

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

Docket No. AB 6 (Sub-No. 492X)

**BNSF Railway Company – Abandonment Exemption –
In Thurston County, Washington**

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) filed a notice under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of 1.43 miles of rail line located between milepost 14.57 and milepost 16.0 in Belmore, Thurston County, Washington (the Line). The Line travels through a suburban residential area on nearly level terrain. According to BNSF, the right-of-way is generally 100 feet in width but contains an additional 50 feet of right-of-way in one segment. BNSF reports that one parcel on the Line contains reversionary interests but otherwise believes that the remainder of the right-of-way is non-reversionary.

BNSF states that the rail line right-of-way may be suitable for public uses. Based on information in BNSF's possession, there are no federally granted rights-of-way on the abandonment line. The proposed abandonment traverses Zip Code 98512. If the notice becomes effective, BNSF would be able to salvage track, ties, and other railroad appurtenances and to dispose of the right-of-way. A map depicting the line in relationship to the area served is appended to this Environmental Assessment (EA).

ENVIRONMENTAL REVIEW

BNSF submitted an environmental report that concludes the quality of the human environment would 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 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

¹ The Environmental and Historic Reports are available for viewing on the Board's website at www.stb.dot.gov by going to "E-Library," selecting "Filings," and then conducting a search for AB 6 (Sub-No. 492X).

Diversion of Traffic

BNSF states that no local traffic has moved over the line for at least two years and no overhead traffic would 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 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 construction of new access points to the right-of-way. According to BNSF, if abandonment authority is granted, BNSF would salvage the rail, tie, and track material, but would retain the underlying ballast, and any structures, including culverts, so as not to alter or impede existing drainage flows.

The U.S. Fish and Wildlife Service (USFWS) commented that the area of the proposed abandonment may contain federally listed species, candidate species, or designated critical habitats. USFWS believes that more information is warranted and seeks input from OEA through the Section 7 process of the Endangered Species Act. OEA has acknowledged this request, and in a May 10, 2016 letter to USFWS, designated BNSF and their representatives as “non-federal representatives” for purposes of Section 7 consultation. BNSF is authorized to conduct informal consultations with USFWS, prepare a biological evaluation, and/or provide information for a formal consultation, pursuant to the interagency regulations at 50 C.F.R. § 402.8. BNSF may also contact and work with the appropriate USFWS office to ensure that any effects on federally listed or proposed threatened or endangered species or their critical habitats are identified and evaluated during the Board’s environmental review process. Accordingly, OEA has included a condition in this EA that precludes BNSF from initiating salvage activities (including removal of tracks and ties) and/or filing for its notice of consummation until the Section 7 consultation process has been completed.

The U.S. Environmental Protection Agency (EPA), Region 10, commented that, given BNSF’s salvage procedure of no ground disturbance, it appears that the proposed abandonment would be exempt from the federal Clean Water Act’s National Pollutant Discharge Elimination System (NPDES) program. However, because this program is administered at the state level by the Washington State Department of Ecology (WDE), EPA has recommended contacting that agency to determine the need for such a permit. Accordingly, OEA has included WDE in the service list for this proceeding so that they may receive a copy of this EA for review.

The National Geodetic Survey (NGS) commented that there are no geodetic markers within the right-of-way of the proposed abandonment. OEA has therefore determined that no further consultation with NGS is necessary.

OEA 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.

OEA has not yet received responses from several federal, state and local agencies regarding potential environmental impacts from the proposed abandonment. OEA is therefore sending a copy of this EA to the following agencies for review and comment: the National Park Service; the U.S. Department of Interior, Bureau of Land Management; the U.S. Department of Agriculture, Natural Resources Conservation Service; the U.S. Army Corps of Engineers; the Washington State Department of Ecology; the Thurston County Planning Department; and the City of Olympia.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Washington State Department of Archaeology and Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c). The SHPO initially requested that BNSF prepare a full cultural survey for archaeological resources. The SHPO has since waived this requirement because BNSF has informed the SHPO that salvage would be limited to removal of the track, ties and railroad appurtenances and that it intends to retain the underlying ballast and railroad bed in its current state. Based on this additional information, the SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected within the right-of-way (the Area of Potential Effects, or APE) of the proposed abandonment. The SHPO has requested to be immediately notified if any archaeological remains are discovered during the railroad's salvage activities. Accordingly, OEA has included a condition in this EA in response to the SHPO's request.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.stb.dot.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of two Native American databases to identify federally recognized tribes that may have ancestral connections to the project area.² The databases indicated that there are five federally recognized tribes with ancestral connections in the area of the proposed abandonment. The tribes are: the Confederated

² Native American Consultation Database <http://grantsdev.cr.nps.gov/Nagpra/NACD/> (last visited May 6, 2016) and the U.S. Housing and Urban Development's Tribal Directory Assessment Tool at <http://egis.hud.gov/tadat/Tribal.aspx> (last visited May 6, 2016).

Tribes of the Chehalis Reservation; the Cowlitz Indian Tribe; the Confederated Tribes of the Warm Springs Reservation of Oregon; the Nisqually Indian Tribes; and the Squaxin Island Tribe of the Squaxin Island Reservation. We have included these tribes in the service list for this proceeding so that they may receive a copy of this EA.

CONDITIONS

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

1. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. §1535), BNSF Railway Company (BNSF) shall consult with the Board's Office of Environmental Analysis (OEA) and the U.S. Fish and Wildlife Service to determine if the proposed abandonment could adversely impact any federally listed species, candidate species, or designated critical habitats within the project area. If any such species are located within the right-of-way, USFWS may recommend avoidance and impact mitigation measures in order to develop appropriate mitigation measures, if necessary. BNSF may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 7 consultation process is complete and the Board has removed this condition.
2. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's salvage activities, BNSF shall immediately cease all work and notify OEA and the Washington State Department of Archaeology and Historic Preservation (State Historic Preservation Office or SHPO), pursuant to 36 C.F.R. § 800.13(b). OEA shall then consult with the SHPO, BNSF, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed and if the recommended mitigation is imposed, abandonment of the line would 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 4-part showing for imposition of a public use condition (49 C.F.R. § 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 C.F.R. § 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPAGAC directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Diana Wood, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB 6 (Sub-No. 492X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Diana Wood, the environmental contact for this case, by phone at (202) 245-0302, fax at (202) 245-0454, or e-mail at woodd@stb.dot.gov.

Date made available to the public: May 16, 2016.

Comment due date: June 1, 2016.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachments