



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

August 28, 2008

Mr. Rick Donaldson
U.S. Fish & Wildlife Service
11103 East Montgomery Drive
Spokane Valley, WA 99206-4779

Re: **Request for Project-Related Information and Consultation**
STB Finance Docket No. 34936, Northern Columbia Basin Railroad Project in Moses Lake, Washington – Grant County, Washington, Endangered Species Act Section 7 Consultation

Dear Mr. Donaldson:

The Surface Transportation Board (Board) and the Washington State Department of Transportation (WSDOT) are serving as co-lead agencies for the environmental review of a proposed rail line construction project called the Northern Columbia Basin Railroad (NCBR) Project. The Board is an independent agency housed within the U.S. Department of Transportation that has jurisdiction over rail line construction and operation. **Pursuant to Section 7 of the Endangered Species Act, 16 U.S.C. 1536, we are writing to request the U.S. Fish and Wildlife Service's (USFWS) concurrence with our determination that the proposed construction and operation of rail line segments, as well as the alternatives, are not likely to adversely affect Federally listed threatened or endangered species or designated critical habitat.**

The Proposed Northern Columbia Basin Railroad Project

The Port of Moses Lake (Port) and the Columbia Basin Railroad Company (CBRW) are seeking authority from the Board for the Port to construct and for CBRW to operate rail line segments in Grant County, Washington. The purpose of the proposed NCBR Project is to provide rail service to lands designated for industrial development in the northern part of the City of Moses Lake as well as the Grant County International Airport (GCIA), enhance opportunities for economic development, and attract new rail-dependent businesses to those areas. The three components of the proposed project include:

- Segment 1 – Construction of an approximately 4.5-mile rail line between the area known as Wheeler and Parker Horn (a water body and an arm of Moses Lake).
- Segment 2 - Construction of an approximately 3-mile rail line that would connect the existing CBRW rail line to the east side of the GCIA.

- Segment 3 - Rehabilitation of the three miles of existing CBRW rail line between the area known as Parker Horn and the GCIA.

Environmental Review Process

The Section of Environmental Analysis (SEA) is the office within the Board that is responsible for conducting the environmental review process pursuant to the National Environmental Policy Act. Based on the attached assessment of the proposed project and project area, as well as our own independent review, SEA has determined that the proposed project would have no adverse effect on Federally listed threatened or endangered species or designated critical habitat.

I would appreciate your comments concerning this determination within 30 days of receipt of this letter. The Board contact for this proposed project is Christa Dean, Attorney and Project Manager, who may be reached at (202) 245-0299 or christa.dean@stb.dot.gov. The WSDOT contact for this proposed project is Elizabeth Phinney, Rail Environmental Manager, who may be reached at (360) 705-7902 or phinnee@wsdot.wa.gov. If you have any questions or require additional information regarding this proceeding, please do not hesitate to contact Christa Dean or Elizabeth Phinney.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Attachment

cc: Elizabeth Phinney, WSDOT
Martha Wiley, HDR

E1-9861



**Washington State
Department of Transportation**
Paula J. Hammond, P.E.
Secretary of Transportation

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August 21, 2008

Christa Dean
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, Room 1108
Washington, DC 20423-0001

Subject: STB Finance Docket No. 34936, No Effect Letter, Northern Columbia Basin Railroad Project, Moses Lake, Washington

Dear Ms. Dean:

The Surface Transportation Board (Board) and the Washington State Department of Transportation are serving as co-lead agencies for the environmental review of a proposed rail line construction project called the Northern Columbia Basin Railroad Project. The Port of Moses Lake (Port) and the Columbia Basin Railroad (CBRW) are seeking authority from the Board for the Port to construct 7.5 miles of rail line and acquire 3 miles of existing rail line, and for the CBRW to operate all 10.5 miles of the rail line. This assessment has been prepared to describe potential project effects on species listed as threatened and endangered under the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. §1531 et seq.).

Project Description

The proposed project is located in Grant County, Washington, primarily within the City of Moses Lake. The proposed alignment would extend from the community of Wheeler on the east to Grant County International Airport (GCIA) on the west (Vicinity Map, Exhibit 1.3). The project corridor is located in T19N R28E Sections 3, 4, 10, 11, 13, and 14; T19N R29E Sections 19 and 20; and T20N R28E Sections 22, 27, 33, and 34.

The proposed project includes the construction and operation of rail lines that would provide rail service to lands designated for industrial development in northern Moses Lake and the GCIA, as well as to enhance opportunities for economic development and attract new rail-dependent businesses to the area. The proposed project consists of three components, two of which would require the construction of new rail line segments. The third component is an existing rail line that would be upgraded and rehabilitated. If the proposed project were constructed, rail traffic on the proposed line would increase with demand, but would not be expected to exceed two trips per day (one round trip) for the foreseeable future.

The proposed project includes the following:

- Segment 1 - Construction of an approximately 4.5-mile rail line that would allow trains to bypass downtown Moses Lake and would provide access to the industrial areas along Wheeler Road (Road 3 NE);
- Segment 2 - Construction of an approximately 3-mile rail line that would connect the existing Columbia Basin Railroad (CBRW) line to the east side of the GCIA; and
- Segment 3 - Rehabilitation of the 3.0 miles of existing CBRW rail line between Parker Horn (an arm of Moses Lake) and the GCIA.

Segment 1

Exhibit 2.1, Sheet 1 illustrates the location of Segment 1, which would consist of approximately 4.5 miles of new track. Beginning on the east, Segment 1 would connect to an existing industrial track that currently serves Central Leasing at an old sugar processing plant south of Wheeler Road (Road 3 NE). This industrial track is connected to CBRW's main line at Wheeler.

The proposed rail line would diverge south and head west, parallel to and about 620 feet south of Wheeler Road (Road 3 NE). The line would proceed west through land currently used for agricultural purposes (although zoned for development with industrial uses) and cross Road L, then swing to the northwest and cross Wheeler Road (Road 3 NE).

Across Wheeler Road (Road 3 NE), the Segment 1 track would cross additional land zoned for industrial uses but currently used for agricultural purposes, before turning north and then west again to cross Road K just south of Road 4 NE (Cherokee Road). The line would sweep to the south and then again to the west and come parallel to and just north of State Route (SR) 17. The track would cross Parker Horn north of the SR 17 bridge, and then swing slightly to the north and connect to the southeast end of Segment 3. Maximum grade for the entire segment would be 1.7 percent.

Segment 1A (Alternative crossing of Parker Horn)

Because of the sensitive wetland habitat in and around Parker Horn, the project team developed an alternative to crossing this water body. The alternative crossing, known as Segment 1A (shown on Exhibit 2.1, Sheet 1), would diverge from Segment 1 at Reference Point (RP) 3.8, then continue west, south of Road 4 NE (Cherokee Road), crossing Parker Horn about 1,000 feet farther to the north than Segment 1. This alternative, approximately the same length as Segment 1, would descend more directly from the bluff, minimizing intrusion into wetland areas and crossing Parker Horn at the

mouth of Crab Creek, parallel to Road 4 NE (Cherokee Road). Maximum grade for Segment 1A would be 1.7 percent.

Segment 2

The construction of Segment 2, which would consist of approximately three miles of new track, would begin at a turnout^[1] installed at the north end of Segment 3 (the existing rail line). The line would turn and cross Forbes Road, then initially proceed due east. The line would swing to the northeast and then cross Randolph Road about 3,700 feet east of the intersection of Randolph Road and 22nd Street. The line would generally follow Randolph Road as it swings to the north around the east side of the GCIA. Just south of Tyndall Road, Segment 2 would head northwest, diverge away from Randolph Road, and run west of Moses Lake Industries. At that point, the line would generally run north and slightly east, parallel to Randolph Road, before terminating about 6,000 feet from the Tyndall Road crossing. Exhibit 2.1, Sheet 3 illustrates the location of Segment 2. Maximum grade for the segment would be 1.7 percent.

Segment 2A

An alternative alignment for the north end of Segment 2 is being considered to provide access to the east side of the GCIA industrial area, as shown on Exhibit 2.1, Sheet 3. This alternative is approximately 0.5 miles longer than Segment 2 and would re-cross Randolph Road about 700 feet north of the intersection of Randolph and Tyndall Roads, then curve to the north and extend about 7,000 feet before terminating. Maximum grade for Segment 2A would be 1.7 percent.

Segment 3

In Segment 3, approximately three miles of the existing CBRW rail line between Parker Horn and the GCIA would be rehabilitated. Exhibit 2.1, Sheet 2 illustrates the location of Segment 3. This track was originally built by the U.S. Department of Defense to access Larson Air Force Base (now GCIA).

Timing

Construction of Segment 1, the eastern third of the project area, would require approximately 12 months. Construction of Segment 2, the western third of the project area (near GCIA), would require approximately eight months. Refurbishment of the existing line in Segment 3, the middle third of the project area, would require approximately six months. Work could occur concurrently or sequentially. The precise

^[1] A turnout is a set of tracks that connect the main line to a siding or rail yard. A turnout allows the train to move on or off the main line.

timing of work has not been determined, except that any in-water work would comply with all applicable regulatory requirements and required mitigation measures.

Equipment

Construction of a new rail line would likely involve a track-laying machine. Rehabilitation of the existing track would primarily consist of replacing rails, ties, and other track materials and upgrading signalized road crossings without changing the existing alignment or general profile. Project work would also include utility relocation, mainly near road crossings, and crossing signal warning system installation and road work at road crossings. All construction-related ground disturbances, including staging and parking of construction equipment, stockpiling dirt and other materials, grading, and laying of track and crossing signals, would take place within the right-of-way. The right-of-way extends 100 feet on each side of the proposed tracks except at the west end of Segment 1, where it would be widened to 120 feet.

Parker Horn Crossings

Segment 1 would cross Parker Horn about 150 feet north of the existing SR 17 bridge, and then swing slightly more to the north and connect to the southeast end of Segment 3. In Segment 1, the bridge over Parker Horn would be 16 feet wide and a total of 865 feet long, with 21 spans of 35 or 45 feet in length. Of the 21 spans, 19 would be located over the floodplain. Stormwater falling on the bridge would be collected within the bridge; it would not be allowed to run off the bridge and would not flow directly into Parker Horn.

Segment 1A was proposed in part to reduce the impacts associated with the bridge length, the number of piers in the floodplain, and water/wetland impacts resulting from Segment 1. The line for Segment 1A would descend more directly from the bluff, minimizing intrusion into wetland areas, and would cross Parker Horn at the mouth of Crab Creek at RP 4A, about 1,000 feet north of SR 17. Although the same width (16 feet), the bridge for Segment 1A is considerably shorter than for Segment 1: 475 feet long rather than 865 feet. For Segment 1A, there would be 11 total spans 45 or 35 feet in length, with ten piers in the floodplain. Only four of those are in the active channel of Crab Creek. As with the bridge in Segment 1, stormwater falling on the bridge in Segment 1A would be collected within the bridge and conveyed to treatment facilities (ditches) on either side of Crab Creek.

For both bridges, work would need to be conducted in the water of Parker Horn or Crab Creek; this would include placing fill and constructing bridge piers, foundations, and abutments. The bridges would meet hydrologic flow requirements.

Compared to the Segment 1A alternative, greater impacts to fish and wildlife and their habitat would be associated with the Segment 1 alternative, which is here evaluated as the proposed action.

Fish, Wildlife, and Vegetation

As of May 27, 2008, the U.S. Fish and Wildlife Service (USFWS) has indicated the presence of the following ESA-listed species within Grant County: Columbia River distinct population segment (DPS) of bull trout (*Salvelinus confluentus*), Columbia Basin DPS pygmy rabbit (*Brachylagus idahoensis*), and Ute ladies'-tresses (*Spiranthes diluvialis*). Critical habitat has been designated for bull trout but does not occur in Grant County except within the mainstem Columbia River, almost 30 miles west of the project area. No ESA-listed species under National Marine Fisheries Service (NMFS) jurisdiction, nor essential fish habitat (EFH) potentially occurs within five miles of the project area; the only NMFS jurisdictional species occurring in Grant County are the upper Columbia spring-run Chinook salmon evolutionarily significant unit (ESU) and the upper Columbia steelhead ESU, and EFH for these species in Grant County is restricted to waters accessible to anadromous¹ fish.

The potential presence of ESA-listed species in the project area was further explored through the review of Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species (PHS) data, published WDFW stock reports, the StreamNet database (www.streamnet.org), the Washington Department of Natural Resources Natural Heritage Program database, the University of Washington Herbarium collections, an interview with the WDFW area habitat biologist, review of aerial photographs, and review of published literature. Direct observations of the accessible portions of the project area were recorded by project biologists during field visits on July 19 and 20, 2007. The study area examined during the field survey included all areas within 200 feet of the proposed rail corridor, as well as aquatic and riparian areas within 0.5 miles of the Segment 1 and Segment 1A crossings of Parker Horn.

For terrestrial areas, the action area is determined by identifying how far elevated noise levels from project activities would likely travel. The loudest noise associated with construction or operation would be that produced by the track-laying machine, which would produce a sound intensity of approximately 90 dBA at 50 feet. Ambient noise levels in the project area are variable, but the quietest (agricultural) portions of the project area likely experience daytime sound levels of approximately 45 dBA. Therefore, the terrestrial action area would extend approximately 1.5 miles beyond the proposed alignment. In the aquatic environment, the action area is determined by the potential extent of impacts from turbidity and from contamination associated with accidental materials spills related to in-water work. This impact would potentially affect areas within 0.5 mile (2,640 feet) of either of the two potential project alignment crossings of Parker Horn, shown on the enclosed Exhibit 2.1, Sheet 1.

¹ Fish that migrate fish from salt water to fresh water for the purpose of reproduction.

The most common vegetation types in the action area are row crops of corn, wheat, and peas. The second most common type of vegetation consists of disused field and range areas, where the vegetation is dominated by nonnative weed species such as cheat grass (*Bromus tectorum*), tumbleweed (*Salsola* spp.), and rabbitbrush (*Chrysothamnus nauseosum*). Moist site vegetation, such as wetland and riparian vegetation, occurs in small, scattered areas along Segment 1, as shown on the enclosed Exhibit 2.1, Sheet 1. Vegetation surrounding irrigation ditches is generally not overhanging and consists of native *Equisetum* spp. and nonnative, invasive plants. The cattle-grazed wetland east of Parker Horn contains Russian olive (*Elaeagnus angustifolia*), Siberian elm (*Ulmus pumila*), and weeping willow (*Salix babylonica*) trees. The distribution of vegetation types is shown on the enclosed Exhibit 2.1.

No federally-listed threatened or endangered aquatic species occur in Moses Lake, Parker Horn, Crab Creek, or the irrigation and wasteway canals in the action area^{2, 3}. NMFS has identified O'Sullivan Dam at the downstream end of the Potholes Reservoir as the upstream limit of anadromy⁴ in the system. Therefore, the proposed project would have *no effect* on the upper Columbia spring-run Chinook salmon ESU or the upper Columbia steelhead ESU. The nearest occurrence of the Columbia River DPS of bull trout is in the Columbia River, approximately 30 miles from the action area. No bull trout occur in the action area. Therefore, the proposed project would have *no effect* on the Columbia River DPS of bull trout.

The Columbia Basin DPS pygmy rabbit is only known to occur in southern Douglas and northern Grant counties, with the closest described occurrence of the species approximately 20 miles from the action area. Pygmy rabbits require areas of tall, dense big sagebrush cover to provide food and shelter and relatively deep, loose soils that allow burrowing⁵. The action area does not contain suitable habitat for the pygmy rabbit. Therefore, the proposed project would have *no effect* on the Columbia Basin DPS of the pygmy rabbit.

The nearest known occurrence of Ute ladies'-tresses is in northern Douglas County. Ute ladies'-tresses is a perennial orchid that occurs in habitats that remain moist throughout the growing season and have low vegetation cover. It is restricted to temporarily

² Korth, Jeff. District Fish Biologist, Washington State Department of Fish and Wildlife, Ephrata, WA. Personal communication (phone call), September 18, 2007.

³ Washington Department of Fish and Wildlife. August 24, 2007. *Priority Habitat and Species Maps and Polygon Reports for Townships T20R28E, T19R28E, and T19R29E* (database output received in electronic form).

⁴ Migration of fish from salt water to fresh water for the purpose of reproduction.

⁵ United States Fish and Wildlife Service (USFWS). 2007. *Draft Recovery Plan for the Columbia Basin Distinct Population Segment of the Pygmy Rabbit (Brachylagus idahoensis)*. Portland, OR.

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inundated wet meadow zones. Ute ladies'-tresses were not observed during project surveys, which occurred during the flowering season. The species has never been documented in the action area. Suitable habitat for this species, stratified gravels of abandoned river or stream channels, does not occur in the action area. Therefore, the proposed project would have *no effect* on Ute ladies'-tresses

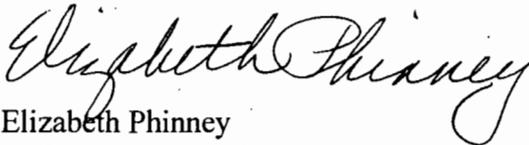
In compliance with the Magnuson-Stevens Fishery Conservation and Management Act, essential fish habitat (EFH) was assessed for the proposed project. No EFH occurs in the action area for the project. Therefore, the proposed project would have *no adverse effect* on EFH.

Conclusion

Based on the above-described field surveys and research, we conclude that the proposed rail line construction and operation would have no effect on ESA-listed threatened or endangered species or designated critical habitat, and would have no adverse effect on EFH. We are sending you this copy of our assessment for your files. We will continue to remain aware of any changes in the status of ESA-listed species in the action area and will be prepared to reevaluate potential project impacts if necessary.

Please call Chris Earle, project biologist, 360-357-4400, if you require additional information or if you have any questions about this project.

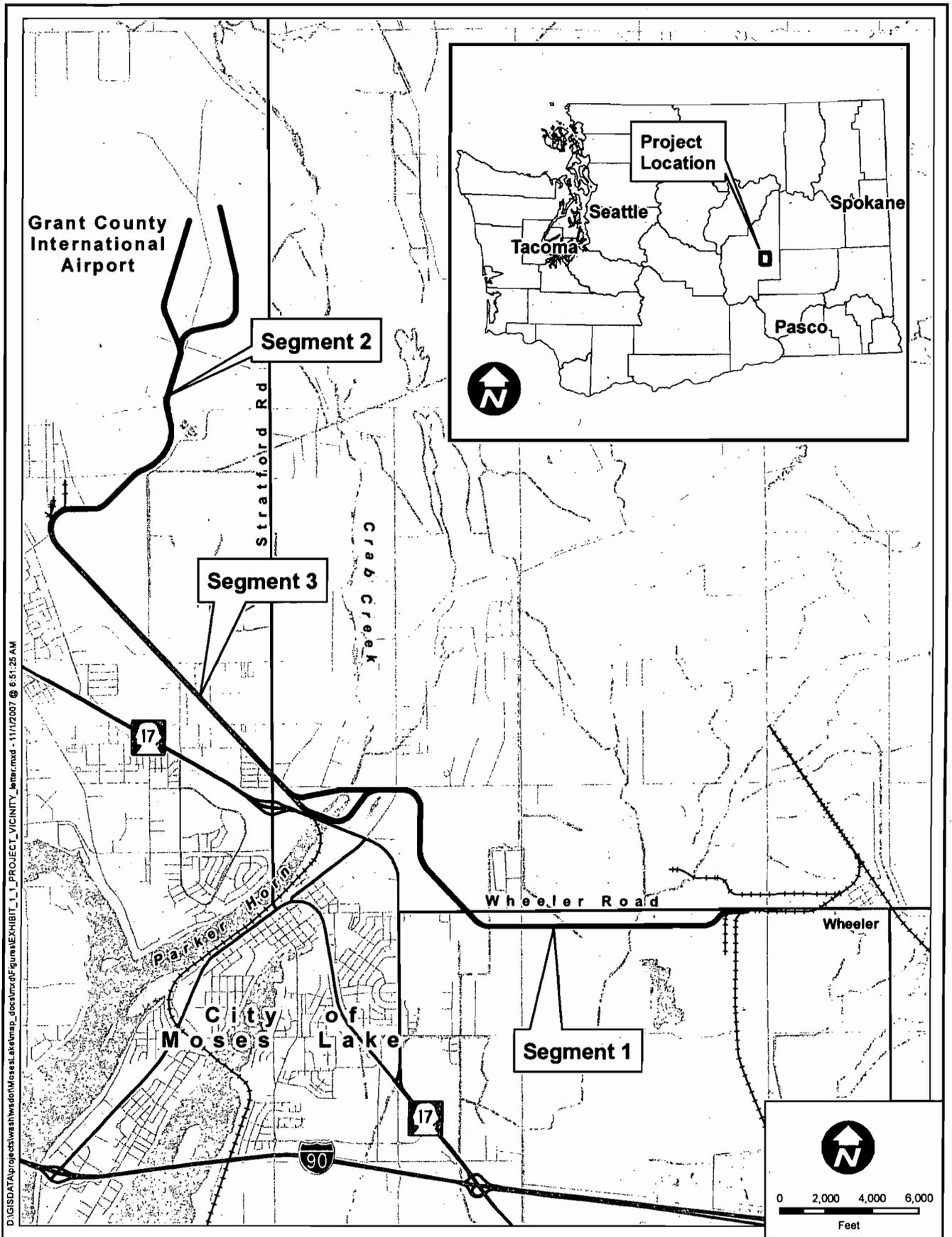
Sincerely,



Elizabeth Phinney
Rail Environmental Manager
State Rail Office

Enclosures:

- Exhibit 1.3 Project Vicinity Map
- Exhibit 2.1 (3 sheets) Site Map
- USFWS species list for Grant County, Washington



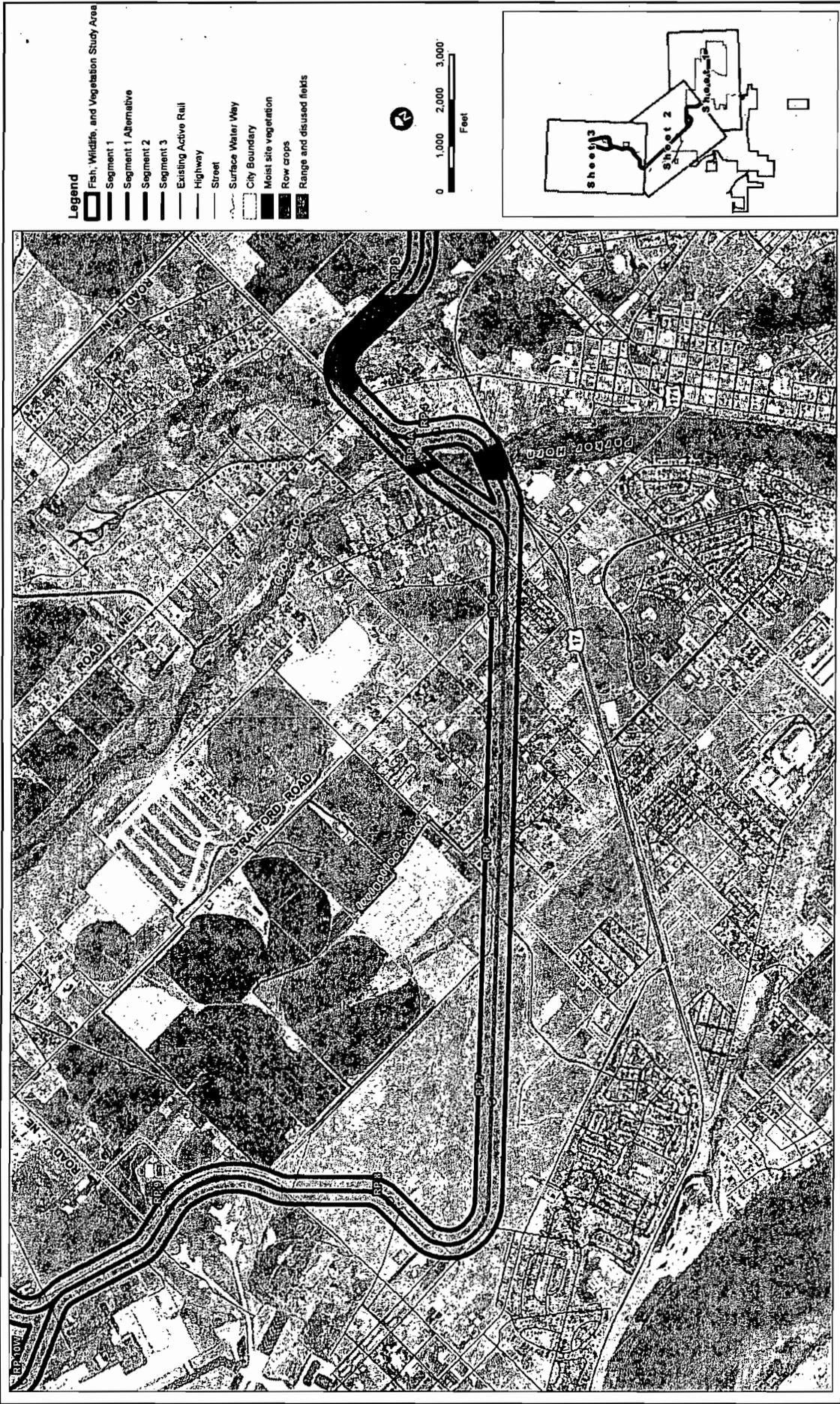
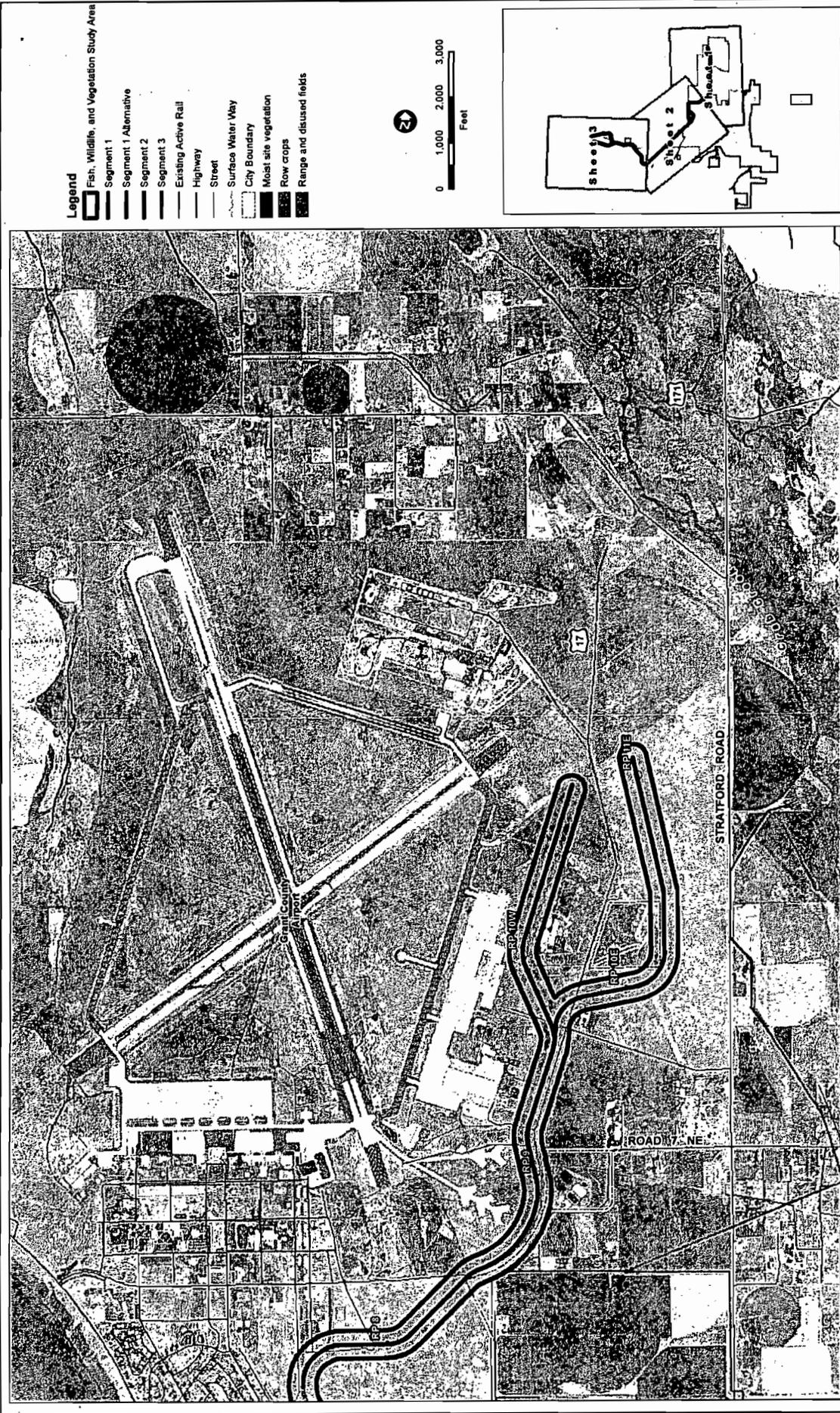


Exhibit 2.1 - Sheet 2

Northern Columbia Basin Railroad | Moses Lake Project



- Legend**
- Fish, Wildlife, and Vegetation Study Area
 - Segment 1
 - Segment 2
 - Segment 3
 - Existing Active Rail
 - Highway
 - Street
 - Surface Water Way
 - City Boundary
 - Most site vegetation
 - Row crops
 - Range and disused fields

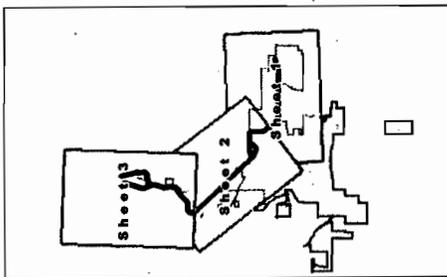
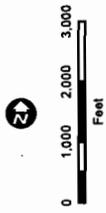


Exhibit 2.1 - Sheet 3

Northern Columbia Basin Railroad | Moses Lake Project

GRANT COUNTY

Updated 4/15/2008

LISTED

Endangered

Pygmy rabbit (*Brachylagus idahoensis*) – Columbia Basin distinct population segment

Threatened

Bull trout (*Salvelinus confluentus*) – Columbia River distinct population segment

Spiranthes diluvialis (Ute ladies'-tresses), plant

CANDIDATE

Greater sage grouse (*Centrocercus urophasianus*) – Columbia Basin distinct population segment

Washington ground squirrel (*Spermophilus washingtoni*)

Artemisia campestris ssp. *borealis* var. *wormskioldii* (Northern wormwood), plant

SPECIES OF CONCERN

Animals

Bald eagle (*Haliaeetus leucocephalus*) (delisted, monitor status)

Burrowing owl (*Athene cunicularia*)

California floater (*Anodonta californiensis*), mussel

Columbian sharp-tailed grouse (*Tympanuchus phasianellus columbianus*)

Ferruginous hawk (*Buteo regalis*)

Giant Columbia spire snail (*Fluminicola columbiana*)

Kincaid meadow vole (*Microtus pennsylvanicus kincaidi*)

Loggerhead shrike (*Lanius ludovicianus*)

Long-eared myotis (*Myotis evotis*)

Northern goshawk (*Accipiter gentilis*)

Northern leopard frog (*Rana pipiens*)

Pacific lamprey (*Lampetra tridentata*)

Pallid Townsend's big-eared bat (*Corynorhinus townsendii pallescens*)

Redband trout (*Oncorhynchus mykiss*)

River lamprey (*Lampetra ayresi*)

Sagebrush lizard (*Sceloporus graciosus*)

Western brook lamprey (*Lampetra richardsoni*)

Vascular Plants

Cryptantha leucophaea (Gray cryptantha)

Erigeron basalticus (Basalt daisy)

Lomatium tuberosum (Hoover's desert-parsley)

Oxytropis campestris var. *wanapum* (Wanapum crazyweed)