

SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS

E0-1168

CG

**POST- POST
ENVIRONMENTAL ASSESSMENT**

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-6 (Sub-No. 463X)

March 20, 2009

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:
(X) Notice of Exemption () Petition for Exemption () Regulated Abandonment

**REQUEST TO REMOVE SECTION 106 CONDITION and
IMPOSE NEW INADVERTENT DISCOVERIES CONDITION**

SEA served an Environmental Assessment (EA) for this proceeding on October 3, 2008 for public review and comment. In the EA, SEA recommended the following three environmental conditions and concluded that the proposed action would not significantly impact the quality of the human environment:

- 1. BNSF Railway Company shall consult with the Washington Department of Ecology prior to conducting any salvage activities along the line regarding possible impacts of abandonment activities on wetlands located along the line and to ensure compliance with National Pollution Discharge Elimination System permitting requirements.**
- 2. BNSF Railway Company shall consult with the U.S. Army Corps of Engineers (Corps) prior to conducting any salvage activities along the line regarding possible impacts of abandonment activities to water bodies and wetlands and to ensure compliance with Corps permitting requirements.**
- 3. BNSF Railway Company shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF Railway Company shall report back to the Section of Environmental Analysis (SEA) regarding any consultations with the Washington State Historic Preservation Officer and the public. BNSF Railway Company may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.**

On November 10, 2008 SEA received a letter via email from the Washington State Historic Preservation Office (SHPO) indicating that proposed abandonment would have "No Adverse Effect" on any National Register eligible or listed historic and cultural resources (see attached). SEA concurs with the SHPO opinion for this proceeding and requests that the current Section 106 condition (shown as Condition 3 above) be removed.

In its letter, the SHPO requested that the applicant contact the SHPO and any appropriate tribes in the event that archaeological resources are inadvertently identified during salvage activities. SEA therefore requests that the following new condition be imposed to address this concern:

Recommended New Condition:

In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during salvage activities, the BNSF Railway Company will immediately cease all work and notify the Section of Environmental Analysis (SEA), interested Federally recognized tribes, and the Washington State Historic Preservation Officer pursuant to 36 CFR 800.13(b). SEA shall then consult with the SHPO, interested Federally recognized tribes, the railroad, and any other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.

In summary, SEA recommends that the existing Section 106 condition be removed and that the above new condition be imposed. The other two conditions (the Army Corps of Engineers and Washington Department of Ecology) currently attached to this decision, shown as Conditions 1 and 2 above, should remain unchanged.

SEA CONTACT: Catherine Glidden (202) 245-0293

ET-16555



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

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November 10, 2008

Ms. Victoria Rutson
Environmental Section Chief
Surface Transportation Board
395 E Street S.W. Room 1110
Washington DC 20423-0001

In future correspondence please refer to:

Log: 090208-54-STB

Property: BNSF Railway Abandonment Exemption AB-6 (Sub #463X)

Re: NO Adverse Effect

Dear Ms. Rutson:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). The above referenced project has been reviewed on behalf of the State Historic Preservation Officer under provisions of Section 106 of the National Historic Preservation Act of 1966 (as amended) and 36 CFR Part 800. My review is based upon documentation contained in your communication.

I concur with the Surface Transportation Board's (STB) recommendation that the proposed abandonment of the BNSF right-of-way between Woodinville and Redmond will have "NO ADVERSE EFFECT" on National Register eligible or listed historic and cultural resources. If additional information on the project becomes available, or if any archaeological resources are uncovered during construction, please halt work in the area of discovery and contact the appropriate Native American Tribes and DAHP for further consultation.

Thank you for the opportunity to review and comment. If you have any questions, please contact me.

Sincerely,

Russell Holter
Project Compliance Reviewer
russell.holter@dahp.wa.gov

Cc: Kristy Clark (BNSF) via email



DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

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