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SERVICE DATE – SEPTEMBER 22, 2008

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-512X

SIERRA PACIFIC INDUSTRIES—ABANDONMENT EXEMPTION—  
IN AMADOR COUNTY, CA

Decided: September 19, 2008

By decision served on February 25, 2005, the Board, under 49 U.S.C. 10502, exempted from the prior approval requirements of 49 U.S.C. 10903 the abandonment by Sierra Pacific Industries, Inc. (SPI) of a line of railroad extending from milepost 0.0 at Ione to milepost 12.0 at Martell, in Amador County, CA.<sup>1</sup> The Board made the exemption subject to public use, trail use, and environmental conditions. SPI submitted a consummation notice on February 16, 2006.<sup>2</sup>

By letter filed on February 28, 2006, SPI sought to withdraw its consummation notice. SPI noted that, among the conditions that were imposed, SPI was required to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA). SPI explained that it had mistakenly filed the notice without having fulfilled the historic preservation condition. SPI assured the Board that it would comply with the historic preservation condition and not attempt to consummate the abandonment before the condition was satisfied and removed by the agency. By decision served on March 6, 2006, SPI's request to withdraw its consummation letter was granted.

On September 4, 2008, the Board's Section of Environmental Analysis (SEA) sent to the Advisory Council on Historic Preservation (ACHP) a letter with a copy of a Memorandum of Agreement (MOA) executed by SEA on behalf of the Board, SPI and the California Office of Historic Preservation (State Historic Preservation Office or SHPO). The MOA was negotiated to comply with the section 106 process to mitigate potential harm to historic resources. SEA states that the filing of the MOA with the ACHP completes the Board's compliance responsibilities

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<sup>1</sup> In the same decision, the Board also granted an exemption for SierraPine to discontinue service over the line in SierraPine—Discontinuance Exemption—In Amador County, CA, STB Docket No. AB-880X (STB served Feb. 25, 2005).

<sup>2</sup> While SierraPine joined in this filing, only the carrier that has received abandonment authority is subject to the requirement for filing a notice of consummation. See 49 CFR 1152.29(e)(2).

under section 106 of the NHPA. Therefore, SEA recommends that the section 106 historic preservation condition imposed in the February 25, 2005 decision be removed.

Accordingly, the proceeding will be reopened and the previously imposed section 106 historic preservation condition will be removed.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proceeding is reopened.
2. Upon reconsideration, the section 106 historic preservation condition imposed in the February 25, 2005 decision is removed.
3. This decision is effective on its date of service.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan  
Acting Secretary