

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

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SIDNEY L. STRICKLAND, JR
SIDNEY.STRICKLAND@STRICKLANDPLLC.COM

May 11, 2007

Vernon A. Williams, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423

ENTERED
Office of Proceedings

MAY 11 2007

**Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company — Part of
Abandonment Exemption – in King County, WA Public Record**

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

FEE RECEIVED

MAY 11 2007

**SURFACE
TRANSPORTATION BOARD**

FILED

MAY 11 2007

**SURFACE
TRANSPORTATION BOARD**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**



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

**DOCKET NO. AB-6
(SUB. NO. 459X)**

**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**

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Office of Proceedings
MAY 11 2007
Part of
Public Record**

Attorneys for BNSF Railway Company

**FILED
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SURFACE
TRANSPORTATION BOARD**

DATE FILED: May 11, 2007

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SURFACE TRANSPORTATION BOARD**

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

**DOCKET NO. AB-6
(SUB. NO. 459X)**

**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 Engineering Station 73 + 58 and Engineering Station 84 + 26, in Seattle, King County, Washington (the “Line”), a total distance of 0.20 miles.

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 May 11, 2007, which is July 2, 2007

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 I. 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 98134.
- (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 CFR §§ 1152.50(d)(1) and 1105.11*

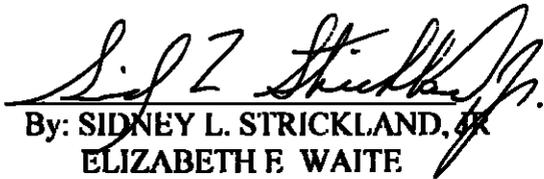
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

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 F. 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. May 11, 2007

APPENDIX 1

Detailed Map of the Line

SEATTLE, WASHINGTON TRACKAGE

SEATTLE

ES 84 + 26
ES 73 + 58

NORTH

LEAD OFF LINE SEGMENT 51



APPENDIX 2

Certification 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, Susan Odom, being duly sworn depose and state that, as Manager, Network Strategy 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 459X), no local traffic has moved on the line for at least two (2) years prior to the date hereof Also, there is no overhead traffic handled on the Line to 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.



Susan Odom
Manager, Network Strategy

Subscribed and sworn to
before me the 7th day of May, 2007.





Dalen E Wintermute

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. 459X) was mailed via first class mail on April 26, 2007 to the following parties:

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

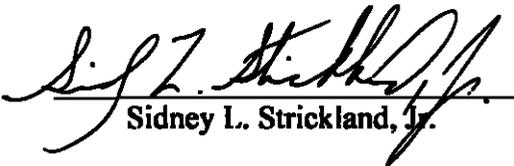
Military Traffic Management Control
Attn: Railroads for National Defense
720 Thimble Shoals Boulevard, #130
Newport News, VA 23606-2574

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

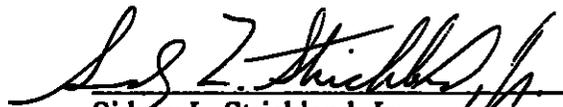
Washington State Department of Transportation
Public Transportation and Rail Division
401 Second Avenue S, Suite 560
Seattle, WA 98104-3850

Dated May 11, 2007


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 May 1, 2007. A copy of the publication is attached.



Sidney L. Strickland, Jr.
Sidney Strickland and Associates, PLLC
3050 K Street, NW
Suite 101
Washington, DC 20007
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Fax: (202) 295-3854

380 Legal Notices

STB Docket No. AB-47-77
(Sub No. 69X) 1977

NOTICE OF INTENT TO ABANDON RAIL SERVICE

BNSF RAILWAY COMPANY (BNSF) gives notice, that on or about May 7, 1977, it intends to file with the Surface Transportation Board (the Board) Washington, DC 20423, a notice of intention under 49 CFR 1152 Subpart F, Exempt Abandonments permitting the abandonment of the 0.20 miles of rail road line between Engineering Station 71 + 58 and Engineering Station 84 + 26, in Seattle King County, Washington. The rail line traverses through United States Postal Service Zip Code 98134. The proceedings will be docketed as 51 Bx Docket No. AB 4 (Sub No. 69X) 1977.

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 engineering 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 202 245-0200.

Appropriate offers of financial assistance to continue rail service can be filed with the Board Pursuant to commercial conditions public use conditions or rail banking. Offers also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as traffic, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 395 F Street, S.W., Washington, DC 20423-0001. See 49 CFR 1184.1(a) and 1184.3(a), and one copy must be served on applicant's representative. See 49 CFR 1184.12(a). Questions regarding offers of financial assistance, public use, or traffic use may be directed to the Board's Office of Congressional and Public Services at 202 245 0230. Copies of any comments or requests for conditions should be served on the applicant's representative. Sidney Strickland, Jr., Sidney Strickland and Associates, P.L.C., 3050 K Street, N.W., Suite 1101, Washington, DC 20007 5168 (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 April 16, 2007, 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
395 E Street, S W.
Washington D C. 20423-0001**

**Charles Natsuhara
USDA Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372**

**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
Post Office Box 3755
Seattle, Washington 98124-3755**

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

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

**Loree Randall
Shore Lands and Coastal Zone Management
Program
P O. Box 47600
Olympia, WA 98504-7600**

**Bill Schuger
U.S. Bureau of Land Management
Wenatchee Resource Area
915 Walla Walla
Wenatchee, WA 98801**

**Washington State Department of Transportation
Public Transportation and Rail Division
401 Second Avenue S, Suite 560
Seattle, WA 98104-3850**

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

**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**

**Matthew Sterner, Transportation Archaeologist
Department of Archaeology and Historic Preservation
P O. Box 48343
Olympia, WA 98504-8343**

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

**Sue Putnam
Attn: Public Resources Center
City of Seattle, Department of Planning and Development
700 5th Ave
Suite 2000
P O Box 34019
Seattle, WA 98124-4019**

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

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

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

**Dr. Thomas Sibley
Washington Habitat Branch
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070**

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. 459X)**

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: April 16, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

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

**DOCKET NO. AB-6
(SUB. NO. 459X)**

**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), 395 E Street, S.W., Washington, DC 20423. There is information in the Applicant's files to indicate that the rail line covered by these Reports does not contain any federally granted rights-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 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, in Seattle, 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 any 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 will be 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 will be removed last. Culverts and the rail line embankment will stay intact so as not to alter the prevailing waterflows along the line. Any bridge pilings will be 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 not permitted 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 should not be disrupted. In this instance, there are no bridges on the Line and BNSF is not aware of any other structures. A map of the Line is attached as Exhibit A.

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

The proposed abandonment will have no effect on existing transportation systems or patterns as there has been no local traffic on the Line for over two years and there is no overhead traffic to be rerouted.

(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 Seattle Department of Planning and Development (“DPD”) indicates the abandonment would be consistent with the City of Seattle Comprehensive Plan. DPD further indicates the City of Seattle would like the option of the property remaining in public hands after the abandonment in order to incorporate it into a trail system. Finally, the City indicates the abandonment may require permits from the City. See Exhibit B, letter dated March 30, 2007, from Sue Putnam, Manager, Public Resource Center, City of Seattle, Department of Planning and Development.

BNSF notified the Washington State Department of Transportation, Public Transportation and Rail Division ("WSDOT") by a letter dated January 17, 2007. See Exhibit C. As of the date of this report, WSDOT has not responded. BNSF will provide the Board copies of any response it may receive.

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

The proposed abandonment should have no effect on prime agricultural lands. The Natural Resources Conservation Service ("NRCS") indicates that "the proposed abandonment will have no effect on any prime agricultural farmlands." See Exhibit D, letter dated January 24, 2007, from Charles Natsuhara, Area Soil Scientist, Natural Resources Conservation Service, U.S. Department of Agriculture.

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

N/A

(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 should be suitable for alternative public use.

As noted above, DPD indicates the City would like to keep the property in public hands in order to incorporate it into a trail system. See Exhibit B, letter dated March 30, 2007, from Sue Putnam, Manager, Public Resource Center, City of Seattle, Department of Planning and Development.

Also as indicated above, WSDOT was notified by letter dated January 17, 2007. See Exhibit C. As of the date of this report, WSDOT has not responded.

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

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy 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 there is no overhead traffic to be rerouted.

(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 there is no overhead traffic to be rerouted.

(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 there is no overhead traffic to be rerouted.

(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 there is no overhead traffic to be rerouted.

(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 there is no overhead traffic to be rerouted

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

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

(C) An average increase in truck traffic of more than 10% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply

The 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 there is no overhead traffic to be rerouted.

(ii) 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 are no public crossings 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 an accidental release of hazardous materials

The abandonment will not result in the transportation of hazardous materials

(11) 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 is no known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way

(8) Biological Resources:

(1) 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") indicates it recently developed a website where BNSF can obtain species lists electronically and directed BNSF to the website. FWS further indicates that 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. See Exhibit E, undated letter from Ken S Berg, Manager, Western Washington Fish and Wildlife Office, U. S. Fish and Wildlife Service, U S Department of the Interior. As recommended, BNSF consulted the FWS website to obtain a species list. See Exhibit F.

We contacted the Washington Department of Fish and Wildlife ("WDFW") and they indicate that there are no fish or wildlife issues related to this proposed abandonment. WDFW also indicates: "To obtain more complete information concerning critical habit 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.” See Exhibit G, letter dated January 31, 2007, from Larry Fisher, Area Habitat Biologist, Washington Department of Fish and Wildlife. As indicated above, we contacted the U S Fish and Wildlife Service. We also contacted the National Marine Fisheries Service (“NMFS”).

The NMFS indicates the “proposed action will have no effects to listed species or critical habitat that are under the jurisdiction of the National Marine Fisheries Service.” See Exhibit II, electronic correspondence dated March 20, 2007, from Tom Sibley, National Marine Fisheries Service.

(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”) indicates “there are no National Park Service Units within the proposed project impact area.” See Exhibit I, letter dated February 9, 2007, from Gregory F. Gress, Chief, Pacific West Region, National Park Service, U S Department of the Interior.

The Bureau of Land Management (“BLM”) indicates, via phone conversation with Bill Schuger, Wenatchee Resource Area, U S Bureau of Land Management, U S Department of the Interior, that the BLM has no jurisdiction over lands in the proposed abandonment area. Mr Schuger can be reached at (509) 665-2100. BLM has no additional comments

The Washington State Parks and Recreation Commission also comments and indicates it does not own any property that could be affected by the abandonment of the rail line. See Exhibit J, electronic correspondence dated March 15, 2007, from Tye Toebbe, Property & Acquisition Specialist I, Washington State Parks and Recreation Commission

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The proposed exemption should be consistent with applicable Federal, State or local water quality standards. BNSF contacted the Washington Department of Ecology ("WDOE"). WDOE indicates the project does not need to apply for coverage under the State of Washington's general National Pollutant Discharge Elimination System ("NPDES") permit for Construction Stormwater discharge. WDOE adds the project could be required to obtain coverage under the State's NPDES permit program during construction if operations cause significant pollution of storm water runoff. See Exhibit K, electronic correspondence dated February 20, 2007, from Gerald Shervey, PE, Washington Department of Ecology, NW Regional Office.

(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") indicates "the Corps does not require permits to remove existing railway structures from navigable or non-navigable waters." See Exhibit L, electronic correspondence dated March 13, 2007, from Jim Green, Project Manager, South Puget Sound Section, Army Corps of Engineers, Department of the Army.

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

The U S Army Corps of Engineers ("CORPS") indicates: "if BNSF needs to know if the proposed abandonment will affect floodplains or designated wetlands, they must hire a consultant to go out and do a site visit and submit the reports." See Exhibit L, electronic correspondence dated March 13, 2007, from Jim Green, Project Manager, South Puget Sound Section, Army Corps of Engineers, Department of the Army.

In regards to floodplains, the DPD also commented and indicates. "The work of the abandonment, as described in your letter of January 17, 2007 may require permits from the City. You or the winning bidder should contact the Department of Planning and Development to determine what permits would be necessary and what application materials and fees would be required." See Exhibit B, letter dated March 30, 2007, from Sue Putnam, Manager, Public Resource Center, City of Seattle, Department of Planning and Development.

(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 ("CWA") should not be required for the proposed action. The U.S. Environmental Protection Agency ("EPA") indicates if the proposed action involves salvage activities then CWA requirements may be implicated. The EPA further indicates in Washington State, the CWA NPDES permit program has been delegated to the WDOE. See Exhibit M, letter dated January 25, 2007, from Clifford J. Villa, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region 10. As noted above, BNSF contacted the WDOE.

As mentioned above, the WDOE indicates the project does not need to apply for coverage under the State of Washington's general NPDES permit for Construction Stormwater discharge. WDOE adds the project could be required to obtain coverage under the State's NPDES permit program during construction if operations cause significant pollution of storm water runoff. See Exhibit K, electronic correspondence dated February 20, 2007, from Gerald Shervey, PE, Washington Department of Ecology, NW Regional Office

(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 Rainier Commons trackage is located in Southeast Seattle in the city's principal industrial district. Seattle, the seat of King County, is part of the Seattle-Tacoma-Bellevue metropolitan area and had a 2000 census population of 563,374. The right of way for the Seattle trackage, generally 30 feet in width, was originally constructed by Northern Pacific Railroad Company in 1905. It runs north-south between South Stevens and South Horton streets. Interstate 5 separates the site from historic Beacon Hill to the east. 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.

- (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,

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action,

In 1970, Northern Pacific Railway Company merged with Great Northern Railway Company, Pacific Coast Railroad Company and Chicago, Burlington & Quincy Railroad Company to become Burlington Northern Inc. The latter changed its name to Burlington Northern Railroad Company ("BNRR") in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, which name was changed to BNSF Railway Company in January 2005.

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

(6) 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 Washington State Department of Archaeology and Historic Preservation (“DAHP”) indicates there is one archaeological property identified in DAHP’s GIS database as adjacent to the proposed abandonment, but is not eligible for inclusion on the National Register of Historic Places. Finally, DAHP requests documentation supporting BNSF’s statement that there are no buildings or structures older than 50 years within the abandonment area. See Exhibit N, letter dated January 29, 2007, from Matthew Sterner, M.A., RPA, Transportation Archaeologist, Washington State Department of Archaeology and Historic Preservation.

By separate correspondence, DAHP indicates: “As [it] stated in [its] letter to you of January 29, 2007, the proximity of a previously identified archaeological site must be taken into account when considering this abandonment. At minimum, please provide information on what abandonment of this railroad line means in this context.” Finally, as stated above, DAHP request that BNSF send it information supporting the finding of no bridges or structures that are 50 years old or older. See Exhibit O, letter dated March 13, 2007, from Matthew Sterner, M.A., RPA, Transportation Archaeologist, Washington State Department of Archaeology and Historic Preservation.

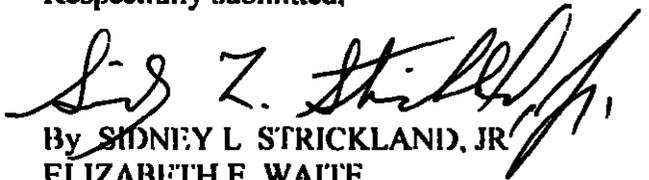
By further separate correspondence, DAHP indicates: “After several follow up telephone conversations with Ms. Susan Odom, Burlington Northern & Santa Fe, concerning the potential for historic properties associated with this abandonment, the Department of Archaeology and Historic Preservation (DAHP)

has determined that no historic resources will be affected by your proposed undertaking” See Exhibit P, letter dated March 28, 2007, from Matthew Sterner, M A , RPA, Transportation Archaeologist, Washington State 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, or any environmental conditions that might affect the archeological recovery of resources and the surrounding terrain

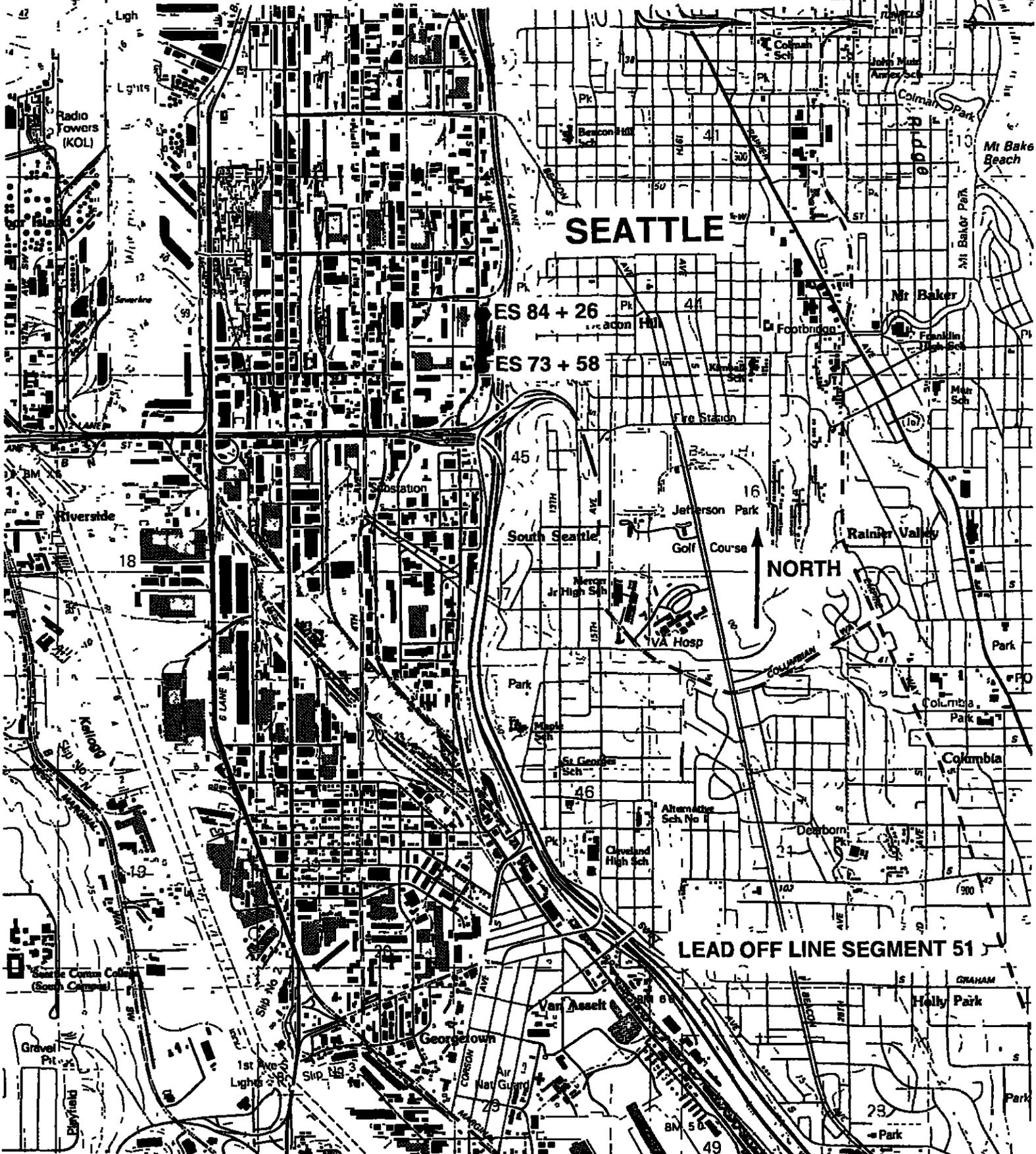
Respectfully submitted,



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. April 16, 2007

SEATTLE, WASHINGTON TRACKAGE





City of Seattle

EXHIBIT B

Gregory J. Nickels Mayor

Department of Planning and Development

Diane M. Sugimura, Director

Sidney Strickland
Sidney Strickland and Associates, PLLC
3050 K Street NW, Suite 101
Washington, DC 20007-5108

March 30, 2007

Re STB Docket No AB-6 (Sub No 459X) BNSF Railway Company – Abandonment
Exemption in King County, WA

Dear Sir,

The abandonment of 2 miles of railroad track as described above, would be consistent with the City of Seattle Comprehensive Plan. The City would like to keep open the option of the property remaining in public hands after the abandonment in order to incorporate it into a trail system.

The work of the abandonment, as described in your letter of January 17, 2007 may require permits from the City. Your or the winning bidder should contact the Department of Planning and Development to determine what permits would be necessary and what application materials and fees would be required.

Sincerely,

Sue Putnam
Sue Putnam, Manager
Public Resource Center
206-684-8275



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

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

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST N W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE 202-338-1325
FAX 202-295-3854

EXHIBIT C

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

January 17, 2007

Washington State Department of Transportation
Public Transportation and Rail Division
401 Second Avenue S, Suite 560
Seattle, WA 98104-3850

*Re: STB Docket No AB-6 (Sub. No 459X) 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 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26 near Seattle in King County, Washington

The proposed abandonment may include the removal of the rails and ties, including any 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 should not be disrupted.

As part of the environmental report, BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a highway relocation project and/or recreational trail.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by February 14, 2007. 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/ew



Natural Resources Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372
(253) 845-9272 Fax (253) 446-9934

January 24, 2007

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 459X) BNSF Railway Co
Abandonment Exemption – King County, WA

Dear Mr Strickland

As per your letter dated January 17, 2007 I have reviewed the area of the proposed railroad line abandonment between ES 73+58 and ES 84+26 in King County Washington. 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 E

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/SL_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/

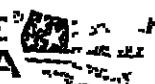
When you submit a request for section 7 consultation, we request that you include your downloaded species list, and the date it was downloaded, as an attachment. This will document your compliance with 50 CFR 402.12 (c)

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

TAKE PRIDE
IN AMERICA 

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

3050 K ST N W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE. 202-338-1325
FAX: 202-295-3854

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

January 17, 2007

John Grettenberger
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 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr Grettenberger

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") an Exemption seeking authority in the above docket to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26 near Seattle in King County, Washington

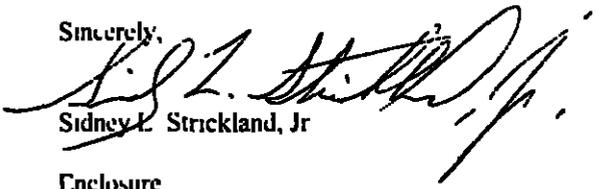
The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden 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 should not be disrupted.

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 February 14, 2007. 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
SI S/ew

The following agencies were sent initial letters in preparation for the abandonment of the rail line in STB Docket No AB-6 (Sub No 459X) BNSF Railway Company—Abandonment Exemption – in King County, WA

Charles Natsuhara
USDA Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

Jim Green
Seattle District Corps of Engineers
Post Office Box 3755
Seattle, Washington 98124-3755

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

City of Seattle, Department of Planning and
Development
700 5th Ave
Suite 2000
P O Box 34019
Seattle, WA 98124-4019

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

Matthew Sterner, Transportation Archaeologist
Department of Archaeology and Historic
Preservation
P O Box 48343
Olympia, WA 98504-8343

Larry Fisher
Area Habitat Biologist
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

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

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

City of Seattle, Department of Planning and Development
Attn Public Resources Center
700 5th Ave
Suite 2000
P O Box 34019
Seattle, WA 98124-4019

Washington State Department of Transportation
Public Transportation and Rail Division
401 Second Avenue S, Suite 560
Seattle, WA 98104-3850

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

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

Loree Randall
Shore Lands and Coastal Zone Management
Program
P O Box 47600
Olympia, WA 98504-7600

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

(Revised December 20, 2005)

KING COUNTY

EXHIBIT F

LISTED

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

There are five bald eagle communal winter night roosts located in the county.

There are two bald eagle wintering concentrations located in the county along the Skykomish-Beckler-Tye Rivers and Foss River.

There are 38 bald eagle nesting territories located in the county. Nesting activities occur from about January 1 through August 15.

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

Canada lynx (*Lynx canadensis*) may occur in the county.

Gray wolves (*Canis lupus*) may occur in the county.

Grizzly bears (*Ursus arctos* = *U. a. horribilis*) may occur in the county.

Marbled murrelets (*Brachyramphus marmoratus*) occur in the county. Nesting murrelets occur from April 1 through September 15.

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

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

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

avoidance of the project area

Arenaria paludicola (marsh sandwort) may occur in the county

Castilleja levisecta (golden paintbrush) may occur in the county.

Major concerns that should be addressed in a Biological Assessment of listed plant species include

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

DESIGNATED

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

Critical habitat for the marbled murrelet has been designated in King County

Critical habitat for the bull trout has been designated in King County.

PROPOSED

None

CANDIDATE

Fisher (*Martes pennanti*) (West Coast distinct population segment)

Yellow-billed cuckoo (*Coccyzus americanus*)

SPECIES OF CONCERN

Beller's ground beetle (*Agonum belleri*)

California wolverine (*Gulo gulo luteus*)

Cascades frog (*Rana cascadae*)

Hatch's click beetle (*Eanus hatchi*)

Larch Mountain salamander (*Plethodon larselli*)

Long-eared myotis (*Myotis evotis*)

Long-legged myotis (*Myotis volans*)

Northern goshawk (*Accipiter gentilis*)

Northern sea otter (*Enhydra lutris kenyoni*)

Northwestern pond turtle (*Emys* (= *Clemmys*) *marmorata marmorata*)

Olive-sided flycatcher (*Contopus cooperi*)
Pacific lamprey (*Lampetra tridentata*)
Pacific Townsend's big-eared bat (*Corynorhinus townsendii townsendii*)
Peregrine falcon (*Falco peregrinus*)
River lamprey (*Lampetra ayresi*)
Tailed frog (*Ascaphus truei*)
Valley silverspot (butterfly) (*Speyeria zerene bremeri*)
Western toad (*Bufo boreas*)
Aster curtus (white-top aster)
Botrychium pedunculatum (stalked moonwort)
Cimicifuga elata (tall hughane)



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

January 31, 2007

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. 459X) 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 0.20 miles of railroad line which is proposed to be abandoned near Seattle 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 and a site review, there are no fish or wildlife issues related to this proposed railway abandonment exemption.

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



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

EXHIBIT I

February 9, 2007

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

**Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Company Abandonment
Exemption – in King County, WA**

Dear Mr. Strickland:

Based on the map that your office sent to us on January 17, 2007, showing the segment of 0.20 miles railroad line to be abandoned between Engineering Station 73 + 58 and Engineering Station 84 + 26 near Seattle 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

**TAKE PRIDE
IN AMERICA** 



Home [Compose](#) [Address Book](#) [Options](#) [Logout](#) Username: **Ian Thomas**
(ian.thomas@stricklandplc.com)

Message

Inbox (15)

Drafts

Deleted Items

Sent

Delete **Delete permanently**

From: "Toebe, Tye (PARKS)" <Tye.Toebbe@parks.wa.gov>

To: ian.thomas@stricklandplc.com

Subject:

Date: 15-Mar-07 02:43 PM

Attachments:

Reply

Reply To All

Forward

InLine Text

Move to

Deleted Items

Go

< Previous

Next >

Close

Hi Ian,

State Parks does not own any property that could be affected by the abandonment of the specified rail line section

Thanks for your time,

Tye Toebe
Property & Acquisition Specialist 1
Washington State Parks and Recreation
7150 Cleanwater Drive SW
PO Box 42650
Olympia, WA 98504-2650
360-902-8658 Direct Line
360-902-8840 Fax

Add Folder

Edit Folder

Search

Search all folders

Go

Search Inbox

Go

Advanced Search

EXHIBIT J



Home Compose Address Book Options Logout Username: Liz Waite (liz.waite@stricklandpllc.com)

- Inbox (17)**
- Drafts**
- Deleted Items (20)**
- Sent**
- More Sent**
- Scheduled**

Message

Delete **Delete permanently** Move to Deleted Items [Go](#)

From: "Shervey, Jerry (ECY)" <GSHE461@ecy.wa.gov>
To: liz.waite@stricklandpllc.com
Subject: STB Docket No. AB-6 (Sub No 459X) BNSF Railway Abandonment
Date: 20-Feb-07 02:59 PM
Attachments: ab-6sub459xBNSFSea.pdf

Reply **Reply All** **Forward**
 InLine Text

< Previous | Next > | Close

Please contact Chris Dew or Bob Penhale in the future for these inquiries. I was filling in for Mr Penhale on a temporary basis when your firm inquired about permit coverage for the Wilberton area railway abandonment. Mr Dew and I agreed that I would respond to this inquiry.

Based on the description you have provided in your letter to me on January 17, 2007, this project does NOT need to apply for coverage under the State of Washington's general NPDES (CWA sec 402) permit for Construction Stormwater discharge. The project removes rails and ties for 0.20 miles (also, 30' wide work area is about 0.75 acres), so it does not qualify as clearing, grading and/or excavation. I have attached an image from the USGS National Map Viewer website. This railway abandonment is located between Airport Way and I-5 just north of the West Seattle Freeway. No structures or water crossings are apparent in the work area shown on the map enclosed in the letter to me. This work effort should still use all known reasonable methods to prevent pollution from the work area.

The Department of Ecology can require a project to obtain NPDES permit coverage if the project is deemed to be a "significant contributor of pollutant" to waters of the State. The project as described does not require coverage under the State NPDES Construction Stormwater General Permit, but could be required to obtain coverage during construction if operations cause significant pollution of storm water runoff. Please check with us again if the project scope or description changes from what you have described in the letter. <ab-6sub459xBNSFSea.pdf>

Gerald Shervey, PE

Washington Department of Ecology

NW Regional Office

Add Folder

Edit Folder

3190 160th Ave SE

Bellevue, WA 98008-5452

gshe461@ecy.wa.gov

voice (425) 649-7215 Cell 206 799 2329 fax (425) 649-7098

work hours 7:30am to 5:30pm Monday-Thursday, alternate Fridays off

Search all folders



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EXHIBIT L

Home Compose Address Book Options L

- Inbox (14)**
- Drafts**
- Deleted Items**
- Sent**

Message

|
 D

From: "Green, James D NWS" <James_D.Green@nws02.usace.army.mil>
To: Ian Thomas <ian.thomas@stricklandplc.com>
Subject: RE Proposed Railroad Abandonment, Seattle, WA
Date: 13-Mar-07 01:10 PM

InLine Text

Mr Thomas Thank you for providing the letter via email I recommend this as a preferred method of correspondence in the future In the future, please provide a better description of the site I have no way of knowing where **Engineering Stations 73+58 and 84+26** are Also, if the BNSF needs to know if the proposed abandonment will affect floodplains or designated wetlands, they must hire a consultant to go out and do a site visit and submit the reports The Corps does not know where every square foot of wetlands exist or the exact locations of floodplains

In response to your letter, the Corps does not require permits to remove existing railway structures from navigable or non-navigable waters A permit is only required if the work involves the discharge of fill materials

Jim Green, Project Manager
 South Puget Sound Section
 (206) 764-6906

-----Original Message-----
 From: Ian Thomas [mailto:ian.thomas@stricklandplc.com]
 Sent: Tuesday, March 13, 2007 8:33 AM
 To: Green, James D NWS
 Subject: Proposed Railroad Abandonment, Seattle, WA

Hi Mr Green,

Attached is the January 17, 2007 letter regarding the proposed railroad abandonment in Seattle, WA Could you please prepare a response and send to me via email? Thank you very much for your time and help

Best,
 Ian Thomas

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January 25, 2007

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 459X) BNSF Railway Company—
Abandonment Exemption—in King County, WA

Dear Mr Strickland

The U S Environmental Protection Agency (EPA) has reviewed your letter to me dated January 17, 2007, concerning the abandonment proceeding referenced above. This abandonment concerns approximately 0.20 miles of railroad line in Seattle, 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.

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 (CWA) 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 CWA requirements may be implicated. In particular, if salvage activities involve clearing, grading or excavation that will disturb more than one acre of land, such activities must comply with requirements for obtaining a permit under the CWA 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 issues NPDES permits 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@ccy.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,

A handwritten signature in black ink, appearing to read "Clifford J. Villa". The signature is fluid and cursive, with the first name being the most prominent.

Clifford J. Villa
Assistant Regional Counsel



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

January 29, 2007

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 012907-06-S1B
Property BNSF Abandonment (AB-6, Sub No 459X), King County
Re More Information Needed

Dear Mr Strickland, Jr

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP) The BNSF Abandonment (AB-6), King County, has been reviewed on behalf of the State Historic Preservation Officer under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800 One archaeological property was identified in our GIS database as adjacent to the proposed abandonment Site 45K1688 represents a large historical-period refuse deposit that has been reviewed by this office and determined to be not eligible for inclusion on the National Register of Historic Places We have no additional information on properties that might be affected by this undertaking

This finding does not constitute a comprehensive cultural resources review of your project area. You stated in your initial correspondence that there are no buildings or structures older than 50 years within the proposed abandonment area Please provide the documentation to support this statement If a cultural resources review was conducted for the project, please provide a copy to this office

Please note that DAHP has developed a set of cultural resource reporting guidelines You can obtain a copy of these guidelines from our Web site Thank you for the opportunity to review and comment

Sincerely,

[Handwritten signature]

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





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

March 13, 2007

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 012907-06-STB
Property BNSF Abandonment A13-6 (Sub-No 459X), King County, Washington
Re Review Comments

Dear Mr Strickland, Jr

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP) with your letter of March 7, 2007. As I stated in my letter to you of January 29, 2007, the proximity of a previously identified archaeological site must be taken into account when considering this abandonment. At a minimum, please provide information on what abandonment of this railroad line means in this context. I cannot evaluate the effects to known archaeological resources unless I understand the nature of the action.

Section 106 of the National Historic Preservation Act mandates that all federal actions be reviewed by a qualified professional (an individual that meets the Secretary of the Interior's standards) for their potential to effect cultural resources. You have stated in both of your correspondences that there are no bridges, buildings, or structures older than 50 years of age. In my January response, I requested that you provide the documentation to support this statement. I will again request that you provide the name of the qualified professional who is making this determination for you.

Please note that DAHP has developed a set of cultural resource reporting guidelines. You can obtain a copy of these guidelines from our Web site. Thank you for the opportunity to review and comment.

Sincerely,

Handwritten signature of Matthew Sterner

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





EXHIBIT P

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

March 28, 2007

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 012907-06-STB
Property Abandonment AB-6 (Sub-No 459X), King County, Washington
Re Archaeology - No Historic Properties

Dear Mr Strickland, Jr

After several follow up telephone conversations with Ms Susan Odom, Burlington Northern & Santa Fe, concerning the potential for historic properties associated with this abandonment, the Department of Archaeology and Historic Preservation (DAHP) has determined that no historic resources will be affected by your proposed undertaking

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

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

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

Sincerely,

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



DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

Protect the Past Shape the Future

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 April 16, 2007, 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
395 F. Street, S W
Washington D.C. 20423-0001

Charles Natsuhara
USDA Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

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
Post Office Box 3755
Seattle, Washington 98124-3755

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

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

Loree Randall
Shore Lands and Coastal Zone Management
Program
P O Box 47600
Olympia, WA 98504-7600

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

Washington State Department of Transportation
Public Transportation and Rail Division
401 Second Avenue S, Suite 560
Seattle, WA 98104-3850

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

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

Matthew Sterner, Transportation Archaeologist
Department of Archaeology and Historic Preservation
P.O Box 48343
Olympia, WA 98504-8343

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

Sue Putnam
Attn: Public Resources Center
City of Seattle, Department of Planning and Development
700 5th Ave
Suite 2000
P O Box 34019
Seattle, WA 98124-4019

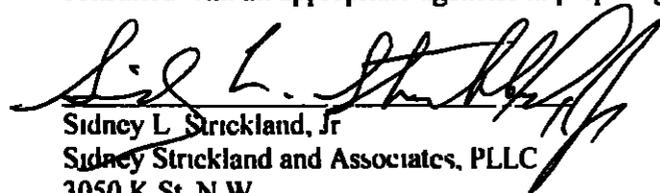
Tye Toebbe
Washington State Parks and Recreation Commission
7150 Cleanwater Drive S W
P O Box 42650
Olympia, WA 98504-2650

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

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

Dr Thomas Sibley
Washington Habitat Branch
National Marine Fisheries Service
7600 Sand Point Way NL
Seattle, WA 98115-0070

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

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND JR
202-338-1325

April 16, 2007

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
395 E Street, S W
Washington D C 20423-0001

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Ms Rutson

On or about May 7, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, near Seattle in King County, Washington (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/cew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR.

April 16, 2007

Charles Natsuhara
USDA Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment Exemption – in King County, WA

Dear Mr Natsuhara

On or about May 7, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, near Seattle in King County, Washington (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, 395 E Street, S.W., Washington, DC 20423-0001, Telephone (202) 245-0295, and refer to the above Docket No. AB-6 (Sub. No. 459X). 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
SLS/ew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR.
ATTORNEY AT LAW

April 16, 2007

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

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr Shervey

On or about May 7, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, near Seattle in King County, Washington (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

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3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND JR.

April 16, 2007

Jim Green
Seattle District Corps of Engineers
Post Office Box 3755
Seattle, Washington 98124-3755

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr. Green

On or about May 7, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, near Seattle in King County, Washington (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/ccw

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX. 202-295-3854

SIDNEY I. STRICKLAND JR.

April 16, 2007

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

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr. Fisher

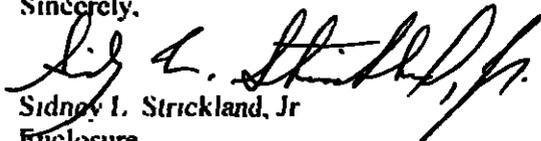
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Thank you in advance for your cooperation.

Sincerely,



Sidney I. Strickland, Jr.

Enclosure

SI S/ew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND, JR.
2007.04.16

April 16, 2007

Ken S Berg
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. 459X) BNSF Railway Company—Abandonment Exemption – in King County, WA

Dear Mr Berg

On or about May 7, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, near Seattle in King County, Washington (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

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WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
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SIDNEY L. STRICKLAND JR.

April 16, 2007

Loree Randall
Shore Lands and Coastal Zone Management Program
P O Box 47600
Olympia, WA 98504-7600

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Ms Randall

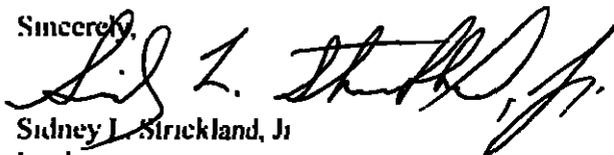
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Sincerely,



Sidney L. Strickland, Jr.

Enclosure

SLS/cew

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N W , SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY I. STRICKLAND, JR.

April 16, 2007

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

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr Schuger

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Thank you in advance for your cooperation

Sincerely,


Sidney I. 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: 202-295-3854

SIDNEY L. STRICKLAND, JR.
Senior Counsel

April 16 2007

Washington State Department of Transportation
Public Transportation and Rail Division
401 Second Avenue S, Suite 560
Seattle, WA 98104-3850

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Sir or Madam

On or about May 7, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, near Seattle in King County, Washington (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.
Enclosure
SLS/ccw

SIDNEY STRICKLAND AND ASSOCIATES, PLLC
3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

SIDNEY L. STRICKLAND JR.
SIDNEY STRICKLAND AND ASSOCIATES, PLLC

April 16, 2007

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. 459X) BNSF Railway Company—Abandonment Exemption – in King County, WA

Dear Mr. Villa

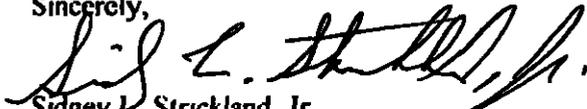
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Thank you in advance for your cooperation.

Sincerely,


Sidney L. Strickland, Jr.
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SIDNEY L. STRICKLAND, JR.
202-338-1325 / 202-295-3854

April 16, 2007

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. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr Gress

On or about May 7, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, near Seattle in King County, Washington (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 AND ASSOCIATES, PLLC

April 16, 2007

Matthew Sterner, Transportation Archaeologist
Department of Archaeology and Historic Preservation
P O Box 48343
Olympia, WA 98504-8343

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr. Sterner

On or about May 7, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.20 miles of railroad line between Engineering Station 73 + 58 and Engineering Station 84 + 26, near Seattle in King County, Washington (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.
ATTORNEY AT LAW

April 16, 2007

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

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Sirs and Madam

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SIDNEY L. STRICKLAND, JR.
ATTORNEY AT LAW

April 16, 2007

Sue Putnam
Attn Public Resources Center
City of Seattle, Department of Planning and Development
700 5th Ave
Suite 2000
P O Box 34019
Seattle, WA 98124-4019

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Ms Putnam

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SIDNEY L. STRICKLAND JR.
Principal, Environmental and Historic Preservation

April 16, 2007

I'ye Ioebbe
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. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Mr. Ioebbe

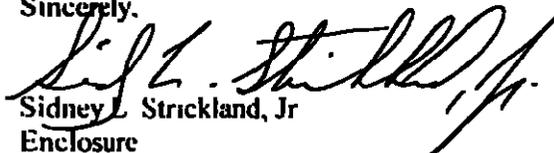
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Sidney L. Strickland, Jr.
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SIDNEY L. STRICKLAND AND JR.
(Signature)

April 16, 2007

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. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

Dear Sir or Madam

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(Signature)
Sidney L. Strickland, Jr.

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SIDNEY L. STRICKLAND JR.
202-338-1325 / 202-295-3854

April 16, 2007

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

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
Exemption – in King County, WA***

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SIDNEY L. STRICKLAND, JR.
2008.04.16.11.15.30 (19.5.07)

April 16, 2007

Dr. Thomas Sibley
Washington Habitat Branch
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

***Re: STB Docket No. AB-6 (Sub. No. 459X) BNSF Railway Company—Abandonment
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