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SEA

**SERVICE DATE - MARCH 1, 2004**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-6 (Sub-No. 407X)**

**The Burlington Northern and Santa Fe Railway Company – Abandonment Exemption – in  
Seattle, King County, WA**

### **BACKGROUND**

In this proceeding, the Burlington Northern and Santa Fe Railway Company (BNSF) filed a notice of exemption under 49 CFR 1152 in connection with the abandonment of a line of railroad in King County, Washington. The line to be abandoned extends 336 feet from Engineering Station 87 + 62 to Engineering Station 84 + 26 in Seattle. A map depicting the rail 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**

The line is located within the city of Seattle, and BNSF states that the entire area is an urban development area. According to BNSF, the land adjacent to the right-of-way on the south side of the line is light industrial in nature. On the north side of the line is Interstate 5, a major north-south freeway. BNSF states that the line is 30 feet in width.

According to BNSF, no local traffic has moved over the line for at least two years and there is no overhead traffic to be rerouted. BNSF states that the right-of-way may be suitable for a light rail corridor following abandonment.

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

The Natural Resources Conservation Service has submitted comments stating that the proposed abandonment would have no effect on any prime agricultural farmlands.

The Washington Department of Ecology has submitted comments stating that the proposed abandonment does not require Coastal Zone Management review under Washington's Coastal Zone Management Program.

The U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office (FWS) submitted comments stating that several Federally listed threatened and endangered species, species proposed for listing, candidate species, and species of concern exist within King County. The following listed species occur in the county: wintering bald eagles (*Haliaeetus leucocephalus*) with wintering activities from October 31 through March 31 and nesting activities from January 1 through August 15; bull trout (*Salvelinus confluentus*); marbled murrelets (*Brachyramphus marmoratus*) with nesting activities from April 1 through September 15; and northern spotted owls (*Strix occidentalis caurina*). There are five bald eagle winter communal night roosts in the county, two bald eagle winter concentration areas along the Skykomish-Beckler-Tye Rivers and Foss River, and 38 bald eagle nesting territories in the county.

The following listed species may occur in the county: Canada lynx (*Lynx canadensis*); gray wolves (*Canis lupus*); grizzly bears (*Ursus arctos* = *U. a. horribilis*); marsh sandwort (*Arenaria paludicola*); and golden paintbrush (*Castilleja levisecta*).

FWS also stated that critical habitat for the northern spotted owl and for the marbled murrelet has been designated in King County. FWS recommended that the Washington Department of Fish and Wildlife (DFW) and the Washington Department of Natural Resources be contacted for site-specific species information.

DFW submitted information indicating that the state threatened bald eagle is located in the vicinity of the proposed abandonment. DFW submitted comments stating that any abandoned rail ties or other creosote-treated wood products should be removed from the area and disposed of at an approved upland disposal site to avoid toxicity effects to fish and wildlife.

The Washington Department of Ecology has submitted comments stating that the proposed abandonment would not require permit coverage because the proposed abandonment would disturb less than five acres of land. The Seattle Department of Planning and Development submitted comments stating that the proposed abandonment would be outside the 500-year floodplain.

## **HISTORIC REVIEW**

BNSF submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. BNSF served the report on the Washington Office of

Archeology and Historic Preservation (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties would be affected by the proposed abandonment. 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 of Historic Places. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the BNSF's historic report, all relevant correspondence, and this environmental assessment, which have been provided to the SHPO and made available to the public.

### **CONDITIONS**

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

1. Prior to beginning salvage activities, the Burlington Northern and Santa Fe Railway Company shall consult with the U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office to evaluate potential impacts to the Federally listed threatened and endangered species which may occur in the vicinity of the line proposed for abandonment.
2. Prior to beginning salvage activities, the Burlington Northern and Santa Fe Railway Company shall consult with the Washington Department of Fish and Wildlife regarding the removal and disposal of rail ties or other creosote-treated wood products and to evaluate potential impacts to the state threatened species which may occur in the vicinity of the line proposed for abandonment.

### **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 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.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-6 (Sub-No. 407X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at [ghoshr@stb.dot.gov](mailto:ghoshr@stb.dot.gov).

Date made available to the public: **March 1, 2004.**

**Comment due date: March 15, 2004.**

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

Vernon A. Williams  
Secretary

Attachment

AB-6 (SUB-NO. 407X)

# SEATTLE, WA TRACKAGE

## SEATTLE

ENGINEERING STATION 87 + 62  
ENGINEERING STATION 84 + 26

NORTH

