

EI-2928
KB

Facsimile Transmission Sheet	<p>SIDNEY STRICKLAND AND ASSOCIATES, PLLC 3050 K ST. N.W., SUITE 101 WASHINGTON, DC 20007-5108 TELEPHONE: 202-338-1325 FAX: 202-295-3854</p> <p>Cover letter + 8 pages</p>
To: Ken Blodgett Fax Number: (202) 245-0454	
Date: 5/11/07	
From: Liz Waite (202) 338-1325, liz.waite@stricklandpllc.com	<p>Comments: Attached are documents responding to five(5) environmental conditions re Docket NO. AB-6 (Sub No 440x) BNSF Railway Company Abandonment - in Thurston County, WA. Please call me if you have any questions.</p> <p>Liz Waite Sidney Strickland and Associates</p>

#1

Liz Waite

From: Cornett, Deborah [DCOR461@ecy.wa.gov]
Sent: Thursday, November 30, 2006 12:49 PM
To: Liz Waite; Toteff, Sally (ORA)
Cc: john.sims@bnsf.com; Carlton Curry
Subject: RE: Railroad Abandonment AB-6 (Sub. No. 440X)

Hi Liz- I apologize for being late responding!!

In your email, you stated that "...BNSF may ..." and then listed some BMP (Best Management Practices) options. I need to clarify that BNSF is required to protect water quality. Removal of the creosoted materials to prevent their entry into the water is an example of a step that will protect water quality. The selection of BMPs, such as silt fences, is an example of a BMP that may be considered appropriate. The final selection of BMPs is up to BNSF because they will need to assess the site, the activities, and the schedule of the operations in order to choose suitable techniques. Also, my understanding is that this project is expected to be under one acre.

Hope this clarifies my comments. Please let me know if you have other questions.

Deborah Cornett (360.407.7269)

-----Original Message-----

From: Liz Waite [mailto:liz.waite@stricklandpllc.com]
Sent: Thursday, November 02, 2006 2:34 PM
To: Cornett, Deborah; Toteff, Sally (ORA)
Cc: john.sims@bnsf.com; Carlton Curry
Subject: Railroad Abandonment AB-6 (Sub. No. 440X)

Ms. Cornett,

As we discussed via phone, the Surface Transportation Board (STB) issued an Environmental Assessment (EA) for the above mentioned docket. In the EA, the STB recommends that BNSF contact the WDOE concerning Watershed Resources and that BNSF comply with DCE's reasonable requirements.

Based on the STB's recommendations, I spoke with you regarding practicing best management during salvage to protect any amount of debris from entering water bodies. Specifically, you mentioned BNSF may want to erect temporary fences, clear any creosote soaked materials from the area, and contain petroleum in staging areas. Finally, you asked that BNSF notify you one week prior to commencing salvage activities so that you have the opportunity to survey the abandonment site.

Please let me know if this email accurately reflects our conversation. If you are satisfied that it does, I would request permission to forward this email and your response to the STB. Thank you.

Liz Waite
 Sidney Strickland and Associates
 (202) 338-1325

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#2



Home Compose Address Book Options Logout

Username: Liz Waite
(liz.waite@stricklandpllc.com)

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Message

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From: Steve Friddle <sfiddle@ci.olympia.wa.us>
To: Liz.waite@stricklandpllc.com
Subject: Olympia Requirements - West Bay Drive BNRR Abandonment
Date: 17-Nov-06 02:25 PM
Attachments: FEMA_Map_2.pdf

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Hi Liz,

Per your request and in response to the Surface Transportation Board's May 15, 2006 Decision (Docket # STB AB-6 440X), the purpose of this email is to provide written confirmation that no portion of the BNRR Railway extending north from Station 521 + 42 to Station 533 + 65 is within a "Zone X" (Area determined to be outside the flood area) as identified on the attached FEMA MAP (PDF file). This area is also within 200 feet of the Shoreline and covered by the 1971 State Shoreline Management Act and the Thurston County Shoreline Manual. Finally, portions of the rail are also within street rights-of way. The proposed activity (demolition/removal) is exempt from shoreline permit. However, an engineering permit (to include temporary R-O-W obstruction, excavation and traffic control) is required for those sections within the ROW. Therefore, based upon the shoreline act and engineering standards, the City will require that the rails and ties be salvaged (removed) and standard best management practices be in place to ensure that no debris or soils enter State waters pursuant to State and local Shoreline codes.

<<FEMA Map 2.pdf>>

If you have any further questions please contact me

STEVEN FRIDDLE,
 COMMUNITY SERVICES MANAGER
 COMMUNITY PLANNING & DEVELOPMENT
 P.O. Box 1967
 837 7th. Avenue
 Olympia, WA 98507-1967

Phone: (360) 753-8591

Add Folder

#2

Fax: (360) 753-8087
Email: sfriddle@ci.olympia.wa.us

Visit Our Web Page at www.ci.olympia.wa.us

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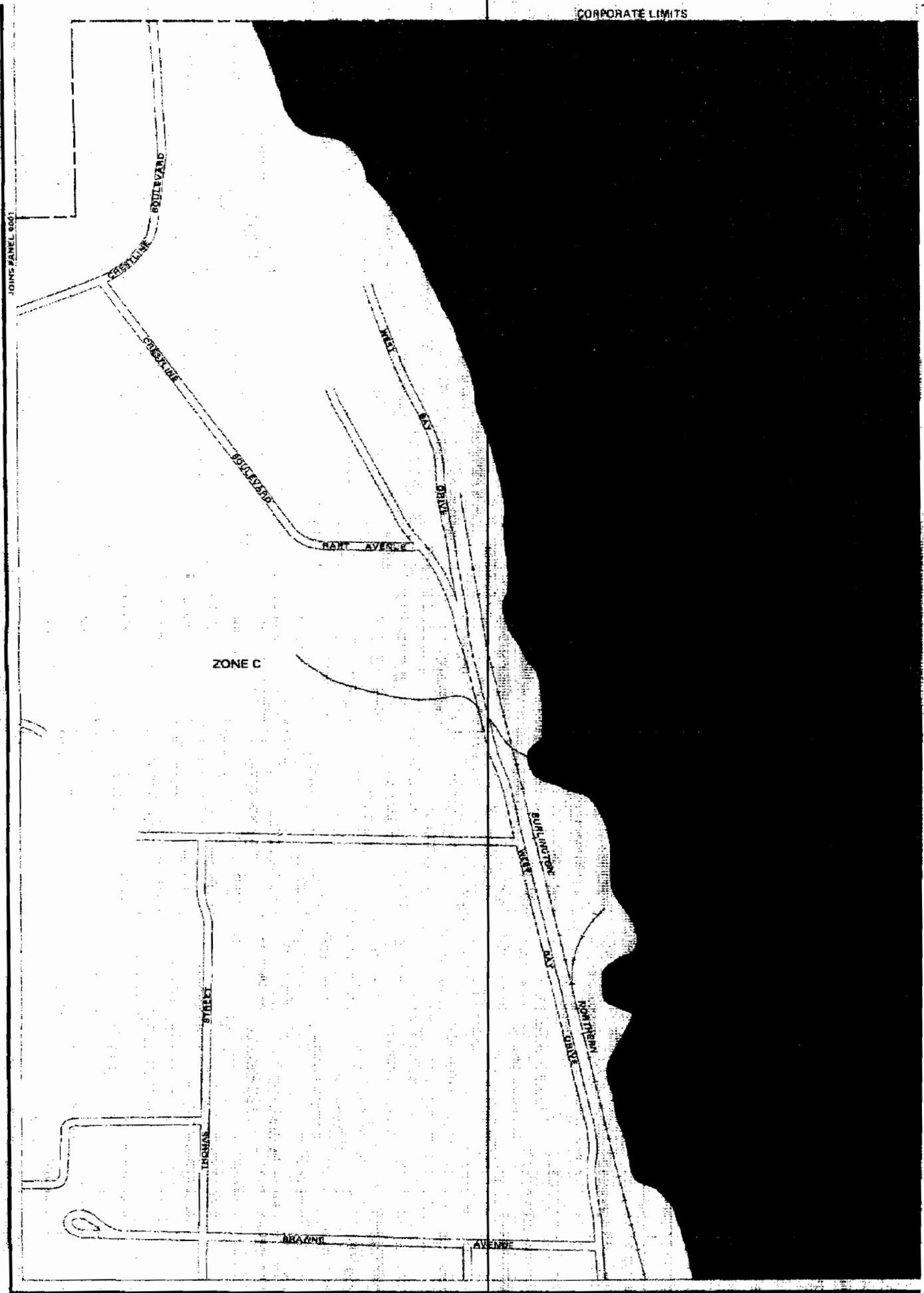
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#2

CORPORATE LIMITS



#3



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 711 or 800-833-6388 (for the speech or hearing impaired)

May 3, 2007

Ms. Elizabeth E. Waite
Sidney Strickland and Associates
Suite 101
3050 K Street
Washington DC 20007-5108

RE: Federal Consistency — Burlington Northern Santa Fe Railroad Company (BNSF)
STB Docket No. AB-6 (Sub. No. 440x) Olympia Abandonment

Dear Ms. Waite:

The Department of Ecology, Shorelands and Environmental Assistance Program received your request for concurrency with Washington's Coastal Zone Management Program to abandon 0.23-mile line of railroad between BNSF Engineering Station 521 + 42 and BNSF Engineering Station 533 + 65 in Olympia, Thurston County, Washington.

Ecology agrees with your determination and assessment that the proposed action is consistent with Washington's Coastal Zone Management Program.

If you have any questions regarding this letter, please contact Penny Keys at (360) 407-6927.

Sincerely,

Brenden McFarland
Environmental Review and Transportation Section Manager
Shorelands and Environmental Assistance Program

cc: Penny Keys, Ecology



FW: Confidential

Page 1 of 2

#4

Liz Waite

From: Batie, Richard A [Richard.Batie@bnsf.com]
Sent: Thursday, November 30, 2006 9:06 AM
To: Sims, John A
Cc: Liz Waite
Subject: FW: Confidential

John,

This information indicates that there are no eagle nests within 1/4 mile of the Olympia, WA Trackage #1 or other endangered or threatened species.

Please forward to the appropriate contact.

Rich Batie

From: David Hanna [mailto:dhanna@ci.olympia.wa.us]
Sent: Wednesday, November 29, 2006 4:25 PM
To: Batie, Richard A
Subject: FW: Confidential

Rich-Here is the email as promised. It would be wonderful if this info would suffice because getting a map from Washington Department of Fish and Wildlife could take a while. I will look into on your behalf but this should get you started. David

-----Original Message-----

From: Todd Stamm
Sent: Tuesday, November 28, 2006 11:33 AM
To: David Hanna
Subject: Confidential

With regard to the area in the vicinity of West Bay Drive, I've reviewed the priority habitat and species maps provided to us by the State dated March of 2006. These maps and info indicate:

- 1) The entirety of the area along the shore is identified as an estuarine zone, a state-priority habitat.
- 2) Much of this same area except some of the northern portion is also a "regular shorebird concentration," also a state priority habitat.
- 3) Schneider Creek is identified as having coho salmon, an anadromous fish, and thus a state priority habitat (not species).
- 4) Purple Martin boxes on the eastern shore of West Bay are identified because purple martins are a 'state candidate' species.
- 5) A great egret siting prior to 1982 is noted. The great egret is a state monitor species, but not a priority species.
- 6) The general Olympia waterfront is identified as a "seabird colony," including pigeon guillemot, which once was a priority species.

3/6/2007

FW: Confidential

Page 2 of 2

#4

No federally endangered species were noted. The coho salmon is a federal "species of concern."

These are not "sensitive" species for purposes of the City's confidentiality agreement with the Department, so you may share this info with the landowner.

Todd Stamm

Planning Manager

Olympia Community Planning and Development Department

837 Seventh Ave. SE; Box 1967

(360) 753-8597; Fax 753-8087

tstamm@ci.olympia.wa.us

Note: This message and any reply may be subject to public disclosure.

#5

Liz Waite

From: Stephan Kalinowski [kalinsak@DFW.WA.GOV]
Sent: Friday, December 15, 2006 7:32 PM
To: liz.waite@stricklandpllc.com
Subject: Re: Fwd: Confidential--Species Info for Olympia Railroad Abandonment

Good afternoon, Sorry for the extreme delay but I have been out for the past couple weeks. The only species that would be of concern in this project area would be the Olympic Mudminnow which may inhabit some of the streams in the area. However since no work is planned in the streams there is no regulatory connecting.
 Thanks, Steve

Stephan A. Kalinowski
 Habitat Program Manager Region 6
 48 Devonshire Road
 Montesano, WA 98563
 Phone: 360-249-1227
 FAX: 360-664-0689

>>> "Liz Waite" <liz.waite@stricklandpllc.com> 11/30/2006 8:09:12 AM >>>
 Mr. Kalinowski,

Attached is an email from the City of Olympia listing species that are located in the vicinity of the Olympia railroad abandonment between Station 533 + 65 and Station 521 + 42. The City of Olympia indicates there are "no federally endangered species" in the area. The attached email is also being forwarded to the U.S. Fish and Wildlife Service. I hope this email helps you to respond to our email inquiry sent on November 21st regarding potential impacts to species of concern. Please call me or email if you have any questions.

Liz Waite
 (202) 338-1325

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