fish and wildlife

are not expected. WDFW adds that to protect bald eagles and other bird species fully, it is recommended that project activities be avoided during the breeding season, which is January 1 to August 15 for bald eagles. Finally, WDFW comments that information related to federally listed species can be obtained from the FWS and from the National Marine Fisheries Service ("NMFS"). See Exhibit I, letter from Larry Fisher, Area Habitat Biologist, State of Washington Department of Fish and Wildlife. As stated above, BNSF consulted with the FWS.

Also, as recommended by the WFDW, BNSF contacted the NMFS. NMFS, via telephone call with Tom Sibley, indicates the only possible impact to federally threatened species would be to the Chinook Salmon. Mr. Sibley also noted the abandonment is likely not located in a Chinook Salmon area of critical habitat. Mr. Sibley can be reached at: National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115-0070, (206) 526-4446.

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

The National Park Service ("Service") reviewed the project and determined there are no National Park Service Units within the proposed project impact area. See Exhibit J, letter from Gregory F. Gress, Chief, Pacific Land Resources Program Center, Pacific West region, National Park Service.

The Bureau of Land Management ("BLM"), via telephone call from Bill Schuger, states that the BLM does not have jurisdiction in the proposed project area and has no comment at this time. Mr. Schuger can be reached at the Bureau

of Land Management, Wenatchee Resource Area, 915 Walla Walla, Wenatchee, WA 98801, (509) 665-2116.

(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.

The proposed exemption should be consistent with applicable Federal, State or local water quality standards. The Washington Department of Ecology (“WDE”), Northwest Regional Office, indicates a Clean Water Act Section 402/NPDES permit is required for all soil disturbing activities where one or more acres will be disturbed and where stormwater will be discharged directly to a receiving water or to storm drains that discharge to a receiving water. WDE further indicates that if all stormwater is retained on-site and cannot enter surface waters of the state under any condition, a permit is not needed. In regards to ground disturbance, WDE indicates 0.65 miles of an assumed 20’ wide corridor comes out to 1.6 acres of surface area, and that if rails and ties can be pulled without digging up the bed, then it would not qualify as soil disturbance. However, WDE also comments that the removal of bridges and structures would qualify as ground disturbance. Finally, WDE suggests that consulting with BNSF staff familiar with the work may be helpful to assess the amount and type of work in relation to Washington’s NPDES construction permits requirement. See Exhibit K, electronic correspondence from Gerald Shervey, PE, NW Regional Office, Washington Department of Ecology.

The U.S. Environmental Protection Agency (“EPA”) indicates that although the abandonment runs adjacent to wetlands, no permits under the Clean

Water Act should be required if the proposed action merely entails the abandonment or railbanking and transfer of the railroad right-of-way and no discharge of pollutants will occur. EPA also comments that if the proposed action also entails railroad salvage activities then Clean Water Act requirements may be implicated. EPA adds that in particular, if salvage activities involve clearing, grading, or excavating that will disturb more than one acre of land, such activities must comply with requirements for obtaining a permit under the Clean Water Act National Pollutant Discharge Elimination System. Finally, EPA states that in Washington State, the NPDES program has been delegated to the WDE. See Exhibit L, letter from Clifford J. Villa, Assistant Regional Counsel, Region 10, EPA.

(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.

The proposed abandonment should not require a Section 404 permit. The U.S. Army Corps of Engineers ("CORPS"), Seattle District, indicates via telephone call from Jim Green, that no 404 permit should be required for the removal of bridges and structures. Mr. Green can be reached at: Seattle District Corps of Engineers, P.O. Box 3755, Seattle, WA 98124-3755, (206) 764-6906.

In regard to designated wetlands, the CORPS indicates via telephone call from Jim Green, that it has no specific information as to designated wetlands. Mr. Green can be reached at: Seattle District Corps of Engineers, P.O. Box 3755, Seattle, WA 98124-3755, (206) 764-6906.

The proposed abandonment should not affect any 100-year flood plains. The

City of Bellevue (“Bellevue”) indicates the land in and around the railroad tracks subject to abandonment is not located in the 100-year floodplain. Further, Bellevue indicates abandonment of the railroad line will not affect the regulatory floodplain. Finally, the City of Bellevue comments that there is land adjacent to the railroad within the floodplain, but the railroad grade elevation is sufficiently higher than the floodplain elevation in that adjacent area. See Exhibit M, letter from Brian Ward, P.E., Utilities Engineering, City of Bellevue.

(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).

A permit under Section 402 of the Clean Water Act may not be required for the proposed action. As stated above, the WDE indicates if all stormwater is retained on-site and cannot enter surface waters of the state under any condition, a permit is not needed. WDE further indicates that the removal of bridges and structures would qualify as ground disturbance. See Exhibit K, electronic correspondence from Gerald Shervey, PE, NW Regional Office, Washington Department of Ecology.

Also, as stated above, the EPA indicates that although the abandonment runs adjacent to wetlands, no permits under the Clean Water Act should be required if the proposed action merely entails the abandonment or railbanking and transfer of the railroad right-of-way and no discharge of pollutants will occur. EPA also comments that if the proposed action also entails railroad salvage activities then Clean Water Act requirements may be implicated. See Exhibit L, letter from Clifford J. Villa, Assistant Regional Counsel, Region 10, EPA.

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

The project itself should mitigate the environmental effects of reinstating active rail operations.

II

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

Applicants hereby submit the following information required by

49 C.F.R. § 1105.8(d):

- (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 Wilburton, WA trackage is approximately 0.65 miles in length and is located within the city limits of Bellevue, WA, a suburb within the Seattle, WA metropolitan area. The land in the area of the trackage is urban in nature. The land in the adjoining area consists of a highway freeway on the east side and a nature park area on the west side. The right-of-way is 100 feet in width.

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;*

There are no railroad structures on the property that are 50 years old or older.

Bridge 11.20 is a railroad bridge in or near Wilburton, WA. It is near Milepost 11.20. This bridge is 370 feet long, 24 feet high, and is a three span

concrete overhead bridge. Photographs of Bridge 11.20 are attached as Exhibits N-1—N2.

The undercrossing was built with Bridge 11.20 as part of the same project. There are no available records on the undercrossing. Photographs of the undercrossing are attached as Exhibits N-3—N5.

(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;

Bridge 11.20 is a three span concrete overhead bridge. It is 370 feet in length and 24 feet high. I was built in 1971. The undercrossing was built as part of the same project.

(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 former Northern Pacific Railway (NP) in 1903 through 1905. The NP was merged with other railroads to become part of the Burlington Northern Railroad (BN) in 1970. BN and The Atchison Topeka & Santa Fe Railway merged in 1995 to become The Burlington Northern & Santa Fe Railway Company. In 2005, the Burlington Northern & Santa Fe Railway Company changed its name to BNSF Railway Company.

(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. Such documents are too large for practical reproduction in this

report, but can be furnished upon request, if they are available.

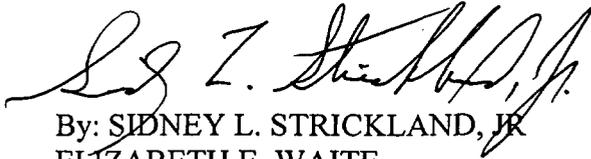
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown 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);

The State of Washington Department of Archeology and Historic Preservation (“DAHP”) indicates that its GIS database of known historical and archaeological resources identifies no known resources in the area of the proposed railroad abandonment. DAHP adds that its review is not comprehensive, and suggests BNSF enlist the assistance of a qualified archaeologist or cultural resources specialist. Finally, DAHP comments that if there are any railroad infrastructure elements that are more than 50 years old, they will require evaluation prior to their removal. See Exhibit N, letter from Matthew Sterner, M.A., RPA, Transportation Archaeologist, Department of Archaeology and Historic Preservation.

(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.

There are no known prior subsurface ground disturbance or fill, environmental conditions that might affect the archeological recovery of resources and the surrounding terrain.

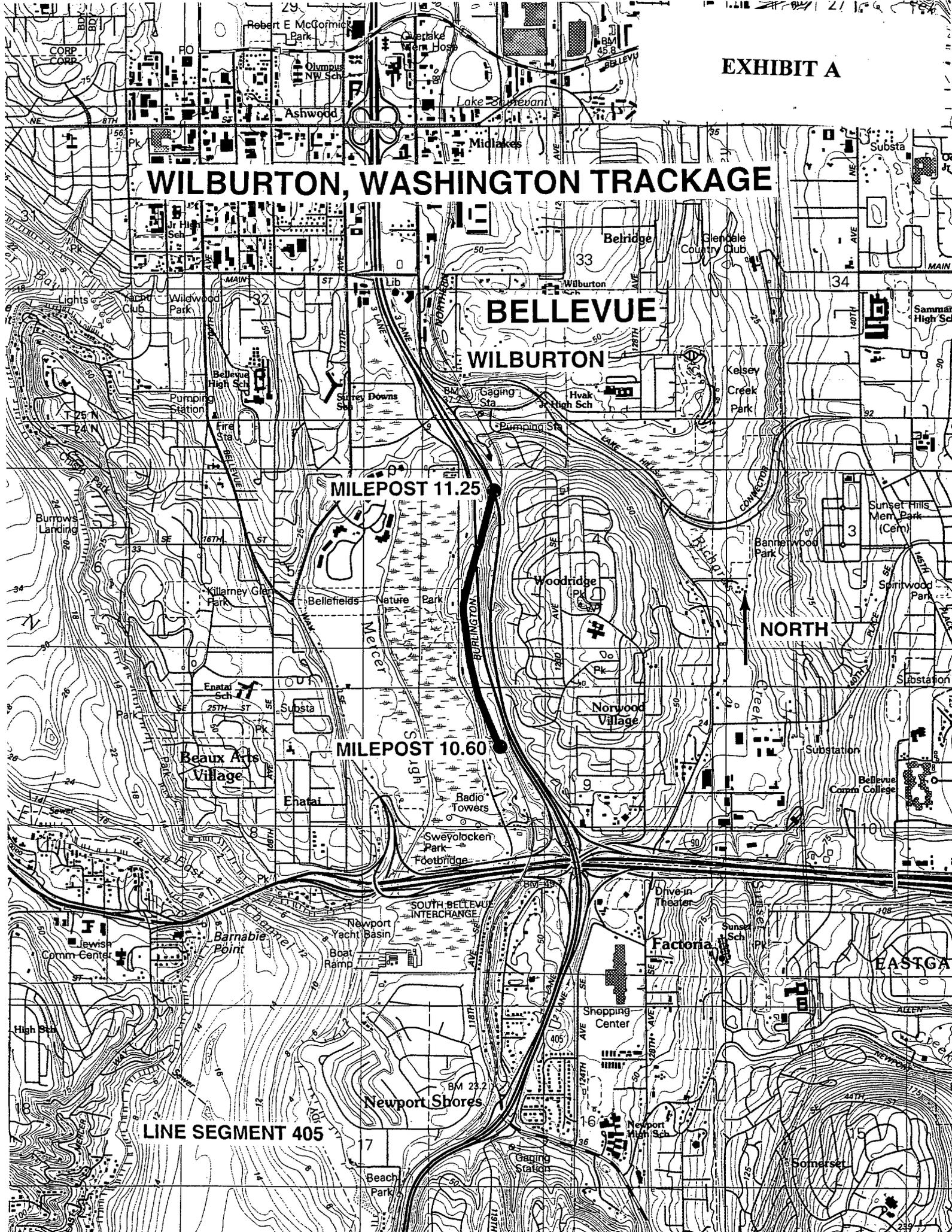
Respectfully submitted,



By: SIDNEY L. STRICKLAND, JR.
ELIZABETH E. WAITE
SIDNEY STRICKLAND AND ASSOCIATES
3050 K Street, N.W., Suite 101
Washington, DC 20007
(202) 338-1325
Attorneys for BNSF Railway Company

DATED: September 29, 2006

WILBURTON, WASHINGTON TRACKAGE



City of
Bellevue



Post Office Box 90012 • Bellevue, Washington • 98009-9012

EXHIBIT B

September 1, 2006

Mr. Sidney L. Strickland, Jr.
Sidney Strickland and Associates PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

RE: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company – Abandonment Exemption –
in King County, WA

Dear Mr. Strickland:

Thank you for your August 8, 2006 letter regarding BNSF Railway Company's (BNSF) plans to file with the STB an Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25 near Wilburton, in King County, Washington. The City of Bellevue understands this abandonment to mean that BNSF is abandoning the rail use of the corridor, but not the right-of-way itself. BNSF will retain ownership of the right-of-way within the abandoned section. With this understanding, the proposed action is not inconsistent with adopted City policy and plans or the regional vision for the larger BNSF corridor.

The City of Bellevue is participating in a regional planning process, led by the Puget Sound Regional Council, to identify a preferred public use for the entire length of the BNSF railroad corridor. The City supports preserving the BNSF rail corridor for future public use as a multi-modal transportation corridor. The Bellevue City Council has adopted an interest statement providing direction for future multi-modal transportation uses of the BNSF corridor. The City Council interest statement is attached for your reference. Additionally, the City of Bellevue's Pedestrian and Bicycle Transportation Plan Update (1999) identifies the BNSF corridor as a potential significant north-south facility linking the city and beyond as part of a regional trail network plan. Specifically, projects P-738 and B-121 identify the BNSF Railroad corridor as a pedestrian and bicycle path from the south city limit to the north city limit.

Thank you for the opportunity to comment on BNSF's planned abandonment of the rail corridor through Wilburton. If you have any further questions, please contact Maria Koengeter, Senior Planner, at 425-452-4345.

Sincerely,

Goran G. Sparrman, P.E.
Director, Transportation Department

Attachment: City of Bellevue Interest Statement: Burlington Northern Santa Fe (BNSF) Corridor
Preservation Project

cc: Kim Henry, Washington State Department of Transportation

**CITY OF BELLEVUE INTEREST STATEMENT:
BURLINGTON NORTHERN SANTA FE (BNSF) CORRIDOR PRESERVATION PROJECT**

Final (revised) on July 17, 2006

Background

The Puget Sound Regional Council (PSRC) is the lead agency on a regional corridor study to examine the potential opportunities and implications for the region to acquire and preserve in public ownership nearly 42 railway miles in the rail corridor now owned and operated by the BNSF Railway Company in east King and south Snohomish counties between cities of Renton and Snohomish. Concurrently, King County is negotiating with BNSF Railway Company to purchase the corridor.

The Advisory Committee is considering three action alternative for detailed evaluation concerning near-term public use and benefit:

- (1) Regional Trail [only];
- (2) Trail plus Current Freight Rail (includes dinner train); and,
- (3) Trail plus Redundant/Upgraded Freight Rail.

Study recommendations are to be considered by PSRC's policy boards in 2006 and 2007 and will be similarly incorporated into PSRC's regional transportation plan, Destination 2030, in 2007.

Bellevue's BNSF Preservation Guiding Principles

1. ***Public Benefit Opportunity:*** The Region should take advantage of this timely and rare opportunity to secure the 42-mile BNSF right-of-way that is currently being abandoned by BNSF for possible future public benefit. The region should carefully evaluate immediate, mid-term and long-term public uses of this right-of-way, including transit options in the longer-term.
2. ***Support Public Accountability and Outreach Efforts:*** Purchase and preservation of the corridor must be grounded in solid financial and public benefit evaluation and meaningful public involvement.
3. ***Ensure Local Plan Consistency:*** Should the right-of-way be preserved and a new use be identified, it will be critical that all local and regional plans be closely coordinated to ensure timely and efficient project implementation. For example, preservation plans should be consistent with Bellevue's Comprehensive Plan, specifically, policies supporting integrated trail systems, neighborhood preservation and urban design. Any future uses should also reflect and be consistent with I-405 Corridor FEIS Sound Transit's Long-Range Plan in so far each provided direction related to future acquisition

of the corridor . Finally, any future acquisition and improvements should be considered for inclusion into the federally required Metropolitan Transportation Plan as prepared and routinely updated by the Puget Sound Regional Council.

4. **Ensure Integrated Benefits:** Future improvement of the BNSF corridor through Bellevue should be carefully integrated with redevelopment plans as part of the Bel-Red Corridor Study, related park improvement opportunities and any other affected properties in Bellevue that might benefit from improvements to/surrounding the BNSF right-of-way.
5. **Support Ongoing Regional Collaboration:** Coordination among all regional stakeholders must be sustained (WSDOT, PSRC, King County, Cities along the BNSF Corridor, Sound Transit).

Principles for Evaluating Future Right-of-Way Use Alternatives

Each of the alternatives for future use of the BNSF should evaluate the following key criteria: Project costs (and cost refinements), economic and recreational benefits, community acceptance, public safety, trail connectivity, public liability and mitigation of any dual use conflicts.

Bellevue also supports the following specific direction with regard to each of the three action alternatives. Regardless of which alternative is selected for the short-term, the City's interest is to maintain potential public use of the right-of-way to include transit options for the longer term.

1. **Alternative 1 Trail Only:** The study team should further assess community impacts, planning level cost refinement, economic benefit and connectivity opportunities in Bellevue's jurisdiction. This trail only alternative would preclude any near-term shared use with rail and is considered a baseline assumption for other alternatives currently going forward (alternatives 2, 3).
2. **Alternative 2 Trail with Current Rail:** The study team should further assess community impacts, costs, economic benefit, trail connectivity opportunities, shared right-of-way challenges (shared trail/rail separated by barrier) and liability issues associated with dual use.
3. **Alternative 3: Trail with Increased [Freight] Rail:** This alternative would build on Alternative 1 and 2 and add a redundant north-south freight route between Seattle and Everett for emergency, bypass/back-up use. This alternative should be evaluated for preservation use only, rail and/or another public use related to I-405 Master Plan corridor needs. The study team should carefully evaluate current and future freight needs and should consider preservation of the redundant segment for rail-banking purposes only.



CITY OF RENTON

Mayor
Kathy Keolker

September 8, 2006

EXHIBIT C

Mr. Sidney Strickland
Sidney Strickland and Associates, PLLC
3050 K Street NW, Suite 101
Washington, D.C. 20007-5108

Dear Mr. Strickland:

The City of Renton is concerned about the action described in the August 8, 2006, letter regarding "STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment Exemption – in King County, WA."

The City of Renton, along with other jurisdictions situated along the BNSF Woodinville Subdivision, is participating in the BNSF Corridor Advisory Committee. The purpose of this Committee is to participate in the Puget Sound Regional Council's BNSF Corridor Preservation Study, a regional effort to plan for the future of the BNSF Corridor between Renton and Snohomish. Two of the three options being considered in this study include retaining a railroad line along with a bicycle and pedestrian trail in this corridor.

The City of Renton strongly supports retaining a railroad line for a number of reasons: service to the Spirit of Washington dinner train, movement of freight, and for security and redundancy for freight service. As you may be aware, The Boeing Company ships Boeing 737-900 fuselages to the Boeing Renton Plant along this railroad line.

We feel that abandonment of any part of the railroad line before these service needs are adequately addressed and before the subject study is completed would be premature, and would preclude options for current and future transportation uses. Considering that the Washington State Department of Transportation and the I-405 Executive Committee are recommending that taxpayers spend up to \$11 billion to increase the passenger and freight carrying capacity of the I-405 corridor, it may appear nearsighted and irresponsible to forfeit the operating railroad on this corridor to save \$10 million.

Sincerely,

Kathy Keolker
Mayor

KK:td06081

cc: Renton City Council
Jay Covington
Gregg Zimmerman
Alex Pietsch

SPRIT OF WASHINGTON DINNER TRAIN

Richard Batic, Manager
Network Development
BNSF Railway
2500 Lou Menk Drive, AOB 3rd Floor
Fort Worth, TX 76131

RE: Docket AB-6, Sub No. 453X

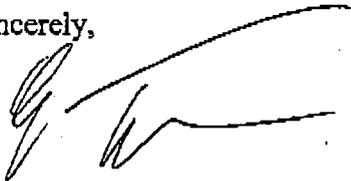
Dear Richard,

I am writing with respect to BNSF's proposed abandonment of BNSF's 0.65 mile Wilburton, Washington Trackage (Milepost 10.60 – Milepost 11.25) to make way for the widening of Interstate 405 in Bellevue, Washington. Based on my prior communications with BNSF, it is my understanding that this line will be filed for abandonment with the Surface Transportation Board shortly in Docket AB-6, Sub No. 453X.

As you know, the Spirit of Washington Dinner Train has conducted dinner trains over the above-referenced line during the past 14 years. Nonetheless, in light of the important public interest served by the widening of Interstate 405, the Spirit of Washington supports the proposed abandonment of the line.

Please let me know if I can be of any additional assistance to BNSF as the abandonment process continues.

Sincerely,



Eric Temple, President
Spirit of Washington Dinner Train





Natural Resources Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372
(253) 845-9272, Fax (253) 445-9934

August 28, 2006

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. N.W., Suite 101
Washington, DC 20007-5108

Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Co.
Abandonment Exemption – King County, WA

Dear Mr. Strickland:

As per your letter dated August 8, 2006 I have reviewed the area of the proposed railroad line abandonment. Due to the density of structures in the area of the site, the site is considered "land in urban development". The proposed abandonment will have no effect on any prime agricultural farmlands.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Natsuhara".

Charles Natsuhara
Area Soil Scientist



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

EXHIBIT F

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.

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 and from the Washington Department of Natural Resources Natural Heritage Program at (360) 902-1667 or their website at 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

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

August 8, 2006

U.S. FISH & WILDLIFE SERVICE
WESTERN WA OFFICE

AUG 16 2006

LACEY, WA
RECEIVED

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

***Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—
Abandonment Exemption – in King County, WA***

Dear Sir or Madam:

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") an Exemption seeking authority in the above docket to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25 near Wilburton in King County, Washington.

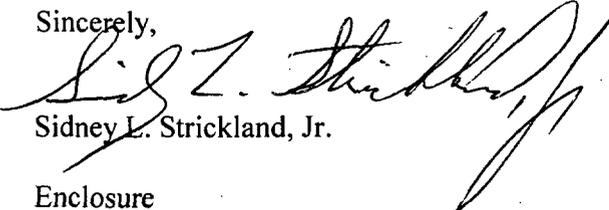
The proposed abandonment may require removal of bridges and structures and the removal of track materials such as rails and ties but the roadbed will be left intact.

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

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by September 5, 2006. If you have any questions, do not hesitate to contact me at (202) 338-1325.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/eew

EXHIBIT G

ENDANGERED, THREATENED, PROPOSED, AND CANDIDATE SPECIES, CRITICAL HABITAT, AND SPECIES OF CONCERN IN WESTERN WASHINGTON¹

COMMON NAME	SCIENTIFIC NAME	RECOVERY PRIORITY NUMBER
Endangered Animals		
Brown pelican	<i>Pelecanus occidentalis</i>	9
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>	9c
Gray wolf	<i>Canis lupus</i>	3c
Leatherback sea turtle	<i>Dermochelys coriacea</i>	1
Short-tailed albatross	<i>Phoebastria albatrus</i>	8
Endangered Plants		
Bradshaw's desert-parsley	<i>Lomatium bradshawii</i>	2
Marsh sandwort	<i>Arenaria paludicola</i>	5
Threatened Animals		
Bald eagle	<i>Haliaeetus leucocephalus</i>	14c
Bull trout (Coastal-Puget Sound and Columbia River DPS)	<i>Salvelinus confluentus</i>	9c
Canada lynx	<i>Lynx canadensis</i>	15
Green sea turtle	<i>Chelonia mydas</i>	1c
Grizzly bear	<i>Ursus arctos horribilis</i>	3c
Loggerhead sea turtle	<i>Caretta caretta</i>	7c
Marbled murrelet	<i>Brachyramphus marmoratus</i>	3
Northern spotted owl	<i>Strix occidentalis caurina</i>	3
Olive ridley sea turtle	<i>Lepidochelys olivacea</i>	8c
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>	3c
Western snowy plover	<i>Charadrius alexandrinus nivosus</i>	3c
Threatened Plants		
Golden paintbrush	<i>Castilleja levisecta</i>	2
Kincaid's lupine	<i>Lupinus sulphureus</i> ssp. <i>kincaidii</i>	9
Nelson's checker-mallow	<i>Sidalcea nelsoniana</i>	5
Water howellia	<i>Howellia aquatilis</i>	7
Designated Critical Habitat		
Proposed Species and Proposed Critical Habitat		
Marbled murrelet	Dolly Varden (<i>Salvelinus malma</i>) similarity of appearance	
Northern spotted owl		
Western snowy plover, Pacific Coast Population		
Bull Trout		

COMMON NAME	SCIENTIFIC NAME	LISTING PRIORITY NUMBER
Candidate² Animals		
Fisher (West Coast DPS)	<i>Martes pennanti</i>	6
Mardon skipper	<i>Polites mardon</i>	5
Mazama pocket gopher	<i>Thomomys mazama</i> (ssp. <i>couchi</i> , <i>glacialis</i> , <i>louiei</i> , <i>melanops</i> , <i>pugetensis</i> , <i>tacomensis</i> , <i>tumuli</i> , <i>yelmensis</i>)	3
Oregon spotted frog	<i>Rana pretiosa</i>	2
Streaked horned lark	<i>Eremophila alpestris strigata</i>	6
Taylor's (Whulge or Edith's) checkerspot butterfly	<i>Euphydryas editha taylori</i>	3
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	3
Candidate² Plants		
Northern wormwood	<i>Artemisia campestris</i> ssp. <i>borealis</i> var. <i>wormskioldii</i>	3
Animal Species of Concern³		
Aleutian Canada goose	<i>Branta canadensis leucopareia</i>	
Beller's ground beetle	<i>Agonum belleri</i>	
California bighorn sheep	<i>Ovis canadensis californiana</i>	
California floater (mussel)	<i>Anodonta californiensis</i>	
California wolverine	<i>Gulo gulo luteus</i>	
Cascades frog	<i>Rana cascadae</i>	
Cassin's auklet	<i>Ptychoramphus aleuticus</i>	
Coastal cutthroat trout	<i>Oncorhynchus clarki clarki</i>	
Columbia pebblesnail	<i>Fluminicola columbianus</i>	
Columbia torrent salamander	<i>Rhyacotriton kezeri</i>	
Destruction Island shrew	<i>Sorex trowbridgii destructioni</i>	
Fender's soliperlan stonefly	<i>Soliperla fenderi</i>	
Fringed myotis (bat)	<i>Myotis thysanodes</i>	
Hatch's click beetle	<i>Eanus hatchi</i>	
Island large marble butterfly	<i>Euchloe ausonides insulanus</i>	
Larch Mountain salamander	<i>Plethodon larselli</i>	
Long-eared myotis	<i>Myotis evotis</i>	
Long-legged myotis	<i>Myotis volans</i>	
Makah's copper butterfly	<i>Lycaena mariposa charlottensis</i>	
Margined sculpin	<i>Cottus marginatus</i>	
Newcomb's littorine snail	<i>Algamorda newcombiana</i>	
Northern goshawk	<i>Accipiter gentilis</i>	
Northern sea otter	<i>Enhydra lutris kenyoni</i>	
Northwestern pond turtle	<i>Emys</i> (= <i>Clemmys</i>) <i>marmorata marmorata</i>	

COMMON NAME**SCIENTIFIC NAME**

Animal Species of Concern³ (Cont'd)

Olive-sided flycatcher	<i>Contopus cooperi</i>
Olympic torrent salamander	<i>Rhyacotriton olympicus</i>
Oregon vesper sparrow	<i>Pooecetes gramineus affinis</i>
Pacific lamprey	<i>Lampetra tridentata</i>
Pacific Townsend's big-eared bat	<i>Corynorhinus townsendii townsendii</i>
Pale Townsend's big-eared bat	<i>Corynorhinus townsendii pallescens</i>
Peregrine falcon	<i>Falco peregrinus</i>
River lamprey	<i>Lampetra ayresi</i>
Small-footed myotis	<i>Myotis ciliolabrum</i>
Slender-billed white-breasted nuthatch	<i>Sitta carolinensis aculeata</i>
Tailed frog	<i>Ascaphus truei</i>
Tufted puffin	<i>Fratercula cirrhata</i>
Valley silverspot butterfly	<i>Speyeria zerene bremnerii</i>
Van Dyke's salamander	<i>Plethodon vandykei</i>
Western gray squirrel	<i>Sciurus griseus griseus</i>
Westslope cutthroat trout	<i>Oncorhynchus (=Salmo) clarki lewisi</i>
Western toad	<i>Bufo boreas</i>

Plant Species of Concern³

Barrett's beardtongue	<i>Penstemon barrettiae</i>
Clackamas corydalis	<i>Corydalis aquae-gelidae</i>
Clustered lady's slipper	<i>Cypripedium fasciculatum</i>
Columbia yellow-crest	<i>Rorippa columbiae</i>
Cotton's milk-vetch	<i>Astragalus australis</i> var. <i>olympicus</i>
Footsteps of spring; bear's foot sanicle	<i>Sanicula arctopoides</i>
Frigid shootingstar	<i>Dodecatheon austrofrigidum</i>
Gorge daisy	<i>Erigeron oregonus</i>
Howell's daisy	<i>Erigeron howellii</i>
Obscure paintbrush	<i>Castilleja cryptantha</i>
Oregon sullivantia	<i>Sullivantia oregana</i>
Pale blue-eyed grass	<i>Sisyrinchium sarmentosum</i>
Pale larkspur	<i>Delphinium leucophaeum</i>
Pink sandverbena	<i>Abronia umbellata</i> ssp. <i>acutalata</i>
Queen of the forest	<i>Filipendula occidentalis</i>
Rose checker-mallow	<i>Sidalcea malviflora</i> ssp. <i>virgata</i>
Seely's silene	<i>Silene seelyi</i>
Stalked moonwort	<i>Botrychium pedunculosum</i>
Tall bugbane	<i>Cimicifuga elata</i>
Torrey's peavine	<i>Lathyrus torreyi</i>
Triangular-lobed moonwort	<i>Botrychium ascendens</i>
Whitebark pine	<i>Pinus albicaulis</i>
White meconella	<i>Meconella oregana</i>
White-top aster	<i>Sericocarpus rigidus</i>

¹Hyperlinks are provided for electronic recovery plans where available. Only recovery plans revised or finalized since 1989 are available electronically. Alternate hyperlink to final rule listing the species is substituted where available, or hyperlink connects to status information.

²Candidate species are those species for which FWS has sufficient information to propose for listing. Hyperlinks are provided where available for electronic candidate forms or *Federal Register* notice of petition finding.

³Species of concern are those species whose conservation status is of concern to FWS, but more information is needed.

NOAA Fisheries threatened and endangered species list:
http://www.nmfs.noaa.gov/prot_res/species/ESA_species.html

Information for eastern Washington species can be found on the Upper Columbia Fish and Wildlife Office web page and for all listed species on the U.S. Fish and Wildlife Service Endangered Species Home Page.



*Washington
Natural
Heritage
Program*

Staff Contacts

- Contacts
- WNHP Staff
- Order Data
- Sighting Form

**WELCOME TO WASHINGTON NATURAL HERITAGE PROGRAM'S
INFORMATION REQUEST SELF-SERVICE SYSTEM**

- WNHP Home
- Reference Desk
 - ... Rare Plants
 - ... Plant Communities
- Staff Contacts
- News & Projects
- Natural Areas
- Links
- Site Map

The Washington Natural Heritage Program (WNHP) feels it is important for land use planners to consider information on rare species and biologically sensitive areas when developing land use plans. Therefore, our agency provides means by which you can access the information we maintain on rare plant species and high quality ecosystems.

The new Information Request Self-Service System makes this process easier for the user to access a list of the townships, ranges, and sections (TRS) where Natural Heritage features are reported to occur. Step-by-step instructions for using our Information Request Self-Service System are provided below. Please read through all of the steps and proceed to the 'Links' section to start your search. You might want to save these pages as your favorites for quick access in the future.

We encourage users to provide feedback regarding the new system.

Information on TRS used by the Washington Natural Heritage Program

The Public Land Survey System (PLSS), regulated by the U.S. Department of the Interior, Bureau of Land Management, is a method used to subdivide and describe land parcels. Generally, land is divided into Townships that are 36 square miles in size, each square mile being called a 'section.'

The Washington DNR PLSS township, range, and section information may contain more than the normal 36 sections. Township subdivisions with numbers higher than 36 are either tracts, donation land claims, protracted blocks, Indian allotments, or an area of land conveyance.

Townships, ranges and sections containing Natural Heritage data will be formatted in the following way:

T__N R__E/W S__

- Examples:
 T23N R44E S23
 T05N R13W S18

PLSS data may also contain 1/2 townships and 1/2 ranges which will show up as either the township or range number.

Examples:

T24.5N R08W S32
T28N R08.5W S23

Additional information about how the PLSS handles township, range and section numbers can be found on DNR's Cadastre Legal Description Metadata webpage (http://www3.wadnr.gov/dnrapp6/dataweb/metadata/cadastre/cadastre_legal)

NOTE: Do not print a copy of the TRS list for future use. Information on and high quality ecosystems is updated frequently. If you use a printed TRS list, you are not referring to current data.

Step-by-Step Procedure

1) Consult the TRS list (open a pdf file in a new window)

- Scroll through the list to find the TRS for your project area. The list is arranged in alphanumeric order.
- You may also use the 'Search' tool (binoculars) to find your TRS. When using the tool, make sure you use the correct format.

T__N R__E/W S__

- * Must use two digit numbers; add a zero to the front of single digit numbers
- * Single space between township, range, and section.

- If you **cannot find** the TRS for your project area, continue on to step **2**.
- If you **have found** the TRS for your project area, continue on to step **3**.

2.) TRS for your project area CANNOT be found in the TRS table

If you cannot find the TRS for your project area by scrolling through the list or the 'Search' tool, the Washington Natural Heritage Program does not have current information on rare plants or high quality ecosystems for that TRS. **Please note** that does not mean that Natural Heritage features do not occur in this area. It simply means that if a Natural Heritage feature exists in this area, our agency has not received information of its occurrence.

3.) TRS for your project area HAS been found in the TRS table

If the TRS for your project area has been found in the TRS table, you must complete the Information Order Form.

The Information Order Form is a 'fill-in' form that allows you to enter information. The form is displayed on your computer screen. You may then print the form for faxing, or you can save the form and attach it to an email.

Links

[Letter to Information System Users](#)
[DNR's Cadastre Legal Description Metadata](#)
[TRS List \(open a pdf file in a new window\)](#)
[Information Order Form](#)
[Provide Feedback](#)

Washington Natural Heritage Program - www.dnr.wa.gov/nhp/
Washington Dept. of Natural Resources, PO Box 47014, Olympia, WA 98504-7014

[bac](#)

Sections that Contain Natural Heritage Features
Data Current as of August 1, 2006

List of surveyed land sections in Washington identified by the Natural Heritage Program as reported to contain Natural Heritage Features. Contact the Washington Natural Heritage Program at (360) 902-1667 for more detailed information on locations and occurrences.

<u>Town. Range Sec.</u>	<u>Town. Range Sec.</u>	<u>Town. Range Sec.</u>	<u>Town. Range Sec.</u>
T24N R03W S38	T24N R10W S35	T24N R17E S24	T24N R21E S33
T24N R04E S14	T24N R10W S36	T24N R17E S27	T24N R21E S36
T24N R04E S23	T24N R10W S44	T24N R17E S28	T24N R22E S25
T24N R04E S24	T24N R10W S49	T24N R17E S29	T24N R22E S26
T24N R04W S13	T24N R10W S50	T24N R17E S33	T24N R22E S27
T24N R04W S18	T24N R10W S51	T24N R17E S35	T24N R22E S34
T24N R04W S19	T24N R10W S52	T24N R18E S02	T24N R23E S30
T24N R04W S20	T24N R11.5E S34	T24N R18E S03	T24N R24E S13
T24N R04W S24	T24N R11.5E S35	T24N R18E S04	T24N R24E S24
T24N R04W S25	T24N R11E S11	T24N R18E S09	T24N R24E S25
T24N R04W S29	T24N R11E S14	T24N R18E S10	T24N R24E S36
T24N R04W S30	T24N R11E S26	T24N R18E S12	T24N R25E S01
T24N R04W S40	T24N R11W S02	T24N R18E S19	T24N R25E S02
T24N R04W S41	T24N R11W S03	T24N R19E S01	T24N R25E S03
T24N R04W S42	T24N R11W S04	T24N R19E S02	T24N R25E S04
T24N R04W S48	T24N R11W S05	T24N R19E S03	T24N R25E S05
T24N R04W S50	T24N R11W S06	T24N R19E S04	T24N R25E S06
T24N R04W S51	T24N R11W S07	T24N R19E S17	T24N R25E S07
T24N R05W S02	T24N R11W S10	T24N R19E S29	T24N R25E S08
T24N R05W S13	T24N R11W S18	T24N R19E S32	T24N R25E S09
T24N R05W S23	T24N R12W S13	T24N R20E S02	T24N R25E S10
T24N R05W S24	T24N R12W S32	T24N R20E S03	T24N R25E S11
T24N R05W S25	T24N R12W S33	T24N R20E S04	T24N R25E S12
T24N R05W S26	T24N R13W S02	T24N R20E S05	T24N R25E S14
T24N R05W S38	T24N R13W S03	T24N R20E S06	T24N R25E S15
T24N R06W S29	T24N R13W S04	T24N R20E S07	T24N R25E S16
T24N R06W S30	T24N R13W S09	T24N R20E S08	T24N R25E S19
T24N R08.5W S38	T24N R13W S10	T24N R20E S09	T24N R25E S20
T24N R08E S01	T24N R13W S11	T24N R20E S10	T24N R25E S21
T24N R08E S02	T24N R13W S14	T24N R20E S11	T24N R25E S30
T24N R08E S03	T24N R13W S15	T24N R20E S14	T24N R25E S32
T24N R08E S04	T24N R13W S16	T24N R20E S15	T24N R25E S34
T24N R08E S10	T24N R13W S22	T24N R20E S16	T24N R25E S35
T24N R08E S11	T24N R13W S23	T24N R20E S17	T24N R27E S01
T24N R08E S13	T24N R13W S26	T24N R20E S18	T24N R27E S10
T24N R08E S24	T24N R13W S27	T24N R20E S20	T24N R27E S11
T24N R08E S35	T24N R14E S19	T24N R20E S21	T24N R27E S12
T24N R08E S36	T24N R16E S02	T24N R20E S22	T24N R27E S16
T24N R08W S05	T24N R16E S11	T24N R20E S23	T24N R27E S36
T24N R08W S33	T24N R16E S13	T24N R20E S24	T24N R28E S06
T24N R08W S51	T24N R16E S14	T24N R20E S25	T24N R28E S07
T24N R08W S54	T24N R16E S22	T24N R20E S26	T24N R34E S05
T24N R09E S08	T24N R16E S24	T24N R20E S27	T24N R34E S06
T24N R09E S16	T24N R16E S26	T24N R20E S28	T24N R34E S09
T24N R09E S17	T24N R16E S27	T24N R20E S29	T24N R34E S10
T24N R09E S31	T24N R16E S29	T24N R20E S32	T24N R34E S12
T24N R09E S32	T24N R16E S33	T24N R20E S34	T24N R34E S14
T24N R09W S17	T24N R17E S02	T24N R20E S35	T24N R34E S15
T24N R10W S14	T24N R17E S03	T24N R20E S36	T24N R34E S22
T24N R10W S23	T24N R17E S04	T24N R21E S06	T24N R34E S23
T24N R10W S24	T24N R17E S09	T24N R21E S10	T24N R34E S25
T24N R10W S28	T24N R17E S15	T24N R21E S14	T24N R34E S32
T24N R10W S33	T24N R17E S21	T24N R21E S30	T24N R34E S33
T24N R10W S34	T24N R17E S22	T24N R21E S32	T24N R34E S34



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: 16018 Mill Creek Boulevard \cong Mill Creek, WA 98012
(425) 775-1311 \cong Fax (425) 379-2323

August 29, 2006

Sidney Strickland and Associates, PLLC
ATTENTION: Sidney L. Strickland, Jr.
3050 K St. NW, Suite 101
Washington, DC 20007-5108

Dear Mr. Strickland:

**SUBJECT: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—
Abandonment Exemption—in King County, WA**

The Washington Department of Fish and Wildlife (WDFW) has reviewed your request to evaluate presence of endangered or threatened species, wildlife sanctuaries or refuges or areas designated as critical habitat adjacent to or near 0.65 miles of railroad line which is proposed to be abandoned near Wilburton in King County, Washington.

WDFW maintains a Priority Habitats and Species (PHS) database, as well a Salmonscape database, which I have reviewed to evaluate this request. Based on this review, the site is close to a large wetland (City of Bellevue park land) through which runs Mercer Slough (the downstream portion of Kelsey Creek). Bald eagles use this habitat for breeding, roosting, and foraging, and Chinook salmon use Mercer Slough for migrating and rearing.

However, the project location is separated from direct contact with the wetland and stream system partially by a secondary roadway (118th Ave. SE) and partially by a freeway (Interstate 405). Therefore, provided that adequate temporary erosion and sedimentation control practices are employed for the project, direct impacts to fish and wildlife would not be expected. In order to fully protect bald eagles and other bird species, it is recommended that project activities be avoided during the breeding season, which is January 1 to August 15 for bald eagles, according to the U.S. Fish and Wildlife Service.

Sidney Strickland and Associates, PLLC

Page 2

August 29, 2006

To obtain more complete information concerning critical habitat and effects determinations related to federally listed threatened and endangered species, the appropriate federal agencies (U.S. Fish and Wildlife Service and National Marine Fisheries Service) need to be contacted.

Thank you for the opportunity to provide this information. If there are any questions concerning this, I can be contacted at 425-649-7042 or fisheldf@dfw.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Larry Fisher".

Larry Fisher
Area Habitat Biologist

LF:lf:Strickland.doc



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:
L1425(PWR-LP)
General

August 16, 2006

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street N.W., Suite 101
Washington, DC 20007-5108

EXHIBIT J

**Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Company Abandonment
Exemption - in King County, WA**

Dear Mr. Strickland:

Based on the map that your office sent to us on August 8, 2006, showing the segment of railroad line to be abandoned between Milepost 10.60 and Milepost 11.25 near Wilburton in King County, State of Washington, there are no National Park Service Units within the proposed project impact area. If you have any further questions regarding this matter, please contact me at (510) 817-1414.

Sincerely,

Gregory F. Gress
Chief, Pacific Land Resources Program Center
Pacific West Region

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IN AMERICA 



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(liz.waite@stricklandpllc.com)

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From: "Shervay, Jerry (ECY)" <GSHE461@ecy.wa.gov>

To: sidney_strickland@stricklandpllc.com, liz.waite@stricklandpllc.com

Subject: Edited BNSF King County WA

Date: 11-Sep-06 06:28 PM

Attachments: ole0.bmp

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****Please disregard my previous email and use this one.****

You contacted the Washington Department of Ecology Northwest Regional Office regarding BNSF railway abandonment. I am the staff person assigned to answer your letter of August 8, 2006 to the Washington Department of Ecology. The letter does not provide enough information about the work to be done, but I will do my best to answer your questions based on the information provided.

For CWA 402/NPDES construction permits: a permit is required for all soil disturbing activities (including grading, stump removal, demolition) where 1 or more acres will be disturbed, and stormwater will be discharged to a receiving water directly (e.g., wetlands, creeks, unnamed creeks, rivers, marine waters, ditches, estuaries), or to storm drains that discharge to a receiving water. If all stormwater is retained on-site and cannot enter surface waters of the state under any condition, you do not need permit coverage. Construction site operators must apply for a permit 60 days prior to discharging stormwater. The permit requires that the proponent prepare plans to prevent polluting rainwater runoff, measure runoff quality, and report the findings.

How much ground disturbance is required? 0.65 miles of an assumed 20' wide corridor comes out to 1.6 acres of surface area. The letter states that rails will be removed, but the road bed will be left intact. I am not sure if the track system removal causes ground disturbance (digging). If the work requires digging up the rail bed then it is grading. If the rails and ties can be pulled without digging up the bed, then it would not qualify as soil disturbance. Description of the work methods will help Ecology's determination.

The letter mentions removal of bridges and structures. This would qualify as ground disturbance. The letter does not provide enough information to assess the acreage of this impact. Consulting with BNSF staff familiar with the work may be helpful to assess the amount and type of work in relation to this State's NPDES construction permits requirement.

You also asked about floodplain impacts. The City of Bellevue regulates floodplains and would have the maps and regulations to

answer your questions reliably. My opinion on the floodplains is that removing the rails and ties will not effect floodplains. Demolition of structures may possibly. The BNSF railway sits twenty feet above the shoreline of Mercer Slough. The Slough connects to Lake Washington, all of which has a water level regulated by people and maintained at an elevation to prevent flooding. The railway should not be located within any areas subject to flooding or impact flooding along Mercer Slough. The railway crosses Kelsey Creek on a large wooden trestle just north of milepost 11.25. Work on the trestle could involve flood plain impacts, but the work area shown does not include the trestle.

Contact me with additional information or more questions via phone or email. My work hours below are Pacific time.



Have a nice day!

Gerald Shervy, PE
Washington Department of Ecology
NW Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452
gshe461@ecy.wa.gov
voice (425) 649-7215 Cel 206 799 2329 fax (425)649-7098
work hours: 7:30am to 5:30 pm Monday-Thursday, alternate Fridays off

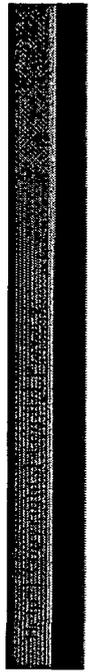
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

EXHIBIT L

September 12, 2006

Reply To
Attn Of: ORC-158

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. NW, Suite 101
Washington, D.C. 20007

Dear Mr. Strickland:

Re: STB Docket No. AB-6 (Sub-No. 453X) - BNSF Railway Abandonment in
King County, WA

Dear Mr. Strickland:

The U.S. Environmental Protection Agency (EPA) has reviewed your letter to me dated August 8, 2006, concerning the abandonment proceeding referenced above. This abandonment concerns approximately 0.65 miles of railroad line in Bellevue, Washington, King County. In your letter, you requested information on whether or not the proposed abandonment could be consistent with applicable water quality standards and whether or not any permits would be required under Section 402 of the Clean Water Act.

From the information provided, including the map, it is evident that this rail line proposed for abandonment runs directly adjacent to wetlands that could be construed as subject to jurisdiction of the Clean Water Act.

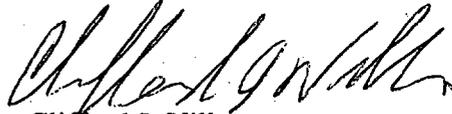
Notwithstanding this possible presence of jurisdictional wetlands, if the proposed action merely entails the abandonment or railbanking and transfer of the railroad right-of-way, and no discharge of pollutants will occur, EPA agrees that no permits under the Clean Water Act should be required. If, however, the proposed action also entails railroad salvage activities, such as the removal of ties and tracks for any purpose, then Clean Water Act requirements may be implicated. In particular, if salvage activities involve clearing, grading or excavating that will disturb more than one acre of land, such activities must comply with requirements for obtaining a permit under the Clean Water Act National Pollutant Discharge Elimination System (NPDES) to prevent or minimize the discharge of pollutants in storm water runoff from the disturbed areas to waters of the United States.

In Washington State, the NPDES permit program has been delegated to the Washington Department of Ecology (WDOE). WDOE provides NPDES permit coverage for stormwater discharges from construction activities in the State of Washington through its Construction

Stormwater General Permit. Information about this NPDES permit is available through the WDOE website at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. For King County, WA, you may also contact Elaine Worthen of WDOE directly at (360) 407-7229 or ewor461@ecy.wa.gov.

If you or your staff have any general questions for EPA about storm water permitting requirements, please contact Misha Vakoc, Storm Water Program Coordinator, at (206) 553-6650 or vakoc.misha@epa.gov. Legal questions may be directed to me at (206) 553-1185.

Sincerely,



Clifford J. Villa
Assistant Regional Counsel

City of
Bellevue



Post Office Box 90012 • Bellevue, Washington • 98009 9012

EXHIBIT M

August 24, 2006

Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. NW Suite 101
Washington, SC 20007-5108

**Re: Response letter, STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—
Abandonment Exemption – in King County, WA**

Dear Mr. Strickland:

The land in and around the railroad tracks between Milepost 10.60 and 11.25 as shown on the accompanying map are not located in the 100-year floodplain. Abandonment of the railroad in this vicinity will not affect the regulatory 100-year floodplain. There is land adjacent to the railroad within the floodplain, but the railroad grade elevation is sufficiently higher than the floodplain elevation in that adjacent area.

This determination was made by examining the King County Flood Insurance Rate Map, panel 658, with an effective date of May 15, 1995.

If there are additional concerns or questions on this matter, please contact me at 425-452-5206.

Best regards,

Brian Ward, P.E.
City of Bellevue
Utilities Engineering

Enclosure

WILBURTON, WASHINGTON TRACKAGE





STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & 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 • Website: www.dahp.wa.gov

August 25, 2006

Mr. Sidney Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K St. NW, Suite 101
Washington, DC 20007-5108

In future correspondence please refer to:

Log: 082506-03-STB

Property: BNSF Railway Abandonment near Wilburton

Re: Response to Inquiry

Dear Mr. Strickland, Jr.:

Thank you for contacting our office. We have reviewed the materials you provided for this project. I can tell you that our GIS database of known historical and archaeological resources identifies no known resources in the area of the proposed railroad abandonment. However, this is not a comprehensive review and we would suggest that you enlist the assistance of a qualified archaeologist or cultural resources specialist to assist you with your investigation. A list of qualified consultants can be found on our agency's Web site at <http://dahp.wa.gov>. You also mention in your letter that the abandonment may require the removal of bridges and associated structures. If any of these railroad infrastructure elements are more than 50 years old, they will require evaluation prior to their removal.

These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800. Please feel free to contact me should you have any specific questions about our request and we look forward to receiving this material.

Please note that DAHP has developed a set of cultural resource reporting guidelines. You can obtain from our Web site. Thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me.

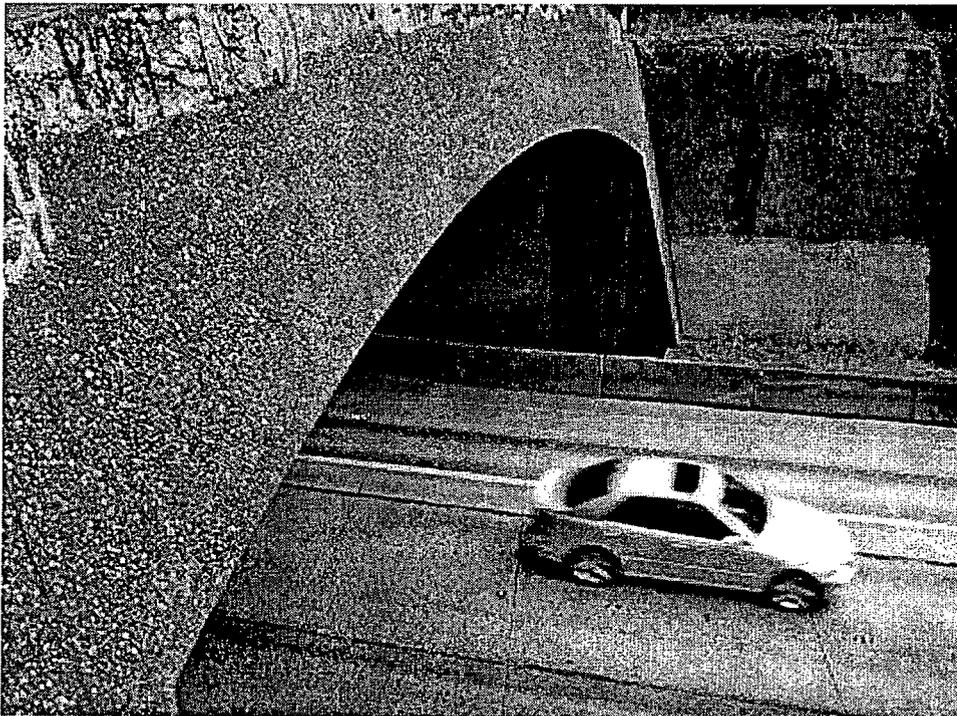
Sincerely,

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

EXHIBIT N-1











CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c) and 8(c)

BNSF Railway Company ("BNSF"), by and through its authorized representative, Sidney L. Strickland, Jr., certifies that on September 29, 2006, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

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

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504

USDA Natural Resource Conservation Service
West 316 Boone Avenue
Suite 450
Spokane, WA 99201

Charles Natsuhara
Area Soil Scientist
Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

Water Quality Department
Department of Ecology
300 Desmond Drive
P.O. Box 47600
Olympia, WA 98504-7600

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452

Jim Green
Seattle District Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

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

U.S. Bureau of Land Management
1103 N Fancher Road
Spokane, WA 97212-1200

Bill Schuger
Bureau of Land Management
Wenatchee Resource Area
915 Walla Walla
Wenatchee, WA 98801

Brian Ward
450 110th Ave NE
P.O. Box 90012
Bellevue, WA 98009

Steve Sarkowsky, City Manager
P.O. Box 90012
Bellevue, WA 98009-9012

Goran G. Sparrman, P.E.
Director, Transportation Department
P.O. Box 90012
Bellevue, WA 98009-9012

Washington State Department of Transportation
Public Transportation and Rail Division
P.O. Box 47387
Olympia, WA 98504-7387

Gregory F. Gress
Chief, Pacific Land Resources Program Center
U.S. National Park Service,
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

Clifford J. Villa
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Matthew Sterner
Transportation Archaeologist
State of Washington
Office of Archeology and Historic
Preservation
P.O. Box 48343
Olympia, WA 98504-8343

Washington State Parks and Recreation Commission
7150 Cleanwater Drive S.W.
P.O. Box 42650
Olympia, WA 98504-2650

Washington Department of Fish and Wildlife
600 Capitol Way N.
Olympia, WA 98501-1091

Larry Fisher
Area Habitat Biologist
State of Washington Department of Fish and Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012

King County Council
516 Third Avenue
King County Courthouse
Room 1200
Seattle, WA 98104

Kathy Koelker
Mayor
City of Renton
1055 South Grady Way
Renton, WA 98057

Eric Temple, President
Spirit of Washington Dinner Train
P.O. Box 835
Renton, WA 98057

Tom Sibley
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

National Oceanic and Atmospheric
Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

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.



Elizabeth E. Waite
Sidney Strickland and Associates, PLLC
3050 K St. N.W.,
Suite 101
Washington, D.C. 20007

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

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

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Ms. Rutson:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

Sincerely,


Sidney L. Strickland, Jr.
Enclosure
SLS/eew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

USDA Natural Resource Conservation Service
West 316 Boone Avenue
Suite 450
Spokane, WA 99201

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Sir or Madam:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB’s independent environmental and historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB’s environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001, Telephone (202) 565-1545, and refer to the above Docket No. AB-6 (Sub. No. 453X). Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to the undersigned) would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning this proposal, please contact the undersigned by telephone at (202) 338-1325 or by mail at Sidney Strickland and Associates, PLLC, 3050 K Street, N.W., Suite 101, Washington, DC 20007.

Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Charles Natsuhara
Area Soil Scientist
Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Natsuhara:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

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TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Water Quality Department
Department of Ecology
300 Desmond Drive
P.O. Box 47600
Olympia, WA 98504-7600

***Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Sir or Madam:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452

Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment Exemption – in King County, WA

Dear Mr. Shervey:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Jim Green
Seattle District Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Green:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Thank you in advance for your cooperation.

Sincerely,



Sidney L. Strickland, Jr.

Enclosure

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

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

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Berg:

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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

U.S. Bureau of Land Management
103 N Fancher Road
Spokane, WA 97212-1200

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Sir or Madam:

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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
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TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Bill Schuger
Bureau of Land Management
Wenatchee Resource Area
915 Walla Walla
Wenatchee, WA 98801

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Schuger:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
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SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K St. N.W., SUITE 101
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Brian Ward
450 110th Ave NE
P.O. Box 90012
Bellevue, WA 98009

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Ward:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Sidney L. Strickland, Jr.

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Steve Sarkowsky, City Manager
P.O. Box 90012
Bellevue, WA 98009-9012

***Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr. Sarkowsky:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Sincerely,


Sidney L. Strickland, Jr.

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SIDNEY L. STRICKLAND, JR.
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September 29, 2006

Goran G. Sparrman, P.E.
Director, Transportation Department
P.O. Box 90012
Bellevue, WA 98009-9012

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Sparrman:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.

Enclosure
SLS/ew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Washington State Department of Transportation
Public Transportation and Rail Division
P.O. Box 47387
Olympia, WA 98504-7387

***Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Sir or Madam:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Gregory F. Gress
Chief, Pacific Land Resources Program Center
U.S. National Park Service,
Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Gress:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Clifford J. Villa
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Villa:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Matthew Sterner
Transportation Archaeologist
State of Washington
Office of Archeology and Historic Preservation
P.O. Box 48343
Olympia, WA 98504-8343

***Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Log: 082506-03-STB

Dear Mr. Sterner:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Washington State Parks and Recreation Commission
7150 Cleanwater Drive S.W.
P.O. Box 42650
Olympia, WA 98504-2650

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Sir or Madam:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Sidney L. Strickland, Jr.

Enclosure

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Washington Department of Fish and Wildlife
600 Capitol Way N.
Olympia, WA 98501-1091

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Sir or Madam:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Sincerely,


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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Larry Fisher
Area Habitat Biologist
State of Washington Department of Fish and Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

Dear Mr. Fisher:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

King County Council
516 Third Avenue
King County Courthouse
Room 1200
Seattle, WA 98104

Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment Exemption – in King County, WA

Dear Sirs or Madams:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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Enclosure
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FAX: 202-672-5399

SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Kathy Koelker
Mayor
City of Renton
1055 South Grady Way
Renton, WA 98057

***Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Ms. Koelker:

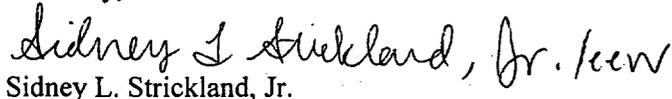
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Eric Temple, President
Spirit of Washington Dinner Train
P.O. Box 835
Renton, WA 98057

Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment Exemption – in King County, WA

Dear Mr. Temple:

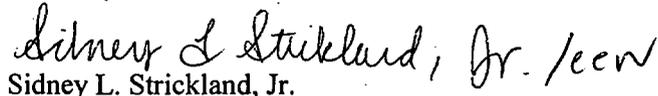
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Tom Sibley
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment Exemption – in King County, WA

Dear Mr. Sibley:

On or about October 19, 2006, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.65 miles of railroad line between Milepost 10.60 and Milepost 11.25, near Wilburton in King County, WA (the “Line”). Attached are Environmental and Historic Reports describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

National Oceanic and Atmospheric Administration
National Geodetic Survey
1315 East-West Highway
Silver Springs, MD 20910-3282

*Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA*

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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

September 29, 2006

Washington Utilities and Transportation Commission
P.O. Box 47250
Olympia, WA 98504

**Re: STB Docket No. AB-6 (Sub. No. 453X) BNSF Railway Company—Abandonment
Exemption – in King County, WA**

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