



City of Moses Lake
STATE ENVIRONMENTAL POLICY ACT

**Determination of Non-Significance
Adoption of Existing Document**

Date: June 16, 2023

Lead agency: City of Moses Lake

Agency Contact: Nathan Pate AICP, Senior Planner - Community Development

Agency File Number: PLN2023-0044 Northern Columbia Basin Railroad Project

Description of proposal: An application for a Shoreline Conditional Use Permit and a Shoreline Substantial Development Permit for the construction of the Northern Columbia Basin Railroad Project (NCBRP) within the Shoreline Jurisdiction of Crab Creek and associated wetlands is proposed. The proposal includes the construction of two new rail line segments (Segment 1 and Segment 2) and acquisition and refurbishment of an existing rail line (Segment 3) that connects Segments 1 and 2. All jurisdictional wetlands and waterbodies occur along Segment 1. The entire proposed route will extend approximately 11.5 miles, primarily in the city of Moses Lake and also in unincorporated portions of Grant County. Segment 1 of the Project includes construction of a new bridge over Crab Creek and construction of approximately 4.6 miles of new track.

Location: The NCBR Segment 1 Project is located in central Washington, approximately 8.5 miles north of Interstate 90, and lies partially in the city of Moses Lake and partially in unincorporated areas of Grant County. Assessor's Parcel No. NCBR Segment 1 from east to west: 110069480, 091121632, 091121635, 110069492, 190479000, 313169000, 313167000, 190483000, 190484000, 191325416, 191325426, 091325406, 110077135, 110005006 (Wetland A), 110007005 (Wetland B), 110007007 (Wetland C), 110007066 (Wetland E), and 110007008. The property is located within a portion of Sections 19, and 20, Township 19 North, Range 29 East Willamette Meridian and Sections 13, 14, and 24, Township 19 North, Range 28 East Willamette Meridian and in City of Moses Lake, Grant County, Washington.

Applicant(s): Port of Moses Lake, Milton Miller, 7810 Andrews St NE, Moses Lake, WA 98837 & Jacobs Engineering Group Inc., 32 N 3rd Street, Suite 320, Yakima, WA 98901.

Adopted Document Titles, Dates Prepared, and Description:

- Port of Moses Lake Mitigated Determination of NonSignificance and Adoption of Existing Document dated November 15, 2021 (see above description)
- Final Supplemental Environmental Assessment (FSEA), Surface Transportation Board (STB) Docket No. 34936, Northern Columbia Basin Railroad Project, November 5, 2019. The FSEA provides STB's and US Department of Transportation Federal Rail Administration's (FRA) independent analysis of the NCBRP; information in the prior Environmental Assessment; consultations with agencies; and careful consideration of all comments received on the Draft Supplemental Environmental Assessment (DSEA) from agencies, organizations, and members of the public. This document includes comments received on the DSEA and responses from STB and FRA. The document also defines the final mitigation measures for the project.
- Surface Transportation Board, Decision Notice for Docket 34936. November 26, 2019. The construction of the Project requires STB authorization through either a certificate under 49 U.S.C. § 10901 or an exemption under 49 U.S.C. § 10502 from the prior approval requirements of § 10901. STB adopted the analysis and conclusions in both the DSEA and FSEA, and the final recommended mitigation measures. In this decision STB was satisfied that STB together with the FRA, had taken the requisite hard look at the potential environmental impacts associated with the Port's proposal and determined that, with the recommended environmental mitigation in the FSEA, the proposed project will not have potentially significant environmental impacts.
- US Department of Transportation Federal Rail Administration, Northern Columbia Basin Railroad Project Finding of No Significant Impact (FONSI). The FONSI document prepared by FRA was developed to comply with NEPA, CEQ's implementing regulations, FRA Environmental Procedures, and related laws. FRA made this FONSI decision based on information included in the Prior EA, Supplemental EA, and all related technical memoranda, and other materials, which were incorporated by reference to the FONSI.

Adoption Decision: The City of Moses Lake has identified and adopted this document as being appropriate for this proposal after independent review. The document meets the City of Moses Lake environmental review needs for the current proposal and will accompany the proposal to the decision maker. The adopted documents are available for review at the Community Development Department, 321 S. Balsam Street, PO Box 1579, Moses Lake, WA or electronically by contacting npate@cityofml.com.

The City of Moses Lake has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3) and through the NEPA process, the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for any probable significant impacts. An environmental impact statement (EIS) is not required under RCW 43.21C.030.

The necessary mitigation measures to support this determination are provided as Avoidance, Minimization Measures, and Commitments in the FRA Finding of No Significant Impact Decision Document, and in Chapter 6 of the FSEA.

This DNS and adoption notice is issued under WAC 197-11-350. Written comments must be submitted no later than 5:00 PM on July 24, 2023, to Nathan Pate AICP, e-mail at npate@cityofml.com, or by mail at City of Moses Lake, Community Development Department, 321 S. Balsam, P.O. Box 1579, Moses Lake, WA 98837.

Responsible Official: Kirsten Sackett
Title: Community Development Director
Address: City of Moses Lake
Community Development Dept.
321. S. Balsam Street
P.O. Box 1579
Moses Lake, WA 98837
Phone: (509) 764-3751

Signature  Date 6/16/23
Kirsten Sackett

Appeals:

This DNS may be appealed pursuant to the requirements of the Moses Lake Municipal Code Chapter 14.06. The 14-day appeal period commences on the date following the issuance of this DNS. Any appeal must be addressed to the Hearing Examiner, accompanied by a filing fee pursuant to the adopted fee schedule, and be filed in writing at the Community Development Department, 321 S. Balsam Street, PO Box 1579, Moses Lake, WA. The appeal must contain the items set forth in Moses Lake Municipal Code section 14.06.070(C).

Please note that failure to file a timely and compete appeal including the required items shall constitute waiver of all rights to an administrative appeal under City code.