

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@STRICKLANDPLLCCOM

June 22, 2007

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

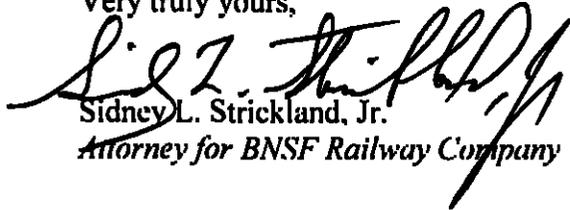
**Re: STB Docket No. AB-6 (Sub. No. 454X) BNSF Railway Company—
Abandonment Exemption – in Multnomah County, OR**

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 \$3,200.00 for the filing fee.

Very truly yours,


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

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Office of Proceedings

JUN 22 2007

Part of
Public Record

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JUN 22 2007

**SURFACE
TRANSPORTATION BOARD**

FILED

JUN 22 2007

**SURFACE
TRANSPORTATION BOARD**

BEFORE THE
SURFACE TRANSPORTATION BOARD



BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN MULTNOMAH COUNTY, OR

DOCKET NO. AB-6
(SUB. NO. 454X)

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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Attorneys for BNSF Railway Company

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SURFACE
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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN MULTONOMAH COUNTY, OR**

**DOCKET NO. AB-6
(SUB. NO. 454X)**

**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 1.88 and Milepost 2.36. near Portland in Multnomah County, Oregon (the "Line"), a total distance of 0.48 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 June 22, 2007, which is August 11, 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 Multnomah 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 97210.

- (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*

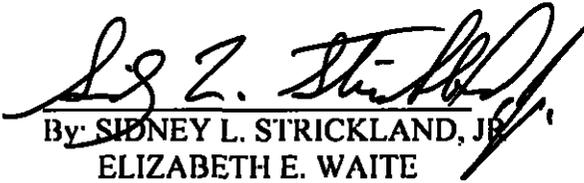
The required certifications are set forth in Appendix 3 to this Notice of Exemption.

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: June 22, 2007

APPENDIX 1

Detailed Map of the Line

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. 454X), 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



Susan Odom
Manager, Network Strategy

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



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. 454X) was mailed via first class mail on June 1, 2007 to the following parties:

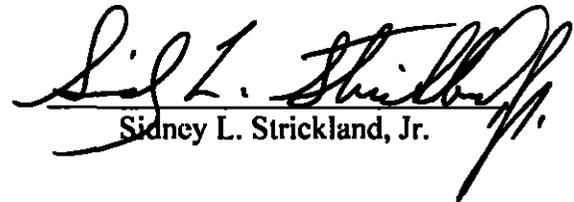
Public Utilities Commission of Oregon
550 Capitol St NE #215
PO Box 2148
Salem, OR 97308-2148

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

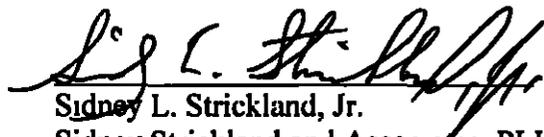
U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W . Yates Building
201 14th Street, SW
Washington, D.C. 20250

Dated June 22, 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 Multnomah County, Oregon: *The Oregonian*. Publication of the notice was accomplished on June 7, 2007. 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) 295-3854

The Oregonian

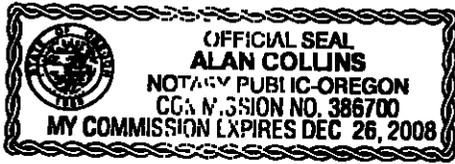
Practically Indispensable.

1320 SW Broadway, Portland, OR 97201-3499

Affidavit of Publication

I, Darlene Dorman, duly sworn depose and say that I am the Principal Clerk Of The Publisher of The Oregonian, a newspaper of general circulation, as defined by ORS 193 010 and 193 020, published in the city of Portland, in Multnomah County, Oregon, that the advertisement, (the printed text of which is shown below or shown in the attached tear sheet) was published without interruption in the entire and regular issue The Oregonian or the issue on the following dates

6/7/2007



Darlene Dorman

Principal Clerk of the Publisher

6/8/07
Subscribed and sworn to before me this date

Alan Collins
Notary

Ad Order Number 0002212822

STB DOCKET NO. AB-6(Sub. No. 454X)

NOTICE OF INTENT TO ABANDON RAIL SERVICE BNSF RAILWAY COMPANY (BNSF) gives notice that on or about June 12, 2007, 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 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland, in Multnomah County, Oregon. The rail line traverses through United States Postal Service Zip Code 97210. The proceeding will be docketed as STB Docket No. AB-6 (Sub No. 454X). 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 202-245-0295. 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, 395 E Street, S W, Washington, DC 20423 [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 202-245-0231. Copies of any comments or requests for conditions should be served on the applicant's representative Sidney Strckland, Sidney Strckland 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 May 23, 2007, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

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

**U.S. Bureau of Land Management
Oregon State Office
P O. Box 2965
Portland, OR 97208**

**Steve Fedje,
District Conservationist
Portland Service Center
NRCS
2701 NW Vaughn Street, Suite 450
Portland, Oregon 97210**

**Phillip C. Ward, Director
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301**

**Oregon Department of
Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204-1390**

**Tom Potter, Mayor
Commissioner of Finance and Administration
1221 SW 4th Ave, Room 340
Portland, Oregon 97204**

**U S. Army Corps of Engineers
Wetlands & Regulatory Permits
P O Box 2946
Portland, OR 97208-2946**

**Robert I. Melbo
Oregon Department of Transportation
Rail Division
555 13th St. S.E.
Salem, OR 97301-4179**

**Kemper McMaster, State Supervisor
U.S. Fish and Wildlife Service
Oregon Fish & Wildlife Office
2600 S.E. 98th Ave Suite 100
Portland, OR 97266**

**Dennis Griffin
State Archaeologist
Oregon Parks and Recreation Dept
State Historic Preservation Office
725 Summer St NE, Suite C
Salem OR 97301**

Mike Zdroy
Real Estate Specialist
Oregon Parks and Recreation Dept.
725 Summer St NE, Suite C
Salem OR 97301

**Oregon Department of
Fish and Wildlife**
3406 Cherry Avenue NE
Salem, OR 97303

**Oregon Coastal and Program Management
Department of Land Conservation and
Development**
800 Oregon Street, NE #18
Portland, OR 97223

Oregon Department of Transportation
355 Capitol Street, NE
Salem, OR 97301-3801

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

Tom Murtagh
District Biologist
17330 SE Evelyn St
Clackamas, OR 97015

Stuart Hirsh, CPL
District Realty Specialist
BLM Salem District Office
1717 Fabry Street, SE
Salem, OR 97306

Karen Font Williams
Oregon Department of
Environmental Quality
Northwest Region – Water Quality
2020 SW 4th Street
Portland, OR 97201

**Oregon Coastal and Program Management
Department of Land Conservation
and Development**
635 Capitol Street, Suite 150
Salem, OR 97301-2540

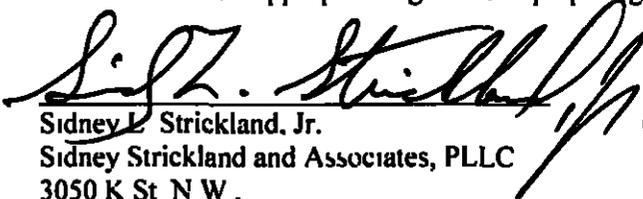
Multnomah County Chair's Office
501 SE Hawthorne Blvd , Suite 600
Portland, OR 97214

Eric Sten
Commissioner of Public Works
1221 SW 4th Avenue
Room 240
Portland, OR 97204

Oregon Coastal and Program Management
Department of Land Conservation
and Development
800 Oregon Street, NE #18
Portland, OR 97223

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 BNSI 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 MULTNOMAH COUNTY, OR**

**DOCKET NO. AB-6
(SUB. NO. 454X)**

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: May 23, 2007

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**BNSF RAILWAY COMPANY --
ABANDONMENT EXEMPTION --
IN MULTNOMAH COUNTY, OR**

**DOCKET NO. AB-6
(SUB. NO. 454X)**

**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 F Street SW, 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 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36, near Portland in Multnomah County, Oregon (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 by removing 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:

(1) 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 Portland ("City") indicates "the particular segment of railroad that is proposed for abandonment occurs along a segment of the City of Portland's recreational trail alignment. The City further indicates that for a number of years, it has envisioned a recreational trail in the location of the subject Line, and "the City looks forward to the continued public use of that [sic] BNSF railroad line as a recreational trail." See Exhibit B, letter dated November 8, 2006, from Tom Potter, Mayor, City of Portland, Oregon.

Also, the Oregon Department of Transportation ("ODOI") was contacted regarding land use plans and indicates that ODOI desires to retain as much of the state's rail system as practicable as an alternative form of transport for Oregon.

businesses. The ODOT further indicates, however, that, “[I]n the instant case we are aware that this line of railroad has served in recent years as an industrial lead while the character of the neighborhood has been changing from industrial to softer uses such as mixed residential and commercial. Consequently, there is little to no need for rail transportation in the immediate area of the proposed abandonment.” Finally, ODOT indicates that the City of Portland should be contacted regarding local land use plans and alternative public uses, as the subject line is fully within the corporate limits of the City of Portland. See Exhibit C, electronic correspondence dated November 15, 2006, from Robert I. Melbo, State Rail Planner, Oregon Department of Transportation-Rail Division. As noted above, BNSF consulted with the City of Portland in preparing this Report.

(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 there is no effect on prime agricultural land from the proposed action. See Exhibit D, electronic correspondence dated October 17, 2006, from Steven D. Fedje, District Conservationist, USDA-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 Oregon Ocean and Coastal Management Program (“OCMP”) indicates the project is located outside the approved coastal zone for the OCMP

The OCMP further indicates that the proposed abandonment site is a substantial distance from the coastal zone boundary, and based on the nature of the project and the distance from the state's coastal zone, there are no reasonably foreseeable effects on coastal uses or resources within the coastal zone that would trigger consistency review. See Exhibit E, letter dated October 25, 2006, from Dale Blanton, AICP, State-Federal Relations Coordinator, Ocean and Coastal Management Program.

(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, the City indicates it is interested in obtaining the land proposed for abandonment for trails use. See Exhibit B, letter dated November 8, 2006, from Tom Potter, Mayor, City of Portland, Oregon.

Also, as noted above, ODOT indicates that although it desires to retain as much of the state's rail system as practicable as an alternative form of transportation, there is little to no need for rail transportation in the immediate area of the proposed abandonment. ODOT also indicates that the City of Portland should be contacted regarding local land use plans and alternative public uses, as the subject line is fully within the corporate limits of the City of Portland. See Exhibit C, electronic correspondence dated November 15, 2006, from Robert I Melbo, State Rail Planner, Oregon Department of Transportation-Rail Division. As noted above, BNSF consulted the City of Portland in preparing these Reports

(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.

(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 are two (2) 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 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") indicates that the Surface Transportation Board ("STB") is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. FWS further indicates a Biological Assessment ("BA") is required for construction projects that are major federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act. FWS also suggests that for projects other than major construction activities, a biological evaluation similar to the BA be prepared to determine any effect on listed and proposed species. Should the STB determine that the project affects endangered or threatened species, FWS recommends the STB contact FWS. FWS notes that should the proposed project affect only candidate species or species of concern, the STB is not required to perform a BA or an evaluation or consult with FWS. Finally, FWS includes a list of threatened and endangered species that may occur within the project area and includes a recommendation of BA content with its

response. See Exhibit F, letter dated November 15, 2006, from the Oregon Fish and Wildlife Office, U.S. Fish and Wildlife Service, United States Department of the Interior, referencing Kevin Maurice as contact.

The Oregon Department of Fish and Wildlife (“ODFW”) indicates it has no resource concerns in the immediate vicinity of the project that might be affected by the physical removal of this section of rail line. ODFW also recommends that all materials, particularly creosote rail ties and oil stained rail bed base rock, be disposed of in a manner that complies with all legal disposal criteria for this state and area. See Exhibit G, electronic correspondence dated November 10, 2006, from Tom Murtagh, District Fish Biologist, Oregon Department of Fish and Wildlife.

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

The National Park Service (“Service”) reviewed the project and determined that “there are no National Park Service units within the proposed project impact area.” See Exhibit H, letter dated October 24, 2006, from Gregory F. Gress, Chief, Pacific Land Resources Program Center, National Park Service, United States Department of the Interior.

The Bureau of Land Management (“BLM”) indicates there are no public lands administered by the BLM adjacent to, or may be affected by, the proposed abandonment. See Exhibit I, electronic correspondence dated October 20, 2006, from Stuart Hirsh, CPL, District Realty Specialist, BLM Salem District Office, Bureau of Land Management.

Finally, the Oregon Parks and Recreation Department (“OPRD”) indicates

that OPRD does not own any land identified as being impacted by the proposed abandonment. OPRD further indicates there is no state park in the proposed impact area. See Exhibit J, electronic correspondence dated October 17, 2006, from Mike Zdroy, Real Estate Specialist, Oregon Parks and Recreation Department.

(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 Oregon Department of Environmental Quality (“ODEQ”) indicates that ODEQ does not require any water permits for the proposed action. ODEQ further states that the map of the proposed area indicates that activities will not take place in or near a water body. The ODEQ further indicates that as long as the abandonment does not result in or contribute pollutants to stormwater discharge, it is unlikely that the abandonment would cause a water quality standards violation. See Exhibit K, electronic correspondence from Karen Font Williams, Northwest Region – Water Quality, Oregon Department of Environmental Quality.

Also, the Environmental Protection Agency (“EPA”) indicates the rail line proposed for abandonment is near the Willamette River, a navigable water, to which any discharge of pollutants would trigger the federal Clean Water Act (“CWA”). Furthermore, the EPA indicates that if the proposed action entails salvage activities such as removal of rails and ties, the CWA also may be implicated, and activities involving clearing, grading, or excavating that will

disturb more than one acre of land must comply with permitting requirements under the CWA National Pollutant Discharge Elimination System (“NPDES”). EPA further indicates that ODEQ provides NPDES permit coverage for stormwater discharges from construction activities in the state of Oregon. Finally, EPA adds the railroad right-of-way proposed for abandonment appears to be *situated in an industrial area and may contain hazardous substances that could present concerns for public safety and the environment.* Accordingly, EPA requests any information related to: (1) “sites where there have been known hazardous spills on the right-of-way”; (2) sampling data BNSF may have on soils in the right-of-way; and (3) primary materials transported along the right-of-way during active rail operations. See Exhibit L, letter dated November 30, 2006, from Clifford J. Villa, Assistant Regional Counsel, Region 10, United States Environmental Protection Agency. As mentioned above, there are no known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way.

(11) 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. BNSF notified the U.S. Army Corps of Engineers (“Corps”) by a letter dated October 12, 2006. See Exhibit M. As of the date of this report, the Corps has not responded. BNSF will provide the Board copies of any response it may receive.

The proposed abandonment should not affect any 100-year flood plains. BNSF notified Eric Sten, Commissioner, Portland Public Works, by a letter dated

October 12, 2006. See Exhibit N. As of the date of this report, Mr. Sten has not responded. BNSF will provide the Board copies of any response it may receive

(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 should not be required for the proposed action. As stated above, the ODEQ indicates it does not require any water permits for the proposed action. The ODEQ further states that the map of the proposed area indicates that activities will not take place in or near a water body, and as long as the abandonment does not result in or contribute pollutants to stormwater discharge, it is unlikely that the abandonment would cause a water quality standards violation. See Exhibit K, electronic correspondence from Karen Font Williams, Northwest Region – Water Quality, Oregon Department of Environmental Quality.

Also, as stated above, the EPA indicates that if the proposed action entails salvage activities such as removal of rails and ties, the CWA may be implicated, and activities involving clearing, grading, or excavating that will disturb more than one acre of land must comply with permitting requirements under the CWA NPDES. EPA further indicates that ODEQ provides NPDES permit coverage for stormwater discharges from construction activities in the state of Oregon. See Exhibit L, letter dated November 30, 2006, from Clifford J. Villa, Assistant Regional Counsel, Region 10, United States Environmental Protection Agency.

(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 USGS 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.*

This 0.48-mile length of track skirts a railroad industrial area within the city limits of Portland, OR in the heart of the Portland-Vancouver metropolitan area. It runs generally in an east-west direction along Northwest Nicolai Street, approximately 1/2 mile south of the Willamette River. It is flanked on the southwest by the historic residential neighborhoods of Willamette Heights and Kings Heights. In 2000, Portland had a population of 529,121. The right-of-way is 100 feet in width

There are no federally granted rights-of-way.

- (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,

The trackage proposed for abandonment exemption was originally laid in 1925. Deeds for the underlying real estate name the grantee as United Railways. United Railways was founded in 1906 to build an electric interurban line from Portland to San Francisco. This plan was never realized and by 1911, United was operating industrial trackage in Portland under the control of the Spokane, Portland & Seattle Railway Company, a jointly owned subsidiary of Northern Pacific Railway Company and Great Northern Railway Company. United was officially dissolved by 1944 and SP&S was absorbed in the 1970 merger of NP, GN and Chicago, Burlington & Quincy Railroad Company to form Burlington Northern Inc (whose name was changed to Burlington Northern Railroad Company in 1981) ("BN"). BN merged with The Atchison, Topeka and Santa Fe Railroad Company in 1996 to become The Burlington Northern and Santa Fe Railway Company. The latter changed its name to BNSF Railway Company in 2005.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic,

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. 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 Oregon Parks and Recreation Department, Heritage Conservation Division ("HCD") indicates that no cultural resources surveys have been previously completed near the proposed project area. HCD adds the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. The HCD further indicates that while it does not have sufficient knowledge to predict the likelihood of the presence of cultural resources in the project area, extreme caution is recommended during potential ground disturbing activities. Finally, the HCD states that if any cultural resources are discovered during salvage activities, work should cease and a professional archaeologist consulted. See Exhibit O, letter dated November 13, 2006, from Dennis Griffin, State Archaeologist, Heritage Conservation Division, Oregon Parks and Recreation Department.

(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.

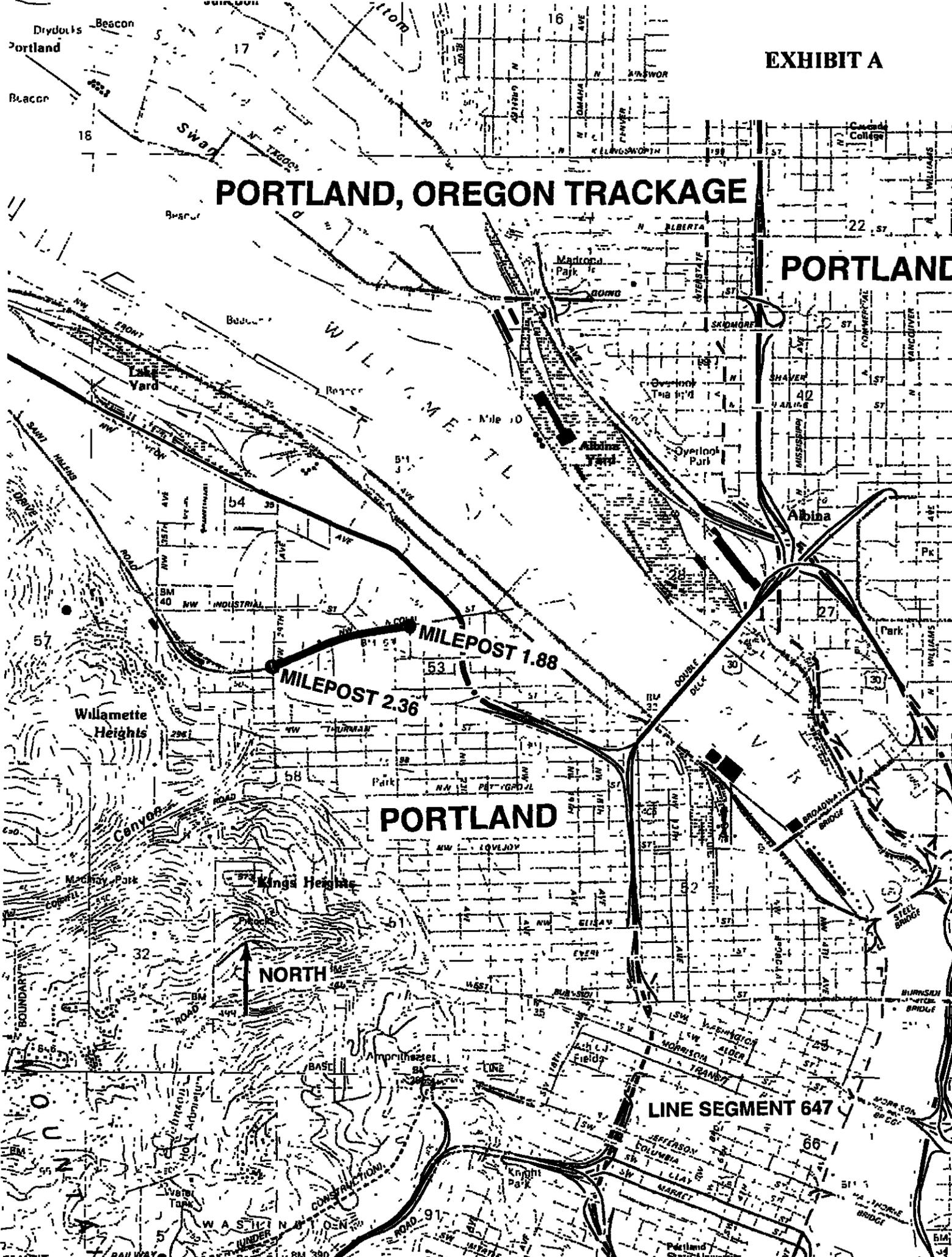
A handwritten signature in black ink, appearing to read "Sidney L. Strickland, Jr. / Elizabeth E. Waite". The signature is written in a cursive style and is positioned above the typed name.

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: May 23, 2007

PORTLAND, OREGON TRACKAGE

PORTLAND





Office of Mayor Tom Potter
City of Portland

November 8, 2006

Mr Sidney L Strickland, Jr
Sidney Strickland and Associates, P.L.L.C.
3050 K St NW, Ste 101
Washington, DC 20007-5108

Re STB Docket No AB-6 (Sub No. 454X) BNSF Railroad Abandonment in Portland,
Oregon

Dear Mr Strickland

Thank you for informing the City of Portland about the plans to abandon a segment of the
BNSF railroad line along NW Nicolai St in Portland, OR.

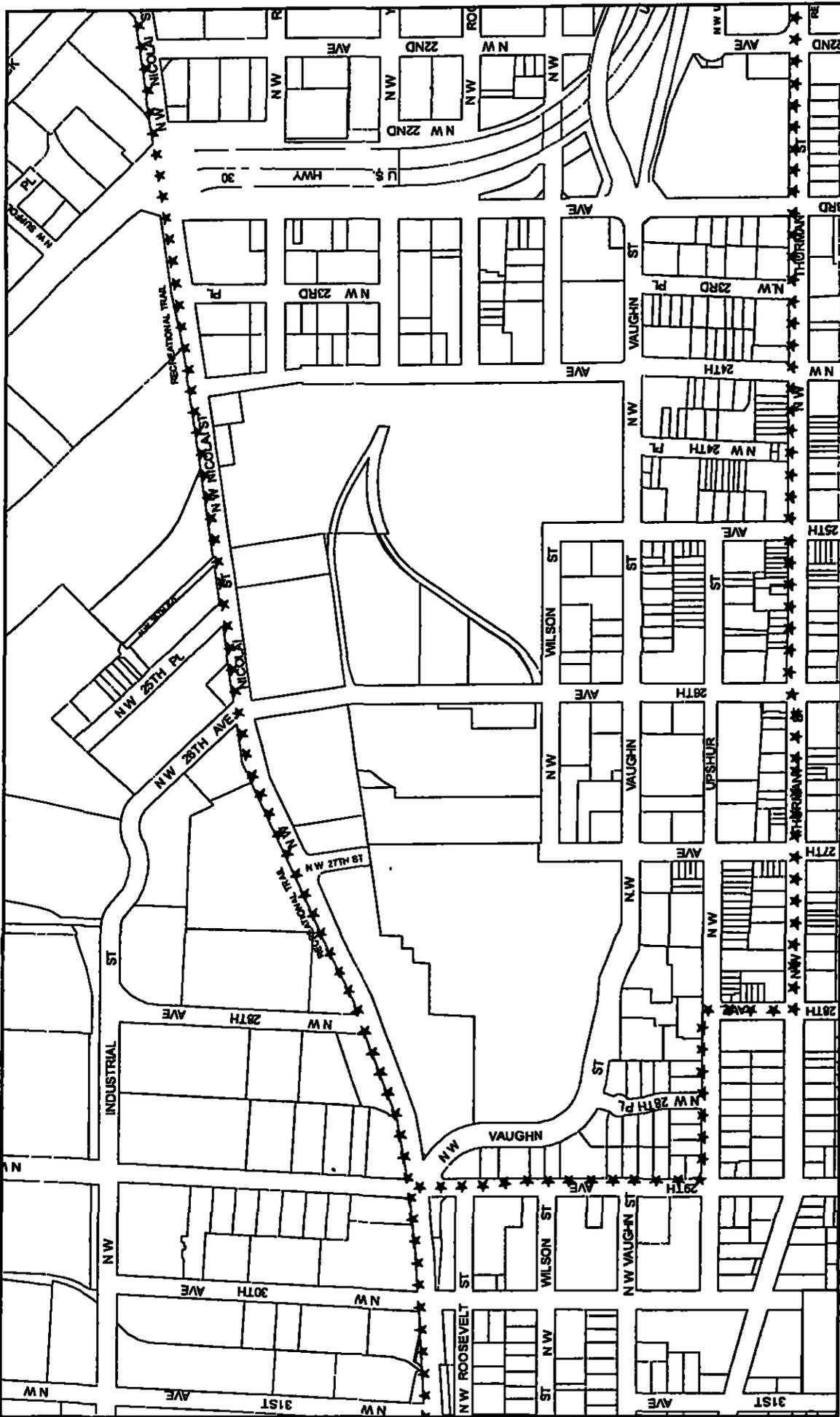
In your letter dated October 12, 2006 you asked for information regarding whether or not
the proposed abandonment is consistent with our local land use plan and if there is any
alternative public use envisioned for the corridor. In fact, the particular segment of railroad
that is proposed for abandonment occurs along a segment of the City of Portland's
recreational trail alignment. The City of Portland has for some number of years envisioned a
recreational trail along NW Nicolai in that location, and the City looks forward to the
continued public use of that BNSF railroad line as a recreational trail.

I have attached a map showing the recreational trail designation along NW Nicolai in the
location of the BNSF railroad line for your information. Please call Gil Kelley, Director of
the Bureau of Planning at the City of Portland, if you have additional questions or need
additional information. You can reach Mr Kelley at 503-823-7700.

Sincerely,

Tom Potter
Mayor

cc Gil Kelley, Planning



City of Portland, Oregon
Planning

November 7, 2006



*** Recreation Trail

All data compiled from source materials at different scales.
 For more detail, please refer to the source materials or
 City of Portland, Bureau of Planning.

C. A. Curry

From: MELBO Robert I [Robert I MELBO@odot.state.or.us]
Sent: Wednesday, November 15, 2006 5:16 PM
To: Sidney Strickland@stricklandplc.com
Subject: STB Docket No AB-6 (Sub No 454X)

Dear Mr Strickland

This refers to your letter of October 12, 2006 addressed to the Oregon Department of Transportation, Rail Division, concerning Surface Transportation Board Docket No AB-6 (Sub No 454X) BNSF Railway Company--Abandonment Exemption--in Multnomah County, Oregon, seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 in the City of Portland, Oregon.

Your letter inquires whether or not the proposed abandonment 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.

Generally speaking, the Oregon Department of Transportation desires to retain as much of the state's rail system as practicable as an alternative form of transport for Oregon businesses. However, in the instant case we are aware that this line of railroad has served in recent years as an industrial lead while the character of the neighborhood has been changing from industrial to softer uses such as mixed residential and commercial. Consequently, there is little to no need for rail transportation in the immediate area of the proposed abandonment.

Questions you have asked regarding local land use plans and potential alternative public uses are not answerable by this agency as the corridor lies fully within the corporate limits of the City of Portland. We refer you to city government and its various departments for the advice you seek.

Robert I Melbo
State Rail Planner
Oregon Department of Transportation - Rail Division
555 13th Street, Suite 3
Salem, Oregon 97301-4179
(503) 986-4137

C. A. Curry

From: Fedje, Steve - Portland, OR [Steve.Fedje@or.usda.gov]
Sent: Tuesday, October 17, 2006 3:46 PM
To: Sidney Strickland@stricklandpllc.com
Subject: STB Docket No AB-6

Dear Mr. Strickland:

In regards to your request dated 12 October 2006. There is no effect to prime agricultural land from the proposed action at the proposed site you submitted for determination. If you need more information please do not hesitate to call.

Steven D Fedje
District Conservationist
USDA-NRCS
2701 NW Vaughn St. Ste 450
Portland, OR 97210
503-326-3941 X102

10/30/2006



Oregon

Theodore R. Kulongoski, Governor

Ocean and Coastal Management Program

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, Oregon 97301-2540

Phone (503) 373-0050

FAX (503) 378-6033

www.lcd.state.or.us/coastal/html

October 25, 2006

Sidney L. Strickland Jr.
3050 K Street NW Suite 101
Washington, DC 20007-5108

EXHIBIT E

Subject. *STB Docket No. AB-6 (Sub No. 454X) BNSF Railway Company-Abandonment (Multnomah County, Oregon)*

Dear Mr. Strickland,

Thank you for your recent correspondence related to the proposed rail line abandonment in Multnomah County, Oregon. You have asked us for information related to effects of this action on land or water uses within the state coastal zone under requirements of the Coastal Zone Management Act.

This project is located outside the approved coastal zone for the Oregon Coastal Management Program (OCMP). The site is a substantial distance from the coastal zone boundary at Columbia River mile 38.5 (Downstream end of Puget Island on the Columbia River and following the crest of the Coast Range). Because of the nature of this project and the distance from the state's coastal zone, there are not any reasonably foreseeable effects on coastal uses or resources within the coastal zone that would trigger consistency review.

If you have any questions about this correspondence or the Oregon Coastal Management Program, I can be reached at (503) 373-0050 ext. 260 or at dalc.blanton@state.or.us. Additional information about the Oregon Coastal Management Program is also available on our website: www.lcd.state.or.us

Sincerely,

Dale Blanton, AICP
State-Federal Relations Coordinator

cc. Bob Bailey, OCMP Manager



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Oregon Fish and Wildlife Office
2600 SE 98th Avenue, Suite 100
Portland, Oregon 97266

Phone (503)231-6179 FAX. (503)231-6195

Reply To 8330 SP11(07)

November 15, 2006

Sidney Strickland
Sidney Strickland and Associates, P.L.L.C.
3050 K St.NW, Suite 101
Washington, D.C 20007-5108

EXHIBIT F

Subject BNSF Railroad Co Abandonment and Removal of .48 miles of Railway Project
USFWS Reference # D0E166B54194BD71882572200001893C

Dear Mr. Sidney Strickland.

This is in response to your request, dated November 7, 2006, requesting information on listed and proposed endangered and threatened species that may be present within the area of the BNSF Railroad Co Abandonment and Removal of .48 miles of Railway Project in Multnomah County(s). The Fish and Wildlife Service (Service) received your correspondence on November 7, 2006

We have attached a list (Enclosure A) of threatened and endangered species that may occur within the area of the BNSF Railroad Co. Abandonment and Removal of .48 miles of Railway Project. The list fulfills the requirement of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*) The Surface Transportation Board requirements under the Act are outlined in Enclosure B.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems on which they depend may be conserved. Under section 7(a)(1) and 7(a)(2) of the Act and pursuant to 50 CFR 402 *et seq.*, the Surface Transportation Board is required to utilize their authorities to carry out programs which further species conservation and to determine whether projects may affect threatened and endangered species, and/or critical habitat. A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) which are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (NEPA) (42 U.S.C. 4332 (2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to the Biological Assessment be prepared to determine whether they may affect listed and proposed species. Recommended contents of a Biological Assessment are described in Enclosure B, as well as 50 CFR 402.12

If the Surface Transportation Board determines, based on the Biological Assessment or evaluation, that threatened and endangered species and/or critical habitat may be affected by the project, the Surface transportation Board is required to consult with the Service following the requirements of 50 CFR 402 which implement the Act.

Enclosure A includes a list of candidate species under review for listing. The list reflects changes to the candidate species list published May 11, 2005, in the Federal Register (Vol 69, No. 86, 24876) and the addition of "species of concern." Candidate species have no protection

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under the Act but are included for consideration as it is possible candidates could be listed prior to project completion. Species of concern are those taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed.

If a proposed project may affect only candidate species or species of concern, the Surface Transportation Board is not required to perform a Biological Assessment or evaluation or consult with the Service. However, the Service recommends minimizing impacts to these species to the extent possible in order to prevent potential future conflicts. Therefore, if early evaluation of the project indicates that it is likely to adversely impact a candidate species or species of concern, the Surface Transportation Board may wish to request technical assistance from this office.

Your interest in endangered species is appreciated. The Service encourages the Surface Transportation Board to investigate opportunities for incorporating conservation of threatened and endangered species into project planning processes as a means of complying with the Act. If you have questions regarding your responsibilities under the Act, please contact Kevin Maurice at (503) 231-6179. All correspondence should include the above referenced file number. For questions regarding salmon and steelhead trout, please contact NOAA Fisheries Service, 525 NE Oregon Street, Suite 500, Portland, Oregon 97232, (503) 230-5400.

For future species list requests, please visit our website (http://www.fws.gov/pacific/oregonfwo/EndSpp/EndSpp_SpLstReq.html) for instructions on how to make requests.

Enclosures

EnclosureA: Multnomah COUNTY PDF

EnclosureB: EnclosureB_Federal_Agencies_Responsibilities.PDF

**FEDERALLY LISTED THREATENED, ENDANGERED, PROPOSED, CANDIDATE
SPECIES AND SPECIES OF CONCERN WHICH MAY OCCUR WITHIN
MULTNOMAH COUNTY, OREGON**

LISTED SPECIES¹¹Mammals

Columbian white-tailed deer

Odocoileus virginianus leucurus

E

BirdsBald eagle²¹*Haliaeetus leucocephalus*

T

Northern spotted owl³¹*Strix occidentalis caurina*

CH T

FishChum salmon (Columbia River)⁴¹*Oncorhynchus keta*

T*

Coho salmon (Lower Columbia River)⁵¹*Oncorhynchus kisutch*

T*

Steelhead (Lower Columbia River)⁶¹*Oncorhynchus mykiss* ssp.

T*

Steelhead (Snake River Basin)⁷¹*Oncorhynchus mykiss* ssp.

T*

Steelhead (Middle Columbia River)⁸¹*Oncorhynchus mykiss* ssp.

T*

Steelhead (Upper Columbia River)⁹¹*Oncorhynchus mykiss* ssp.

E*

Steelhead (Upper Willamette River)¹⁰¹*Oncorhynchus mykiss* ssp.

T*

Sockeye salmon (Snake River)¹¹¹*Oncorhynchus nerka*

CH E*

Chinook salmon (Lower Columbia River)¹²¹*Oncorhynchus tshawytscha*

T*

Chinook salmon (Upper Columbia River)¹³¹*Oncorhynchus tshawytscha*

E*

Chinook salmon (Upper Willamette River)¹⁴¹*Oncorhynchus tshawytscha*

T*

Chinook salmon (Snake River)¹⁵¹*Oncorhynchus tshawytscha*

CH T*

Bull trout (Columbia River Basin)¹⁶¹*Salvelinus confluentus*

CH T

PlantsGolden Indian paintbrush¹⁷¹*Castilleja levisecta*

T

Willamette daisy¹⁸¹*Erigeron decumbens* var. *decumbens*

E

Howellia

Howellia aquatilis

T

Bradshaw's lomatium

Lomatium bradshawii

E

Kincaid's lupine¹⁹¹*Lupinus sulphureus* var. *kincaidii*

T

Nelson's checker-mallow

Sidalcea nelsoniana

T

PROPOSED SPECIES

None

CANDIDATE SPECIES²⁰¹Birds

Yellow-billed cuckoo

Coccyzus americanus

Streaked horned lark

*Eremophila alpestris strigata*Amphibians and Reptiles

Oregon spotted frog

*Rana pretiosa*SPECIES OF CONCERNMammals

Red tree vole

Arborimus longicaudus

Pacific western big-eared bat

Corynorhinus townsendii townsendii

California wolverine

Gulo gulo luteus

Silver-haired bat
Long-eared myotis (bat)
Fringed myotis (bat)
Long-legged myotis (bat)
Yuma myotis (bat)
Camas pocket gopher

Lasionycteris noctivagans
Myotis evotis
Myotis thysanodes
Myotis volans
Myotis yumanensis
Thomomys bulbivorus

Birds

Northern goshawk
Tricolored blackbird
Band-tailed pigeon
Olive-sided flycatcher
Harlequin duck
Yellow-breasted chat
Lewis' woodpecker
Mountain quail
Oregon vesper sparrow
Purple martin

Accipiter gentilis
Agelaius tricolor
Columba fasciata
Contopus cooperi
Histrionicus histrionicus
Icteria virens
Melanerpes lewis
Oreortyx pictus
Pooecetes gramineus affinis
Progne subis

Amphibians and Reptiles

Tailed frog
Oregon slender salamander
Northwestern pond turtle
Larch Mountain salamander
Northern red-legged frog
Cascades frog

Ascaphus truei
Batrachoseps wrighti
Emys marmorata marmorata
Plethodon larselli
Rana aurora aurora
Rana cascadae

Fishes

Green sturgeon
River lamprey
Pacific lamprey
Coastal cutthroat trout (Lower Columbia R.)
Coastal cutthroat trout (Upper Willamette)

Acipenser medirostris
Lampetra ayresi
Lampetra tridentata
Oncorhynchus clarki clarki
Oncorhynchus clarki clarki

Invertebrates

California floater (mussel)
Mt. Hood primitive brachycentrid caddisfly
caddisfly (no common name)
Mt. Hood farulan caddisfly
Great Columbia River spire snail
Columbia Gorge neothremman caddisfly
Wahkeena Falls flightless stonefly

Anodonta californiensis
Eobrachycentrus gelidae
Farula constricta
Farula jewetti
Fluminicola columbianus (=fuscus)
Neothremma andersoni
Zapada wahkeena

Plants

Howell's bent grass
White top aster (Curtus)
Cliff paintbrush
Cold-water corydalis
Pale larkspur
Willamette Valley larkspur
Peacock larkspur
Howell's daisy
Oregon daisy
White meconella
Barrett's penstemon
Oregon sullivantia

Agrostis howellii
Aster curtus
Castilleja rupicola
Corydalis aquae-gelidae
Delphinium leucophaeum
Delphinium oreganum
Delphinium pavonaceum
Erigeron howellii
Erigeron oreganus
Meconella oregana
Penstemon barrettiae
Sullivantia oregana

(E) - Listed Endangered (T) - Listed Threatened (CH) - Critical Habitat has been designated for this species
(PE) - Proposed Endangered (PT) - Proposed Threatened (PCH) - Critical Habitat has been proposed for this species

Species of Concern - Taxa whose conservation status is of concern to the Service (many previously known as Category 2 candidates), but for which further information is still needed

- Consultation with NOAA's National Marine Fisheries Service may be required

- ¹ U.S. Department of Interior, Fish and Wildlife Service, October 31, 2000, Endangered and Threatened Wildlife and Plants, 50 CFR 17.11 and 17.12
- ² Federal Register Vol 60, No 133, July 12, 1995, - Final Rule - Bald Eagle
- ³ Federal Register Vol 57, No 10, January 15, 1992, Final Rule - Critical Habitat for the Northern Spotted Owl
- ⁴ Federal Register Vol 64, No 57, March 25, 1999, Final Rule - Columbia River Chum Salmon
- ⁵ Federal Register Vol 60, No 142, July 25, 1995, Proposed Rule - Threatened Status for Three Contiguous ESUs of Coho Salmon
- ⁶ Federal Register Vol 63, No 53, March 19, 1998, Final Rule - West Coast Steelhead
- ⁷ Federal Register Vol 62, No 159, August 18, 1997, Final Rule - Snake River Steelhead
- ⁸ Federal Register Vol 64, No 57, March 25, 1999, Final Rule - Middle Columbia and Upper Willamette River Steelhead
- ⁹ Federal Register Vol 62, No 159, August 18, 1997, Final Rule - Upper Columbia River Steelhead
- ¹⁰ Federal Register Vol 64, No 57, March 25, 1999, Final Rule - Middle Columbia and Upper Willamette River Steelhead
- ¹¹ Federal Register Vol 56, No 224, November 20, 1991, Final Rule - Snake River Sockeye Salmon
- ¹² Federal Register Vol 64, No 56, March 24, 1999, Final Rule - West Coast Chinook Salmon
- ¹³ Federal Register Vol 64, No 56, March 24, 1999, Final Rule - West Coast Chinook Salmon
- ¹⁴ Federal Register Vol 64, No 56, March 24, 1999, Final Rule - West Coast Chinook Salmon
- ¹⁵ Federal Register Vol 57, No 78, April 22, 1992, Final Rule - Snake River Chinook Salmon
- ¹⁶ Federal Register Vol 63, No 111, June 10, 1998, Final Rule - Columbia River and Klamath River Bull Trout
- ¹⁷ Federal Register Vol 62, No 112, June 11, 1997, Final Rule - *Castilleja levisecta*
- ¹⁸ Federal Register Vol 65, No 16, January 25, 2000, Final Rule - *Erigeron decumbens* var *decumbens*, *Lupinus sulphureus* ssp *kincaidii*, and Fender's blue butterfly
- ¹⁹ Federal Register Vol 65, No 16, January 25, 2000, Final Rule - *Erigeron decumbens* var *decumbens*, *Lupinus sulphureus* ssp *kincaidii*, and Fender's blue butterfly
- ²⁰ Federal Register Vol 69, No 86, May 4, 2004, Notice of Review - Candidate or Proposed Animals and Plants

FEDERAL AGENCIES RESPONSIBILITIES UNDER SECTION 7(a) and (c)
OF THE ENDANGERED SPECIES ACT

SECTION 7(a)-Consultation/Conference

Requires: 1) Federal agencies to utilize their authorities to carry out programs to conserve endangered and threatened species;

2) Consultation with FWS when a Federal action may affect a listed endangered or Threatened species to insure that any action authorized, funded or carried out by a Federal agency is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of Critical Habitat. The process is initiated by the Federal agency after they have determined if their action may affect (adversely or beneficially) a listed species, and

3) Conference with FWS when a Federal action is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed Critical Habitat.

SECTION 7(c)-Biological Assessment for Major Construction Projects¹

Requires Federal agencies or their designees to prepare a Biological Assessment (BA) for construction projects only. The purpose of the BA is to identify proposed and/or listed species which are/is likely to be affected by a construction project. The process is initiated by a Federal agency in requesting a list of proposed and listed threatened and endangered species (list attached). The BA should be completed within 180 days after its initiation (or within such a time period as is mutually agreeable). If the BA is not initiated within 90 days of receipt of the species list, the accuracy of the species list should be informally verified with our Service. No irreversible commitment of resources is to be made during the BA process which would foreclose reasonable and prudent alternatives to protect endangered species. Planning, design, and administrative actions may be taken; however, no construction may begin.

To complete the BA, your agency or its designee should: (1) conduct an on-site inspection of the area to be affected by the proposal which may include a detailed survey of the area to determine if any species are present and whether suitable habitat exists for either expanding existing populations or for potential reintroduction of species, (2) review literature and scientific data to determine species distribution(s), habitat needs, and other biological requirements; (3) interview experts including those within FWS, National Marine Fisheries Service, State conservation departments, universities, and others who may have data not yet published in scientific literature; (4) review and analyze the effects of the proposal on the species present in terms of effects to individuals and populations, including consideration of cumulative effects to the species and habitat; (5) analyze alternative actions that may provide conservation measures and (6) prepare a report documenting the results, including a discussion of study methods used, any problems encountered, and other relevant information. The BA should conclude whether or not any listed species will be affected. Upon completion, the report should be forwarded to our Portland Office at 2600 SE 98th Ave., Suite 100, Portland, Oregon, 97266.

¹A construction project (or other undertaking having similar physical impacts) which is a major Federal action significantly affecting the quality of the human environment as referred to in NEPA (42 U.S.C. 4332 (2)c). On projects other than construction, it is suggested that a biological evaluation similar to the biological assessment be undertaken to conserve species influenced by the Endangered Species Act.

C. A. Curry

From: Tom Murtagh [Tom Murtagh@state.or.us]
Sent: Friday, November 10, 2006 6:31 PM
To: Sidney Strickland@stricklandpllc.com
Cc: Susan Barnes
Subject: BNSF rail abandonment

Dear Mr. Sidney Strickland,

This email is in response to the October 12, 2006, memo sent to the Oregon Department of Fish and Wildlife (Department) in regards to comments to the proposed abandonment of about 1/2 mile of railroad line in Portland, Oregon (STB Docket NO AB-6 (Sub No 454X) BNSF Railway Company—Abandonment Exemption - In Multnomah County, Oregon). The Department has no resource concerns in the immediate vicinity of the project that might be affected by the physical removal of this section of rail line. However, the Department recommends that all materials, particularly creosote rail ties and oil stained rail bed base rock, be disposed of in a manner that complies with all legal disposal criteria for this state and area. Please contact me for additional information or clarification of this email if necessary. Thank you, Tom.

Tom Murtagh
District Fish Biologist
17330 SE Evelyn St
Clackamas, OR 97015
971-623-6059



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

October 24, 2006

EXHIBIT H

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. 454X) BNSF Company Abandonment
Exemption – in Multnomah County, OR**

Dear Mr Strickland:

Based on the map that your office sent to us on October 12, 2006, showing the segment of railroad line to be abandoned between Milepost 1.88 and Milepost 2.36 in the City Limits of Portland, County of Multnomah, State of Oregon, 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**

C. A. Curry

From: Stuart_Hirsh@blm.gov
Sent: Friday, October 20, 2006 2:11 PM
To: sidney.strickland@stricklandpllc.com
Subject: STB Docket No. AB-6 (Sub No 454X) BNSF Railway Company-Abandonment Exemption in Multnomah County, OR

Mr. Strickland,

Your October 12, 2006, letter to the BLM Oregon State Office has been forwarded to me for reply. You were inquiring if there were any known threatened or endangered species or their habitats or wildlife sanctuaries adjacent to, or which may be affected by, the proposed abandonment by BNSF Railroad of 0.48 miles of track in T1N, R1E WM Sections 28 and 29. This track appears to be adjacent to NW Nicholai street.

We have checked our land status records and have determined that there are no public lands administered by the BLM adjacent to, or which may be affected by, the proposed abandonment. Consequently, we do not have the information which you have requested.

Please feel free to contact me if you have any other questions or concerns which may relate to public lands in this area.

Stuart Hirsh, CPL
District Realty Specialist
BLM Salem District Office
1717 Fabry Street, SE
Salem, Oregon 97306
503-375-5623 (phone)
503-375-5622 (fax)
shirsh@or.blm.gov (email)

C. A. Curry

From: Mike Zdroy [Mike Zdroy@state.or.us]
Sent: Tuesday, October 17, 2006 6:12 PM
To: Sidney Strckland@stricklandpllc.com
Cc: Dennis Griffin, Cliff Houck, Jack Wiles, Dave Wright
Subject: BNSF Railway Co - Abandonment of 0.48 Miles in Portland, Oregon

Gentlemen:

Per my phone conversation with your office, I am sending this e-mail to confirm that the Oregon Parks and Recreation Department (OPRD) does not own any land identified as the impact area on the map attached to your letter dated October 12, 2006, which lies in the City of Portland, Oregon. Thus, there is no state park in the proposed impact area, which will include removal of the rails, ties and any structures and crossings.

Mike Zdroy
Real Estate Specialist
OPRD
(503) 986-0734

C. A. Curry

From: WILLIAMS Karen [WILLIAMS Karen@deq.state.or.us]
Sent: Friday, November 17, 2006 9:05 PM
To: sidney.strickland@stricklandplc.com
Subject: BNSF Railway Co abandonment in Portland, OR

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

Regarding STB Docket No. AB-6 (Sub No. 454X) BNSF Railway Company-Abandonment Exemption - in Multnomah County, Oregon

Mr. Strickland,

I am responding to your letter dated October 12, 2006, to the Oregon Department of Environmental Quality (DEQ). Your letter states that BNSF Railway Company will abandon 0.48 miles of railway line between mileposts 2.36 and 1.88 in Portland, Oregon. The location of the proposed abandonment is near NW Nicolai Street, in northwest Portland, approximately one-quarter mile west of the Willamette River. You ask if this proposed abandonment will be consistent with State water quality standards and if Section 402 and/or National Pollutant Discharge permits are required. DEQ does not require any water quality permits for the proposed action as it is described in your letter. The included map indicates that activities will not take place in or near a waterbody, nor will fill or other materials be placed in a waterbody. Your letter also indicates that the rail line embankment will remain intact so it appears that ground will not be disturbed. As long as the abandonment does not result in or contribute pollutants to stormwater discharge, it appears unlikely that the abandonment would cause a water quality standard violation.

Please feel free to contact me if you have any questions.

Karen Font Williams
Oregon Department of Environmental Quality
Northwest Region - Water Quality
2020 SW 4th Ave
Portland, OR 97201
(503) 229-6254
(503) 229-6957 fax



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

EXHIBIT I.

November 30, 2006

Reply To
Attn OI 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. 454X) BNSF Railway Company – Abandonment
Exemption - in Multnomah County, OR

Dear Mr Strickland:

The U.S. Environmental Protection Agency (EPA) has reviewed your letter to me dated October 12, 2006, concerning the abandonment proceeding referenced above. This abandonment concerns approximately 0.48 miles of railroad line near Portland, OR, in Multnomah County. In your letter, you requested information on whether or not the proposed abandonment will be consistent with applicable water quality standards and whether or not any permits would be required under Section 402 of the Clean Water Act. This letter responds to your questions, as well as requests information from you on other environmental concerns with this proposed railroad abandonment.

From the information provided, including the map, it appears that this rail line proposed for abandonment is near the Willamette River, a navigable water, to which any discharge of pollutants would trigger jurisdiction under the federal Clean Water Act. If, as indicated, the proposed action 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 the State of Oregon, the NPDES permit program has been delegated to the Oregon Department of Environmental Quality (DEQ). DEQ provides NPDES permit coverage for stormwater discharges from construction activities in the State of Oregon through its Construction Stormwater General Permit (Permit #1200-C). Information about this NPDES permit is available through the DEQ website at <http://www.deq.state.or.us/wq/stormwater/swpconstr.htm> . You may also contact the DEQ Northwest Regional Office at (503) 229-5263 or (800) 452-4011 for more information.

Beyond concerns for water quality and compliance with the Clean Water Act, EPA notes that the railroad right-of-way proposed for abandonment appears to be situated in an industrial area and may contain hazardous substances that could present concerns for public health or the environment, particularly if exposed or spread through salvage activities. Accordingly, in compliance with 49 CFR § 1105.7(e), we are requesting any information related to any "sites where there have been known hazardous material spills on the right-of-way." We are also interested in any sampling data you may have on soils in this right-of-way and any information you may have regarding primary materials transported along this right-of-way during active rail use. The requested information may be provided to the EPA by separate transmission or included in the environmental report prepared for the STB and also sent to the EPA for our review.

If you or your staff have any general questions about this response and request for information, you may direct them to me at (206) 553-1185. For questions specifically concerning stormwater requirements, please contact Misha Vakoc, Storm Water Program Coordinator, at (206) 553-6650 or vakoc.misha@epa.gov.

Sincerely,



Clifford J. Villa
Assistant Regional Counsel

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

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

EXHIBIT M

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

October 12, 2006

U S Army Corps of Engineers
Wetlands & Regulatory Permits
P O Box 2946
Portland, OR 97208-2946

**Re: STB Docket No. AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, OR**

Dear Sir or Madam:

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above docket to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36, near Portland in Multnomah County, Oregon.

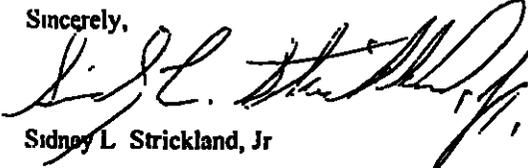
The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden 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 Section 404 permits are required as a result of the proposed abandonment. BNSF also needs to know if the proposed abandonment will affect any 100-year floodplains or any designated wetlands. If so, please furnish 8½ by 11 black and white maps in the area of each designated floodplain if they are available.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by November 9, 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.

Enclosures
SLS/cac

STB Docket No. AB-6 (Sub. No. 454X)

SIDNEY STRICKLAND AND ASSOCIATES, PLLC

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

EXHIBIT N

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

October 12, 2006

Eric Sten
Commissioner of Public Works
1221 SW 4th Avenue
Room 240
Portland, OR 97204

**Re: STB Docket No. AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, OR**

Dear Mr Sten

BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority in the above docket to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36, near Portland in Multnomah County, Oregon.

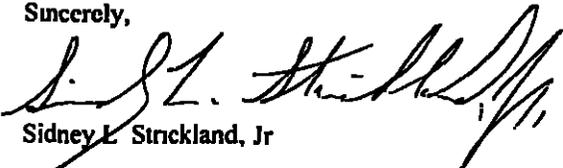
The proposed abandonment may include the removal of the rails and ties, including any bridges, structures and crossings. BNSF bids its salvage packages out to independent contractors. The winning bidder will start work with the removal of the rails and metal parts of the track structure. Next the wooden 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 if the proposed abandonment will affect any 100-year floodplains. If so, please furnish 8½ by 11 black and white maps in the area of each designated floodplain if they are available.

For your reference, I have enclosed a map of the above referenced railroad line. Please provide this information to me by November 9, 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.

Enclosures
SLS/cac

STB Docket No. AB-6 (Sub. No. 454X)



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department
Heritage Conservation Division
725 Summer St NE, Suite C
Salem, OR 97301-1271
(503) 986-0707
FAX (503) 986-0793
www.hcd.state.or.us

November 13, 2006

Mr. Sidney Strickland
Strickland & Associates PI CC
3050 K St NW Ste 101
Washington, DC 20007-5108

EXHIBIT O

RE SHPO Case No 06-2512
BNSF Railway Company Abandonment Project
Portland, Multnomah County

Dear Mr Strickland:

Our office recently received a request to review the proposal for the project referenced above. In checking our statewide cultural resource database, I noted that there have been no previous cultural resource surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains.

While not having sufficient knowledge to predict the likelihood of cultural resources being within your project area, extreme caution is recommended during potential ground disturbing activities. ORS 358.905 and ORS 97.740 protect archaeological sites and objects and human remains on state public and private lands in Oregon. If any cultural material is discovered during construction activities, all work should cease immediately until a professional archaeologist can assess the discovery.

If you have any questions about my comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Our response here is to assist you with your responsibilities under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). Please feel free to contact me if you have further questions, comments or need additional assistance.

Sincerely,


Dennis Griffin
State Archaeologist
(503) 986-0674 or Dennis.Griffin@state.or.us

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 May 23, 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
1925 K Street, N.W.
Washington D C 20423-0001**

**U S. Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, OR 97208**

**Steve Fedje,
District Conservationist
Portland Service Center
NRCS
2701 NW Vaughn Street, Suite 450
Portland, Oregon 97210**

**Phillip C Ward, Director
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301**

**Oregon Department of
Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204-1390**

**Tom Potter, Mayor
Commissioner of Finance and Administration
1221 SW 4th Ave, Room 340
Portland, Oregon 97204**

**U. S Army Corps of Engineers
Wetlands & Regulatory Permits
P O Box 2946
Portland, OR 97208-2946**

**Robert I Melbo
Oregon Department of Transportation
Rail Division
555 13th St S E.
Salem, OR 97301-1179**

**Kemper McMaster, State Supervisor
U S Fish and Wildlife Service
Oregon Fish & Wildlife Office
2600 S.E 98th Ave Suite 100
Portland, OR 97266**

**Dennis Griffin
State Archaeologist
Oregon Parks and Recreation Dept
State Historic Preservation Office
725 Summer St NE, Suite C
Salem OR 97301**

Mike Zdroy
Real Estate Specialist
Oregon Parks and Recreation Dept
725 Summer St NE, Suite C
Salem OR 97301

**Oregon Department of
Fish and Wildlife**
3406 Cherry Avenue NE
Salem, OR 97303

Oregon Coastal and Program Management
Department of Land Conservation and
Development
800 Oregon Street, NE #18
Portland, OR 97223

Oregon Department of Transportation
355 Capitol Street, N.E.
Salem, OR 97301-3801

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

Tom Murtagh
District Biologist
17330 SE Evelyn St
Clackamas, OR 97015

Stuart Hirsh, CPL
District Realty Specialist
BLM Salem District Office
1717 Fabry Street, SE
Salem, OR 97306

Karen Font Williams
Oregon Department of
Environmental Quality
Northwest Region – Water Quality
2020 SW 4th Street
Portland, OR 97201

Oregon Coastal and Program Management
Department of Land Conservation
and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540

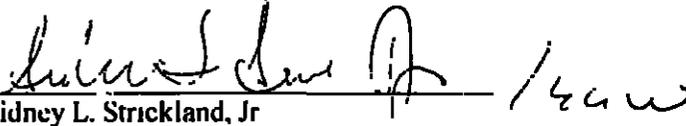
Multnomah County Chair's Office
501 SE Hawthorne Blvd , Suite 600
Portland, OR 97214

Eric Sten
Commissioner of Public Works
1221 SW 4th Avenue
Room 240
Portland, OR 97204

Oregon Coastal and Program Management
Department of Land Conservation
and Development
800 Oregon Street, NE #18
Portland, OR 97223

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

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

May 23, 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. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Ms Rutson

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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/cac

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

May 23, 2007

Steve Fedje,
District Conservationist
Portland Service Center
NRCS
2701 NW Vaughn Street, Suite 450
Portland, Oregon 97210

Re: STB Docket No. AB-6 (Sub No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr. Fedje:

On or about June 12, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.18 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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 F Street, S.W., Washington, DC 20423-0001, Telephone (202) 245-0295, and refer to the above Docket No. AB-6 (Sub. No. 454X). 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/cac

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

May 23, 2007

Oregon Department of
Environmental Quality
811 SW Sixth Avenue
Portland, OR 97204-1390

Re: STB Docket No. AB-6 (Sub No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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. 454X). 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
SI.S/cac

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

May 23, 2007

U S. Army Corps of Engineers
Wetlands & Regulatory Permits
P.O. Box 2946
Portland, OR 97208-2946

Re. STB Docket No. AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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/cac

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
Sidney.Strickland@stricklandpllc.com

May 23, 2007

Kemper McMaster, State Supervisor
U.S. Fish and Wildlife Service
Oregon Fish & Wildlife Office
2600 S E 98th Ave. Suite 100
Portland, OR 97266

Re STB Docket No AB-6 (Sub. No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr McMaster:

On or about June 12, 2007, BNSF Railway Company ("BNSF") plans on filing with the Surface Transportation Board ("STB") a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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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WASHINGTON, DC 20007-5108
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FAX: 202-295-3854

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

May 23, 2007

U.S. Bureau of Land Management
Oregon State Office
P.O. Box 2965
Portland, OR 97208

Re: STB Docket No AB-6 (Sub. No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam.

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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 I. Strickland, Jr.

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WASHINGTON, DC 20007-5108
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FAX: 202-295-3854

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

May 23, 2007

Phillip C. Ward, Director
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re STB Docket No AB-6 (Sub No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr Ward

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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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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

May 23, 2007

Tom Potter, Mayor
Commissioner of Finance and Administration
1221 SW 4th Ave, Room 340
Portland, Oregon 97204

Re: STB Docket No AB-6 (Sub No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr. Potter:

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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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WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

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

May 23, 2007

Robert J. Melbo
Oregon Department of Transportation
Rail Division
555 13th St. S.E.
Salem, OR 97301-4179

Re: STB Docket No. AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr. Melbo,

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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

May 23, 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 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr. Villa

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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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WASHINGTON, DC 20007-5108
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SIDNEY I. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 23, 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 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr. Gress:

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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 I. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 23, 2007

Dennis Griffin
State Archaeologist
Oregon Parks and Recreation Dept
State Historic Preservation Office
725 Summer St NE, Suite C
Salem OR 97301

Re: STB Docket No AB-6 (Sub No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr. Griffin

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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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Enclosure
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3050 K ST. N.W., SUITE 101
WASHINGTON, DC 20007-5108
TELEPHONE: 202-338-1325
FAX: 202-295-3854

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

May 23, 2007

Mike Zdroy
Real Estate Specialist
Oregon Parks and Recreation Dept
725 Summer St NE, Suite C
Salem OR 97301

Re. STB Docket No AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr. Zdroy

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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

May 23, 2007

Oregon Department of
Fish and Wildlife
3406 Cherry Avenue NE
Salem, OR 97303

Re: STB Docket No AB-6 (Sub. No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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 I. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 23, 2007

Oregon Coastal and Program Management
Department of Land Conservation and Development
800 Oregon Street, NE #18
Portland, OR 97223

Re. STB Docket No. AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam:

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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 I. Strickland, Jr.

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

May 23, 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. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam:

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Sidney L. Strickland, Jr.

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

May 23, 2007

Oregon Department of Transportation
355 Capitol Street, NE
Salem, OR 97301-3801

Re STB Docket No AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam

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

May 23, 2007

Tom Murtagh
District Biologist
17330 SE Evelyn St
Clackamas, OR 97015

Re. STB Docket No AB-6 (Sub No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr Murtagh:

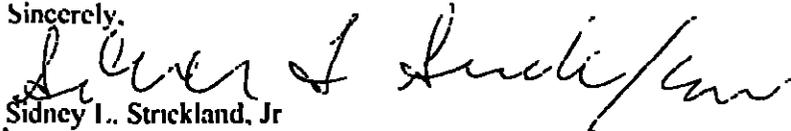
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Thank you in advance for your cooperation.

Sincerely,



Sidney I., Strickland, Jr.

Enclosure
SLS/cae

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

May 23, 2007

Stuart Hirsh, CPI
District Realty Specialist
BLM Salem District Office
1717 Fabry Street, SE
Salem, OR 97306

Re: STB Docket No AB-6 (Sub No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr Hirsch:

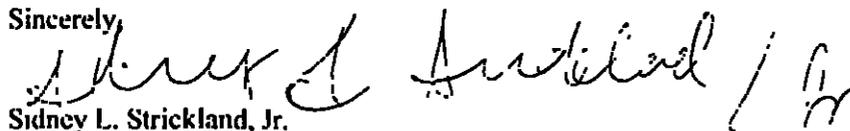
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TELEPHONE: 202-338-1325
FAX: 202-295-3854

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

May 23, 2007

Karen Font Williams
Oregon Department of
Environmental Quality
Northwest Region – Water Quality
2020 SW 4th Street
Portland, OR 97201

Re: STB Docket No. AB-6 (Sub No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Ms Font Williams

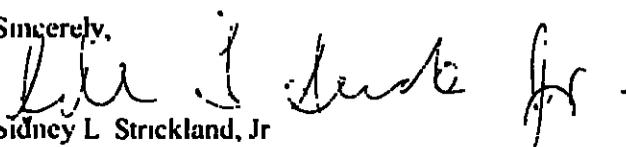
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SIDNEY L. STRICKLAND, JR.
Sidney.Strickland@stricklandpllc.com

May 23, 2007

Oregon Coastal and Program Management
Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540

Re: STB Docket No. AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam

On or about June 12, 2007, BNSF Railway Company (“BNSF”) plans on filing with the Surface Transportation Board (“STB”) a Notice of Exemption seeking authority to abandon 0.48 miles of railroad line between Milepost 1.88 and Milepost 2.36 near Portland in Multnomah County, Oregon (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

May 23, 2007

Oregon Coastal and Program Management
Department of Land Conservation and Development
800 Oregon Street, NE #18
Portland, OR 97223

Re: STB Docket No. AB-6 (Sub No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam.

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

May 23, 2007

Eric Sten
Commissioner of Public Works
1221 SW 4th Avenue
Room 240
Portland, OR 97204

Re: STB Docket No. AB-6 (Sub. No. 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Mr. Sten

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

May 23, 2007

Multnomah County Chair's Office
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214

Re: STB Docket No. AB-6 (Sub No 454X) BNSF Railway Company—Abandonment
Exemption – in Multnomah County, Oregon

Dear Sir or Madam:

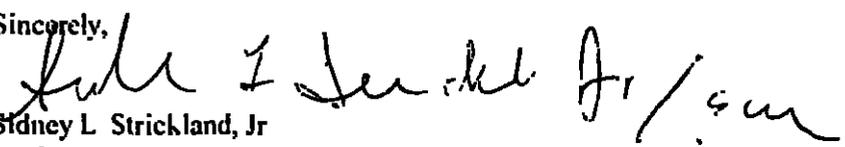
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