

37818  
SEA

SERVICE DATE – MARCH 23, 2007

**SURFACE TRANSPORTATION BOARD**  
WASHINGTON, DC 20423

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-6 (Sub-No. 448X)**

**BNSF Railway Company – Abandonment Exemption –  
in Thurston County, WA**

**BACKGROUND**

In this proceeding, the BNSF Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C.10903 in connection with the abandonment of a line of railroad in Thurston County, Washington (the Line). The Line extends 0.86 miles between Engineering Station 476 + 09 and Engineering Station 521 + 42 near Olympia, Washington. A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**ENVIRONMENTAL REVIEW**

BNSF submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. BNSF served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

***Diversion of Traffic***

According to BNSF, no local traffic has moved over the Line for at least two years and there is no overhead traffic to be rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

## *Salvage Activities*

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges, crossings or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way.

BNSF states that it plans to conduct salvage activities by using the existing right-of-way for access, along with existing public and private road crossings, and no new access roads are contemplated. According to BNSF, salvage activities would begin with the removal of rails and metal parts of the track structure. Thereafter, wooden ties would be removed and separated into second hand ties, landscape quality ties and scrap ties; the latter category of ties would be disposed of at an appropriate site.

BNSF indicates that there are three circa 1950 bridges located along the right-of-way of the Line. Following abandonment, BNSF states that it does not intend to dismantle the bridges. Culverts and rail embankments would also remain in place to keep the existing water conveyance along the Line intact.

BNSF states that the above proposed salvage activities would not cause sedimentation or erosion of the soil, and BNSF does not anticipate any dredging or use of fill when removing the track material. According to BNSF, no debris would be discarded along the right-of-way and any work along the right-of-way would be subject to appropriate measures to prevent or control spills from fuels, lubricants or any other pollutant materials. BNSF states that there are no known hazardous waste sites on the right-of-way.

The Line right-of-way generally varies from 40 to 60 feet in width with some sections near road easements 15 feet in width. The Line is located within the Olympia Metropolitan Statistical Area which includes the cities of Olympia and Lacey. The Line is situated north-to-south and is located on the west side of City of Olympia.

BNSF states that the Line right-of-way would be appropriate for an alternate public use. According to BNSF, the Line does not include any Federally granted rights-of-way.

BNSF states that it believes the proposed abandonment should not be inconsistent with local or regional land use plans. The Washington State Department of Transportation (WSDOT) has indicated to BNSF that it has no objections to the proposed abandonment. However, WSDOT recommended that BNSF contact the City of Olympia and the Port of Olympia regarding the proposed abandonment. BNSF followed up with this recommendation and sent letters regarding the proposed abandonment to both the City of Olympia and Port of Olympia. BNSF received a response from the City of Olympia indicating that the proposed abandonment is consistent with its land use plans. The City is now actively negotiating with BNSF to acquire the Line right-of-way for a portion of the West Bay Park and as a corridor for the proposed West

Bay Trail. According to BNSF, no response has been received from the Port of Olympia regarding its inquiry.

The United States Army Corps of Engineers (USACOE) provided comments to BNSF indicating that a USACOE permit would not be required for the proposed work provided that all the materials that are removed following salvage operations are disposed of in upland locations and not into any adjacent waterways. SEA will ensure that USACOE be provided with a copy of this EA for its review and comment.

The United States Environmental Protection Agency (USEPA) submitted comments to BNSF stating that the proposed abandonment parallels Capitol Lake, a navigable waterway that likely contains wetlands that would be subject to permitting requirements under Section 402 of the Clean Water Act. If the proposed abandonment includes railroad salvage activities such as the removal of tracks and ties for any purpose, USEPA indicates that Clean Water Act requirements may apply. In particular, USEPA has indicated that in the event proposed salvage activities involve clearing, grading or excavating that will disturb more than one acre of land, BNSF would be required to obtain a permit under the Clean Water Act National Pollution Discharge Elimination System (NPDES) to prevent or minimize the discharge of pollutants into jurisdictional waters of the United States. Accordingly, SEA recommends that a condition be imposed requiring that BNSF consult with USEPA prior to salvage operations in order to ensure that any reasonable requirements under the Clean Water Act are met.

In its comments, USEPA recommended that BNSF consult with the Washington Department of Ecology (WDOE) which has permitting authority for the NPDES program in Washington State. Deborah Coronett, (360) 528-8000, of the WDOE Washington State Water Quality Program confirmed to BNSF via telephone that a NPDES permit would be required if the salvage area, including any staging areas, exceeds one acre of land. Ms. Coronett further indicated to BNSF that if the salvage area is less than one acre, water quality protection steps should still be taken. In order to address these concerns, SEA recommends that BNSF consult with the WDOE Washington State Water Quality Program prior to initiating salvage operations on the Line.

BNSF contacted WDOE to request information about any 100-year floodplains that may be affected by the proposed abandonment. In its response, WDOE indicated that the proposed abandonment location includes two areas that cross 100-year floodplains, both near small bridge crossings just north of the Fourth Avenue Bridge in downtown Olympia. According to WDOE (Kevin Farrell, (360) 407-7253), these areas may be subject to regulation under the National Flood Insurance Program. SEA therefore recommends a condition be imposed for BNSF to consult with WDOE prior to conducting salvage operations on the Line to ensure that BNSF comply with the reasonable requirements of the National Flood Insurance Program.

Information provided to BNSF from the City of Olympia confirmed that the area of the proposed abandonment is within a 100-year floodplain. However, the City indicated to BNSF that salvage activities such as the removal of bridges, structures, rails or ties is not likely to

increase flooding hazards within the floodplain.

The United States Fish and Wildlife Service (USFWS) provided comments by phone to BNSF stating that due to staffing shortages, no written comments would be provided regarding the proposed abandonment at this time. The USFWS suggested that BNSF review the Washington State Fish and Wildlife database to determine the possibility that the area of the proposed abandonment could have potential effects to Federally listed threatened or endangered species or critical habitats. A copy of the resulting database printout was included in the environmental report provided by BNSF; however the extensive list did not specify if the proposed abandonment would have adverse impacts to Federally listed threatened or endangered species under USFWS jurisdiction and currently protected by the Endangered Species Act. Accordingly, SEA is recommending a condition that BNSF further consult with the USFWS prior to the onset of salvage activities to more conclusively determine any potential impacts of the proposed abandonment on any Federally listed threatened or endangered species.

Comments provided to BNSF from the Natural Resources Conservation Service state that the proposed project should have no effect on prime agricultural lands, or other important farmlands.

The National Park Service provided written comments to BNSF indicating that the proposed abandonment would not affect any resources within its jurisdiction. Similarly, Bill Schuger of the Bureau of Land Management stated via phone that the agency has no jurisdiction over lands in the area of the proposed abandonment and has no concerns with the project at this time.

SEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Noise associated with salvage activities would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, SEA does not believe that salvage activities would cause significant environmental impacts. SEA is providing a copy of this EA to the following for review and comment: the City of Olympia, the Port of Olympia, the Washington State Department of Ecology, USFWS; USACOE; and USEPA.

## **HISTORIC REVIEW**

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)] and served the report on the Washington Department of Archaeology and Historic Preservation or SHPO pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments in response to the historic report stating that the information provided by BNSF regarding historic properties along the Line is insufficient. The SHPO further noted that the project area has the potential for archaeological and historical resources. The SHPO thus recommends that a professional cultural resources survey be completed for the project area to

identify any archaeological resources.

Accordingly, SEA recommends a condition be imposed requiring the railroad to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way (the Area of Potential Effect) eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process.<sup>1</sup>

SEA conducted a search of the Native American Consultation Database at <http://home.nps.gov/nacd/> regarding any Federally recognized tribes that may have ancestral connections to the project area. Three tribes were identified: the Confederated Tribes of the Chehalis Reservation; the Cowlitz Indian Tribe; and the Nisqually Indian Tribe. SEA will ensure that all three tribes receive a copy of this EA for their review and comment. Copies of the historic report are available on-line at <http://www.stb.dot.gov> (Filings) under Docket No. AB-6 (Sub-No. 448).

## **CONDITIONS**

We recommend that the following conditions be imposed on any decision granting abandonment authority:

1. To ensure appropriate consideration of the National Pollution Discharge Elimination System (NPDES) requirements, BNSF Railway Company shall consult with the Washington Department of Ecology, Washington State Water Quality Program (Deborah Coronett, (360) 528-8000) prior to the commencement of any salvage activities on the line proposed for abandonment.
2. Prior to the onset of salvage activities, BNSF Railway Company shall consult with the Washington Department of Ecology (Kevin Farrell, (360) 407-7253) to ensure that BNSF Railway Company comply with the reasonable requirements of the National Flood Insurance Program.
3. BNSF Railway Company shall consult with the United States Fish and Wildlife Service prior to the onset of salvage activities to ensure that no Federally listed or threatened endangered species currently protected by the Endangered Species Act are adversely impacted by the proposed abandonment.
4. BNSF Railway Company shall retain its interest in and take no steps to alter the historic integrity of all sites, buildings, and structures within the project right-of-way that are eligible for listing or listed in the National Register of Historic Places (generally, 50 years old or older) until the Section 106 process of the National Historic Preservation

---

<sup>1</sup> Guidance regarding the Board's historic preservation review process is available on the Board's web site at <http://www.stb.dot.gov/stb/environment/preservation.html>.

Act, 16 U.S.C. 470f, has been completed. BNSF Railway Company shall report back to the Section of Environmental Analysis regarding any consultations with the Washington Department of Archaeology and Historic Preservation or State Historic Preservation Historic Office and any other Section 106 consulting parties. BNSF Railway Company may not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition.

## **CONCLUSIONS**

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 245-0230, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this EA, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Catherine Glidden, who prepared this EA. Environmental comments may also be filed electronically on the Board's web site, [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 448) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this EA, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 245-0293, fax at (202) 245-0454, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov).

Date made available to the public: March 23, 2007.

**Comment due date: April 9, 2007.**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment