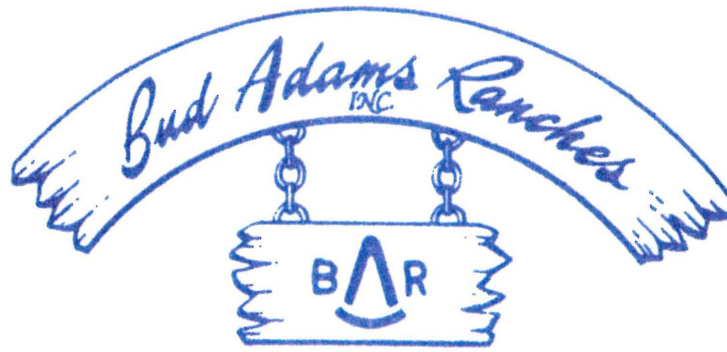


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January 21, 2021

Mr. Joseph A. McMahan
Chief, Regulatory Division
U.S. Department of the Army
Galveston District, Corps of Engineers
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Mr. Andrew Weber
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U.S. Department of the Army
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January 21, 2021
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Dear Mr. McMahan and Mr. Weber:

Col. Timothy Vail recently forwarded to each of you a copy of my December 15, 2020 letter to him regarding the Buffalo Bayou and Tributaries (BBT) study currently being revised by USACE Galveston District.

I certainly appreciate Col. Vail having forwarded my letter for your consideration after he stated to me that the letter "does appear to be somewhat non-substantive to the purpose and need of that specific flood risk management study" being conducted on the BBT. I should have better clarified the relevance of my concerns in that letter, which is the purpose of this follow-on correspondence.

In May 2020, the Federal Railroad Administration (FRA) issued a Final Environmental Impact Study (FEIS) on the proposed construction of a High-Speed Railroad (HSR) connecting Dallas and Houston. If this railroad is ever constructed, it would bisect a critical portion of the floodplain drained by Buffalo Bayou and its tributaries.

All environmental impact studies of the floodplain were conducted and included in the Draft EIS that Texas Central Railways (TCR) submitted to the FRA in December 2017. All studies of the floodplain included in the DEIS for the HSR project were conducted and completed before Hurricane Harvey and Tropical Storm Imelda, yet TCR was never required to submit a

supplemental DEIS that considered the substantial flooding and damage caused by those devastating events.

As a result of those storm events, significant flood control changes and improvements are either currently in progress or have been completed within the BBT floodplain. The BBT system that exists today is significantly different from the area studied by TCR prior to December 2017. The floodplain conditions and environment that were studied by TCR and FRA at that time, prior to the hurricane and tropical storm, simply no longer exist. When the BBT study is completed, it will contain additional significant improvements that reflects the substantially altered environment within the BBT area.

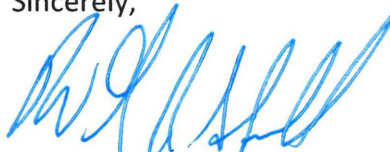
USACE was a cooperating agency in the FRA's issuance of the FEIS. How can USACE ignore the dangerously deficient FEIS issued by the FRA, lacking any reference to the devastation and alteration of the BBT floodplain resulting from Hurricane Harvey and Tropical Storm Imelda, for the potential construction of the HSR?

I stated in my previous letter that "the Corp's current studies of Buffalo Bayou will represent the only analysis of the environmental impact and potential flooding hazards related to the construction and operation of the proposed HSR project." How can USACE now issue a final BBT study that does not consider the possible construction of a high-speed rail crossing the flood plain?

In preparing a revised BBT study, USACE must decide between two options about the FEIS. The revised BBT study should include a comprehensive study and analysis of the impacts that HSR construction would have on the re-designed flood control and drainage system within the floodplain. Alternatively, as a cooperating agency with the FRA on the FEIS, USACE should notify both TCR and the FRA that the FEIS issued in May 2020 is fatally deficient.

I respectfully request that USACE proceed with either option before completing the revised BBT study.

Sincerely,



William R. Scofield
President

Cc: Col. Timothy Vail

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