

Kelsey Endres

From: Phinney, Elizabeth [PhinneE@wsdot.wa.gov]
Sent: Tuesday, September 01, 2009 2:01 PM
To: Kelsey Endres
Cc: Wagner, Richard W; Bradley Scarp
Subject: RE: Stanwood Siding SEPA
Attachments: SEPA for Stanwood Siding Extension and Crossover Project; Stanwood Siding Extension and Crossover Project SEPA Comments; Stanwood Siding SEPA comment from North County Regional Fire Authority.pdf; Stanwood Siding Notice of Action (NAT) 8-26-09.pdf; RE: BNSF / Logen Road

Ms. Endres:

Attached are the three (3) comments we received on the SEPA DNS and Environmental Checklist. Evaluation of these comments did not cause us to change our minds about the SEPA threshold decision of a DNS for the project.

The DNS has not been appealed.

The attached "Stanwood Siding Notice of Action (NAT)" indicates the end of the SEPA process. Please see the attached e-mail sent to you on August 25 that explains the optional NAT.

Please let me know if you have any questions on the attachments, or if you need further information.

Elizabeth Phinney
Rail Environmental Manager
WSDOT State Rail and Marine Office
360-705-7902

From: Kelsey Endres [mailto:Kelsey@MontgomeryScarp.com]
Sent: Monday, August 31, 2009 2:54 PM
To: Phinney, Elizabeth
Cc: Wagner, Richard W; Bradley Scarp
Subject: Stanwood Siding SEPA

Ms. Phinney:

Can you provide any of the following information, requested by the judge in our Logen Road crossing closure (Stanwood siding) case?

Thank you,
Kelsey

- Comments filed with WSDOT regarding the environmental review process, if any.
- Explain if the DNS had been appealed.
- Is there any WSDOT "notice of action" or any other indication of finality of the SEPA process?

Kelsey Endres
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Lisa Miller

From: Phinney, Elizabeth [PhinneE@wsdot.wa.gov]
Sent: Tuesday, August 25, 2009 3:17 PM
To: Kelsey Endres
Cc: Wagner, Richard W; Jeffers, Kevin
Subject: RE: BNSF / Logen Road
Ms. Endres:

SEPA is complete. The comment period ended on August 4th. No comments were submitted that caused us to change our minds on issuing the DNS for the project.

The Notice of Action Taken (NAT) process is optional, and is used "any time there is reason to believe challenges to the environmental document will be filed. Substantial controversy or known threats of challenges by project opponents are indications that judicial review is likely. By limiting appeals to a certain time period, project schedules are less likely to be disrupted."

I have prepared the NAT, and it needs to be published twice in newspapers a week apart. We plan to publish in three newspapers September 1st and 8th. There is a 21 day waiting period, which will end September 29th. That will end the opportunity for SEPA appeals.

There is no "final paperwork indicating that nothing more needs to be done to satisfy SEPA". Both Kathy Hunter and Adam Torem of the WUTC were sent the SEPA DNS and the comments. They could see for themselves that there were no comments made that would cause us to change our threshold decision to issue a DNS for the project. They will also be sent a copy of the NAT.

Please let me know if you have any additional questions.

Elizabeth Phinney
Rail Environmental Manager
WSDOT State Rail and Marine Office
360-705-7902
phinnee@wsdot.wa.gov

From: Kelsey Endres [mailto:Kelsey@MontgomeryScarp.com]
Sent: Monday, August 24, 2009 11:02 AM
To: Phinney, Elizabeth
Cc: Wagner, Richard W
Subject: FW: BNSF / Logen Road

Hello Ms. Phinney:
Do you have an update on the Stanwood siding SEPA/NAT process? The administrative law judge ruling on BNSF's petition to close the Logen Road crossing has asked us to notify the WUTC when SEPA is complete (as I understand it, when a DNS is issued -- or whatever final document is produced). Also, if you could provide Rick Wagner or myself with a copy of the final paperwork indicating that nothing more needs to be done to satisfy SEPA, it would be appreciated so that we can file it with the Commission.
Thank you.
Sincerely,
Kelsey Endres
Attorney for BNSF

Kelsey Endres

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