



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION UNITED STATES AND MEXICO

January 3, 2024

Andrea Poole
Surface Transportation Board, Office of Environmental Analysis
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

Dear Ms. Poole:

The United States Section, International Boundary and Water Commission (USIBWC) is in receipt of the Surface Transportation Board (Board)'s December 7, 2023 letter requesting preliminary consultation on Docket No. FD 36652, Green Eagle Railroad in Maverick County, Texas, north of Eagle Pass. USIBWC provides the following comments on this public scoping request in accordance with the National Environmental Policy Act (NEPA).

Green Eagle Railroad, LLC (GER), owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a new bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferromex Rio Escondido rail line. The bridge is being proposed to be called the Puerto Verde Global Trade Bridge. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each. As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased, ownership of the facilities would be transferred to the General Services Administration, or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118.

The Board's letter noted the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental compliance documentation, including for NEPA and cultural resources laws. The letter also requests input on whether the USIBWC is interested in participating as a cooperating agency in OEA's NEPA review. The USIBWC commits to reviewing the Draft NEPA documents, but USIBWC declines to be a cooperating agency, as the USIBWC does not have a flood control project nor own property within the project area. However, the USIBWC does have authority for the bed and bank of the international stretch of river under the 1944 Water Treaty, as well as responsibility under the 1970 Boundary Treaty Article IV to ensure that the construction of works do not obstruct the normal flow or flood flows of the Rio Grande. Please see <https://www.ibwc.gov/resources-info> for information on work within the Rio Grande floodplain. USIBWC Engineering Services Division should review hydraulic models of the proposed construction projects. Please coordinate with USIBWC Realty Office for review procedures and treaty authorities <https://www.ibwc.gov/organization/engineering/realty/>.

In addition, USIBWC notes the following should be considered in the NEPA process.

- The project will connect facilities from the United States to Mexico and will need a Presidential Permit. Please coordinate with the U.S. Department of State for border crossings <https://www.state.gov/presidential-permits-for-border-crossings/>. Since this is an international project, USIBWC will need to be involved in the review of the NEPA documentation and the engineering design, per the Presidential Permitting process, to ensure the project meets U.S. and Mexican requirements. USIBWC notes that Docket FD-36652 contains an application for a Presidential Permit dated October 2023, submitted to the U.S. Department of State.
- For bridge supports in the river channel, the proponent will need permits from the U.S. Army Corps of Engineers (USACE) and U.S. Coast Guard (USCG) under the Clean Water Act Section 401/404 and Rivers and Harbors Act Sections 9 and 10.
- The proposed action is within Segment 2304 Rio Grande Below Amistad Reservoir, and the Texas Commission on Environmental Quality (TCEQ) has listed Segment 2304 as impaired for bacteria on the Texas 303(d) list. Additionally, the segment has concerns for ambient toxicity in water and ammonia in water. NEPA documentation should review potential impacts on Rio Grande water quality from the construction and long-term operation of the facilities and comply with Texas Surface Water Quality Standards.
- Proposed facilities are adjacent to or cross Rio Grande tributaries, including Seco Creek and Elm Creek. As contributing tributaries to Segment 2304, the tributaries should be included in the environmental documentation for water quality, wetlands, and permitting.
- The proponent will need to coordinate with the U.S. Fish and Wildlife Service (USFWS) for Endangered Species Act compliance; for example, this stretch of the Rio Grande has proposed Critical Habitat designation for the endangered Texas Hornshell.
- Texas Historical Commission (THC) should be consulted for cultural resources in this area and archeological survey.
- NEPA documentation should incorporate Council on Environmental Quality's (CEQ) January 2023 guidance on consideration of greenhouse gas emissions and climate change from the construction and operation of the facilities. Additionally, CEQ has guidance on Environmental Justice under NEPA which should be considered for potential impacts on nearby communities of Seco Mines and Fabrica.
- NEPA documents and engineering design for bridge supports should consider potential impacts from seismic activity in the area and nearby reinjection sites from oil and gas.

Please continue to keep USIBWC on the distribution list for this project. Contact Ms. Elizabeth Verdecchia, Natural Resources Specialist, Environmental Management Division, at (915) 832-4701 for any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Gilbert G. Anaya". The signature is fluid and cursive, with the first name being the most prominent.

Gilbert G. Anaya, Ph.D.
Division Chief
Environmental Management Division