



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

May 18, 2018

Robert T. Fitzgerald, MD
President
Medina County Environmental Action Association, Inc.
166 PR 4664
Castroville, TX 78009

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas;
Response to MCEAA's April 2, 2018 letter regarding status of certain
mitigation measures**

Dear Dr. Fitzgerald:

This letter responds to your correspondence of April 2, 2018 in which you allege that the above-referenced Southwest Gulf Railroad (SGR) rail line construction project is in non-compliance with environmental mitigation measures 51 and 77 imposed by the Surface Transportation Board (Board) in its decision of December 18, 2008. You request that project construction be suspended pending compliance.

Mitigation measure 51 requires SGR to replace mature trees at a 3:1 ratio and old timber trees at a ratio of 10 trees for each one lost and to ensure an 80 percent survival rate. Mitigation measure 77 requires SGR to comply with the terms of the Programmatic Agreement (PA), developed pursuant to 36 C.F.R. § 800.14(b), and specifically with the Final Resolution Plan prepared pursuant to the PA. The Final Resolution Plan requires SGR to submit landscaping plans to the Board's Office of Environmental Analysis (OEA) and the Texas Historic Commission (THC) within 12 months of initiating construction.¹ The landscaping plans must specify the types of vegetation to be installed as buffers at sites HDR-AR-02, HDR-AR-04, HDR-AR-10, and HDR-AR-11. OEA has consulted with SGR and THC and has determined that for the reasons discussed below, the project is complying with mitigation measures 51 and 77.

First, the Board requires SGR to submit quarterly reports documenting its progress on the 81 mitigation measures imposed by the Board. The most recent report dated March 29, 2018, indicates that the tree study has been completed and that a tree replacement plan is being

¹ According to SGR, construction commenced on September 1, 2017.

developed to optimize survival and obtain beneficial results in terms of landowner preference, screening capabilities and public need.²

Second, stipulation VI.B of the PA requires that SGR submit semi-annual summary reports detailing work undertaken pursuant to the terms of the PA, and specifically, the Final Resolution Plan. In its most recent report from April 2018, SGR includes a vegetative buffer plan for architectural sites HDR-AR-02, HDR-AR-04, HDR-AR-10, and HDR-AR-11. SGR states that it does not own sites HDR-AR-10 or HDR-AR-11 and intends to locate the planned buffer for these sites, as well as HDR-AR-02 and HDR-AR-04, on SGR-owned property. SGR states that the buffers will serve to insulate the historic properties as much as possible from the visual and audible effects of the project. SGR plans to use mature ashe juniper trees or another species native to Medina County, and specifically to the Hondo area. The trees will be a minimum of 6-8 feet high and planted approximately 4 feet apart measuring from tree centerlines. Two off-set rows will be planted approximately 4 feet apart using an estimated total of 1,350 trees, depending on the number of existing trees. In areas with established tree cover, SGR will add native trees to the existing vegetation to augment any visible gaps. In a letter dated May 11, 2018, THC commented that it approved SGR's compliance with the mitigation measures to date, as well as the landscape buffer schematic.

Third, in an April 24, 2018, SGR states that it remains in full compliance with the 81 mitigation measures imposed in the Board's Final Decision (STB Served December 18, 2008), the requirements of the PA, and the Final Resolution Plan. SGR indicates that it will replace trees under mitigation measure 51—SGR developed a preliminary tree inventory in 2017 prior to initiating construction and will conduct additional tree survey work once construction nears completion to determine the number of replacement needed following rail line construction. SGR will then finalize its tree replacement plan, purchase the necessary trees according to the required ratios, and begin planting replacement trees. As SGR notes, and we agree, that tree replacement is best undertaken after the major construction activity has been completed and during the right seasons, generally Fall, to increase successful survival rates.

² Correspondence for this project may be viewed on the Board's web site at www.stb.gov under environmental, then click on environmental correspondence, then scroll to FD 34284.

We therefore conclude that SGR is complying with mitigation measures 51 and 77 and there is no need to suspend SGR's construction activities.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victoria Rutson".

Victoria Rutson
Director
Office of Environmental Analysis

cc: Justin Kockritz, THC
Sara Luduena, THC
David Coburn, Attorney for SGR