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Mack H. Shumate, Jr.
Senior General Attorney, Law Department



July 28, 2010

VIA E-FILE

The Honorable Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E. Street, S.W., Room #100
Washington, DC 20423-0001

FILED IN
Office of Surface Mining
JUL 28 2010
Part of
Public Record

RE: Abandonment of a portion of the Yakima Industrial Lead from M.P. 57.3 to M.P. 58.75, a distance of 1.45 miles near Grandview in Yakima County, Washington; STB Docket No. AB-33 (Sub-No. 285X)

REQUEST FOR ADMENDED DECISION

Dear Ms. Brown:

We are requesting an amended decision permitting the salvage of the track structure for the area described on the attached letter for which the state SHPO has determined there is no historic interest. This will permit the drainage district to install its pipe at a substantially reduced cost. The attached letters will explain in detail the argument supporting this request for an amended decision

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over a white background.

Mack H. Shumate, Jr.
Senior General Attorney

Enclosure

O:\Abandonments\33-285X\STB-Ltr to C. Brown-072810



July 28, 2010

Victorian Rutson
Section of Environmental Analysis
U. S. Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: *Union Pacific Railroad Yakima Industrial Lead
Grandview, WA, AB33-285x and AB33-286x*

Dear Ms. Rutson:

The Union Pacific Railroad (UP) is seeking abandonment of a section of the Yakima Industrial Lead between MP 57.30 to MP 58.75 (STB Docket AB33-285x). It has come to our attention that the Sunnyside Valley Irrigation District is seeking to cross UP right of way with an irrigation pipe within a 1000-foot segment of the proposed abandonment (Irrigation Project). The irrigation district could realize savings on construction costs in the hundreds of thousands of dollars if the track structure is salvaged prior to construction of the irrigation pipe, rather than the track structure and grade being maintained during and after construction.

To assist the irrigation district, UP is requesting to remove approximately 1000 feet of track between MP 57.9 and 58.1 in Grandview, Washington. This area has been previously reviewed for historic properties that may be affected by the proposed Lateral Improvement Projects for the Sunnyside Valley Irrigation District. The U.S. Bureau of Reclamation (BOR) consulted with the Washington State Historic Preservation Office (WaSHPO) in compliance with Section 106 of the National Historic Preservation Act. BOR found and WaSHPO concurred that no historic properties are present in the UP right of way within the area of potential effect of the Irrigation Project (see attached letter dated April 6, 2010).

As abandonment proceeds for the entire 1.45-mile section of the Yakima Industrial Lead, Section 106 consultation will be necessary. However, removal of the track structure within the 1000-foot area of potential effects of the Lateral Improvement Projects is directly related to the irrigation district work. As such, UP requests that STB consider Section 106 consultation to be complete for track removal within this area.

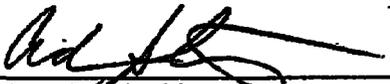
**Yakima Industrial Lead
Sunnyside Valley Irrigation District
Proposed Track Removal**

Assuming no additional Section 106 consultation related to the Irrigation Project is necessary, UP requests approval of track removal within the project area.

Thank you for your attention to this matter. If you have any questions or require additional information, please do not hesitate to contact me at 651-842-4202.

Sincerely,

Summit Envirosolutions, Inc.



**Andrew J. Schmidt
Director of Cultural Resources**

**CC: Joseph Dettmar, Office of Proceedings, STB
Mack Shumate, Union Pacific Railroad
Ray Allamong, Union Pacific Railroad**

**ATTACHMENT 1. LETTER FROM WASHINGTON
DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION**



STATE OF WASHINGTON

DEPARTMENT OF ARCHAEOLOGY & HISTORIC PRESERVATION

1063 S. Capitol Way, Suite 106 • Olympia, Washington 98501
Mailing address: PO Box 48343 • Olympia, Washington 98504-8343
(360) 586-3065 • Fax Number (360) 586-3067 • Website: www.dahp.wa.gov

April 6, 2010

Mr. David Kaumheimer
BOR
1917 Marsh Road
Yakima, WA 98901-2058

In future correspondence please refer to:
Log: 030410-06-BOR
Property: Sunnyside Valley Irrigation System Improvements Phase 2B
Re: Determined Eligible

Dear Mr. Kaumheimer:

Thank you for contacting our office. I have reviewed the materials you provided to our office and we concur with your professional opinion that the following cultural resources are either contributing elements to a National Register District or are eligible to the National Register of Historic Places:

Matheson Lateral
Rocky Ford Power plant
Bonnieview Power plant

Dr. Rob Whitlam has reviewed the document and concurs with the findings of your staff that the site known as 45YA608 is eligible. He looks forward to further conversations with the BOR concerning the monitoring plan.

We also concur that the following historic elements are not eligible for listing:

The section of the Union Pacific Railroad bisecting your APE
City of Grandview Well House
Ryder Lateral
Grandview Road/Yellowstone Trail monument

I would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4). We look forward to working with you and your staff on avoiding, minimizing or otherwise mitigating adverse effects. These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations 36CFR800.

Please note that DAHP requires that all historic property inventory and archaeological site forms be provided to our office in PDF format on a labeled CD along with an unbound paper copy. For further information please go to http://www.dahp.wa.gov/documents/CR_ReportPDF_Requirement.pdf.



Thank you for the opportunity to review and comment. If you have any questions, please contact me.

Sincerely,



Russell Holter
Project Compliance Reviewer
(360) 586-3533
russell.holter@dahp.wa.gov