

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Texas Coastal and Central Plains Ecological Services Field Office
Corpus Christi Sub-Office
4444 Corona Drive, Suite 215
Corpus Christi, Texas 78411
PHONE: 361/994-9004



In Reply Refer To:
2024-0098113

June 16, 2025

Ms. Andrea E. Poole, PMP
Surface Transportation Board, Office of Environmental Analysis
395 E. St. SW
Washington, DC 20423-0011

Dear Ms. Poole:

Thank you for reaching out to the Texas Coastal and Central Plains Ecological Services Field Office Corpus Christi Sub-Office. We received your May 15, 2025, letter requesting informal consultation for the construction of the Green Eagle Railroad (GER) regarding the effects of the proposed international railroad on federally listed species in Maverick County, Texas. Additionally, this action was evaluated for impacts to wetlands and other Federal trust fish and wildlife resources.

The Surface Transportation Board's Office of Environmental Analysis (OEA) prepared a Biological Assessment (BA) in accordance with legal requirements set forth under Section 7 of the Endangered Species Act (ESA) (16U.S.C. § 1536(c)) for our review. On October 17, 2023, Puerto Verde Holdings (PVH) submitted to the U.S. State Department a Presidential Permit Application for the Puerto Verde Global Trade Bridge project on behalf of Maverick County, Texas, as the Project Sponsor. A Presidential Permit was issued on May 31, 2024. In addition, OEA's understanding is that GER and PVH will be seeking approval for other necessary permits after the issuance of the Final Environmental Impact Statement and a final Board decision authorizing construction and operation of the proposed line. OEA analyzed the impacts of two build alternatives for the proposed line: the Southern Rail Alternative and the Northern Rail Alternative.

Green Eagle Railroad, LLC (GER), a non-carrier subsidiary of PVH, has requested authority from the Surface Transportation Board (Board) to construct and operate approximately 1.3 miles of new common carrier Southern Rail Alternative (proposed line) in Eagle Pass and Maverick County, Texas. The proposed line would be part of an international commercial transportation corridor proposed by PVH and the Puerto Verde Global Trade Bridge project, also consisting of

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a new border crossing for commercial motor vehicles associated with commercial motor vehicle (CMV Facility) between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. The associated CMV Facility would include a new road bridge (New Road Bridge) and inspection and surveillance facilities; it would be built by PVH.

The associated CMV Facility is not within the Board's jurisdiction and does not require a license from the Board. However, both the proposed line and the associated CMV Facility would require permitting by the U.S. Coast Guard (USCG) for the New Rail Bridge and New Road Bridge; authorization from U.S. International Boundary and Water Commission (IBWC) to ensure that the proposed line and the associated CMV Facility do not adversely impact the normal flow or flood flows of the Rio Grande River; and permits from the U.S. Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. **Figure 1** shows the location of the proposed line and the associated CMV Facility. The United States/Mexico Border, shown in **Figure 1**, is mapped by the IBWC (IBWC, 2025).

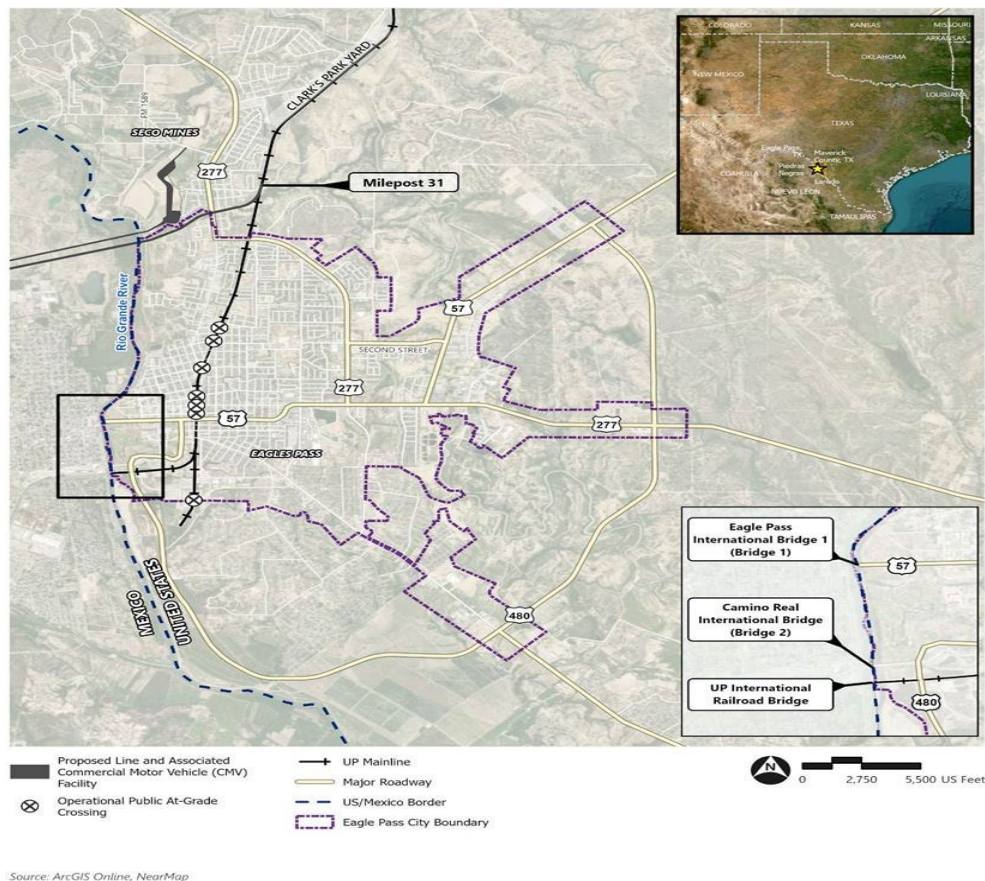


Figure 1. Location of the proposed Green Eagle Railroad project in Eagle Pass and Maverick County, Texas.

Under the Southern Rail Alternative, the proposed line would be a secure, double-tracked, approximately 1.3-mile rail line extending between the existing Union Pacific (UP) mainline at

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approximate milepost 31 and the United States/Mexico border. The Southern Rail Alternative would cross the Rio Grande River on a new rail bridge (New Rail Bridge) approximately 3 miles upstream of an existing UP International Railroad Bridge in Eagle Pass, Texas. Based on a conceptual design developed by GER and provided to OEA, the New Rail Bridge would stand approximately 60 feet above the water line and would be approximately 45 feet wide. It would consist of 164-foot spans with cast-in-place concrete drilled shaft piers supporting the superstructures. The U.S. portion of the New Rail Bridge would be 968 feet long, span the U.S. portion of the river, and be supported by five piers on land. The Mexico portion would include one in-stream pier within the bed of the Rio Grande River and seven upland piers, making a total bridge length of approximately 2,300 feet with 13 piers. Each pier would be approximately 85 feet by 20 feet. Construction of the New Rail Bridge would involve building a temporary rock embankment (or jetty) on the Mexican side of the border but would require no in-water activities on the U.S. side. The eastern end of the bridge would consist of a concrete abutment approximately 66 feet long and 20 feet wide. A portion of the Southern Rail Alternative would be located within the 100-year floodplain.

East of the Rio Grande River, the Southern Rail Alternative would run to the south of Seco Creek before crossing U.S. 277 (Del Rio Boulevard); Barrera Street; a concrete-lined stormwater drainage channel; and Seco Creek over four other, smaller bridges (U.S. 277 Bridge; Barrera Street Bridge; Stormwater Channel Bridge; and Seco Creek Bridge, respectively). Between the bridges, the Southern Rail Alternative would be constructed on an elevated embankment approximately 18 to 19 feet high and 130 feet in width. Other features of the Southern Rail Alternative include a non-intrusive inspection (NII) facility just past the eastern end of the New Rail Bridge; culverts; fencing; service roads; and 20-foot high noise barriers on both sides of the tracks between the Stormwater Channel Bridge and the NII facility, except on the U.S. 277 Bridge and the Barrera Street Bridge.

OEA defined the action area in this BA as including (1) the terrestrial (on land) construction limits of the proposed line and the associated CMV Facility (approximately 234 acres all on the U.S. side of the border); and (2) the mussel survey area (area of potential direct impact plus upstream and downstream buffers within the Rio Grande River, totaling approximately 1,200 linear feet of the Rio Grande River and covering approximately 6.4 acres. This aquatic part of the action area includes the entire width of the Rio Grande River, i.e., both the Mexican and U.S. sides of the river. The total estimated area on the Mexican side is approximately 2.2 acres and the total estimated area on the U.S. side is approximately 4.1 acres. As part of the action area, OEA also included a small mussel relocation area. In this BA, the mussel relocation area is assumed to be immediately upstream of the mussel survey area and downstream of an existing shoal in the river bend; it is assumed to measure approximately 100 feet long by 100 feet wide, for a surface area of approximately 0.23 acres.

OEA performed various field surveys to confirm baseline conditions in the action area. OEA evaluated the area for habitat suitability for federally protected and proposed species, as well as provided oversight for a delineation of waters of the United States, including wetlands, conducted by GER on May 21 and 22, 2024, over approximately 221 acres. Additionally, OEA performed a mussel survey in the Rio Grande River as per the 2024 USFWS and Texas Parks and Wildlife Department (TPWD) survey protocols (USFWS & TPWD, 2024) between

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September 9 and September 12, 2024 (BIO-WEST, 2024). The September 2024 mussel survey found no Texas hornshell (either live or relic shell material). The completed field surveys determined the aquatic habitat in the action area is degraded due to sedimentation, and although a few large rocks were noted, these were mostly deeply embedded in silt and unlikely to serve as suitable habitat for the Texas Hornshell (*Popenaias popeii*). Therefore, the mussel survey report noted that the area had a “lack of appropriate habitat conditions” for the Texas Hornshell.

The September 2024 mussel survey found nine live Mexican Fawnsfoot (*Truncilla cognata*) specimens in the project action area. As per protocol, transect and qualitative timed searches were conducted within the survey area, including a bank survey (U.S. side only). Overall, mussel densities were low within the survey area, and a total of 11 live mussels representing three species were collected and returned during the survey. During transect surveys, eight adult mussels were collected. These included seven Mexican Fawnsfoot and one Paper Pondshell (*Utterbackiana imbecillis*). Relic shells of Yellow Sandshell (*Lampsilis teres*) were also collected. Since live Mexican Fawnsfoot specimens were collected during the transect searches, qualitative timed searches were conducted, which found two additional Mexican Fawnsfoot adults and one adult Tampico Pearly Mussel (*Cyrtonaias tampicoensis*). While much of the aquatic habitat in the survey area was degraded by sedimentation, there is suitable habitat for this species, as indicated by its presence at the site.

Texas Hornshell and Mexican Fawnsfoot Potential Impacts:

OEA anticipates that most construction impacts to the Texas Hornshell and Mexican Fawnsfoot would be temporary and minor. Without conservation, minimization, and mitigative measures, land clearance and related construction activities (on both sides of the Rio Grande River) could cause short-term increases in turbidity and sedimentation. Heavy rainfall events (greater than the design criteria) or accidental damage to erosion control devices during construction could cause unforeseen erosion and sedimentation events. The temporary rock embankment (or jetty) that GER would install on the Mexican side of the river to build the bridges could physically cover or crush any mussels on that side of the river, as well as result in increased sedimentation and temporarily altered flows in the river. These changes could indirectly impact mussels on the U.S. side of the river. Sedimentation could also potentially adversely impact suitable habitat for the Texas Hornshell and Mexican Fawnsfoot by filling in the interstitial spaces between the cobble/gravel substrate and riffles, and reducing spawning habitat (Jones et al., 1974). The greatest potential impact from increased sedimentation would occur during these mussels’ spawning periods (March through August) and shortly thereafter. Sediment in waterways can have detrimental effects on aquatic biota, including smothering fish eggs and benthic macroinvertebrates, clogging fish gills, reducing feeding and growth, and reducing photosynthetic activity (Kerr, 1995; Kundell and Rasmussen, 1995; Waters, 1995).

Other potential construction-related water quality impacts could include contamination from construction equipment, such as leaked or spilled hydraulic fluid, or spilled gasoline or diesel from equipment refueling activities. These accidental events could occur despite proper planning and oversight. These water quality impacts to the two mussel species would also affect the mussels’ host fish species.

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In addition to temporary water quality impacts to Texas Hornshell and Mexican Fawnsfoot from construction activities, a small amount of in-stream habitat would be altered permanently by the construction of a bridge pier on the Mexican side of the Rio Grande River. This pier, although relatively limited in size, could alter hydrology and channel morphology on the U.S. side of the river, resulting in potential impacts to habitat for the Mexican Fawnsfoot. Such impacts could include bank erosion, disruption of natural sediment transport (scour and aggregation), thermal changes (changes in water volumes and flow rates can influence water temperatures), disruption of nutrient cycling (alter natural nutrient cycling processes due to changes in sediment and water flow), and potential debris accumulation.

No critical habitat has been designated for any of the species of concern for this BA, although USFWS has proposed critical habitat for the Texas Hornshell, and Mexican Fawnsfoot. The entire action area in the Rio Grande River, including the mussel survey and relocation areas, is located within proposed critical habitat for both Texas Hornshell and Mexican Fawnsfoot. For the Texas Hornshell, the action area overlaps with 4.1 acres of proposed critical habitat Subunit 5a: Eagle Pass Reach (USFWS, 2021). For the Mexican Fawnsfoot, the action area overlaps with 4.1 acres of proposed critical habitat Unit MXFF-1 (USFWS, 2023c).

Conservation, Minimization, and Mitigative Measures:

Texas Pollutant Discharge Elimination System (TPDES) permitting requirements, managed by the Texas Commission on Environmental Quality (TCEQ), apply to construction of the proposed line and the associated CMV Facility. GER and PVH would be required to have a TCEQ-approved Stormwater Pollution Protection Plan (SWPPP) or Erosion and Sediment Control Plan (ESCP) in place prior to initiating construction activities in and adjacent to water bodies.

OEA additionally proposes the following measures in this BA to avoid, minimize, and mitigate any impacts caused by the construction or operation of the proposed line and the associated CMV Facility. Under 6.1, Measures to be Implemented Prior to Construction Activities of the May 2025 BA (Reference), 6.2, Measures to be Implemented During Project Construction Activities, and 6.3 Measures to be Implemented Following Construction Activities will be implemented during construction activities.

OEA has made a determination that the project “may affect, but is not likely to adversely affect” the Texas Hornshell, and not likely to jeopardize the Mexican Fawnsfoot, Salina Mucket (*Potamilus metnecktayi*), and the Monarch Butterfly (*Danaus plexippus*). The Service concurs with the determination based on the findings of the field surveys and proposed conservation and mitigation measures proposed in the BA (6.1-6.3) that will be implemented by GER and PVH. The proposed line and the associated CMV Facility would not adversely modify the proposed critical habitat for the Texas Hornshell and Mexican Fawnsfoot because they would not result in a direct or indirect alteration that appreciably diminishes the value of the critical habitat for both the survival and recovery of these proposed species. OEA made a “no effect” determination for the Piping Plover (*Charadrius melodus*), and Rufa Red Knot (*Calidris canutus rufa*). Please note, the Service does not provide concurrence for “no effect” determinations but acknowledges our receipt of our correspondence. No further endangered species consultation will be required unless: 1) the proposed action is subsequently modified in a manner that causes an effect on a

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listed species or designated critical habitat; 2) new information reveals the proposed action may affect federally listed species or designated critical habitat in a manner or to an extent not previously considered; or 3) if a new species is listed or a critical habitat is designated under the Act that may be affected by the proposed action.

We appreciate the opportunity to provide pre-planning information. If we can be of further assistance, please contact Ernesto Reyes at 956-307-5132 or 361-533-6057.

Sincerely,

**CATRINA
MARTIN**

Catrina Martin
Assistant Field Supervisor

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