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April 1, 2025

Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Re: Docket No. FD 36815, Texas Materials Group, Inc.: Formal Opposition to Proposed Texas Material's Rail Line in Burnet and Lampasas Counties, Texas

Dear Members of the Surface Transportation Board:

Our client, the Hinckley Family, owns (via Scimitar Partners LP) and operates Bar-H Bar Ranch in Burnet County, Texas. The Hinckley Family spent thirty years assembling the ranch through hard work and dedication. On behalf of our client, we write to formally oppose Texas Materials' proposed rail line in Burnet and Lampasas Counties, Texas and to respectfully oppose the waiver request filed by Texas Materials seeking to reduce or eliminate the Six-Month Pre-filing Notice Requirement under 49 C.F.R. § 1105.10(a)(1).

The Bar-H Bar Ranch

The Bar-H Bar Ranch is located less than an hour from Austin in Burnet County, in the heart of the Texas Hill Country. Spanning approximately 3,811 acres, the Bar-H Bar is one of the most unique large-acreage ranches of its kind in Texas. The ranch operates as a world-class hunting destination and wildlife preserve. It has been rewilded, with all man-made elements removed, allowing the wildlife to roam freely and undisturbed. It is home to thousands of exotic African antelope, global exotic game species, native wildlife, and migratory birds. The estimated inventory value of the wildlife exceeds \$3,500,000. The property's diverse terrain provides a mix of dense natural cover and open areas, closely resembling the native habitats of the species that reside on

the ranch. This carefully maintained environment is essential for the health and well-being of the wildlife and is a key component of the ranch's operations.

The six-square-mile ranch is fully enclosed by approximately 20 miles of high fencing along its perimeter, ensuring the security of the wildlife. The interior remains entirely free-range, with no cross-fencing, allowing the animals to roam naturally. If the perimeter fencing is breached, cut, or impacted in any way, the wildlife will escape from the ranch. For more information about the Bar-H Bar Ranch, please visit www.barhbarhunting.com.

Texas Materials' Proposed Rail Line Has Harmful, Negative Impact

The Bar-H Bar Ranch is specifically designed to provide a secure and undisturbed habitat for exotic wildlife, requiring secure fencing and vast areas of uninterrupted land to allow the animals to roam freely and breed. The proposed Texas Materials routes that run through the central portion of the Ranch would not only disrupt these critical habitats but also create ongoing security concerns, threatening the well-being of the animals and significantly undermining the Ranch's purpose and operations. (*See Attachment 1- Bar-H-Bar Ranch Map with Texas Materials' Routes*).

Furthermore, the Ranch is home to endangered species, and the disturbance caused by construction and rail operations could violate state and federal environmental protections. The Ranch also contains various sensitive environmental features, including multiple creeks, caves, and natural springs. These areas support valuable natural resources and delicate ecosystems, making them particularly vulnerable to the impacts of the proposed rail line.

One example of the shortsightedness of Texas Materials' plan is that the proposed preferred route would bisect our client's property in such a way that it would force him to drive

over an hour to reach his barn—a trip that has taken only two minutes for decades. His employees would face the same burden.

Texas Materials Sought No Community Input and Has Made Incorrect Assertions

In addition to the environmental and security concerns, neither our client nor the local community were consulted at all during the decision-making process regarding the proposed route(s). Texas Materials attempted to quickly push the passage of the rail line through without seeking any input or feedback from the community. This is unacceptable. This rail line will significantly and negatively impact multiple properties in the area, including wildlife habitats, private ranches, and residential communities. The lack of transparency and public engagement in determining the route raises serious concerns about the fairness of the process.

Texas Materials' assertion of "approximately 20 miles of original right-of-way (ROW)" being already owned by Texas Materials is factually incorrect. In reality, only 9 miles of the project utilize existing Texas Materials Group ROW. The remaining 17.9 miles—approximately two-thirds of the proposed route—consist of privately owned land that would require acquisition through eminent domain. This directly undermines any claim that the project's impact on private property owners will be minimal. The majority of the proposed alignment would necessitate the taking of private land, resulting in the displacement of families, the significant devaluation of private property, and an infringement on constitutionally protected property rights.

Texas Materials also failed to consider less impactful routes. The company's current proposal runs directly through the heart of many properties, bisecting them and causing significant damage, rather than aligning the rail line along property boundaries or exploring alternative, less

disruptive paths. Additionally, the proposal fails to identify several homesites that the route would run adjacent to or directly impact, potentially displacing families in the process.

Texas Materials appears to be rushing the approval process for its rail line, cutting corners that raise serious concerns about transparency and due diligence. Another clear example is its claim of having completed a Phase I Environmental Site Assessment, despite never setting foot on the affected properties, or calling the owners of the properties to provide access or the history of properties. Without physically inspecting the land, Texas Materials cannot accurately assess the environmental conditions or understand the unique characteristics of these properties. This approach not only undermines the credibility of their environmental review but also puts local ecosystems and landowners at unnecessary risk.

Texas Materials' characterization of the project is predicated on inaccurate assumptions that materially understate the extent of land takings required and the number of property owners adversely affected. Given these significant discrepancies, the project warrants re-evaluation based on accurate, transparent, and complete property impact data. Allowing the project to advance based on flawed information misinforms the public and compromises the integrity of the review process. It appears that Texas Materials is attempting to rush through the process to avoid community feedback and a true assessment of its project's environmental impact.

Texas Materials' Request for Six-Month Waiver Should be Denied

Texas Materials' request for a six-month waiver is inappropriate and contrary to the public interest because the proposed rail line runs through multiple environmentally sensitive areas, including wetlands, wildlife habitat, protected streams, parks, and historic sites. This corridor serves as critical habitat for the golden-cheeked warbler and other protected wildlife. Areas

impacted by Texas' Materials' project are integral to the community's environmental preservation efforts. Additionally, the rail line would increase pollution in environmentally sensitive zones, and near residential homesites.

The Six-Month Pre-filing Notice Requirement is essential to provide local governments, environmental agencies, and community stakeholders adequate time assess the environmental impacts, and explore alternative routes. Granting the waiver would unfairly deprive the public of this necessary review period and options that could mitigate harm to both the environment and the community.

Summary of Opposition to Texas Materials' Rail Line

Given these substantial concerns, we respectfully request that the Surface Transportation Board reject the current proposed routes and require a more thorough evaluation of alternative pathways that minimize the impact on private landowners and the environment. In addition, we respectfully urge the Board to deny the waiver request and require full compliance with the six-month notice period so that the parties may engage in a more meaningful dialogue with affected landowners and the local community before moving forward with any final approvals.

We appreciate your time and consideration of these critical issues. Please keep our firm informed of any public hearings or additional opportunities to provide input. Please do not hesitate to reach out if you have any additional question or need additional information.

Sincerely,



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Attachment 1

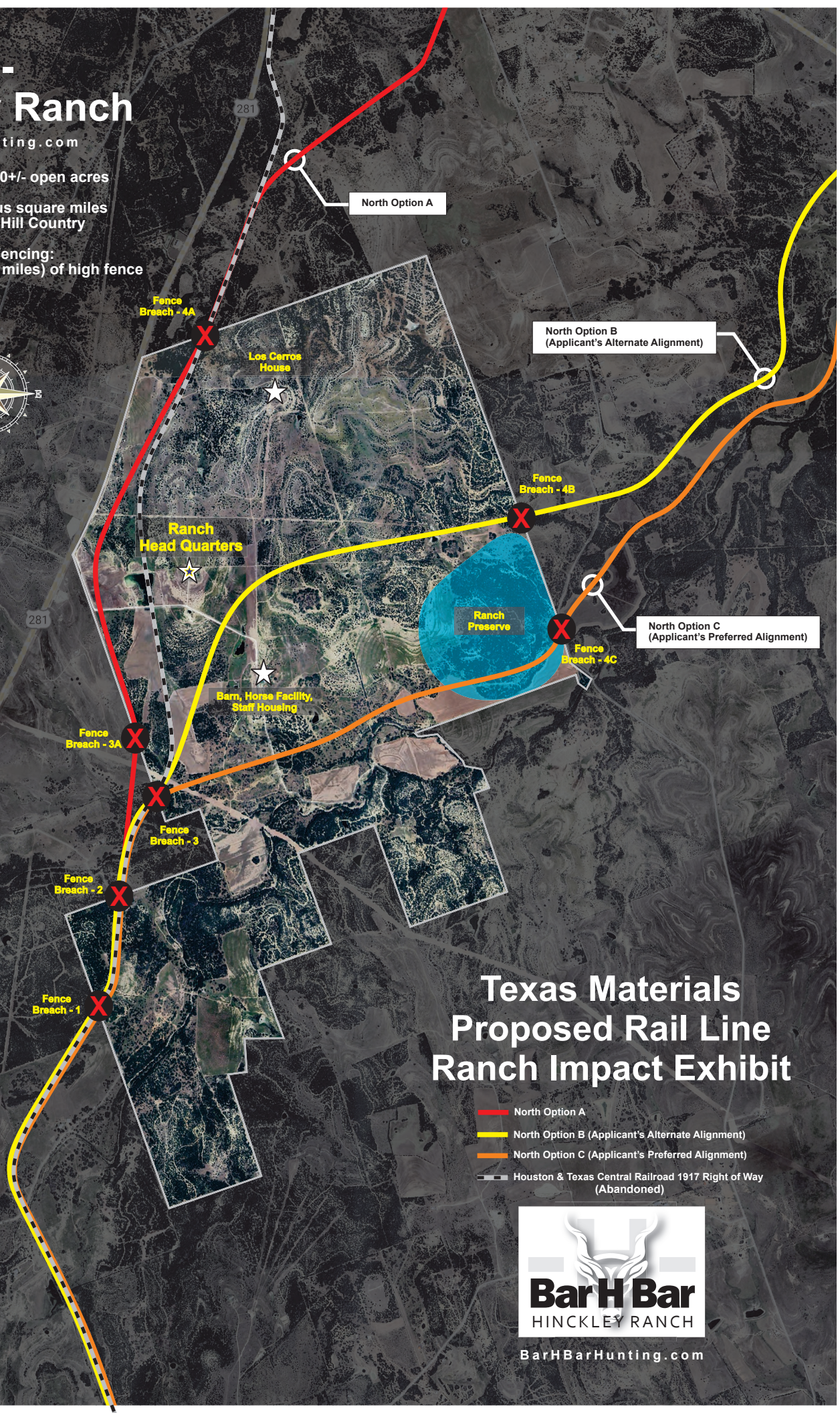
-H- Hinckley Ranch

BarHBarHunting.com

Total Acreage: 3,800+/- open acres

Size: Six contiguous square miles
of Native Texas Hill Country

Perimeter Fencing:
76,500+ linear feet (14.5 miles) of high fence



Texas Materials Proposed Rail Line Ranch Impact Exhibit

- North Option A
- North Option B (Applicant's Alternate Alignment)
- North Option C (Applicant's Preferred Alignment)
- Houston & Texas Central Railroad 1917 Right of Way (Abandoned)



BarHBarHunting.com