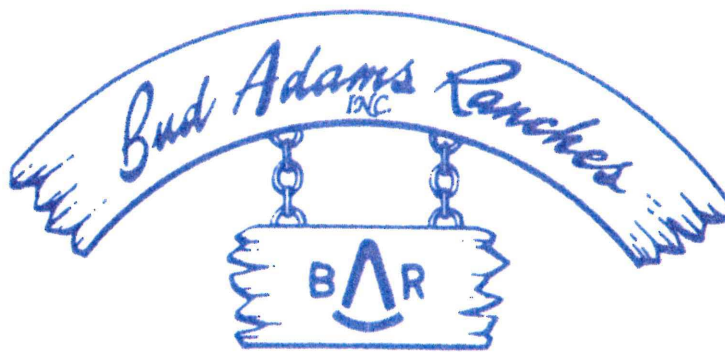


BAR I RANCH
Waller, Texas 77484



P.O. Box 844
Houston, Texas 77001
(713) 881-3400

BAR II RANCH
Buckholts, Texas 76518

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November 19, 2020

Colonel Timothy R. Vail, Commander
U.S. Army Corps of Engineers, Galveston District
P.O. Box 1229
Galveston, TX 77553-1229

Re: Buffalo Bayou and Tributaries Resiliency Study, Texas

Dear Colonel Vail,

I have reviewed the USACE "Buffalo Bayou and Tributaries Resiliency Study, Texas" (BBTRS), and I have the following comments made pursuant to the Corps' request for public comments. I do not believe a 30-day comment period for the public, which ended the day before the federal elections, was sufficient. This study was too complex and thorough to properly review in the allotted amount of time. However, I would like to express my appreciation to the USACE for the procedures adopted in its Interim Feasibility Report issued in October 2020. The report demonstrates a commitment to full compliance with the National Environmental Policy Act (NEPA), the Fish and Wildlife Coordination Act, and Section 7 of the Endangered Species Act. The Corps' commitment to fully engage the public and issue this report long before completing an EIS for this project is commendable.

I have previously written you, the Honorable Rickey D. James, Assistant Secretary of the Army for Civil Works, Mr. Brandon R. Mobley, Chief Regulatory Division, Fort Worth, and Ms. Felicity Cunningham, Regulatory Manager, Galveston Division concerning Texas Central Railway's (TCR) proposed high-speed rail (HSR) connection between Houston and Dallas. Construction of the HSR would have a significant impact on flooding and drainage in the watershed that is the focus of this BBTRS. The FRA refused to require an amendment to the Draft Environmental Impact Study (DEIS) released in December 2017, which would analyze the HSR possible impact on this watershed. The DEIS was issued only three months after Hurricane Harvey and almost two years before Tropical Storm Imelda. The FRA's DEIS and the Final Environmental Impact Study (FEIS) issued by FRA on May 15, 2020, failed to address the impact of both Hurricane Harvey and Tropical Storm Imelda and relied upon studies that are hopelessly outdated. It is critical that the potential impact of construction of the HSR must be studied and addressed before an EIS is issued

for work on Buffalo Bayou and its tributaries. The possible construction of the HSR and its potential impacts on the BBTRS watershed is not addressed in the report.

The public was denied by FRA the opportunity to review and make comments on the proposed engineering, construction, and operation of the HSR as it will impact the watershed area covered by the BBTRS. The BBTRS issued in October 2020, makes no reference to the potential construction of the HSR. The public's only opportunity to study and comment on the potential impacts of the HSR on the BBTRS area will be the DEIS issued by USACE before the final FEIS is issued. The addition of the HSR's possible impacts will also be required before the USACE, as a cooperating agency with FRA, can issue a Section 404 for the construction of the HSR.

Finally, I request the USACE to contact FRA and notify them of the pending release of an EIS which could impact the construction of TCR's HSR. The FRA should also be advised that the EIS they issued for TCR may need to be amended to be consistent with the EIS USACE is preparing for the Buffalo Bayou project.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'W. R. Scofield', with a stylized, cursive script.

William R. Scofield
President

cc:

Rickey James, Assistant Secretary of the Army for Civil Works
Felicity Cunningham, Regulatory Project Manager, USACE
Brandon Mobley, Chief, Regulatory Division, Fort Worth District, USACE
Ronald Batory, Administrator, Federal Railroad Administration
Kevin Wright, Environmental Protection Specialist, Federal Railroad Administration
Sarah Bernhardt, President & CEO at Bayou Preservation Association
Stephen Robinson, Attorney, Allen Boone Humphries Robinson
Russ Poppe, Executive Director, Harris County Flood Control District
Auggie Campbell, Director, Houston Stronger.net
Jim Blackburn, Co-director of the SSPEED Center at Rice University
Jordan Macha, Executive Director, Bayou City Waterkeeper
Jeff Taylor, Chair, Buffalo Bayou Partnership
Mary Anne Piacentini, CEO, Katy Prairie Conservancy
All Parties of Record