

E1-17921

CD



"Dave Brown"
<DBrown@spi-ind.com>

11/06/2009 05:28 PM

To <Christa.Dean@stb.dot.gov>

cc <Brian.OBoyle@stb.dot.gov>, "Richard A. Allen"
<raallen@zsrlaw.com>

bcc

Subject RE: AB-512X

History:

This message has been replied to and forwarded.

Christa - Attached is a brief response as discussed earlier this week. Included is a general update and specifics as requested. Please review and let's discuss next week. Looking ahead on schedules, I'm planned to be in the field all next Tuesday and the office otherwise.

Dave

-----Original Message-----

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

Sent: Thursday, November 05, 2009 11:59 AM

To: Dave Brown

Cc: Brian.OBoyle@stb.dot.gov

Subject: RE: AB-512X

Thanks. When you have a status update for us, could you also include Brian

O'Boyle on the e-mail? Thanks again.

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

"Dave Brown"

<DBrown@spi-ind.c

om>

To

<Christa.Dean@stb.dot.gov>

11/05/2009 02:36

cc

PM

Subject

RE: AB-512X

Here's my current contact information... will get back to you soon.

David C. Brown, PE
Environmental Affairs & Compliance Manager
Sierra Pacific Industries
19794 Riverside Avenue
Redding, CA 96049-6028
(530) 378-8179
(530) 378-8139 fax
(530) 391-7650 cell

-----Original Message-----

From: Christa.Dean@stb.dot.gov [mailto:Christa.Dean@stb.dot.gov]
Sent: Tuesday, November 03, 2009 2:07 PM
To: Dave Brown
Cc: raallen@zsrllaw.com; Brian.OBoyle@stb.dot.gov; Sierra
Subject: AB-512X

Mr. Brown:

In a February 25, 2005 decision, the Surface Transportation Board (Board) imposed six conditions in abandonment proceeding AB-512X. As you know, the Section 106 historic preservation condition was removed on September 22, 2008. However, three conditions require Sierra Pacific Industries (SPI) to consult with federal or state agencies and to report the results of these consultations to the Board's Section of Environmental Analysis (SEA) prior to commencement of salvage activities. These three conditions state that SPI shall:

the Consult with the California Natural Diversity Database and with
the U.S. Fish and Wildlife Service regarding the possible impacts on Federally listed threatened or endangered species and report the results of the consultations to SEA prior to the onset of salvage operations;
to Consult with the California Department of Toxic Substances Control
to ensure that any concerns regarding potential contamination of the right-of-way are addressed and report the results of these consultations to SEA prior to the onset of salvage operations; and
to Consult with the U.S. Environmental Protection Agency, Region 9,
to address concerns regarding potential contamination of the right-of-way, comply with requirements imposed pursuant to section 402 of the Clean Water Act, and report the outcome of these consultations to SEA prior to the commencement of any salvage

activities.

As the above conditions state, there should be no salvage activities until the railroad has complied with all of these consultation conditions. The Board has received a report that salvage activities may have begun on this rail line. If that is the case, all salvage activities must be discontinued until the above environmental conditions are satisfied. In addition, SEA hereby requests that SPI submit a response to this e-mail by Friday, November 6, 2009, that: 1) provides the Board with an update on the status of these required consultations and/or confirms compliance with the above-mentioned environmental conditions; and 2) explains the scope of salvage activities that have taken place on the line, if any.

Thank you.

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



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