



Oregon

Theodore R. Kulongoski, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregonstatelands.us.

July 8, 2008

State Land Board

Theodore R. Kulongoski
Governor

Bill Bradbury
Secretary of State

Randall Edwards
State Treasurer

Victoria J. Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E St. SW
Washington DC 20423

Re: Docket No. AB-515 (Sub-No. 2X), Central Oregon & Pacific Railroad, Inc.
(CORP) – Abandonment and Discontinuance – in Coos, Douglas and Lane
Counties, OR (Coquille to Vaughn)

Dear Chief Rutson:

The Oregon Department of State Lands (DSL) has environmental concerns not adequately addressed by the Combined Environmental and Historic Report. The Wetlands and Waterways Conservation Division of DSL reviews and permits work within wetlands and waterways of the state. Although not familiar with the specific locations to be affected, it is safe to assume additional work beyond removal of the track will be necessary to avoid undue environmental impact.

Each stream crossing will require removal of a structure and restoration of the banks. Culverts left untended will fail and block fish passage. Bridges can vary greatly in their structure, but left untended also will deteriorate and discharge material into the stream, redirecting flow and causing an indeterminate level of impact based on the size and type of the structure and the specifics of the location.

Removing the bridges will also require careful planning and work. Contamination of the water from removal of pilings and release of the associated creosote must be avoided. In addition to creosote, other deleterious waste materials such as paint, oils or grease should not be allowed to enter waters of the state. Coordination with the Department of Environmental Quality should occur before any work begins.

Upon removal of structures at the stream crossings, banks must be properly restored to prevent erosion and undue sedimentation of the streams. Increased erosion and sedimentation will damage the water quality, which is detrimental to fish. Spawning beds covered in silt will cause the eggs to suffocate. Fish passage and water quality are very significant, particularly in light of Coho salmon being listed as threatened under the Endangered Species Act.

Victoria J. Rutson, Chief

July 8, 2008

Page 2

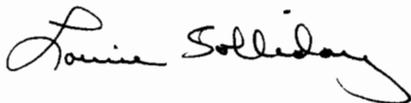
In addition to fish passage and sedimentation, invasive and noxious weeds need to be controlled. Invasive and noxious weeds are a significant problem, competing with native plants and altering habitat for fish and wildlife. After ground disturbing activities, replanting must occur to prevent invasive and noxious weeds from gaining a foothold. If properly replanted with native vegetation, and maintained and monitored until establishment, invasive and noxious weeds can be controlled.

DSL also has a proprietary concern, including the issues described above. Some of the lands crossed by the rail line are on state-owned land. Any liability associated with the condition of the state-owned land and structures over state-owned land is a concern to DSL as a property owner. Prior to abandonment, contamination, safety and access must be addressed.

If CORP is allowed to abandon and salvage the rail line, I urge the Section of Environmental Analysis to look closely at the waterway, riparian and wetland impacts and impacts to state-owned lands as a result of this abandonment, and impose conditions to mitigate those impacts. Coordination with the Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, Oregon State Historic Preservation Office and DSL is strongly recommended.

Thank you for the opportunity to comment on the proposed rail line abandonment. Feel free to contact Kirk Jarvie at (503) 986-5320, if you have additional questions or comments.

Sincerely,

A handwritten signature in cursive script that reads "Louise Solliday". The signature is written in black ink and is positioned above the printed name and title.

Louise Solliday
Director