

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

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EI-17531



April 24, 2009

In reply refer to: STB090121A

Kenneth H. Blodgett
Environmental Protection Specialist
Surface Transportation Board
Washington, D.C. 20423

Re: STB Docket No. AB-398 (SubNo. 7X), San Joaquin Valley Railroad Company –
Abandonment Exemption – Tulare County, CA

Dear Mr. Blodgett:

I am in receipt of your letter dated March 30, 2009. With this letter, you have notified me that you designate the Law Offices of Louis E. Gitomer (Gitomer) as your representative in complying with the requirements of Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f), as amended, and its implementing regulation at 36 CFR Part 800.

In accordance with 36 CFR 800.2(a)(3), I acknowledge Gitomer as your designee for the Section 106 consultation. I would like to call 36 CFR 800.2 (a)(1) to your attention. This section, with the heading "Professional Standards," states,

"Section 112(a)(1)(A) of the act requires each Federal agency responsible for the protection of historic resources, including archeological resources, to ensure that all actions taken by employees or contractors of the agency shall meet professional standards under regulations developed by the Secretary."

I also remind you that, according to 36 CFR 800.2(a)(3),

"The agency official remains legally responsible for all required findings and determinations. If a document or study is prepared by a non-Federal party, the agency official is responsible for ensuring that its content meets applicable standards and guidelines."

Thank you for your letter and for considering historic properties as part of your project planning. If you have any questions or concerns, please contact Mark Beason, Project Review Unit historian, at (916) 653-8902 or at mbeason@parks.ca.gov.

Sincerely,

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

Cc: Melanie Yasbin, Law Offices of Louis E. Gitomer