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May 5, 2025

Andrea Poole
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20024

Re: Green Eagle Railroad, LLC
– Construction and Operation of a Line of Railroad –
In Maverick County, TX
Surface Transportation Board Finance Docket 36652

GER Comments on the Draft Environmental Impact Statement

Dear Ms. Poole:

On March 14, 2025, the Office of Environmental Analysis ("OEA") issued a Draft Environmental Impact Statement ("Draft EIS") in the above referenced docket. OEA established May 5, 2025, as the comment deadline for comments to be submitted for OEA's consideration on the Draft EIS. Green Eagle Railroad, LLC ("GER") and its parent company, Puerto Verde Holdings ("PVH"), are thankful to OEA for its effort in conducting the environmental analysis necessary to produce this Draft EIS. GER and PVH offer the following comments as OEA moves forward to issuing a Final EIS.

Air Quality – Section 3.7

On page 3-42, in the air quality analysis, the Draft EIS includes the sentence. "OEA's analysis included emissions data generated from trucks, construction equipment, and idling at at-grade crossings." Based on the information in Appendix H, OEA's analysis also includes the emissions generated from locomotives. GER/PVH suggest that the sentence on page 3-42 be revised to reflect that locomotives were also included in the analysis.

Water Resources – Section 3.11.1.4

On page 3-69, in the Water Resources section of the Draft EIS, the text states that, "GER/PVH would need to obtain a Section 401 Certification from the state of Texas as part of the requirements of the General Bridge Act of 1946." The second bullet on that page indicates that the entity proposing to perform work over navigable waters of the US must obtain a Section 10 permit under the Rivers and Harbors Act of 1899 and states that, "Issuance of a Section 10 permit by USACE would require a Section 401 Certification by the state of Texas."

GER/PVH are currently coordinating with the USACE and the U.S. Coast Guard ("USCG") to comply with the requirements of the Rivers and Harbors Act and the General Bridge Act. During pre-applications meetings with the U.S. Army Corps of Engineers Fort Worth District, the Applicant learned that the issuance of a Section 10 permit does not automatically trigger the need for a Section 401 Certification. However, the issuance of a Section 404 permit does require a Clean Water Act Section 401 Certification. Based on the information about wetlands and waters in the project area and the project design information shared by GER/PVH in a pre-application meeting, USACE has informed GER/PVH that a Section 404 permit will not be required for the Southern Rail Alternative and as such, USACE would not require a Section 401 Certification for that alternative.

GER/PVH have also engaged in consultation with the Texas Commission on Environmental Quality ("TCEQ"), which is responsible for administering the Clean Water Act Section 401 certification program in Texas. In consultation meetings, TCEQ indicated that because the project would not require a Section 404 permit from USACE, TCEQ will not require GER/PVH to obtain a Section 401 Certification.

GER/PVH understand that bridge permits from the USCG typically require a Section 401 Certification; however, the USCG will accept a waiver or statement that a Section 401 Water Quality Certification is not required from the appropriate state agency instead of a Section 401 Certification. As such, GER/PVH anticipate that a Section 401 Certification will not be required. If later it is determined that a 401 Certification is required, GER/PVH would work with TCEQ to obtain the certification and would follow all applicable regulatory requirements.

Section 3.11.3 of the Draft EIS describes how the operation of project would have minimal impacts on surface waters, including the potential for impacts to the municipal water supply intake in the Rio Grande River. GER/PVH would like to reiterate that the design, construction, and operation of the project would comply with all applicable standards and laws concerning the safe transportation of hazardous materials as well as potential incidents, spills, and other unforeseen releases of pollutants or contaminants. GER/PVH are committed to working with all regulatory authorities to ensure that all applicable standards and requirements are met to ensure continued drinking water safety.

Other Federal Agencies – Section 1.4.4

On page 1-5, in the Other Federal Agencies section of the Draft EIS, the Draft EIS states, "[the proposed line and the associated CMV Facility may require an individual permit from USACE if not covered under a current Nationwide permit." As noted above, the USACE has explained to GER/PVH that the Southern Rail Alternative would not require a Section 404 permit.

Noise – Section 4.4.1; Appendix G, Section G.4.2.2

GER/PVH appreciate OEA's evaluation of the feasibility and reasonableness of extending noise barriers across elevated structures as described in Appendix G, Section G.4.2.2 of the Draft EIS. However, GER/PVH believe that OEA's calculation of \$700,000 to extend noise barriers across both bridges along the Southern Alternative is an underestimate of the likely cost. GER/PVH have conducted additional investigation and determined that the cost to extend the sound barriers would be approximately double that estimated in the Draft EIS.

Rather than extend the noise barriers across bridges, GER/PVH propose the following voluntary mitigation: GER/PVH will pay for costs necessary to hire a residential noise mitigation

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specialist to inspect the structures at Receptors 38, 41, and 42, and design and install noise mitigation measures necessary to reduce the level of anticipated noise at these receptors to below the "Severe" classification using the Federal Transit Administration's guidance, such as sound dampening windows and doors, and sound insulation in walls. GER/PVH believes this mitigation will be equally as effective as extending the noise barriers across the bridges and would not be cost prohibitive.

If there are any questions related to the above comments, please feel free to contact me.

Sincerely,



Justin J. Marks
Counsel to Green Eagle Railroad, LLC