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SERVICE DATE – JANUARY 24, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-600 (Sub-No. 1X)

**Yakima Interurban Lines Association – Abandonment Exemption – In
Yakima County, WA**

BACKGROUND

In this proceeding, Yakima Interurban Lines Association (YILA), a Washington State nonprofit corporation, has filed a notice of exemption under 49 CFR 1152 Subpart F – Exempt Abandonments, for abandonment of approximately 11.29 miles of track along the Naches Branch Line (the Line). The Line is located between milepost 2.97, near Yakima, and milepost 14.26, near Naches, in Yakima County, Washington, and traverses United States Postal Service Zip Codes 98902, 98904 and 98937. YILA has certified that no local traffic has moved over the line for at least two years and there is no overhead traffic to be rerouted.

When YILA acquired the Line from the Burlington Northern and Santa Fe Railway Company (BNSF) in 1999, it had been under an embargo since 1997 due to poor track conditions. According to information in YILA's notice of exemption, the Washington State Department of Transportation (WsDOT) subsequently loaned YILA some \$500,000 for rehabilitation of the Line to restore rail service, but YILA failed to perform the rehabilitation and defaulted on the loan. Although supportive of rail reactivation, WsDOT was not prepared to make further funds available unless and until the Line passed into ownership of Yakima County. However, the County was unwilling to acquire the Line until certain private liens on YILA's property were satisfied, subject to the Line remaining intact for preservation but free of common carrier status.

In 2004, Kershaw Sunnyside Ranches, Inc. (Kershaw), an adjoining landowner to the line proposed for abandonment, filed an adverse abandonment application (STB Docket No. AB-600) that requested the Surface Transportation Board (the Board) to withdraw its primary jurisdiction and allow Kershaw to proceed to Washington State court to obtain control of a portion (approximately one mile long and 75 feet wide, and roughly in the middle of the portion owned by YILA) of the Line crossing its property. Several protests to Kershaw's petition were filed with the Board. In November 2004, the Board denied Kershaw's application, stating that local governments, shippers, a potential replacement rail carrier, other parties opposed to the abandonment, and several petitioners had presented feasible plans for the Line's rehabilitation and service restoration. Kershaw filed a petition for reconsideration and clarification of the Board's decision, which was denied in September 2005. In December 2005, YILA filed the abandonment exemption currently under consideration. If this notice becomes effective, YILA

intends to negotiate the transfer of the Line to Yakima County for a multi-use transportation corridor, including rail and/or trail uses in accordance with the National Trails System Act, 16 U.S.C. § 1247(d). A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA).

DESCRIPTION OF THE LINE

According to the information provided by the applicant, the North Yakima and Valley Railroad was formed in 1905 by a group of investors who were tasked with building several local spur lines to connect to the Northern Pacific Railroad (NP), as well as constructing irrigation systems and hydroelectric power generation facilities, and fueling land development. The Naches Branch was completed in 1906. This 16-mile segment connected Yakima to Naches, and passed through prime agricultural land. The Line was very profitable, providing service to local farmers, fruit growers, and the NP and Oregon-Washington Railroad & Navigation Co. Farmers were able to ship their commodities in cold storage and with less damage, thereby increasing consumer market demand. The Naches Branch provided both freight and passenger service, with twice daily commuter links between Yakima and Naches. In 1914, NP purchased the Naches Branch. In 1950, passenger service was discontinued, and in 1961, the Naches Branch was extended several hundred yards to accommodate the Layman's Lumber Company sawmill. After merging with NP, the Great Northern Railway Company, Spokane Portland & Seattle Railway Co. and the Chicago Burlington & Quincy Railroad Co., in 1970, Burlington Northern Railroad (BN) assumed operation of the Naches Branch. In 1986, Washington Central Railroad purchased BN's mainline between Stampede Pass and Pasco, and feeder lines, including the Naches Branch. In the mid-1990's, BN merged with the Artchison Topeka & Santa Fe Railway Co. to form BNSF, who subsequently re-acquired the Naches Branch. In 1997, BNSF embargoed the Naches Branch between milepost 2.97 and milepost 14.26 due to poor track conditions. In 1999, BNSF transferred ownership of the embargoed portion of the Naches Branch to YILA.

The right-of-way is generally 75 feet in width and travels in a northwesterly direction through agricultural, and increasingly residential and urban landscapes. Topography is moderately steep to the east and nearly level along the Naches River floodplain to the west. Based on documentation in YILA's possession, the line does not contain any Federally-granted rights-of-way.

ENVIRONMENTAL REVIEW

The applicant 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. The applicant served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

As stated above, no traffic has moved on the line segment within the last two years. 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.

The applicant notified both local and regional planning officials who have determined that the proposed action is consistent with land use plans. The City of Yakima and the Town of Naches have long since contemplated using the corridor for rail service, open space, trails and other compatible public uses including restoration of the Naches Depot. As future owners, the Board of Yakima County Commissioners has indicated that they will help pay for existing liens against YILA and those costs associated with railbanking through grants. In addition, they have been instrumental in planning the Naches Depot and Trail Project, a system of projects designed to promote the use of the Federally-recognized corridor of the All-American/Chinook Scenic Byways and US 12 Byways. Others committed to the project include Pierce, King, and Lewis Counties, as well as Towns, Cities, Businesses, and Community organizations. The primary source of funds will be from Federal and local grant dollars, including money earmarked by Congressman Richard Hastings through the recently approved Federal Transportation Bill. SEA has received letters of support for the project from the Naches Lions Club, the United States Forest Service, White Pass (a ski resort), the Naches Valley Chamber of Commerce, the Oak Creek Wildlife Area of the Washington Department of Fish and Wildlife, and the Washington State Office of Public Services.

The U.S. Department of Agriculture, Natural Resources Conservation Service has not commented on whether the proposed abandonment will have an adverse impact on prime agricultural soils. However, given that the Line is proximate to local highways and in a corridor increasingly urban and residential in nature, SEA does not believe that the proposed abandonment will have an adverse impact. The applicant shall forward any correspondence to SEA as it becomes available.

It is anticipated that this proposed abandonment would not have an adverse impact on public health and safety because there would be no diversion of rail traffic to other modes of transport. Short-term impacts on noise levels associated with salvaging activities would not be significant. The applicant is not aware of any hazardous waste sites or hazardous materials spills along the line.

The Washington State Department of Ecology (WsDOE) has determined that the Coastal Zone Management Act does not apply to the proposed abandonment, therefore a Coastal Zone Consistency Determination, in accordance with 49 CFR 1105.9, is not required.

The applicant has not provided any information on whether contact has been made with the National Geodetic Survey (NGS) for potential impacts to geodetic station markers. SEA has since added NGS to the service list for this proceeding to ensure they receive a copy of this EA

for their comment. Additionally, SEA will recommend a condition requiring the applicant to consult with the NGS at least 90 days prior to commencement of salvage activities in order to plan for possible relocation of any geodetic station markers.

The U.S. Environmental Protection Agency (USEPA), Region 10, commented that they are not aware of any specific inaccuracies in the environmental and historic report; however, they note that lead based paint could be problematic on structures 50 years or older, such as the Naches River bridge. According to a 1999 inspection report, WsDOT indicated that the bridge would need to be cleaned and painted within the decade. Given that the bridge most likely contains lead-based paint, USEPA recommends that particular attention be provided for worker safety, and that appropriate mitigation measures be in place prior to starting work in order to prevent the release of toxic materials into nearby water sources and other ambient media.

The USEPA commented that if YILA's reported right-of-way width of 75 feet is correct, then portions of their property may extend into jurisdictional wetlands of the Naches River floodplain. USEPA commented that any action involving railbanking and transfer of ownership to a third party would not subject the action to the wetland permit requirements of the Clean Water Act. However, should the action result in railroad salvage activities, such as the removal of ties and track for trail construction, or repair or replacement of track materials for reactivation of rail service, then the permit requirements of the Clean Water Act may apply. Moreover, USEPA notes that if one acre or more of land will be disturbed during salvage activities, YILA would be subject to the Section 402, National Pollutant Discharge Elimination System (NPDES) permit requirements of the Clean Water Act for stormwater discharges. WsDOE is authorized to administer such a permit under their program. Therefore, SEA recommends that a condition be imposed requiring the applicant to consult with WsDOE prior to commencement of salvage activities, and to report the results to SEA in writing.

The applicant contacted the U.S. Fish and Wildlife Service (USFWS) to determine if the proposed abandonment would likely have an adverse impact on any Federally-listed species, or adversely modify any areas designated as critical habitats pursuant to Section 7 of the Endangered Species Act, as amended. To date, USFWS has not responded. SEA will therefore recommend a condition that YILA consult with the USFWS prior to commencement of any salvage activities.

The National Park Service (NPS) has not provided comments at the time this EA was prepared. SEA will therefore recommend a condition that YILA consult with the NPS prior to commencement of any salvage activities to determine if there would be any impacts to wildlife sanctuaries, refuges, and national parks or forests.

The U.S. Army Corps of Engineers (USACE) has not provided comments as to whether the proposed abandonment will require a permit under Section 404 of the Clean Water Act. SEA will therefore recommend a condition requiring YILA to consult with the USACE prior to commencement of salvage activities.

HISTORIC REVIEW

YILA 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 & Historic Preservation (SHPO), pursuant to 49 CFR 1105.8(c). YILA indicates that there is one steel bridge on the Line that was constructed over 50 years ago. According to information in YILA's possession, the Naches River bridge was built at its current location in 1906, but may have sections dating back to 1884. Should the abandonment be approved, Yakima County intends to contract with an operator to restore rail service and/or construct a trail, in either case, preserving the bridge. The Naches Depot, an historic structure built in 1907, is located within the vicinity of the Line, but not part of the subject abandonment. The Town of Naches has leased the depot from YILA under a 20-year lease with four 20-year renewal periods. YILA indicates that the Town has been awarded a \$40,000 grant to rehabilitate the depot and recently received \$400,000 in federal dollars for restoration of the depot and initial development of a trail along the Naches Branch rail line. Additionally, the Town received \$185,000 in local Transportation Enhancement grant monies. According to YILA, the Town of Naches consulted with the SHPO during the design phase and it is anticipated that further discussions will occur during the construction phase to ensure that the depot restoration is in accordance with the National Historic Preservation Act. Once restored, the depot will be used as a visitor information center to service the White Pass Ski Area, Oak Creek Wildlife Station, river rafting on the Tieton River, and tours to Mt. Rainier Park.

Based on the applicant's historic report, SEA believes that the proposed abandonment should not adversely impact historic sites and structures. However, the SHPO has not completed its evaluation, but rather has requested that the applicant submit a Historic Property Inventories Report. Accordingly, YILA shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470(f).

SEA conducted a search of the National Park Service's Native American Consultation Database regarding tribes that may have an interest in the project. SEA is required to consult with tribes pursuant to 36 CFR 800.3(f)(2) to seek their input regarding any National Register eligible properties of traditional religious and cultural significance that may be affected by the proposed abandonment. The data base provides information on Federally recognized tribes that may have ancestral connections to the project area and may therefore have an interest in the project's potential impacts on any areas of tribal interest. The tribes include the Yakama Nation and the Confederated Tribes of Colville. SEA has added the tribes to the service list for this proceeding to ensure they receive a copy of this EA for their comment.

CONDITIONS

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

1. Prior to commencement of any salvage activities, the Yakima Interurban Lines Association (YILA) shall consult with the National Geodetic Survey to determine if any geodetic station markers may be affected by the proposed abandonment. In the event any station markers are identified, YILA shall notify the National Geodetic Survey 90 days prior to the onset of salvage activities in order to plan for possible relocation by the National Geodetic Survey. YILA shall report the results of these findings in writing to the Board's Section of Environmental Analysis (SEA).
2. Prior to commencement of any salvage activities, YILA shall consult with the Washington State Department of Ecology to ensure any concerns regarding potential contamination of the right-of-way and the need for a Section 402 stormwater permit are addressed. YILA shall report the results of these consultations to SEA prior to commencement of salvage operations.
3. Prior to commencement of any salvage activities, YILA shall consult with the U.S. Fish and Wildlife Service regarding potential impacts from salvaging activities to Federally-listed threatened or endangered species that may occur in the vicinity of the line. YILA shall report the results of these consultations in writing to SEA prior to the commencement of salvage operations.
4. Prior to commencement of any salvage activities, YILA shall consult with the National Park Service to determine if there will be any impacts to wildlife sanctuaries, refuges, national parks, or forests. YILA shall report the results of these findings to SEA prior to commencement of salvage operations.
5. Prior to commencement of any salvage activities, YILA shall consult with the U.S. Army Corps of Engineers (USACE) to determine whether a USACE permit under Section 404 of the Clean Water Act, 33 U.S.C. §1344, is needed. YILA shall report the results of these findings to SEA prior to commencement of salvage operations.
6. The Washington Department of Archaeology & Historic Preservation (SHPO) has not completed its evaluation of the potential impact of this project on historic resources. Accordingly, YILA shall retain its interest in and take no further steps to alter the historic integrity of all sites and structures on the right-of-way that are eligible for listing or listed in the National Register of Historic Places until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. § 470(f).
7. In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroads salvage activities, the applicant shall immediately cease all work and notify SEA, interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, and the applicant to determine whether any mitigation measures are necessary.

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), and discontinuance of service without abandonment. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment 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) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, 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-600 (Sub-No. 1X) 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) 565-1552, fax at (202) 565-9000, or e-mail at woodd@stb.dot.gov

Date made available to the public: January 24, 2006.

Comment due date: **February 8, 2006.**

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

Vernon A. Williams
Secretary

Attachment