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**BALL JANIK LLP**

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KARI MORELL

kmorell@bjllp.com

April 26, 2007

Victoria Rutson  
Chief  
Section of Environmental Analysis  
Surface Transportation Board  
395 E Street, S.W.  
Washington, DC 20423

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Office of Proceedings

APR 2 2007

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Public Record



Re: STB Docket No. AB-570 (Sub-No. 2X), Palouse River & Coulee City  
Railroad, Inc. -- Abandonment Exemption -- In Latah County, Idaho

Dear Ms. Rutson:

On April 10, 2007, we submitted to your office copies of the Revised Environmental Report in the above-captioned matter.

Attached please find ten (10) copies of the responses we received to the Revised Environmental Report from the Idaho Department of Environmental Quality, the Natural Resources Conservation Service and the Fish and Wildlife Service.

Sincerely,

Karl Morell

Enclosures



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1118 F STREET • LEWISTON, IDAHO 83501 • (208) 799-4370

APR 26 2007  
JAMES E. HARSH, GOVERNOR  
CURT FRANSEN, ATTORNEY GENERAL  
DON HOWELL, DIRECTOR

April 18, 2007

Karl Morell  
Ball Janik LLP  
1455 F Street NW, Suite 225  
Washington, DC 20005

RE: Request for comment; STB Docket No. AB-570 (Sub-No 2X) Palouse River & Coulee City Railroad, Inc Abandonment Exemption in Latah County, Idaho

Dear Mr. Morell

After issuance of the Lewiston Regional Office of the Idaho Department of Environmental Quality (DEQ) comment letter for the above mentioned project (December 19, 2006), Ball Janik LLP requests additional information and comment on the Revised Environmental Report which you state incorporates two changes. The scope of the proposed abandonment has been narrowed to the 0.2 mile rail segment between milepost 85.91 and 86.11 in Moscow, Latah County, Idaho; and Gritman Medical Center will likely remove the bridge within the project area as part of the Center's planned expansion. Our comments are directed toward your proposed abandonment activities and at this time we do not make comment on bridge removal responsibilities or requirements.

We appreciate the opportunity to review the Revised Environmental Report. All requirements in the DEQ December 19, 2006 letter (Exhibit 9) remain the same. Please be advised that a hazardous material contingency plan, which includes Department notification, should be put in place to address hazardous material remediation if these substances are discovered during abandonment as requested in our most recent correspondence and supported by the references therein.

If you would like to discuss these comments or have any further questions as this project develops, please contact the Lewiston Regional Office at (208) 799-4370.

Sincerely,

Kerby M. Cole  
Regional Administrator

CC: Toni Hardesty, Director, Department of Environmental Quality  
Curt Fransen, Idaho Attorney General Office  
Don Howell IPUC/Boise

United States Department of Agriculture



Natural Resources Conservation Service  
9173 W. Barnes Dr., Suite C  
Boise, ID 83709-1574

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APR 16 2007  
APR 26 2007  
RECEIVED

Mr. Karl Morell  
Attorney for:  
Palouse River & Coulee City Railroad, Inc.  
1455 F Street, NW, Suite 225  
Washington, D.C. 20005

Dear Mr. Morell:

We have received your request for additional comments concerning the application made by Palouse River & Coulee City Railroad, Inc., to abandon a short section of railroad in Moscow, Latah County, Idaho.

On November 28, 2006, we responded by letter to your initial request for comments and we have no further comments (see attachment).

We appreciate the opportunity to comment on this proposed action. If you have any questions, feel free to contact Hal Swenson, Assistant State Soil Scientist for NRCS in Idaho. Hal's telephone number is 208-378-5728 or e-mail at Hal.Swenson@id.usda.gov.

Sincerely,

**RICHARD SIMS**  
State Conservationist

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APR 26 2007  
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cc: David Hoover, State Soil Scientist, NRCS, Boise SO  
Hal K. Swenson, Assistant State Soil Scientist, NRCS, Boise SO  
Bruce Knapp, Soil Scientist, NRCS, Moscow ID  
Patrick Evans, District Conservationist, NRCS, Moscow ID  
Terril Stevenson, Natural Resource Specialist, NRCS, Boise SO

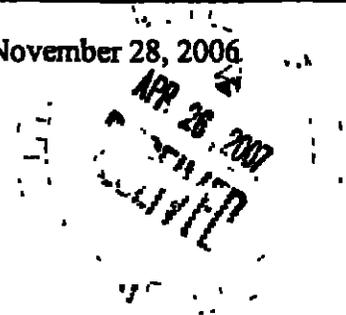
United States Department of Agriculture



Natural Resources Conservation Service  
9173 W. Barnes Dr , Suite C  
Boise, ID 83709-1574

November 28, 2006

Karl Morell  
Attorney for:  
Palouse River & Coulee City Railroad, Inc.  
1455 F Street, NW, Suite 225  
Washington, D.C. 20005



Dear Mr. Morell:

We received your request for information concerning lands subject to the Farmland Protection Policy Act as part of the Palouse River & Coulee City Railroad, Inc's, application to abandon a .74-mile rail line located between milepost 85.72 and milepost 86.46 in Moscow, Latah County, Idaho.

By definition, land cannot be prime farmland if the land is already in or committed to urban development or water storage. Farmland "already in" urban development or water storage includes all such land with a density of 30 structures per 40-acre area. The area of the proposed action by the Palouse River & Coulee City Railroad, Inc is in an area that contains more than 30 structures per 40 acres and therefore is not subject to the Farmland Protection Policy Act.

We appreciate the opportunity to comment on this proposed action. If you have any questions, feel free to contact Hal Swenson, Assistant State Soil Scientist for NRCS in Idaho. Hal's telephone number is 208-378-5728 or e-mail at [Hal.Swenson@id.usda.gov](mailto:Hal.Swenson@id.usda.gov).

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Sims". To the right of the signature, the word "ACTING" is written in a smaller, sans-serif font.

RICHARD SIMS  
State Conservationist

cc: David Hoover, State Soil Scientist, NRCS, Boise SO  
Hal K. Swenson, Assistant State Soil Scientist, NRCS, Boise SO  
Bruce Knapp, Soil Scientist, NRCS, Moscow, ID  
Patrick Evans, District Conservationist, NRCS, Moscow, ID

**Morell, Karl**

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**From:** Mark\_Robertson@fws.gov  
**Sent:** Tuesday, April 17, 2007 11:57 AM  
**To:** Morell, Karl  
**Cc:** Rebecca\_Baker@fws.gov  
**Subject:** Palouse River & Coulee City Railroad, Inc.-- Abandonment

Karl,

We received your revised Environmental Report, dated April 10, 2007, and provide the following comments. The changes outlined in your report do not alter our conclusions contained in the species list (2007-SL-0152) sent to you on December 5, 2006; there continue to be no issues indicating a need for consulting with the Fish and Wildlife Service under section 7 of the Endangered Species Act.

Normally, if we indicate that there are no species in the action area that may be affected, changes to the action will not alter our conclusion regarding the need to consult. Only if the action is relocated to an area not considered previously could there be a change in our determination.

However, we appreciate your update on the project and your desire to comply with the Endangered Species Act.

Please contact Becky Baker (208-685-6950) if you have any other questions.

++++++  
Mark Robertson  
Snake River Fish and Wildlife Office  
Fish and Wildlife Service  
1387 S. Vinnell Way, Suite 368  
Boise, ID 83709  
(208)378-5287; fax (208)378-5262  
mark\_robertson@fws.gov  
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