

EO-1469

Amador County Abandonment [AB-512X] 
Christa Dean to: Dave Brown
Cc: Vicki Rutson

07/13/2010 05:13 PM

Mr. Brown:

On November 12, 2004, Sierra Pacific Industries (SPI) filed a petition for exemption with the Surface Transportation Board (Board) seeking approval authority to abandon a 12-mile railroad line in Amador County, California. In this proceeding, the Board's Section of Environmental Analysis (SEA) worked with the California Office of Historic Preservation (State Historic Preservation Office or SHPO), SPI, the Amador County Board of Supervisors, and other interested parties to develop and execute a Memorandum of Agreement (MOA) pursuant to 36 C.F.R. § 800.6.

On June 17, 2010, SPI indicated that: 1) all the stipulations of the MOA have been fulfilled, including the requirement to establish an historic marker; 2) copies of the Final HABS/HAER Report have been sent to the Amador County Archives and the Amador County Library; and 3) the outstanding environmental conditions have been fulfilled. Thereafter, in a letter dated June 23, 2010, SEA notified the signatory parties that all the terms of the MOA had been satisfactorily fulfilled. Accordingly, we are satisfied that all the outstanding environmental and historic requirements have been completed in this proceeding, and SPI may proceed with salvage activities.

Christa L. Dean
Surface Transportation Board
Section of Environmental Analysis
202.245.0299

"Dave Brown"

Christa -

06/17/2010 05:57:02 PM

From: "Dave Brown" <DBrown@spi-ind.com>
To: <Christa.Dean@stb.dot.gov>
Date: 06/17/2010 05:57 PM
Subject: RE: Final Steps for the Amador County Abandonment [AB-512X]

Christa -

This correspondence is intended to respond to both our verbal communication a few weeks ago in addition to the email dated June 03, 2010 (attached) regarding the Final Steps of the Abandonment (AB-512x), STB 070814A. Three action items were the result of those communications:

- 1) Final Reports to Amador County Archives and the Amador County Library;
- 2) SPI to provide documentation that the three outstanding environmental conditions have been fulfilled; and
- 3) SPI to provide documentation that the last stipulation (the marker or plaque) has been completed.

- 1) Final Reports to Amador County Archives and the Amador County Library;
SPI has prepared two copies of the Final Report (Section IV.A.2 and IV.A.2 of the MOA), including two CD's containing the photo-documentation for submittal to the Amador County Archives and Amador County Library. Both of these are at the specific request of SHPO in recent communication. The reports were distributed June 17, 2010 to the following (a copy of the each transmittal is attached for your records):

Amador County Archives
12200-A Airport Road
Jackson, CA 95642
209-223-6389

Amador County Library
530 Sutter Street
Jackson, CA 95642
209-223-6400

- 2) SPI to provide documentation that the three outstanding environmental conditions have been fulfilled
In a February 25, 2005 decision, the STB imposed six conditions in the abandonment proceeding AB-512x. While the historic preservation (Section 106) condition has been removed, there were three environmental conditions requiring consultation. Below is a list of the three environmental conditions and the dates and nature of how they were completed:

a) "Consult with the California Natural Diversity Database and with U.S. Fish and Wildlife Service.."

In an update dated November 18, 2009, SPI indicated the following:

"California Natural Diversity Database - I spoke with Kristine Lazar (916-322-2493) earlier today 11/18/2009. Kristine indicated that the CNDD is a database that SPI is a subscriber of for database searches and recommended me to have our CNDD internal contact print a search for the requested area. Tom Engstrom is the contact in our company. Attached is a CNDD search specific to the rail salvage area with a single (1) species indicated. The species is east of the local airport and beyond (1000'+) the limits of any proposed rail salvaging."

U.S. Fish & Wildlife - Message was left with Arnold Roessler (916-414-6600) of the Sacramento Fish & Wildlife (USFW) office earlier today (11/18/2009). I also spoke with Jamie Galos of ESA Consulting, who was our consultant during the development of the Amador Central Business Park (post 2005). Jamie indicated consultation with USFW specific to Elderberry shrubs, none of which were indicated at the rail line. I'm awaiting a returned call from Mr. Roessler.

On April 13, 2010, SPI received confirmation via email from Arnold Roessler of USFWS that "there are no additional measures to be implemented or concerns regarding this project."

b) "Consult with the California Department of Toxic Substances Control..."

In an update dated November 18, 2009 to the STB, SPI indicated the following:

California Dept. of Toxic Substances Control (DTSC) - I spoke with Mary Misener (916-322-2505) and also Li Tang (916-255-3545) earlier today (11/18/2009) regarding removal of rail and associated ties. Mary indicated no DTSC concerns with the physical rail, although the ties 'may' be considered treated wood waste and deferred me to Li Tang. Li indicated that the rail-ties would only be an issue (as a treated wood waste) if they are resold for landscape purposes, unless otherwise characterized as non-hazardous. If they are used for industrial purposes, they are exempt from further testing.

SPI has since confirmed that the ties are solely being used in industrial application and exempt from further consultation with CDTSC.

c) "Consult with the U.S. Environmental Protection Agency, Region 9"

In an update dated November 18, 2009 to the STB, SPI indicated the following:

EPA Region IX - I spoke with Amy Miller, Enforcement & Compliance for Stormwater at Region IX (415-947-4198) earlier today. Amy indicated that no permit or further consultation is required if ground disturbance for the salvage operation is under the 1-acre threshold. Amy clarified that ground disturbance is the exposing of non-vegetation or erosion soils and that simply removing rail and tie from the existing gravel was not ground disturbance.

- 3) SPI to provide documentation that the last stipulation (the marker or plaque) has been completed.

SPI completed and physically set the marker/plaque on March 22, 2010. A photograph is attached to this correspondence. The marker/plaque is located on a portion of the former rail at a location accessible to pedestrians and approximately mid-way between the intersection of the former rail and Highways 49 and 104/88, in Martell, Amador County, California.

This response is specific to the items requested. If there is additional information needed to finalize this, please let me know.

Sincerely,

Dave Brown, SPI

From: Christa.Dean@stb.dot.gov [mailto:Christa.Dean@stb.dot.gov]

Sent: Thursday, June 03, 2010 3:04 PM

To: Dave Brown

Subject: Final Steps for the Amador County Abandonment [AB-512X]

Dave,

We spoke today on the phone and I just wanted to follow up with an email about the next and final steps with regard to the abandonment in Amador County.

1. Pursuant to Sections IV.A.1. and IV.A.2. of the Memorandum of Agreement, SPI should send the historic report (including photo documentation) to the following two repositories:

- Amador County Library and
- Amador County Archives.

2. SPI should send an email to me that documents that:

- The reports have been sent to the Amador County Library and Amador County Archives;
- All three of the outstanding environmental conditions were fulfilled (please include a brief description of SPI's compliance, including the dates that the conditions were completed); and
- SPI fulfilled the last stipulation of the MOA (please include a brief description, including the dates that everything was completed).

3. Pursuant to Section I.V.C. of the MOA, the Board's Section of Environmental Analysis (SEA) will send out a letter notifying all signatory parties that the terms of the MOA have been satisfactorily fulfilled.

4. SEA will notify SPI in writing when it may proceed with salvage activities.

Thanks

Christa L. Dean, Attorney
Surface Transportation Board
Section of Environmental Analysis
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