



# CENTER FOR BIOLOGICAL DIVERSITY

BECAUSE LIFE IS GOOD.

April 10, 2006

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K. Street, NW  
Washington, D.C. 20423

Ms. Victoria Rutson  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K. Street, NW, Ste 500  
Washington, DC 20423

**Re: Request for Expanded Environmental Review for the Proposed Abandonment of the San Pedro Railroad Operating Company, LLC, in Cochise County, Arizona, STB Docket No. AB-1081-X, and the Potential Approval of an Offer of Financial Assistance made by Sonora-Arizona International, LLC**

Dear Mr. Williams and Ms. Rutson:

On behalf of the Center for Biological Diversity and our 22,500 members, I am writing to reiterate the need for an Environmental Impact Statement before approving an Offer of Financial Assistance (OFA) by Sonora-Arizona International, LLC. It is appropriate to conduct an environmental review whenever there is a federal action. The Board's action(s) in this case constitutes a federal action.

Section 2 of the Endangered Species Act requires that all Federal agencies "shall seek to conserve endangered species and threatened species and shall utilize their authorities in furtherance of the purposes of this Act." Section 7 requires that all Federal agencies "consult" with the Secretary of the Interior to "insure that any action authorized, funded, or carried out by such agency...is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat of such species..."

Because of the presence of the endangered Huachuca Water Umbel, Southwestern Willow Flycatcher and Jaguar; because of the irreplaceable character of the San Pedro River ecosystem;

because of the increased rail activity and dangers posed by toxic cargo; because of the increased development in the Naco area and all other direct and indirect cumulative impacts that will result from the proposed operations by Sonora-Arizona, an Environmental Impact Statement (EIS) is wholly appropriate, and in fact federally mandated.

Under the Surface Transportation Board regulation 49 CFR 1105.6 (d), the Board has the prerogative to determine that an EIS is appropriate should an action have the potential for significant environmental impacts. As identified in our previous letter dated March 30, 2006, the potential impacts of Sonora-Arizona's acquisition and operations of the rail line are clearly a significant change from previous operations and present the potential for significant impacts to the environment and endangered species.

The Center for Biological Diversity continues to assert that an EIS should be prepared prior to the Board approving the OFA by Sonora-Arizona.

Should you have any questions or concerns, please do not hesitate to contact Michelle Harrington, Rivers Program Director, by phone at 602-628-9909, or by email at [mharrington@biologicaldiversity.org](mailto:mharrington@biologicaldiversity.org), or Robin Silver, Board Chair, by phone at 602-246-4170, or by email, [rsilver@biologicaldiversity.org](mailto:rsilver@biologicaldiversity.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle T. Harrington", with a stylized flourish at the end.

Michelle T. Harrington  
Rivers Program Director

### **Certificate of Service**

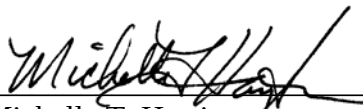
I hereby certify that I have this 10th day of April 2006, caused to be served a copy of the Center for Biological Diversity's letter regarding the proposed abandonment of the San Pedro Railroad Operating Company, LLC, in Cochise County, Arizona, STB Docket No. AB-1081-X, and the potential approval of an Offer of Financial Assistance made by Sonora-Arizona International, LLC, to be served by first class mail for those counsel upon the following:

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Michelle T. Harrington  
Rivers Program Director  
Center for Biological Diversity