

Assenza, Adam

From: Assenza, Adam
Sent: Thursday, November 01, 2018 6:05 PM
To: 'Allyson Brooks, PhD'
Cc: 'Laura.Shick@dot.gov'; 'Kniss, Valarie (FRA)'; 'katherine.zeringue@dot.gov'; 'Kachadoorian, Lydia (FRA)'; 'matthew.sterner@dahp.wa.gov'; 'Brown, Sandra'; 'jbeckett@thebeckettgroup.org'; Rutson, Vicki; Gosselin, Danielle
Subject: FD 34936 / 041007-02-STB - Determination of Revised Area of Potential Effect
Attachments: 1. 041007-02-STB Determination of Revised APE.pdf; 2. Project Vicinity Map showing 2017 modifications and original APE.pdf; 3. Revised APE Memo from Thompson Hine to the Board.pdf; 4. Combined 2017 2018 APE Map for Segment 2.pdf
Categories: Tribal Correspondence, S 106 related

Hello Dr. Brooks,

Please find attached a determination of revised Area of Potential Effect in the Port of Moses Lake rail construction case, based on additional modifications submitted by the Port since our last letter to WA SHPO. Additionally, I have attached the Project Vicinity Map and Revised APE Memo sent to the Board by the Port (and its contractors), as well as a map I created to show the combined 2017 / 2018 revised alignment and expanded APE in Segment 2.

As always, please do not hesitate to contact me if you have any questions or concerns.

Regards,

Adam Assenza

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 1, 2018

Allyson Brooks, Ph.D.
State Historic Preservation Officer
Washington State Department of Archaeology and Historic Preservation
P.O. Box 48343
Olympia, WA 98504-8343

Re: Docket No. FD 34936, Port of Moses Lake – Construction Exemption – in
Grant County, Wash.; **Determination of Revised Area of Potential Effect**

Dear Dr. Brooks:

As you know, the Surface Transportation Board (Board) is serving as the lead agency and preparing a Supplemental Environmental Assessment for a previously-approved rail construction called the Northern Columbia Basin Railroad Project (NCBRP), located in the Moses Lake area of Grant County, Washington. The purpose of the project is to promote economic development in the region through the attraction of new rail-dependent businesses, thereby encouraging the long-term, continued use, growth, and preservation of rail operations in the region. Since the Board's August 27, 2009 decision granting construction authority, developments in the project area have affected portions of the Board-approved route. The Port of Moses Lake (Port) recently proposed several modifications to the previously-approved alignment to minimize impacts to local land use, transportation patterns, and environmental resources. The Board submitted a letter detailing these modifications to the previously-approved alignment and requested written concurrence of the new Area of Potential Effect (APE) for the proposed project on August 21, 2018, which your office provided on August 22, 2018.

The Board's approval of the proposed project is considered an undertaking under Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (NHPA), and is thus covered under its provisions. The purpose of this letter is: 1) to inform you that the Port has made additional modifications to its revised alignment after consultation with local government and other interested parties; and 2) to request written concurrence of a revised APE, which reflects the Port's additional modifications.

Location Information and Project Description

The NCBRP has three segments. Segment 1 involves construction of approximately 4.5 miles of new track from a connection with a rail line of the Columbia Basin Railroad Company, Inc. ("CBRW") in the Wheeler neighborhood on the east side of Moses Lake to a connection with a different rail line of CBRW just west of the Parker Horn (Crab Creek) water crossing. Segment 2 involves construction of approximately 3.1 miles of new track from the existing

CBRW line to the eastern side of the Grant County International Airport. Segment 3 involves acquisition and rehabilitation of approximately 3 miles of CBRW track that connects Segments 1 and 2. The Port has now added two modifications to Segment 2 (2B and 2C), in addition to the modifications to Segment 1 recently proposed. Attached is a more detailed description of these modifications, the proposed rail line construction and rehabilitation, project area maps, and imagery showing the original and revised APE for your review. The proposed project is expected to increase rail traffic by one round-trip train per day, with approximately ten cars per train.

Area of Potential Effect

For historic buildings and/or structures (above ground resources), and for archaeological resources and Traditional Cultural Properties (below ground resources), the Board's Office of Environmental Analysis (OEA) suggests an APE that generally extends 50 feet from the centerline of track (both sides of the rail corridor) or to the distance of proposed horizontal excavation of the proposed undertaking, except in certain sections of the route where the Port is proposing to expand the APE up to 325 feet from the centerline as detailed in the attached revised memo from Thompson Hine to the Board; the revised APE would encompass the vertical extent of the proposed undertaking. This buffer takes into consideration the possibility of noise and vibration issues with regard to historic buildings and/or structures. The Federal Railroad Administration (FRA) is aware of the revised APE and concurs with OEA's renewing consultation with the SHPO and Tribes.

Port contractors authorized to do so on the Board's behalf will submit this information into WISAARD per your request. We would appreciate your written concurrence by November 30th, 2018. If we do not receive your concurrence by that date, we will assume your concurrence on the revised APE for this project.

If you have any questions, please feel free to contact Adam Assenza of my staff at (202) 245-0301 or adam.assenza@stb.gov. We look forward to continue working with you.

Sincerely,

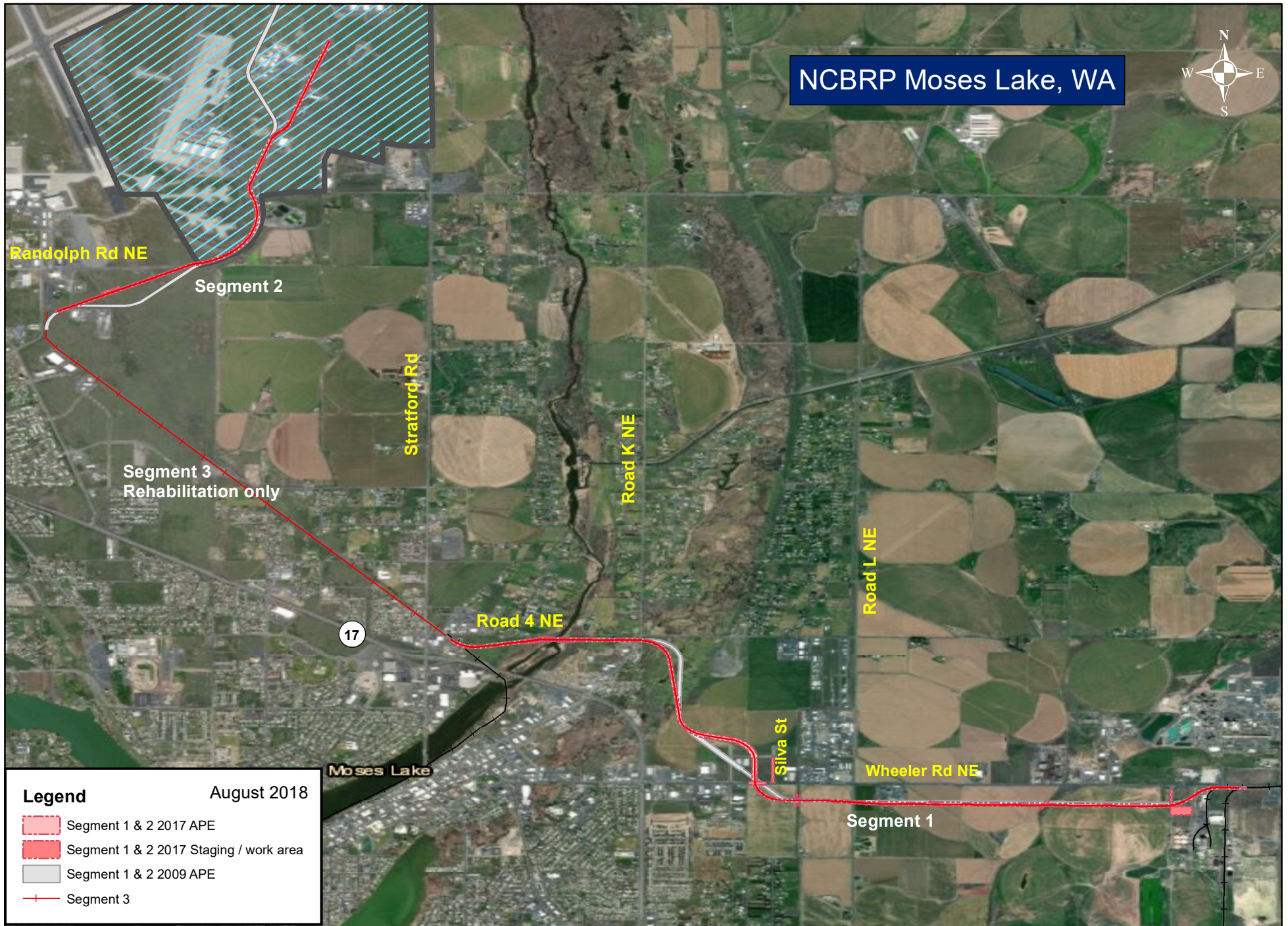


Victoria Rutson
Director
Office of Environmental Analysis

Enclosures: Project Vicinity Map showing 2017 modifications and original APE
Revised APE Memo from Thompson Hine to the Board

Combined 2017 and 2018 Revised Alignment Map showing additional
modifications and expanded APE in Segment 2

cc: Laura Shick, FRA
Valarie Kniss, FRA
Katherine Zeringue, FRA
Lydia Kachadoorian, FRA
Matthew Sterner, DAHP
Sandy Brown, Thompson Hine LLP
Jeannie Beckett, The Beckett Group



October 8, 2018

REVISED Area of Potential Effects (APE) for Section 106 Analysis of Modifications to the Northern Columbia Basin Railroad Project

This memorandum describes the proposed area of potential effects (“APE”) for the Section 106 analysis of the modifications to the Northern Columbia Basin Railroad Project (“NCBRP”), which involves construction and rehabilitation of rail lines in and near the city of Moses Lake, Washington. The APE has been revised to expand the APE to review an additional 2018 modification.

I. Background.

The Port of Moses Lake (“Port”) obtained authorization from the Surface Transportation Board (“STB”) in 2009 to construct two new short segments of rail line and acquire a third segment of rail line in order to develop an 11-mile rail corridor in the northern and eastern parts of the city.¹ The purpose of this rail project, known as the NCBRP, is to provide rail service to land designated for industrial development along Wheeler Road and in the industrial area adjacent to the Grant County International Airport (“GCIA”). Additionally, the project will allow rail traffic to and from the GCIA industrial area to avoid passing through downtown Moses Lake.

The NCBRP has three segments. See Exhibit 6.1 of Final Environmental Assessment, dated May 2009 (provided with this memo) Segment 1 involves construction of approximately 4.5 miles of new track from a connection with a rail line of the Columbia Basin Railroad Company, Inc. (“CBRW”) in the Wheeler neighborhood on the east side of Moses Lake to a connection with a different rail line of CBRW just west of the Parker Horn (Crab Creek) water crossing. Segment 2 involves construction of approximately 3.1 miles of new track from the existing CBRW line to the eastern side of the GCIA. Segment 3 involves acquisition and rehabilitation of approximately 3 miles of CBRW track that connects Segments 1 and 2.

The construction, acquisition, and operation of common carrier rail lines must be authorized by the STB pursuant to 49 USC § 10901; the STB determination of whether to grant the requested authorization constitutes a federal “undertaking” for the purposes of the National Historic Preservation Act.² The Washington State Department of Transportation (“WSDOT”) jointly conducted the environmental and historic review for the NCBRP with the STB’s Office of Environmental Analysis.³

As part of its authorization decision, the STB directed the Port to comply with the terms of a Programmatic Agreement (“PA”) entered among the Port, the STB, and the Washington Department of

¹ Port of Moses Lake – Construction Exemption – Moses Lake, Washington, STB Docket No. 34936 (served Aug. 27, 2009).

² See, e.g., 54 USC §§ 300320(3) and 306108. Furthermore, the STB determination also constitutes a “major federal action” for purposes of the National Environmental Policy Act. See 42 USC § 4332(2)(C).

³ Formerly known as the Section of Environmental Analysis.

Archaeology and Historic Preservation (“WSHPO”).⁴ WSDOT and CBRW were consulting parties to the PA. The Advisory Council on Historic Preservation (“ACHP”) was invited to participate in the PA but declined the invitation. The PA has a maximum term of ten (10) years (until August 27, 2019), but it can be amended or modified upon agreement of all signatory parties.⁵

In the cultural resources review, the STB and WSDOT utilized an APE of 100-feet wide, meaning 50 feet from the centerline of the rail corridor.⁶ As stated in the Preliminary Environmental Assessment, “[t]his 100-foot-wide corridor allows a buffer between the track itself and adjacent uses, and takes into consideration the possibility of noise and vibration issues with regard to historic buildings or structures.”⁷ The WSHPO agreed with the use of a 100-foot wide APE.⁸

II. Modifications to the NCBRP.

The Port is now preparing to implement the NCBRP authorized by the STB, but the Port would like to make some minor modifications in order to reduce the impact of the rail line construction and operation while also increasing the effectiveness of the rail line as a form of transportation. The Port is studying one modification on Segment 1 and two modifications for Segment 2 (2B and 2C). The modifications proposed by the Port are as follows:

- an 86-foot southward shift of the rail line at the east end of Segment 1, south of Wheeler Road, in order to avoid the Grant County Public Works facility
- addition of new curves near where Segment 1 crosses Wheeler Road in order to make the crossing perpendicular and avoid newly-constructed buildings along Hamilton Road NE
- a slightly more western alignment of Segment 1 between Hamilton Road NE and Broadway, thus minimizing impacts on a wetland area
- a straighter alignment of Segment 2 modifications called 2B and 2C just northeast of the connection with the CBRW line, thereby slightly reducing the necessary track construction
- a shorter, straighter alignment with Segment 2, modification 2B in order to better reach existing and future development areas, as well as reduce the necessary track construction

⁴ See Port of Moses Lake, STB Docket No. 34936, slip op. at 9 and Appendix B (served Aug. 27, 2009). As noted in the PA, the Port was not able to obtain access to certain parcels during the APE study. The PA addressed these parcels and any future expansion needed of the APE in Section II of the PA which sets out the process by which any additional APE work would be completed. The Port will continue to comply with this provision of the PA if parcels are still inaccessible or the APE needs further expansion in the future.

⁵ See Programmatic Agreement at Sections VII and X. The Port will be seeking an extension of the PA terms.

⁶ See, e.g., Preliminary Environmental Assessment at page 4-4 (November 2008). Other environmental resources were studied at varied distances such as 0.25 miles from the centerline for air quality and 300 feet from the centerline for wetlands. See e.g. Preliminary EA 4-2 and 4-43.

⁷ Preliminary EA at page 4-4.

⁸ See correspondence from Matthew Sterner, Transportation Archaeologist for State of Washington, to Christa Dean, Surface Transportation Board (October 31, 2007), found at Appendix A of the Preliminary Environmental Assessment (November 2008).

- a Segment 2, modification 2C, that reduces conflicts with entrances to businesses, reduces utility conflicts, and reduces the number of skewed rail crossings.

See Exhibit A and B2⁹ and note sheets listing additional reasons for the modifications. As a result of these modifications, the Port has been in contact with the STB regarding making the necessary revisions to the previously-completed Environmental Assessment. Additionally, the Port is seeking funds from the Federal Railroad Administration (“FRA”) to implement the NCBRP, thus involving the FRA in the environmental and cultural resources review process.

III. Proposed APE.

A. APE Overview.

Pursuant to applicable ACHP regulations, the APE is described as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” 36 CFR § 800.16(d). A historic property is “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior.” 36 CFR § 800.16(l)(1). Determination of the appropriate APE is based on assessment of the potential direct construction effects from a project, and also indirect effects such as noise, vibration, and visual impacts. The effects will be different for above-ground resources (buildings, historic districts, etc.) than for underground resources like archaeological artifacts.

B. Work Associated with the NCBRP.

The work associated with the NCBRP includes construction of new railroad track in Segments 1 and 2, including a rail crossing of the Crab Creek waterway, and rehabilitation of the CBRW rail line in Segment 3. The new track in Segments 1 and 2 would be constructed in a 100-foot wide right-of-way (“ROW”). To construct new track, existing vegetation would be removed and a new subgrade would be constructed. Some grading and excavation would be necessary for Segments 1 and 2, but all earthwork would be contained within the ROW. Fill materials would be hauled from one area to another within the project limits. Subballast and ballast would be imported to the site and placed on the subgrade. Ties, rail, rail fasteners, and other track material would be placed on the ballast.¹⁰ The bridge over Crab Creek would consist of approximately eleven (11) spans of 47 feet each, with nine (9) piers in the floodplain and two abutments on the edges of the floodplain. Only four (4) piers would be in the active channel of Crab Creek. Stormwater falling on the bridge would be contained within the bridge and conveyed to ditches at the abutments on either end of Crab Creek.

In addition, modifications of Segment 1 will include some additions to the APE. The first, is related to the closure of one private driveway (Park Drive) requiring the construction of a short road connecting the closed driveway to an existing driveway (Park Drive 2). This connection will be constructed within a 300’

⁹ Exhibit B2 is a revised version of former Exhibit B.

¹⁰ See, generally, Preliminary EA at pages 3-12 to 3-13.

x 550' construction area. See Exhibit C.¹¹ This will be added to the modified APE. The work in Segment 1 will also include the extension of Silva Street to maintain local access. The APE for this area is shown in Exhibit D.

During the prior project study, the NCBRP was envisioned to have a 120-foot ROW for a small portion of Segment 1.¹² This additional ROW was needed for a cut section in a hillside to accommodate the alignment and will be needed as a result of the modifications. This area now includes an expanded 160-foot APE in the middle section of this portion. These transitions are shown in Exhibit D and E. Furthermore, the modification in Segment 1 will include grading for agricultural rail crossings. The approaches to these crossings are shown on Exhibits C and D.

The APE in Segment 2 has been expanded to review two modifications to the original alignment. The 2017 modification, also called 2B (shown in blue on Keymap Segment 2) has an APE of 100 feet wide with a staging area of 70 feet by 500 feet. With the addition of the 2018 modification, called 2C, (shown in red on the Keymap Segment 2), the APE for Segment 2 will vary from 100 feet wide to approximately 325 feet wide. More detail on the APE for Segment 2 are shown in Exhibit F and G.

The work on Segment 3 “would primarily consist of replacing rails, ties, and other track materials” though upgrades to the two signalized crossings, at Stratford Road and Loring Drive, would also occur.¹³ Once the project is completed, it is expected that rail traffic on the NCBRP will consist of one round-trip train per day, with approximately ten (10) cars per train.¹⁴

C. APE for Above-Ground Resources.

Generally, an APE of 100 feet in width is proposed for above-ground resources, except that, the Port is proposing to extend the APE to 180 feet in width for the study area around the bridge at Crab Creek, see Exhibit E, and the Columbia Basin East Low Canal System crossing of Canal RCD 180+182, see Exhibit D. The Port is also adding laydown or temporary staging areas to the APE study area. See Exhibit F and Exhibit G. As a result the proposed APE would generally be defined as 50 feet on either side of the centerline of the proposed or existing rail line with certain areas extending from 90 to 120 feet on either side of the centerline for Segment 1 (to include staging areas) and from 50 to 275 feet on either side of the centerline for Segment 2. The widest APE for Segment 2 is approximately in the middle of the expanded APE between the 2017 Modification and the 2018 Modification of Segment 2 near the beginning of Segment 2 at the southwestern end of the GCIA. The APE has been expanded to include a review of the entire area between the 50 foot offset to the north of the 2017 Modification and the 50 foot offset to the south of the 2018 Modification. This will accommodate the alignment and any staging area needed in the

¹¹ See also, two Key Maps that show an overview of Segment 1 and Segment 2 modifications.

¹² Preliminary EA at page 3-4.

¹³ Preliminary EA at page 3-12.

¹⁴ Final EA at page ES-7 (May 2009).

area. This is an expanded APE from the one utilized in the 2009 Environmental Assessment jointly prepared by the STB and WSDOT.¹⁵

No prehistoric archaeological sites or traditional cultural properties were found in the area during the analysis conducted as part of the EA.¹⁶ Twenty potential historic resources were identified, but only one of those resources, the Columbia Basin East Low Canal Feeder Canals system, was determined to be eligible for listing on the National Register of Historic Places.¹⁷ The NCBRP will cross over these canals via culverts near where Wheeler Road itself already crosses them. The canals are utilitarian structures consisting primarily of earthen ditches. Construction and use of culverts will have some minor direct visual impact to a localized section of the canals, but will not harm or detract from the canal system's importance in local history as an irrigation project developed in the mid-20th century. Furthermore, as noted above, a widened APE will be studied in this area of 180 feet in width.

A predominate 100-foot wide to 180-foot wide¹⁸ APE "allows a buffer between the track itself and adjacent uses, and takes into consideration the possibility of noise and vibration issues with regard to historic buildings or structures."¹⁹ The majority of the land in the study area is zoned for industrial uses, but much of it is currently used for agriculture.²⁰ Railroad track generally has a low profile on the landscape, such that it is not easily visible except in areas where significant fill is placed to create an elevated embankment. For the most part, the new track of the NCBRP will not be placed on a significant embankment. Instead, the track will mostly have a low profile on the landscape, with minimal direct visual effects. Moreover, the new track to be constructed in Segment 1 will be parallel to Wheeler Road for much of its length and then will pass industrial buildings along Hamilton Road NE. Wheeler Road is a major thoroughfare in Moses Lake. The proximity of automobile traffic on Wheeler Road, in addition to the recently-constructed industrial buildings along Hamilton Road NE, indicates that the new rail line in Segment 1 will not have a marked direct or indirect impact even when trains are running over it. Noise and vibration already exists in the area of Wheeler Road due to the automobile and truck traffic thereon.

Segment 1 will include a bridge over Crab Creek, and this bridge will have some direct visual impact in the area. However, the immediate area around the bridge is primarily agricultural or pasture land, with few opportunities for the public to see the bridge. The NCBRP bridge will not be the first crossing of Crab Creek in the area, as there is also a highway bridge for Route 17 to the south. Finally, Crab Creek is in a slight depression of the local landscape, meaning that the impacts of the NCBRP will not be pronounced, especially given the relatively isolated area. Nevertheless, the Port proposes to expand the APE to 180-foot width for the Crab Creek crossing study area.

Temporary impacts will occur during the construction process for Segment 1. As described above, Segment 1 is located primarily along an important local road (Wheeler Road) or in an isolated area where

¹⁵ Preliminary EA at page 4-4.

¹⁶ Preliminary EA at pages 4-5 and 5-4.

¹⁷ Preliminary EA at page 4-5.

¹⁸ The APE varies and is wider in limited areas as shown Exhibits C-G

¹⁹ Preliminary EA at page 4-4.

²⁰ Preliminary EA at page 4-21.

few viewpoints are possible. Noise and vibration impacts will also be minimal due to the proximity of Wheeler Road and the relative isolation of the rest of Segment 1.

The construction for Segment 2 will occur in the immediate vicinity of the GCIA, which is surrounded by runways, industrial buildings, airport hangars, other airport buildings, and roads. The addition of a rail line to the local environment is not expected to have a negative direct visual impact on an area that is currently populated by utilitarian buildings and structures of relatively recent vintage. Additionally, the new construction for the 2017 Modification to Segment 2 (2B) will primarily be immediately adjacent to, and parallel to, Randolph Road. The co-location of the rail line near a road serving the industrial areas of the airport also suggests that the direct and indirect impacts of the rail line will be minimal, even when trains are operating. The 2018 Modification (2C) straightens some curves and places the modification on undeveloped areas that minimize impact to existing parcels and utilities. In addition the 2018 Modification avoids impact to private roadways (driveways) and is further away from known EPA superfund sites.

Again, some temporary impacts will occur during the construction process for Segment 2, but this impact is expected to be minor given the surrounding land uses in the GCIA area. Noise and vibration impacts will also be minimal due to the proximity of Randolph Road and the airport-related noise and vibration that already exists in the area.

Segment 3 will involve rehabilitation of a currently-existing rail line. Rehabilitation will entail temporary direct and indirect impacts, but these impacts are expected to be minor because the rail line is an existing part of the landscape with occasional rail service.

D. APE for Below-Ground Resources.

An APE for below-ground resources is proposed to be the substantially the same as the APE proposed for the above-ground resources. The proposed APE would be defined as 50 feet on either side of the centerline of the proposed or existing rail line with certain areas extending to a maximum of 90 feet on either side of the centerline. This is an expansion of the APE utilized in the 2009 Environmental Assessment jointly prepared by the STB and WSDOT.

The proposed APE is appropriate because no excavation outside the similarly-sized rail ROW is planned. Furthermore, no prehistoric archaeological sites or traditional cultural properties were identified within the APE for the original alignment.²¹ The STB, WSHPO, and the Port previously agreed upon protocols to follow in the event that historic resources are discovered during the construction of original Segments 1 and 2.²² It is expected that the same or similar protocols could be utilized for the modifications proposed by the Port. Finally, no below-ground work is expected in Segment 3.

²¹ Preliminary EA at page 4-5.

²² See Programmatic Agreement at Section VIII.



Docket No. FD 34936
Port of Moses Lake

2017 and 2018 proposed
modifications
Area of Potential Effect
Segment 2

Legend

- S2, Combined 2017/18 APE Keymap
- S2, Combined 2017/18 Alignment
- S2, Combined 2017/2018 work areas
- S2, original alignment

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
reference purposes only.

