

LAW OFFICES
FRITZ R. KAHN, P.C.
1920 N STREET, NW. (8TH FL.)
WASHINGTON, DC 20036
Tel.: (202) 263-4152 Fax: (202) 331-8330
e-mail: xicccg@verizont.net

RECEIVED

APR 04 2011

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

March 31, 2011

Mr. Reese Tietje
Nevada State Clearinghouse
209 East Musser St. (#200)
Carson City, NV 89701-4298

re: STB Docket No. AB-1074X, Lassen Valley Railway, LLC--Petition for
Abandonment Exemption--in Washoe County, NV, and Lassen County, CA

Dear Mr. Tietje:

On or about April 15, 2011, Lassen Valley Railway, LLC ("LVR") expects to file with the Surface Transportation Board ("STB") its petition for abandonment exemption to abandon its line between Milepost 338.33 near Flanigan, Washoe County, NV, and Milepost 359.25 near Wendel, Lassen County, CA. Sent to you on March 29, 2011, was an Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

LVR provided this Report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the STB's Office of Environmental Analysis, 395 E Street, SW, Washington, DC 20423 (tel.: (202) 245-0295) and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments, with a copy to me, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the environmental and/or historic preservation impacts of the contemplated action. If there are any questions concerning the proposal, please contact me by mail, e-mail or telephone.

Sincerely yours,



Fritz R. Kahn

enc.

cc: Victoria J. Rutson, Esq.

SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB Docket No. AB-1074X

LASSEN VALLEY RAILWAY, LLC
--PETITION FOR ABANDONMENT EXEMPTION--
IN WASHOE COUNTY, NV, AND LASSEN COUNTIES, CA

ENVIRONMENTAL AND HISTORIC REPORT

Lassen Valley Railway, LLC ("LVR"), pursuant to 49 C.F.R. §1152.50, submits this Environmental and Historic Report in support of its Petition for Abandonment Exemption.

1. Proposed action and alternatives. The line which LVR proposes to abandon extends between Milepost 338.33 near Flanigan, Washoe County, Nevada, and Milepost 359.25 near Wendel, Lassen County, California, a distance of 21.77 miles. The line traverses U.S. Postal Service Zip Codes 89405, 96113, 96130 and 69136, and there is no station.

The line was acquired as a rail carrier by LVR from its former owner and operator, Union Pacific Railroad Company ("UP"), pursuant to the Notice of Exemption in STB Finance Docket No. 35306, Lassen Valley Railway LLC--Acquisition and Operation Exemption--Union Pacific Railroad Company, served December 3, 2009, 74 Fed. Reg. 63501, December 3, 2009. UP had been authorized to abandon the line, including the embraced remnant of the Susanville Industrial Lead between Milepost 358.68 and Milepost 359.25 near Wendel, by Decision of the Board in STB Docket No.

Lassen County, CA and Washoe County, NV, served January 26, 2007, the effective date of which was deferred by Decisions served February 2, 2007, August 5, 2008, and September 19, 2008, until October 19, 2008. In its Decision the Board noted that since 2004 there had been no shipper on the line, and the only traffic which had moved on the line was by UP's contractors of scrap railroad track materials from abandoned UP railroad lines. Nevertheless, UP did not consummate the abandonment.

Lassen County believed preserving the line as an active line of railroad was important to County's economic development and asked UP to defer abandoning the line while the County tried to find another operator. UP agreed and allowed the County until August 17, 2009, to find someone to make an offer to acquire the line. On August 10, 2009, LVR advised the County and its two potential shippers, HL Power Company and Mr. Vincent P. Estell, that it would agree to purchase the line from UP and operate it as an active line of railroad for at least one year's time.

The year was up December 17, 2010. In the meantime, HL Power Company, the plant of which is approximately two miles distant from the line which LVR was authorized by the Board to acquire and operate, has installed no connecting track and has neither tendered nor received any traffic for handling by LVR. Similarly, the site which Mr. Estell hopes to develop is approximately two miles removed from the LVR's line, and Mr. Estell has laid no track connecting his site to the LVR and has neither tendered nor received any traffic for transportation by LVR. There are no other shippers on the line. In other words, no revenue freight has moved on the line since 2004. LVR now seeks to abandon the line so as to be able to salvage and sell the track, ties and other track materials.

LVR has notified HL Power Company and Mr. Estell of its intention to seek the Board's authorization to abandon the line and has agreed to sell them the line in response to an offer to purchase the line. Neither one has responded to LVR's proposal.

The line proposed for abandonment includes five structure which are 50 years old or older, ordinary timber pile open deck trestles, one in Nevada and four in California, none of which will not be removed or otherwise disturbed, so that the right-of-way of the line to be abandoned might serve a public purpose or be used for a recreational trail.

Based on information in LVR's possession, segments of the line may contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

2. Transportation systems. As already noted, no traffic has moved on the Flanigan-to-Wendel line in more than a year's time since LVR acquired it, just as no revenue freight moved on the line the last five years of UP's ownership of the line. By letters dated February 18 and March 16, 2011, copies of which were sent to the Board's Office of Environmental Analysis ("OEA"), LVR's representative advised the Nevada State Clearinghouse and California Office of Planning and Research of the proposed abandonment of the Flanigan-to-Wendel line, and copies of the exchange of e-mails with Mr. Reese Tietje of the Nevada State Clearinghouse, dated March 9 and 10, 2011, are attached as Exhibit 1.

3. Land use. By letter dated February 18 and March 16, 2011, copies of which was sent to OEA, LVR's representative advised the Nevada and California Natural Resources Conservation Services of the proposed abandonment of the Flanigan-to-Wendel line, and attached as Exhibit 2 is a copy of the response of Mr. Bruce Peterson,

Conservationist, dated March 14, 2011, stating that his office has no objection to the proposed abandonment.

Energy. No increase in energy consumption will result from the proposed abandonment. By letters dated February 18 and March 16, 2011, copies of which were sent to OEA, LVR's representative advised the U.S. Environmental Protection Agency, the Nevada Department of Conservation and Natural Resources and the California Environmental Protection Agency of the proposed abandonment of the Flanigan-to-Wendel line, but to date no response has been received from them.

5. Air. No emissions or pollutants will despoil the air as a result of the proposed abandonment. The threshold levels of 49 C.F.R. 1105.7(e)(5)(i)-(iii) will not be exceeded. By letters dated February 18 and March 16, 2011, with copies to OEA, LVR's representative advised the U.S. Environmental Protection Agency, the Nevada Department of Conservation and Natural Resources and the California Environmental Protection Agency of the proposed abandonment of the Flanigan-to-Wendel line, but to date no response has been received from them.

Noise. No increase in the level of noise will result from the proposed abandonment. The threshold levels of 49 C.F.R. 1105.7(e)(6)(i) & (ii) will not be exceeded. By letters dated February 18 and March 16, 2011, with copies to OEA, LVR's representative advised the U.S. Environmental Protection Agency, the Nevada Department of Conservation and Natural Resources and the California Environmental Protection Agency of the proposed abandonment of the Flanigan-to-Wendel line, but to date no response has been received from them.

7. Safety. There will be no additional highway traffic as a result of the proposed abandonment of the line and, hence, no greater risk to public safety. By letters dated February 18 and March 16, 2011, with copies to OEA, LVR's representative advised the Nevada State Clearinghouse and the California Office of Planning and Research of the proposed abandonment of the Flanigan-to-Wendel line, and copies of the e-mailed exchange of e-mails with Mr. Reese Tietje of the Nevada State Clearinghouse, dated March 9 and 10, 2011, are attached as Exhibit 1.

LVR is unaware of any hazardous waste sites or sites on which there were hazardous spills on the right-of-way of the railroad line proposed for abandonment.

8. Biological resources. The proposed abandonment of the line will not affect endangered or threatened animal or plant species or areas designated as critical habitats, as far as LVR is aware. By letters dated February 18 and March 16, 2011, with copies to OEA, LVR's representative notified the U.S. Environmental Protection Agency, the Nevada Department of Conservation and Natural Resources, the California Environmental Protection Agency and the U.S. Fish and Wildlife Service of the proposed abandonment of the Flanigan-to-Wendel line, but to date no response has been received from them.

9. Water. The proposed abandonment of the line will not affect Federal, Nevada, California or local water quality standards of which LVR is aware. By letters dated February 18 and March 16, 2011, with copies to OEA, LVR's representative notified the U.S. Army Corps of Engineers and the California Coastal Commission of the proposed abandonment of the Flanigan-to-Wendel line. No response has been received from the U.S. Army Corps of Engineers. Attached as Exhibit 3 is a copy of the letter reply, dated

February 24, 2011, of Mr. Mark Delaplaine, Manager, Energy, Ocean Resources and Federal Consistency Division of the California Coastal Commission, stating that the abandonment would not affect the California coastal zone.

LVR is unaware of any designated wetlands or 100-year flood plains through which the railroad line proposed for abandonment passes.

10. Proposed mitigation. Since the proposed abandonment of the line will result in no adverse environmental impacts, LVR perceives of no need for mitigating measures. Nevertheless, in accordance with the Board's regulations, by letters dated February 18 and March 16, 2011, with copies to OEA, LVR's representative advised the Nevada State Clearinghouse, the California Office of Planning and Research, the National Park Service and the National Geodetic Survey of the proposed abandonment of the Flanigan-to-Wendel line, but to date no response has been received, with the exception of the exchange of e-mails with Mr. Reese Tietje of the Nevada State Clearinghouse, dated March 9 and 10, 2011, attached as Exhibit 1.

HISTORIC REPORT

1. Map. A U.S. Department of the Interior Geological Survey map showing the Flanigan-to-Wendel line proposed to be abandoned is attached as Exhibit 4.

2. Description. The railroad line proposed to be abandoned extends between Milepost 338.33 near Flanigan, Washoe County, Nevada and Milepost 360.10 near Wndel, Lassen County, California, a distance of 21.77 miles. The line embraces the remainder of what had been the former UP Susanville Industrial Lead between Milepost 568.68 and Milepost 359.25 near Wendel.

3. Photographs. There are five structure along the right-of-way of the railroad line proposed for abandonment which are 50 years old or older: (1) a 31.17-foot timber pile open deck trestle built in 1936 at Milepost 339.74 in Nevada, (2) a 45.17-foot timber pile open deck trestle built in 1940 at Milepost 344.62, (3) a 150.17-foot timber pile open deck trestle built in 1939 at Milepost 345.68, (4) a 45.17-foot timber pile open deck trestle built in 1941 at Milepost 345.95, and (5) a 20.17-foot timber pile open deck trestle built in 1931 at Milepost 346.67 in California. Color photographs were sent to the Nevada and California State Historic Preservation Officers with the letters from LVR's representative, dated February 18, 2011, copies of which was sent to OEA. Representative photographs of the trestles are attached as Exhibit 5. The trestles are not expected to be removed if the Board were to authorize the abandonment of the Flanigan-to-Wendel line and would be available for public use or as part of a recreational trail.

4. Dates. As already noted, the trestles were constructed between 1931 and 1941.

5. History. Most of the Flanigan-to-Wendel line was construct by the Fernley and Lassen Railway in 1913 and 1914. It later became a branch of the Western Pacific Railroad Company. The majority of the line is 150 feet in width, with some intermittent portions being 300 feet wide. The property is considered to be in rural high desert area of western Nevada and eastern California. The line currently is constructed of combinations of 110, 112, 113 and 119 pound rail put down primarily in the 1940s and 1950s. With no traffic having been handled on the line since LVR acquired it in 2009 and no revenue freight having moved on it in the last five years of UP's ownership before then, the line is not in good shape and would require rehabilitation before operations on it were resumed.

6. Documents. LVR has no plans, drawings or other documents in its possession confirming the dates of construction of the trestles or of any subsequent changes or improvements of the structures. None was made by LVR

7. Opinion. LVR has no plans to demolish or dismantle the trestles, so that the right-of-way of the abandoned railroad line may serve a public purpose or be used as a recreational trail. LVR does not believe that the trestles warrant listing in the Register of Historic Places. Similarly, LVR is unaware of any archeological resources or any other previously unknown historic properties in the area. By letters dated February 18, 2011, with copies to OEA, LVR's representative notified the Nevada and California Offices of Historic Preservation of the proposed abandonment of the Flanigan-to-Wendel line. Attached as Exhibit 6 are copies of the exchange of e-mails between the Nevada Deputy State Historic Preservation Officer and LVR's representative, dated March 18, 23 and 24, 2011. The office of the California State Historic Preservation Officer telephoned to say that it was for OEA, rather than LVR, to initiate the section 106 historic review process.

Respectfully submitted,

LASSEN VALLEY RAILWAY, LLC

By its attorney,



Fritz R. Kahn
Fritz R. Kahn, P.C.
1920 N Street, NW (8th fl.)
Washington, DC 20036
Tel.: (202) 263-4152

Dated: March 29, 2011

EXHIBIT I



Subject **FW: E2011-108 Railway abandonment and salvage, Flanigan to Wendel, Washoe and Lassen County -**
From: **Nevada State Clearinghouse <Clearinghouse@budget.state.nv.us>**
Sent: **Mar 10, 2011 12:38:00 PM**
To: **xiccgc@verizon.net**

Thank you for the extra information, Fritz. I'll forward you any comments received at the end of the comment period.

Reese Tietje, Nevada State Clearinghouse

From: Nevada State Clearinghouse
Sent: Thursday, March 10, 2011 9:36 AM
To: Nevada State Clearinghouse
Subject: E2011-108 Railway abandonment and salvage, Flanigan to Wendel, Washoe and Lassen County -



NEVADA STATE CLEARINGHOUSE
Department of Administration, Budget and Planning Division
209 East Musser Street, Room 200, Carson City, Nevada 89701-4298
(775) 684-0213 Fax (775) 684-0260

TRANSMISSION DATE: 3/10/2011

zzClearinghouse

Nevada SAI # E2011-108

Project: Railway abandonment and salvage, Flanigan to Wendel, Washoe and Lassen County

Follow the link below to download an Adobe PDF document concerning the above-mentioned project for your review and comment.

[E2011-108](#)

Please evaluate it with respect to its effect on your plans and programs; the importance of its contribution to state and/or local

areawide goals and objectives; and its accord with any applicable laws, orders or regulations with which you are familiar.

Please submit your comments no later than Thursday, March 31, 2011.

Use the space below for short comments. If significant comments are provided, please use agency letterhead and include the Nevada SAI number and comment due date for our reference.

Clearinghouse project archive

Questions? Reese Tietje, (775) 684-0213 or clearinghouse@state.nv.us

___ No comment on this project ___ Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

Distribution: Sandy Quilici, Department of Conservation & Natural Resources
Gary Derks, Division of Emergency Management
David Mouat, Desert Research Institute
Kevin Kirkeby, Senator Ensign's Office
Nancy Boland, Esmeralda County
Chad Hastings, Fire Marshal
Kirk Bausman, Hawthorne Army Depot
Skip Canfield, AICP, Division of State Lands
Cory Lytle, Lincoln County
Zip Upham, NAS Fallon
Ed Rybold, NAS Fallon
Terri Compton, Department of Transportation
Lori Campbell, Department of Transportation
Timothy Mueller, Department of Transportation
Steve Siegel, Department of Wildlife, Director's Office
David Catalano, Department of Wildlife, Fallon
Mark Freese, Department of Wildlife
Robert Martinez, Division of Water Resources
Tod Oppenborn, Nellis Air Force Base
Ms. Deborah MacNeill, Nellis Air Force Base
William Cadwallader, Nellis Air Force Base
99ABW, Nellis Air Force Base
James D. Morefield, Natural Heritage Program
Linda Cohn, National Nuclear Security Administration

Joseph C. Strolin, Agency for Nuclear Projects
Steve Weaver, Division of State Parks
Mark Harris, PE, Public Utilities Commission
Jason Woodruff, Public Utilities Commission
Rebecca Palmer, State Historic Preservation Office
Bruce Gustafson, Nevada Department of Taxation, Local Government, Centrally Assessed Property
Terry Rubald, Nevada Department of Taxation, Local Government, Centrally Assessed Property
Terry Rubald, Nevada Department of Taxation, Local Government, Centrally Assessed Property
John Muntean, UNR Bureau of Mines
Jon Price, UNR Bureau of Mines
David David, UNR Bureau of Mines
Ryan McGinness, Washington Office
Clearinghouse, zzClearinghouse
Maud Naroll, zzClearinghouse-Maud



Print

Subject **LVR railroad line abandonment**
From: **Fritz R. Kahn** <xiccgc@verizon.net>
Sent: **Mar 9, 2011 05:36:33 PM**
To: **Clearinghouse@budget.state.nv.us**

Mr. Tietje:

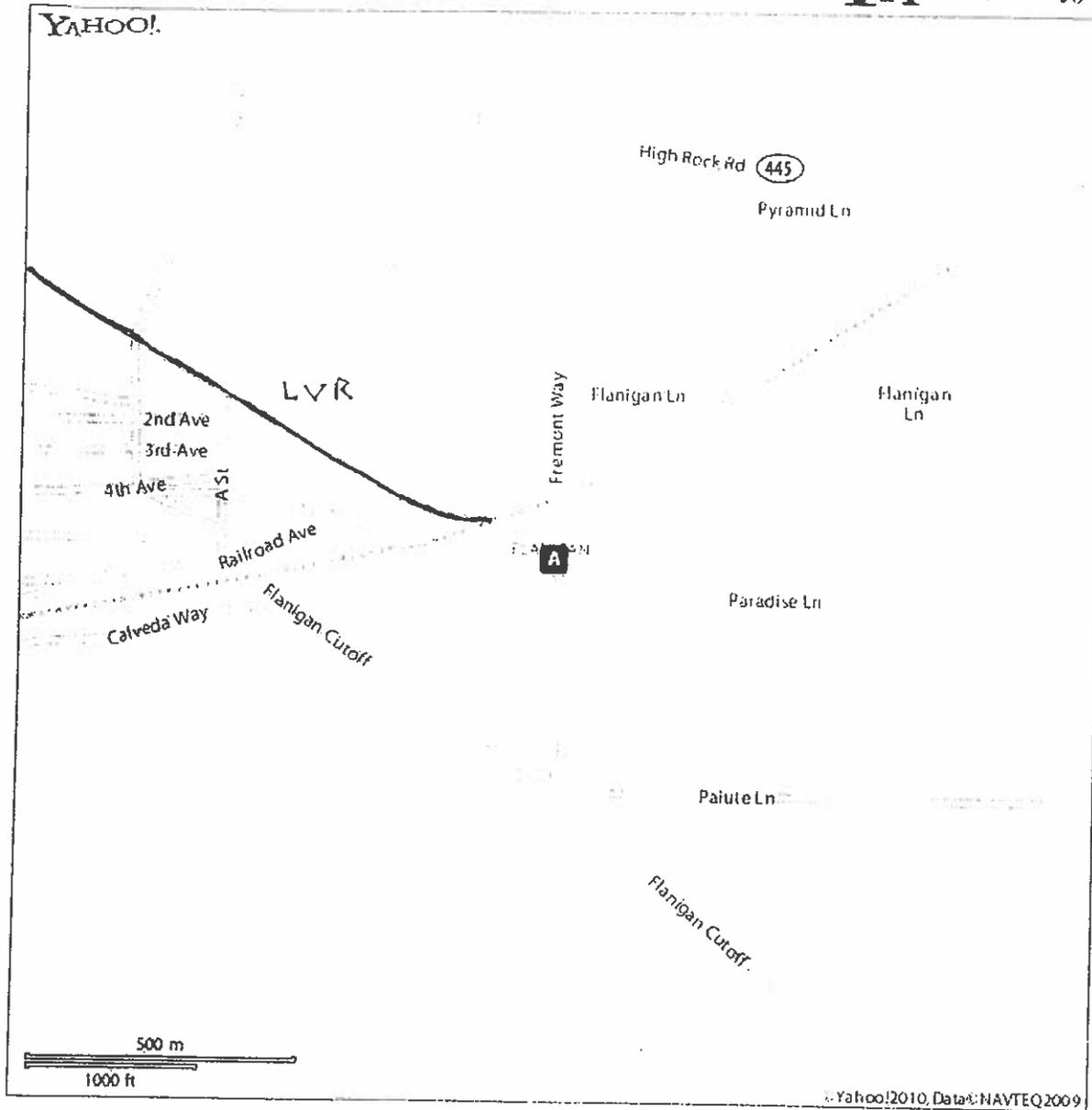
Thank you for your e-mail of March 9, 2011. Should Lassen Valley Railway, LLC be authorized by the Surface Transportation Board to abandon the line between Flanigan, NV and Wendel, CA, it proposes to salvage the track, ties and other track materials. It, however, will not remove any of the bridges or culverts so that the abandoned right-of-way could be used for other purposes, as, for example, a recreational trail. The additional maps you requested are attached. If I can be of further assistance, please let me know.

Fritz R. Kahn

Fritz R. Kahn, P.C.
1920 N Street, N.W. (8th fl.)
Washington, DC 20036
Tel.: (202) 263-4152
Fax: (202) 331-8330
e-mail: xiccgc@verizon.net

This transmission is privileged and intended for the exclusive use of the addressee. If it has been misdirected, please advise by telephone and return the transmission by mailing it to the originator at the above address.

Map of Flanigan, NV

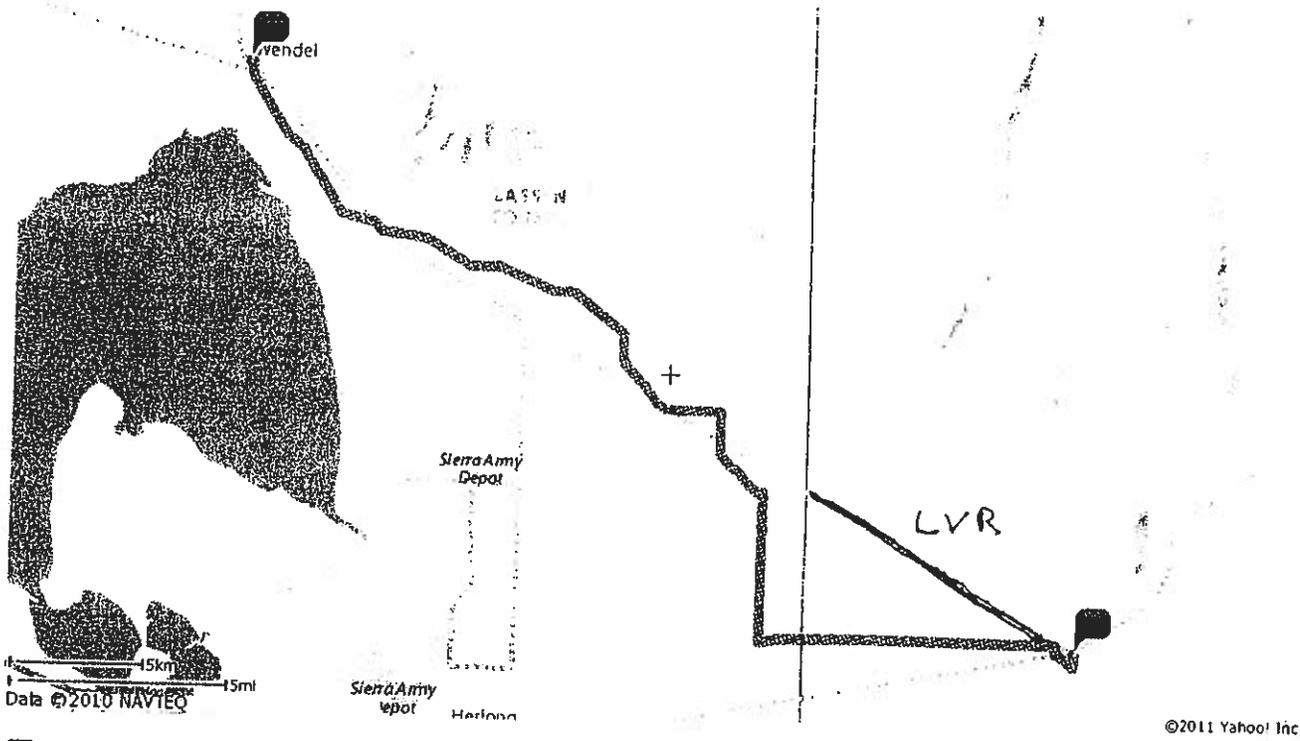


When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.

Search

YAHOO! LOCAL Maps

When using any driving directions or map, it's a good idea to do a reality check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning.



A Flanigan, NV

1. Starting in FLANIGAN, NV on FREMONT WAY go toward PARADISE LN
2. Turn **R** on FREMONT WAY - go 0.3 mi
3. Turn **R** on FLANIGAN CUTOFF - go 0.5 mi
4. Turn **L** on RAILROAD AVE
5. Turn **R** on A ST - go 0.2 mi
6. Turn **L** on 2ND AVE - go 0.1 mi
7. Turn **R** on FLANIGAN CUTOFF
8. Turn **L** on CAL NEVA RD - go 6.4 mi
9. Turn **R** on CAL NEVA RD - go 4.5 mi
10. Bear **R** on a local road
11. Bear **R** on MOORE RD - go 0.9 mi
12. Turn **L** on CONNECTION RD - go 1.5 mi
13. Bear **R** on a local road - go 1.2 mi
14. Turn **R** on DUCK LAKE RD - go 0.7 mi
15. Turn **L** on WENDEL RD - go 1.4 mi
16. Continue on WENDEL RD - go 1.8 mi



Subject **LVR railroad line abandonment**

From: Nevada State Clearinghouse <Clearinghouse@budget.state.nv.us>

Sent: Mar 9, 2011 01:41:02 PM

To: xiccgc@verizon.net

Dear Mr. Kahn-

Clearinghouse is in receipt of your request for comments on the abandonment of Lassen Valley Railway's railroad line between Flanigan and Wendel. Before this request is distributed to state agencies for comment, more details of the abandonment are needed. This would include information regarding any planned removal of tracks or associated infrastructure, proposed environmental and visual impact restoration measures, and a better quality map with legible text. Without this information, it is impossible to provide you with any meaningful comments. This information may be emailed directly to Clearinghouse at this address.

Thank you.

Reese Tietje, Nevada State Clearinghouse

EXHIBIT 2



Natural Resources Conservation Service
1365 Corporate Blvd.
Reno, Nevada 89502
Phone: (775) 857-8500
Fax: (775) 857-8524

Law Offices
Mr. Fritz R. Kahn
1920 N. Street, NW. (8th Fl)
Washington, DC 20036

March 14, 2011

Mr. Kahn,

This letter is in response to your letter dated February 18, 2011 regarding the proposed abandonment of railroad line. The Nevada Natural Resources Conservation Service has no concerns with this proposed action.

If you have any questions or concerns please feel free to contact me at (775) 857-8500 ext 100.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Petersen", with a long horizontal line extending to the right.

BRUCE PETERSEN
State Conservationist

EXHIBIT 3

CALIFORNIA COASTAL COMMISSION

45 FREMONT, SUITE 2000
SAN FRANCISCO, CA 94105-2219
VOICE (415) 904-5200
FAX (415) 904-5400
TDD (415) 597-5885



February 24, 2011

Fritz R. Kahn, P.C.
Eighth Floor
1920 N St., N.W.
Washington D.C. 20036-1601

Re: Lassen Valley Railway, Proposed Railroad Abandonment
STB Docket No. AB-1074X

Dear Mr. Kahn:

The Coastal Commission staff has no concerns over above-referenced proposed railroad abandonment. We agree that this abandonment will not affect the California coastal zone. If you have any questions about this letter, please feel free to contact me at (415) 904-5289.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Delaplaine".

MARK DELAPLAINE
Manager, Energy, Ocean Resources
and Federal Consistency Division

cc: Surface Transportation Board
Section of Environmental Analysis
Victoria Rutson, Chief
395 E Street, S.W.
Washington, DC 20423-0001

EXHIBIT 4



LASSEN VALLEY RAILWAY, LLC

Proposed abandonment

(Location of bridges noted.)

EXHIBIT 5

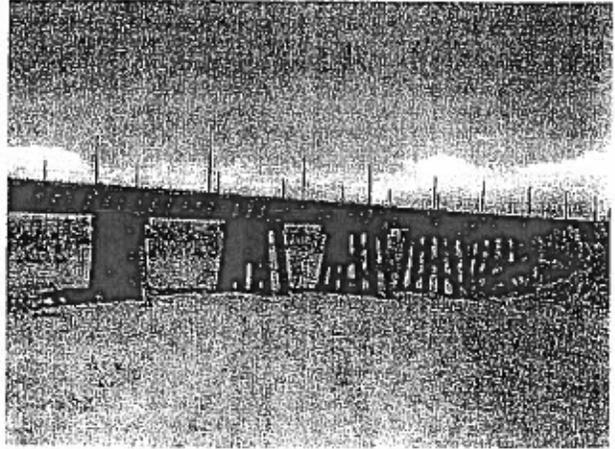
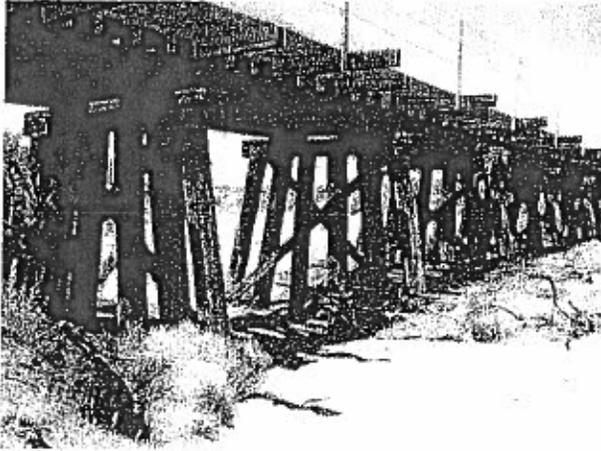
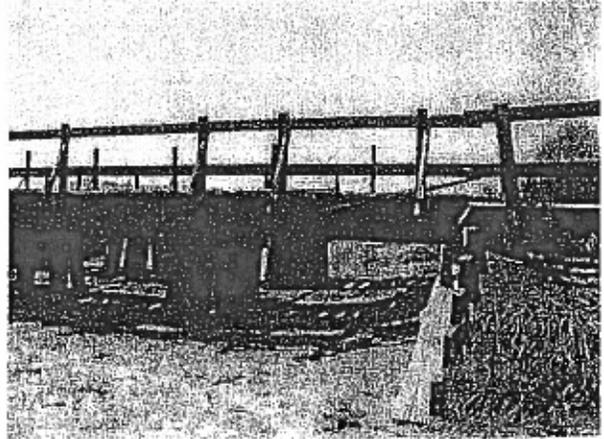
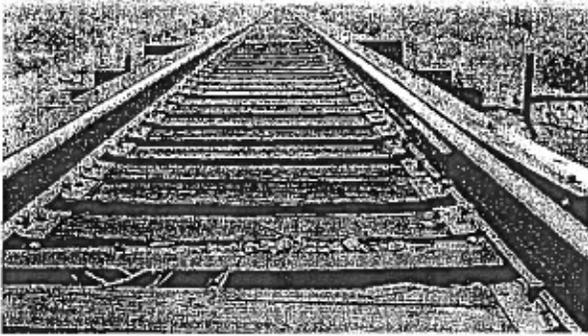


EXHIBIT 6

LAW OFFICES
FRITZ R. KAHN, P.C.
1920 N STREET, NW. (8TH FL.)
WASHINGTON, DC 20036
Tel.: (202) 263-4152 Fax: (202) 331-8330
e-mail: xiccgc@verizon.net

March 24, 2011

VIA E-MAIL

Ms. Rebecca Lynn Palmer
Deputy State Historic Preservation Officer
Department of Cultural Affairs
100 N. Stewart Street
Carson City, NV 89701

Dear Ms. Palmer:

Thank you for your letter of March 23, 2011, and the admonition that I should have placed in an historical context the conclusion of the Lassen Valley Railway that the 31.17-foot two span timber pile open deck trestle built in 1936 located at Milepost 339.74 of the railroad line between Flanigan, NV, and Wendel, CA, proposed for abandonment in STB Docket No. AB-1074X does not meet the criteria for listing on the National Register of Historic Places.

The trestle is about two miles northwest of Flanigan in the rural high desert area of western Nevada. It is about 45 miles north of Reno and about 25 miles west of Pyramid Lake and the Pyramid Lake Indian Reservation of the Northern Paiute tribe.

Certainly, the Pyramid Lake Indian Reservation is of historic interest as it was set aside for the Northern Paiute tribe by request of the U.S. Bureau of Indian Affairs in 1859. As I noted, however, it is well removed from the site of the trestle.

Flanigan, also, is of historic interest as it was a station on the Alameda and San Joaquin Railroad, later known as the Western Pacific Railroad, the construction of which began in 1900. The Southern Pacific Railroad subsequently reached Flanigan as well.

The line which the Lassen Valley Railroad proposes to abandon, however, is not part of the line of the Alameda and San Joaquin Railroad. The line proposed for abandonment was constructed by the Fernley and Lassen Railway in 1913 and 1914 and at some later date became a branch of the Western Pacific Railroad.

The site of the trestle and its immediate area is of no historic significance, as best as I can determine.

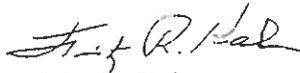
I have looked at a map of the Historical Markers of Reno and Washoe County published by Nevada Landmarks, and I found none to be located in the vicinity of the trestle.

I have read Chapter LVIII, Washoe County, by Major G. W. Ingalls, in *The History of Nevada*, edited by Sam P. Davis and published in 1912, and nothing in its detailed discussion of the history of the County touches on the area in which the trestle is located.

The trestle itself is of nothing out of the ordinary. It is a two span timber pile open trestle as have been routinely constructed by the railroads in the West.

I hope that based upon the additional information I have furnished you will agree that the trestle does not meet the criteria for listing on the National Register of Historic Places.

Sincerely yours,



Fritz R. Kahn

cc: Victoria J. Rutson, Esq.



STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS

State Historic Preservation Office
100 N. Stewart Street
Carson City, Nevada 89701
(775) 684-3448 • Fax (775) 684-3442
www.nvshpo.org

MICHAEL E. FISCHER
Department Director

RONALD M. JAMES
State Historic Preservation Officer

March 23, 2011

Fritz R. Kahn, P.C.
1920 N Street NW (8th Floor)
Washington DC 20036

RE: Petition for Exemption with the Surface Transportation Board for Authority to Abandon Its Railroad Line between Milepost 338.33 near Flanigan, NV and Milepost 360.10 near Wendel, CA (Undertaking #2011-1486).

Dear Mr. Kahn:

The Nevada State Historic Preservation Office (SHPO) reviewed your request for comments on the subject undertaking. Your letter indicates that Lassen Valley Railway LLC is only aware of one structure in Nevada that is historic. This structure is described as originally constructed in 1936 and there have been no alterations to the structure since its placement on the line.

Your letter states that based on information in LVR's possession, but not included in this submission, LVR does not believe that the trestle is not eligible for the National Register of Historic Places.

The SHPO cannot concur with this determination for the following reason:

Your submission did not contain an historic context which is necessary to evaluate the National Register eligibility of this resource. A determination of National Register eligibility under any of the Secretary's criteria should contain a discussion of the significant historic trends for the region. A discussion of resource integrity, and a final determination of National Register eligibility, should be completed within this context.

If you have any questions concerning this correspondence, please feel free to contact me at (775) 684-3443 or by e-mail at Rebecca.Palmer@nevadaculture.org.

Sincerely,

Rebecca Lynn Palmer, Deputy
State Historic Preservation Officer



Print

Subject **Abandonment of Railroad Line by the Lassen Valley Railway**
From: **Rebecca Palmer** <Rebecca.Palmer@nevadaculture.org>
Sent: **Mar 18, 2011 07:37:17 PM**
To: **xiccgc@verizon.net**

This e-mail is intended for Fritz R. Kahn:

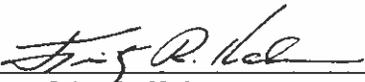
We received your request for comment on the proposed undertaking. Under the existing federal regulations, our office has 30 days from our receipt to comment on any request (36 CFR 800.3.c.4). We received your request on 2/22/2011 and we will reply by 3/23/2011.

Rebecca Palmer
Deputy State Historic Preservation Officer
Archaeologist
100 North Stewart Street
Carson City NV 89701
(775) 684-3443
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CERTIFICATE OF SERVICE

I certify that I this day have served copies of the Environmental and Historic Report on the Federal, Nevada and California agencies whose views were sought in its preparation by mailing by prepaid, first-class mail copies to the persons or agencies whose the names and addresses are listed on the following pages.

Dated at Washington, DC, this 29th day of March, 2011.


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