

EO-590

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

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

August 7, 2007

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

Notice of Exemption Petition for Exemption Regulated Abandonment

NO NEW COMMENTS WERE RECEIVED

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SEA served an Environmental Assessment (EA) for this proceeding on July 17, 2007 for public review and comment. In the EA, SEA recommended five environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment. On August 6, 2007, SEA issued a Post Environmental Assessment (Post EA) recommending that the conditions recommended in the EA, as modified by the recommendations in the Post EA, as well as the new conditions recommended in the Post EA, should be imposed upon any decision granting abandonment authority.

Comments

SEA received one comment after issuance of the Post EA. On August 7, 2007, BNSF submitted a letter from the Oregon Parks and Recreation Department, Heritage Conservation Division (State Historic Preservation Officer or SHPO) dated August 6, 2007 stating that the proposed abandonment would have no effect on any known cultural resources.

Therefore, SEA recommends that the section 106 historic preservation condition imposed in the July 17, 2007 decision be removed.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the conditions recommended in the EA and in the Post EA, as modified by the recommendations in this document, should be imposed upon any decision granting abandonment authority. The combined conditions are:

1. Prior to commencement of any salvage activities, BNSF Railway Company (BNSF) shall consult with the National Marine Fisheries Service (NMFS) regarding the marine animals on the list of threatened and endangered species for Multnomah County. BNSF shall consult with the Board's Section of Environmental Analysis (SEA) and NMFS to develop appropriate mitigation measures if necessary. BNSF shall report the results of any consultation with NMFS in writing to SEA.
2. Prior to commencement of any salvage activities, BNSF Railway Company shall consult with the United States Environmental Protection Agency regarding its concerns about hazardous waste materials along the right-of-way and comply with its reasonable requirements.
3. Prior to commencement of any salvage activities, BNSF Railway Company shall consult with the Oregon Department of Fish and Wildlife and comply with applicable state regulations for disposal of all rail materials including creosote rail ties and oil-stained ballast.
4. In the event that any archaeological sites, human remains or associated artifacts are discovered during BNSF Railway Company's (BNSF) salvage activities, BNSF shall immediately cease all work and shall notify the Board's Section of Environmental Analysis (SEA) and the Oregon Parks and Recreation Department, Heritage Conservation Division (State Historic Preservation Office or SHPO). SEA shall then consult with the SHPO and BNSF to determine whether any mitigation measures are necessary.

If the above condition is imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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