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To:

Surface Transportation Board

Adam Assenza

395 E Street SW

Washington, DC 20423

Subject: Urgent Concern: Potential Violation of Migratory Bird Treaty Act & Environmental Impact of Texas Materials Group Rail Project

Dear Adam Assenza,

I am writing to formally express my concerns regarding the proposed Texas Materials Group rail project in Burnet County, Texas. As a resident and property owner in the affected area, I have observed a significant population of red-tailed hawks (*Buteo jamaicensis*), which are federally protected under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. §§ 703-712). This project threatens their nesting sites and overall habitat, potentially leading to violations of federal and state wildlife protection laws.

Key Concerns:

1. Destruction of Active Nesting Sites:

- Red-tailed hawks in this area nest in mature trees that may be removed during construction.

- Disturbance of active nests during breeding season would directly violate MBTA protections.

2. Environmental Impact & Lack of Proper Review:

- An Environmental Impact Assessment (EIA) should be conducted before any land clearing or construction begins.

- The project may also affect other protected species and disrupt the ecological balance of the region.

3. Failure to Consult with Wildlife Experts:

- There is no publicly available documentation indicating that the Texas Materials Group has consulted with the U.S. Fish and Wildlife Service (USFWS) or Texas Parks and Wildlife Department (TPWD) regarding potential impacts on protected species.

Requested Actions:

- Immediate review of the project's compliance with MBTA and Texas wildlife laws.
- A halt to any land clearing or construction activities until a formal environmental impact assessment is completed.
- Consultation with local and federal wildlife agencies to ensure protection of red-tailed hawks and other affected species.

I respectfully request a response detailing the steps your agency will take to address these concerns. Please advise on any additional actions I, as a concerned property owner and community member, can take to protect our local wildlife.

Thank you for your time and attention to this urgent matter. I look forward to your prompt response.

Sincerely,

Stephanie A. Ahr