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E. Wayne Hage
Pine Creek Ranch

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June 1, 2004

Office of National Transportation
Office of Civilian Radioactive Waste Management
U.S. DEPARTMENT OF ENERGY
1551 Hillshire Drive, M/S 011
Las Vegas, NV 89134

Re: U.S. Department of Energy Environmental Impact
Statement for the Alignment, Construction, and Operation
of a Rail Line to a Geologic Repository at Yucca Mountain,
Nye County, NV.

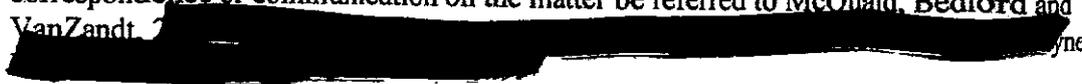
Attention: Robin Sweeney

I did not receive Notice of your proposed railroad corridor across the southern portion of Pine Creek Ranch fee lands. (TIN, R43, 44, 45, 46E) A scoping comment sheet was brought to me by a neighbor over the Memorial Day weekend. Not only does your proposed railroad corridor cross lands to which I have title to the inheritable right to use, it also impacts vested water rights in the area from which the inheritable right to use (fee) emanates.

Title to these lands was resolved in the United States Court of Federal Claims on June 29, 2003 in the property phase of Case # USCC 91-1470L. The judgment phase for taking and compensation against the United States (Department of Interior -- BLM) has just been heard at trial May 3 - 21 in Reno, Nevada. Post trial briefs will be due in September, 2004.

It is somewhat surprising to me that, given the magnitude of the issues in Case # USCC 91-14701L and the fact that three published opinions have emerged from this case, that the Department of Energy would propose a corridor across those same lands without pro-offering compensation for the taking of private property involved in the corridor or even noticing me of the corridor proposal.

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Consider this response a Notice to you of the taking and compensation issues raised by your corridor proposal as it affects properties of Pine Creek Ranch and that all correspondence or communication on the matter be referred to McQuaid, Bedford and VanZandt.  yne

Sincerely,



E. Wayne Hage

cc: Ladd Bedford
Mike VanZandt