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February 28, 2006

Part of
Public Record

BY HAND

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



215884

**Re: Docket No. AB-512X, Sierra Pacific Industries – Abandonment Exemption –
In Amador County, CA, and
~~Docket No. AB-880X, SierraPine – Discontinuance Exemption – In
Amador County, CA~~**

Dear Secretary Williams:

By decision served February 25, 2005 (hereafter, the “Decision”), the Surface Transportation Board granted a petition for exemption authorizing my clients Sierra Pacific Industries (“SPI”) to abandon and SierraPine to discontinue service over a line of railroad extending from milepost 0.0 at Ione to milepost 12.0 at Martell, in Amador County, CA subject to specified conditions.

By letter dated February 14, 2006 and filed with the Board, M.D. Emmerson, Chief Financial Officer of SPI, advised that “the conditions to abandonment and discontinuance set forth in [the Decision] have been met and that SPI and SierraPine are consummating the abandonment and discontinuance of the subject line as of the date of this letter.” This letter was filed pursuant to 49 C.F.R. § 1152.29(e)(2)

Subsequently, the Board staff advised SPI, SierraPine and me that one condition set forth in the Decision – completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f – is a pre-condition to consummation of the abandonment of the line and not merely a pre-condition to SPI’s and SierraPine’s divesting themselves of their interests in, or altering the historic integrity of, all sites and structures on the right of way that are 50 years and older, as we had believed the Decision stated. See Decision, slip op. at 7, 10. Inasmuch as SPI and SierraPine have retained their interests in, and have not altered the historic integrity of, all sites and structures on the right of way older than 50 years, they have not initiated the section 106 process. I apologize for any misunderstanding we may have had on this matter, and I assure

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the Board that SPI and SierraPine intend to comply fully with all of the conditions set forth in the Decision and with the requirements of the National Historic Preservation Act.

Based on the staff's advice, it is our understanding that the notice of consummation required by 49 C.F.R. §1152.29(e)(2) will not be due until 60 days after the section 106 process has been completed and the Board has removed that condition to the abandonment authorization, and further, that the other conditions set forth in Ordering Paragraph 2, numbers (3) through (7) of the Decision are not pre-conditions to consummation of the abandonment but only pre-conditions to salvage operations.

Based on the staff's view and at their request, I am writing on behalf of SPI and SierraPine to withdraw the notice of consummation submitted by Mr. Emmerson in his letter dated February 14, 2006 and to advise the Board that SPI and SierraPine will not consummate the abandonment authorized by the Decision or initiate any salvage activities until the section 106 process has been completed and the Board has removed the section 106 condition.

Ten additional copies of this letter are enclosed for the Board's use and distribution.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Allen". The signature is fluid and cursive, with the first name "Richard" being more prominent and the last name "Allen" following in a similar style.

Richard A. Allen

cc: M.D. Emmerson
Pamela Giovannetti, Esq.
Christa Dean, Esq. (by fax)