

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**DRAFT ENVIRONMENTAL ASSESSMENT**

**Docket No. AB 1331**

**Snohomish County – Adverse Abandonment – GNP RLY, Inc.,  
in Snohomish County, Wash.**

**BACKGROUND**

In this proceeding, Snohomish County (the County) filed an application for third-party or “adverse” abandonment of a freight rail easement over approximately 11.9-miles of rail line owned by GNP RLY, Inc. (GNP), and located between milepost 26.38 and milepost 38.25, in Snohomish County, Wash. (the Line or the Snohomish Segment). Through previous transactions, GNP acquired a freight rail easement while the County owns the physical assets of the Snohomish Segment. A map depicting the Line in relation to the area served is appended to this Draft Environmental Assessment (Draft EA).

The County states that it does not intend to conduct salvage or dispose of the right-of-way and that the purpose of the proposed abandonment is to allow for the conversion of the Line into a trail through the interim trail use/railbanking process. The County states that it intends to file a request for a Certificate of Interim Trail Use (CITU) pursuant to 16 U.S.C. § 1247(d) (Trails Act) and 49 C.F.R. § 1152.29 and that GNP and the County have reached a preliminary railbanking agreement.

**DESCRIPTION OF THE LINE**

As noted above, the Line is approximately 11.9-miles and runs between milepost 26.38 at the King County-Snohomish County boundary and milepost 38.25 at Commercial Street in the City of Snohomish. The Line is the northernmost portion of the Eastside Rail Corridor, a 14.45-mile rail line running between the City of Snohomish and Woodinville, Washington. According to the County, in 2009, when the Port of Seattle acquired the Eastside Rail Corridor and GNP acquired the corresponding freight rail easement, there was no overhead traffic and local traffic was dropping off. The freight rail easement is subject to a covenant, binding on all successors, requiring the holder of the easement, upon cessation of rail service, either to seek abandonment authority or to cooperate in an adverse abandonment proceeding, and in both cases to cooperate in railbanking the Line. When GNP acquired the easement it entered into an operations and maintenance agreement with the Port of Seattle. The County then purchased the physical assets of the Snohomish Segment from the Port of Seattle, and the City of Woodinville purchased the assets of the segments to the south between milepost 23.8 and milepost 26.38. In 2016, a major shipper left the Line, and there has been no use of the Line since 2020.

In Docket No. AB 1316X, GNP abandoned the segment between milepost 23.8 and milepost 26.38. Subsequently, a railbanking agreement was reached and filed with the Board in 2023. The County believes the Line would, similarly, be suitable for interim trail use/rail banking and intends to develop the Centennial Trail South on the Line. GNP and the County have reached a railbanking agreement, subject to the Board's authorization.

## **ENVIRONMENTAL REVIEW**

The County 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. The County 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)]<sup>1</sup> implementing the National Environmental Policy Act (NEPA). The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

### ***Diversion of Traffic***

According to the County, no local traffic has moved over the Line since 2020, and overhead traffic ended by 2009. 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-of-way, or, if necessary, via the construction of new access points to the right-of-way. As noted above, however, the County does not propose to conduct any salvage activities as part of the proposed abandonment in this proceeding. According to the County, the purpose of the proposed abandonment is to allow for the conversion of the rail right-of-way into a trail.

The Line includes an overcrossing of State Route 522, a bridge over the Snohomish River, and six wood trestle bridges. The County sent a consultation letter to the Washington

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<sup>1</sup> The E&H Report is available for viewing on the Board's website at <https://www.stb.gov> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1331" sequentially in the boxes for "Docket Number," then selecting "Search." The E&H Report was filed on August 18, 2023.

State Department of Transportation (WSDOT), Multimodal Planning Division. WSDOT responded with comments concerning fencing of the State Route 522 bridge. OEA does not expect the proposed abandonment to impact transportation infrastructure. However, OEA is recommending a condition requiring the County to coordinate with WSDOT and to abide by the reasonable requirements of WSDOT for any abandonment-related salvage that would impact State Route 522.

The National Geodetic Survey (NGS) sent an email on July 21, 2023 indicating that no geodetic survey markers are present in the area of the proposed abandonment. Therefore, no further consultation with NGS is recommended. The County sent consultation letters to Snohomish County Planning and Development Services Department, City of Snohomish Planning and Development Services Department (City of Snohomish), City of Woodinville Development Services Department (City of Woodinville), the Snohomish County Executive, and the Puget Sound Regional Council (PSRC) regarding the proposed abandonment. The City of Snohomish responded that it does not object to the proposed abandonment and that it plans for a segment of the right-of-way to serve as a public trail through Snohomish City limits. To date, OEA has not received a response from the City of Woodinville, the Snohomish County Executive, or the PSRC.

The County requested comments from the Natural Resources Conservation Service (NRCS) regarding potential impacts of the proposed abandonment on agricultural land, but no response from NRCS has been received to date. Because the County does not propose to conduct any abandonment-related salvage, OEA does not expect that the proposed abandonment would have any impacts on prime or unique farmland. Accordingly, no mitigation related to agricultural land is necessary or recommended. OEA is sending a copy of this Draft EA to NRCS for review.

In the E&H Report, the County identified two sites along the Line where soil contamination may have occurred. The Knoll Lumber site is a petroleum products contamination site that was identified in 1998. Voluntary cleanup occurred there in 1999. The Eastside Rail Spill is an unspecified petroleum products soil contamination site that was identified in February 2020 and remediated in July 2020. The site status was changed to “No Further Action” on July 7, 2020. Because the County does not intend to conduct any abandonment-related salvage that could disturb any contamination site or the rail right-of-way, OEA does not expect the proposed abandonment to result in any impacts related to hazardous waste or hazardous materials.

Based on information provided by the County and OEA’s review of available satellite imagery and maps, the Line crosses surface waters and wetlands. A portion of the Line parallels the Snohomish River. The County provided the E&H Report to the Washington Department of Ecology (Ecology), U.S. Environmental Protection Agency (USEPA), and the Seattle District of the U.S. Army Corps of Engineers (Corps) and requested comments from those agencies

regarding potential impacts on water resources. To date, those agencies have not provided comments. The County states that no salvage will occur on the Line or on the associated bridge or culverts. Therefore, OEA believes that a permit under Section 404 of the Clean Water Act would not be required, and that no waterways, wetlands, or 100-year flood plains would be affected. OEA is providing the Corps a copy of this Draft EA for review.

The Line is within a designated coastal zone.<sup>2</sup> The County notified the Federal Consistency Coordinator at the Washington Department of Ecology, Coastal Zone Management Program regarding the proposed abandonment. To date, no response has been received. To address concerns regarding potential impacts of the proposed abandonment on coastal resources, OEA is recommending mitigation requiring the County to consult with the Washington Coastal Zone Management Program (Washington CZM) and obtain a federal consistency determination, if necessary.

The County 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.<sup>3</sup> The table below shows the federally listed endangered and threatened species known or thought to occur in the County, as identified by OEA's search and further research.

| Federally Listed Species in Project Area                               |                                      |
|------------------------------------------------------------------------|--------------------------------------|
| <b>Mammals</b><br>North American Wolverine ( <i>Gulo gulo luscus</i> ) | <b>Status</b><br>Proposed Threatened |
| <b>Birds</b><br>Marbled Murrelet ( <i>Brachyramphus marmoratus</i> )   | Threatened                           |
| Yellow-billed Cuckoo ( <i>Coccyzus americanus</i> )                    | Threatened                           |
| <b>Reptiles</b><br>Green Sea Turtles ( <i>Chelonia mydas</i> )         | Threatened                           |
| <b>Insects</b><br>Monarch Butterfly ( <i>Danaus plexippus</i> )        | Candidate                            |

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<sup>2</sup> Washington Department of Ecology, Coastal Zone Management <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management> (last accessed Nov. 9, 2023).

<sup>3</sup> USFWS Information for Planning and Conservation (IPaC) search conducted on October 23, 2023 (<https://ecos.fws.gov/ipac/>).

|                                                    |            |
|----------------------------------------------------|------------|
| <b>Fishes</b>                                      |            |
| Bull Trout ( <i>Salvelinus confluentus</i> )       | Threatened |
| Chinook Salmon ( <i>Oncorhynchus tshawytscha</i> ) | Threatened |
| Steelhead Trout ( <i>Oncorhynchus mykiss</i> )     | Threatened |

OEA notes that the Line crosses critical habitat for the Bull Trout.<sup>4</sup> OEA also notes that, because chinook salmon and steelhead trout are anadromous species, their listing under the Endangered Species Act (ESA) is managed by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries). Because salvage activities are not planned as part of the proposed abandonment, OEA concludes that there would be no discharge or changes in waterways. Thus, OEA has determined that the proposed abandonment would have *no effect* on these species or critical habitat. Accordingly, consultation with USFWS under Section 7 of the Endangered Species Act is unnecessary. OEA is sending a copy of this Draft EA to USFWS (Pacific Region 1), NOAA Fisheries, and Washington Department of Fish and Wildlife (WDFW) for review and comment.

Because the County does not propose to conduct any abandonment-related salvage, OEA concludes that the proposed abandonment would not result in any air emissions and would have no impact on air quality. Therefore, no mitigation related to air quality is necessary or recommended. Furthermore, because the County does not propose to conduct any abandonment-related salvage, OEA also concludes that the proposed abandonment would not result in any noise impacts. Therefore, no mitigation related to noise impacts is necessary or recommended.

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 WSDOT, USEPA, NRCS, the Corps, USFWS, NOAA Fisheries, WDFW, Washington Utilities and Transportation Commission, Washington CZM, and the tribes listed below for review and comment.

## **HISTORIC REVIEW**

### *Historical Background*

According to information in the E&H Report, the Snohomish Segment was constructed circa 1888 as part of Seattle Lake Shore & Eastern (SLS&E). In that year, six wood trestle bridges at MP 34.3, 35.9, 37.1, 37.2, 37.4, and 37.5 were also constructed. By July 1889,

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<sup>4</sup> U.S. Fish and Wildlife Service, Environmental Conservation Online System, <https://ecos.fws.gov/ecp/species/8212#crithab> (last accessed October 23, 2023).

Northern Pacific acquired a majority interest in SLS&E and began leasing the line. On May 16, 1896, SLS&E entered foreclosure proceedings and the company's holdings were split between two companies. The newly formed Seattle & International Railway Company acquired the tracks in Western Washington and the Spokane & Seattle Railway received the Eastern Washington tracks. In 1901, the Seattle & International Railway became the Seattle division of the Northern Pacific. Within about 15 years of the acquisition and reorganization, Northern Pacific conducted improvements to the line in the project area, including the construction of two bridges in 1912.

Through a series of mergers, Northern Pacific eventually became part of BNSF Railway Company (BNSF) in 1996. By 2003, the traffic became insufficient to justify continued operations and maintenance and the Puget Sound Regional Council (PSRC) instituted a study to consider preserving the corridor. Portions of the rail corridor south of the Snohomish Segment, between milepost 23.8 and milepost 26.38 were abandoned in Docket No. AB 1316X, and the City of Woodinville and GNP have entered into railbanking agreement covering that segment. That segment is being developed for trail and transit uses and the Snohomish Segment is GNP's only remaining rail line.

The County has entered into a railbanking agreement with GNP, subject to the Board's authorization, which, according to the County, is consistent with the recommendations of PSRC. The County intends to preserve the original rail corridor, and has no plans to remove or alter any bridges. The Snohomish Segment would extend the Centennial Trail south to the Snohomish/King County line.

#### *Section 106 Review*

The County provided the E&H Report to the Washington Department of Archaeology & Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).<sup>5</sup> In its Historic Property Report submitted to the SHPO (via the Washington Information System for Architectural and Archeological Records Data (Wisaard) Online Database), the County recommended that the Snohomish Segment was eligible for the National Register of Historic Places (NRHP), and the SHPO concurred on August 22, 2023. In a letter to OEA on August 23, 2023, the SHPO also noted that the proposed abandonment would have no

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<sup>5</sup> 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 National Historic Preservation Act (NHPA). 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 overiewing historic preservation at <https://prod.stb.gov/resources/environmental/historic-preservation-overview>.

adverse effect on historic properties listed in or eligible for inclusion in the NRHP. However, the SHPO requested the County resume consultation and contact the appropriate tribes in the event of the unanticipated discovery of any archaeological resources during any abandonment-related salvage activities.

Pursuant to 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties listed in or eligible for inclusion in the NRHP. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the County's historic report, 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](http://www.stb.gov).

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 other federally recognized Tribes that may have ancestral connections to the project area.<sup>6</sup> 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 of the proposed abandonment:

- The Confederated Tribes and Bands of the Yakama Nation
- The Confederated Tribes of the Warm Springs Reservation of Oregon
- Muckleshoot Indian Tribe
- Samish Indian Nation
- Sauk-Suiattle Indian Tribe
- Snoqualmie Indian Tribe
- Stillaguamish Tribe of Indians of Washington
- Squaxin Island Tribe
- Suquamish Indian Tribe of the Port Madison Reservation
- Swinomish Indian Tribal Community
- Tulalip Tribes of Washington

OEA is sending a copy of this Draft EA to these tribes for review and comment.

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<sup>6</sup> U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tdat> (last accessed November 14, 2023).

**CONDITIONS**

OEA recommends that the following conditions be imposed on any decision granting abandonment authority:<sup>7</sup>

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, Snohomish County (the County) 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, the County, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.
2. Snohomish County shall consult with the Washington State Department of Transportation (WSDOT), Multimodal Planning Division regarding WSDOT's requirements regarding any abandonment-related activities that would impact State Route 522.
3. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and the Board's environmental regulations at 49 C.F.R. § 1105.9, Snohomish County (the County) shall consult with the Washington Coastal Zone Management Program and obtain state coastal management consistency certification, if necessary. The County may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to OEA and the Board has removed this condition.
4. GNP RLY, Inc. shall cooperate as necessary to facilitate the successful and timely completion of the above conditions.

**CONCLUSIONS**

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

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<sup>7</sup> 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 is 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 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.<sup>8</sup>

### **TRAIL USE**

A request for a CITU 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.<sup>9</sup>

### **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**

OEA encourages interested parties to submit their comments on the Draft EA electronically through the Board's website at <https://www.stb.gov/>. From the Board's home page, select "File an Environmental Comment" below the "Need Assistance?" button. Log-in accounts are not needed to file environmental comments electronically, and brief comments can

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<sup>8</sup> Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records," selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1331" sequentially in the boxes for "Docket Number," then selecting "Search."

<sup>9</sup> Id.

**Docket No. AB 1331**

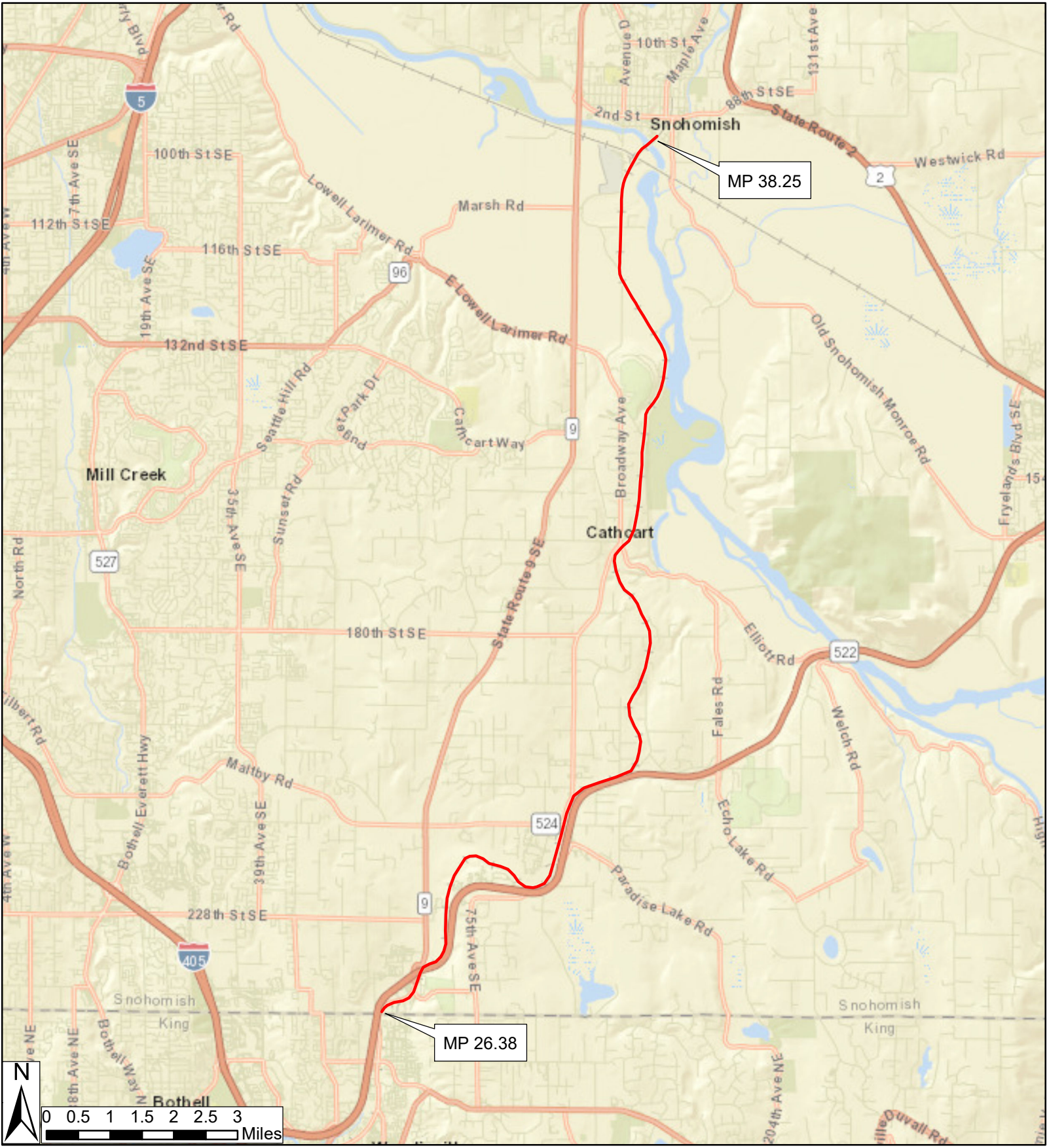
be typed in the comment field, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

Alternatively, comments submitted by mail should be addressed to: Elizabeth Webster, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, Attention: Environmental Filing, Docket No. AB 1331. If you have any questions, please contact Elizabeth Webster by email at [Elizabeth.Webster@stb.gov](mailto:Elizabeth.Webster@stb.gov) or by phone at 202-245-0387.

Date made available to the public: December 1, 2023.

**Comment due date: January 2, 2024.**

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

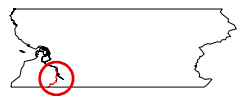


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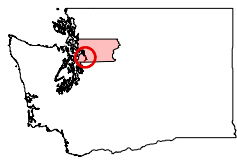
**Legend**

 the Line

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



Snohomish County



Washington