Commenter ID #1

LONGVIEW, WASHINGTON; SEPTEMBER 18, 2014

--oOo--

See response to comment 1-1

DEAN SCHRADER: My name is Dean Schrader. We live -- right now we cross five sets of railroad tracks to get into our house.

After this, we're going to have seven sets of railroad tracks to get into our property. We're not going to have any overpass. We were promised an overpass years ago. Whenever they added rails in here, they said any over three rails that they'd have to have an overpass for safety. We're not getting the overpass. We're crossing seven sets of tracks.

The school buses will not come in and pick up our kids and grandkids there now because it's not safe. And I think that this design is faulty. We should have an overpass there. There's probably ten to 12 families living in there with kids and we have no way in and out. If there's problems on the tracks, we're locked in. We have no way in or out of there. And we were promised an overpass years ago and we think there should be one with this design.

See response to comment 1-2

BARBARA SCHRADER: The way they've got the design set up, they've got the arms coming down, that's going to block us in completely, whereas now the

Commenter ID #1

arms don't come down, they come down mainly on the main tracks, not the ones that are going into the grain elevators. With this new design they're putting it there, so whereas now we can wait for a train for 45 minutes, if it's possible we can go around. With the way they got it set up now, we can't -- we're locked in to waiting however long those trains sit there. And they do sit there. They do not get off the road, even though there may be only one car and they could go just a little bit farther and let the traffic through, they don't.

DEAN SCHRADER: There was -- money was supposedly set aside for an overpass, that we were told that years ago, and I don't know what happened. The guy over there said that it didn't warrant it for some reason now. So I don't know. We think we should have an overpass. And there's quite a few couples here that feel the same way.

Response to Comment 1-1 and 1-2

As noted at the September 18, 2014 public hearing on the Task 5 and 6 projects, the comments regarding the grade separation and related matters were made on a different project (Task 4 – Toteff Road) than those on which the hearing was held. The impacts of the Task 4 project were analyzed under a separate environmental review process: National Environmental Policy Act (NEPA) Categorical Exclusion (CE) and State Environmental Policy Act Environmental (SEPA) Checklist Determination of Non-Significance (DNS) Task 4: Kelso Martin's Bluff – Toteff Road Siding Extension. Additional opportunities to comment on the Task 4 design and effects were afforded when the Washington Department of Transportation (WSDOT) undertook the SEPA evaluation in November 2014.

Commenter ID #2

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TYREL KOISTINEN: I'm Tyrel Koistinen. I'm referring to the Kelso Martin's Bluff Improvement Project, and my concerns with this project are, Number 1, is that no overpass will be put in. The reason my

Commenter ID #2

1 concerns with the overpass is is because school buses
2 refuse to go down our driveway. We all pay taxes. And
3 I'm newly married and planning on having kids, so
4 school buses won't be able to go down our driveway so
5 the only way to get our children to school would be to
6 drive them.

See response to comment 2-1

7 Another concern I have is emergency services.
8 With adding more railroad and making it so we can't
9 turn left out of -- off of Toteff causes us to be
10 trapped in there and if we had a medical emergency or a
11 fire or any type of emergency, nobody could access us
12 and we couldn't get out.

See response to comment 2-2

13 Another concern I have is that we live on the
14 Columbia River there and there's a bald eagle's nest.
15 That bald eagle that recently moved in there, every
16 time a train whistles, he gets up and flies off. And I
17 just thought with the increased traffic and trains
18 coming through there blowing their whistles, it's only
19 going to bother him more. And it seems like under the
20 bald eagle act that concern should be addressed.

See response to comment 2-3

21 My third and final -- or my last concern would
22 be is the park that's real close by. Adding high-speed
23 rail through there and another line seems like the more
24 train traffic with all the bikers and walkers it's just
25 going to be more of a hazard if they have to cross the

See response to comment 2-4

Commenter ID #2

tracks. That's it.

* * * * *

Response to Comment 2-1 and 2-2

As noted at the September 18, 2014 public hearing on the Task 5 and 6 projects, the comments regarding the grade separation and related matters were made on a different project (Task 4 – Toteff Road) than those on which the hearing was held. The impacts of the Task 4 project were analyzed under a separate environmental review process: NEPA CE and SEPA Checklist DNS Task 4: Kelso Martin's Bluff – Toteff Road Siding Extension. Additional opportunities to comment on the Task 4 design and effects were afforded when WSDOT undertook the SEPA evaluation in November 2014.

Response to Comment 2-3

The Bald and Golden Eagle Protection Act prohibits, without proper permitting, disturbance from construction activities to nesting bald eagles during their active nesting period, which occurs January 1 through August 15. Guidelines established by the US Fish and Wildlife Service require an eagle nest to be within 660 feet of the construction activities or 0.5 miles of blasting to trigger review. WSDOT reviewed the most current eagle nest data (April 2014) from the Washington Department of Fish and Wildlife (WDFW) and the closest bald eagle nest is located approximately 930 feet from the rail line where construction activities are planned. No blasting would occur within 0.5 mile of the nest. As such, the construction activities are not considered a disturbance to this bald eagle nest and are not subject to timing restrictions or permitting.

The project area has had a high level of rail, industrial, and highway activity (and associated noise) for decades. It is assumed that bald eagles nesting in the project area are acclimated to the existing noise environment due to reoccurring use of the site and nesting success. Although the horn noise from additional passenger trains could disturb wildlife, including eagles, in the project area, disturbances are minor when the existing noise environment is taken into consideration. According to BNSF Railway the train horn noise from existing operations and maintenance activities has not required either a Disturbance Permit or Take Permit under the Bald and Golden Eagle Protection Act.

The list of applicable laws and regulations in Appendix A of the Environmental Assessment (EA) is limited to laws and regulations where an actual approval or permit from an agency would be issued.

Response to Comment 2-4

The Federal Railroad Administration (FRA) designated the rail line as a high-speed rail corridor in 1993. High-speed rail has been in operation since 1994 when WSDOT began providing passenger service between Seattle, Washington and Portland, Oregon. The current maximum speed for the passenger rail service is 79 mph; this speed would not increase with implementation of this project. As stated in the EA, the project supports implementing two additional daily passenger rail roundtrips (4 one-way trains) between Seattle and Portland; this means there would be four additional Amtrak passenger trains moving through the Toteff Road and Hendrickson Drive crossings daily. Although these crossings aren't designated

bike/pedestrian routes (and Hendrickson Drive is not a public road) and the closest park is 1.5 miles north, the reconstruction substantially improves the safety of the crossing for all users by eliminating vehicle conflict points, improving sight distances and turning radii, and installing industry standard active warning devices.

Access to Marine Park and Louis Rasmussen Day Use Park for pedestrians and bikes would remain via Hendrickson Drive and the Elm Street pedestrian overcrossing. The proposed project would not interrupt any existing access to these parks.

Commenter ID #3

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4 See response to comment 3-1
5 STACI SEARLS: My name is Staci Searls.
6 My concerns about the Toteff Road intersection in
7 Kalama are primarily emergency services. We've been
8 told that they have access to come through the port
9 property in the event of emergencies which I have not
10 verified, but we still do not have access out in the
11 event of an emergency. The private residences are not
12 allowed to go through the port property in the event of
13 an emergency if the tracks are blocked.
14 And we're going to have to cross seven sets of
15 railroad tracks all at the same time now when they add
16 a new siding track and a new main track which is just
17 going to be completely unsafe. We don't have a way
18 around if any of the tracks are blocked now. As it
19 currently stands when the main lines are blocked, we
20 can go around up Henderson Drive to the north. When
21 they make these changes, we won't be able to go around
22 if any of the seven tracks are blocked, we'll be
23 trapped.
24 We also won't be able to with the new proposed
25 design turn left to -- from Toteff Road to Henderson

Commenter ID #3

1 Drive to go up to the park, which I do every day with
2 my dog, or the Port of Kalama Marina where our boat is
3 moored. We would have to drive clear around the
4 freeway which is -- is not good. See response to comment 3-2
5 The school buses won't come across this many
6 tracks and wait. So the people that have children in
7 our neighborhood now have to drive them to school. So
8 that's a big issue. See response to comment 3-3
9 And due to the increased traffic with the
10 TEMCO grain dock remodel, we've been told there's going
11 to be increased rail traffic, there's going to be more
12 workers there. There's going to be more traffic in the
13 intersection. See response to comment 3-4
14 So those are the primary concerns: Emergency
15 services, the school bus issue, safety at the
16 intersection, access to the park and the marina, and
17 the increased traffic.
18 And my final concern has to do with the
19 wildlife in our area and the train issue. We actually
20 had three bald eagles living in our area for years and
21 now we're down to just one. They seem to be really
22 annoyed with the train whistles; different pitches seem
23 to affect them differently, but there seems to be only
24 one in the residential area now. See response to comment 3-5
25 And one final thing would be we were told

Commenter ID #3

1 years ago money was set aside for an overpass for that
2 intersection when change is happening in the future,
3 and now we're being told there's not enough traffic to
4 spend that money on the overpass. The overpass would
5 eliminate the safety issues, the bus issues, the
6 emergency issues, the wildlife issues and the train
7 horns.

See response to comment 3-6

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Response to Comment 3-1, 3-2, 3-3

As noted at the September 18, 2014 public hearing on the Task 5 and 6 projects, the comments regarding the grade separation and related matters were made on a different project (Task 4 – Toteff Road) than those on which the hearing was held. The impacts of the Task 4 project were analyzed under a separate environmental review process: NEPA CE and SEPA Checklist DNS Task 4: Kelso Martin's Bluff – Toteff Road Siding Extension. Additional opportunities to comment on the Task 4 design and effects were afforded when WSDOT undertook the SEPA evaluation in November 2014.

Response to Comment 3-4

The Port of Kalama's TEMCO LLC Terminal Expansion project is a privately funded and implemented project independent form the federally funded Task 5 and 6 passenger rail projects. It was considered in the cumulative effects analysis of the EA (Section 4.18.1.4), which documents the overall effects of past, present, and reasonably foreseeable future actions on transportation. It was also considered in all no-build alternative assessments. The TEMCO expansion project and other planned activities at the Port of Kalama would result in increased freight traffic through the Task 5 and Task 6 study areas, irrespective of the build alternatives, and would also increase the number of times the railroad crossings would be blocked and contribute to a non-significant cumulative effect on local transportation corridors. In completing the cumulative impact analysis, WSDOT reviewed the February 2010/2012 SEPA Checklists and DNS for the terminal expansion project. According to the checklists, the project "was not anticipated to create additional demand for new employees or increase traffic to the site." According to TEMCO, "most train deliveries arrive from the north, which does not typically block the intersection at Toteff Road. The proposed improvements are not anticipated to effect or change existing train operations."

The roadway improvement projects proposed by the city of Kelso (West Main Street Realignment, Yew Street Reconstruction Phase 1, and city of Kelso Railroad Crossing Study) would improve roadway flow and potentially reduce traffic in the city of Kelso. These roadway improvements could offset potentially adverse impacts from the Millennium Bulk Terminals Longview and Port of Kalama Terminal Expansion Project. The Build Alternative would not be likely to contribute to a significant cumulative effect on transportation; the EA analyses establish that there would be no cumulative effect to transportation as a result of the build alternatives.

Response to Comment 3-5

The Bald and Golden Eagle Protection Act prohibits, without proper permitting, disturbance from construction activities to nesting bald eagles during their active nesting period, which occurs January 1 through August 15. Guidelines established by the U.S. Fish and Wildlife Service (USFWS) require an eagle nest to be within 660 feet of the construction activities or 0.5 miles of blasting to trigger review. WSDOT reviewed the most current eagle nest data (April 2014) from the WDFW and the closest bald eagle nest is located approximately 930 feet from the rail line where construction activities are planned. No blasting would occur within 0.5 mile of the

nest. As such, the construction activities are not considered a disturbance to this bald eagle nest and are not subject to timing restrictions or permitting.

The project area has had a high level of rail, industrial, and highway activity (and associated noise) for decades. It is assumed that bald eagles nesting in the project area are acclimated to the existing noise environment due to reoccurring use of the site and nesting success. Although the horn noise from additional passenger trains could disturb wildlife, including eagles, in the project area, disturbances are minor when the existing noise environment is taken into consideration. According to BNSF Railway the train horn noise from existing operations and maintenance activities has not required either a Disturbance Permit or Take Permit under the Bald and Golden Eagle Protection Act.

The list of applicable laws and regulations in Appendix A of the EA is limited to laws and regulations where an actual approval or permit from an agency would be issued.

Response to Comment 3-6

See Response to Comment 3-1, 3-2, and 3-3.

Commenter ID #4

* * * * *

See response to comment 4-1

LLOYD FLEM: Lloyd Flem, executive director All Aboard Washington which is the state rail passenger association. We're a nonprofit 501(c)(3) rail advocacy organization. We fully and completely support this and all of the other projects along the northwest corridor as being beneficial to the development and future of rail passenger service in our corridor. We feel that these projects, including Kelso Martin's Bluff, will be very helpful for efficient movement of the rail passenger program as it grows and as an auxiliary benefit will also help to move the freight, which is extremely important to the well-being of our state as well. But the major purpose is, of course, the funds came to make a passenger rail service more effective and more efficient.

Commenter ID #4

1 And the two greatest needs that we have found
2 in our working with the general public and with our
3 neighbors -- with our members are on-time performance
4 and more services, more trips per day. With this
5 project and the others up and down the corridor between
6 Blaine and Vancouver, Washington in our state, will do
7 would be to facilitate both on-time performance and to
8 allow efficiently the two more round trips per day
9 which are due in 2017.
10 There should be no undue concerns about any of
11 the environmental impacts of the projects. It would
12 appear that all of the bases have been covered and the
13 environment will be properly protected with this
14 project.
15 (Statements concluded.)
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Response to Comment 4-1

Thank you for the input. Comment noted.

Commenter ID #5

Cody, Sandy

Subject: FW: EA Kelso to Martin's Bluff KMB EA comment

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

From: jerry [mailto:jerry_sorrell@comcast.net]
Sent: Tuesday, September 09, 2014 1:48 PM
To: WSDOT State Rail Division
Cc: Sharon Zimmerman; Scot Walstra; White, Megan
Subject: Re: EA Kelso to Martin's Bluff KMB EA comment

I have provided a clip of the Airport Layout Plan showing the the relationship of the runway and airspace relative to the BNSF Right of Way.

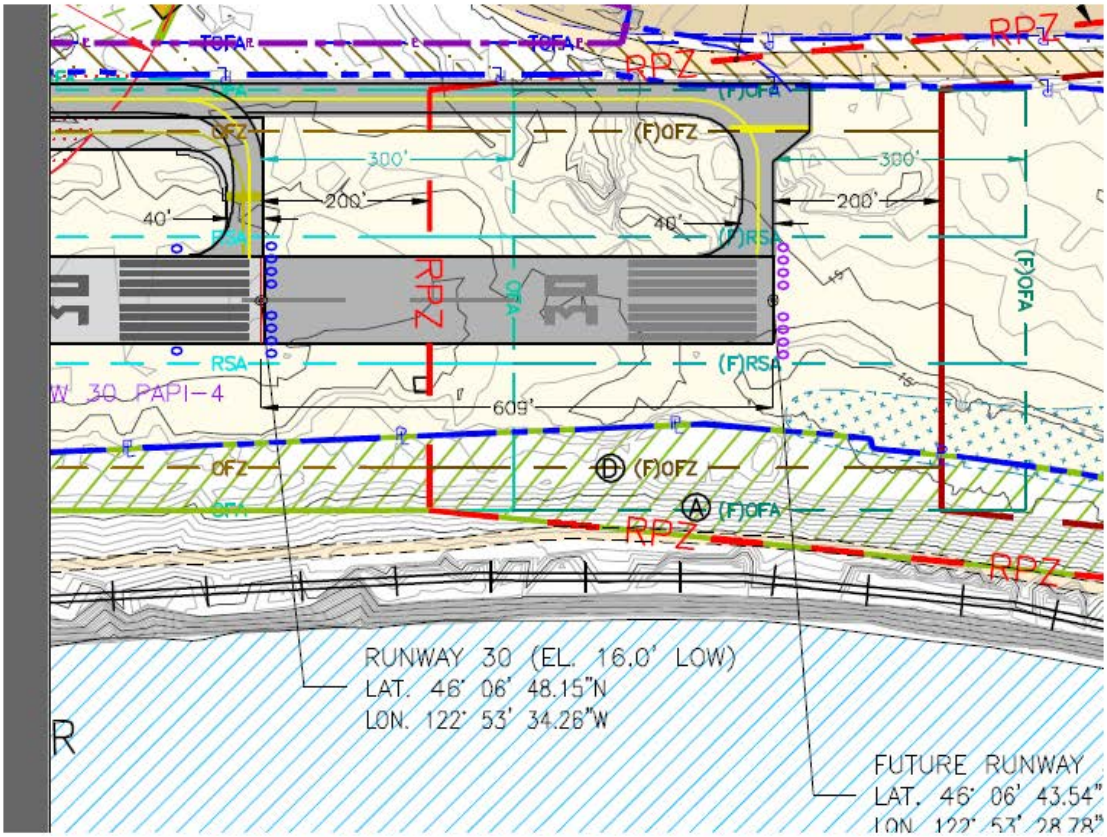
While I have not heard back regarding my request for mapping, it is apparent that the wetland impact delineation shown elsewhere in the EA shows the third rail and other construction is to the east of the existing alignment.

I agree that BNSF has adequate right of way on which to add a third rail. The concerns I have are the impacts to the Object Free Area, the Runway Protection Zone and the Part 77 airspace slopes to the west and south of the runway.

My position is that the EA document has not addressed these long term impacts.

I am meeting with airport staff Wednesday afternoon to further discuss this, in preparation for comments to the EA. If you can confirm which side of the existing tracks the 3rd rail will be located, this will help us better understand the impacts and will allow us to prepare an objective, educated response.

Commenter ID #5



From: jerry
Sent: Saturday, September 06, 2014 9:41 PM
To: rail@wsdot.wa.gov
Cc: Sharon Zimmerman ; Scot Walstra
Subject: EA Kelso to Martin's Bluff

I will be commenting on the environmental assessment pending receipt of preliminary layout plans for the 3rd rail in the vicinity of the Southwest Washington Regional Airport. I did not find any preliminary layout plans in the EA.

As an airport tenant and volunteer for the airport board, I am especially concerned about the 3rd rail location and potential airspace impacts.

While the railroad owns sufficient right of way for 3rd rail construction, any rail or maintenance service road improvements to the east will impact aircraft operations and further degrade airspace intended for safety purposes.

Commenter ID #5

Here is the 3rd rail alignment area I am interested in.

Can you provide me with a link to any mapping or provide me with a PDF document? Requesting your reply before Friday, Sept 12.

See response to comment 5-1

Sincerely,

Gerald Sorrell
1108 Hazel Dell
Castle Rock, WA 98611
360-578-0554
jerry_sorrell@comcast.net

Response to Comment 5-1

Coordination with the Federal Aviation Administration (FAA) regarding potential conflicts with the Runway Protection Zone, Object Free Area, and airport clear zones is ongoing and would continue through final design of the proposed projects. As discussed in Section 4.10.3.2.2 of the EA, the Task 6 project would be located partly adjacent to and within approximately 200 feet of the runway at the Southwest Washington Regional Airport. Under 49 CFR 77, the FAA is to be notified via Form 7460-1 of proposed construction activities that would take place within 20,000 feet of an airport with a runway of greater than 3,200 feet in length and which exceed a 100 to 1 imaginary surface height from the runway. The 100 to 1 ratio establishes a threshold of one foot of height for every 100 feet of horizontal distance. For the Task 6 project, this means that since the project would be approximately 200 feet from the runway, the project requires FAA notification as construction equipment would exceed 2 feet in height at that distance. Therefore, Form 7460-1 is being prepared for submittal to the FAA to document the proposed activities. The FAA would review the submittal and make a determination regarding any potential hazards associated with the project. Although the project is close to the runway, the proposed project and construction would have a low profile similar to existing activities in the rail corridor and is not anticipated to effect airport operations.

Additional plan sheets, aside from those provided as part of the EA, are not available at this time.

Commenter ID #6

EAA Chapter 1111
2215B Parrott Way
Kelso WA 98626

09/22/2014

WSDOT Rail Division
PO Box 47407
Olympia, WA 98504-7407

See response to comment 6-1

Subject: KMB EA Comment- Task 6 - Rail – Kelso to Longview Junction

On behalf of Experimental Aircraft Association (EAA) Chapter 1111 of Kelso, WA, I am providing the WSDOT Rail Branch with our comments on the Environmental Assessment (E/A).

Our EAA chapter has over 40 members participating in various aviation related activities at the Southwest Washington Regional Airport. We all have an interest in the optimum use and growth of the airport.

I am not protesting the improvement of the rail corridor, but asking that the long term operational and safety impacts to the airport be addressed as follows.

The airport master plan calls for a runway / stop way extension, but the timing of the extension is likely to be further out than the 3rd rail project by a number of years. Therefore the E/A should address impacts to both the existing condition and the future runway / stop way extension.

I agree that all 3rd rail work will be within the BNSF right of way, but the added rail and relocated access road will be further into the Part 77 airspace, the Runway Protection Zone (RPZ) and likely be in the Object Free Area (OFA). Without an alignment plan and cross-sections, I am not able to say to what degree the impacts are, but I am requesting the operational safety be addressed for the current and long term plans for the airport.

The Federal Aviation Administration (FAA) has already allowed some modifications to standards due to the proximity of the existing rail and access road. I am requesting that the Rail Branch coordinate with the Aviation Branch and FAA and determine whether or not the 3rd rail work could jeopardize FAA funding attributed to further modifications to standards, and whether or not the proposed non-precision instrument approach to Runway 30 will be compromised.

Sincerely,

George Ford, President EAA Chapter 1111

cc: Sharon Zimmerman, Project Manager, Southwest Washington Regional Airport

Response to Comment 6-1

Coordination with the FAA regarding potential conflicts with the Runway Protection Zone, Object Free Area, and airport clear zones is ongoing and would continue through final design of the proposed projects. As discussed in Section 4.10.3.2.2 of the EA, the Task 6 project would be located partly adjacent to and within approximately 200 feet of the runway at the Southwest Washington Regional Airport. Under 49 CFR 77, the FAA is to be notified via Form 7460-1 of proposed construction activities that would take place within 20,000 feet of an airport with a runway of greater than 3,200 feet in length and which exceed a 100 to 1 imaginary surface height from the runway. The 100 to 1 ratio establishes a threshold of one foot of height for every 100 feet of horizontal distance. For the Task 6 project, this means that since the project would be approximately 200 feet from the runway, the project requires FAA notification as construction equipment would exceed 2 feet in height at that distance. Therefore, Form 7460-1 is being prepared for submittal to the FAA to document the proposed activities. The FAA would review the submittal and make a determination regarding any potential hazards associated with the project. Although the project is close to the runway, the proposed project and construction would have a low profile similar to existing activities in the rail corridor and is not anticipated to effect airport operations.

Additional plan sheets, aside from those provided as part of the EA, are not available at this time.

Commenter ID #7

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 25, 2014

Chris Regan, Manager
NEPA/SEPA Compliance Program
Environmental Services Office, WSDOT
PO Box 47331
Olympia, WA 98504-7331

Dear Mr. Regan:

Thank you for the opportunity to comment on the environmental assessment for the Kelso Martin's Bluff Improvement Tasks 5 & 6 project located in Cowlitz County. The Department of Ecology (Ecology) reviewed the information provided and has the following comment(s):

TOXICS CLEANUP: Andy Smith (360) 407-6316

See response to comment 7-1

The project submittal has identified numerous contaminated sites along the corridor of the project. If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator in the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Andrew Smith with the SWRO, Toxic Cleanup Program at the phone number given above.

REVIEWER: Sonia Mendoza
WATER QUALITY CONTACT: Sheila Pendleton-Orme (360) 690-4787

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

The following construction activities require coverage under the Construction Stormwater General Permit:

Response to Comment 7-1

As noted in Section 4.9.3 of the EA, if contaminated soil, sediment, or groundwater were encountered, potential environmental effects would be minimized and managed by following minimization measures and best management practices. For example, a project-specific hazardous materials plan will be prepared and implemented to manage potential hazardous material effects from spills or from encountering previously unidentified contaminated media. In the event of encountering contaminated media, the Washington Department of Ecology (Ecology) will be contacted in accordance with applicable state and federal requirements. No long-term effects from the Task 5 project are anticipated because the project would not increase the potential for exposure to hazardous materials from the transport or accidental release of hazardous materials.

Construction practices will comply with applicable requirements for erosion control and stormwater management, including those listed in the comments and compliance with the National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit. Appendix M of the EA lists the practices, techniques, methods, processes, and activities that will be implemented to comply with applicable permits and other regulatory requirements, including the NPDES Construction Stormwater General Permit, and that provide an effective and practicable means of preventing or minimizing the environmental effects of an action.

Commenter ID #8

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

September 25, 2014

Chris Regan, Manager
NEPA/SEPA Compliance Program
Environmental Services Office, WSDOT
PO Box 47331
Olympia, WA 98504-7331

Dear Mr. Regan:

Thank you for the opportunity to comment on the environmental assessment for the Kelso Martin's Bluff Improvement Tasks 5 & 6 project located in Cowlitz County. The Department of Ecology (Ecology) reviewed the information provided and has the following comment(s):

TOXICS CLEANUP: Andy Smith (360) 407-6316

The project submittal has identified numerous contaminated sites along the corridor of the project. If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator in the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Andrew Smith with the SWRO, Toxic Cleanup Program at the phone number given above.

REVIEWER: Sonia Mendoza
WATER QUALITY CONTACT: Sheila Pendleton-Orme (360) 690-4787

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

The following construction activities require coverage under the Construction Stormwater General Permit:

Commenter ID #8

See response to comment 8-1

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
   a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and

3. Any size construction activity discharging stormwater to waters of the State that Ecology:
   a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
   b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted.

See response to comment 8-2

You may apply online or obtain an application from Ecology's website at: http://www.ecy.wa.gov/programs/wq/stormwater/construction/ - Application. Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(SM:14-4588)

cc: Sheila Pendleton-Orme, VFO/WQ
Andy Smith, TCP
Joyce Smith, HQ/WQ

Response to Comment 8-1

Construction practices will comply with applicable requirements for erosion control and stormwater management, including those listed in the comment, and compliance with the NPDES Stormwater General Permit. Appendix M of the EA lists the practices, techniques, methods, processes, and activities that will be implemented to comply with applicable permits and other regulatory requirements, including the NPDES Construction Stormwater General Permit, and that provide an effective and practicable means of preventing or minimizing the environmental effects of an action.

Response to Comment 8-2

As noted in Section 4.9.3 of the EA, if contaminated soil, sediment, or groundwater were encountered, potential environmental effects would be minimized and managed by following minimization measures and best management practices. For example, a project-specific hazardous materials plan will be prepared and implemented to manage potential hazardous material effects from spills or from encountering previously unidentified contaminated media. In the event of encountering contaminated media, Ecology will be contacted in accordance with applicable state and federal requirements. No long-term effects from the Task 5 project are anticipated because the project would not increase the potential for exposure to hazardous materials from the transport or accidental release of hazardous materials.

Construction practices will comply with applicable requirements for erosion control and stormwater management, including those listed in the comments and compliance with the NPDES Stormwater General Permit. Appendix M of the EA lists the practices, techniques, methods, processes, and activities that will be implemented to comply with applicable permits and other regulatory requirements, including the NPDES Construction Stormwater General Permit, and that provide an effective and practicable means of preventing or minimizing the environmental effects of an action.

Commenter ID #9

Cody, Sandy

Subject: FW: KMB EA Comment

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

From: Kris and Lori Johnson [mailto:kristopherandlori@msn.com]
Sent: Friday, September 05, 2014 4:28 PM
To: WSDOT State Rail Division
Subject: KMB EA Comment

See response to comment 9-1

This project sounds like a band-aid fix. To solve the problem of congestion around Longview and Kalama there needs to be a third-main all the way from CP Interstate to OSTRANDER; or least to the north end of Rocky Point yard to avoid drilling a new tunnel. By having this 3-mile long double-track gauntlet from LONGVIEW JCT. SOUTH to the Kalama River, you're creating choke-points at both ends of the three-main track. I see in Section 3.3, that an idea to add 19 miles of track was abandoned because of rock blasting and buying up land. It's a shame more funds could not have been allocated to this project to make that happen.

You're inviting the same problem that was created in Seattle back in 2005 where the Lander Main ended at LUCILE and Main 3 started at BAILY. This four-tenth of a mile gauntlet caused many delays for freight and commuter trains.

Installing a third main between MP 102.8 and MP 104 would not easy; with the Columbia River on the west side and Interstate 5 on the east side. Would the Army Corp of Engineers allow adding fill into the Columbia River at MP 103? Was this ever considered?

To further reduce travel time for the *Cascades*, and improve freight movement, WSDOT needs to install control points at Kelso and Centralia. There needs to be a single, cross-over, at both ends of the depot in Kelso just like what was done up north at Centennial. If Centralia South holds a SB train at OSTRANDER, and if there's a NB train in front of #506 or #516, the NB freight train can't be crossed over to M1 until MP85 or VADER to get out of the way. With these new control points a freight train can wait between KELSO SOUTH and the depot or between the depot and Rocky Point without delaying the *Cascades*.

The same thing needs to be done at Centralia. A northbound *Cascades* comes flying off Napavine Hill and goes screaming through Chehalis at 79mph, then has to slow down to 35mph to go through the turnouts at CENTRALIA SOUTH, accelerate, then slow down again for the station stop. If a cross-over was at MP 54.4, the NB *Cascades* would only have to slow once, and then stop. After the station stop at Centralia the NB *Cascades* have to slow down again, just 4.7 miles later, to cross-over at WABASH if there is freight train on M1. With a cross-over at MP 53.7 the NB Cascades could cross over to M2 right after leaving the station stop and not have to de-accelerate later.

-Kristopher Johnson

Response to Comment 9-1

The commenter is referring to an alternative considered by WSDOT as part of a 2003 previous rail planning effort for the Kelso Martin's Bluff suite of projects. However, at the time, the environmental impacts of that alternative and the costs associated with it were determined to be infeasible, and that alternative and the associated Environmental Impact Statement were not advanced. Section 3.3 of the EA describes this planning effort further.

The Task 5 and 6 projects are key components of the Pacific Northwest Rail Corridor (PNWRC) Improvement Program and, when completed, would help facilitate the addition of two additional Amtrak Cascades service round trips (4 one-way trains) between Portland, Oregon, and Seattle, Washington, with improved reliability and reduced travel time. With the current traffic as well as this additional passenger service, it was determined that the additional expansion between Ostrander and Rocky Point was not required to meet the Amtrak service outcomes.

Railroad infrastructure must have the capability to support additional passenger train frequency and increased passenger-train on-time performance without degrading existing freight train performance and capacity. The infrastructure capacity was tested using operations simulation modeling. The improvements proposed for the Kelso Martin's Bluff Area were deemed required by consensus among FRA, WSDOT, and BNSF Railway. This infrastructure and the methodology used to identify it were documented in the *Cascades* Service Development Plan approved by the FRA in 2010.

The new infrastructure would accommodate the efficient operation of passenger and freight rail along the same rail line. Passenger rail is generally faster and on a specific schedule, while freight trains are generally longer, slower, and not on a specific schedule. The proposed infrastructure would support the on-time performance requirements of the Passenger Rail Investment and Improvement Act (PRIIA). Further, the two locations of the third mainline expansion are specifically designed to expedite passenger trains around the Port of Kalama (Task 5) and Port of Longview (Task 6). The existing main line infrastructure is not adequate to support the expanded and improved passenger service. The new infrastructure proposed under Tasks 5 and 6 will help improve intercity passenger rail service.

With the improvements analyzed in the EA, WSDOT secured a Service Outcome Agreement with BNSF Railway that would guarantee the improved passenger rail service would be accommodated for 20 years.

While the improved turnouts identified by the commenter are not a part of the project analyzed in the EA, they are being installed by BNSF Railway at Centralia, Wabash, and other locations. There will also be new control points in both the Kalama and Kelso area that will also assist with traffic congestion. Changes to Amtrak's schedules are beyond the scope of this EA but may be revised upon completion of the PNWRC Program as a whole.

Your suggestions and recommendations for additional improvements have been forwarded to WSDOT Rail Office Planners and would be considered as future improvements are considered to grow the passenger train service within the PNWRC.

Commenter ID #10

Cody, Sandy

Subject: FW: KMB EA Comments

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

From: George Winn [mailto:winngeorgec@gmail.com]
Sent: Tuesday, September 02, 2014 4:19 PM
To: WSDOT State Rail Division
Subject: KMB EA Comments

See response to comment 10-1

The rail siding near kalama, Washington as proposed sounds like a great way to improve flow and speed of both passenger and freight service. Task 5 has my approval.

I am a resident of Kalama, Washington.

George Winn

George Winn
360.560.8335
winngeorgec@gmail.com

Response to Comment 10-1

Thank you for the input. Comment noted.

Commenter ID #11

Cody, Sandy

Subject: FW: KMB EA Comments

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

From: dldick@cni.net [mailto:dldick@cni.net]
Sent: Friday, September 26, 2014 4:07 PM
To: WSDOT State Rail Division
Subject: KMB EA Comments

September 26, 2014

Washington State Department of Transportation
WSDOT Rail Division
PO Box 47407
Olympia, WA 98504-7407

Formal Comment Regarding Kelso Martin's Bluff Rail Improvement Project Environmental Assessment

Copy also sent by mail

The Kelso Martin's Bluff Improvement Project stated purpose is to improve passenger rail operations around the Port of Kalama and the Port of Longview. The Task 5 and 6 projects purpose is to improve the reliability, enhance efficiency, and enhance frequency of high-speed passenger rail through Kalama and Kelso by relieving passenger rail congestion related to freight rail traffic entering and exiting the Ports of Kalama and Longview.

This purpose and characterization of the projects are based on assumptions unsubstantiated by documentation in the Environmental Assessment (EA). The environmental effects falsely represent the actual consequences of the Build Alternative. The funding of the project does not distinguish between public and private benefit. Because of the defects in the Environmental Assessment, the No Build Alternative is the proper action for this project. See response to comment 11-1

The purpose of the Kelso and Kalama projects is based on the assumption passenger train congestion is caused by freight traffic. BNSF not only owns the mainline, side tracks, bridges and other infrastructure, but also controls the operations of trains on the tracks. BNSF is paid millions of dollars annually through contractual agreements for the use and scheduling of passenger trains on the mainline. BNSF controls train operations and therefore controls the rail traffic congestion.
See response to comment 11-2

According to the March 2014 Washington State Rail Plan, the 2010 average daily train volume for this section of mainline track was 41 trains with a capacity for 78. The June 2014 draft State Freight Mobility Plan states, "The rail system in Washington State has adequate capacity to meet its current demands today," p. 68. It also states, "It is anticipated that Class I railroads will likely address key capacity issues as they emerge. Typical capacity improvements may include: construction of additional main tracks; new and/or lengthened passing sidings; expansion of industry, yard and terminal facilities."

The Environmental Assessment estimates a current average of 50 total freight and passenger trains daily, with ten of those trains being Amtrak passenger trains. With a capacity of 78 trains and proposed addition of four passenger trains, without track improvements Amtrak would utilize about 18% of the capacity of the mainline, an increase of about 5%. With the EA 2030 scenario of a 22 freight train increase to a daily average of 62, even this increase with the additional Amtrak trains would not exceed the State Rail Plan's capacity for this section of mainline.
See response to comment 11-3

Commenter ID #11

See response to comment 11-2

So where is the justification for public expense to build BNSF infrastructure? Has the nature of BNSF freight business changed to affect the capacity of train service on this mainline, and if so, whose responsibility is it to mitigate the effects?

The spur line to the Port of Longview is over a mile away from the Longview Switch Yards and BNSF mainline in Kelso, so traffic from the port should not affect the mainline, except in the broad sense of freight volume. There are numerous side tracks at this junction and also in Kalama. All of the proposed new track and improvements are to be built in the BNSF existing right of way. If BNSF needs to reconfigure, add to or replace their track they can do so. The passenger trains' track requirements have not been demonstrated to require track changes, either to accommodate increased speed or length of sidings. The proposed new third mainline rail will not be dedicated to high-speed passenger trains so the maximum speed will continue to be 79 mph. If the track improvements are to support freight trains, then that is what needs to be addressed in the EA. If the capacity of the mainline tracks has been reduced because of the addition of heavier, longer freight trains, then additional analysis is needed, as stated in the State Rail Plan, "to distinguish between public and private benefit." P. 5

See response to comment 11-4

The value of the Kelso Martins Bluff Improvements primarily is to increase capacity of the mainline. This is not explicitly stated but recognized in the 2009 Washington State 2010-2030 Freight Rail Plan. Exhibit 3-9 of the plan shows the Vancouver, WA –Longview rail segment with a 2008 average trains per day of 55 and a capacity for 70 without passenger train improvements, and a capacity of 100 with passenger improvements. The projection for 2028 is a capacity of 70 trains per day without improvements and a demand of 92. With passenger train improvements the demand stays the same and the capacity increases to 160 trains per day. Exhibit 3-12 explains these numbers are based on peak day train volumes and assuming operation of 8,000-foot trains. (Note- An Amtrak *Cascades* train with two locomotives and eight coach cars is about 780 feet in length.)

See response to comment 11-5

While one can argue the appropriateness of funding source for the Kelso Martin's Bluff Rail Improvements, there is no evidence the existing Vancouver to Longview mainline cannot accommodate four more passenger trains either now or in 2030. Passenger trains do not require long side tracks. They do not have track priority over freight trains. The ability to improve Amtrak performance metrics is a contractual challenge, not an infrastructural one.

The intention and consequence of the rail improvements is to add freight capacity. Because additional freight trains will be the result of the improvements, the Environmental Assessment should focus on the effects of potential increases in the total number of trains in the study areas, including the freight trains which make up by far the bulk of the increase. This is a federal requirement under PRIIA and the CEQ regulations implementing NEPA, as noted in the EA. While this EA analyzes the effects of adding four short, light passenger trains to the mainline, it ignores the real potential to add ten times that many long, heavy freight trains, and double total train volume.

See response to comment 11-6

This is unacceptable. The environmental consequences from long-term operations are considerable and this assessment ignores them. Train noise for existing train traffic is already at high levels. As noted on page 4-58 much train noise can be attributed to the two at-grade crossings in south Kelso in the Task 6 study area. The EA has determined this is an area with an environmental justice population. Yet the Task 6 project study does not analyze the true potential for increased train noise or mitigate it at the at-grade crossings. It does, however, provide for a new rail bridge at a private (BNSF owned) crossing at MP 101.6.

See response to comment 11-7

Whether it is train noise, vibration, air quality, or surface road congestion, this assessment does not paint an accurate picture of the environmental effects of a possible doubling of train volume. Wetlands will be permanently destroyed, threatened fish and wildlife will be negatively affected, and quality of life for environmental justice populations will be diminished. Safety and emergency preparedness for the greater volumes and more dangerous cargoes transported on this route are not even acknowledged.

See response to comment 11-8

This Environmental Assessment for the Martin's Bluff Rail Improvement Project is incomplete, insufficient, and dishonest. Until a true picture of the intents and consequences of the project are forthcoming, the No Build Alternative should be selected.

Yours truly,

Diane L. Dick

13 St. Helens Lane
Longview, WA 98632

Response to Comment 11-1

The Project is being funding through the FRA's High-Speed Intercity Passenger Rail (HSIPR) Program which can only be used for passenger rail improvements. The purpose and need for the Task 5 and 6 projects is to improve intercity passenger rail service by improving reliability, enhancing efficiency, and increasing passenger rail travel frequency. The EA compares the environmental effects of the Build Alternative to the No Build Alternative. FRA and the WSDOT will consider the environmental consequences and public input as part of their decision-making process.

Response to Comment 11-2

While the improvements under the Build Alternative will occur on infrastructure owned by the BNSF Railway, passenger rail service is operated along the BNSF-owned rail line as a tenant service. The Project is being funded with a grant obligated under FRA's HSIPR Program which provides financial assistance for new or improved intercity passenger rail projects which can only be used for passenger rail improvements.

The purpose and need for the Task 5 and 6 projects is to improve intercity passenger rail service by improving reliability, enhancing efficiency, and increasing passenger rail travel frequency. The Task 5 and 6 projects are key components of the PNWRC Improvement Program and, when completed, would help facilitate the addition of two Amtrak *Cascades* service round trips (4 one-way trains) between Portland, Oregon, and Seattle, Washington, with improved reliability and reduced travel time. Although the PNWRC Improvement Program would not increase the number of Amtrak Coast Starlight trains (Amtrak's longer distance passenger rail service between Los Angeles, California, and Seattle, Washington), the program could improve the speed and reliability of those trains as well. The EA describes the potential effects to resources and identifies minimization and mitigation measures to minimize the potential effects. As FRA's grantee, WSDOT is responsible to ensure the mitigation measures are implemented and will coordinate that effort with the BNSF Railway.

As described in Section 4.15.3.1 of the EA, the number of freight trains operating in the corridor is anticipated to increase from 40 to 62 by 2030; however, this increase would occur independently of the Build Alternative. The expected increase of freight traffic to 62 trains in 2030 is considered for purposes of establishing a future baseline condition in the transportation analysis and was considered as part of the no-build condition for purposes of the Service Development Plan. The potential effects associated with an increase in the number of freight trains operating in the project area is evaluated as a cumulative effect in Section 4.18 of the EA.

Railroad infrastructure must have the capability to support additional passenger train frequency and increased passenger-train on-time performance without degrading existing freight train performance and capacity. The infrastructure capacity was tested using operations simulation modeling and the improvements proposed for the Kelso Martin's Bluff Area were deemed required by consensus among FRA, WSDOT, and BNSF Railway. This infrastructure and the methodology used to identify it were documented in the *Cascades* Service Development Plan approved by the FRA in 2010.

The new infrastructure would accommodate the efficient operation of passenger and freight rail along the same rail line. Passenger rail is generally faster and on a specific schedule, while freight trains are generally longer, slower, and not on a specific schedule. The proposed infrastructure would support the on-time performance requirements of the PRIIA. Further, the existing main line infrastructure is not adequate to support the expanded and improved passenger service. The new infrastructure will help improve intercity passenger rail service.

Response to Comment 11-3

The PNWRC Service Development Plan references an average of 45 to 55 freight trains per day between Vancouver, WA and Seattle, WA. The estimated increase of 22 freight trains on BNSF Railway tracks was provided by BNSF Railway. This estimate is based on the forecasted growth for the corridor. It is referenced in the 2011 PNWRC Service Development Plan.

Ultimately, freight rail volumes are dependent upon market conditions and system capacity, which are not regulated by the FRA or WSDOT. The estimates BNSF Railway provided are based on reasonably foreseeable future conditions. The Service Outcome Agreement between the FRA, WSDOT, and BNSF Railway requires that any additional freight traffic added to the project corridor not adversely affect the *Cascades* passenger rail trips. In order to ensure that passenger rail service is not affected, BNSF Railway would alter freight traffic or make additional improvements to the corridor.

Response to Comment 11-4

See Response to Comment 11-2.

Response to Comment 11-5

Rail Investment and Improvement Act. The Regional Transportation Commission modeling included in the Service Development Plan, which was approved by the FRA, shows that improvements to infrastructure are necessary to accommodate two additional daily round trips (4 one-way trains) for passenger trains. Moreover, the operational issue to be addressed with the proposed projects is that storage off the mainline is inadequate and therefore passenger train movements are significantly delayed because of freight traffic. For improvements in passenger rail service to occur, freight must be more easily stored off mainline tracks. With the improvements and the Service Outcome Agreement, passenger service would be improved and expanded. The Service Outcome Agreement between the FRA, WSDOT and BNSF Railway requires that any additional freight traffic added to the project corridor not adversely affect the *Cascades* passenger rail trips. In order to ensure that passenger rail service is not affected, BNSF Railway would alter freight traffic or make additional improvements to the corridor independent of the Build Alternative.

Response to Comment 11-6

See Response to Comment 11-2.

Response to Comment 11-7

The noise effects from implementation of the Task 6 Project are described in Section 4.7.3 of the EA. Using the industry accepted standards for rail noise analysis (Federal Railroad

Administration's 2012 *High-Speed Ground Transportation Noise and Vibration Impact Assessment* and Federal Transit Administration's 2006 *Transit Noise and Vibration Impact Assessment*), the analysis demonstrates that there would be no significant noise effects from construction or operation of the Task 6 project; therefore, there would no expected impacts on the environmental justice population noted.

Response to Comment 11-8

See Response to Comment 11-2.

Commenter ID #12

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington Fish and Wildlife Office
510 Desmond Dr. SE, Suite 102
Lacey, Washington 98503

SEP 2 6 2014

Washington State Department of Transportation – Rail Division
Attention: Document Control
KMB EA Comments
Post Office Box 47407
Olympia, Washington 98504-7407

Dear Sir or Madam:

Subject: KMB EA Comments (Environmental Assessment for Rail Improvements)

This letter transmits the U.S. Fish and Wildlife Service (Service) comments on the Draft Environmental Assessment (EA) for Kelso – Martin's Bluff Improvement Projects – Tasks 5 and 6 under the National Environmental Policy Act (NEPA) of 1970, as amended, (42 U.S.C. 4321 *et seq.*). This letter is in response to your August 28, 2014, invitation for comments. That invitation stated that comments would be accepted by the Washington State Department of Transportation (WSDOT) on behalf of the Federal Rail Administration until September 27, 2014.

The Service's Washington Fish and Wildlife Office has responsibility for managing or co-managing a variety of Federal trust resources in Washington State, including sensitive species which are listed under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)(ESA), their habitats, and designated critical habitat. Along the affected area of these projects, ESA-listed species and critical habitats that occur include species and habitats such as the following: 1) Coastal/Puget Sound bull trout (*Salvelinus confluentus*, threatened), 2) designated critical habitat for the bull trout, 3) streaked homed lark (*Eremophila alpestris strigata*, threatened); 4) Oregon spotted frog (*Rana pretiosa,* threatened) and 5) Columbia River Distinct Population of the Columbian white-tailed deer (*Odocoileus virginianus leucurus,* endangered). The Service is also responsible for management of Ridgefield National Wildlife Refuge, migratory bird populations under the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711), certain anadromous fish populations, certain species of marine mammals under the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1631 *et seq.*), and jointly managed Tribal resources (e.g., commercial, and recreational fisheries including fin fish and shellfish).

Commenter ID #12

The Service is committed to implementing the goals, objectives, and policy principles outlined in our Native American Policy (U.S. Fish and Wildlife Service 1994) and Secretarial Order 3206: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act (U.S. Department of the Interior and U.S. Department of Commerce 1997). The Service shares in the Federal government's responsibility for accomplishing greater recognition and protection of treaty-protected resources and rights. We believe that the tasks described in your EA would have substantial known and potential impacts to these trust resources, particularly to the Columbian white-tailed deer which is both a federally endangered species and a species of interest to the Cowlitz Indian Tribe.

Our office has reviewed the August 2014 EA. We offer the following comments and recommendations pursuant to the procedural requirements of the NEPA.

1. We believe that completing an EA for these two Tasks alone may represent piece-mealing of a larger program into multiple "tasks." There is clearly a consolidated program to provide for high-speed passenger rail from Eugene, Oregon, to Vancouver, British Columbia known as the Pacific Northwest Rail Corridor. A number of projects are needed to facilitate this high-speed rail corridor program. While these two individual projects will each make their own contribution to the program, this larger program should have been reviewed in its entirety under NEPA. See response to comment 12-1

2. We believe the EA uses an inappropriately limited definition of affected area for Task 5 and Task 6. In describing the affected area, the EA does not consider that the effects of the action (additional trains and additional speed on existing trains) will occur throughout the corridor, and especially between Portland, Oregon, and Seattle, Washington. The affected area should have been at least 1,000 to 1,650 feet on each side of the tracks (the distance noise from trains would transmit before attenuating), for the length of tracks affected (Seattle to Portland). In addition, the additional trains and increased speed of trains will result in additional collisions and effects on the tracks and within the track right-of-way. See response to comment 12-2

3. The EA assesses an overly restricted range of alternatives (build or don't build). There were no alternatives other than the proposed action and the no action. No alternatives were considered that might have reduced the mortality of wildlife, as a result of existing conditions or the worsening conditions (additional trains and increased speed) due to Tasks 5 and 6. Prior to preparing this EA, according to NEPA section 102, the responsible official should consult with the Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved. Further, they should study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources. One possible alternative would be to set aside funds each time smaller projects are completed so that funds would accumulate for meaningful mitigation. Also, none of the alternatives consider any form of minimizing wildlife-train collisions or providing permeability (safe wildlife crossings).

   See response to comment 12-3

Commenter ID #12

4. Wildlife resources were not fully considered in the affected environment or in the effects analysis. Only wildlife resources commonly found at the project footprint are discussed. The full complement of wildlife within the corridor was not mentioned. There was no indication that wildlife other than Columbian white-tailed deer would be killed by trains or subject to barrier effects. As a result, this information was not available to the public. According to 40 CFR 1500.1(b), NEPA documents must concentrate on the issues that are truly significant to the action in question, and must be available to public officials and citizens before decisions are made. See response to comment 12-4

5. The effects focus on short-term noise and less on important issues. Noise is only a small part of the effects. In this case, we concur that the effects in the actual construction footprint of the project may be very small. However, substantial impacts would occur within the affected area that is outside the construction footprint that should be assessed in further detail. See response to comment 12-5

6. The EA only addresses the Columbian white-tailed deer; even though the threatened streaked horned lark has been documented in the area. The EA says that streaked horned larks are "assumed" to be present in the Task 6 study area. See response to comment 12-6

7. We consider the potential lethal effects to the Columbian white-tailed deer to be substantial. The Columbian white-tailed deer is an endangered species. According to 40 CFR 1508.27(b)(9), "significantly" includes context and intensity, and the degree to which the action may adversely affect an endangered or threatened species should be considered in evaluating intensity. See response to comment 12-7

8. There was no discussion on minimization or mitigation of effects to Columbian white-tailed deer. While a number of measures may be employed to effectively reduce wildlife collisions and improve permeability, there is no mention of them in the EA and no indication they are being considered currently. See response to comment 12-8

9. In the EA, there is no discussion regarding the need to address existing adverse effects of trains such as collisions with wildlife or the creation of a barrier effect, essentially isolating populations on opposite sides of the track. See response to comment 12-9

10. There does not appear to be any comprehensive plan to address wildlife needs during the implementation of multiple improvements and modifications over the long term. If Federal Rail Administration and Washington State Department of Transportation do not address connectivity and permeability on a holistic basis and do not address it when evaluating individual small projects, there will be no opportunities to address these critical issues. See response to comment 12-10

11. The EA states that the proposed action "may increase the probability of animal [Columbian white-tailed deer] mortality due to train strikes, but the increase in rail traffic would be minor compared to existing rail traffic." The 40 percent increase in passenger rail traffic does not appear to be minor, especially when additional trains are to be added during the time of day – early morning and late evening – that has the greatest risk to See response to comment 12-11

Commenter ID #12

Columbian white-tailed deer and many other wildlife species. The argument that the mortality is negligible because it is less than already occurring along the tracks needlessly diminishes the importance of this additional mortality. Any additional mortality of an endangered species may be a significant impact (40 CFR 1508.27(b)(9))

In conclusion, we believe that a more-thorough analysis at the program level and an appropriate definition of affected area would improve the analysis of major impacts from these projects. The effects to wildlife mortality and permeability of the tracks warrant a more-detailed analysis as well as consideration of an alternative that includes minimization and mitigation measures. Those improvements would likely enhance the public's understanding of the impacts and the opportunities to lessen them.

See response to comment 12-12

We appreciate the opportunity to comment and express our concerns regarding these proposals. If you or your staff have any questions or if our comments require further explanation, please contact William Vogel (bill_vogel@fws.gov; (360) 753-4367) or Mark Miller (mark_miller@fws.gov; (360) 534-9347).

Tom Rosmanski

Thomas L. McDowell, Acting Manager
Washington Fish and Wildlife Office

cc:
Elaine Somers, US EPA,
Megan White, Washington State Department of Transportation
Chris Regan, Washington State Department of Transportation
Marion Carey, Washington State Department of Transportation

Response to Comment 12-1

The PNWRC Improvement Program was evaluated under the NEPA in 2009 in the PNWRC, Washington State Segment – Columbia River to the Canadian Border, Program EA. This Programmatic EA analyzed the 17 individual component tasks between Vancouver, Washington, and the Washington State–Canadian border. Based on the identification of potential impacts and proposed measures to avoid, minimize, and mitigate potential impacts contained in the Programmatic EA, FRA issued a Finding of No Significant Impact (FONSI) in November 2010. Both the Programmatic EA and the FONSI anticipated the future need to develop a series of more detailed, project-level environmental documents (Tier 2 environmental documents) to assess the potential effects of specific component projects prior to implementation. The proposed Kelso Martin's Bluff project is one such project and is being evaluated in a Tier 2 environmental document. Section 3.3 of the EA provides an overview of alternatives development and previous/related environmental analyses.

Response to Comment 12-2

As noted in Section 3.3 of the EA, the *Pacific Northwest Rail Corridor, Washington State Segment – Columbia River to the Canadian Border, Program Environmental Assessment* assessed the corridor from Oregon to the Canadian border. The Task 5 and Task 6 EA is a tier-2 or project-level analysis of one of the component projects of the PNWRC Program of improvements and is therefore focused on the reasonably foreseeable impacts in the Task 5 and 6 study areas.

The Task 5 and 6 EA analyses for wildlife used the same study area as was used for the Task 5 and 6 Biological Assessments (BA), which were determined by anticipated project construction noise. The Task 5 action area from the BA was 1,119 feet and the Task 6 action area extended out to a maximum of 5.8 miles. It was greater than Task 5 because of the greater noise from pile driving at a few locations, including in the Coweeman River. In addition, noise effects were evaluated and the study areas for both noise and wildlife were adjusted accordingly. The analysis was prepared in consultation with the USFWS.

The effects of additional trains documented in Section 4.5.3.2 of the Tasks 5 and 6 EA notes that increased passenger rail activities may increase the likelihood of animal mortality due to train strikes. However, the increase in rail traffic would be minor compared to existing rail traffic and any corresponding increase in strikes would therefore also be minor.

Response to Comment 12-3

The Kelso Martin's Bluff Improvement Projects EA is a tiered document; it incorporates and builds upon the analysis and findings documented in the PNWRC, Washington State Segment – Columbia River to the Canadian Border, Program EA, including the alternatives evaluation for corridor improvements. The process of identifying alternatives is described in Section 3.3 of the EA and outlines changes that have occurred to the Task 5 and 6 projects. Through the alternative development process, the Build Alternative was refined to reduce environmental impacts. No other action alternatives were identified that would meet the purpose and need of the project; nor does NEPA require more than a Build and No Build Alternative in an EA.

While reducing wildlife mortality from existing conditions was not part of the project's purpose and need, and alternatives aimed specifically at reducing wildlife mortality were not considered, the EA addresses potential impacts to wildlife from the Build and No Build Alternatives. Impacts of the build alternative on wildlife mortality due to train strikes are addressed in Section 4.5.3.2 of the EA. FRA and WSDOT have coordinated with USFWS on Endangered Species Act (ESA) Section 7 consultation to identify minimization measures for these potential environmental effects. In addition, WSDOT has engaged USFWS on the issue of potential impacts to Columbia white-tailed deer and USFWS has not provided any specific measures to minimize, avoid, or mitigate such impacts.

Response to Comment 12-4

The 2009 PNWRC, Washington State Segment – Columbia River to the Canadian Border, Program EA provided a full corridor study that discussed wildlife species and habitats within the corridor. Both aquatic and terrestrial habitats were covered; wetland and aquatic resources were assessed within 1,000 feet of the corridor, terrestrial habitats/wildlife within 2,000 feet. The EA analyses presented in Section 4.5.3.2 followed standard scientific practices by including an analysis of key species found in the study area that would be considered representative of a multitude of other species. The EA notes that for general wildlife, "disturbances from increased passenger rail activities may increase the likelihood of animal mortality due to train strikes, but the increase in rail traffic would be minor compared to existing rail traffic and the probable increase in strikes would also be minor."

Response to Comment 12-5

The EA for Tasks 5 and 6 examined effects to the natural environment within the areas that were defined in the BAs for the ESA consultations. In both cases, the outer limit of the action area was defined as the distance at which project construction noise attenuated to background noise levels. For Task 5, the action area was 1,119 feet from the edge of the construction footprint, or the centerline of the rail tracks (because there is no pile driving for the project). For Task 6, the action area extends 5.8 miles from the construction footprint locations due to varying construction activities (e.g., in-water pile driving and grading activities). Specific in-water areas of potential effects were also defined. FRA and WSDOT considered potential effects to listed species and critical habitats within those areas, and the analyses and conclusions were included in the Task 5 and 6 BAs submitted to both the USFWS and the National Marine Fisheries Service (NMFS).

Response to Comment 12-6

The potential effects to streaked horned lark are addressed in the Task 5 and 6 Biological Assessments (BA), provided as Appendices F and G to the EA. With the exception of a proposed laydown area on Port of Kalama property, there is no suitable habitat for streak horned lark in the Task 5 project area. A survey was conducted for the proposed laydown area on Port of Kalama property, which contains the potential habitat. The survey revealed that no viable habitat was found in the Task 5 project area. Research for the Task 6 project identified a streaked horned lark population on private property adjacent to the rail line. FRA and WSDOT consulted with staff from the USFWS to develop strategies for reducing impacts to streaked horned lark at this location. The result of the discussion, conducted during development of the BA, was the identification of timing restrictions on construction work to be implemented to avoid impacts to

the species and habitat during the nesting season. As a result, consultation on this issue was pursued (see Appendix F and G of the EA).

Response to Comment 12-7 and 12-8

FRA and WSDOT acknowledge that lethal effects to a single listed individual are of concern and have included that as part of the analyses for Columbian white-tailed deer in the Task 5 and 6 Biological Assessments. FRA and WSDOT have worked with the USFWS during the Section 7 consultation to address effects to the Columbian white-tailed deer. The Biological Opinion issued by the USFWS on October 30, 2014 included several terms and conditions that minimize effects to Columbian white-tailed deer from an increase in passenger rail service, including:

- The FRA will assess that portion of the Vancouver, BC to Portland, OR rail corridor that contains the action area for habitat connectivity in the Washington State Service Development Plan, to be finalized in 2017. Measures identified in the plan will be implemented in the action area by the FRA, when reasonable to do so, as part of any subsequent rail improvement action funded by FRA.

- The FRA will coordinate with the USFWS and BNSF Railway to develop and implement an Animal Retrieval Plan that specifies methods and contacts for retrieval of Columbian white-tailed deer found dead or injured on the BNSF Railway right-of-way. Such a plan will be completed and implemented by the FRA and BNSF Railway by October 30, 2015.

- The FRA will monitor and report the number of passenger train trips that occur each calendar year. Reports will be submitted annually to the USFWS by March 1 of the following year.

Additional information provided by USFWS in the Biological Opinion indicates that 11 deer could be struck over a 20-year period along the corridor between Portland, OR and Vancouver, BC. As stated in the Biological Opinion, the total population of deer is estimated to be 850 individuals. The loss of 11 individuals over a 20-year period represents less than 0.1% of the current population on an annual basis and would not be considered significant consistent with the Biological Opinion.

Response to Comment 12-9

The railway in the Task 5 and 6 areas traverses a variety of habitats that may be used by many wildlife species. These habitats include the developed region north of the confluence of the Coweeman/Cowlitz Rivers; forested and open wetland habitats along Owl Creek; and the developed area associated with the Port of Kalama. Wildlife movements in these areas are constrained by both Interstate-5 and the BNSF Railway. Interstate-5 likely constrains wildlife movement more than the railway; it is wider, has greater traffic volume, and faster moving vehicles. The railway has about 70 trains per day (freight and passenger) in the Port of Kalama area. In some areas the tracks are elevated with steep rock ballasted slopes, which could present significant movement challenges for all wildlife guilds. However, there are underpasses under the rail line in several locations, including the rail and Interstate 5 bridges over the Kalama River. More significantly, there are many areas where the railway is at-grade, and would not be a barrier to ungulate movement. FRA and WSDOT recognize that at-grade crossings could be a barrier to small mammals, amphibians, and reptiles.

The developed areas within the Task 5 and 6 project areas have relatively inhospitable conditions for many wildlife species. In addition to the railway and Interstate 5, there are local roads and associated traffic, and industrialized and fenced areas within the Port of Kalama that would be barriers or present major challenges to wildlife movement. About half of the widened track area in the Task 5 and 6 project areas are in these more industrialized sections.

The freight and passenger rail operators do not keep records of train collisions with deer or other wildlife, so there is no specific information available on that issue.

FRA and WSDOT are awaiting data from radio-telemetered Columbia white-tailed deer from the US Fish and Wildlife Service to help inform where deer habitats intersect with the rail line, and to determine if deer are crossing the tracks. The California High-Speed Rail Project presents a condition significantly different with the Task 5 and 6 projects. The Project in California is proposed as a new rail corridor; whereas for this Project, the improvements for passenger rail are proposed within an existing rail corridor where freight and passenger movements have been accommodated for nearly a century. The proposed Build Alternatives for Task 5 and 6 are limited main line additions and spurs provided to separate freight and passenger rail service within an existing corridor as opposed to establishing a new rail corridor.

FRA and WSDOT have worked with the USFWS during the Section 7 consultation to address effects to the Columbian white-tailed deer. The Biological Opinion issued by the USFWS on October 30, 2014 included several terms and conditions that minimize effects to Columbian white-tailed deer on passenger rail service, including:

- The FRA will assess that portion of the Vancouver, BC to Portland, OR rail corridor that contains the action area for habitat connectivity in the Washington State Service Development Plan, to be finalized in 2017. Measures identified in the plan will be implemented in the action area by the FRA, when reasonable to do so, as part of any subsequent rail improvement action funded by FRA.
- The FRA will coordinate with the USFWS and BNSF Railway to develop and implement an Animal Retrieval Plan that specifies methods and contacts for retrieval of Columbian white-tailed deer found dead or injured on the BNSF Railway right-of-way. Such a plan will be completed and implemented by the FRA and BNSF Railway by October 30, 2015.
- The FRA will monitor and report the number of passenger train trips that occur each calendar year. Reports will be submitted annually to the USFWS by March 1 of the following year.

Response to Comment 12-10

The deer from Cottonwood Island within the Task 5 and 6 areas are not part of a population that is part of the recovery plan for Columbian white-tailed deer. These are not “secure” areas according to recovery plan criteria. Although the evaluation must account for potential take, adding minimization measures in this location would not help overall recovery.

FRA and WSDOT have worked with the USFWS during the Section 7 consultation to address effects to the Columbian white-tailed deer. The Biological Opinion issued by the USFWS on

October 30, 2014 included several terms and conditions that minimize effects to Columbian white-tailed deer on passenger rail service. These include the following:

- The FRA will assess that portion of the Vancouver, BC to Portland, OR rail corridor that contains the action area for habitat connectivity in the Washington State Service Development Plan, to be finalized in 2017. Measures identified in the plan will be implemented in the action area by the FRA, when reasonable to do so, as part of any subsequent rail improvement action funded by FRA.

- The FRA will coordinate with the USFWS and BNSF Railway to develop and implement an Animal Retrieval Plan that specifies methods and contacts for retrieval of Columbian white-tailed deer found dead or injured on the BNSF Railway right-of-way. Such a plan will be completed and implemented by the FRA and BNSF Railway by October 30, 2015.

- The FRA will monitor and report the number of passenger train trips that occur each calendar year. Reports will be submitted annually to the USFWS by March 1 of the following year.

Response to Comment 12-11

As described in Section 4.15 of the EA, with the two additional round trip (4 one-way trains) daily passenger trains, passenger train traffic may increase by 40% but this increase is about 6% of total daily train movements (passenger + freight) (4 additional trains/70 total trains). Any additional mortality of an endangered species is of concern and was addressed as part of the ESA Section 7 consultation and associated BAs for Task 5 and 6.

FRA and WSDOT have worked with the USFWS during the Section 7 consultation to address effects to the Columbian white-tailed deer. The Biological Opinion issued by the USFWS on October 30, 2014 included several terms and conditions that minimize effects to Columbian white-tailed deer on passenger rail service. These include the following:

- The FRA will assess that portion of the Vancouver, BC to Portland, OR rail corridor that contains the action area for habitat connectivity in the Washington State Service Development Plan, to be finalized in 2017. Measures identified in the plan will be implemented in the action area by the FRA, when reasonable to do so, as part of any subsequent rail improvement action funded by FRA.

- The FRA will coordinate with the USFWS and BNSF Railway to develop and implement an Animal Retrieval Plan that specifies methods and contacts for retrieval of Columbian white-tailed deer found dead or injured on the BNSF Railway right-of-way. Such a plan will be completed and implemented by the FRA and BNSF Railway by October 30, 2015.

- The FRA will monitor and report the number of passenger train trips that occur each calendar year. Reports will be submitted annually to the USFWS by March 1 of the following year.

Response to Comment 12-12

See Response to Comment 12-10.

Commenter ID #13

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

September 27, 2014

Mr. Michael Johnsen
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, District of Columbia 20590

Ms. Megan White, P.E.
Director, Environmental Services Office
Washington State Department of Transportation
P.O. Box 47331
Olympia, Washington 98504-7331

Re: U.S. Environmental Protection Agency Comments on the U.S. Department of Transportation Federal Railroad Administration (FRA) and Washington State Department of Transportation (WSDOT) Kelso Martin's Bluff Improvement Projects – Tasks 5 and 6 Environmental Assessment (EA). (EPA R10 project number: 01-015-FRA).

Dear Mr. Johnsen and Ms. White:

The U.S. Environmental Protection Agency has reviewed the Kelso Martin's Bluff Improvement Projects – Tasks 5 and 6 Environmental Assessment. We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. We appreciate your involving us in the review.

Tasks 5 and 6, which were selected for grant funding through the FRA's High Speed Intercity Passenger Rail Program, are among 17 total individual tasks included in the Washington State portion of the Pacific Northwest Rail Corridor Improvement Program. Their purpose is to improve reliability, enhance efficiency and frequency of HSIPR service through the Kalama and Kelso/Longview areas by relieving passenger rail congestion related to freight rail traffic entering and exiting the Ports of Kalama and Longview. Task 5 would construct approximately 4.1 miles of a third main line track, new turnouts, signals and signal control points, and several other features, including extension of seven stormwater culverts to accommodate the third main line track and installation of one fish passable culvert. Task 6 would construct approximately 3.7 miles of third main line track, upgrade siding, install new turnouts, signals and signal control points, replace and widen one concrete box structure, and construct two new bridges – a single-track bridge over the Coweeman River and a bridge adjacent to an existing bridge to accommodate the new third main line track over a private road. Our comments are provided below.

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Aquatic Resources

Ground water. Alluvial deposits within the Task 5 study area provide aquifer recharge to a major underlying aquifer (EA p. 4-3). The EA addresses potential effects to the aquifer recharge function by stating that there would be only a negligible increase in impervious surfaces and, therefore, no long-term effects on aquifer recharge would be expected (p. 4-4). We are concerned, however, that the potential for groundwater contamination due to infiltration of pollutants is not addressed. The potential for ground water contamination to occur is of concern because (1) aquifer recharge occurs in the project area, indicating a connection between surface and ground waters; (2) there are 12 hazardous materials sites identified within the Task 5 and 6 areas that have documented contamination of soil and groundwater, which may serve as an indicator of aquifer vulnerability to spills; (3) the potential for groundwater effects at five of the listed hazmat sites is stated as being due to the tidal influence of the nearby Columbia River (pp. 4-75, 4-76), which is proximate to the entire project area rail corridor; and (4) there is no information in the EA to determine whether the major aquifer underlying the Task 5 project area is associated with the Troutdale Sole Source Aquifer, which is formally designated as such within the Vancouver, WA area, but which extends beyond the boundary delineated administratively under the Safe Drinking Water Act.

See response to comment 13-1

The NEPA document should contain a section specific to ground water that provides information to characterize the affected environment and environmental consequences of the proposed actions, and mitigation. Specifically, the ground water analysis should address soil permeability and infiltration rates, the depth and vulnerability of ground water aquifers, the rate and direction of ground water movement, the types and amounts of pollutants that are and would likely be released under routine construction, operation and maintenance, the type and amount of pollutants that could potentially be released from accidental spills along the railway, and the resulting risk to ground water supplies and drinking water sources within and beyond the project area. Identify the public and private drinking water wells and wellhead protection areas and how these features would potentially be affected by the proposed projects along with mitigating measures that would be protective of the groundwater aquifer.

See response to comment 13-2

Recommendations:

- Include in the NEPA document a section devoted to groundwater, which includes the description of the affected environment, environmental consequences, and mitigation as discussed above. See response to comment 13-3
- In the Affected Environment discussion for groundwater, include: a figure that shows water level elevation contours of the area, cross sections depicting aquifer stratigraphy and water level depth, maps of any contaminant plumes known to exist in the area, and maps showing ground water flow directions. The project area should then be overlain on the figures and maps.
- If possible, we suggest that the following illustrations/information be included in the Environmental Consequences discussion for groundwater: See response to comment 13-4
    - Maps of locations of all existing hazardous materials sites;
    - Maps showing existing ground water contamination;
    - Maps showing existing soil contamination;
    - A map of existing wells, both private and public, delineation of wellhead protection areas, and a description of the anticipated impacts on the wells and on the wellhead protection areas.
- Evaluate the groundwater impacts from all the proposed project activities, including cumulative effects. Indicate whether there is a potential for an existing plume of contamination to be transported to a deeper part of the aquifer system as the holes are dug for the Coweeman River

bridge pilings or other structures, or otherwise exacerbate the groundwater contamination issues in the project area.

See response to comment 13-5

Wetland Mitigation. As mitigation for permanent aquatic resource impacts, we support the proposed on-site improvements for fish access and use, as well as providing greater connectivity between some of the existing wetlands and the adjacent stream and river systems within the project area. Some of the on-site improvements are of benefit to the overall aquatic system in an otherwise constrained environment. However, mitigation for Task 6 needs more explanation.

See response to comment 13-6

The EA states (p. 5-4) that "The 6.8 acres of wetlands that would be permanently affected by Task 6 would be mitigated through a combination of the purchase of wetland mitigation bank credits (anticipated at no less than 5.3 credits) at the Coweeman River Mitigation Bank, and fee acquisition of approximately 50 acres of wetland properties for permanent preservation. This mitigation would replace wetland functions, and restore and create riparian and off-channel rearing and refuge habitat for aquatic species." The NEPA document should provide more explanation regarding the nature of the mitigation accounting. For example, the EA should state how 5.3 mitigation bank credits compares to 6.8 acres of wetland losses, which include impacts to Category I, II, and III wetlands. This is of particular concern because the Coweeman Mitigation Bank is not yet approved and operational, and the timeframe for its use is likely to be a year or more into the future. We are also concerned that the EA provides no information as to why preservation of about 50 acres of wetlands is the preferred option in this case. Before preservation can be considered for compensatory mitigation there must be evidence of why preservation is the best approach, or identify the potential threat to that existing resource if it is not preserved, otherwise preservation does not represent a net gain of wetlands. This information, together with a description of why the wetlands proposed for preservation are considered to be high quality wetlands, needs to be provided.

See response to comment 13-7

Recommendation: Provide the wetland mitigation information discussed above in the final NEPA document.

See response to comment 13-8

Floodplains. The Task 5 project would permanently place 15,000 cubic yards of material in floodplains (p. 4-21). Hydraulic modeling indicates that base flood elevations would be maintained by implementing the mitigation measure of expanding Wetland B. The NEPA document should provide more information regarding these hydraulic calculations, and how they would compensate for the lost flood storage. Appendix C, which is referenced in the EA, appears to address only the hydraulic capacity of culverts.

The Task 6 project would place 100,000 cubic yards of material in project area floodplains (p. 4-22). However, the base flood elevation analysis in Appendix E calculates only the effects of the 100 cubic yards that would be placed in the Coweeman River floodway to construct the new bridge abutments and piers. The final NEPA document should disclose the floodplain effects from the balance of the fill that would be installed along the rail corridor length to accommodate the third main track (p. 4-23).

See response to comment 13-9

Recommendation: In the final NEPA document, provide the information regarding effects to floodplains requested above.

Commenter ID #13

Ecological Connectivity, Endangered Columbian White-Tailed Deer, Other Wildlife
The EA discloses the USFWS determination that both Task 5 and Task 6 projects *may affect and are likely to adversely affect* the endangered Columbian white-tailed deer Columbia River Distinct Population Segment, which would be due primarily to the long-term adverse effects of deer-train strikes. Although formal ESA Section 7 consultation with USFWS is underway, it is important for FRA and WSDOT to more fully acknowledge and address the effects of habitat fragmentation that would result from the proposed projects. The addition of a third rail line, associated siding and other trackage, together with increased number, frequency, and speed of trains, and eventual implementation of high speed rail in this travel corridor would substantially increase the risk and likely occurrence of train-related wildlife mortality. This is a serious ecological concern for endangered Columbian white-tailed deer and for other wildlife species, particularly as species movements in the landscape increase with the need to adapt to climate change conditions[1].

See response to comment 13-10

An additional concern is that railways often attract wildlife. For example, spilled grain from freight trains provides an attractive food source for wildlife. Animals killed by trains while feeding become a food source for other animals, which may also be killed by trains. When trains are not present, railways provide a relatively convenient travel corridor for some species, particularly where railway bridges, trestles, or tunnels facilitate movement across challenging topography, such as, deep ravines, canyons, mountains, and water bodies and/or where the railway provides a cleared pathway, such as, through dense vegetation or deep snow. In such cases, railways can become an attractant and mortality sink.

See response to comment 13-11

Some of these conditions would apply in the Kelso Martin's Bluff project area:

- In 2011 a new grain terminal became operational at Port of Longview. Annually, the Port receives 650 110-car unit trains that carry corn, soybeans, and wheat[2], some of which may spill from leaky rail cars onto railways.
- Construction to expand the Temco LLC Terminal at the Port of Kalama, which was proposed to increase the grain shipping capacity of the terminal, began in 2013 and, when completed in 2014, the terminal will include additional storage silos, new rail lines, and new conveyors (p. 4-149).
- The railway bed, which traverses and crosses major river corridors and confluence areas in the project area, provides a raised dyke structure and bridges, which wildlife may use to facilitate travel through and over water bodies, associated wetlands, floodplain, vegetated areas and/or human-dominated commercial/industrial areas.

In response to these same concerns expressed regarding high speed rail in California, FRA made the following commitments: "project-level studies will identify areas where it is important to maintain connectivity and will ensure that sufficient mitigation is included to maintain movement corridors," and "wildlife underpasses or overpasses will be added to the (high speed train) at-grade alignments, where appropriate, to reduce the overall effects on wildlife corridors and movements[3]."

See response to comment 13-12

[1] EPA also raised these issues in response to the Pacific Northwest Rail Corridor Program EA. US EPA, Region 10: letter to Elizabeth Phinney, WSDOT Sate Rail and Marine Office, October 23, 2009. Ecological connectivity needs should be addressed within the full High Speed/Passenger Rail corridor, which includes but is not necessarily limited to the 17 project Tasks identified to upgrade the PNW rail corridor in Washington State.
[2] http://www.portoflongview.com/AboutThePort/PortProjects.aspx
[3] FRA Final Programmatic EIS for California High Speed Rail, Appendix 2, Chapter 9, Standard Response 3.15.9.

Recommendations: The optimal time to incorporate measures for safe wildlife passage and to prevent undesirable access to/entry upon the railway is when new rail lines are proposed for construction. Accordingly, for Tasks 5 and 6 and for subsequent Tasks that would contribute to rail corridor expansion and habitat fragmentation, we recommend that FRA and WSDOT:

- Work with federal and state environmental and resource agencies, tribes, and appropriate non-governmental organizations to obtain and incorporate landscape-level and project area specific information regarding:
    - wildlife species presence, habitats and movement corridors that may be bisected by the widened rail corridor;
    - train-wildlife strikes;
    - roadkill data; and
    - any other relevant information to identify areas important to species movement, habitat connectivity and ecological connectivity to sustain natural ecosystem processes.

  Potential data and information sources include but are not necessarily limited to USFWS radiotelemetry data for CWTD; Western Governors Association Crucial Habitat Assessment Tool (CHAT) for Washington State; Washington Wildlife Connectivity Group statewide and eco-regional analyses; WDFW Priority Habitats and Species data; data developed for the statewide Washington Comprehensive Wildlife Conservation Strategy; information gathered by tribes and local watershed councils; and expertise of the WSDOT Connectivity Biologist[4].
- In consultation with biologists, use this information to appropriately site, design, and construct effective wildlife crossing structures and fencing strategies to provide safe passage for both low and high mobility species, and to prevent/deter wildlife use of railways. Suitable locations may include, but are not necessarily limited to areas such as, wetlands, stream/riparian corridors, forest and agricultural land interface areas, migration corridors, and so on. Bridges and culverts that are installed for aquatic features and fish passage could be enlarged to span upland habitats to facilitate movement of terrestrial species.
- Identify the project area and High Speed Rail Corridor habitat connections that would likely remain after construction of the project and highlight these areas as "connectivity zones" for protection and preservation. Explore opportunities for preservation of these corridors through mitigation and cooperative agreements.
- For specific Tasks/Projects and for the full passenger rail/HSR corridor, disclose how fencing the train route would affect wildlife movement and discuss how fencing for safety purposes would be integrated with proposed wildlife passages, such as culverts, bridges, viaducts, underpasses, and overpasses.

Transportation, Safety

Passenger rail. The EA states (p. 3-6) that the goal of the 1996 Corridor Service Plan developed by FRA and FHWA was to increase passenger rail service to 13 daily round trips between Portland and Seattle. The current proposed project would only increase service by two round trips per day for a total of 6 round trips (12 passenger trains) between Portland and Seattle. The EA provides no further information

[4] Kelly McAllister, McAllke@wsdot.gov; 360-705-7426.

regarding the 1996 Corridor Service Plan to provide 13 round trips per day. If there is any intent to increase passenger rail beyond 6 round trips per day, it should be discussed in the EA and included in the cumulative effects assessment.

See response to comment 13-13

Recommendation: Discuss past, current, and potential future plans and capability to increase passenger rail service within the PNW rail corridor between Portland and Seattle beyond 6 round trips per day. Factor these increases into potential cumulative effects on safety and transportation.

Freight rail. The EA indicates (pp. 4-131, 4-133) that the number of freight trains operating along the main line in the Task 5 and Task 6 study areas is anticipated to increase from 40 freight trains per day in 2014 to 62 freight trains per day in 2030 for both the No Build and Build Alternatives. It is unclear, however, how this freight train increase was estimated. The EA states (p. 4-151) that "The MBTL project and the Port of Kalama Terminal Expansion project would result in increased freight traffic through the Task 5 and Task 6 study areas, which would also increase the number of times the railroad crossings would be blocked and contribute to a non-significant cumulative effect on local transportation corridors." It is unclear whether or not these reasonably foreseeable increases in freight train traffic are included in the EA's stated increase from 40 to 62 freight trains per day by 2030. See response to comment 13-14

The cumulative effects analysis should, to the extent possible, include an estimate of the reasonably foreseeable freight train increases and identify whether reasonably foreseeable projects are likely to increase the projected 62 freight trains per day. If so, the analysis should disclose the effects that cumulative increase would have on transportation, safety, and other resources. See response to comment 13-15

The EA also states (Appendix N, p. 5) that "While there may be incidental benefit to freight, the program was funded to meet goals of the high speed intercity passenger rail program." This is understood, however, when the high speed passenger rail program was first envisioned, the current issues surrounding freight rail, including coal trains and crude oil trains, may not have been considered. As stated in the EA (p. 4-8), the Task 5 project would support an increase in operating speed of all trains in the corridor. With current knowledge of what is proposed with respect to coal and oil trains, project area safety assessments should address the potential for higher risks associated with the increased number, frequency, and speed of trains. A risk assessment should include, but not necessarily be limited to: safety concerns with respect to at-grade crossings, the number of freight and passenger train interactions that would need to be managed on the system, a calculation or modeling of accident rates, and whether current project design would adequately address these safety considerations. See response to comment 13-16

Recommendations: See response to comment 13-14

- In the final NEPA document, provide the basis for the 2030 projected increase in freight trains.
- Include this explanation in the cumulative effects assessment and, if necessary, update the cumulative number of freight trains anticipated from the reasonably foreseeable projects, and disclose the effects on transportation, safety, and other resources. See response to comment 13-15
- Discuss how the reasonably foreseeable increase in freight trains shipping coal, crude oil, and other cargo could affect health and safety risks, needs, and project design. See response to comment 13-16

Climate Change

The EA states that "…the Task 5 and Task 6 projects have incorporated features that would provide greater resilience and function with the potential effects brought on by climate change. These include

Commenter ID #13

modifying and extending existing culverts and armoring portions of the rail line to protect against scouring." Due to river flooding, sea level rise, and other potential effects, we are concerned that the project, as currently proposed, may require additional initial or subsequent modifications to accommodate the effects of climate change.

See response to comment 13-17

Recommendation: In the NEPA analysis, indicate whether climate changes, such as the potential for increased flood volumes, have influenced the need for more armoring and/or are likely to stimulate demand for additional armoring or other features that would have adverse effects on aquatic or other ecological resources.

Environmental Justice

The demographic analysis in the EA reveals there are substantial low income, minority, elderly, handicapped, and limited English proficiency (LEP) populations above the County average, particularly in the Task 6 study area. The analysis concludes that there would be no disproportionate effects on these environmental justice and other disadvantaged populations because all residents would experience the effects of the Task 5 and 6 projects. We are concerned, though, that the EA does not examine what are likely to be the most notable effects stemming from the increased number, frequency, and speed of trains in the project areas and how they might affect disadvantaged people. For example, the increased number and frequency of train whistles throughout the day and night can disturb sleep, conversations, learning environments, and other important activities. The widened railway, increased number of trains, and continued at-grade crossings are also a human safety concern[5], particularly for elderly, children, disabled, and LEP populations, which may not fully understand or be physically able to negotiate the hazards presented by trains and railways.

See response to comment 13-18

Recommendation: Consider conducting further outreach to these disadvantaged and vulnerable populations regarding the proposed project and its associated safety issues. Develop warning signage in a variety of languages and other means of communicating railway hazards to prevent human-train collisions. Address the health and safety of children in accord with Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks.

Thank you for this opportunity to provide comment on the Kelso Martin's Bluff Improvement Projects Tasks 5 and 6 Environmental Assessment. If you have any questions or would like to discuss these comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov or you may contact Elaine Somers of my staff at (206) 553-2966 or by electronic mail at somers.elaine@epa.gov.

Sincerely,

Jonathan R Freedman

for Christine B. Reichgott, Unit Manager
Environmental Review and Sediment Management Unit

cc: Ms. Jennifer Papazian
FRA/Volpe Center

[5] Operation Lifesaver: http://oli.org/

Response to Comments from Christine Reichgott, September 27, 2014 Commenter ID #13

Response to Comment 13-1

For the Task 5 EA, groundwater investigations determined that there was little risk of infiltration because construction activities are extremely shallow and the project is located outside of the Troutdale Sole Source Aquifer. Cowlitz County groundwater is sourced by aquifers located in Tertiary sedimentary and igneous rocks and Holocene alluvium. Well levels can range from 6 to 600 feet below the surface. Alluvial aquifers near the Columbia River fluctuate with changes in the Columbia River levels caused by seasonal flood stages, tidal influences, and management of the river by upstream hydroelectric dams. Soil deposits in the vicinity of the study area generally consist of sand and gravel fill, and alluvial silt, sand, and gravel deposits, underlain by bedrock.

Cowlitz County is underlain by the Lewis and the Cowlitz aquifers. Cowlitz County's online mapping system shows Critical Aquifer Recharge Areas of moderate and severe sensitivity along portions of the project area. Areas of severe sensitivity within the Task 5 project area include the southern terminus of the project near Site #6, and the northern terminus of the project near Sites #1 through #4. However, construction activities would be shallow and are not anticipated to impact any recharge areas.

Areas of severe sensitivity within the Task 6 project area include an area between Talley Way and Interstate 5 near the Coweeman River, and adjacent to the project corridor between Cedar Street and Colorado Street, adjacent to Site #6. One moderate risk hazardous materials site (1113 Pacific Avenue) was identified within the areas of severe sensitivity; this site was identified in an area where earthwork is expected to be shallow and not likely to reach groundwater. No hazardous materials sites of concern were identified within 2 miles of the Coweeman River bridge crossing.

Response to Comment 13-2

During development of the EA, an initial review of the potential effects to groundwater determined that there would be negligible effects to groundwater that did not warrant analysis in the EA. Additional information regarding the potential effects to groundwater is included in the administrative record in the groundwater memorandum dated 11-20-14. With the exception of the installation of the Coweeman River Bridge associated with Task 6, minimal subsurface impacts would occur as the result of the Build Alternative.

The project improvements are not anticipated to increase freight traffic; any projected increase in freight traffic is independent of the construction of the improvements. As such, an increase in release of hazardous materials as a result of operations and maintenance associated with this project is minimal.

A search of Ecology's well database did not identify public or private drinking water wells within the study area. Hazardous materials sites of concern have not been identified in areas where deep piles would be driven (Coweeman River bridge crossing).

Response to Comment 13-3

During development of the EA, an initial review of the potential effects to groundwater determined that there would be negligible effects to groundwater that did not warrant analysis in

the EA. Additional information regarding the potential effects to groundwater is included in the administrative record in the groundwater memorandum dated 11-20-14.

Response to Comment 13-4

Maps of hazardous materials sites of concerns are included in Appendix H of the EA and discussion of groundwater and soil contamination is included in Section 4.9 of the EA. A search of Ecology's well database did not identify public or private drinking water wells within the project area [https://fortress.wa.gov/ecy/waterresources/map/WCLSWebMap/WellConstructionMapSearch.aspx]. Hazardous materials sites of concern have not been identified in areas where deep piles would be driven (Coweeman River bridge crossing).

Response to Comment 13-5

During development of the EA, an initial review of the potential effects to groundwater associated with project construction and operation determined that there would be negligible effects to groundwater that did not warrant more detailed analysis. As described in Section 4.18 of the EA, the scope of the cumulative effects analysis was limited to those resources where FRA and WSDOT determined that the Build Alternative would have direct or indirect effects could contribute to a cumulative effect. Because no substantial direct or indirect effects to groundwater were identified, groundwater effects were not considered in the cumulative effects analysis. Pilings are expected to be driven during construction of the Coweeman River bridge crossing associated with Task 6. As noted in Section 4.9 of the EA (Hazardous Materials), the closest hazardous materials site of concern is located over 2 miles north of the Coweeman River bridge crossing. As such, existing contamination is unlikely to be transported to a deeper part of the aquifer system during construction of the Coweeman River bridge crossing. No pilings are required for construction of the Task 5 project.

No long-term effects from the Task 5 and Task 6 projects are anticipated during operations because the project would not increase the potential for exposure to hazardous materials from the transport or accidental release of hazardous materials. Amtrak *Cascades* trains operating in the study area would not be carrying hazardous material as cargo.

Response to Comment 13-6

Details regarding the specific accounting structure are still under development with the mitigation banking instrument. The U.S. Army Corps of Engineers (Corps) and Ecology are actively participating in the banking process and are supportive of the use of this bank for the project. It's also important to note that the mitigation strategy includes bank credits, as well as construction, enhancement and preservation elements to provide a robust, holistic approach to offsetting impacts. The final mitigation accounting to offset the functions and values lost from the Task 6 project would be finalized with the issuance of permits from Corps.

Response to Comment 13-7

The combination of mitigation measures that would be used for Task 6 project, which includes preservation, has been developed in consultation with the Corps, Ecology, WDFW, and the Cowlitz Indian Tribe. The proposed mitigation package meets the Federal compensatory mitigation final rule, the Joint Guidance for Mitigation in Washington State, and is likely to

provide protection and preservation of suitable habitats for all of the listed species in the Task 6 project area. The property acquisition negotiation is not complete at this time and therefore the specific properties to be acquired cannot be shared. However, the information requested on the preservation area would be provided to the Corps and Ecology as part of a mitigation plan once the properties are acquired to satisfy the requirements of the Section 401 and 404 permits under the Clean Water Act. If the preservation is insufficient to address all of the project impacts they are intended to compensate for, then the Corps and Ecology may require additional mitigation credits to be purchased.

Response to Comment 13-8

According to the Federal Emergency Management Agency (FEMA) Floodplain Management Requirements Guide, fill placed in the floodplain (Zone AE), or flood fringe, is allowed without further encroachment analysis. However, a review (below) of the potential displacement effects of the project floodplain fills identifies that the effects of this action fall well below the regulatory criteria that fills within AE zones shall not increase the water surface elevation of the base flood more than one foot at any point.

Floodplain Fill Displacement Review:

- The total volume of floodplain fill is approximately 13,000 cubic yards.
- The total floodplain area fill footprint is 4 acres. However, the existing track support prism is included within that footprint. The volume of impact to the floodplain is defined as the wedge of soil between the average toe of fill elevation (13 feet) and the 1% flood elevation (19 feet above sea level). Thus, the actual volume of displacing fill in the floodplain is approximately one-third of the total track support structure fill volume. (4 acres x 43,560 ft^2/acre x 6ft x 0.333 = 348,131 ft^3 fill displacement in the affected floodplain; = 12,894 cubic yards of displacement fill; = 7.99 acre feet; = 95.9 acre inches.)
- The total area of the 1% floodplain south of the Kalama River and east of the Columbia River directly connected to the project impacts, is 263 acres.
- By projecting 95.9 acre inches of displacement over the 263 acres of immediate connected area floodplain, a potential rise 0.36 inches in flood elevation is obtained. By utilizing the entire 1% flood plain actually shown as connected to the project area in the FEMA maps, this effect becomes immeasurably small.

Based on this analysis, the initial estimated 15,000 cubic yards of floodplain displacement fill, revised to 13,000 cubic yards after design improvements, constitutes a minimal, if even measurable, impact to the overall mapped floodplain either indirectly or directly connected to this project. The rock fringe fill to the floodplain along Wetland B does not result in an increase in stormwater runoff peak flows or volume. Wetland B is the conveyance from the city of Kalama stormwater outfall. As the analysis has demonstrated, the project would not affect the stormwater conveyance ditch from the city of Kalama to the Kalama River. No excavations in or adjacent to any wetlands are being proposed given the minimal impact to the floodplain storage volume. Additionally, because the Build Alternative is not anticipated to impact flooding or stormwater conveyance, there would be no indirect effects to adjacent properties.

As described in Section 4.3 of the EA (Water Resources), other culverts, such as Unnamed Tributary 3 will be modified to provide fish passage and increase available conveyance capacity in the area. While not part of this project, WSDOT will refer the comment to WDFW for future consideration.

Response to Comment 13-9

According to the FEMA Floodplain Management Requirements Guide, the fill placed in the floodplain (Zone AE), or flood fringe, is allowed without further encroachment analysis. FRA and WSDOT would submit a hydraulic analysis report along with an MT-2 Conditional Letter of Map Revision application to FEMA review of the projects effects to the regulated floodplain and floodway areas.

Response to Comment 13-10

FRA and WSDOT acknowledge the effects of historical habitat fragmentation caused by the rail line. The issue of habitat fragmentation on all species is a baseline condition because the rail line has been in operation for over a century; all work would occur within the existing rail right-of-way; and, no new corridor would be established. FRA and WSDOT considered connectivity as part of the project, as it related to Columbia white-tailed deer and aquatic species.

In the project area, the project would replace three undersized culverts and would reconnect stream habitat used by listed Lower Columbia River coho and steelhead lost by historic road and railway work. These new connections would provide access to additional upstream rearing and spawning habitat. Furthermore, WSDOT considered impediments to crossing for Columbia white-tailed deer and determined the track is not a complete barrier to Columbia white-tailed deer movement within the project area. There are track sections with steep, rock-ballasted side slopes that Columbia white-tailed deer would probably not use. However, there are many areas that would allow passage, including at-grade track sections, underpasses, and bridges. WSDOT would work with USFWS and utilize Columbia white-tailed deer data developed by USFWS to inform future decisions on rail improvements where 1) crossing appears to be an issue; and, 2) a project exists that can accommodate a habitat connectivity element.

Please note that high-speed (79 MPH) service already is provided in this corridor. Speeds are not planned to increase as a result of either Task 5 or Task 6. There is no additional implementation of any other high-speed rail service, such as that contemplated in California that is part of this project or the State's PNWRC Improvement Plan.

Response to Comment 13-11

Although there are no known studies of similar rail grain-associated wildlife mortality area in the lower 48 states, the issue of how chronic grain loss from train cars during transport could attract wildlife and result in additional mortality was publicized in Banff National Park, where Canadian Pacific Railway trains struck and killed seven grizzly bears between 2000 and 2007. Chronic grain loss was primarily attributed to faulty grain cars (Wells, et al, 1999. *Wildlife Mortality on Railways: Monitoring Methods and Mitigation Strategies*). Although bear mortality was the primary concern, there was additional mortality of other wildlife, such as moose, deer, wolves and coyotes. About 2.7 deer per year were killed from 1982 to 2001 in Banff and Yoho National

Parks in areas associated with grain spills. The area where this problem was identified has large populations of carnivores and ungulates.

It is also important to keep in mind that the purpose and need for the Task 5 and 6 projects is to improve intercity passenger rail service by improving reliability, enhancing efficiency, and increasing passenger rail travel frequency. As stated in Section 4.15 of the EA, freight rail would increase in the Task 5 and 6 study areas but the exact makeup of that increase is currently unknown. Therefore, it is not possible to reasonably anticipate any increase in the transportation of grain along the study area. However, grain capacity improvements at the Port of Kalama are underway as part of an unrelated privately sponsored action. Grain loading areas at the Port are not readily accessible to wildlife because of fencing and other exclusion measures that are required by the US Department of Homeland Security.

The location of the railway bed and associated infrastructure provide variable conditions and corridors for wildlife in the project area. The close proximity of Interstate-5 and industrialized areas, such as the Port of Kalama to the rail corridor, create barriers to smaller, less mobile wildlife (e.g., reptiles and small mammals). Other larger, more mobile wildlife species (deer) are able to move through the rail corridor through underpasses, at-grade crossings, and under bridges. The rail corridor itself would also provide a corridor for the movement of wildlife; however, the proposed project would not create any new pathways as the entire project would be built within the existing corridor.

Response to Comment 13-12

The railway in the Task 5 and 6 areas traverses a variety of habitats that may be used by many wildlife species. These habitats include the developed region north of the confluence of the Coweeman/Cowlitz Rivers; forested and open wetland habitats along Owl Creek; and the developed area associated with the Port of Kalama. Wildlife movements in these areas are constrained by both Interstate-5 and the BNSF Railway. Interstate-5 likely constrains wildlife movement more than the railway; it is wider, has greater traffic volume, and faster moving vehicles. The railway has about 70 trains per day (freight and passenger) in the Port of Kalama area. In some areas the tracks are elevated with steep rock ballasted slopes, which could present significant movement challenges for all wildlife guilds. However, there are underpasses under the rail line in several locations, including the rail and Interstate 5 bridges over the Kalama River. More significantly, there are many areas where the railway is at-grade, and would not be a barrier to ungulate movement. FRA and WSDOT recognize that at-grade crossings could be a barrier to small mammals, amphibians, and reptiles.

The developed areas within the Task 5 and 6 project areas have relatively inhospitable conditions for many wildlife species. In addition to the railway and Interstate 5, there are local roads and associated traffic, and industrialized and fenced areas within the Port of Kalama that would be barriers or present major challenges to wildlife movement. About half of the widened track area in the Task 5 and 6 project areas are in these more industrialized sections.

The freight and passenger rail operators do not keep records of train collisions with deer or other wildlife, so there is no specific information available on that issue.

FRA and WSDOT are awaiting data from radio-telemetered Columbia white-tailed deer from the USFWS to help inform where deer habitats intersect with the rail line, and to determine if deer

are crossing the tracks. The California High-Speed Rail Project presents a condition significantly different with the Task 5 and 6 projects. The Project in California is proposed as a new rail corridor; whereas for this Project, the improvements for passenger rail are proposed within an existing rail corridor where freight and passenger movements have been accommodated for nearly a century. The proposed Build Alternatives for Task 5 and 6 are limited main line additions and spurs provided to separate freight and passenger rail service within an existing corridor as opposed to establishing a new rail corridor.

FRA and WSDOT have worked with the USFWS during the Section 7 consultation to address effects to the Columbian white-tailed deer. The Biological Opinion issued by the USFWS on October 30, 2014 included several terms and conditions that minimize effects to Columbian white-tailed deer on passenger rail service, including:

- The FRA will assess that portion of the Vancouver, BC to Portland, OR rail corridor that contains the action area for habitat connectivity in the Washington State Service Development Plan, to be finalized in 2017. Measures identified in the plan will be implemented in the action area by the FRA, when reasonable to do so, as part of any subsequent rail improvement action funded by FRA.
- The FRA will coordinate with the USFWS and BNSF Railway to develop and implement an Animal Retrieval Plan that specifies methods and contacts for retrieval of Columbian white-tailed deer found dead or injured on the BNSF Railway right-of-way. Such a plan will be completed and implemented by the FRA and BNSF Railway by October 30, 2015.

The FRA will monitor and report the number of passenger train trips that occur each calendar year. Reports will be submitted annually to the USFWS by March 1 of the following year.

Response to Comment 13-13

The funding realities of the proposed Pacific Northwest Rail Corridor program necessitated developing the current plan for 8 round trips; there is no current intent to increase passenger rail service beyond these levels. The EA discusses the reasonably foreseeable future actions in Section 4.18.

Response to Comment 13-14

The estimated increase of 22 freight trains on BNSF Railway tracks was provided by BNSF Railway based on reasonably foreseeable future conditions. This estimate is based on the forecasted growth for the corridor. It is referenced in the 2011 PNWRC Service Development Plan. Ultimately, freight rail volumes are dependent upon market conditions and system capacity, which are not regulated by the FRA and WSDOT.

Response to Comment 13-15

The projected increase to 62 trains per day is based on the projected increase in commodity shipments to/from the Pacific Northwest ports independent of the construction of the improvements. The projected increase was developed by BNSF Railway based upon reasonably foreseeable estimates of the future condition. The cumulative effects analysis presents the “snapshot in time” of other known and projected rail projects in the study areas. One of the goals

of the improvements is to increase passenger services on-time performance without degrading freight operations.

Additional capacity may be added at any time by the railroad company without any Federal involvement. While it is possible to estimate additional expected capacity on rail lines, the FRA has limited ability to control the number of trains operating on a particular rail line.

Response to Comment 13-16

The potential effects associated with an increase in the number of freight trains operating in the project area is evaluated in the cumulative effects analysis in the EA (Section 4.18). Although an analysis of the specific safety risks associated with the increase in freight traffic is conjectural, the increase is not anticipated to significantly impact safety or project design. The increase in train traffic resulting from the reasonably foreseeable future actions described in Section 4.18 would likely result in a slight increased safety risk. There would be an increased potential for accidents involving vehicles and pedestrians; however, the current accident rate, as described in Section 4.16 of the EA, is very low and the increased freight traffic would not be anticipated to increase the accident rate substantially. Therefore, no cumulative effect on safety is anticipated.

The service operating plan agreements between WSDOT and BNSF Railway provide for improved passenger rail service while ensuring effective operation of the private rail freight activities. Additionally, the proposed projects provide for improved separation of freight and passenger rail services, allowing for improved passenger rail speed and reliability. The projects will be accommodated within the existing BNSF-owned rail corridor. The preliminary design work, which is the basis for effects analysis in this EA, has been developed in the context of the PNWRC Improvement Plan for passenger rail service, and in coordination with BNSF Railway.

As noted in Sections 4.15 (Transportation) and 4.18 (Indirect Effects) of the EA, the roadway improvement projects proposed by the city of Kelso (West Main Street Realignment, Yew Street Reconstruction Phase 1, and city of Kelso Railroad Crossing Study) would improve roadway flow and potentially reduce traffic in the city of Kelso. Whether these improvements could accommodate roadway travel requirements from the Millennium Bulk Terminal Logistics (MBTL) Project and Port of Kalama Terminal Expansion Project will be more reasonably assessed in the context of those projects and in the MBTL Project NEPA analysis and other environmental documentation. The roadway improvement crossing projects are not presently identified as mitigation for those efforts. In addition, the health and safety effects of that proposal would likely be evaluated and documented in detail. Based on the best available information about the MBTL Project proposal and the comparative stage of planning (currently in preliminary stages compared to Kelso Martin's Bluff projects), the MBTL Project is unlikely to affect the Task 5 or Task 6 Build Alternatives or their design. Rather, Tasks 5 & 6 represent conditions to which the MBTL improvements would need to conform.

Response to Comment 13-17

To evaluate anticipated changes that may affect the project area, FRA and WSDOT considered the results of WSDOT's recently completed Climate Impacts Vulnerability Assessment Report (November 2011). That study examined climate change risks to state-owned infrastructure, and therefore did not include the BNSF-owned railway. WSDOT and FRA considered the results for SR 411, SR 432 and I-5 in the Project area and found there is a potential for increased slope

failures, river flooding and susceptibility to sea level rise. SR 432 shows a high vulnerability, while Interstate 5 and SR 432 within the Project area show a low vulnerability to climate change. FRA and WSDOT considered this information about climate change with regard to preliminary design as well as the potential for changes in the surrounding natural environment. The Build Alternative projects are designed to last more than 50 years. The proposed projects have incorporated features such as modification and extension of existing culverts and armoring portions of the line to protect against scouring. Although these features were not added due to the findings of the vulnerability analysis, the features would provide greater resilience and function with regard to the potential effects of climate change. WSDOT and BNSF Railway are not aware of other armoring or additional features needed to protect against future climate change.

Response to Comment 13-18

The analysis of the potential effects of the proposed projects on environmental justice populations presented in Section 4.13.3 of the EA concludes that the effects described throughout the EA, including noise and safety, would not be appreciably greater for any environmental justice population than for the population as a whole. The additional 2 roundtrip (4 one-way) daily passenger trains would represent a minor increase in train traffic over existing levels that would not be anticipated to markedly change the existing safety or noise environment. Further, train whistles would not blow between the hours of 10 PM and 7 AM; thus, sleep would not be disturbed.

As the impacts on environmental justice populations would not be appreciably greater than the population as a whole, further outreach associated with the NEPA process is not anticipated. The effects described in the EA from the implementation of the proposed project are not anticipated to disproportionately affect children; therefore, Executive Order 13045 was found not to apply to this action.

Commenter ID #14

U.S. Department of Homeland Security
United States Coast Guard

Commander
Thirteenth Coast Guard District

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16591/WA

23 September 2014

Kelso Martin's Bluff Improvement Projects – Tasks 5 and 6
c/o Chris Regan, KMB Environmental Lead
WSDOT Rail Division
RE: KMB EA Comment
PO Box 47407
Olympia, WA 98504-7407

Dear Mr. Regan:

This office conducted a review of the draft *Kelso Martin's Bluff Improvement Projects – Tasks 5 and 6 Environmental Assessment* as received on September 8, 2014. We have found the document to be generally well written and comprehensive. The following comments are offered with regard to matters that pertain to Coast Guard jurisdictional authority, specifically:

See response to comment 14-1

1. The EA document mentions that the Cowlitz and Coweeman Rivers are navigable but does not present or discuss the requirement to maintain navigation on Navigable Waters of the U.S. The EA also does not discuss the requirement for bridge permits for modification of the existing railroad bridge and for the new railroad bridge across the Coweeman River.

2. Table A-1 in Appendix A: Laws and Regulations mentions that the Secretary of Transportation through the U.S. Coast Guard (USCG) issues permits for bridges or structures that cross or could otherwise affect navigation on waters of the U.S. and indicates that the Applicable Law or Order is Rivers and Harbors Act Section 9. USCG is the responsible agency for permitting new and modified bridges under the authority of the General Bridge Act of 1946, as amended. USCG is part of the Department of Homeland Security. Therefore, the Secretary of Homeland Security rather than the Secretary of Transportation issues permits for bridges. The resource protected by issuance of bridge permits is Navigation.

See response to comment 14-2

3. There is no indication in the EA document or appendices that a navigation impact study was conducted for the covered projects. According to the MEMORANDUM OF UNDERSTANDING Between the U.S. Coast Guard and Federal Highway Administration and Federal Transit Administration and Federal Railroad Administration To Coordinate and Improve Bridge Planning and Permitting, it is the responsibility of the Operating Agency (in this case FRA) to acquire the information necessary to prepare a navigation impact report concurrent with the NEPA alternatives analysis. This information should be reflected in the document.

See response to comment 14-3

The comments below are of a more general nature based on a review of the document in its entirety:

Commenter ID #14

1. A list of preparers would be beneficial. See response to comment 14-4

2. Is the proposed project included on a SIP, FIP, TIP, and/or RTP? See response to comment 14-5

3. Issuance of a bridge permit requires the USCG to determine compliance with NEPA and several other Federal laws, regulations, Executive Orders, and approvals. In the case of the bridge permits required for the Coweeman River Railroad Bridges, USCG must either adopt the lead agency's EA or prepare its own EA document. In order to adopt the FRA sponsored EA, USCG must verify the project is compliant with the Federal statutes listed below. See response to comment 14-6

Law, Regulation, Executive Order (EO), or Approval	Comment
Clean Water Act Sec. 401 Water Quality Certification	EA (pg. 4-20) mentions that CWA Sec. 401 required for discharge of fill material into waters of U.S. No specific mention of WQC or that it's required for other federal approvals such as USCG bridge permit. See response to comment 14-7
NPDES Permit	Present in acronyms list but no discussion of its applicability or requirements as they relate to the proposed project. See response to comment 14-8
Safe Drinking Water Act	Not mentioned or discussed See response to comment 14-9
Clean Air Act and National Ambient Air Quality Standards	CAA and NAAQS adequately addressed in EA. See response to comment 14-10
Emergency Planning and Community Right-to-Know Act	Not mentioned or discussed. Please explain why applicable/not applicable. See response to comment 14-11
EO 12856 – Federal Compliance with Right-To-Know Laws & Pollution Prevention Requirements	Not mentioned or discussed. Please explain why applicable/not applicable. See response to comment 14-12
Pollution Prevention Act of 1990	Not mentioned or discussed. Please explain why applicable/not applicable.
Resource Conservation and Recovery Act	Present in acronym list and as identifier for nearby potentially contaminated properties. No discussion of the project's compliance with statute. See response to comment 14-13
EO 12088 – Federal Compliance with Pollution control Standards	Not mentioned or discussed. Please explain why applicable/not applicable. See response to comment 14-14
Comprehensive Environmental Response, Compensation and Liability Act	Present in acronym list and as identifier for nearby potentially contaminated properties. No discussion of the project's compliance with statute. See response to comment 14-15
Farmland Protection Policy Act	Not mentioned and no discussion of prime and unique farmlands See response to comment 14-16
Noise Control Act	No specific mention of act but stand alone sections for Noise and Vibration in EA. EA mentions analysis and evaluation for noise and vibration. If stand alone report(s) generated could include as appendix. See response to comment 14-17
Coastal Zone Management Act	EA (pg 4-1) indicates that impact analysis was not provided because "resource areas were either not present or no effects would occur …" The project is located within one of Washington state's coastal counties subject to CZMA. A discussion of consistency with the statute is appropriate and should be provided in the document. See response to comment 14-18
EO 11990 – Protection of Wetlands	Statute not specifically mentioned in EA. Project likely will be compliant. Wetland impacts and mitigation are discussed in EA. See response to comment 14-19

Commenter ID #14

EO 11988 – Floodplain Management	Statute not specifically mentioned in EA. Project likely will be compliant. Floodplain impacts and mitigation are discussed in EA.	See response to comment 14-20
Fish and Wildlife Coordination Act	Statute not specifically mentioned in EA. Project likely will be compliant. Fish and wildlife impacts are discussed in EA. Coordination with USFWS on compliance will be required.	See response to comment 14-21
EO 13112 – Invasive Species	Statute not specifically mentioned in EA. Project likely will be compliant. Invasive species are discussed in EA.	See response to comment 14-22
Migratory Bird Treaty Act	Not mentioned or discussed. Please explain why applicable/not applicable.	See response to comment 14-23
EO 13186 – Responsibility of Federal Agencies to Protect Migratory Birds	Not mentioned or discussed. Please explain why applicable/not applicable.	See response to comment 14-24
Bald and Golden Eagle Protection Act	Not mentioned or discussed. Please explain why applicable/not applicable.	See response to comment 14-25
Marine Mammal Protection Act	Not mentioned or discussed. Please explain why applicable/not applicable.	See response to comment 14-26
Endangered Species Act	ESA is adequately addressed in EA.	See response to comment 14-27
Magnuson-Stevens Act/Essential Fish Habitat	EFH is adequately addressed in EA.	See response to comment 14-28
EO 13158 – Marine Protected Areas	Not mentioned or discussed. Please explain why applicable/not applicable.	See response to comment 14-29
Wild and Scenic Rivers Act	Not applicable	See response to comment 14-30
EO 13061 – American Heritage Rivers	Not applicable	See response to comment 14-31
EO12898 – Environmental Justice	Statute not specifically mentioned in EA. Evaluation presented in EA demonstrates project compliant.	See response to comment 14-32
National Historic Preservation Act	NHPA adequately addressed in EA.	See response to comment 14-33
EO 11593 – Protection and Enhancement of the Cultural Environment	Statute not specifically mentioned in EA. Project likely will be compliant. EA indicates consultations with SHPO and potentially affected tribes.	See response to comment 14-34
Native American Graves Protection and Repatriation Act	Statute not specifically mentioned in EA. Project likely will be compliant. EA indicates consultations with SHPO and potentially affected tribes.	See response to comment 14-35
Antiquities Act of 1906	Likely not applicable.	See response to comment 14-36
Archaeological Resources Protection Act	Not applicable.	See response to comment 14-37
American Indian Religious Freedom Act	Statute not specifically mentioned in EA. Project likely will be compliant. EA indicates consultations with SHPO and potentially affected tribes.	See response to comment 14-38
Land and Water Conservation Fund Act Section 6(f)	*No indication in EA if identified parkland and open space (pp 4-12) or 4(f) properties (Chapter 18) involved 6(f) funding.*	See response to comment 14-39
EO 13045 – Environmental Health and Safety Risks to Children	Not mentioned or discussed for proposed project. Please explain why applicable/not applicable.	See response to comment 14-40
Occupational Safety and Health Act	Not mentioned or discussed. Please explain why applicable/not applicable.	See response to comment 14-41

Commenter ID #14

Thank you for the opportunity to comment on this project. Please direct any question regarding this letter to either myself or Mr. John Greene my Environmental Policy Analyst, John.J.Greene@uscg.mil, (206) 220-7277.

Sincerely,

Steven M. Fischer
Thirteenth Coast Guard District
Bridge Administrator

Response to Comment 14-1

A navigation evaluation has been completed and will be submitted with the Section 9 permit application. The proposed horizontal and vertical clearances of the new bridge are greater than all other known bridges on the Coweeman River and thus prove no impediment to navigation over current conditions. During construction, the Coweeman River width and height clearances would be constricted. However, based on communications with local, recreational fisherman and guide services, fishing via a boat from the Cowlitz to the Coweeman rivers is unlikely. Motorized boats and flat water boats that likely use the Coweeman River are less than 16 feet and 22 feet in length, respectively. Navigation on the Cowlitz River is not expected to be affected during construction or operation of the new bridge.

Response to Comment 14-2

Comment noted. The General Bridge Act of 1946 authorizes the Secretary of Homeland Security, through the U.S. Coast Guard (USCG) to issue permits for bridges or structures that cross or could otherwise affect navigation on waters of the U.S.

Response to Comment 14-3

A navigation evaluation has been completed and will be submitted with the USCG Bridge Permit application.

Response to Comment 14-4

The list of preparers is presented in Section 7 of the EA.

Response to Comment 14-5

The project is not listed on the 2014-2017 State Transportation Improvement Program. The Task 5 and 6 projects are key components of the PNWRC Improvement Program and, when completed, would help facilitate the addition of two Amtrak *Cascades* service round trips (4 one-way trains) between Portland, Oregon, and Seattle, Washington, with improved reliability and reduced travel time. Although the PNWRC Improvement Program would not increase the number of Amtrak Coast Starlight trains (Amtrak's longer distance passenger rail service between Los Angeles, California, and Seattle), the program could improve the speed and reliability of those trains as well.

Response to Comment 14-6

Thank you for the comment.

Response to Comment 14-7

Please refer to Appendix A for a complete list of all required permits, laws and regulations, including the Clean Water Act (CWA). As part of the CWA Section 404 permitting process, a Section 401 Water Quality Certification would be obtained from Ecology. Although the USCG Bridge Permit would require a CWA Section 401 Water Quality Certification, it is unlikely that

Ecology would include additional requirements beyond those in the Water Quality Certification issued as part of the CWA Section 404 permit.

Response to Comment 14-8

As discussed in Section 5 of the EA, a NPDES Construction Stormwater General Permit will be required for the projects.

Response to Comment 14-9

The Safe Drinking Water Act ensures safe drinking water for the public. It requires public water systems to regularly monitor their water for contaminants. A search of Ecology's well database performed for this EA analysis did not identify public or private drinking water wells within the study area for hazardous materials or water resources. As such, the proposed projects would not contribute to any degradation of public water systems.

Response to Comment 14-10

Thank you for the comment.

Response to Comment 14-11 and 14-12

The primary purpose of the Emergency Planning and Community Right-to-Know Act and Executive Order 12856 is to encourage and support emergency planning efforts at the state and local level and provide the public with information regarding potential chemical hazards in their communities. The proposed projects would not involve any chemicals that would require notification under the act or which could result in changes to any local emergency planning efforts; it is, therefore, not applicable.

Response to Comment 14-13

The hazardous material sites of concern in the Task 5 and 6 study areas are presented in the Section 4.9.2 of the EA. Some of these sites are subject to the stipulations of the Resource Conservation and Recovery Act (RCRA); however, these sites would not be affected by or affect the proposed projects and no hazardous waste subject to RCRA would be generated by the projects.

Response to Comment 14-14

The proposed project would be in accordance with EO 12088, which requires that Federal agencies are compliant with applicable pollution control standards. Appendix M of the EA includes minimization measures for pollution control. Compliance with EO 12088 will be a commitment of the proposed mitigation/minimization measures for the built alternatives.

Response to Comment 14-15

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) does not apply because the proposed projects do not involve superfund sites.

Response to Comment 14-16

As the project would be constructed within the existing BNSF Railway right-of-way and no property would be acquired, there is no potential for impacts to prime and unique farmlands.

Response to Comment 14-17

Funding for the Noise Control Act of 1972 and the Quiet Communities Act of 1978 was phased out in 1982; however, the analysis of noise and vibration from construction and operation of the proposed projects is described in Sections 4.7 and 4.8 of the EA.

Response to Comment 14-18

The project is located within Cowlitz County, which is not one of the fifteen counties that comprise Washington's coastal zone.

Response to Comment 14-19

In accordance with EO 11990, construction within areas containing wetlands is avoided, where practicable. The wetland effects that cannot be avoided and the appropriate proposed mitigation measures are discussed in Section 4.4 and Section 5.0 of the EA.

Response to Comment 14-20

In accordance with EO 11988, Federal agencies have a responsibility to evaluate the potential effects of any actions they may take in a floodplain. The potential effects to floodplains and proposed mitigation measures are discussed in Section 4.3 and Section 5.0 of the EA.

Response to Comment 14-21

The proposed project would not involve construction of a water resource development project, as defined in the Fish and Wildlife Coordination Act. Consultation with the USFWS regarding impacts to listed species under Section 7 of the ESA has been completed.

Response to Comment 14-22

EO 13112 directs Federal Agencies to not authorize, fund, or carry out actions that it believes are likely to promote the introduction or spread of invasive species. As discussed in Section 4.5 of the EA, the proposed projects could result in the introduction of noxious weeds; however, the minimization measures and best management practices described in Appendix M of the EA would minimize the potential for the spread of invasive species.

Response to Comment 14-23 and 14-24

The Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703–712), as amended, and Executive Order 13186, *Responsibilities of Federal Agencies to Protect Migratory Birds*, require Federal agencies to minimize or avoid impacts on migratory birds. Both would be applicable to the proposed projects. Unless otherwise permitted by regulations, the MBTA makes it unlawful to (or attempt to) pursue, hunt, take, capture, or kill any migratory bird, nest, or egg. In accordance with these measures, the Build Alternative will be conducted in a manner to avoid adverse effects on migratory birds to the extent practicable; therefore, no effects on migratory

birds would be anticipated. This will be a commitment of the proposed mitigation/minimization measures for the build alternatives.

Response to Comment 14-25

The Bald and Golden Eagle Protection Act prohibits, without proper permitting, disturbance from construction activities to nesting bald eagles during their active nesting period, which occurs January 1 through August 15. Guidelines established by the USFWS require an eagle nest to be within 660 feet of the construction activities or 0.5 miles of blasting to trigger review. The WSDOT reviewed the most current eagle nest data (April 2014) from the WDFW and the closest bald eagle nest is located approximately 930 feet from the rail line where construction activities are planned. No blasting will occur within 0.5 mile of the nest. As such, the construction activities are not considered a disturbance to this bald eagle nest and are not subject to timing restrictions or permitting.

The project area has had a high level of rail, industrial, and highway activity (and associated noise) for decades. It is assumed that bald eagles nesting in the project area are acclimated to the existing noise environment due to reoccurring use of the site and nesting success. Although the horn noise from additional passenger trains could disturb wildlife, including eagles, in the project area, disturbances are minor when the existing noise environment is taken into consideration. According to BNSF Railway the train horn noise from existing operations and maintenance activities has not required either a Disturbance Permit or Take Permit under the Bald and Golden Eagle Protection Act.

The list of applicable laws and regulations in Appendix A of the EA is limited to laws and regulations where an actual approval or permit from an agency would be issued.

Response to Comment 14-26

The project area is near the Columbia River. Marine mammals have been known to migrate up the Columbia River; however, no marine mammal haulout sites are documented near the Task 5 or Task 6 study areas. As discussed in the Task 6 BA (Appendix G of the EA) the Task 6 project action area does not extend to the Columbia River and marine mammals, such as Steller sea lions, are not known to occur within the action area. The Task 5 project BA (Appendix F of the EA) also concludes that the action area would not affect the Columbia River as no work is occurring in the Columbia River. Consultation with the NMFS has not identified concerns with marine mammals or the need to obtain authorizations under the Marine Mammal Protection Act for the Task 5 or 6 projects.

Response to Comment 14-27

Thank you for the comment.

Response to Comment 14-28

Thank you for the comment.

Response to Comment 14-29

EO 13158 is not applicable as there are no Marine Protected Areas in the project area.

Response to Comment 14-30

Thank you for the comment.

Response to Comment 14-31

Thank you for the comment.

Response to Comment 14-32

Thank you for the comment.

Response to Comment 14-33

Thank you for the comment.

Response to Comment 14-34

In accordance with the National Historic Preservation Act and EO 11593, several cultural resource surveys have been conducted within the Area of Potential Effects (APE) for the Task 5 and Task 6 projects. A Cultural Resources Discipline Report was prepared in 2003 for the *Kelso – Martin's Bluff Rail Project NEPA/SEPA Preliminary Draft Environmental Impact Statement*, which incorporates the Task 5 and Task 6 project area. Cultural resource surveys, including archaeological investigations and historic property inventories, were also undertaken in the Task 5 and Task 6 study areas in 2002, 2003, and 2006. FRA and WSDOT conducted a supplemental survey of National Register of Historic Places-eligible properties located within the Task 6 APE in 2013 (see Appendix J of the EA). Effects of the Task 5 and Task 6 projects were determined by comparing the projects' design information with data on the existing cultural resources present in the Task 5 and Task 6 study areas. Coordination with the Washington Department of Archeological and Historic Preservation (DAHP) included the USCG -required lighting and workers' walkway improvements on the existing historic Coweeman River Bridge, and on the proposed new bridge. The consultation with DAHP resulted in a finding of no significant effect (see Appendix J for correspondence).

Response to Comment 14-35

The proposed projects are not anticipated to impact the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. The tribes consulted with during preparation of the EA are listed in Appendix J.

Response to Comment 14-36

The proposed projects would not involve any actions which would appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States.

Response to Comment 14-37

Thank you for the comment.

Response to Comment 14-38

The proposed projects are not anticipated to have any effects on Native American's continued free exercise of native religion. The tribes consulted with during preparation of the EA are listed in Appendix J.

Response to Comment 14-39

Potential impacts to Section 6(f) and 4(f) properties are described in Section 4.10 and 4.12 of the EA, respectively. No Section 6(f) properties would be affected by either Task 5 or Task 6.

Response to Comment 14-40

EO 13045 would not be applicable to the Build Alternative as it is not a "covered regulatory action" as defined in EO 12866. Actions covered under EO 13045 include those that may be "economically significant" (as defined in EO 12866) and "concern an environmental health risk or safety risk that an agency has reason to believe may disproportionately affect children." An economically significant action is one that would have an annual effect on the economy of $100 million or more. The Build Alternative is not anticipated to have this annual effect on the economy. Further, the effects described in the EA from the implementation of the proposed project are not anticipated to disproportionately affect the environmental health and safety of children in the project area. EO 13045 defines environmental health and safety as "risks to health or to safety that are attributable to products or substances that the child is likely to come in contact with or ingest (such as the air we breath, the food we eat, the water we drink or use for recreation, the soil we live on, and the products we use or are exposed to)." The proposed projects are not anticipated to increase the health and safety risk to children from exposure to any products or substances that would increase the exposure risk; therefore, no disproportionate effects on children are anticipated.

The list of applicable laws and regulations in Appendix A of the EA is limited to laws and regulations where an actual approval or permit from an agency would be issued.

Response to Comment 14-41

BNSF Railway will follow all applicable provisions of the Occupational Safety and Health Act (OSHA) and its implementing regulations at all times during construction and operation of the proposed projects. In addition, public and worker safety will be maintained by adhering to a job-specific Safety Action Plan that WSDOT will ensure is developed by the construction contractor prior to groundbreaking. This plan will provide a complete safety program, including risk identification procedures, emergency response plan, safety communication, and other safety initiatives. Additionally, this plan will comply with FRA's On-Track Safety Program (49 CFR 214.303), which affords on-track safety to all workers whose duties are performed on the railroad.

The list of applicable laws and regulations in Appendix A of the EA is limited to laws and regulations where an actual approval or permit from an agency would be issued.

Commenter ID #15

Kelso Martin's Bluff Improvement Projects
Public Comment Period

Name: Tyrel Koistinen

Mailing Address: 173 Tidewater Drive City: Kalama State: WA Zip: 98625

Phone: 360-773-5734 Email: tyKoist@gmail.com

Comments (please print clearly):

TASK 4: Tide water Drive Community:
A Bald Eagle has currently made its nest along the river in a cotton wood tree. Every train whistle scares it out of its nest. Martin's Bluff Improvement will add more of these at high speed, causing more whistles disturbing this Eagle. Under the "Bald Eagle Protection Act" this must be addressed and made better not worse for this eagle.

See response to comment 15-1

Washington State Department of Transportation

U.S. Department of Transportation

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Response to Comment 15-1

The Bald and Golden Eagle Protection Act prohibits, without proper permitting, disturbance from construction activities to nesting bald eagles during their active nesting period, which occurs January 1 through August 15. Guidelines established by the US Fish and Wildlife Service require an eagle nest to be within 660 feet of the construction activities or 0.5 miles of blasting to trigger review. WSDOT reviewed the most current eagle nest data (April 2014) from the WDFW and the closest bald eagle nest is located approximately 930 feet from the rail line where construction activities are planned. No blasting would occur within 0.5 mile of the nest. As such, the construction activities are not considered a disturbance to this bald eagle nest and are not subject to timing restrictions or permitting.

The project area has had a high level of rail, industrial, and highway activity (and associated noise) for decades. It is assumed that bald eagles nesting in the project area are acclimated to the existing noise environment due to reoccurring use of the site and nesting success. Although the horn noise from additional passenger trains could disturb wildlife, including eagles, in the project area, disturbances are minor when the existing noise environment is taken into consideration. According to BNSF Railway the train horn noise from existing operations and maintenance activities has not required either a Disturbance Permit or Take Permit under the Bald and Golden Eagle Protection Act.

The list of applicable laws and regulations in Appendix A of the EA is limited to laws and regulations where an actual approval or permit from an agency would be issued.

Commenter ID #16

Kelso Martin's Bluff Improvement Projects
Public Comment Period

See response to comment 16-1

Name: ILOBA ODUM

Mailing Address: ~~[illegible]~~ City: ~~[illegible]~~ State: Zip:

Phone: Email: iodu461@ecy.wa.gov

Comments (please print clearly):

Please send me the following

1. Project Timeline

2 Potential Effects to the resources evaluated in the EA

3. Threatened & Endangered Species

Washington State Department of Transportation

U.S. Department of Transportation Federal Railroad

Scanned by CamScanner

Response to Comment 16-1

Thank you for the comment. The website location where the requested materials can be found was made available to the public on August 28, 2014.

Commenter ID #17

SOUTHWEST WASHINGTON REGIONAL AIRPORT
2222 S. PACIFIC AVE KELSO, WA 98626
PHONE: (360) 261-8268

September 18, 2014

WSDOT Rail Division
Attn: Chris Regan
KMB Project Environmental Lead
PO Box 47407
Olympia, Washington 98504-7407

RE: Kelso Martin's Bluff Improvements Projects – Tasks 5 and 6 Environmental Assessment (EA)

Dear Mr. Regan:

On behalf of the Southwest Washington Regional Airport (SWRA) we would like to thank you for providing us with a copy of the Kelso Martin's Bluff Improvement (KMB) Projects– Tasks 5 and 6 Environmental Assessment (EA), prepared for the US Department of Transportation Federal Railroad Administration by the Washington State Department of Transportation, for our review and comment.

During the creation of the Environmental Assessment (EA), SWRA airport staff members met with WSDOT Rail and Aviation staff, the lead consultants, and BNSF representatives to discuss airport impacts resulting from the construction and implementation of this rail project. The airport impacts discussed during this meeting were not addressed and included within the EA report.

The Kelso Martin's Bluff project is going to impact the airport during construction and will have several long term impacts on the Airport's airspace and operations. We are requesting the following comments be incorporated into the environmental review process.

1. Access to the Airport's hangars and business's is maintained. In particular, we are concerned about the Airport's Westside access along South Pacific Avenue. This appears to be a main construction access point for the contractor during the construction phase of the project. We request that BNSF and WSDOT construction managers work with the Airport to ensure these accesses are protected. See response to comment 17-1
2. It is anticipated that South Pacific will experience a higher rate of degradation as a result of the construction vehicles. Pacific Avenue shall be restored to its original condition prior to construction and at no cost to the Airport. South Pacific is the critical ingress/egress for the west side of the airport for aviation-related businesses and airport tenants.

See response to comment 17-2

Scanned by CamScanner

Commenter ID #17

3. There is insufficient information to review the stormwater quality/quantity and proposed conveyance system from the changes in impervious area and potential increase in stormwater and how it may impact Airport property. The existing system is already strained and the addition of five-36" culverts, directing stormwater onto the airport, is very concerning. A stormwater drainage analysis and plan needs to be provided to the Airport for review. After review, the Airport can determine the impacts and mitigation strategy of the additional stormwater. Ponding stormwater attracts wildlife, thus any increase in wildlife negatively impacts the airport's safety, operations, and public safety.

See response to comment 17-3

4. SWRA and BNSF have several existing easements in place. SWRA requests a review of these easements in order to amend and/or develop long-term easements to address post construction conditions. This is necessary for FAA grant assurances, budget purposes, and overall maintenance and operations.

See response to comment 17-4

5. In addition, the proposed rail bridge will impact the regulated airspace and it may be necessary for the contractor to access the bridge site from Airport property. The Airport requests further coordination and refinement of the contractor's work activities as it may result in a temporary access easement between SWRA and BNSF.

See response to comment 17-5

The SWRA is pleased to see this long awaited rail improvement project reaching this phase of implementation. As neighbors, we have common concerns regarding maintenance, security, and stormwater. SWRA is eager to work with BNSF/WSDOT to move forward on the modernization of the railroad and airport key components of both transportation infrastructure and economic development for the Region/Cowlitz County.

We look forward to this opportunity to coordinate with staff and have our concerns addressed, as soon as possible, in order for this project to move forward through permitting and construction. An additional 30-day extension may be necessary to address the issues and concerns outlined in this letter. SWRA looks forward to continuing to work with you on this project.

If you have further questions, please feel free to contact Ms. Zimmerman at (360) 261-8268.

Sincerely,

Southwest Washington Regional Airport

Darold Dietz, Chair
Port of Longview Commissioner

Sharon E. Zimmerman, PE
Interim Airport Manager

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Response to Comment 17-1

As noted in Section 4.15 of the EA, a traffic control plan will be prepared to maintain access along the corridor during construction. Currently, construction access is not anticipated along South Pacific Avenue. As such, South Pacific Avenue is anticipated to stay open throughout construction.

Response to Comment 17-2

South Pacific Avenue is not anticipated to be utilized for construction access. However, the condition of South Pacific Avenue in the vicinity of the project will be documented prior to construction. If construction vehicles used for the Project operate over South Pacific Avenue and damage the road surface the contractor will be responsible for restoring those areas to a condition similar and equal to pre-construction condition. As a requirement of the contract plans and specifications, the contractor will be held liable to protect existing structures, including roads.

Response to Comment 17-3

The addition of the third track, service road, and the culverts adjacent to the airport within the existing BNSF Railway right of way would not increase stormwater runoff onto airport property; rather the discharge would infiltrate within BNSF Railway right of way similar to current conditions. BNSF Railway would construct the third track using pervious railroad ballast and the service road from similar pervious materials, which would allow for continued infiltration of stormwater. This would result in stormwater runoff conditions similar to existing conditions and would be consistent with Washington state stormwater regulations. These construction activities would not be required to obtain coverage under the Washington Department of Ecology (Ecology) National Pollutant Discharge Elimination System (NDPES) Industrial Stormwater General Permit. As described in Section S1 of the permit, Ecology does not require "industrial facilities that discharge stormwater only to groundwater (e.g., on-site infiltration) with no discharge to surface waters of the state under any condition" to obtain coverage under the permit.

Response to Comment 17-4 and 17-5

BNSF Railway met with the Southwest Regional Airport Manager and staff and agreed to review airport leases on BNSF Railway property. No construction access from airport property is currently proposed or anticipated. The proposed single-track bridge at the Coweeman River would also be evaluated in accordance with FAA regulations under 49 CFR 77 regarding potential conflicts with the Runway Protection Zone, Object Free Area, and airport clear zones.

Commenter ID #18

Cody, Sandy

Subject: FW: KMB EA comment

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

From: Terry Cornelius [mailto:tlcornelius@earthlink.net]
Sent: Saturday, September 27, 2014 11:29 AM
To: WSDOT State Rail Division
Subject: KMB EA comment

WSDOT Rail Division
Attn: Document Control KMB EA Comments

To Whom it may concern.....

See response to comment 18-1

As a lond owner inpacted by the proposed project I wanted to register my concern that more fill and sediment may be added to the drainage that dischages high water from my property into the Kalama River. This would cause me problem discharging water during high flow episodes. Also I am concerned that there is no mention of the fish that pass up the east side of the railroad embankment into the ditch that then passes eastward under I-5 into our oproperty. We see several kinds of fish in that ditch and have heard from long time neighbors that there was once a run of chum salmon in that creek that has since been ditched across the lowlands.

My partner is sending amore detailed letter so you will have more info on our concerns.

I ask that you contatct WDFW and ascertain what fish use the area and how your project will impact them. The decision to reduce the capacity of the drainageway by more railroad embankment is a direct threat to the viability of our farmng and wildlife enhancement capabilities.

See response to comment 18-2

As a retired Board Member of the regional 'Columbia Land Trust' I have a special interest is seeing viable ecological weltands survive and prosper.

Thank you...Terry

Terry Cornelius
31320 NW 41st ave.
Ridgefield,WA 98642
360-608-7828
tlcornelius@earthlink.net

Response to Comments from Terry Cornelius, September 27, 2014 Commenter ID #18

Response to Comment 18-1

The EA analysis is based on a preliminary design sufficient to understand the environmental effects of the Build Alternative in comparison to the no build alternative. Designs would be further developed to include detailed stormwater management plans that address maintaining existing drainages per the Washington State stormwater manual requirements. During design, a stormwater pollution prevention plan would be implemented to minimize sediment from entering surface water, which would minimize the potential for sediment to enter the drainage in question.

Response to Comment 18-2

Section 5.1.3 of the EA identifies drainage improvements that are proposed as part of the project and outlines how these improvements meet WDFW fish passage requirements. WDFW has been consulted for development of this EA, and WDFW data sets and other applicable data sets were reviewed and summarized in the EA. Personal communications with WDFW, NMFS and USFWS were part of the effort to assess and document existing conditions in the study area. FRA and WSDOT considered habitat connectivity as part of the project. Within the project area, three undersized culverts would be replaced and would reconnect stream habitat used by listed Lower Columbia River coho and steelhead lost by historic road and railway work. These new connections would provide access to additional upstream rearing and spawning habitat.

Commenter ID #19

WSDOT Rail Division
Attn: Document Control KMB EA Comments
P. O. Box 47407
Olympia, WA 98504-7407

See response to comment 19-1

If a thorough environmental analysis of the consequences of constructing this rail project was the goal of the report issued in August 2014, there are serious shortcomings. But it appears that its purpose is indeed assessment, in the sense of ascribing and tabulating values that reassure regulatory agencies and the public while keeping a program that has unstoppable momentum on schedule and within a pre-determined budget.

As an owner of land that has borne the detrimental effects of each phase of constructing the transportation corridor that bisects the Columbia River floodplain north of Kalama, I would like to enter into the record this analysis of the present landscape at that location and the likely outcome from construction of the project. The vantage point for this analysis is the Johnson dairy farm property, referred to as Kalama Flats on page 58 of the BA document. The time scale is its 100 year span of producing crops and providing a livelihood for its successive owners. The parties responsible for the transformations that affected the property are involved in the planning for this project. It is hoped that they can acknowledge the validity of the observations even if they decline responsibility.

The railroad was built at its present location before the farm was established. The drainage from a watershed of roughly 500 acres passed under the old Pacific Highway across the property and through a culvert at the Railroad and on to the chain of small lakes and a channel the carried it to the mouth of the Kalama River. A USGS 7 ½ minute topographical map and USGS Stream Stats Hydrology Maps B-5 and B-6 show the waterways as they existed before Interstate Freeway and Port construction. Fully half of the original farm has been taken for road, electric power transmission, and communication cable networks, either as purchases or as easements. The two stages of freeway embankment construction moved the discharge point and elevation to the extreme north end of the low ground. The first bidirectional freeway embankment culvert and the railroad culvert were plugged and a 36" culvert with floodgate was placed beneath both embankments. It discharges to the ditch between the freeway and the railroad, the area referred to as wetland B. With no outlet at the natural drainage point, high water table conditions ended the prospects for continuing dairy operations. In 1980 the Johnson family pursued a lawsuit but settled for a solution that involved ditching to a sump and pump station and authority to discharge trapped water along the east side of the WSDOT to the Kalama River. Neither practical nor affordable, it may never have been operated.

Commenter ID #19

The sediment load in the waterway connecting to the Kalama River worsened dramatically after the '96 flood. The MCI fiber optic installation along the east side of the railroad dealt with woody vegetation by pushing it toward the ditch, where it became material for beaver dams that further impaired free drainage. Sediment transported onto the farm from the rapidly developing watershed above it compounded drainage maintenance. Although we shifted from hay and cattle as crops to operating a native plant nursery, flooding is a chronic problem. Even establishing willow cutting beds has been difficult; growing conventional nursery plants has been impossible.

In the light of that history and experience, I view the decision to reduce the capacity of the drainageway by more railroad embankment as a direct threat to the viability of the nursery. The section of the report which considers economic justice assures us that the construction will do no disproportionate harm to the occupants of the locale. It would seem proper that actions which intensify and prolong flooding should be prohibited. If it is a necessity, the taking of property is allowed under the right of eminent domain. That privilege of the owner of this project ought to be invoked and a settlement negotiated with the injured parties.

An alternative action could be considered that would satisfy the obligation to do no harm to neighbors without their consent or fair compensation. It would also mitigate the identified impacts to natural resources stemming from the project. The farm property has been selected by WDFW as suitable habitat for juvenile Chinook salmon. With its connection to the Kalama River improved by removing the barrier to fish passage that the unbroken 300' long culvert beneath I-5 represents, 80 acres of rearing habitat could be available. The pledge made to the city of Kalama to preserve the storage capacity for floodwater in wetland B could be fulfilled by reshaping the sediment-choked stream channel. The tidal effect is already felt on the inlet end of the culvert. Lighting the culvert by opening it at the median would enable smolt to occupy channels and swales that have been established on the farm. These could be expanded with the BPA-funded fish recovery plan contemplated by WDFW.

If this environmental assessment report had addressed the obvious impact Tasks 4 and 5 will have on the watershed bounded by the Kalama River on the north and downtown Kalama on the south, there might have been constructive discussions underway on how to turn the inevitable to an advantage. Instead, I am pleading for recognition that another iteration of an injustice that was visited on the landscape 50 years ago is being proposed. The loss to an ever more imperiled ecosystem is to be matched by the likely demise of a business that has merit beyond the livelihood it provides.

William J. Berry

Response to Comment 19-1

According to the FEMA Floodplain Management Requirements Guide, fill placed in the floodplain (Zone AE), or flood fringe, is allowed without further encroachment analysis. However, a review (below) of the potential displacement effects of the project floodplain fills identifies that the effects of this action fall well below the regulatory criteria that fills within AE zones shall not increase the water surface elevation of the base flood more than one foot at any point.

Floodplain Fill Displacement Review:

- The total volume of floodplain fill is approximately 13,000 cubic yards.
- The total floodplain area fill footprint is 4 acres. However, the existing track support prism is included within that footprint. The volume of impact to the floodplain is defined as the wedge of soil between the average toe of fill elevation (13 feet) and the 1% flood elevation (19 feet above sea level). Thus, the actual volume of displacing fill in the floodplain is approximately one-third of the total track support structure fill volume. (4 acres x 43,560 ft^2/acre x 6ft x 0.333 = 348,131 ft^3 fill displacement in the affected floodplain; = 12,894 cubic yards of displacement fill; = 7.99 acre feet; = 95.9 acre inches.)
- The total area of the 1% floodplain south of the Kalama River and east of the Columbia River directly connected to the project impacts, is 263 acres.
- By projecting 95.9 acre inches of displacement over the 263 acres of immediate connected area floodplain, a potential rise 0.36 inches in flood elevation is obtained. By utilizing the entire 1% flood plain actually shown as connected to the project area in the FEMA maps, this effect becomes immeasurably small.

Based on this analysis, the initial estimated 15,000 cubic yards of floodplain displacement fill, revised to 13,000 cubic yards after design improvements, constitutes a minimal, if even measurable, impact to the overall mapped floodplain either indirectly or directly connected to this project. The rock fringe fill to the floodplain along Wetland B does not result in an increase in stormwater runoff peak flows or volume. Wetland B is the conveyance from the city of Kalama stormwater outfall. As the analysis has demonstrated, the project would not affect the stormwater conveyance ditch from the city of Kalama to the Kalama River. No excavations in or adjacent to any wetlands are being proposed given the minimal impact to the floodplain storage volume. Additionally, because the Build Alternative is not anticipated to impact flooding or stormwater conveyance, there would be no indirect effects to adjacent properties.

As described in Section 4.3 of the EA (Water Resources), other culverts, such as Unnamed Tributary 3 will be modified to provide fish passage and increase available conveyance capacity in the area. While not part of this project, WSDOT will refer the comment to WDFW for future consideration.

Commenter ID #20

Cody, Sandy

Subject: FW: KMB EA Comments

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

From: Gary Lindstrom [mailto:lindship@gmail.com]
Sent: Saturday, September 27, 2014 12:15 PM
To: WSDOT State Rail Division
Subject: KMB EA Comments

Kelso Martin's Bluff Improvement Projects Task 5 & 6, Environmental Assessment

September 27, 2014: Formal comment to WSDOT Rail Division

See response to comment 20-1

From past experience at the Port of Longview as its Director of Marketing, the mainline rail junction at Longview was considered a choke point for the future growth of bulk commodities traveling in unit train volumes to the Port. This was a conclusion in a 2008 study by Mainline Management for potash exports. At the same time the Port was in the midst of negotiating for a new export grain elevator. With the growth of grain exports at the ports of Kalama and Longview, the case can be made to improve freight and passenger services through these two congested rail junctions by adding a third rail. A case can be made for and supportive of the need to improve the infrastructure as outlined in the PNWRC Improvement Program utilizing Federal grant funds. And a case can be made that this is a public/private venture as the Kelso Martin's Bluff Project benefits both passenger and freight services, including access off the mainline to public ports and private businesses.

In general I support the two projects. The main concern that I have is the ability of the railroad to continue to manage current freight and passenger services in the face of unprecedented forecasted volumes of coal and oil. Over 100 million tons of coal alone for two terminals in Washington is under permit review. Bakken oil is here and the Governor's office is reviewing the risk and impacts associated with its rail traffic unit trains and its imminent volume increases. Even now rail services are congested and key export commodities, like grain, are being negatively impacted.

If rail traffic increases, like a gold rush, and overwhelms infrastructure, how does public policy come into play and for how long can the need for passenger services rationalize the apparent weaknesses in the rail freight trackage system? In the case of the CWCOG State Route 432 rail study, for example, a new double track bridge over the Cowlitz River was being considered as part of the public project. This was a stretch in my opinion at a time when Millennium Bulk Terminal, for example, was seeking permits to move 44 million tons of coal across the river and into the export market. Clearly the bridge is a BNSF responsibility in order to deliver freight to its customers.

Response to Comments from Gary Lindstrom, September 27, 2014 Commenter ID #20

Response to Comment 20-1

The purpose and need for the Task 5 and 6 projects is to provide improved passenger rail service speed and reliability. In Washington State, as for much of the country, passenger rail service is accommodated on corridors owned by Class I (freight) rail operators. BNSF Railway would make improvements to its infrastructure that it sees fit to accommodate its market, and while it is acknowledged in the EA that some benefits to freight movements would likely result from the proposed projects, the purpose and intent of these projects is focused on the improvement of passenger rail service for a contractually agreed-upon period of time.

As part of the HSIPR Program, any additional capacity created by railroad infrastructure improvements are intended to improve passenger rail operations by supporting additional passenger train frequency and increased passenger-train on-time performance. However, these improvements to passenger rail operations will be implemented without degrading existing freight train performance and capacity. Currently, the existing main line infrastructure is not adequate to support the expanded and improved passenger service. Infrastructure improvements were tested using operations simulation modeling under FRA's review and the resulting improvements proposed for the Kelso Martin's Bluff Area were determined to be those required by among FRA, the WSDOT, and BNSF Railway.

This infrastructure and the methodology used to identify it are documented in the *Cascades* Service Development Plan approved by the FRA in 2010. This infrastructure is required to accommodate scheduled, faster passenger trains when mixing with freight trains which are longer, slower, and unscheduled, and maintain station-to-station on-time performance requirements of PRIIA.

Commenter ID #21

Cody, Sandy

Subject: FW: KMB EA Comments

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

From: dldick@cni.net [mailto:dldick@cni.net]
Sent: Saturday, September 27, 2014 9:49 AM
To: WSDOT State Rail Division
Subject: KMB EA Comments

Addendum Formal Comment Regarding Kelso Martin's Bluff Rail Improvement Project Environmental Assessment

The Environmental Assessment notes the Task 6 Project study area includes the Kelso Amtrak Station at the north end of the project. There appears no data about how the Amtrak *Coast Starlight* and *Cascades* trains regularly scheduled stops at this station affect train speed through the Task 6 project and, therefore, how the planned improvements would increase speed and efficiency of passenger train operations in the project area. See response to comment 21-1

The project's addition of a third mainline track does not seem to extend past the station where there are currently only two tracks. If the purpose of the project is to decrease train congestion, the place to start would be at least in front of the station where trains have to stop. How can the rest of the project be successful if this obvious bottleneck is not addressed? See response to comment 21-2

Diane L. Dick

13 St. Helens Lane
Longview, WA 98632
360.636.5276
dldick@cni.net

Response to Comment 21-1

Scheduled stops at the Kelso Amtrak Station were included in the modelling efforts; however, scheduled stops at the station do not adversely affect speed and on-time performance. Rather, the factors that affect passenger train speed and efficiency in the project area are congestion at critical points on the rail system where freight trains access port facilities. The Task 5 and 6 projects improve passenger rail performance by reducing this congestion.

Response to Comment 21-2

As part of the Service Development Plan effort, WSDOT modeled operations at Kelso Station and did not find that it was a point of congestion for passenger rail service. The modelling and evaluation showed that two tracks at the station are sufficient for passenger rail service and to allow through traffic to continue while a passenger train is in the station.

Commenter ID #22

Consolidated Diking Improvement District No. 3 of Cowlitz County
1600 – 13th Avenue South
Kelso, WA 98626
(360) 577-3030 / (360) 636-0845 Fax
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RECEIVED
SEP 29 2014
By

BOARD OF SUPERVISORS
Robert J. Leak, Supervisor
Jeff Czech, Supervisor
Tim Todd, Supervisor

September 23, 2014

WSDOT Rail Division
PO Box 47407
Olympia, WA 98504-7407

SUBJECT: KMB EA Comment

Dear Mr. Regan:

See response to comment 22-1

Consolidated Diking Improvement District No. 3 of Cowlitz County is concerned about the impacts of the construction of the bridge and associated piers within the Coweeman River.

Based on experience, the Coweeman River 100 year flood level shown on the FEMA maps underrepresent the actual flood elevations in the Coweeman River. The US Army Corp of Engineers (USACE), Portland District office, has completed extensive evaluations of the flood levels in the Cowlitz River including the 100 year flood elevations. These elevations are also valid for the lower Coweeman River where the new railroad bridge will be crossing. The 100 year flood elevation shown for the Coweeman River on Figure 6 of Appendix E should be revised to match or exceed the elevation of the 100 year flood level of the Cowlitz River at that location.

The USACE Portland District office should be consulted to determine the appropriate 100 year flood elevation for this location. The USACE flood elevations should be utilized in the analysis of the impacts made by the addition of the fill and piers within the Coweeman River. In addition, the District wants to make sure that the project obtains an encroachment permit as required for all alterations of a federally recognized levee.

Please feel free to contact me with any questions at (360) 577-3030 extension 6538 or by email at eugeniss@co.cowlitz.wa.us.

Sincerely,

Susan Eugenis

SUSAN EUGENIS, P.E.
Diking Engineer

SE:ec

Response to Comment 22-1

The project will comply with floodplain management requirements, which are based on FEMA floodplain elevations. FRA and WSDOT will submit a hydraulic analysis report along with an MT-2 Conditional Letter of Map Revision application to FEMA for review of the projects effects to the regulated floodplain and floodway areas.

As discussed with the Diking District and stated in Section 4.3.2.2.2 of the EA, there are no confirmed federal levees affected by the project that would require authorization and permits under the Rivers and Harbors Act Section 408. However, given assertions by the Corps and the Diking District that portions of the railroad embankment were designed as and function as a federal levee, BNSF Railway is coordinating with the Diking District and Corps on the potential project effects to the levees.

Commenter ID #23

cedc
Cowlitz Economic Development Council
360.423.9921 ▪ 360.423.1923 Fax ▪ www.cowlitzedc.com
U.S. Bank Building ▪ 1452 Hudson Street, Suite 208
P.O. Box 1278 ▪ Longview, WA 98632

09/24/2014

WSDOT Rail Division
PO Box 47407
Olympia, WA 98504-7407

See response to comment 23-1

Subject: **KMB EA Comment- Task 6 - Rail – Kelso to Longview Junction**

On behalf of the Cowlitz Economic Development Council I am providing the WSDOT Rail Branch with comments on the Environmental Assessment (E/A).

CEDC is comprised of over 180 business, civic and education leaders, engaged in economic development activities throughout Southwest Washington. The SW WA Regional Airport is a critical component of economic and job growth plans for the region.

We support the rail corridor improvements, and ask that the long term operational, safety and economic impacts to the airport be considered in this proposed project.

While the construction of airport runway improvements has not yet begun, the Environmental Assessment should address safety impacts to the existing conditions and the future runway extension which is part of the current FAA Airport Master Plan.

Current rail work is in BNSF right of way, but the proposed new rail and relocated access road will encroach into the FAA designated '*Runway Protection Zone*' and the '*Object Free Area*'. The current plans should be adjusted to address current and long term plans for the airport.

The Federal Aviation Administration has allowed modifications to standards due to the nearness of the existing rail and access road. WSDOT Rail staff should coordinate with WSDOT Aviation staff and the FAA, to determine if the 3rd rail work will jeopardize FAA funding due to extra modifications of standards, and compromised safety of takeoff and landing operations on Runway 30.

Sincerely,

9/24/2014

Scot Walstra, Vice President
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cedc
Cowlitz Economic Development Council

Response to Comment 23-1

Coordination with the FAA regarding potential conflicts with the Runway Protection Zone, Object Free Area, and airport clear zones is ongoing and would continue through final design of the proposed projects. As discussed in Section 4.10.3.2.2 of the EA, the Task 6 project would be located partly adjacent to and within approximately 200 feet of the runway at the Southwest Washington Regional Airport. Under 49 CFR 77, the FAA is to be notified via Form 7460-1 of proposed construction activities that would take place within 20,000 feet of an airport with a runway of greater than 3,200 feet in length and which exceed a 100 to 1 imaginary surface height from the runway. The 100 to 1 ratio establishes a threshold of one foot of height for every 100 feet of horizontal distance. For the Task 6 project, this means that since the project would be approximately 200 feet from the runway, the project requires FAA notification as construction equipment would exceed 2 feet in height at that distance. Therefore, Form 7460-1 is being prepared for submittal to the FAA to document the proposed activities. The FAA would review the submittal and make a determination regarding any potential hazards associated with the project. Although the project is close to the runway, the proposed project and construction would have a low profile similar to existing activities in the rail corridor and is not anticipated to effect airport operations.

Additional plan sheets, aside from those provided as part of the EA, are not available at this time.

Commenter ID #24

Cody, Sandy

Subject: FW: Port of Kalama RCO #70-031A
Attachments: image001.jpg

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

-------- Original message --------
From: "Barker, Myra (RCO)"
Date:09/18/2014 10:05 AM (GMT-08:00)
To: "Regan, Chris"
Cc: Heather_Ramsay@nps.gov
Subject: Port of Kalama RCO #70-031A

Hi Chris,

See response to comment 24-1

Thanks for the conversation earlier today about the published environmental assessment regarding the WSDOT Amtrak rail project located in the Kelso area near and on the Port of Kalama property.

As I mentioned during our discussion, the 6(f) map cited in the EA is not accurate. However, the restoration project location, as identified by you in previous discussions and correspondence, is south of the 6(f) boundary at the port property.

If you have any questions, please let me know.

Myra Barker
Compliance Specialist
Recreation and Conservation Office
PO Box 40917
Olympia, WA 98504
360-902-2976
360-902-3026 Fax

[RCO-50th]

Response to Comment 24-1

The Section 6(f) map in the EA represents the approximate boundary of the Section 6(f) resource to illustrate that the project impacts are occurring south of the Section 6(f) resource. It is not nor is it intended as an exact legal representation of the boundary. As noted by the commenter, the underlying factual findings in the EA, that the Section 6(f) property at the Louis Rasmussen Day Use Park is not affected by the restoration project proposed at unnamed tributary 3, remains correct.

U.S. Department of Homeland Security
United States Coast Guard

Commander
Thirteenth Coast Guard District

915 Second Avenue (RM 3510)
Seattle, WA 98174-1067
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Phone: 206-220-7282
Email: steven.m.fischer3@uscg.mil

16591/WA

25 March 2015

Kelso Martin's Bluff Improvement Projects – Tasks 5 and 6
c/o Chris Regan, KMB Environmental Lead
WSDOT Rail Division
RE: KMB EA Comment
PO Box 47407
Olympia, WA 98504-7407

Dear Mr. Regan:

We have completed our review of the responses to comments on the Kelso Martin's Bluff Improvement Projects – Tasks 5 and 6 Environmental Assessment. We understand that the comment letters and associated responses will be included as Appendix C to the FONSI for the subject project. Our comments on the draft FONSI, including Appendices A and B were submitted via email on March 11, 2015.

Our responses to the EA comment responses are as follows:

Response to Comment 14-2: Change "Section 9 requires" to The General Bridge Act of 1946 authorizes the Secretary…

Response to Comment 14-3: Change "The Section 9 permit process" to the U.S. Coast Guard Bridge Permit process… Also, the USCG Bridge Permit process is not conducted independently of the NEPA process. The Bridge Permit is a major federal action requiring compliance with NEPA and numerous other Federal environmental statutes. Therefore, the Bridge Permit process is not independent of NEPA.

Response to Comment 14-7: Change "Rivers and Harbors Act Section 9 permit" to USCG Bridge Permit …

Thank you for the opportunity to comment on this project. Please direct any question regarding this letter to either myself or Mr. John Greene my Environmental Policy Analyst, John.J.Greene@uscg.mil, (206) 220-7277.

Sincerely,

Steven M. Fischer
Thirteenth Coast Guard District
Bridge Administrator