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(1-15-2010)

March 15, 2010

Wayne Donaldson,
State Historic Preservation Officer
Attn: Mark Beason
P.O. Box 942896
Sacramento, CA 94296-0001

**RE: STB070814A, STB Docket No. AB-512X – Abandonment
Exemption – in Amador County, California**

Dear Mr. Donaldson:

The Amador County Historical Society (ACHS) is named as a recipient of specific documents and video documentation in accordance with the stipulations of the following agreement: Memorandum of Agreement (MOA) among the Surface Transportation Board (STB), Sierra Pacific Industries (SPI), and the California State Historic Preservation Officer (SHPO) Regarding STB Docket No. AB-512X – Abandonment Exemption – in Amador County, California. ACHS has not yet received all of the materials that are required in Stipulation I.A.7. ACHS is aware that SPI has not completed all of the requirements in the stipulations of the MOA and therefore requests that you amend this agreement in accordance with Stipulation V.B. Amendments, Non-compliance and Termination.

ACHS chose not to become a signatory to the MOA because ACHS felt that removal/demolition of portions of this significant part of Amador County's history was not in the public interest and was counter to the goals of the ACHS. ACHS felt that by becoming a signatory to the MOA that they would be viewed as agreeing to the removal of this important historic property. ACHS realizes that their knowledge and understanding of the Section 106 regulations, 36 CFR Part 800, was limited at the time the MOA was drafted and did not understand the process of mitigation as it applied to this undertaking. Therefore ACHS could not provide comments that dealt with all aspects of the undertaking and the manner in which STB was taking into account the effects of the undertaking on this historic property. ACHS recently requested a new Board member, familiar with Section 106 regulations, to review the MOA and correspond with the involved agencies.

The preamble of the MOA states the following:

1. The undertaking is defined as the "Rail Line Abandonment", of approximately a 12-mile rail line between milepost 0.0 in Ione and milepost 12.0 at Martell, in Amador County, California.
2. The Area of Potential Effects (APE) of the undertaking is defined as the railroad right-of-way (ROW)(the ROW is 50 feet from the

Email/ info@achs1948.org or telephone/ 209-257-1485

centerline of the track). In 36 CFR Part 800, the APE is defined as the "geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist."

3. STB's Section of Environmental Analysis (SEA) determined that the Amador Central Historic District, and associated resources, are eligible for listing on the National Register under Criterion A and C. This determination was made in consultation with the California Office of Historic Preservation. Contributors to the Historic District include the following historic resources: *the Amador Central Railroad; Martel Depot and Freight Shed; Amador Central Railroad Engine House and Car Shed, Shop/ Barn; trackage, signals and switches.*
4. STB consulted with SHPO pursuant to 36 CFR Part 800, and determined that the proposed abandonment will have an adverse effect on the above mentioned historic properties.
5. STB has consulted with SHPO, SPI, and ACHS regarding ways to avoid, minimize, or mitigate potential effects to the historic property as a result of abandonment and STB, SHPO, and SPI, all agreed to the measures described below under "Stipulations".

The MOA requires the following about which ACHS would like additional consideration:

- The Stipulation I.A. parts 1, 2, 3, and 4 require Historic American Building Survey/Historic American Engineering Record (HABS/HAER) documentation of only the track and buildings noted in the MOA for removal as part of the undertaking.
- Under Stipulation I.A. part 5, the remainder of the rail line (from mile post 0.0 to mile post 10.5) is to stay in place for the use of the Recreational Railroad Coalition (RRC) for recreational purposes. This is subject to a lease agreement between the RRC and SPI. The lease agreement "in its entirety is not subject to the terms of this MOA.
- Stipulation I.A. part 6 requires all buildings and their contents of historic value in the "current Martell Station" will be donated to the Amador County Museum, provided that the Amador County Museum removes any property that it wants within four months of the date that this MOA is executed.
- Stipulation I.A part 7 requires a plaque to be donated and established by SPI. It also requires SPI to provide photographs, video documentation, blueprints, and maps to the ACHS.
- Stipulation IV.A.2. requires documentation to be provided to certain listed repositories. It does not include the Amador County Library or the Amador County Archives. ACHS wrote to STB on February 8, 2010, requesting that STB include the Amador County Library or the Amador County Archives in the list of "other appropriate archives designated by the Board and SHPO." STB responded on March 3, 2010, indicating that the Section 106 process has been completed. ACHS took this to mean that STB was not going to honor their request.

ACHS believes that the mitigation for the historic property is deficient because of the following:

1. HABS/HAER recording is only required on the 1.5 miles of rail line and not on the entire undertaking/APE. The HABS/HAER report did not describe, building by building, the features required in the "Outline Format", but described different building features, and which buildings have those features. This makes the report a disorderly description of the components of the historic district. The report does not follow Standard Professional Practices. Maps provided with the HABS/HAER report were not legible and are inadequate for HABS/HAER documentation. No historic photos were included in the HABS/HAER report to show the buildings as they were during the period of significance, only current photos showing the dilapidated buildings.
2. Since the RRC/SPI lease agreement is not subject to the terms of the MOA, there is no information about how the RRC would be able to use this portion of the property, and for how long. STB believed that the lease was adequate mitigation for this portion of the historic property (personal communication, Christa Dean, March 11, 2010). However, this portion of the rail line still has the potential for direct or indirect alterations in the character or use of the historic property as a result of the undertaking. The local newspaper (attached, and <http://www.ledger-dispatch.com/news/newsview.asp?c=267009&topStory=1>) states that SPI informed RRC that the lease would not be renewed and would be terminating the lease agreement as of March 25, 2010. ". If the lease is terminated or not renewed, then it is difficult to have the remaining rail line available for RRC's recreational use as stated in this stipulation.
3. The Amador County Museum was closed in July of 2008, the same month as the final signature to the MOA. Some materials were recovered from the buildings in the current Martell Station. SPI refused to allow the safe, which was part of the building contents, to be removed (see non-compliance below). The safe had the name "Amador Central Railroad" on the door.
4. The Stipulation I.A part 7 lacks specificity in the location, size and type of plaque. Most of the documentation required in this stipulation has been provided to ACHS. The video documentation has not been provided and lacks specificity in what is to be video documented. Typically this reference in a MOA would be video documentation of the historic resource. However, with 1.5 miles of rails having been removed, it is difficult to capture this section of the rail line, and the rail lines relationship with the Martell Depot buildings.
5. There are other appropriate archives acceptable to be recipients of the final report. In a letter to STB on February 8, 2010, ACHS requested that STB include Amador County Library and Amador County Archives as such archives. In their letter of March 3, 2010, STB stated that Section 106 was completed and that only the signatories could amend the agreement, and they are continuing to work with SPI to ensure the completion of the Stipulations as set out in the MOA. ACHS believes this means that STB will not designate the above two named archives to receive copies of the final report.

6. **Non-compliance** has occurred on at least two occasions:

- All of the rails and ties have now been removed on the upper 1.5 miles (a portion had been removed earlier during the 106 process) of the historic property (except where they cross roadways) prior to completion of all stipulations of the MOA. The MOA clearly states, "Once the mitigation measures are complete and SHPO has been notified, the Board will notify SPI that it may commence with removal of the rail line and structures." ACHS informed STB that SPI had removed rails. STB directed SPI to cease removal of the rails.
- SPI has not allowed the safe to be removed from the buildings.

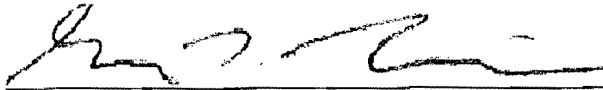
ACHS is requesting that SHPO begin negotiations with STB, SPI and ACHP and other interested parties for an amendment under Stipulation V.B. of the MOA. The amendments ACHS would like to see include:

1. HABS/HAER recording of the entire historic property, in accordance with HABS/HAER standards and Standard Professional Practices. This should include maps on a scale so the maps are legible, and a map that shows photo points and direction of the photo. Each building should be described separately. The report should include sketch drawings of the floor plan for each building. The landscape description should discuss the designed/built landscape, as well as what plantings were part of the landscape design. Historic photos should be included to show the historic property, specifically the buildings, during the period of significance. A final report should be printed on archival paper with archival quality inks and also in an electronic format on archival quality CD (Standard Archival Professional Practices).
2. Negotiate for a new leaseholder/owner of the rail line (from mile post 0.0 to mile post 10.5) so that this section of the rail line can remain in place for rail use and other recreational uses.
3. Allow ACHS and the SHPO to review and approve the design (including size), content, and placement of the plaque.
4. Determine what video documentation is required to record the historic property. If it is not possible to provide a complete record because of the removal of 1.5 miles of the rail line, then this will become subject to negotiations under non-compliance.
5. The Amador County Library and the Amador County Archives be designated as archives to receive copies of the Final Report.
6. As remediation for non-compliance (see #6, non-compliance list and #4 above), negotiate among all the signatory parties and interested parties for:
 - funds from SPI to enable Amador County to re-open the Amador County Museum,
 - funds from SPI to prepare the recovered historic materials from the buildings for archival storage,

- transfer of the safe by SPI to the Amador County Museum,
- provide another opportunity for County staff and other interested parties to remove materials of historic value, and buildings from the Martell Depot area, and
- consider a reduction of the cost for a long-term lease or sale price (below market value) of the Amador Central Rail line ROW to a group or agency that will continue to operate the rail line for recreational purposes, or a permanent preservation easement for the Amador Central Rail line. placed on the title of the ROW.

This approximately 12-mile rail line has played a significant role in the history of Amador County from its start of operation in 1904 until SPI applied for the abandonment. The people of Amador County deserve recordation of the entire historic property and preservation of as much of the historic property as possible. ACHS asks for the respectful treatment of this sensitive and significant historic property. Thank you for your consideration of our request to amend the MOA to adequately record the historic property, fulfill the stipulations of the MOA, include other appropriate archives, and require remediation of the non-compliance issues in this case.

Respectfully,



Gary Reinoehl, ACHS Board Member

3/15/2010

Date

Attachments:

Ledger Dispatch article dated 3/12/2010

ACHS letter dated 2/8, 2010

STB letter dated 3/3/2010

CC:

Surface Transportation Board

Attn: Christa Dean

Office of Economic, Environmental Analysis and Administration

395 E Street, SW

Washington D.C. 20423

Advisory Council on Historic Preservation
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Washington, DC 20004

Sierra Pacific Industries
ATTN: Dave Brown
P.O. Box 496028
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Amador County Board of Supervisors
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Senator Barbara Boxer
1700 Montgomery St., Suite 240
San Francisco, CA 94111

Senator Dianne Feinstein
One Post St., Suite 2450
San Francisco, CA 94104

Representative Dan Lungren
2339 Gold Meadow Way, Suite 220
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Locals in shock after SPI reveals intentions to destroy Amador County's entire railroad

Friday, March 12, 2010

By [Scott Thomas Anderson](#)

For more than a century, a line of two steel rails has glided through the hills of western Amador. It's a narrow, rustic tribute to the county's past - and a possible glimpse into its future.

Experts agree that the Amador Foothills Railroad is a cultural treasure and the only remaining surface link from Amador County to the other rail lines in the United States. In recent years, local historians have been locked in a bitter feud with corporate giant Sierra Pacific Industries regarding the fate of the railroad. As tempers rose, an independent group of railroad enthusiasts stepped in as a mediating force between the sides, restoring tracks, creating the Ione Vintage Rail Fair and getting assurances from SPI that most of the Amador Foothills Railroad would be saved for posterity.

Last week, that group said SPI changed its mind - revealing a sudden and unexpected move that appears to many to be the latest in a long line of broken promises.

On Friday, members of the Recreational Railroad Coalition, who have been guardians by lease of the railroad for the last five years, told the Ledger Dispatch that SPI's vice president, Mark Emerson, informed them that the RRC's lease would not be renewed, that they must cancel the upcoming Vintage Rail Fair, and that - despite nearly three years of assuring the public it wouldn't - SPI had decided to launch operations to destroy the entire railroad line.

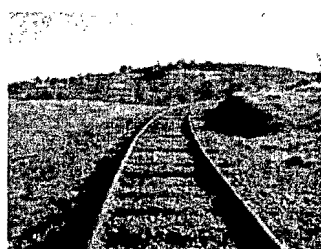
RRC members and history-lovers throughout Amador County are now reeling from the shock.

However, last week's revelation wasn't the first time SPI had reversed a public stance about the railroad. In 2005, the company began the process of filing for abandonment of the rails with the federal Surface Transportation Board, which would nullify all federal regulations over the railroad and allow SPI to do what it wants with it as a private property owner.

In order to go forward with the abandonment, the National Environmental Protection Act forced SPI to hire archeologists to produce a cultural resource study of the railroad. Those archeologists, Shelly Davis King and assistant Deborah Cook, found that Amador Foothills Railroad was so historically important that it qualified to be on the National Register for Historic Preservation. SPI quickly went on the record opposing any such nomination, but claimed it was willing to preserve the vast majority of the rails on its own.

To prove sincerity, SPI leased 85 percent of the railroad - which stretches from a bread store in Martell to the city of Ione rail yard - to the RRC, which volunteered to continually repair and restore it.

Meanwhile, SPI tore up three different sections of the historic railway that weren't under the RRC's lease. When the Amador County Historical Society began publicly denouncing the corporation, SPI spokesman Mark Luster characterized the three incidents as anomalies. In February 2008, Luster told the Ledger Dispatch that the three sections had been dismantled due to access problems and concerns from the Regional Water Quality Control Board. Luster said that two of the sections would eventually be fixed.



The Amador Foothills Railroad as it looks today.

Photo by: [Scott Thomas Anderson](#)

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Locals in shock after SPI reveals intentions to destroy Amador County's entire railroad






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Then, in fall 2009, without notifying the press or public, SPI began tearing up huge sections of track throughout Martell. On Sept. 22, 2009, a raging fire that threatened numerous businesses made the Ledger Dispatch aware of SPI's salvage operations. The fact that more than 1.5 miles of track had been ravaged became clear when contractors working for SPI admitted to a reporter that they'd accidentally started the fire while breaking the tracks apart.

Reached for comment, Luster now said that destroying the tracks was "consistent with (SPI's) plans to develop the property."

Did SPI have permission from federal authorities to destroy the tracks? According to the Surface Transportation Board, no. After learning of the incident, the board wrote a letter on Nov. 3 demanding SPI cease all salvage operations on the railroad until it had completed the abandonment process.

The RRC mourned the loss of the tracks, but took solace in the fact that the vast majority of the railroad was still unharmed and under their protection. Thursday's phone call to the RRC changed that.

According to Grant Vogel, the RRC's road master for the Amador Foothills Railroad, Emerson informed his group that SPI would pull the rails up forever and replace them with a walking path. Vogel opposes the destruction. He is also highly skeptical about SPI's newest offer. "Personally, I doubt that the walking trail will happen," Vogel said.

In a phone call Tuesday, Luster confirmed that the RRC's lease would not be renewed for "internal reasons." He did not directly confirm or deny the threat of salvage operations, but did attest that SPI was "in the process of exploring options for walk paths" along the rail line.

Gary Rienohl, a former employee of the Office of Historic Preservation, said that stopping SPI from tearing the railroad apart may be difficult.

"My understanding is that once they complete all of the stipulations in the abandonment process, they'll be out of the hands of all federal jurisdiction," Rienohl explained. "It would be up to the county to see that they needed do any discretionary actions under the California Environmental Quality Act. If they don't, SPI can go ahead and do it."

For Cook, one of the archeologists who studied the Amador Foothills Railroad, the scenario of destruction is horrifying. "That railroad was crucial to the economic development of Amador County. It provided a travel corridor and vital link in the building of our community," Cook said Monday. "This railroad is not only a valuable historic resource, but I believe it's necessary for the future of Amador. Eventually, we'll need mass transportation. It's a certainty."

Scott Thomas Anderson

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No comments have been posted in the last 15 days!

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February 8, 2010

Surface Transportation Board
Attn: Christa Dean
395 E Street, SW
Washington D.C. 20423

RE: Docket No. AB-512X – Abandonment Exemption – in Amador County, California

Dear Ms. Dean:

The Amador County Historical Society (ACHS) is named in the MOA between the STB, SPI, and the CA SHPO regarding STB Docket No. AB-512X – Abandonment Exemption – in Amador County, California, as a recipient of specific documents and documentation in accordance with the stipulations of this agreement. ACHS would like to provide you with an update of the materials that we have received and also provide some comments regarding the agreement document.

ACHS comments/updates are as follows by stipulation:

Stipulation I.A.1.

SPI provided ACHS black and white contact sheets and black and white 4”x 6” prints as required in this stipulation. The contact sheets identified the images as TIF files and the prints identified the files as JPG files. Duplicate prints of the following images were provided: 1637, 1638, 1639, 1641, 1642, 1643, 1645, 1646, 1647, 1648, 1650, 1651, 1652, 1653, and 1654. ACHS would be happy to return the extra prints to SPI. ACHS would like to request electronic copies of the TIF images on an Archival Gold CD. If TIF images are not available, then JPG images would be acceptable.

Stipulation I.A.6.

This stipulation states that “All buildings and their contents of historic value in the current Martell Station will be donated to the Amador County Museum (ACM), provided that the ACM removes any property that it wants within four months of the date that this MOA is executed.” The ACM is owned by Amador County (AC) and in May 2008 was operated by AC. AC closed the Museum in July 2008 and the ACM remains closed today. There is a footnote that on December 19, 2007 that SPI offered to convey the buildings in Martel to the ACHS. ACHS has no written record of that offer. The stipulation requires that the offer was to be made to the ACM. Is there documentation of the offer to ACM and an official response? Would you provide copies of these documents to the ACHS?

Stipulation I.A.7.

This stipulation lacks specificity in that it does not describe the location for the marker or plaque, nor does it provide requirements describing an appropriate size or review process. ACHS has provided comments regarding the proposed location of the plaque and is

willing to continue to discuss the location and a review process with the STB, the CA SHPO, and SPI.

The material that SPI is required to provide to the ACHS in this stipulation includes photographs, video documentation, blueprints, and maps. ACHS received copies of photographs that are of archival quality. Since video is electronic recordation, ACHS assumes that the video documentation is of the portions of the historic property that were specified in the MOA for removal; this has not been provided. SPI indicated in a recent email that they will provide video documentation to ACHS in the near future. Any video recording of the resource should be completed by a professional videographer that has a background in video recordation for HABS/HAER. If the video recording of the buildings, track and other features were not made prior to the removal of the rails, then the video documentation of the resource fails to provide a complete record of the resource.

ACHS previously informed STB and the CA SHPO that track was being removed prior to the fulfillment of the stipulations of the MOA. Visual inspections verify that significant portions of track have been removed. Please find included current photos of some sections of removed trackage. ACHS noted that the MOA states:

1. In a decision on March 6, 2006, the Board made it clear that SPI must not file its consummation notice or initiate any salvage activities related to abandonment until the Section 106 process has been completed and the Board has removed this condition, and
2. Once the mitigation measures are complete and the SHPO is notified, the Board will notify SPI that it may commence with removal of the rail line and structures.

If the reference to video documentation included digital recordings taken from films of the operating railroad, ACHS would be interested in receiving that documentation because it is another method for recording the railway. ACHS is not interested in blueprints because of the short lifespan of documents produced by this process. ACHS requests that copies of the photographs, video documentation, drawings and maps be provided on archival quality materials (paper, CD, etc.). ACHS requests that electronic copies of all materials (images, video, drawings and maps) be provided on Archival Gold CD. Additional comments regarding the report are made under Stipulation IV.A.

Stipulation II.

This stipulation indicates that the STB will consider all discoveries to be eligible for the National Register of Historic Places. This condition does not indicate that there will be any monitoring by a qualified historic archeologist or other mechanism for identifying discoveries during the removal of the historic property. Could STB please explain what mechanisms will be in place to identify discoveries? ACHS would be willing to cooperate with the CA SHPO, the STB, and SPI on developing mechanisms, such as monitoring, for identifying discoveries.

Stipulation IV.A

The HABS/HAER report describes the architectural information by A.) General Statement, B.) Description of Exterior, C.) Description of Interior, and D.) Site. Sections A, B, and C segment the descriptions of each of the buildings into elements rather than providing a detailed description of each building as a unit. This makes the report difficult to understand. A clear description of each building and its architectural elements would make the report easier to understand. This would be consistent with guidelines for descriptions provided in National Register of Historic Places Nomination Forms and HABS/HAER recordation.

In the HABS/HAER report description of the site (Section D), the first subsection is Historic Landscape Design. The description in the report focuses on plantings/ornamental landscaping rather than a more encompassing view of the built environment landscape. The Historic Landscape Design description would be more useful if it included a landscape design of the facility as a whole, detailing the design of the entire station area with plantings/ornamental landscaping being just part of the overall landscape design.

ACHS assumes that the historic property is being recorded at HABS/HAER Documentation Level III; requiring (1) Drawings: sketch plan; (2) Photographs: photographs with large-format negatives of exterior and interior views; and (3) Written data: architectural data form. ACHS does not believe that the drawings or sketch plan are of sufficient scale to identify specific buildings or their dimensions. No architectural data forms were attached to the report that ACHS received. There were no historic photographs included in the record that depict the buildings during the period of significance. Having both the historic photographs and the photographs of the existing somewhat dilapidated buildings would provide a more meaningful HABS/HAER record.

The photographs of the buildings are limited in that they do not show much of the architectural details. For example, the ticket window can be seen on an interior photo, but does not appear on an exterior photo. The connections of these types of details are lost in this record. There are no drawings of the buildings and structures that give a complete record of the eligible features that are to be removed.

The index to photos helps to identify the location and direction of each of the photographs. If this is intended to constitute a detailed recording of the section of rail to be removed, the photographs present a limited recording of the resource. A map of the area with photo points and direction of the photos would be extremely useful and represent a detailed record of the railroad and buildings to be removed.

Attachment D of the report does not appear to be on a 1:1 scale. Some of the text is not readable because of the small size or quality of the reproduction. This is especially important for the Martell Depot area. The names of buildings are very difficult to read, and the actual size of the buildings is vague at this scale. If these maps are not a 1:1 scale, please provide maps for this attachment at a 1:1 scale. If these maps are at a 1:1 scale, then more detailed maps of the Martell Depot area are needed. Also, it is extremely important to document the location of buildings and structures that were constructed

during the period of significance but no longer exist. Documentation of the locations of buildings and structures that are no longer extant should be in the photographic record as well as historic photographs of those buildings and structures, if available, to adequately document the depot area. The photo documentation should include the resources current condition as well as their condition during the period of significance.

A letter from Historic Resource Associates (HRA) was provided with the report sent to ACHS by SPI. The letter states that the report provided by HRA was not provided on archival paper. ACHS understands that the CA SHPO reviewed the report in December of 2008 and received another copy in January of 2009 (personal communication with Mark Beason, Feb 1, 2010). It is unclear to ACHS if a final report was completed by HRA and if the copy provided to the ACHS is the final or a draft. If it is a final, ACHS requests that SPI provide a copy of the transmittal letter from HRA stating that this is the final copy. ACHS would like a copy of the final report that has been reproduced on archival quality paper with archival quality inks/toners, along with electronic copies of the documents on Archival Gold CD. ACHS requests STB to direct SPI to send to the Amador County Archives and to the Amador County Library copies of all materials provided to ACHS under Stipulations I.A.1, I.A.6, and IV.A.

ACHS respectfully requests that STB consider our comments on the MOA and the manner in which it is being fulfilled. If ACHS has inaccurate information or has inaccurately interpreted the stipulations of the MOA, ACHS would appreciate clarification on those points. ACHS looks forward to working with STB, the CA SHPO, and SPI to complete the fulfillment of the stipulations of the MOA.

Respectfully,

Larry Cenotto, ACHS President Date

Dave Butow, ACHS Board Member Date

Gary Reinoehl, ACHS Board Member Date

CC:
Wayne Donaldson, SHPO
ATTN: Mark Beason
California Office of Historic Preservation
P.O. Box 942896

Sacramento, CA 94296-0001

Advisory Council on Historic Preservation
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Dave Brown
Sierra Pacific Industries
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Amador County Board of Supervisors
Brian Oneto, Chairman
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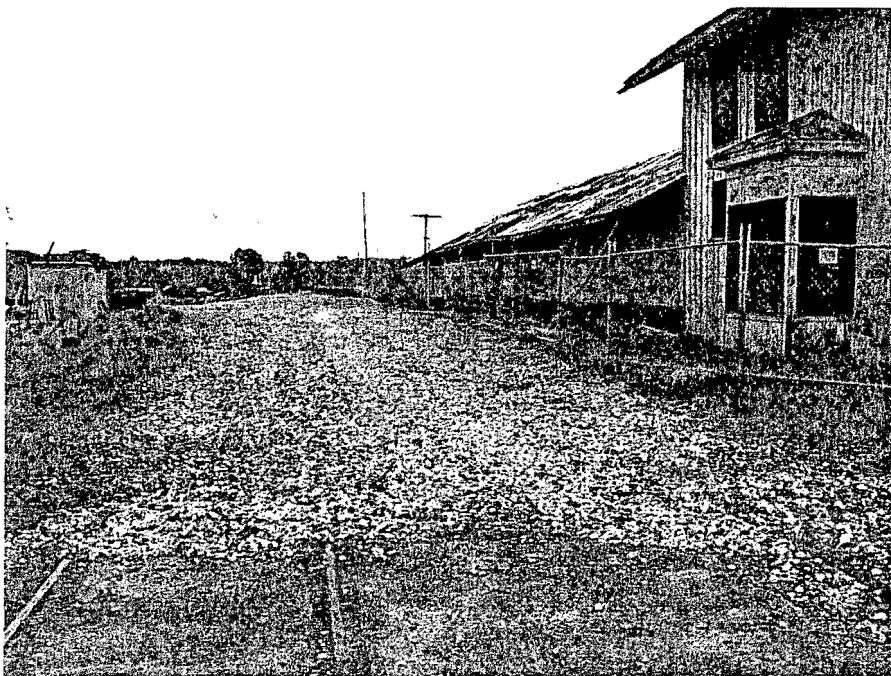


Photo 1: Looking east from road at west end of Martel Depot.



Photo 2: Looking east from Hwy 49 crossing, Martel Depot in background.



Photo 3: Looking west at "Y" from Hwy 49. Railroad right of way to right goes toward area of old SPI plant.

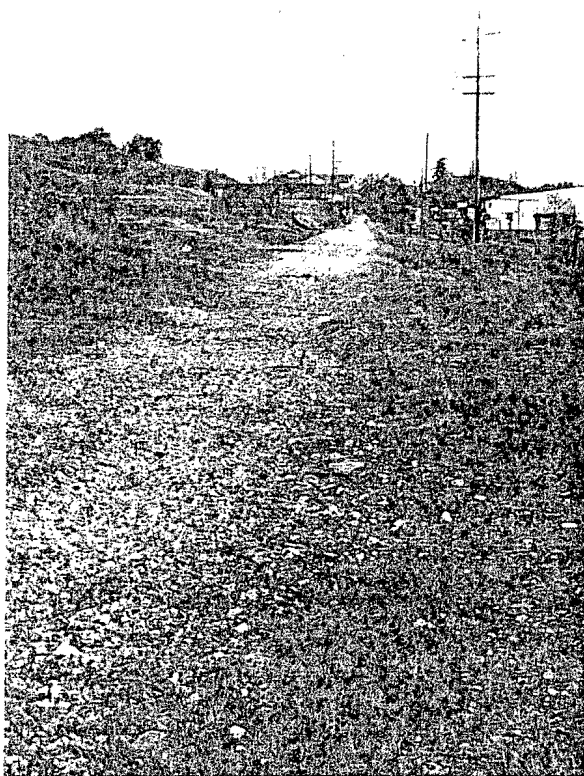


Photo 4: Looking east from west end of Martel Plaza.



Photo 5: Looking west from west end of Martel Plaza.

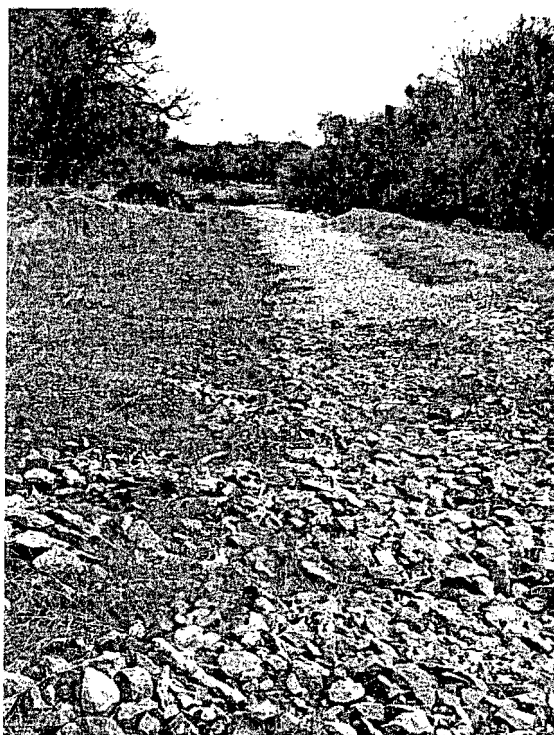


Photo 6: Looking east from Boxcar Blvd.



Photo 7: Looking west form Boxcar Blvd.

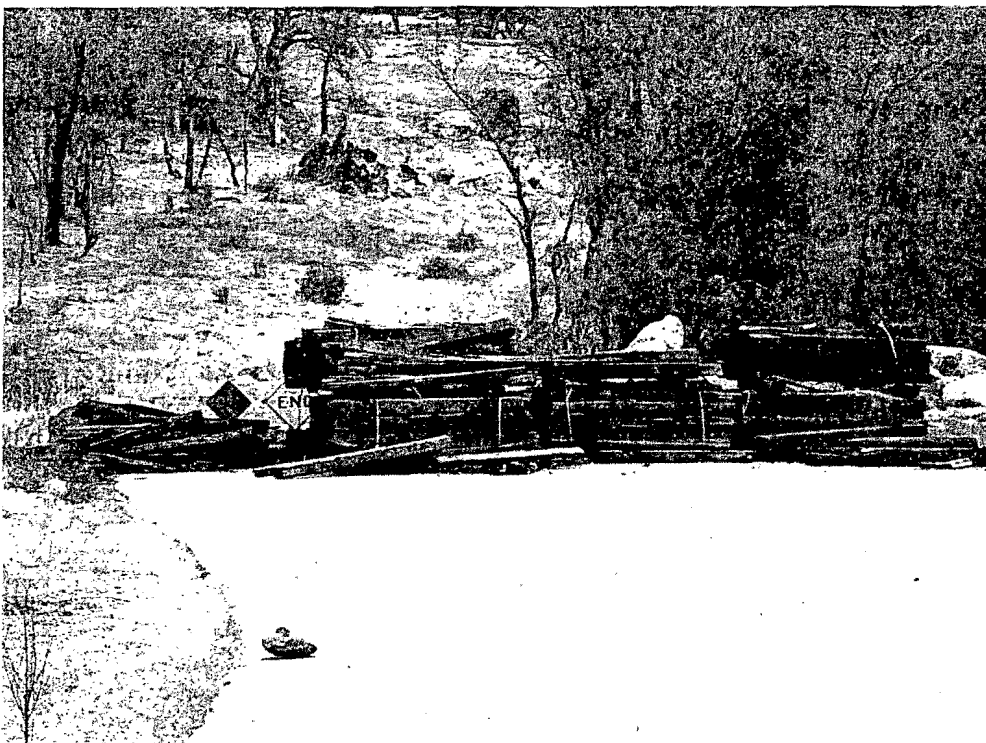


Photo 8: Piled ties at end of Boxcar Blvd.



Photo 9: Piled ties east of Hwy 88 crossing.



Photo 10: Looking east from Hwy 88 crossing. Note pile of ties from Photo 9 behind building on left.

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis and Administration

March 3, 2010

Larry Cenotto, President
Amador County Historical Society
P.O. Box 761
Jackson, CA 95642

**Re: STB Docket No. AB-512X, Sierra Pacific Industries -
Abandonment Exemption - in Amador County, CA**

Dear Mr. Cenotto:

In a letter dated February 10, 2010, the Amador County Historical Society (ACHS) contacted the Surface Transportation Board (Board) regarding the Memorandum of Agreement (MOA) for the above-referenced abandonment in Amador County, California. This letter responds to the comments and questions submitted by the ACHS.

Background

As you know, in 2004, Sierra Pacific Industries (SPI) filed a petition for exemption with the Board seeking approval authority to abandon this 12-mile railroad line in Amador County, California. The Board's approval of the abandonment is considered an undertaking under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (NHPA) and is thus covered under its provisions. The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act and the historic preservation review process under NHPA (the Section 106 process).

As early as March 2006, SEA commenced discussions with the ACHS, primarily with Mr. Dave Butow, regarding this rail line abandonment and the Section 106 process. Following an extensive consultation process that involved SPI, the California State Historic Preservation Office (SHPO), the ACHS, and the Amador County Board of Supervisors, SEA negotiated an MOA to comply with the Section 106 process and to mitigate potential harm to historic resources. The MOA was signed by the Board, the SHPO, and SPI; the Amador County Board of Supervisors signed the MOA as a concurring party. The ACHS was invited to sign the MOA as a concurring party pursuant to 36 CFR 800.6(c)(3), but it declined to sign the agreement. Thereafter, on September 4, 2008, SEA submitted the executed MOA to the Advisory Council on Historic Preservation, and on September 22, 2008, the Board removed the Section 106 historic preservation condition in this proceeding.

The MOA contains seven stipulations or mitigation measures, and the railroad has complied with the majority of those measures. However, in fall 2009, the Board received a report that salvage activities had begun on the rail line, and on November 3, 2009, SEA notified SPI that all salvage activities must be discontinued until the stipulations and terms of the MOA are fulfilled and SEA notifies SPI in writing that it may proceed with salvage activities. Mr. Mark Beason at the SHPO was notified about this development in a telephone call, as well as in an e-mail dated November 12, 2009. The status of the MOA is addressed below.

Memorandum of Agreement

As stated above, Section I.A. of the MOA contains seven stipulations, and SPI has complied with six of those stipulations. The only stipulation in the MOA that is still outstanding is Stipulation Number 7. That stipulation states that: "A marker or plaque describing the significance of the area, historic context, and importance to the development of the community will be donated and established by SPI. SPI will provide photographs, video documentation, blueprints, and maps to the Amador County Historical Society."

Both SPI and a representative for the ACHS, Ms. Charline Buckley, have confirmed that SPI is currently working with the ACHS to establish the marker or plaque. To comply with the video documentation requirement, SPI confirmed that it is sending the ACHS two videos; these videos are titled "The Last Run of Amador" and "Great Shorelines West." Because some of the track has already been removed, the ACHS expressed concern that the videos might have been made after the removal of part of the line and, therefore, that the videos might not sufficiently document the resource. However, SPI states that the track was still in place when both of these videos were made and, in fact, "The Last Run of Amador" captures the last freight train to run over the line. SPI has indicated that it has already provided maps to the ACHS, and in your letter, the ACHS has acknowledged that it "is not interested in [receiving] blueprints."

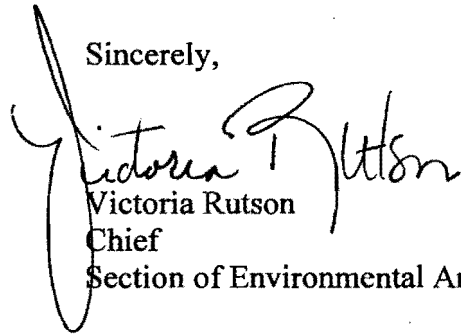
While we recognize the ACHS's interest in the historic properties involved in this rail line abandonment, we want to reiterate that the Board has limited authority to protect historic properties. Documentation of historic properties or resources (taking photographs or preparing a history) is the only form of nonconsensual mitigation that the Board can require. In this proceeding, SPI voluntarily agreed to undertake additional mitigation beyond what the Board may require, and that mitigation was also incorporated into the MOA.

Moreover, it appears that the ACHS is requesting information that is not required by the MOA, as well as changes to the language in the MOA. For example, Stipulation 1 of the MOA requires SPI to: "conduct photo documentation of the portion of the railroad to be removed, and include representative samples of trackage, switches, associated terraces, markers and other items that reflect the significance of the portions to be removed. The black and white photographs should move from an overall view of the structure in its environment to details of how it was constructed with associated features." SPI has submitted the photographs as required by the MOA, but the ACHS is now requesting electronic copies of the images. In addition, ACHS is asking for revisions to the Final HABS/HAER Report and requesting that materials,

such as photographs, video documentation, drawings and maps, also be provided on archival quality paper or CDs.

The Section 106 process has been completed, and the ACHS had the opportunity to comment on the MOA, as well as its stipulations, while it was being drafted. The ACHS also had the opportunity to sign the MOA but declined to do so. The Board, SPI, and the SHPO are the signatory parties to the MOA, and under 36 CFR 800.6(c)(7), only the signatories to an MOA can amend or make changes to the document. We are continuing to work with SPI to ensure the completion of the stipulations as set out in the MOA. If you have any questions or require any additional information, please do not hesitate to contact me or Christa Dean at (202) 245-0299.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large loop at the end.

Victoria Rutson

Chief

Section of Environmental Analysis

Cc: Gary Reinoehl, ACHS Director
Mark Beason, California SHPO
Najah Duvall-Gabriel, Advisory Council
Dave Brown, SPI
Brian Oneto, Amador County Board of Supervisors