



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

May 10, 2016

Shirley Burgdorf
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503

**Re: STB Docket No. AB 6 (Sub-No. 492X)–BNSF Railway Company–
Abandonment Exemption–In Thurston County, Washington; Designation of
BNSF Railway Company and its representative as non-federal
representatives for section 7 consultation**

Dear Ms. Burgdorf:

Under the National Environmental Policy Act of 1969 (NEPA),¹ the Surface Transportation Board (Board) must consider the potential environmental impacts of a proposed rail line abandonment before making a final decision on whether to authorize, deny, or approve the action with conditions. The Office of Environmental Analysis (OEA) is the office within the Board that is responsible for conducting the environmental review process to ensure the agency's compliance with NEPA and related environmental laws, such as the Endangered Species Act of 1973, as amended.² As explained in more detail below, we are reviewing a proposed rail line abandonment in Washington and the purpose of this letter is to designate BNSF Railway Company (BNSF) and its representatives as "non-federal representatives" for purposes of Section 7 consultation.

Abandonment

BNSF is seeking Board authority to abandon an approximately 1.43 mile rail line in Thurston County, Washington. BNSF has determined that the following federally threatened species may be present in the project area: the Oregon spotted frog (*Rana pretiosa*); the Marbled

¹ 42 U.S.C. §§ 4321-43.

² 16 U.S.C. §§ 1531-43.

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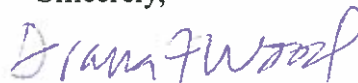
murrelet (*Brachyramphus marmoratus*); the Streaked horned lark (*Eremophila alpestris strigata*); the Yellow-billed cuckoo (*Coccyzus americanus*); the Bull trout (*Salvelinus confluentus*); the Golden paintbrush (*Castilleja levisecta*); Kincaid's lupine (*Lupinus sulphureus ssp. Kincaidii*); Nelson's checker-mallow (*Sidalcea nelsoniana*); the Water bowelia (*Howellia aquatilis*); the Olympia pocket gopher (*Thomomys mazanta pugetensis*); the Tenino pocket gopher (*Thomomys mazama tumuli*); the Yelm pocket gopher (*Thomomys mazama yelmensis*); and the critical habitat of the Oregon spotted frog (*Rana pretiosa*). Therefore, we are initiating informal consultation in order to determine whether the proposed abandonment may have any adverse effects on these species or their critical habitat.

Delegation of Authority

In accordance with the interagency cooperation regulations at 50 C.F.R. § 402.08, a federal agency may designate a non-federal representative to conduct informal consultation with the U.S. Fish and Wildlife Service (USFWS), prepare biological assessments, or provide information for a formal consultation. This letter designates BNSF and its representatives as "non-federal representatives" for purposes of Section 7 consultation. Accordingly, BNSF and its representatives are authorized to contact and work with the appropriate USFWS office to ensure that any effects on federally listed or proposed threatened or endangered species or their critical habitats are identified and evaluated during the Board's environmental review process. We recognize that the Board retains ultimate responsibility for Section 7 obligations.

If you have any questions, require additional information regarding this proceeding, please do not hesitate to contact me at 202-245-0302, or by email at woodd@stb.dot.gov.

Sincerely,



Diana Wood
Office of Environmental Analysis

cc: Karl Morell, Attorney for BNSF, Karl Morell and Associates