

Ultra/Duco, CA

Tulare Valley RR

397 - 7 X ?

Tulare City

EI-17816



"Beason, Mark"
<mbeason@parks.ca.gov>
06/08/2009 07:53 PM

To: <xicccgc@verizon.net>
cc: <blodgett@stb.dot.gov>, "Beason, Mark"
<mbeason@parks.ca.gov>
bcc:

66

Subject: Abandonment of 5.9-mile Tulare Valley Railroad Company line

Dear Mr. Fritz R. Kahn,

This office is in receipt of your May 7 and May 22, 2009, letters regarding the abandonment of 5.9-mile Tulare Valley Railroad Company (TVR) line between Ultra and Duco. The May 7 letter indicates that TVR needs to hear from this office "about its proposed abandonment so that it can draft the environmental and historic report..."

As you may know, the purpose of the historical portion of that report is to comply with the provisions of Section 106 of the National Historic Preservation Act. Under this legislation, the State Historic Preservation Officer (SHPO) consults on federal undertakings (requiring federal funded or a discretionary decision, like granting an abandonment exemption) with the lead federal agency for the undertaking. In this case, the Surface Transportation Board (STB) is the federal agency. STB can designate another entity to conduct the Section 106 consultation on their behalf, but they need to notify the SHPO of that intent in writing.

Following the identification of the undertaking and lead federal agency, Section 106 consultation packages sent to the SHPO should contain the following information:

- A cover letter explicitly initiating consultation under Section 106
- A project description with specific details of the undertaking
- Identification of the Area of Potential Effect (APE) for the project, with a map and narrative justification
- Identification of Historic Properties within the APE (both historic and archaeological) – this includes photographs and descriptions of the properties
- Evaluation of Historic Properties to determine their eligibility for the National Register of Historic Places (NRHP) – this includes a narrative evaluation of the properties within the appropriate contexts and an assessment of their significance under each of the NRHP Criteria and an evaluation of their historic integrity
- Assess Adverse Effects of the undertaking on any eligible or listed properties.

The SHPO will review the information submitted and concur with the determination of effects or ask for more information or disagree with the determination...there are several possibilities for how the process can end. For a fuller explanation, I recommend reading through the guidance on the Advisory Council for Historic Preservation's website - <http://www.achp.gov/regsflow.html>.

In the case of the TVR abandonment in Tulare County, it does not appear that the Section 106 process has been initiated. Unfortunately, the letters from your law offices do not qualify as initiating the Section 106 review process because neither your firm nor TVR are federal agencies. The Section 106 initiation request should come from STB. In addition, the evaluation of historic properties and assessment of adverse effects should be done by qualified personnel as defined in

the Secretary of the Interior's Standards and Guidelines for Professional Qualifications Standards,
http://www.nps.gov/history/local-law/arch_stnds_9.htm.

I recommend checking with your contact at STB for further guidance on proceeding with the Section 106 consultation. I have copied Ken Blodgett from STB on this message. Feel free to contact me with any further questions you may have.

Sincerely,

Mark A. Beason
State Historian II, Project Review
California Office of Historic Preservation
1416 9th Street, Room 1442, Sacramento, CA 95814
(916) 653-8902, fax (916) 653-9824