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SERVICE DATE - JULY 9, 2004

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB DOCKET NO. AB-6 (Sub. No. 422X)  
Burlington Northern and Santa Fe Railway Company - Abandonment Exemption -  
in Snohomish County, WA**

**BACKGROUND**

In this proceeding, The Burlington Northern and Santa Fe 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 0.99 miles of rail line between Milepost 38.01 and Milepost 39.00 in Snohomish, Snohomish County, Washington. A map depicting the line in relationship to the area served is appended to the report. If the notice becomes effective, BNSF will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

BNSF states that the right-of-way for the rail line proposed for abandonment was acquired by the Seattle and West Coast Railway Company between 1887 and 1888. Interest in the line was then obtained by the Northern Pacific Railway Company prior to its merger with the Burlington Northern Railroad Company (BN) in 1970. BNSF was formed upon the merger of BN with The Atchison Topeka and Santa Fe Railway Company in 1995. BNSF notes that there is now no demand for or prospect of rail service over the line, and that no traffic has originated, terminated, or moved overhead on this line segment for at least two years. Consequently, no rail traffic would be diverted to highway mode as a result of the abandonment.

According to BNSF, the rail line is located in a residential area within the City of Snohomish. The line follows a north-south trajectory west of the Pilchuck River and terminates immediately after crossing the Snohomish River to the south. There are no structures located along the line other than a 1912 metal truss bridge that crosses the Snohomish River. The right-of-way is at least 50 feet wide, with some wider sections that extend to 90 feet in width. BNSF indicates that the right-of-way may be suitable for a trail or other public purposes.

On June 22, 2004, the City of Snohomish filed a request with the Surface Transportation Board (Board) for an interim trail/public use condition for the rail line. The City would like to acquire the corridor for a trail as it would connect their existing trail network, including the Centennial Trail to the north, and provide greater trail access to a number of recreational facilities and schools in the area.

Regarding the potential conversion of the rail line to a trail, the Washington State Department of Natural Resources has expressed concern regarding the railroad bridge over the Snohomish River. The State of Washington has explained that because it owns the property under the bridge, any conveyance of land to the City of Snohomish for trail use may require that the railroad first convey its interest in the bridge to the Washington State Department of Natural Resources, who acts as the land representative for the state.

Finally, according to BNSF, there are 10 public crossing along the line. The railroad states that it will take precautions at these crossings during salvage activities on the right-of-way to ensure public safety and to satisfy all applicable health and safety laws.

## **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 Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The Washington State Department of Natural Resources has contacted BNSF stating their concerns regarding the future disposition of the railroad bridge that crosses state-owned aquatic lands under their jurisdiction. They suggest that if the bridge is not maintained or removed as part of the salvage operations, the bridge could someday fall into the river and cause flooding and fish passage restrictions. Although they have requested that the railroad mitigate against any such impacts (i.e., by the removal of the bridge or other such actions), the Board's jurisdiction does not extend to post-abandonment maintenance of the right-of-way. Therefore, the Board's Section of Environmental Analysis cannot recommend that the Board impose such mitigation. The State of Washington would govern any future actions to the bridge for safety, environmental, or other considerations following the proposed abandonment.

The Washington National Heritage Program at the Washington State Department of Natural Resources has no records of any listed, threatened or endangered species within the area of the proposed abandonment. A report provided by Priority Habitats and Species at the Washington Department of Fish and Wildlife indicates the presence of the Great Blue Heron (*Ardea Herodias*) and Bald Eagle (*Haliaeetus Leucocephalus*) breeding occurrences in the vicinity of the project area. Because salvage operations would be handled generally within the right-of-way, it is unlikely that any listed species that might be present nearby would be adversely affected by the proposed abandonment.

The United States Department of Agriculture, Natural Resources Conservation Service, has indicated that three soil types in the vicinity of the project area constitute Prime Farmland (Puget silty clay loam, Sultan silt loam and Tokul gravelly loam). Proposed abandonment

activities would likely not result in adverse impacts on the Prime Farmlands because of their location outside the right-of-way for the proposed abandonment activities.

The Army Corps of Engineers, Seattle District (Corps), states that the proposed actions will result in no discharge of fill or dredged material nor impact flood levels along the line. The Corps also indicates that no Federal, state or local water permits would be required for the proposed abandonment activities. Sean Callahan, representing the Water Quality Program at the Washington Department of Ecology, has recommended to BNSF that it apply for a National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges because of the close proximity of the rail line proposed for abandonment and the Snohomish River, the potential for heavy Spring rains in the area, and the potential impacts from heavy equipment. To address these concerns, we will recommend a condition that BNSF contact the Water Quality Program at the Washington Department of Ecology regarding the need for a National Pollutant Discharge Elimination System (NPDES) General Permit for storm water discharges.

## **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 (SHPO) pursuant to 49 CFR 1105.8(c). 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 by the proposed abandonment. Although the rail line is located at the eastern edge of the Snohomish Historic District, the SHPO indicates that the railroad right-of-way is not a contributing feature of the District. The SHPO requests that any tribes with interests in the project area be contacted for their input in the undertaking. To date, SEA has contacted the Yakama Nation, Confederated Tribes of the Colville Reservation, Skokomish Indian Tribe, Swinomish Indian Tribal Community, and the Tulalip Tribes of the Tulalip Reservation, seeking their input in the project.

In correspondence to the railroad, the SHPO indicates the possibility that unanticipated archaeological materials may be located within the project area. In the event that any unanticipated cultural materials are discovered, the SHPO requests that salvage operations be discontinued and the SHPO, and any federally recognized tribe with an interest in the project be contacted regarding the need for any mitigation. We have reviewed the historic 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, SEA has 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 the railroad's historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public. In addition, SEA is recommending that the Board impose a condition on any

abandonment authority that it may grant requiring that in the event that BNSF does discover unanticipated archaeological sites, human remains, funerary items or associated artifacts during their salvage operations, that they will immediately cease work and notify SEA, the SHPO, and any Federally recognized tribe that may have an interest, and consult with them to determine whether any mitigation measures are necessary.

## **CONDITIONS**

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

1. In the event that any archaeological sites, human remains, funerary items or associated artifacts are discovered during The Burlington Northern and Santa Fe Railway Company's salvage activities, The Burlington Northern and Santa Fe Railway Company will immediately cease all work and notify the Section of Environmental Analysis, interested Federally recognized tribes, and the Washington State Historic Preservation Office. The Section of Environmental Analysis, Washington State Historic Preservation Office, interested Federally recognized tribes and The Burlington Northern and Santa Fe Railway Company shall then consult to determine whether any mitigation measures are necessary.
2. To address the concerns raised by the Water Quality Program at the Washington Department of Ecology, The Burlington Northern and Santa Fe Railway Company shall, prior to commencement of any salvage activities on this project, contact the Water Quality Program at the Washington Department of Ecology (Sean Callahan, 425-649-7223) concerning possible impacts on water quality and regarding the need for a National Pollutant Discharge Elimination System General Permit for storm water discharges.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude 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 petition for 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 responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **ENVIRONMENTAL 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 Catherine Glidden, who prepared this environmental assessment. 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. 422X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this environmental assessment, please contact Catherine Glidden, the environmental contact for this case, by phone at (202) 565-1542, fax at (202) 565-9000, or e-mail at [gliddenc@stb.dot.gov](mailto:gliddenc@stb.dot.gov)

Date made available to the public: July 9, 2004.

Comment due date: **July 26, 2004 (15 days)**.

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

Vernon A. Williams  
Secretary

Attachment

# SNOHOMISH, WASHINGTON TRACKAGE

