

Stephanie A. Ahr

1018 Fox Run

Burnet, TX 78611

ahrhouse@outlook.com

(512) 470-0029

3/17/2025

To:

Adam Assenza

Surface Transportation Board

Docket No. FD 36815

395 E Street SW

Washington, DC 20423

Subject: Urgent Concern – Potential Endangered Species Act Violation by Texas Materials Group Rail Project in Burnet County

Dear Adam Assenza,

I am writing to formally express grave concerns regarding the Texas Materials Group rail project proposed in Burnet County, Texas, which threatens habitat critical to the federally endangered golden-cheeked warbler (*Setophaga chrysoparia*). Given the Endangered Species Act (ESA) protections and the ecological significance of the region, I urge the U.S. Fish and Wildlife Service (USFWS) and other relevant agencies to conduct a thorough environmental review before permitting any further development.

Key Concerns:

1. Destruction of Critical Habitat

- The golden-cheeked warbler relies on mature Ashe juniper and oak woodlands for breeding. The proposed rail line will destroy nesting habitat, fragmenting one of the few remaining areas suitable for the species in Burnet County.
- The U.S. Fish and Wildlife Service recognizes this region as important warbler breeding territory, and any habitat disturbance could violate federal ESA protections.
- Section 7 of the ESA requires FRA to ensure that no federally funded or authorized railroad projects will jeopardize the continued existence of any listed species or result in the destruction of adverse modification of critical habitat.

2. Lack of Environmental Review

- There is no publicly available documentation indicating that Texas Materials Group has applied for an Incidental Take Permit (ITP) under the ESA or conducted a Biological Assessment (BA).
- Under the National Environmental Policy Act (NEPA), any project potentially impacting endangered species requires an Environmental Impact Statement (EIS) before approval.

3. Request for Immediate Investigation & Halt to Development

- I request that the USFWS investigate whether Texas Materials Group has conducted appropriate surveys for golden-cheeked warbler populations in the project area.
- If the company has not complied with ESA requirements, I urge the agency to issue a cease-and-desist order on habitat destruction until proper environmental review is completed.

Requested Actions:

1. Immediate review of the Texas Materials Group rail project's compliance with ESA and NEPA regulations.
2. A formal investigation into the presence of golden-cheeked warblers in the affected area.

3. A halt to any land clearing or construction activities until an Environmental Impact Statement (EIS) is conducted.
4. Public disclosure of any permits Texas Materials Group has applied for concerning ESA compliance.

This matter is urgent, as any further destruction of warbler habitat may result in irreversible harm to the species. I appreciate your attention to this issue and request a prompt response detailing what steps your agency will take to address these concerns.

Sincerely,

Stephanie A. Ahr

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