

211348

BEFORE THE
SURFACE TRANSPORTATION BOARD



Abandonment of a line of Railroad
Between BNSF M.P. 38.01
and M.P. 39.00 in Snohomish,
Washington

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 422X)

TO THE SURFACE TRANSPORTATION BOARD:

The Burlington Northern and Santa Fe Railway Company (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between BNSF M.P. 38.01 and M.P. 39.00 in Snohomish, Washington, a total distance of 0.99 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the

FILE RECEIVED

Notice, respectfully provides the following information:

JUN 15 2004

- I. Proposed consummation date for the abandonment.

SURFACE TRANSPORTATION BOARD

August 2, 2004

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

- III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

FILED

JUN 15 2004

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Snohomish, Washington line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Snohomish, Washington line traverses United States Postal Service Zip code 68290.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. -

Abandonment - Goshen, 360 I.C.C. 91 (1979)

- V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met. attached.

Respectfully submitted,



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: June 9, 2004

VERIFICATION

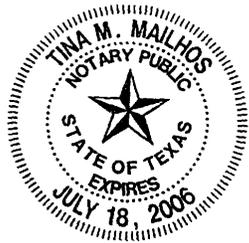
STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 422X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.

Richard A. Batie

Richard A. Batie
Manager, Shortline Development

Subscribed and sworn to before me the 10 day of June, 2004.



Tina Mailhos
Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub No. 422X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Washington Public Utilities Commission; the Washington Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on May 20, 2004; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on May 20, 2004; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on May 20, 2004; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on June 9, 2004 in the Snohomish County Tribune, affidavit of publication is attached.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: June 9, 2004

LEGAL PROOF

This is a proof of the legal advertisement you requested published this week. If any errors are noted, please notify us at once, otherwise it will be published as shown for the remaining publications. For your information, not as a request for payment, the gross charge for completed advertisement will be \$ 71.50 . If paid by the 15th of the month following first publication date, (For example, if the first publishing date is in October, by the 15th of November) the net charge will be \$ 53.62 . The affidavit of publication will be available the day publication is completed and will be mailed to you after payment is received. The Tribune. E8879
TRIBUNE P.O. BOX 499 SNOHOMISH WA 98291

NOTICE OF INTENT TO ABANDON

The Burlington Northern and Santa Fe Railway Company gives notice that on or after June 10, 2004, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F -- Exempt Abandonments permitting the abandonment of or discontinuance of service of 1.38 miles of railroad line between M.P.

37.62 and M.P. 39.00 in Snohomish, Washington which transverses through United States Postal Zip Code 98290 in Snohomish County, Washington. The proceeding will be docketed as No. AB-6 (Sub No. 422X). Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freeborn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-6677 - telephone (312) 360-6724.

Published June 9, 2004
E8879

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
38.01 and M.P. 39.00 in Snohomish,
Washington

Docket No. AB-6
(Sub No. 422X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 38.01 and M.P. 39.00 in Snohomish, Snohomish County, Washington, total distance of 0.99 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no affect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment should be consistent with local land use plans. See Exhibit B, letter from the City of Snohomish.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

A total of five soil types were identified within the project area. Three of the soil types are considered Prime Farmland: Puget silty clay loam, Sultan silt loam and Tokul gravelly loam, 0-8% slopes. See Exhibit C, letter from the United States Department of Agriculture, Natural Resources Conservation Service. BNSF does not believe the proposed action should have any significant impact on prime farmlands.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The proposed abandonment could be used as a recreational trail. Milepost 37.62 to Milepost 39.00 extends south from an existing recreational trail, the Centennial Trail, currently beginning at the intersection of Pine Avenue and Maple Avenue in Snohomish and running north to the town of Lake Stevens. The Centennial Trail is a regional,

multi-million dollar trail under active development by Snohomish County, When complete, the trail will extend from Skagit County on the north to Seattle/King County on the south. See Exhibit B, letter from the City of Snohomish.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as this line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles per day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

This action will have no effect on the transportation of ozone-depleting materials as the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are 10 public crossings and no private crossings. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

The Proposed abandonment will have no adverse effect on threatened and/or endangered species. See exhibit D, letter from the Washington State Department of Natural Resources. The Great Blue Heron (*Ardea Herodias*) and the Bald Eagle (*Haliaeetus Leucocephalus*) have been identified as sensitive species that are located near the proposed abandonment. See Exhibit E, response from the Washington Department of Fish and Wildlife.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The Washington Department of Natural Resources has indicated that there are no state parks or forests that would be affected by the abandonment. See Exhibit F, letter from the Washington Department of Natural Resources.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

The Washington Department of Ecology was notified by letters dated November 27, 2001. See Exhibit G. As of the date of this report, the Washington Department of Ecology has not responded. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

A 404 permit will not be required. See Exhibit H, letter from the Department of the Army, Corps of Engineers. The proposed abandonment will not affect the 100 year floodplain within the City of Snohomish. The city is out of the floodplain. See Exhibit I, e-mail from Snohomish County Surface Water Management. The land to the south and to the east of the City of Snohomish lies within the floodplain. See Exhibit I, e-mail from the Snohomish County Surface Water Management.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

A construction stormwater permit may be necessary. See Exhibit J, e-mail from the Washington Department of Ecology. Water Quality Program. Salvage contractors will be required to obtain any such permits if they may be required.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors 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 project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted,



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: June 9, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of the
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between
M.P. 38.01 and M.P. 39.00
in Snohomish, Washington

Docket No. AB-6
(Sub No. 422X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting the Board's environmental and historical assessment regarding BNSF's Notice of Exemption to abandon its line of railroad between M.P. 38.01 and M.P. 39.00 in Snohomish, Snohomish County, Washington, a total distance of 0.99 miles

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of the railroad structures that are 50 years old or older and are part of the proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Washington State Historical Society and one copy is being provided to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The Snohomish, WA Trackage is located within the Everett, WA metropolitan statistical area (MSA). Snohomish has a population of 8,494 as listed in the 2002 Rand McNally atlas. The right of way is located within the city of Snohomish except for the southern end which transverses the Snohomish river. The average width of the right of way varies from 60 to 90 feet.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no known structures along the proposed abandonment that are 50 years old or older other than one bridge. Photographs of the bridge are attached in Exhibit J.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

The bridge was constructed in 1912.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was acquired by the Seattle and West Coast Railway Company between 1887 and 1888. The Seattle and West Coast Railway Company was a predecessor in interest to the Northern Pacific Railway Company which merged in 1970 into 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 (BNSF).

The Snohomish, WA Trackage has been out of service for over two years.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. The proposed abandonment forms the eastern boundary for the Snohomish Historic District, a property that is listed in the National Register of Historical Places. The State of Washington Office of Archaeology and Historic Preservation recommends that the historic report assess how the proposed abandonment will affect the National Register eligibility status of the district. The Office of Archeology and Historic Preservation also recommends that a survey for both historic and archaeological sites should be undertaken along the line to determine whether any such resources exist. See Exhibit K, letter from the State of Washington Office of Archaeology and Historic Preservation. BNSF is pursuing further consultation with that office and will supplement this filing upon completion of a survey.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael Smith', written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: June 9, 2004

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on May 20, 2004, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Gregory Griffith
Historic Preservationist Officer
P.O. Box 48343
Olympia, WA 98504

Jerry Alb
Director
Environmental Affairs Office
Washington State Department of
Transportation
310 Maple Park Avenue SE
PO Box 47331
Olympia WA 98504-7300

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

Joseph Buesing
District Manager
U.S. Department of the Interior
Bureau of Land Management
1103 Fancher
Spokane, WA 99212-1275

Raymond Hughbanks
Natural Resources Conservation Service
State Conservationist
316 W. Boone Ave., Suite 450
Spokane, WA 99201

Doug Sutherland
Commissioner of Public Lands
P.O. Box 47001
Olympia, WA 98504-7001

Cathy Ray
Washington Department of Natural
Resources
Northwest Region
919 N. Township St.
Sedro Wooley, WA 98284-9384

Lori Guggenmos
GIS Programmer
Washington Dept. of Fish & Wildlife
Priority Habitats and Species
600 Capital Way N.
Olympia, WA 98501-1091

Dr. Jeffery Koenings
Director
Washington Dept. of Fish & Wildlife
600 Capital Way N.
Olympia, WA 98501-1091

Ann Caley, Senior Planner
City of Snohomish
116 Union Avenue
Snohomish, WA 98290

Karen Watkins, Planner
Snohomish County Planning and
Development Services
Land Use Division
3000 Ruckerfeller Avenue
Everett, WA 98201-4046

Washington State Parks and Recreation
Commission
7150 Cleanwater Lane
P.O. Box 42650
Olympia, WA 98504-2650

Kevin Fitzpatrick
Regional Director - Water Quality
Washington Department of Ecology
Northwest Regional Office
3190 - 160th Avenue, SE
Bellevue, WA 98008-5452

Sean Callahan
Water Quality Program
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Jack Gossett
U.S. Army Corps of Engineers
Seattle District
P.O. Box 3755
4735 East Marginal Way South
Seattle, WA 98124

Vaughn Collins
Snohomish County Public Works
Surface Water Management Division
2731 Wetmore Avenue, Suite 300
Everett, WA 98201-3581

Gale Meyer
District Conservationist
Everett Field Office
United States Department of Agriculture
Natural Resources Conservation Service
528 91st Avenue, Suite C
Everett, WA 98205

Department of Natural Resources
Forest Practices Division
1111 Washington Street
PO Box 47012
Olympia, WA 98504-7012

Megan White
Water Quality Program Manager
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

U.S. EPA
Region 10
1200 6th Avenue
Seattle, WA 98101

Anne Badgley
Regional Director
U.S. Dept. of the Interior
Fish and Wildlife Service
Eastside Federal Complex
911 N.E. 11th Avenue
Portland, OR 97232-4181

Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive SW
Olympia, WA 98504-7250

Dave Gossett
District 4
Snohomish County Council
3000 Rockefeller, M/S 609
Everett, WA 98201

Washington State Transportation
Commission
P.O. Box 47308
Olympia, WA 98504-7308

Richard Snay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20910

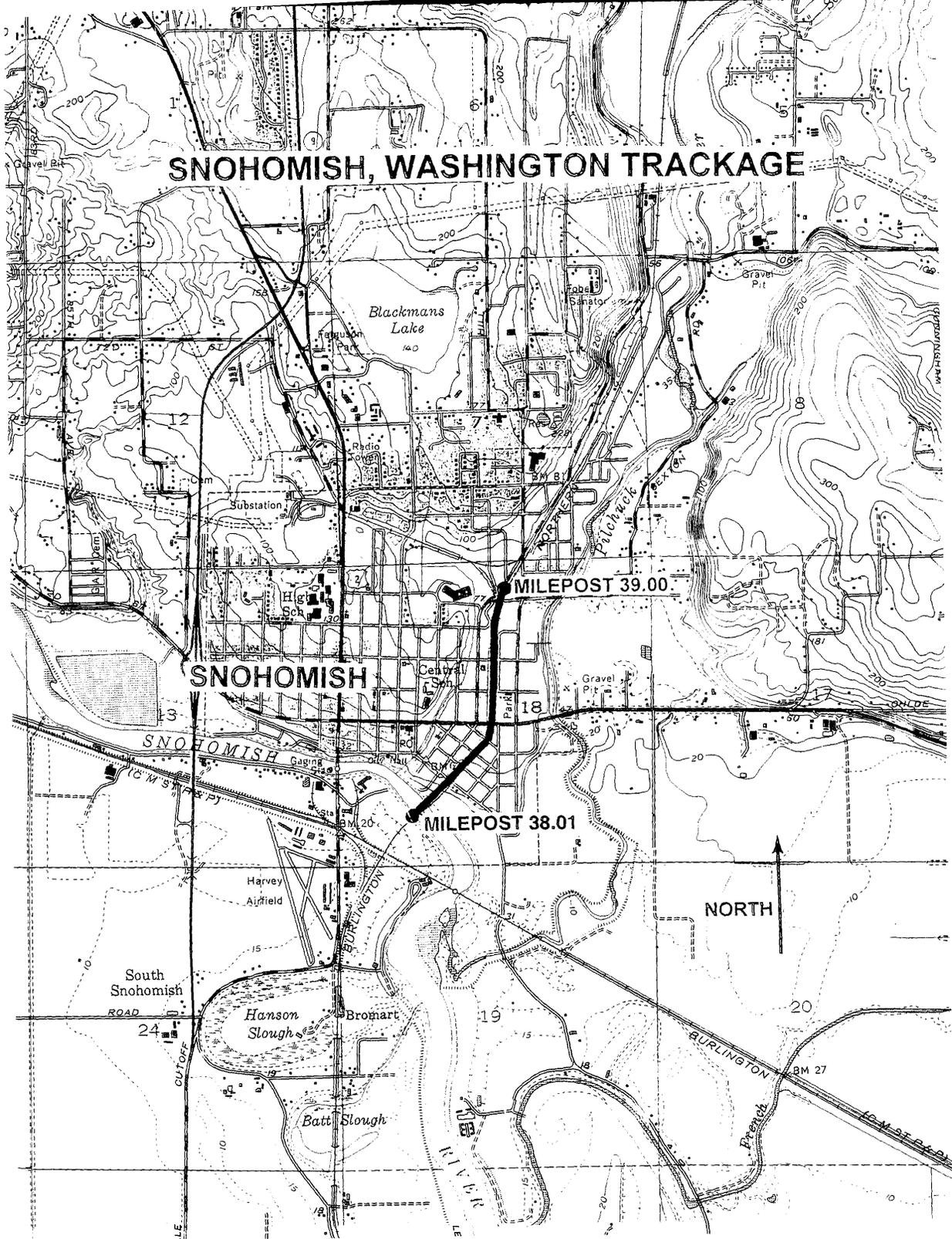
The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Michael Smith
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Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: June 9, 2004

SNOHOMISH, WASHINGTON TRACKAGE



B



CITY OF SNOHOMISH

Founded 1859, Incorporated 1890

116 UNION AVENUE • SNOHOMISH, WASHINGTON 98290 • TEL (360) 568-3115 FAX (360) 568-1375

December 17, 2001

Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Subject: Snohomish Washington Trackage Line Abandonment - Milepost 37.62 to 39.00

Dear Brian:

The City of Snohomish considers the Snohomish Trackage Line suitable for public use as a recreational trail.

This section of trackage line is our preferred route for a non-motorized trail to connect an existing regional trail, the City's riverfront, and two other regional trails now under development.

Milepost 37.62 to Milepost 39.00 extends south from an existing recreational trail, the Centennial Trail, currently beginning at the intersection of Pine Avenue and Maple Avenue in Snohomish and running north to the town of Lake Stevens. The Centennial Trail is a regional, multi-million dollar trail under active development by Snohomish County. When complete, it will extend from Skagit County on the north to Seattle/King County on the south.

The completed section of the Centennial Trail currently experiences an average of three thousand users per day. The city's trail work will also connect to the proposed Lowell-Snohomish River Trail running eight miles west to the City of Everett and the Interurban Trail. Long-range plans call for seamless integration of these trails into a developing statewide and national network of non-motorized trails. (A map depicting Snohomish County's regional trail plan and the City's Riverfront Trail, Phase 1, is enclosed.)

Within city limits, the trackage line route runs adjacent to existing and proposed community facilities. Existing public facilities located directly on the line include: Hal Moe Swimming Pool, Snohomish Skate Park, Averill Field, and Cady Park (on the Snohomish River.) Proposed public facilities on the line include the Snohomish Youth Center and the Snohomish

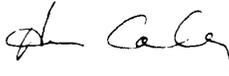
Regional Library, which is scheduled to open in 2002. The route is within blocks of the Snohomish School District's Freshman (ninth-grade) Campus, residential neighborhoods, bus lines and retail/commercial areas with restaurants, hardware stores and other neighborhood services.

In October, 1998, the Snohomish City Council adopted a riverfront master plan which identified this route as an important link to three County bicycle/pedestrian trails. Multiple county, state and federal grants have already been obtained to implement phase 1 of this plan and develop portions of this trackage line as a trail.

We consider extending the Centennial Trail, (part of which is already developed along this same former railroad trackage line,) to be a high priority for the city. We have been in regular communication with Rich Beatty in Fort Worth for years with regard to this abandonment proceeding, and request similar coordination with your firm.

Thank you for considering a public use of this BNSF Railway line. My e-mail address is caley@ci.snohomish.wa.us, and phone number is 360 568-3115. I look forward to working with you.

Sincerely,

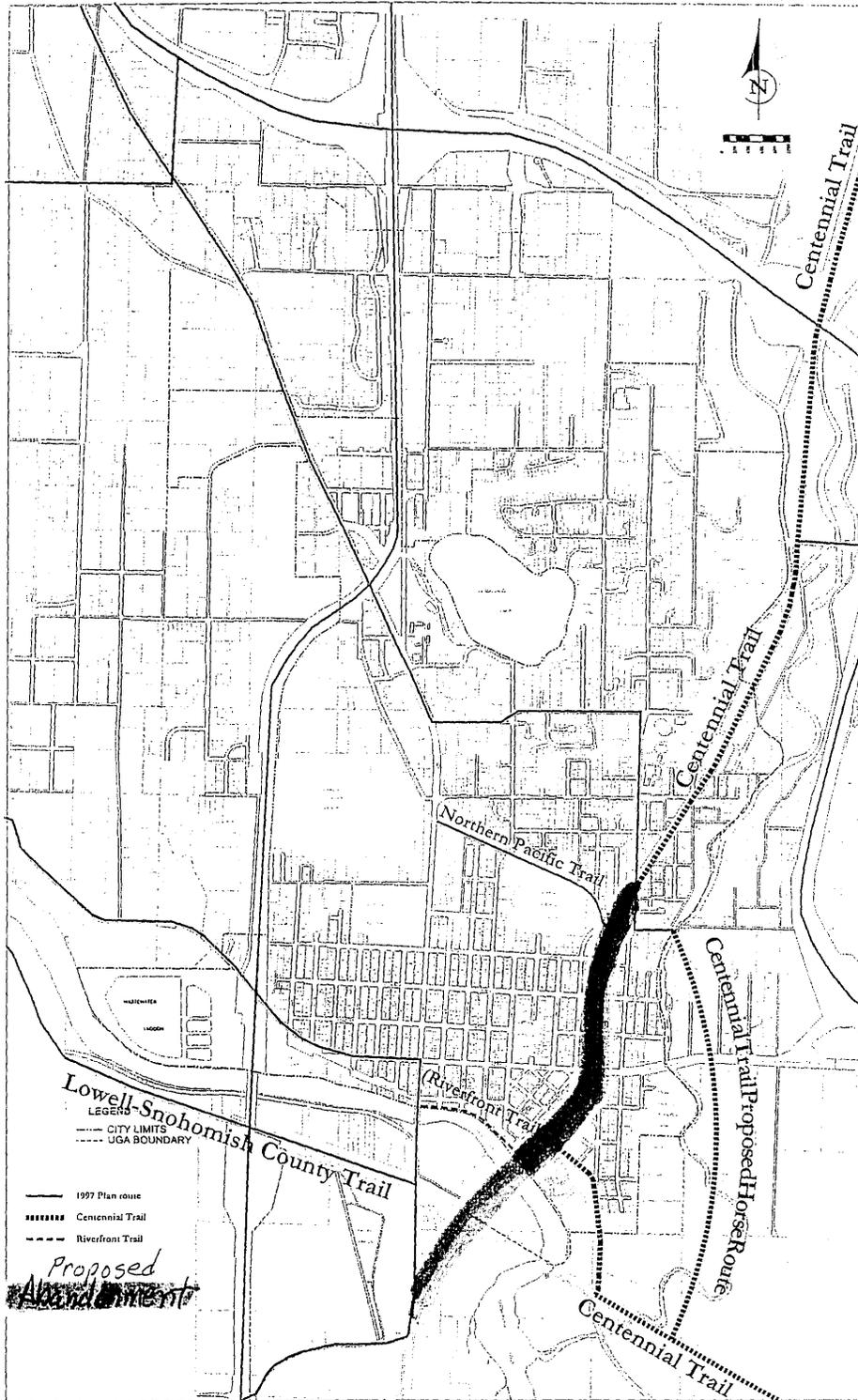


Ann Caley
Senior Planner.

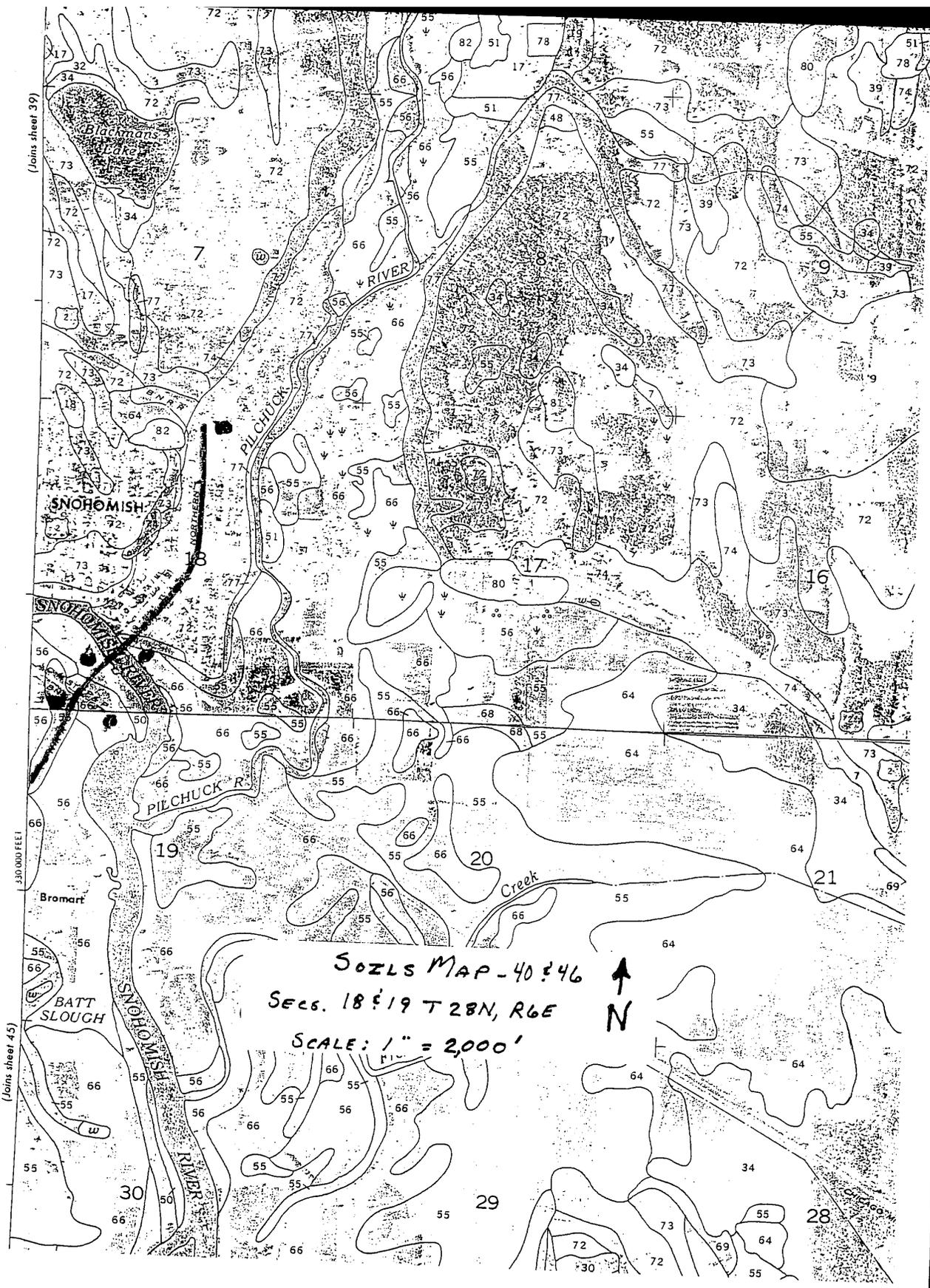
enc

REGIONAL TRAIL SYSTEM

Snohomish County 1997 Bikeway Plan



C

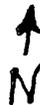


(joins sheet 39)

130,000 FEET

(joins sheet 45)

SOZLS MAP - 40 & 46
SECS. 18 & 19 T 28N, R 6E
SCALE: 1" = 2,000'



D



June 21, 2001

Brian Nettles
Freeborn & Peters
311 South Wacker Drive – Ste 3000
Chicago IL 60606-6677

**SUBJECT: Burlington Northern and Santa Fe Railway Company Abandonment of the
Snohomish, WA Trackage MP 37.62 to MP 39.00**

We've searched the Natural Heritage Information System for information on significant natural features in your project area. Currently, we have no records for rare plants, select rare animal species, or high quality ecosystems in the vicinity of your project. We do not maintain information on wildlife sanctuaries or refuges.

The information provided by the Washington Natural Heritage Program is based solely on existing information in the database. In the absence of field inventories, we cannot state whether or not a given site contains high quality ecosystems or rare species; there may be significant natural features in your study area of which we are not aware.

The Washington Natural Heritage Program is responsible for information on the state's endangered, threatened, and sensitive plants as well as high quality ecosystems. We have begun to add information to our database on selected groups of animals of conservation concern, such as freshwater mussels, butterflies and bats. However, to ensure that you receive information on all animal species of concern, please contact Priority Habitats and Species, Washington Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091, or by phone (360) 902-2543.

If you have the opportunity, visit our website at <http://www.wa.gov/dnr> and click on *Conservation/Protection*. Please do not hesitate to call me at (360) 902-1667 if you have any questions, or by E-Mail: sandra.moody@wadnr.gov.

Sincerely,

Sandy Swope Moody, Environmental Coordinator
Washington Natural Heritage Program
PO Box 47014
Olympia WA 98504-7014

E

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - HABITATS AND SPECIES REPORT
 IN THE VICINITY OF T28R06E SECTION 18
 Report Date: December 10, 2001

This map contains the following species and/or habitat locations that are deemed sensitive by the Washington Department of Fish and Wildlife Sensitive Fish and Wildlife Policy.

PHS CODE/ SPPCODE	COMMON NAME	USE CODE	USE DESCRIPTION
ARHE	GREAT BLUE HERON	B	BREEDING OCCURRENCE
HALE	BALD EAGLE	B	BREEDING OCCURRENCE

PHS POLYGON FORM LIST - CROSS REFERENCE REPORT
 IN THE VICINITY OF T28R06E SECTION 18

PHSPOLY#	FORM NUMBER/ PHS CODE*USE CODE
2	900000 *-
3	902729 WET*-
4	902729 WET*-
5	902729 WET*-
6	902637 RIPAR*-
7	902643 WAFORLC- 902636 WET*-
9	902802 RIPAR*-
10	902729 WET*-
11	902729 WET*-
12	902729 WET*-
13	902729 WET*-
14	903643 HALE*B-
15	902729 WET*-
16	902637 RIPAR*-
17	902729 WET*-
18	902729 WET*-
19	902531-903643 WET*-HALE*B-
20	902729 WET*-
21	902802-903643 RIPAR*-HALE*B-
22	902531-903643 WET*-HALE*B-
23	902802-903643 RIPAR*-HALE*B-
24	902637 RIPAR*-
25	902740 UNOS*-
26	900000 *-
27	902531-903643 WET*-HALE*B-
28	902531-903643 WET*-HALE*B-
29	902531 WET*-
30	902531 WET*-
31	902636 WET*-
32	902740-903643 UNOS*-HALE*B-
33	900000 *-
34	902636-903643 WET*-HALE*B-
35	902636-903643 WET*-HALE*B-
36	902531 WET*-
37	902636-903643

38 WET*-HALE*B-
900000
*-
39 902531-903643
WET*-HALE*B-
40 902531-903643
WET*-HALE*B-
41 902531-903643
WET*-HALE*B-
42 902531
WET*-
43 902531
WET*-
44 903643
HALE*B-
45 900000
*-
46 900000
*-
47 902531-903643
WET*-HALE*B-
48 902802-903643
RIPAR*-HALE*B-
49 902531
WET*-

PHS POLYGON - SPECIES AND HABITAT LIST

PHS FORM#	PRIORITY	PHS CODE	COMMON NAME	USE CODE	USE DESCRIPTION
900,000					
902,531	YES	WET	WETLANDS		
902,636	YES	WET	WETLANDS		
902,637	YES	RIPAR	RIPARIAN ZONES		
902,643	YES	WAFO	WATERFOWL CONCENTRATIONS	RLC	REGULAR LARGE CONCENTRATION
902,729	YES	WET	WETLANDS		
902,740	YES	UNOS	URBAN NATURAL OPEN SPACE		
902,802	YES	RIPAR	RIPARIAN ZONES		
903,643	YES	HALE	BALD EAGLE	B	BREEDING OCCURRENCE

Form number 900000 indicates presence of PHS is unknown or the area was not mapped. Form numbers 909998, 909997, or 909996 indicate compilation errors.

YES under the "PRIORITY" column indicates that the species or habitat is considered a priority and is on the Priority Habitats and Species List and/or the Species of Concern List.

WILDLIFE HERITAGE POINT - SPECIES LIST AND REPORT
IN THE VICINITY OF T28R06E SECTION 18

QUADPT	PRIORITY	SPPCODE	COMMON NAME	USE CODE	USE DESCRIPTION
4712281004	YES	ARHE	GREAT BLUE HERON	B	BREEDING OCCURRENCE

YES under the "PRIORITY" column indicates that the species or habitat is considered a priority and is on the Priority Habitats and Species List and/or the Species of Concern List.

quadpt: 4712281004 sppcode: ARHE use: B name: GREAT BLUE HERON
year: 1994 class: SA accuracy: C state status: SM fed status:
township - range - section: T28N R05E S13 NWQFNW occur#: 271 seqno: 1
general description:
GREAT BLUE HERON CEMETARY CREEK HERONRY, W OF SNOHOMISH NEAR MOUTH OF CEMETARY
CK, IN COTTONWOODS, 3 NESTS + FLEDG PRESENT-91; 5 OCCUPIED NESTS-94; 6 ADULTS, 2
ACTIVE NESTS, TOTAL 5 NESTS-96 (PG 9600239)

Note:
If known occurrences of spotted owls and marbled murrelets exist they will
be displayed on the accompanying map, however, detailed information for
them are not included in this report.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - PHS POLYGON REPORT
Report Date: 12 10 2001

form: 902.531 species habitat: WET species use: season: accuracy: 1

sitename: SNOHOMISH RIVER WETLANDS.

general description:

VARIOUS TYPES OF WETLANDS WITHIN THE SNOHOMISH RIVER DRAINAGE AREA (DOWSTREAM FROM THE SR-920 BRIDGE). MANY OF THESE ALSO HAVE AN OPEN WATER COMPONENT.

source: SNOHOMISH COUNTY STREAM AND WETLAND SURVEY MAPS.

date: 89 code: ORTHO

synopsis:

MANY OF THESE SITES WERE FIELD CHECKED BY COUNTY STAFF.

form: 902.636 species habitat: WET species use: season: accuracy: 1

sitename: PILCHUCK RIVER WETLANDS.

general description:

MOST OF THE WETLANDS IN THIS BASIN ARE FORESTED OR SHRUB-SHRUB.

source: SNOHOMISH COUNTY AQUATIC RESOURCES MAPS.

date: 89 code: GSMAP

synopsis:

MANY BOUNDARIES WERE DETERMINED USING MAPS.

source: MULLER, TED, WSW; PERSONAL OBSERVATIONS.

date: 90 code: PROF

synopsis:

SITE VISITS TO MANY OF THESE SITES IN PAST YEARS.

form: 902.637 species/habitat: RIPAR species use: season: accuracy: 1

sitename: PILCHUCK RIVER RIPARIAN.

general description:

FORESTED RIPARIAN AREAS ALONG THE RIVERBANKS. MUCH OF THIS AREA IS OLDER SECOND GROWTH DECIDUOUS FOREST (ALONG THE LOWER RIVER). UPSTREAM IS MORE MIXED FOREST.

source: MULLER, TED, WDW; PERSONAL OBSERVATIONS.

date: 90 code: PROF

synopsis:

MANY VISITS ALONG THIS RIVER OVER PAST 16 YEARS.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - PHS POLYGON REPORT
Report Date: 10 10 2001

form: 902.643 species/habitat: WAFD species use: RLC season: W accuracy: 1
sitename: SNOHOMISH COUNTY LAKES.

general description:
LOWLAND LAKES THAT PROVIDE IMPORTANT OVER WINTER FOOD RESOURCES FOR DIVING DUCKS
AND CORMORANTS AND WADING BIRDS (HERONS), AND LOAFING HABITAT FOR OTHER WATERFOW
L. BALD EAGLES HAVE BEEN SEEN HUNTING WATERFOWL ON SEVERAL OF THESE.

source: MULLER, TED, WDW; PERSONAL OBSERVATION.
date: 06 91 code: PROF
synopsis:
PERIODIC SITE VISITS.

source: KRAEMER, CURT, WDW; PERSONAL OBSERVATIONS.
date: 04 91 code: PROF
synopsis:
PERSONAL COMMUNICATION.

form: 902.729 species/habitat: WET species use: season: accuracy: 1
sitename: SNOHOMISH/LAKE STEVENS WETLANDS

general description:
NUMEROUS SHRUB, FORESTED AND EMERGENT WETLANDS. MAY DRAIN TO LAKE STEVENS, THE P
ILCHUCK OR SNOHOMISH RIVERS. THE WETLANDS MAY BE ISOLATED, ADJACENT TO LAKES OR
FORM RIPARIAN CORRIDORS.

source: SNOHOMISH COUNTY STREAM AND WETLANDS SURVEY MAP ATLAS.
date: 07 84 code: ORTHO
synopsis:
WETLANDS DELINEATED BY COUNTY BIOLOGISTS.

form: 902.740 species/habitat: UNOS species use: season: accuracy: 1
sitename: SNOHOMISH COUNTY PARKS.

general description:
LANDS MANAGED BY SNOHOMISH COUNTY PARKS AND/OR ONE OF THE CITIES IN THAT COUNTY.

source: DNR ORHTOPHOTOS.
date: 84 code: ORTHO
synopsis:
ORTHOPHOTOS TO IDENTIFY COVER TYPES. STREET ATLAS TO DELINEATE BOUNARIES.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE - PHS POLYGON REPORT
Report Date: 12 10 2001

form: 902,400 species habitat: RIPAR species use: season: accuracy: 1
sitename: LOWER SNOHOMISH RIVER RIPARIAN
general description:
SNOHOMISH RIVER RIPARIAN AREAS. MOSTLY FORESTED FRINGES ALONG THE MAIN RIVER AND
MIXED FOREST AREAS ALONG SOME TRIBUTARIES.

source: MULLER, TED; OPPERMAN, TONY; SCHNEIDER, PHIL; WDW: PERSONAL OBSERVATIO
date: 90 code: PROF
synopsis:
MANY SITE VISITS AND OR DRIVE-BYS.

form: 903,643 species habitat: HALE species use: B season: SU accuracy: 1
sitename: RIVERVIEW ROAD
general description:
BALD EAGLE NEST TERRITORY, ACTIVE 1993

source: ERICKSON, JOHN AND TRISH THOMPSON-WDW
date: 020493 code: NEST
synopsis:
NEW BALD EAGLE NEST AND TERRITORY-1993 OCCUPANCY SURVEY

source: JEFF BERNATOWICZ WDFW
date: 11 96 code: PROF
synopsis:
PERSONAL OBSERVATIONS. INCLUDING OVERFLIGHTS.

WASHINGTON DEPARTMENT OF FISH AND WILDLIFE
 PRIORITY ANADROMOUS AND RESIDENT FISH PRESENCE REPORT FROM THE STREAMNET DATABASE
 IN THE VICINITY OF T28R06E SECTION 18
 Report Date: December 10, 2001

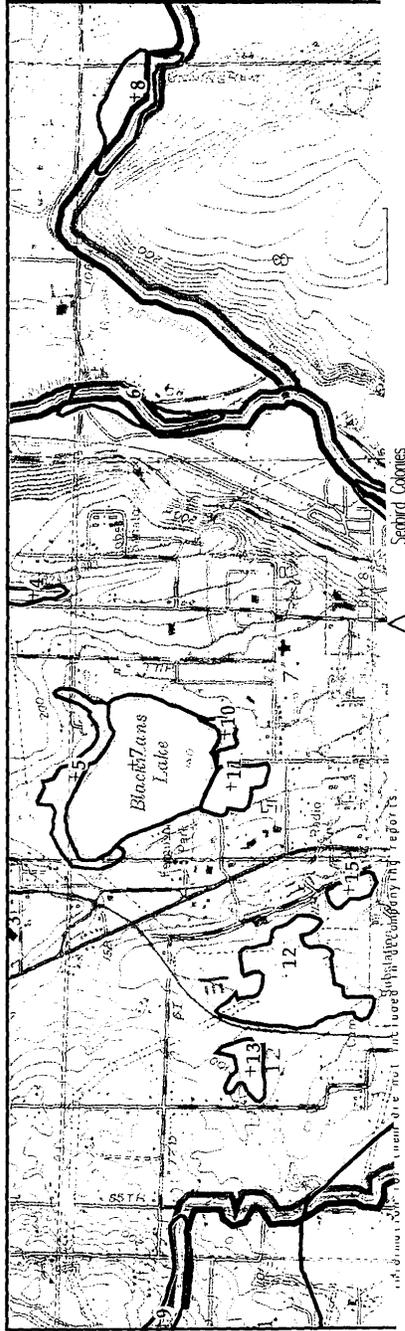
PRIORITY ANADROMOUS FISH PRESENCE

CODE	COMMON NAME	STREAM NAME	STREAM LLID	RECORD DATE	SOURCE
CAE	Coho Salmon	French Creek	1220872478883	07-18-97	P. Castle, WDFW
CHA	Fall Chinook	Pilchuck River	1220899479044	01-18-97	P. Castle, WDFW
CHR	Chum Salmon	Pilchuck River	1220899479044	06-27-97	D. Hendrick, WDFW
CHA	Coho Salmon	Pilchuck River	1220899479044	07-18-97	P. Castle, WDFW
CHR	Chum Salmon	Pilchuck River	1220899479044	06-27-97	D. Hendrick, WDFW
CAE	Coquille Salmon	Pilchuck River	1220899479044	01-18-97	D. Hendricks, WDFW
STH	Shiner Steelhead	Pilchuck River	1220899479044	04-15-97	Kurt Krammer, WDFW
CHA	Fall Chinook	Snohomish River	1222080480202	01-18-97	P. Castle, WDFW
CHR	Summer Chinook	Snohomish River	1222080480202	06-27-97	D. Hendrick, WDFW
CHM	Chum Salmon	Snohomish River	1222080480202	07-18-97	P. Castle, WDFW
CAE	Coho Salmon	Snohomish River	1222080480202	06-27-97	D. Hendrick, WDFW
CHR	Chum Salmon	Snohomish River	1222080480202	06-27-97	D. Hendrick, WDFW
CAE	Coquille Salmon	Snohomish River	1222080480202	01-18-97	D. Hendricks, WDFW
STH	Shiner Steelhead	Snohomish River	1222080480202	04-10-97	Kurt Krammer, WDFW
STH	Shiner Steelhead	Snohomish River	1222080480202	04-15-97	Kurt Krammer, WDFW
CAE	Coho Salmon	Stream name(s) not in database	1220722479272	07-18-97	P. Castle, WDFW
CHA	Fall Chinook	Stream name(s) not in database	1221205479182	07-18-97	P. Castle, WDFW

PRIORITY RESIDENT FISH PRESENCE

CODE	COMMON NAME	STREAM NAME	STREAM LLID	RECORD DATE	SOURCE
CAE	Resident Cutthroat	French Creek	1220872478883	07-15-97	WDFW Staff
RRR	Rainbow Trout	French Creek	1220872478883	11/24/93	WDFW Staff
CRF	Resident Cutthroat	Pilchuck River	1220899479044	07-15-97	WDFW Staff
LRB	Ladegomoth Bass	Pilchuck River	1220899479044	11/24/93	WDFW Staff
FRT	Rainbow Trout	Pilchuck River	1220899479044	11/24/93	WDFW Staff
CRF	Resident Cutthroat	Snohomish River	1222080480202	07-15-97	WDFW Staff
LRB	Ladegomoth Bass	Snohomish River	1222080480202	11/24/93	WDFW Staff
FRT	Rainbow Trout	Snohomish River	1222080480202	11/24/93	WDFW Staff
DRY	Dolly Varden/Bull Trout	Pilchuck River	1220899479044	08-01-00	Curt Kraemer, WDFW
DRF	Dolly Varden/Bull Trout	Snohomish River	1222080480202	08-01-00	Curt Kraemer, WDFW

The fish information in this report only includes information that Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. This information only documents the location of important fish resources to the best of our knowledge. It is not a complete inventory of the fish species in the state. Fish are identified as priority by WDFW if they meet one of three criteria as listed in the Priority Habitats and Species List. The list is available by contacting WDFW Priority Habitats and Species section at (360)902-2543 or it is available on our web site at <http://www.wa.gov/wdfw/hab/phspage.htm>. To insure appropriate use of this information users are encouraged to consult with WDFW biologists.



DISCLAIMER

This map only includes information that Washington Department of Fish and Wildlife (WDFW) maintains in a central computer database. WDFW maintains a central computer database of all species response to the impacts of your project on fish and wildlife. This information only documents the location of fish and wildlife resources to the best of our knowledge. It is not a complete inventory and is important to note that fish and wildlife resources may occur in areas not currently known to WDFW biologists, or in areas where comprehensive surveys have not been conducted. It is necessary to rule out the presence of priority resources.

Locations of mapped wildlife and habitat features are generally within a quarter mile of the locations displayed on this map. Locations of fish and wildlife resources are subject to natural and cultural changes. WDFW does not recommend using maps more than six months old. To insure appropriate use of this information, users are encouraged to consult with WDFW biologists.

MAIN DATA SOURCES

- Priority Habitats and Species polygon and Habitat point data: WDFW Habitat Program.
- Wildlife Heritage, Spotted Owls, and Marbled Murrelet data: WDFW Wildlife Program.
- National Wetlands and fish presence data: WDFW StreamNet Database.
- 1:100,000 Streams and fish presence data: US Fish and Wildlife Service.
- Seabird Colony data: US National Oceanic and Atmospheric Administration.
- Kelp Bed, Oak Stand, Eelgrass, Turf Algae and Township/Section data: Wa. Dept. of Natural Resources.
- Columbia River Tidal Marsh data: Oregon State Service Center for Geographic Information Systems (1988).
- 7.5-minute quadrangle image from US Geological Survey.

Spotted Owl Site Centers
(Official Status 1-4)



Spotted Owl Management Circles
Established Territory



Spotted Owl Management Circles
Insufficient Data To Establish Territory



Township Lines

Section Lines



AREA LOCATION



F

Freeborn & Peters

November 27, 2001

Kevin Fitzpatrick
Regional Director - Water Quality
Washington Department of Ecology
Northwest Regional Office
3190 - 160th Ave. SE
Bellevue, WA 98008-5452

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Re: *The Burlington Northern and Santa Fe Railway Company Abandonment of the Snohomish, Washington Trackage*

Dear Mr. Fitzpatrick:

The Burlington Northern and Santa Fe Railway Company ("BNSF") plans to file an exemption to abandon its Snohomish, Washington Trackage from Milepost 37.62 to Milepost 39.00, a distance of 1.38 miles in the near future.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not a Section 402 permit is required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information as soon as possible. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

bn
Enclosure

G



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEATTLE DISTRICT, CORPS OF ENGINEERS
P.O. BOX 3755
SEATTLE, WASHINGTON 98124-3755

Regulatory Branch

DEC 10 2001

Brian Nettles
Freeborn and Peters
311 South Wacker Drive
Chicago, Illinois 60606

Reference: 200101389
BNSF Railroad

Dear Mr. Nettles:

None of the work mentioned in your letter of November 21, 2001, appears to require a Department of the Army (DA) permit. The work involves abandonment of railroad trackage in and near Snohomish, Washington.

The Corps regulates all work in navigable waters, and work that could be construed as a "discharge of dredged or fill material" into any water of the United States, including wetlands.

According to your letter, tracks themselves may be removed, but there will be no discharge of dredged or fill materials. You thus need no authorization from the Corps of Engineers to abandon the trackage. No Section 10 or Section 404 permits are necessary.

If you have any questions about this response, or about our Regulatory Program in general, please contact me by telephone at (206) 764-6907.

Sincerely

A handwritten signature in black ink that reads "Jack Kennedy".

Jack Kennedy
Transportation Team Leader
Enforcement and Transportation
Section

H

Nettles, Brian

From: Collins, Vaughn [Vaughn.Collins@co.snohomish.wa.us]
Sent: Monday, November 19, 2001 6:06 PM
To: 'bnettles@freebornpeters.com'
Subject: Snohomish River Floodplain

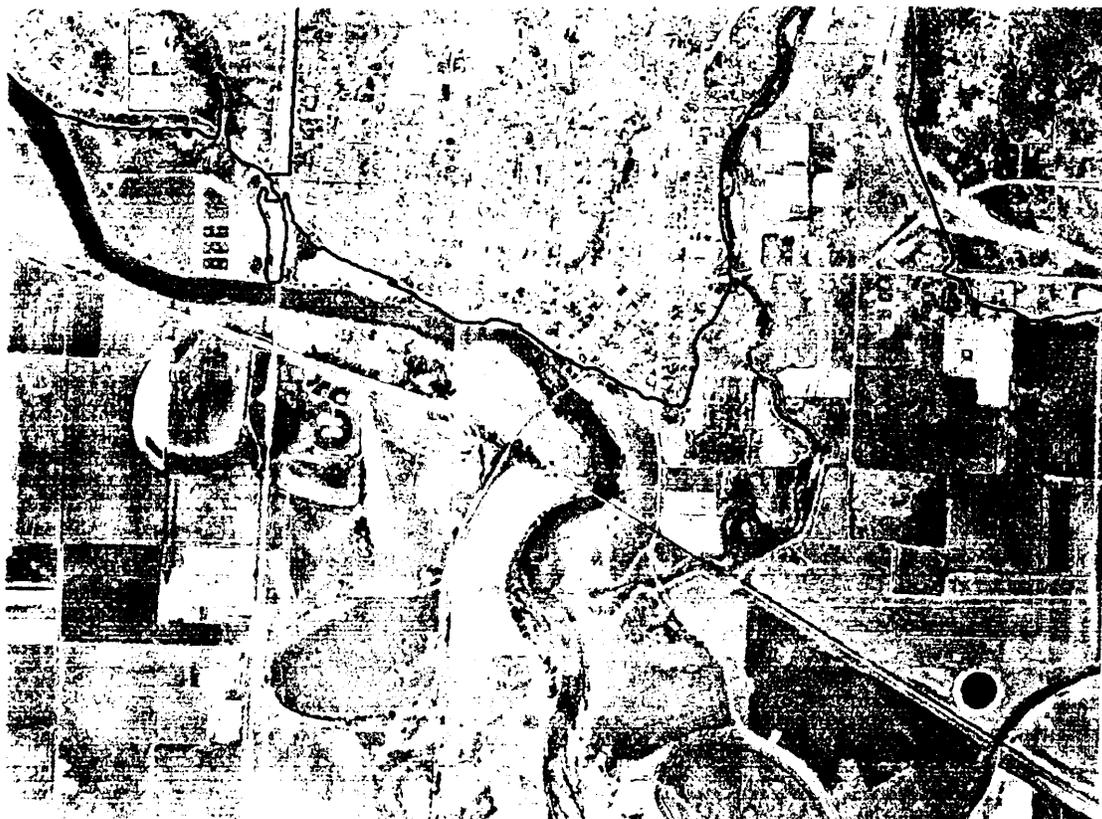


fp.jpg

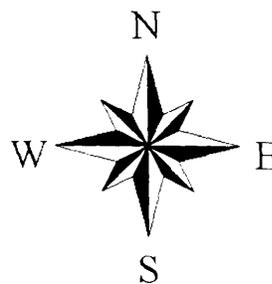
In response to your letter of November 14, attached is a map showing the 100-yr floodplain boundary in the vicinity of the City of Snohomish. The City itself is out of the floodplain, while the lands south and east of it lie within the floodplain.

Vaughn Collins, P.E.
Snohomish County Surface Water Management
2731 Wetmore Av., Ste 300
Everett, WA 98201
425.388.3464x4619 fax 425.388.6455
<<fp.jpg>>

Snohomish River Floodplain



 100-yr Floodplain Boundary



I

Nettles, Brian

From: Callahan, Sean [SCAL461@ECY.WA.GOV]
Sent: Tuesday, December 11, 2001 1:50 PM
To: 'bnettles@freebornpeters.com'
Cc: Drabek, John; Seeberger, Don
Subject: BNSF permit issues

Dear Brian,

Thanks for getting these materials to me. After looking at the project, I would recommend that you go ahead and apply for the construction permit. I have attached a link to our web-site where you can download this information.

Some of the reasons why I am recommending it are:

1. The area of this project exceeds the 5 acre threshold
2. Some work will involve working in close proximity to the Snohomish River which requires paying close attention to BMPs listed in our Construction permit as well as the Stormwater manual for Western Washington.
3. We receive some of our hardest rains in the Spring (May and June)
4. I think it is unrealistic to expect that there will be no problems with trucks and heavy equipment operating in your right-of-way. There is a serious potential for trackout issues on this project.

If you have any more questions, please feel free to contact me. The information is listed below.

http://www.ecy.wa.gov/programs/wq/stormwater/sw_prmts.html#Application

Sean Callahan

Water Quality Program

Department of Ecology

Northwest Regional Office

3190 160th Avenue SE

Bellevue, WA 98008-5452

425/649-7223

FAX: 425/649-7098

scal461@ecy.wa.gov

Application Instructions for a General Permit to Discharge Stormwater Associated with CONSTRUCTION ACTIVITY

Introduction

This is an instruction document for the preparation of an application, referred to as a Notice of Intent (NOI), for coverage under a National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges associated with construction activity in the state of Washington. This NPDES General Permit (hereinafter called the General Permit) applies to stormwater discharges to surface waters and to storm drains.

Municipalities of less than 100,000 population need to apply for construction sites which they own or operate.

Owners of construction sites of less than five acres, or which will retain on-site and discharge to the ground all storm-water associated with construction activity are not required to apply for coverage under the construction stormwater general permit.

Who Must Apply

The owner of a construction site, where five acres or more of total land area will be disturbed, must apply for coverage under the general permit if they have a discharge of stormwater associated with construction activity to a surface water or to a storm drain.

At sites for which a lease, easement, or other use agreement has been obtained from the site owner, the entity obtaining the use agreement shall be the permittee. In cases where the owner(s) of a site is (are) represented by a developer, the developer should be the permittee.

At sites where less than five acres of total land area will be disturbed, the owner is not required to apply unless the construction is "part of a larger common plan of development or sale." "Part of a larger common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

Industrial facilities already covered by the Industrial Baseline General Permit for their industrial activity, and which are planning construction which will disturb five or more acres of total land area, must complete this NOI.

When to Apply

The permit application called a Notice of Intent (NOI) shall be submitted to Ecology on or before the date of the first public notice and at least 38 days prior to the start of construction activities Application A (see Section IX). Ecology must have the permit application during the public comment period in order to provide the public access to the applications as required by WAC 173-226-130(5).

NOTE: Ecology cannot grant permit coverage until 31 days after the date of the second Public Notice.

Ecology intends to notify applicants by mail of their status concerning coverage under the permit within 10 working days of Ecology's receipt of a complete NOI. An NOI is only deemed complete after a final SEPA determination has been made, the applicant has certified that a SWPPP will be developed prior to the start of construction, the 30 day public comment period has been satisfied, and all other NOI information has been supplied.

Upon receipt of a complete NOI Ecology will notify the applicant of their status either through written authorization of permit coverage or by sending a letter to the applicant giving a date when permit coverage will automatically commence. Coverage will begin from the date of Ecology's written authorization or will automatically commence on the date specified in Ecology's letter.

Where to Apply

Mail the signed NOI to the following Ecology office: Washington Department of Ecology, Stormwater Unit, P.O. Box 47696, Olympia, WA 98504-7696

Applicants who discharge stormwater associated with construction activity to a storm drain operated by any of the following municipalities shall also submit a copy of the NOI to the municipality:

Seattle, King County, Snohomish County, Tacoma, Pierce County, Clark County, Spokane County, Washington Department of Transportation.

Fees

There is no application fee. You will be billed for permit fees after the permit is issued. Call (360) 407-6425 for questions relating to fees.

LINE-BY-LINE INSTRUCTIONS FOR COMPLETING THE NOI

Completing the NOI; Notification of Coverage. The NOI is an official document committing the permittee to compliance with the requirements of the General Permit. It should be completed accurately, completely and legibly.

Please print in ink or type.

Change of Information: Check this box if information included in a previously submitted NOI application in which permit coverage was granted has changed. An example of a change could be a new contact person, billing address, or total area to be disturbed. Include your assigned permit number in the upper right hand corner of the NOI. Your assigned permit number is in the upper right hand corner of the first (title) page of your permit. Complete only those sections of the NOI that require changes. Please submit a transmittal letter which confirms/explains the change of information in the NOI.

Permit Number: Use only if you are reporting a "Change of Information"

Section I - Contact Person

Give the name, address, and telephone number of the person who is available 24 hours a day to respond to emergencies, and to inquiries or directives from Ecology. The contact person should be someone who is completely familiar with the site, and charged with overseeing compliance with the permit requirements. This person could be an employee, a consultant, a developer, or a contractor.

Section II - Owner/Representative of Site

Give the name, address and the telephone number of the person, company, firm, public corporation, municipality or any other entity which owns or legally represents the site. If the owner is the same as the contact person, enter "same as contact person" on the first line. The permit and all other correspondence will be sent to this address. An exception to this information is the billing address.

Section III - Site Address

Enter the street address or location description (e.g., Intersection of B & C streets, also include the county) for the construction site. Construction sites which do not have a street address must also provide a legal description of the location either in the space provided or by an attachment.

Section IV - Billing Address

Indicate where the annual and final permit fee invoices should be sent. Also provide a contact person who can answer any questions on the billing invoices.

Section V - Receiving Water Information

In Part A, check the appropriate boxes for receiving water information for the stormwater discharges from the construction site.

In Part A.1 - Check this box if stormwater leaving your site enters a storm drain system, and indicate the name of the owner of the storm drain system; such as a municipality, flood control district, utility or private entity (e.g. industrial park)

In Part A.2 - Check this box if stormwater flows directly or indirectly into or over adjacent properties, through ditches or right-of-ways to surface waters of the State; the definition of a surface water includes lakes, rivers, ponds, streams, salt waters, and wetlands.

In Part A.3 - Check this box if stormwater from your site is discharged to the ground. Indicate by what method by checking one of the three choices. If you discharge stormwater only to the ground, you are not required to apply for coverage under the general permit.

In Part B - Indicate the name of the first downstream receiving water(s) which has an assigned name. If stormwater is discharged to more than one receiving water, the names of each receiving water must be listed. Indicate whether the stormwater is initially discharged to an unnamed receiving water(s) prior to flowing into the named receiving water(s) by placing a check in the appropriate box. If the discharge is to an unnamed surface water which does not eventually drain to a named surface water (e.g. a pond with no outlet), enter a description of the receiving water (e.g., ponds, creek, etc.) and check "Yes".

In Part C - Identify the points or areas of stormwater discharge. Provide the latitude and longitude for each point discharge. If you are not able to provide that information, provide the section, township and range information and locate your discharge on a map of sufficient scale and accuracy to identify the points of discharge and distance from receiving water(s); provide name of waterbody. If you discharge to a stormwater drainage system, identify where the points of discharge is for the drainage system; give name of receiving water.

Section VI - Construction Activity Information

Give the total land area in acres and total area which will be disturbed during all phases of the construction project. This includes all clearing, grading, and excavating, and any other activity which disturbs the surface of the land. Include how many phases. Once the site is prepared for development (utilities and roads installed for example) will the project be sold? (Once you are no longer responsible for the site, request the permit be canceled by submitting a termination form.)

Give the projected month/year when the construction activity will begin, and the anticipated month/year of completion of all soil disturbing and soil stabilization activity.

Notify Ecology if dewatering is planned.

Mark all soil disturbing activity anticipated. Add to the list activities that are pertinent to your project.

Section VII-A - Best Management Practices

Indicate how the stormwater will be cleaned and controlled before it discharges to storm drains and receiving waters. (This includes ditches and wetlands.)

Section VII-B - Stormwater Pollution Prevention Plan (SWPPP)

Applicants must develop and implement the SWPPP prior to the commencement of construction activities(s). Applicants may indicate completion of the SWPPP on the NOI form or certify that development of a SWPPP will occur prior to the commencement of construction activity. If not Ecology must be notified that a SWPPP will be developed prior to the start of construction before permit coverage can be granted.

A stormwater pollution prevention plan (SWPPP) for construction sites is a documented plan primarily intended to control erosion and sedimentation caused by construction activity. These plans are not submitted to Ecology, but kept on-site or within reasonable access to the site, to be made available to Ecology and local governmental agencies upon request.

Section VIII - State Environmental Policy Act (SEPA) Compliance

Ecology cannot cover the applicant under the General Permit until the following SEPA information has been provided and the SEPA process has been satisfied.

Provide the following information:

- Whether SEPA review has been completed or exempt.
- The type of SEPA document prepared, i.e., a Determination of Nonsignificance (DNS) or a Final Environmental Impact Statement (EIS). The name of the agency which issued the DNS, the Final EIS, or which decided that the project was exempt from SEPA. Usually this agency is a representative of local government such as a city or county.
- Provide the date the agency issued the DNS or Final EIS.
- Whether you are aware of an administrative or judicial appeal of the adequacy of the SEPA document. If you check the yes box, provide a letter explaining the issues and status of the appeal.

If necessary the SEPA follow-up information may be supplied in writing after submission of the NOI.

Section IX - Public Notice

The applicant must complete the 30 day public notice requirement prior to receiving permit coverage. The notice must be published at least once each week for 2 consecutive weeks, in a single newspaper which has general circulation in the county in which the construction is to take place with the following information:

- A statement that the applicant is seeking coverage under the Washington Department of Ecology's NPDES General Permit for Stormwater Discharges Associated with Construction Activities;
- The name, address and location of the construction site;
- The name and address of the applicant;
- A description of the applicant's construction activities and areas from which a stormwater discharge will occur, name(s) of receiving water(s); and
- The statement:

"Any person desiring to present their views to the Department of Ecology concerning this application, or interested in the department's action on this application may notify the Department of Ecology in writing within 30 days of the last date of publication of this notice. Comments can be submitted to: Department of Ecology, P.O. Box 47696, Olympia, WA 98504-7696."

NOTE: Ecology is no longer requiring the submittal of the affidavit of publication. However, a typed copy of what will be submitted to the newspaper must be sent along with the NOI. The dates that the first and second public notices will run and the name of the newspaper in which the public notices will appear must also be provided.

Please note: that state law requires a 30 day public comment period prior to permit coverage, therefore permit coverage will not be granted sooner than 31 days after the date of the second public notice. The public notice may be published simultaneously with other notices such as State Environmental Policy Act notices, and Shoreline Permit notices provided the NOI is sent to Ecology on or before the date of the first public notice.

Section X - Regulatory Status

Parts A, B, and C request information on any existing NPDES (including stormwater permit for industrial activity), State Waste Discharge, and Air permits issued to the facility. In Washington, air emission permits are issued by local agencies or Ecology. They can be referred to by various names such as a permit, an order, or a Notice of Construction. In part D, indicate if your facility has been assigned a State/USEPA Hazardous Waste ID number, and list that number.

Section XI - Certification by Permittee(s)

This section should be read closely by the applicant. The responsible official or authorized representative of the owner shall print their name for clarity, then sign and date the document on the lines provided.

In the case of corporations, the NOI must be signed by a responsible corporate officer or a duly authorized representative, if such representative is responsible for the overall operation of the site from which the discharge originates.

For a partnership, the NOI must be signed by a general partner.

For a sole proprietorship, the NOI must be signed by the proprietor.

For a municipal, state or other public agency, the NOI must be signed by either a principal executive officer, ranking elected official, or other duly authorized employee.

QUESTIONS

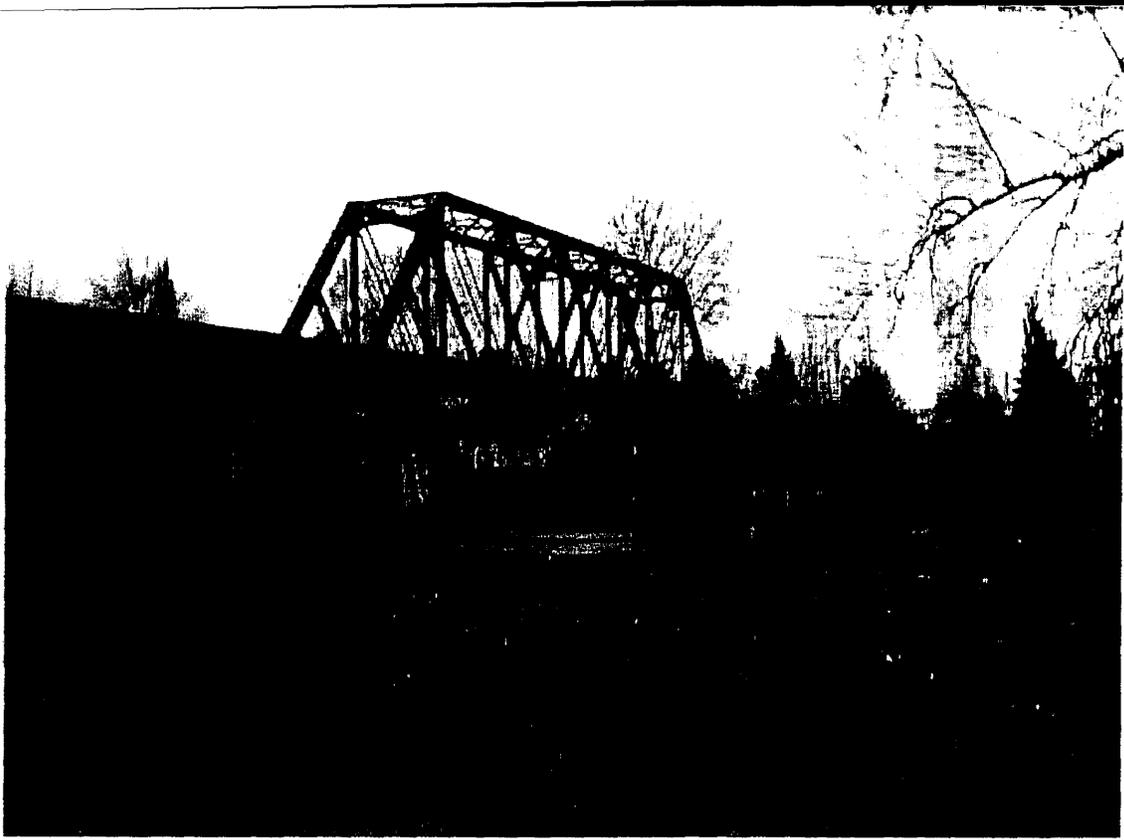
Questions concerning proper completion of this form can be directed to the Department of Ecology by calling (360) 407-6437.

J

Abandonment Documentation (M.P. 38.01 to M.P. 39.00)

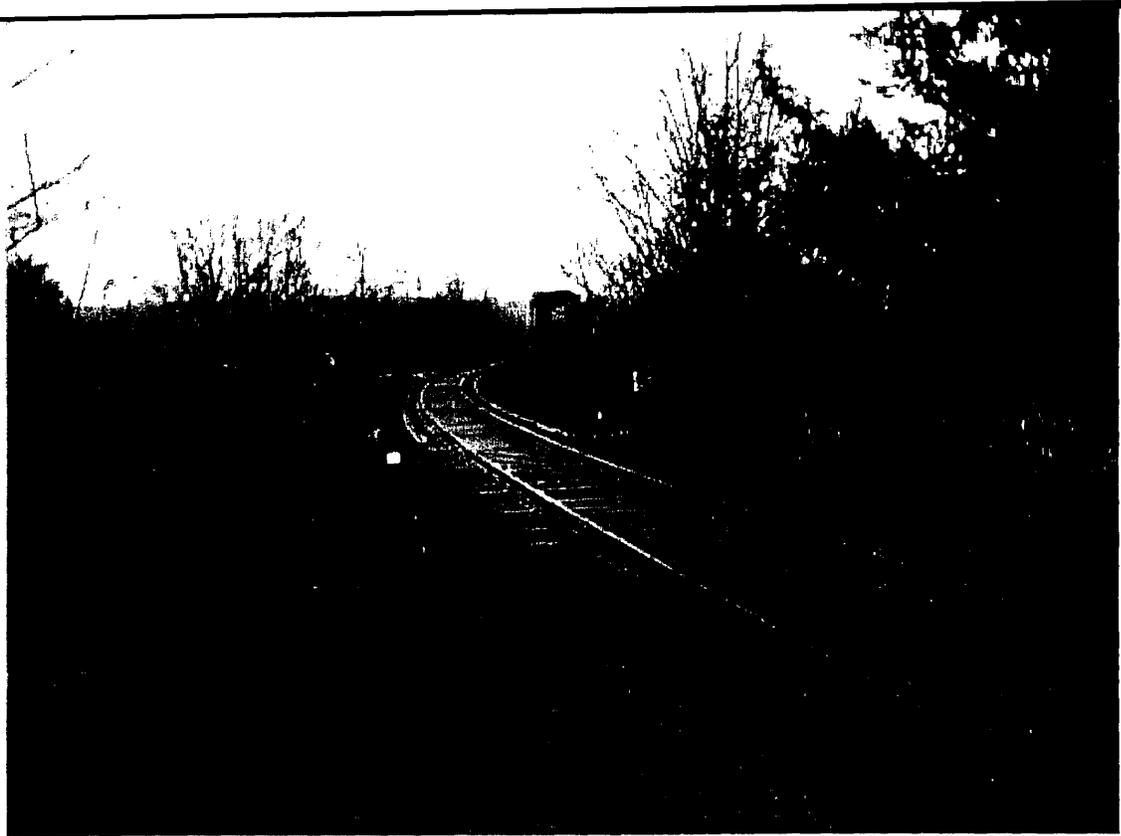
List of Bridges

Bridge: 38.01	Built: 1912	Length: 1699'	Height: 63'	Description: 1 Frame, 57 OPT, 90' DPG, 180' TPCT, 200' DRT	Obstacle: Water
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STATE OF WASHINGTON
OFFICE OF COMMUNITY DEVELOPMENT
OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

420 Golf Club Road SE, Suite 201, Lacey • PO Box 48343 • Olympia, Washington 98504-8343 • (360) 407-0752
Fax Number (360) 407-6217

July 10, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

In future correspondence please refer to:
Log: 071001-22-STB
Re: BNSF Abandonment, Snohomish

Dear Mr. Nettles:

Thank you for contacting the Washington State Office of Archaeology and Historic Preservation (OAHP) regarding the above referenced action. From your correspondence I understand that Burlington Northern Santa Fe (BNSF) plans to file an exemption to abandon 1.38 miles of trackage in Snohomish.

In response I have conducted research into the Washington State Inventory of Cultural Resources to assess the presence of historic properties in the project vicinity. This research indicates that the line proposed for abandonment forms a part of the eastern boundary of the Snohomish Historic District, a property that is listed in the National Register of Historic Places. Therefore, I recommend that the historic report to the Surface Transportation Board (STB) provide an assessment of how the proposed abandonment will affect National Register eligibility status of the District. I also recommend that a survey for both historic and archaeological sites be undertaken along the line to determine whether any such resources exist. Such a survey should be conducted by qualified cultural resource professionals. I can provide you with lists of qualified consultants. The results of this survey should be forwarded to OAHP for review and evaluation. Finally, I recommend consulting with interested tribal representatives toward assessing their interest and concerns about the action and potential effects upon cultural resources in the project vicinity.

Again, thank you for the opportunity to review and comment. Should you have any questions, please feel free to contact me at 360-407-0766 or gregg@ctd.wa.gov.

Sincerely,

Gregory Griffith
Deputy State Historic Preservation Officer

GAG

