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OEA

SERVICE DATE – JANUARY 19, 2024

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423
FINAL ENVIRONMENTAL ASSESSMENT**

Docket No. AB 1331

**Snohomish County – Adverse Abandonment – GNP RLY, Inc.,
in Snohomish County, Wash.**

ABANDONMENT TYPE

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

() Notice of Exemption () Petition for Exemption (X) Regulated Abandonment

() **NO NEW COMMENTS WERE RECEIVED**

(X) **NEW COMMENTS WERE RECEIVED**

In this proceeding, Snohomish County (the County) filed an application for third-party or “adverse” abandonment of a freight rail easement over approximately 11.9-miles of rail line owned by GNP RLY, Inc. (GNP), and located between milepost 26.38 and milepost 38.25, in Snohomish County, Wash. (the Line or the Snohomish Segment). Through previous transactions, GNP acquired a freight rail easement while the County owns the physical assets of the Snohomish Segment. The Office of Environmental Analysis (OEA) served a Draft EA on December 1, 2023 for public review and comment. In the Draft EA, OEA recommended four conditions and concluded that the proposed action would not significantly impact the quality of the human environment.

On January 2, 2024, the County submitted a comment on the Draft EA stating that requests for a Certificate of Interim Trail Use (CITU) are to be filed 45 days from the filing date of an application and that the Draft EA incorrectly indicated that requests for a CITU in this proceeding are to be filed ten days after the notice of exemption is published in the Federal Register.¹ Because this proceeding involves an application for adverse abandonment and not a notice of exemption, OEA will modify the Draft EA to reflect the trail use requirements for an application instead of a notice.

The County also states that it included in its application a request for a CITU and that GNP has consented to negotiate a trail use agreement with the County. Thus, railbanking has been timely sought. The County asks that the Final EA be revised to reflect the clarifications and

¹ The Board’s decision and Federal Register notice in this docket states that any request for an interim trail use/railbanking condition must be filed by December 1, 2023, 45 days from the date the County filed the application.

the notice published on November 6, 2023 in the Federal Register. Although the Draft EA acknowledges that the County reached an agreement with GNP, it is the Board, not OEA, that assesses the suitability of CITU requests.

Modifications to the Draft EA

OEA is modifying the Draft EA on page 9 as follows:**Replace this sentence:**

“A request for a CITU is due to the Board, with a copy to the railroad...”

To read:

“A request for a CITU is due to the Board, with a copy to the railroad, 45 days from the filing date of the application. See 49 C.F.R. § 1152.26(a).”

Conclusions

OEA recommends that the conditions previously recommended in the Draft EA should be imposed on any decision granting abandonment authority:²

1. In the event that any unanticipated archaeological sites, human remains, funerary items or associated artifacts are discovered during the railroad’s abandonment-related salvage activities, Snohomish County (the County) shall immediately cease all work and notify the Office of Environmental Analysis (OEA), interested federally recognized tribes, and the Washington Department of Archeology & Historic Preservation (SHPO) pursuant to 36 C.F.R. § 800.13(b). OEA will then consult with the SHPO, interested federally recognized tribes, the County, and other consulting parties, if any, to determine whether appropriate mitigation measures are necessary.
2. Snohomish County shall consult with the Washington State Department of Transportation (WSDOT), Multimodal Planning Division regarding WSDOT’s requirements regarding any abandonment-related activities that would impact State Route 522.
3. Pursuant to the Coastal Zone Management Act (16 U.S.C. § 1451 et seq.) and the Board’s environmental regulations at 49 C.F.R. § 1105.9, Snohomish County (the County) shall consult with the Washington Coastal Zone Management Program and obtain state coastal management consistency certification, if necessary. The County may not file its consummation notice or initiate any salvage activities related to abandonment (including

² If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 is reached for the Line (or a portion thereof), compliance with these conditions is not required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

removal of tracks and ties) until it reports the results of these consultations in writing to OEA and the Board has removed this condition.

4. GNP RLY, Inc. shall cooperate as necessary to facilitate the successful and timely completion of the above conditions.

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

By the Board, Danielle Gosselin, Director, Office of Environmental Analysis.