

**SURFACE TRANSPORTATION BOARD
SECTION OF ENVIRONMENTAL ANALYSIS**

POST ENVIRONMENTAL ASSESSMENT

ENVIRONMENTAL RECOMMENDATIONS IN STB DOCKET NO. AB-6 (Sub No. 465X)

November 14, 2008

ABANDONMENT TYPE

The time for comments on the Environmental Assessment (EA) has expired in this:

☐ Notice of Exemption ☒ Petition for Exemption ☐ Regulated Abandonment

☐ NO NEW COMMENTS WERE RECEIVED

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SEA served an Environmental Assessment (EA) for this proceeding on October 10, 2008 for public review and comment. In the EA, SEA recommended one environmental condition and concluded that the proposed action would not significantly impact the quality of the human environment.

Comments on the EA

SEA received one comment after issuance of the EA. The comment was from the Muckleshoot Indian Tribe Fisheries Division. The Tribe expressed concern regarding the possible existence of fish barriers, per the Washington Department of Fish and Wildlife's (WDFW) fish passage barrier and assessment, at culvert locations with respect to the Tribe's treaty protected salmonids. The WDFW responded to BNSF Railway Company's (BNSF) request for comments on the Environmental and Historic Report served them by BNSF as required by regulation prior to the Petition for Exemption. WDFW responded that no effects on endangered or threatened species or areas designated as critical habitat would be expected as a result of the abandonment. To address the Tribe's concerns, SEA will recommend that BNSF consult with the WDFW and the Tribe prior to granting abandonment authority.

Conclusions

The EA comment period has ended. Accordingly, SEA recommends that the conditions recommended in the EA, as well as the additional conditions recommended in this document, should be imposed upon any decision granting abandonment authority. The combined conditions are:

1. 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 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.

2. To address the concerns of the Muckleshoot Indian Tribe regarding fish barriers, BNSF Railway Company shall consult with the Washington Department of Fish and Wildlife and the Tribe regarding the Tribe's concerns.

If the above conditions are imposed, SEA believes that the proposed action will not significantly affect the quality of the human environment.

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