

From: Franks, Sierra
To: [Williams, Diane M.](#)
Cc: [Sarensen, Katherine](#); [Michelle Eames](#); [Katy Fitzgerald](#)
Subject: [EXTERNAL] Request for Information and Concurrence, STB Finance Docket No. 34936, Rail Line Construction and Operation in Grant County, WA
Date: Monday, October 28, 2019 3:51:44 PM

Hi Ms. Williams,

We received your request and additional information regarding the upcoming completion of the Final Supplement EA for the above mentioned project. The implementing regulations of the Endangered Species Act do not provide us a mechanism to concur with a "no effect" determination. This email serves as a receipt of your request.

If you have any questions, please feel free to contact me.

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From: Williams, Diane M.
To: ["katherine_sarensen@fws.gov"](mailto:katherine_sarensen@fws.gov)
Subject: Request for Information and Concurrence, STB Finance Docket No. 34936, Rail Line Construction and Operation in Grant County, WA
Date: Thursday, October 24, 2019 12:35:00 PM
Importance: High

Dear Ms. Sarensen,

I am writing to following up on a Draft Supplemental Environmental Assessment (DSEA) that was issued on July 11, 2019 regarding proposed modifications to the Port of Moses Lake's Northern Columbia Basin Railroad (NCBR) that will be constructed and operated in Grant County, WA.

The rail line was originally authorized by the Surface Transportation Board (STB) in August 2009. In December 2008, we received communication from Suzanne Audet, Section 7 and Recovery Programs Branch Chief, Upper Columbia Basin Fish and Wildlife Office in Spokane, WA, that if STB concluded that the project would have "No Effect" on listed species, there is no requirement for consultation with the USFWS nor do the Section 7 consultation regulations specifically provide for USFWS concurrence for such agency determinations.

The STB's Office of Environmental Analysis (OEA) has independently reviewed the Port's proposed modifications to the NCBR original alignment, and as concluded in the July 2019 DSEA for the project, OEA has again determined that the project and the proposed modifications would have "No Effect" on federally-listed threatened, endangered or candidate species or designated critical habitat.

A postcard notice was sent to the USFWS Eastern Washington Office in Spokane, WA noting the availability of the 2019 DSEA on the Surface Transportation Board website (www.stb.gov under "Decisions" and "FD 34936") and the comment period ended on August 11, 2019. No comments were submitted by the USFWS.

Since we are currently preparing the Final Supplemental EA for the project, would you confirm that consultation is not required? Or, if consultation is required, could you confirm whether the USFWS concurs with the determination that the construction and operation the rail line, as well as the proposed modifications to the rail alignment, will have "No Effect" on federally-listed threatened or endangered species or designated critical habitat?

If you need additional information, please let me know.

Thank you,

Diane M. Williams

Jacobs – Environmental Services

Environmental Planner | Project Manager

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