

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1316X

GNP RLY, INC. - Abandonment Exemption – in King County, Wash.

BACKGROUND

In this proceeding, GNP RLY, Inc. (GNP) filed a notice of exemption under 49 C.F.R. § 1152.50 seeking exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon a line of railroad in Woodinville, King County, Washington. The segment of rail line to be abandoned extends 2.38 miles between mileposts 23.8 and 26.38 in Woodinville, including a spur that extends approximately 3,100 feet into the City of Bothell, Washington (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If the notice becomes effective, the railroad 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, known as the Woodinville Segment, consists of two transfer tracks between 131st Ave NE and NE 178th Place, one spur, and three bridges (North Sammamish River Bridge (ca. 1914), South Sammamish River Bridge (ca. 1914), and Rail Overcrossing 202/33 (ca. 1963)). The right-of-way crosses through a flat commercial and light industrial section of Woodinville and varies between 50 and 100 feet in width.

The Line was constructed circa 1888 as part of the Seattle Lake Shore & Eastern Railway Company's (SLS&E) north division. Northern Pacific acquired a majority interest in SLS&E in 1889 and began renting the Line, and in 1892, SLS&E's operations were consolidated with Northern Pacific's. In 1896, SLS&E entered foreclosure and the company's holdings were split between two companies. The newly formed Seattle & International Railway Company acquired the tracks in western Washington. In 1901, the Seattle & International Railway became the Seattle division of the Northern Pacific. Within 15 years of the acquisition, Northern Pacific made improvements to the Line, including the construction of the two c. 1914 bridges. Northern Pacific continued operating the Line through the mid-20th century and by 1995 had merged with several other railroads to form the Burlington Northern Santa Fe (BNSF). In 2008 the Port of

Seattle purchased the land underlying the Line from BNSF, which retained a rail freight easement which it conveyed to GNP.

GNP now proposes to abandon the out-of-service Line and transfer its property rights in the Line to the City of Woodinville, which would convert the Line to a trail pursuant to 49 C.F.R. § 1152.29. GNP anticipates that the City of Woodinville would salvage the rails, ties and other track materials. The railroad right-of-way, ballast, and culverts would remain in place. The Line includes one steel girder overcrossing of Washington State Route 202, and two historic wooden bridges that carry rail traffic over the Sammamish River. GNP and Woodinville do not propose to conduct any salvage activities on the two Sammamish River bridges as part of the proposed abandonment.

ENVIRONMENTAL REVIEW

GNP submitted a combined environmental and historic report (E&H Report) that concludes the quality of the human environment would not be affected significantly as a result of the proposed abandonment of the Line. GNP served the E&H Report on a number of appropriate federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 C.F.R. § 1105.7(b)]¹ implementing the National Environmental Policy Act. The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to GNP, no local traffic has moved over the Line for at least two years, and there is no overhead traffic to be rerouted. Therefore, the proposed abandonment would not result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network. Nor would the proposed abandonment adversely impact the development, use and transportation of energy resources or recyclable commodities or the transportation of ozone-depleting materials.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-

¹ The E&H Report is available for viewing on the Board's website at <https://stb.gov/> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1316" "0" "X" sequentially in the boxes for "Docket Number," then selecting "Search." The E&H Report was filed on March 18, 2022.

of-way, or, if necessary, via the construction of new access points to the right-of-way. Should the Board authorize the proposed abandonment, GNP intends to remove the tracks and ties but leave in place all of the existing ballast, culverts, and the two bridges over the Sammamish River.

GNP requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information for Planning and Conservation (IPaC) system.² Three protected threatened or endangered species are located in the area of the proposed abandonment: Marbled Murrelet (*Brachyramphus marmoratus*), the Yellow-billed Cuckoo (*Coccyzus americanus*), and the Bull Trout (*Salvelinus confluentus*). According to the IPaC report, there are no critical habitats for these species in the project area. OEA has determined that these federally listed threatened or endangered species would not be affected because of the abandonment's limited scope (i.e., no surface disturbance, no waterway disturbance). OEA is providing USFWS (Ecological Services Field Office, Pacific Region) a copy of this EA for its review.

GNP requested comments from the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) regarding potential impacts to prime farmland and soils. On August 18, 2021, NRCS commented that it had concerns about potential impacts to hydrology and prime agricultural soils that could be caused by changes or removal of fill. However, NRCS noted that because the proposed abandonment would not result in the removal of any railroad bed material, there should be few impacts. OEA has concluded that because the proposed abandonment would involve only the salvage of rails and ties and not the removal of roadbed, it would have no impacts to Prime Farmland soils or Soils of Statewide Importance. Accordingly, no mitigation related to agricultural land is necessary or recommended.

GNP requested comments from the National Geodetic Survey (NGS) regarding the potential for geodetic survey markers in the project area. On August 5, 2021, NGS provided comments stating that there are no markers within or adjacent to the rail line right-of-way proposed for abandonment. Therefore, no further consultation with NGS is recommended.

The proposed abandonment is located within a Coastal Zone. GNP requested comments from the Federal Consistency Coordinator at the Washington Department of Ecology (Ecology), Coastal Zone Management Project, regarding the proposed abandonment. On July 26, 2021, Ecology responded that no further action is required for Coastal Zone Management federal consistency review. Therefore, no further consultation with Ecology is required.

² USFWS Information for Planning and Conservation (IPaC) search conducted on April 4, 2023 (<https://ecos.fws.gov/ipac/>).

The E&H Report was submitted to the U.S. Environmental Protection Agency, Region 10 (USEPA) and the U.S. Army Corps of Engineers, Seattle District (USACE) for comments on potential permitting requirements under Sections 402 and 404 of the Clean Water Act (CWA) (33 U.S.C. §§ 1342 and 1344), respectively. To date, OEA has not received a response from USEPA. USACE submitted comments on July 21, 2021, noting no action by the USACE would be required for the proposed work. OEA does not anticipate the need for permits under the CWA because GNP does not intend to disturb any roadbed underlying the Line, or do any work in waters of the U.S. OEA is providing a copy of this Draft EA to USEPA and USACE for their review.

Because GNP does not intend to disturb any roadbed underlying the Line, or remove or alter any bridges crossing waterways, and because of the limited scope of salvage activities in general, OEA has concluded that there would be no air, water, or noise emission impacts from the proposed abandonment and any potential impacts that could occur, would be temporary.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to USFWS (Ecological Services Field Office, Pacific Region), USEPA, and USACE for review and comment.

HISTORIC REVIEW

GNP submitted an historic report as required by the Board's environmental rules (49 C.F.R. § 1105.8(a)) and served the report on the Washington Department of Archaeology & Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).³ Prior to that submittal, GNP had undertaken survey and evaluation efforts for cultural resources within the area of the proposed abandonment (i.e., prepared a Historic Resource Inventory) and has been coordinating with the SHPO. In a technical report, GNP recommended three resources as eligible for listing on the National Register of Historic Places (NRHP): the Line from mileposts 23.8 to 26.38; the North Sammamish River Bridge; and the South Sammamish River Bridge. The report also identified one resource not eligible for the

³ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act. Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. § 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found at a link on the bottom of the Board's website overseeing historic preservation at <https://stb.gov/resources/environmental/historic-preservation-overview>.

NRHP, Rail Overcrossing 202/33. OEA reviewed these recommended findings from GNP and determined that the Line, the North Sammamish River Bridge, and the South Sammamish River Bridge are eligible for the NRHP, while Rail Overcrossing 202/33 is not eligible. GNP submitted the technical report and finding to the SHPO and in a letter dated August 4, 2021, the SHPO issued their eligibility determination, consistent with those recommended in GNP's technical report.

The SHPO's August 4, 2021 letter also stated that the proposed abandonment would result in an adverse effect to historic properties. GNP then provided the SHPO with additional information to clarify some elements of the proposed abandonment, and the SHPO responded in a letter dated November 29, 2021, that the proposed abandonment would not adversely affect NRHP historic properties within the right-of-way (the Area of Potential Effect or APE) of the proposed abandonment if GNP agrees to the following conditions: 1) to retain the original corridor alignment; 2) to retain rail materials on the existing North and South Sammamish River Bridges; and 3) to develop an interpretive plan for the Line.

Because railroad rights-of-way are private property and the Board's jurisdiction ends with consummation of the abandonment, the Board has no role in any potential post-abandonment uses of the rail right-of-way. Thus, OEA can not recommend, and the Board can not impose, post-abandonment conditions such as those suggested by the SHPO. However, in a letter to OEA dated April 6, 2022, GNP confirmed that it would comply with the SHPO's three conditions voluntarily. Therefore, the SHPO's conditions for a No Adverse Effect finding would be satisfied.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.5(b), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not adversely affect historic properties listed in or eligible for listing in the NRHP. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's historic report, the technical documentation provided to the SHPO, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at www.stb.gov.

As part of the Section 106 process, GNP also reached out to the chairs and cultural resource directors of three Indian Tribes with historic roots in the project area. The Tulalip Tribes and Muckleshoot Indian Tribe did not respond. In a letter to GNP dated July 14, 2021, the Snoqualmie Tribe recommended implementation of an Inadvertent Discovery Plan to ensure protection of any tribal cultural resources that may be discovered during salvage. Accordingly, OEA recommends that an unanticipated discoveries condition be imposed on any decision granting abandonment authority.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development's Tribal Directory Assessment Tool (TDAT) to identify federally recognized Tribes that may have ancestral connections to the project area.⁴ The database indicated that the following federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way (the APE) of the proposed abandonment: the Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, the Muckleshoot Indian Tribe, the Puyallup Tribe of the Puyallup Reservation, the Snoqualmie Indian Tribe, the Stillaguamish Tribe of Indians of Washington, and the Suquamish Indian Tribe of the Port Madison Reservation. Accordingly, OEA is sending a copy of this Draft EA to these Tribes for review and comment.

CONDITIONS

OEA recommends that the following condition be imposed on any decision granting abandonment authority:⁵

1. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad's abandonment-related salvage activities, GNP RLY, Inc. (GNP) shall immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally recognized tribes, and the Washington Department of Archeology & Historic Preservation (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally recognized tribes, GNP, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

⁴ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed April 4, 2023).

⁵ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions are not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

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 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁶

TRAIL 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 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁷

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://stb.gov>. To submit a comment on the Draft

⁶ Board decisions are available for viewing on the Board's website at <https://stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1316" "0" "X" sequentially in the boxes for "Docket Number," then selecting "Search."

⁷ Id.

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EA, select “File an Environmental Comment” under “Need Assistance?” on the Board’s home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Alan Tabachnick by email at alan.tabachnick@stb.gov or by phone at 202-245-0347.

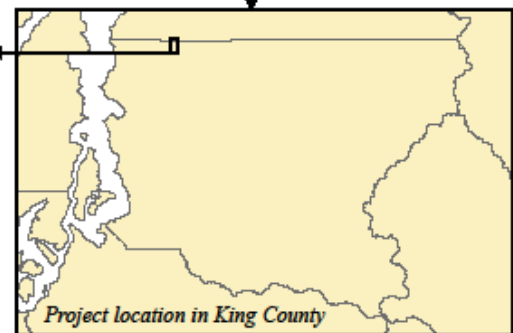
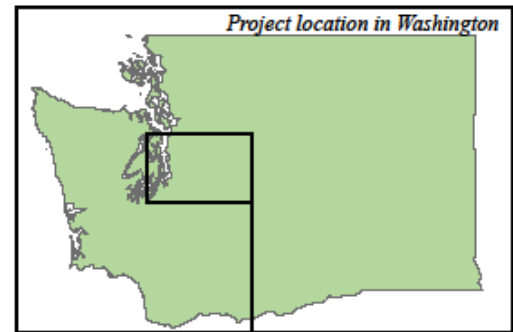
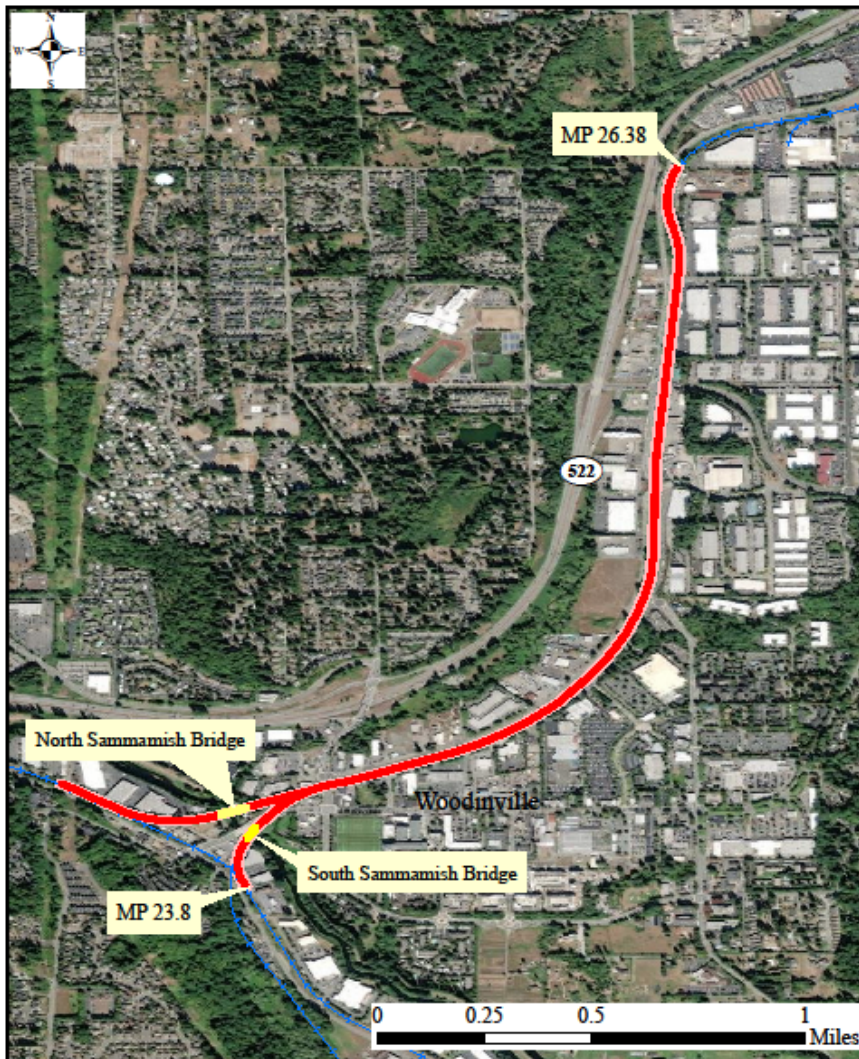
Date made available to the public: April 25, 2023.

Comment due date: May 10, 2023.

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.

Attachment

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GNP RLY, Inc.
Abandonment Exemption
In King County, Washington



Yellow line: Bridges Pink line: Right-of-way (approximate)
Red line: The Line Blue line: Other rail lines

Note: Maps produced by the Surface Transportation Board's Office of Environmental Analysis are based on information provided by the railroad applicant and are for general reference purposes only.