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September 25, 2007

**VIA ELECTRONIC-MAIL
AND FIRST CLASS MAIL**

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Re: *BNSF v. City of Mount Vernon, et al.*
WSUTC Docket No. TR-070696

Counsel:

As I mentioned to several of you on Friday, WSDOT will withdraw the SEPA DNS issued for the Mount Vernon Siding Extension project on February 16, 2007, and will shortly issue a new threshold determination.

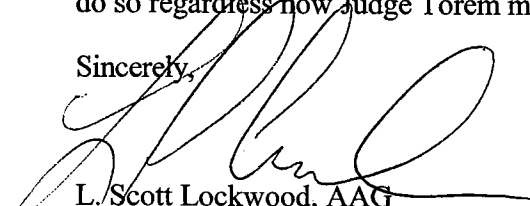
This decision is in response to the concerns expressed by the City of Mount Vernon and others about the sufficiency of notice provided, and suggesting that WSDOT did not have the benefit of some comments regarding certain potential impacts. While persuaded that the Department did meet its legal obligations under SEPA, it has nevertheless decided the best response is further review all comments received to date, including the declarations and exhibits filed by the parties in this case, and then reissue a threshold determination, with a new notice and 14-day comment period.

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I anticipate WSDOT should be able to reissue its threshold document within the next week and will do so regardless how Judge Torem may rule on the motions that are currently pending.

Sincerely,



L. Scott Lockwood, AAG
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LSL:lms

cc: Honorable Adam Torem