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received 7/10/06

June 30, 2006

VIA FIRST CLASS MAIL

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
Room 504
1925 K Street, NW
Washington, DC 20423

**RE: STB Docket No. AB-6 (Sub-No. 428 X) BNSF Railway Company –
Abandonment Exemption – in Colfax County, New Mexico**

Dear Ms. Rutson:

We are writing this letter on behalf of our client, Vermejo Park, LLC (“Vermejo”), in regard to the above-referenced matter. As you know, Vermejo owns the land adjacent to a portion of the rail line and right-of-way (“Line”) that Burlington Northern Santa Fe Railway (“BNSF”) seeks exemption to abandon in Colfax County, New Mexico. Last July, Vermejo submitted a letter to the Section of Environmental Analysis (“SEA”) expressing concerns about the Line’s abandonment and requesting the imposition of certain conditions relating thereto. One of the requested conditions involved the removal of the Line’s ballast (“Ballast”) as part of BNSF’s salvage activities, which Ballast our client at the time feared might be contaminated. Vermejo’s request was driven in large part by a lack of information about BNSF, its intentions, and the condition of the Line, as well as Vermejo’s lack of control over how the salvage activities would be conducted. In response, the SEA recommended in its post-Environmental Assessment (“Post EA”) the imposition of an additional condition requiring BNSF to consult with the U.S. Environmental Protection Agency (“EPA”) and the New Mexico Environment Department (“NMED”) regarding potential contamination of the Ballast prior to conveyance of the Line.

Since last July, Vermejo and its neighbor, Colfax Land & Cattle Company, LLC (“Colfax”), have been in extensive negotiations with BNSF regarding the future of the Line. During the course of the negotiations, which have involved a preliminary visit to and tour of the Line itself, Vermejo’s concerns about the Ballast have lessened. Further, we are now confident that we will be in control of any future salvage activities involving the Line

Accordingly, we withdraw our objections as set forth in our letter dated July 14, 2005. Additionally, we request that the consultation requirement precipitated by our original letter be removed from your office's recommendations.

If you have any questions about this request, please call me at (404) 588-0505. Thank you for your consideration of this matter.

Respectfully submitted,

LAWSON, DAVIS, PICKREN & SEYDEL, LLP



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cc: Sarah Bailiff, Esq. (via fax 817.352.2397)
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