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SEA

SERVICE DATE – APRIL 21, 2006

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-6 (Sub-No. 440X)

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

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for BNSF to abandon approximately 0.23 miles of rail line located between milepost Station 521 + 42 and milepost Station 533 + 65 in Olympia, in Thurston County, Washington. A map depicting the rail line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, BNSF will be able to salvage track, ties, and other railroad appurtenances and dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to BNSF, the line proposed for abandonment was acquired by the Northern Pacific Railway Company (NP) in 1890. NP merged with the Great Northern Railway Company and the Chicago Burlington and Quincy Railroad Company in 1970 to become the Burlington Northern Railroad Company (BN). In 1995, BN merged with the Atchison Topeka and Santa Fe Railway Company to become the Burlington Northern and Santa Fe Railway Company, which changed its name in 2005 to the BNSF Railway Company.

BNSF states that the line runs in a north-south direction on the east side of Budd Inlet, an urban area on the west side of Olympia. The line is essentially flat along the waterfront of West Bay with a hill just west of the line. BNSF indicates that there are no railroad structures along the line. The right-of-way varies in width from 16 to 100 feet. Based on information in BNSF's possession, the line does contain Federally granted rights-of-way. There are four public crossings and five private crossings located on the line.

BNSF states that no local traffic has moved over the line for at least two years and that there is no overhead traffic on the line to be rerouted. Thus, no rail traffic will be diverted to truck traffic as a result of the proposed abandonment. Therefore, the Board's thresholds for conducting more detailed air quality and noise analysis (an increase of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment) will not be exceeded.

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'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.

During salvage operations on the line, BNSF has indicated that precautions will be taken to ensure public safety and private contractors will be required to satisfy all applicable health and safety laws and regulations. In addition, private contractors will be required to comply with all Federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance.

The United States Department of Agriculture, Natural Resources Conservation Service in Puyallup, Washington, has indicated that the site of the proposed railroad abandonment is located in an area that is in urban development, and that the proposed abandonment will have no effect on any prime agricultural farmlands.

The Washington State Parks and Recreation Commission (WPRC) in Olympia has indicated that there are no national parks, forests or refuges, or any park administered by WPRC in the vicinity of the proposed abandonment.

The Washington Department of Ecology (WDOE) Watershed Resources Unit has indicated that this project may need an "NPDES Construction Stormwater" permit if the project will disturb one acre or more, and discharge to surface waters. If the project will not disturb more than one acre, then Best Management Practices must be used to ensure there is not a discharge of contaminated stormwater or other polluting material from the site. Accordingly, we will recommend a consultation condition requiring that BNSF contact WDOE, Watershed Resources Unit, prior to commencement of any salvage activities on this project.

The City of Olympia Public Works Department (OPWD) has indicated that the proposed abandonment crosses the 100-year floodplain. To ensure that the 100-year floodplain is not adversely affected, BNSF shall consult with OPWD prior to commencement of any salvage activities regarding potential impacts to the floodplain and shall comply with the reasonable requirements of OPWD.

The Washington State Coastal Zone Management Program applies to Thurston County. Accordingly, we will recommend a condition requiring that, prior to beginning any salvage activities, BNSF shall consult with the Washington Department of Ecology, Office of Shorelands and Environmental Assistance, Coastal Zone Management Program to determine whether state coastal management consistency certification is required. If consistency certification is required,

BNSF shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify SEA, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 et seq. and the Board's environmental regulations at 49 CFR 1105.9.

The United States Department of the Army, Corps of Engineers, Seattle District (Corps) has indicated that, based on the information provided, the project does not involve the placement of dredged or fill material in wetlands or other waters of the United States. Therefore, Corps authorization is not required for the project under Section 404 of the Clean Water Act.

The United States Department of the Interior, Fish and Wildlife Service, Western Washington Fish and Wildlife Office (USFWS) in Lacey, Washington, has indicated that there are several Federally listed and proposed endangered and threatened species and candidate species which may be in or near the project area which may require specific protective measures in accordance with the Endangered Species Act. Federally listed species include the Bald eagle (*Haliaeetus leucocephalus*), Bull trout (*Salvelinus confluentus*), Marbled murrelets (*Brachyramphus marmoratus*), Northern spotted owls (*Strix occidentalis caurina*), and Golden paintbrush (*Castilleja levisecta*). Accordingly, we will recommend a condition requiring that BNSF consult with USFWS prior to commencement of salvage activities to address possible impacts to species of Federal concern.

The Washington Department of Fish and Wildlife (WDFW) in Olympia, Washington, has indicated that there are species and/or habitat locations deemed sensitive by WDFW, which may be present in the vicinity of the project area. Accordingly, we will recommend a condition requiring that BNSF consult with WDFW prior to commencement of salvage activities to address possible impacts to species of concern to WDFW.

HISTORIC REVIEW

BNSF submitted an historic report as required by the Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the report on the Washington Office of Archaeology and Historic Preservation (State Historic Preservation Officer or SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has indicated that no resources included in or eligible for inclusion in the National Register of Historic Places (National Register) have been recorded in the identified area of potential effect as of the date of their review. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of BNSF's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

In the event that any archaeological sites, human remains, funerary items or associated

artifacts are discovered during the BNSF's salvage activities, BNSF will 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 BNSF to determine whether any mitigation measures are necessary.

SEA conducted a search of the Native American Consultation Database at www.cast.uark.edu/other/nps/nacd/ to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the Confederated Tribes of the Chehalis Reservation, the Cowlitz Indian Tribe, and the Nisqually Indian Tribe of the Nisqually Reservation may have an interest in the proposed abandonment. Accordingly, SEA is sending a copy of this EA to these tribes for their review and comment.

CONDITIONS

SEA recommends that the following environmental conditions be placed on any decision granting abandonment authority:

1. To ensure that the 100-year floodplain is not adversely affected, BNSF shall consult with the City of Olympia Public Works Department (OPWD) prior to commencement of any salvage activities regarding potential impacts to the floodplain and shall comply with the reasonable requirements of OPWD.
2. Prior to beginning any salvage activities, BNSF shall consult with the Washington Department of Ecology, Office of Shorelands and Environmental Assistance, Coastal Zone Management Program to determine whether state coastal management consistency certification is required. If consistency certification is required, BNSF shall be prohibited from performing any salvage activities until it obtains consistency certification and shall then notify the Board's Section of Environmental Analysis, pursuant to the Coastal Zone Management Act, 16 U.S.C. 1451 *et seq.* and the Board's environmental regulations at 49 CFR 1105.9.
3. To address the concerns raised by the Washington Department of Ecology (WDOE), Watershed Resources Unit, BNSF shall, prior to commencement of any salvage activities on this project, consult with WDOE concerning its Watershed Resources requirements and shall comply with WDOE's reasonable requirements.
4. To address the concerns of the United States Department of the Interior, Fish and Wildlife Service (USFWS), Western Washington Fish and Wildlife Office, prior to commencement of any salvage activities, BNSF shall consult with USFWS concerning potential impacts to species of Federal concern that may occur in the vicinity of the line. BNSF shall report the results of this consultation in writing to the Board's Section of Environmental Analysis.
5. To address the concerns of the Washington Department of Fish and Wildlife (WDFW),

prior to commencement of any salvage activities, BNSF shall consult with WDFW concerning potential impacts to species of concern to WDFW that may occur in the vicinity of the line.

6. To address the concerns of the Washington Office of Archaeology and Historic Preservation (SHPO), BNSF shall halt work immediately if any cultural materials are discovered during salvage operations and contact the Section of Environmental Analysis (SEA), interested Federally recognized tribes, and the SHPO. SEA shall then consult with the SHPO, interested Federally recognized tribes, and BNSF 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), 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 the class 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 Kenneth Blodgett, the environmental contact for this case. 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. 440X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Kenneth Blodgett by phone at (202) 565-1554, fax at (202) 565-9000, or e-mail at blodgettk@stb.dot.gov.

Date made available to the public: April 21, 2006.

Comment due date: May 8, 2006.

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

Vernon A. Williams
Secretary

Attachment