

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

DRAFT ENVIRONMENTAL ASSESSMENT

Docket No. AB 1295 (Sub-No. 0X)

**City of Yelm–Abandonment Exemption–
in Thurston and Pierce Counties, Wash.**

BACKGROUND

In this proceeding, the City of Yelm (Yelm) filed a verified notice with the Surface Transportation Board (Board) under 49 C.F.R. § 1152.50 seeking exemption from the requirements of 49 U.S.C. § 10903 in connection with the abandonment of a line of railroad in Thurston and Pierce Counties, Washington. The rail line proposed for abandonment extends approximately 4.57 miles from milepost 20.99 near Roy to milepost 25.56 at the southern terminus in the City of Yelm (the Line). A map depicting the Line in relationship to the area served is appended to this Draft Environmental Assessment (Draft EA). If this notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

DESCRIPTION OF THE LINE

According to Yelm, the Line was built in 1873 as part of a larger stretch of rail line that ran from Tacoma to Tenino. It was originally known as the Pacific Division Line but later became the Prairie Line. The Line adjoins the Yelm-Tenino Trail at its southern terminus in Yelm. This former 14.5-mile Prairie Line segment was converted to trail use in 1986 and is managed by Thurston County as a pedestrian and bicycle corridor. Yelm indicates that after 20 years of pursuing other rail options with no outside interests, it now wishes to extend the adjoining trail corridor through Yelm and northeast to Roy.

The Line travels through flat to gently sloping terrain past a combination of residential, commercial, light industrial and agricultural land uses and undeveloped natural areas. It crosses the Nisqually River near milepost 23.00. The right of way varies in width from approximately 40 feet to 100 feet from the track centerline and traverses United States ZIP Codes 98597 and 98580. Based on information in its possession, Yelm indicates that the Line does not contain any federally granted rights-of-way.

ENVIRONMENTAL REVIEW

Yelm submitted an Environmental and Historic report that concludes the quality of the human environment would not be affected significantly as a result of the abandonment or any

post-abandonment activities, including salvage. Yelm served the Environmental and Historic report on a number of appropriate federal, state, and local agencies as required by the Board's environmental rules [49 C.F.R. § 1105.7(b)].¹ The Board's Office of Environmental Analysis (OEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to Yelm, no local traffic has moved over the Line for at least two years and any overhead traffic can and has been rerouted. Accordingly, the proposed abandonment would not adversely impact the development, use and transportation of energy resources or recyclable commodities; transportation of ozone-depleting materials; or result in the diversion of rail traffic to truck traffic that could result in significant impacts to air quality or the local transportation network.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and regrading of the right-of-way. Salvage may be performed within the right-of-way, or, if necessary, via the construction of new access points to the right-of-way. Yelm intends to remove the rail, crossties, and possibly the upper layer of ballast but does not intend to disturb any sub-grade structures during salvage operations.

OEA has not received comments from the Washington State Department of Ecology Coastal Zone Management Program (WSDECZP). However, according to its website program requirements, portions of Thurston and Pierce Counties are within the State's coastal boundaries, which may include the Line's crossing of the Nisqually River in Yelm.² Accordingly, OEA has determined that the proposed abandonment may be subject to federal coastal zone consistency requirements and is recommending a condition that would require Yelm to consult with WSDECZP prior to initiating salvage activities (including removal of tracks and ties) or filing its consummation notice until it reports the results of these consultations in writing to OEA and the Board has removed this condition.

OEA has not received comments from the Thurston County or Pierce County planning agencies but believes the Line may be suitable for multi-modal recreational transportation because this type of use would be consistent with existing adjacent uses. As Yelm indicates,

¹ The Environmental and Historic Reports are available for viewing on the Board's website at <https://prod.stb.gov/> by clicking "Search STB Records;" selecting "Filings" in the "Search for" dropdown menu; entering "AB" "1295" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

² Washington State Department of Ecology's Coastal Zone Management Program <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management/Programs-policies/Federal-consistency>, (last visited May 18, 2020).

such a trail would align with the *City of Yelm Comprehensive Plan* and the *Thurston County Regional Transportation Plan*.

OEA has not received comments from the U.S. Army Corps of Engineers (Corps) regarding the need for a Section 404 of the Clean Water Act (33 U.S.C. § 1344) permit if fill material is discharged or placed into any water bodies, including inland waterways as a result of salvage activities. However, as previously noted, Yelm does not intend to appreciably remove or alter the contour of the roadbed underlying the Line, and disturbed areas will be limited to the right-of-way wherever possible. Moreover, it appears that Yelm has no plans to undertake in-stream work or dredge and/or fill any materials in connection with the proposed abandonment. However, because the Line passes through waterways and possibly wetlands and 100-year floodplain, we have included the Corps' Seattle District office in the service list for this proceeding to ensure that it receives a copy of this Draft EA for review.

Yelm requested comments from the U.S. Fish and Wildlife Service (USFWS) regarding the potential impact of the proposed abandonment to protected wildlife, including federally listed threatened and endangered species. To date, USFWS has not provided comments. To identify protected species in the project area, OEA conducted a search of the USFWS Information, Planning, and Conservation (IPaC) system.³ The data base revealed the presence of 16 protected threatened or endangered species in the area of the proposed abandonment. The species include the following: For mammals (all threatened): Fisher (*Pekania pennanti*); Gray Wolf (*Canis lupus*); North American Wolverine (*Gulo gulo luscus*); Olympia Pocket Gopher (*Thomomys mazama pugetensis*); Roy Prairie Pocket Gopher (*Thomomys mazama glacialis*); Tenino Pocket Gopher (*Thomomys mazama tumuli*); and Yelm Pocket Gopher (*Thomomys mazama yelmensis*). For birds (all threatened): Marbled Murrelet (*Brachyramphus marmoratus*); Northern Spotted Owl (*Strix occidentalis caurina*); Lark (*Eremophila alpestris strigata*); and Yellow-billed Cuckoo (*Coccyzus americanus*). For amphibians (threatened): Oregon Spotted Frog (*Rana pretiosa*). For fish (threatened): Bull Trout (*Salvelinus confluentus*). For flowering plants (threatened): Golden Paintbrush (*Castilleja levisecta*); Marsh Sandwort (*Arenaria paludicola*); and (endangered) Water Howellia (*Howellia aquatilis*). Critical habitat exists for the Bull Trout (*Salvelinus confluentus*) only. Given the number and array of species present in the area of the proposed abandonment, OEA has determined that the proposed abandonment may adversely affect one or several of these species. Accordingly, OEA recommends a condition requiring Yelm to consult with USFWS and OEA to develop appropriate mitigation measures, if necessary. OEA is providing USFWS Pacific Region field office a copy of this Draft EA for review.

OEA has not received comments from the U.S. Environmental Protection Agency (USEPA) or the Washington State Department of Ecology (WSDE) regarding the need for a National Pollutant Discharge Permit (NPDES), pursuant to Section 402 of the Clean Water Act (33 U.S.C. § 1344), and is not certain if one may be required, given that salvage would be limited to the removal of track materials only. As Yelm notes, it does not intend to disturb any of the underlying roadbed or perform any activities that would cause sedimentation or erosion of

³ U.S. Fish and Wildlife Service, Information, Planning, and Conservation (IPaC) System, <http://ecos.fws.gov/ipac> (last visited May 15, 2020).

the soil. During track removal, Yelm would ensure that proper measures are taken to prevent/control spills from fuels, lubricants or any other pollutant materials from entering any waterways. Yelm indicates that to prevent naturally occurring runoff during salvage, it would install erosion and sediment control measures as site conditions warrant. Upon completion of track removal, Yelm intends to stabilize the area with pavement, grass and landscaping. However, to ensure appropriate consideration of the NPDES requirements, including the need to install erosion and sediment control measures during salvage, OEA is recommending a condition that would require Yelm to consult with the applicable agency – USEPA Region 10 or WSDE – prior to commencement of any salvage activities and to comply with the reasonable NPDES requirements of the applicable agency.

The Natural Resources Conservation Service (NRCS) has not commented on the proposed abandonment and potential impacts to prime agricultural land, pursuant to the Farmland Protection Policy Act (FPPA). However, based on Yelm's salvage procedure of minimal disturbance, OEA believes that the proposed abandonment would not adversely affect FPPA resources. OEA is providing NRCS a copy of this Draft EA for review.

OEA believes that any air emissions associated with salvage operations would be temporary and would not have a significant impact on air quality. Similarly, any noise related to salvage operations would also be temporary and should not have a significant impact on the area surrounding the proposed abandonment.

Based on all information available to date, OEA does not believe that the proposed abandonment would cause significant environmental impacts. In addition to the parties on the Board's service list for this proceeding, OEA is providing a copy of this Draft EA to the following agencies for review and comment: the U.S. Environmental Protection Agency; the National Geodetic Survey; the Natural Resources Conservation Service; the U.S. Fish and Wildlife Service; the U.S. Army Corps of Engineers; the National Park Service; Washington Department of Ecology; Washington Department of Archaeology and Historic Preservation; Pierce County; Thurston County; the City of Roy; and the Nisqually Land Trust.

HISTORIC REVIEW

Yelm submitted a Historic Report as required by the Board's environmental rules [49 C.F.R. § 1105.8(a)] and served the report on the Washington Department of Archaeology and Historic Preservation (State Historic Preservation Office or SHPO) pursuant to 49 C.F.R. § 1105.8(c).⁴ In 2006, the SHPO prepared a Historic Property Report (2006 Report) that documented the Prairie Line. While the Report found that the Line was constructed of typical

⁴ Applicants seeking authority from the Board to abandon railroad lines may act on behalf of the Board when complying with the Section 106 regulations of the National Historic Preservation Act (NHPA). Applicants are authorized to initiate the Section 106 review process and carry out some of its steps, but the Board retains overall responsibility for the Section 106 review. See 36 C.F.R. 800.2(c)(4); 49 C.F.R. Part 1105; Delegation Letter (Dec. 9, 2009). The Delegation Letter can be found on the Board's website at <https://prod.stb.gov/resources/environmental/historic-preservation-overview/>.

standard-gauge common materials that embody the distinctive characteristics of a type, period, or method of construction, it concluded that the line itself no longer retains sufficient integrity of design, materials, workmanship, setting, feeling, or association to qualify for listing in the National Register of Historic Places (NRHP). In addition to maintenance and safety improvements, the Report indicates that following a 1970 merger, the Line saw a reduction in operations that led to the removal of various segments of track and demolition of the Yelm depot and ticket agency. More recently, the Report indicates that construction of the adjoining Yelm-Tenino Trail as well as the addition of new residential housing tracts have further altered the Line's originality. OEA concurs with the SHPO's findings from the 2006 Report and believes that the Line would not qualify for listing on the NRHP today because of changes to the Line that have occurred over the years. OEA also believes that because the right-of-way was disturbed during original construction of the Line, any archaeological resources that may have been located in the right-of-way would have been affected at that time.

Pursuant to the Section 106 regulations of the National Historic Preservation Act at 36 C.F.R. § 800.4(d)(1), and following consultation with the SHPO and the public, OEA has determined that the proposed abandonment would not affect historic properties within the right-of-way (the Area of Potential Effect, or APE) listed in or eligible for inclusion in the NRHP. The documentation for this finding, as specified at 36 C.F.R. § 800.11(d), consists of the railroad's Historic Report which includes the SHPO's Report, all relevant correspondence, and this Draft EA, which have been provided to the SHPO and made available to the public through posting on the Board's website at <http://www.prod.stb.gov>.

Pursuant to 36 C.F.R. § 800.2, OEA conducted a search of the U.S. Department of Housing and Urban Development Tribal Directory Assessment Tool to identify federally recognized tribes that may have ancestral connections to the project area.⁵ The database indicates that there are eight federally recognized tribes that may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way or APE of the proposed abandonment. The tribes are: the Confederated Tribes of the Chehalis Reservation; the Cowlitz Indian Tribe; the Nisqually Indian Tribe; the Confederated Tribes of the Warm Springs Reservation of Oregon; the Squaxin Island Tribe of the Squaxin Island Reservation; the Muckleshoot Indian Tribe; the Puyallup Tribe of Puyallup Reservation; and the Suquamish Indian Tribe of the Port Madison Reservation. OEA is sending a copy of this Draft EA to these tribes for review and comment.

CONDITIONS

OEA recommends that the following conditions be imposed on any decision granting abandonment authority.⁶

⁵ U.S. Department of Housing and Urban Development, Tribal Directory Assessment Tool, <https://egis.hud.gov/tadat/> (last visited May 20, 2020).

⁶ If an interim trail use agreement under 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 were to be reached for the Line (or a portion thereof), compliance with these conditions would

1. To ensure appropriate consideration of the National Pollution Discharge Elimination System (NPDES) requirements, the City of Yelm shall consult with the U.S. Environmental Protection Agency's Region 10 Office or the Washington State Department of Ecology prior to commencement of any salvage activities and shall comply with the applicable agency's reasonable NPDES requirements.
2. Pursuant to Section 7 of the Endangered Species Act (16 U.S.C. § 1535), the City of Yelm shall consult with the U.S. Fish and Wildlife Service and the Board's Office of Environmental Analysis to address concerns about potential impacts to the following species: Fisher; Gray Wolf; North American Wolverine; Olympia Pocket Gopher; Roy Prairie Pocket Gopher; Tenino Pocket Gopher; and Yelm Pocket Gopher, Marbled Murrelet; Northern Spotted Owl; Lark; and Yellow-billed Cuckoo, Oregon Spotted Frog, Bull Trout, Golden Paintbrush; Marsh Sandwort; and (endangered) Water Howellia, and to develop appropriate mitigation measures, if necessary. The City of Yelm may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 7 consultation process is complete and the Board has removed this condition.
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, the City of Yelm shall consult with the Washington State Department of Ecology's Coastal Zone Management Program and obtain state coastal management consistency certification, if necessary. The City of Yelm may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until it reports the results of these consultations in writing to the Board's Office of Environmental Analysis and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, OEA concludes that, as currently proposed, and if the recommended conditions are imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

not be required with respect to any portion of the Line covered by the interim trail use agreement for the duration of the agreement.

PUBLIC USE

Following abandonment and salvage of the Line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 C.F.R. § 1152.28) must be filed with the Board and served on the railroad within the time specified in the Board's Federal Register notice of the proposed abandonment. The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁷ Yelm states that the Line would be suitable for use as a multi-modal transportation corridor and intends to convert the right-of-way to trail use.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 C.F.R. § 1152.29). The Federal Register notice is also issued as a Board decision and is available on the Board's website.⁸ On May 5, 2020, Yelm filed a request for a NITU, which the Board denied on June 11, 2020.

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

As of March 17, 2020, all filings and other submissions should be submitted electronically through the Board's website at <https://prod.stb.gov>. To submit a comment on the Draft EA, select "File an Environmental Comment" under "Need Assistance?" on the Board's home page. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat or other file formats. If you have any questions, please contact Diana Wood by email at diana.wood@stb.gov or by phone at 202-245-0302.

Date made available to the public: June 15, 2020.

⁷ Board decisions are available for viewing on the Board's website at <https://prod.stb.gov> by clicking "Search STB Records;" selecting "Decisions" in the "Search for" dropdown menu; entering "AB" "1295" "0" "X" sequentially in the four boxes for "Docket Number," then selecting "Search."

⁸ Id.

Comment due date: June 30, 2020.

By the Board, Victoria Rutson, Director, Office of Environmental Analysis.

Attachment

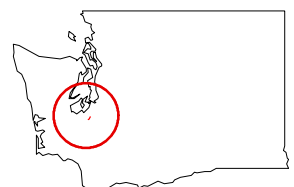


Docket No. AB 1295X
 CSX Transportation, Inc.
 Abandonment Exemption
 Thurston and Pierce Counties, WA

Legend

— the Line

Note: Maps produced by the STB's Office of Environmental Analysis are based on information provided by the applicant and are for reference purposes only.



Location in State