

Chelatchie rail yard work under inspection

County, state, federal officials visit site to probe residents' concerns



SHARI PHIEL/The Columbian Officials from the Washington Department of Ecology, U.S. Army Corps of Engineers and Clark County visit the Portland Vancouver Junction Railroad's construction project in Chelatchie. The agencies were on site to inspect damage to streams in the area reported by residents.



Photo contributed by John Nanney Crews lay down gravel on a new road being built by Portland Vancouver Junction Railroad to service future mining activity in the Chelatchie Bluff mineral lands. Residents in the area are concerned about the impacts the road work and mining will have on the environment.



The Columbian



Photo contributed by John Nanney Portland Vancouver Junction Railroad is using saws and heavy equipment to remove trees as a new road is built to service future mining operations in the Chelatchie Bluff mineral lands area.

BY SHARI PHIEL THE COLUMBIAN

CHELATCHIE — A road construction project could be headed for a showdown between the state Department of Ecology and Portland Vancouver Junction Railroad.

On Friday, officials from Ecology, the U.S. Army Corps of Engineers, Clark County's Community Development department and District 5 Councilor Sue Marshall visited the Chelatchie area site to inspect the road project as well the road project as well as the damage to several streams alleged by neighbors.

At the end of its tour, Ecology officials said the railroad had 30 days to file a permit application for the project.

“They’ve done an assessment of the site and they have some notes they’re

reviewing now,” Mugdha Flores, communications manager for Ecology’s southwest region, said Monday.

Flores said Ecology staff will be meeting with the Army Corps of Engineers and county this week and with the railroad later in the week to discuss the next steps.

“We’ve informed Portland Vancouver Junction Railroad ... that they have to apply for coverage under our construction stormwater general permit,” Flores said. “When (the railroad) contacted us a few months ago, our permit administrator told company representatives to apply for the permit in advance.”

Flores said the site visit was scheduled after community members reported finding dead fish and muddy or turbid water in one creek.

“At our inspection last week, we noted turbid water leaving the site. We are meeting with (railroad) representatives this week to discuss our inspection findings and the permit,” she said.

Eric Temple, president of Portland Vancouver Junction Railroad, says the project is under the authority of federal, not state or local law.

“(The railroad) has sole authority over railroad construction, and the activities we envision in Chelatchie fall well within the historic railroad construction activities which require no permits from Clark County,”

Temple said in a March email to County Attorney Leslie Lopez.

Temple went on to add that state law is preempted by federal law by statute.

“There could be permit applications affecting railroad facilities that could be promptly approved without the slightest imposition on rail operations. However, what is preempted here is the permitting process itself, not the length or outcome of that process,” Temple added.

The railroad is building a gravel road on county owned and privately owned property as part of its efforts to expand its Chelatchie rail yard. Temple said the new road will allow the railroad to service a gravel mine planned by Granite Construction.

In an Oct. 6 interview, Temple said he’s certain the mine will eventually be

approved.

“The ruling of the hearings board was essentially that the probability that the mine was going to happen was virtually certain,” Temple said.

In March, the Growth Management Hearings Board ruled the county had improperly made a “determination of non-significance” when it approved a surface mining overlay, or zoning, for the area without requiring a state environmental impact analysis. Granite Construction is appealing the ruling.

Temple has said the road shouldn’t be an issue because it is being built on an old logging road. However, county maps do not show a logging road at this location.

Residents living along the rail line say the impacts from the construction, which began in September, were almost immediately noticeable. They claim the road was built over three or four streams, without culverts being placed ahead of time to ensure the water and fish in the stream could pass through. Both rainbow trout and coho salmon were found in the stream running through Brenna and Andrew Collins’ property.

“We were stunned. All this area is habitat, natural springs. We never thought it would be possible someone could go in and do what they did,” Brenna Collins said Friday.

The couple moved their children, dogs, horses and goats to the Chelatchie home around four years ago. Brenna Collins said life in Chelatchie has been idyllic. That was until the railroad project began.

“Things quickly deteriorated on us. We walked over to the creek one day and could physically see the water drying up,” Andrew Collins said.

Andrew Collins said he’s not opposed to the railroad, but just wants to make sure the work is done correctly and in a way that minimizes impacts to the environment.

Several residents said they plan to bring their concerns to the county council during the council’s meeting this evening.

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