



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Alabama-Coushatta Tribe of Texas
Ronnie Thomas, Chairman
571 State Park Road 56
Livingston, TX 77351

**Re: STB Docket No. FD 34284–Southwest Gulf Railroad Company–
Construction and Operation Exemption–In Medina County, Texas; New
Programmatic Agreement**

Dear Chairman Thomas:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

As background, the expired PA and supporting environmental documents addressed the potential impacts that Southwest Gulf Railroad's (SGR) proposed rail line construction between an existing Vulcan Materials limestone quarry and a Union Pacific rail line in Medina County,

¹ A Programmatic Agreement is a legally binding document that establishes a process to resolve any adverse effects that a particular project may have on historic and archaeological resources.

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Texas would have on historic, cultural and environmental resources. OEA issued a Draft Environmental Impact Statement (EIS) in 2004, a Supplemental EIS in 2006, and a Final EIS in 2008. OEA's evaluation included eight alternatives that would have impacted the Quihi Rural Historic District, the New Fountain Rural Historic District, and the Upper Quihi Historic District, and concluded that three routes to the east –the Eastern Bypass Route, the Modified Eastern Bypass Route, and the MCEAA Medina Dam Alternative–would be the environmentally preferred alignments.

STB authorized SGR to construct the rail line along any of the three environmentally preferred routes, subject to the terms of the PA and 80 additional environmental mitigation measures. Although these three routes will not impact two of the three previously mentioned historic districts, they will have some effect on the Upper Quihi Historic District. The new PA will therefore focus on potential impacts to this area, and more specifically, along the route that SGR has chosen to build – the Modified Eastern Bypass Route (see attached map).

We have re-initiated the Section 106 consultation process with the Texas State Historic Preservation (SHPO), the Advisory Council on Historic Preservation and SGR. We are also reaching out to all interested parties that may have physical, economic, educational or ancestral connections to the areas of potential impacts (APE), including those with knowledge of properties of traditional religious and cultural significance, and seek your input and concurrence in developing a new PA to avoid, minimize, or mitigate potential adverse effects to these historic and cultural resources.

SGR's consultant, HDR, Inc., is now in the process of preparing archaeological and historic assessments along the area of potential effects (APE) to assess archaeological resources and evaluate the eligibility of identified resources for inclusion in the National Register of Historic Places (National Register). HDR plans to conduct an intensive cultural resources survey of the proposed rail line construction, based on a GIS model that determines high, medium, and low probability areas, and will also perform intensive on-site shovel and systematic backhoe trench testing and evaluate all buildings, structures, objects, districts, and historic landscapes of historic-age (over 45 years old) within the APE.

If you are interested in participating in the Section 106 process as a concurring party, pursuant to 36 C.F.R. § 800.3, to develop a PA to resolve adverse effects to historic or potentially historic resources, please respond to this letter within 30 days, **by September 12, 2105 to:**

**Surface Transportation Board
Office of Environmental Analysis
395 E Street S.W., Room 1110
Washington, D.C. 20423-0001
Attn: Diana Wood
woodd@stb.dot.gov**

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact me or Diana Wood of my staff by telephone at 202-245-0302, or by email at woodd@stb.dot.gov.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Alabama-Quassarte Tribal Town
Tarpie Yargee, Chief
PO Box 187
Wetumka, OK 74883

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Chief Yargee:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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Victoria Rutson
Director
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Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Apache Tribe of Oklahoma
Lyman Guy, Chairman
511 E Colorado
Anadarko, OK 73005

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Chairman Guy:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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Sincerely,



Victoria Rutson
Director
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Enclosures (2)

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Caddo Nation
Tamara Francis Fourkiller, Chairperson
PO Box 487
Binger, OK 73009

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Chairperson Fourkiller:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Cherokee Nation of Oklahoma
Bill John Baker, Principal Chief
PO Box 948
Tahlequah, OK 74465

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Chief Baker:

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Choctaw Nation of Oklahoma
Dr. Ian Thompson, THPO
PO Drawer 1210
Durant, OK 74702

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Dr. Thompson:

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Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Coushatta Tribe of Louisiana Lovelin Poncho
Linda Langley, THPO
PO Box 818
Elton, LA 70532

**Re: STB Docket No. FD 34284–Southwest Gulf Railroad Company–
Construction and Operation Exemption–In Medina County, Texas; New
Programmatic Agreement**

Dear Ms. Langley:

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Sincerely,

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

Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
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Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

The Delaware Nation
Clifford Peacock, President
PO Box 825
Anadarko, OK 73005

**Re: STB Docket No. FD 34284–Southwest Gulf Railroad Company–
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Programmatic Agreement**

Dear President Peacock:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

As background, the expired PA and supporting environmental documents addressed the potential impacts that Southwest Gulf Railroad's (SGR) proposed rail line construction between an existing Vulcan Materials limestone quarry and a Union Pacific rail line in Medina County,

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STB authorized SGR to construct the rail line along any of the three environmentally preferred routes, subject to the terms of the PA and 80 additional environmental mitigation measures. Although these three routes will not impact two of the three previously mentioned historic districts, they will have some effect on the Upper Quihi Historic District. The new PA will therefore focus on potential impacts to this area, and more specifically, along the route that SGR has chosen to build – the Modified Eastern Bypass Route (see attached map).

We have re-initiated the Section 106 consultation process with the Texas State Historic Preservation (SHPO), the Advisory Council on Historic Preservation and SGR. We are also reaching out to all interested parties that may have physical, economic, educational or ancestral connections to the areas of potential impacts (APE), including those with knowledge of properties of traditional religious and cultural significance, and seek your input and concurrence in developing a new PA to avoid, minimize, or mitigate potential adverse effects to these historic and cultural resources.

SGR's consultant, HDR, Inc., is now in the process of preparing archaeological and historic assessments along the area of potential effects (APE) to assess archaeological resources and evaluate the eligibility of identified resources for inclusion in the National Register of Historic Places (National Register). HDR plans to conduct an intensive cultural resources survey of the proposed rail line construction, based on a GIS model that determines high, medium, and low probability areas, and will also perform intensive on-site shovel and systematic backhoe trench testing and evaluate all buildings, structures, objects, districts, and historic landscapes of historic-age (over 45 years old) within the APE.

If you are interested in participating in the Section 106 process as a concurring party, pursuant to 36 C.F.R. § 800.3, to develop a PA to resolve adverse effects to historic or potentially historic resources, please respond to this letter within 30 days, **by September 12, 2105 to:.**

**Surface Transportation Board
Office of Environmental Analysis
395 E Street S.W., Room 1110
Washington, D.C. 20423-0001
Attn: Diana Wood
woodd@stb.dot.gov**

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact me or Diana Wood of my staff by telephone at 202-245-0302, or by email at woodd@stb.dot.gov.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Kialegee Tribal Town
Jeremiah Hobia, Town King
PO Box 332
Wetumka, OK 74883

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear King Hobia:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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**Surface Transportation Board
Office of Environmental Analysis
395 E Street S.W., Room 1110
Washington, D.C. 20423-0001
Attn: Diana Wood
woodd@stb.dot.gov**

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Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Kickapoo Traditional Tribe of Texas
Juan Garza, Jr., Chairman
2212 Rosita Valley Road
Eagle Pass, TX 78852

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Chairman Garza:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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395 E Street S.W., Room 1110
Washington, D.C. 20423-0001
Attn: Diana Wood
woodd@stb.dot.gov**

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Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
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Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Kiowa Tribe of Oklahoma
Amber Toppah, Chairperson
PO Box 369
Carnegie, OK 73015

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Chairperson Toppah:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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Office of Environmental Analysis
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Washington, D.C. 20423-0001
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Sincerely,



Victoria Rutson
Director
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Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
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Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Mescalero Apache Tribe
Holly Houghten, THPO
PO Box 227
Mescalero, NM 88340

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Ms. Houghten:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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**Surface Transportation Board
Office of Environmental Analysis
395 E Street S.W., Room 1110
Washington, D.C. 20423-0001
Attn: Diana Wood
woodd@stb.dot.gov**

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Sincerely,

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

Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Poach Band of Creek Indians
Robert Thrower, THPO
5811 Jack Springs Road
Atmore, AL 36502

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Mr. Thrower:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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395 E Street S.W., Room 1110
Washington, D.C. 20423-0001
Attn: Diana Wood
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Sincerely,

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Victoria Rutson
Director
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Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
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Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Quapaw Tribe of Oklahoma
Everett Brandy, THPO
PO Box 765
Quapaw, OK 74363

**Re: STB Docket No. FD 34284–Southwest Gulf Railroad Company–
Construction and Operation Exemption–In Medina County, Texas; New
Programmatic Agreement**

Dear Mr. Brandy:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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395 E Street S.W., Room 1110
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Attn: Diana Wood
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Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
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Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Seminole Nation of Oklahoma
Leonard M. Harjo, Principal Chief
PO Box 1498
Wewoka, OK 74884

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Chief Harjo:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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STB authorized SGR to construct the rail line along any of the three environmentally preferred routes, subject to the terms of the PA and 80 additional environmental mitigation measures. Although these three routes will not impact two of the three previously mentioned historic districts, they will have some effect on the Upper Quihi Historic District. The new PA will therefore focus on potential impacts to this area, and more specifically, along the route that SGR has chosen to build – the Modified Eastern Bypass Route (see attached map).

We have re-initiated the Section 106 consultation process with the Texas State Historic Preservation (SHPO), the Advisory Council on Historic Preservation and SGR. We are also reaching out to all interested parties that may have physical, economic, educational or ancestral connections to the areas of potential impacts (APE), including those with knowledge of properties of traditional religious and cultural significance, and seek your input and concurrence in developing a new PA to avoid, minimize, or mitigate potential adverse effects to these historic and cultural resources.

SGR's consultant, HDR, Inc., is now in the process of preparing archaeological and historic assessments along the area of potential effects (APE) to assess archaeological resources and evaluate the eligibility of identified resources for inclusion in the National Register of Historic Places (National Register). HDR plans to conduct an intensive cultural resources survey of the proposed rail line construction, based on a GIS model that determines high, medium, and low probability areas, and will also perform intensive on-site shovel and systematic backhoe trench testing and evaluate all buildings, structures, objects, districts, and historic landscapes of historic-age (over 45 years old) within the APE.

If you are interested in participating in the Section 106 process as a concurring party, pursuant to 36 C.F.R. § 800.3, to develop a PA to resolve adverse effects to historic or potentially historic resources, please respond to this letter within 30 days, **by September 12, 2105 to:**

**Surface Transportation Board
Office of Environmental Analysis
395 E Street S.W., Room 1110
Washington, D.C. 20423-0001
Attn: Diana Wood
woodd@stb.dot.gov**

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact me or Diana Wood of my staff by telephone at 202-245-0302, or by email at woodd@stb.dot.gov.

Sincerely,

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

Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Thlopthlocco Tribal Town
Charles Coleman, THPO
PO Box 188
Okemah, OK 74859

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Mr. Coleman:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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Attn: Diana Wood
woodd@stb.dot.gov**

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Sincerely,

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Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Tonkawa Tribe of Oklahoma
Donald L. Patterson, President
1 Rush Buffalo Road
Tonkawa, OK 74653

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear President Patterson:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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Office of Environmental Analysis
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Washington, D.C. 20423-0001
Attn: Diana Wood
woodd@stb.dot.gov**

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Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Tunica-Biloxi Tribe of Louisiana
Earl J. Barbry, Jr., THPO
PO Box 1589
Marksville, LA 71351

**Re: STB Docket No. FD 34284—Southwest Gulf Railroad Company—
Construction and Operation Exemption—In Medina County, Texas; New
Programmatic Agreement**

Dear Mr. Barbry:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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Attn: Diana Wood
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Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

United Keetoowah Band of Cherokee Indians
George Wickliffe, Chief
PO Box 746
Tahlequah, OK 74465

**Re: STB Docket No. FD 34284–Southwest Gulf Railroad Company–
Construction and Operation Exemption–In Medina County, Texas; New
Programmatic Agreement**

Dear Chief Wickliffe:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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woodd@stb.dot.gov**

If you have any questions, require additional information regarding this proceeding, or have any concerns, please do not hesitate to contact me or Diana Wood of my staff by telephone at 202-245-0302, or by email at woodd@stb.dot.gov.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

Enclosures (2)

cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
Najah Duvall-Gabriel, Historic Preservation Specialist, ACHP
Bill Martin, Archaeologist, Texas Historical Commission
Eric Remmert, Vice President, SGR



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

August 13, 2015

Wichita and Affiliated Tribes
Terri Parton, President
PO Box 729
Anadarko, OK 73005

**Re: STB Docket No. FD 34284–Southwest Gulf Railroad Company–
Construction and Operation Exemption–In Medina County, Texas; New
Programmatic Agreement**

Dear President Parton:

Pursuant to Section 106 of the National Historic Preservation Act (54 U.S.C. 306108), I am writing to request your participation in the development of a new Programmatic Agreement (PA) for the above referenced nine-mile rail line construction project approved in 2008 by the Surface Transportation Board (STB).¹ The STB's Office of Environmental Analysis (OEA) developed the attached PA with a number of interested parties prior to project approval, but the document has since expired and a new one must be created before SGR can initiate construction of the rail line.²

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Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

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cc: Charlene Dwin Vaughn, Assistant Director, Federal Permitting, ACHP
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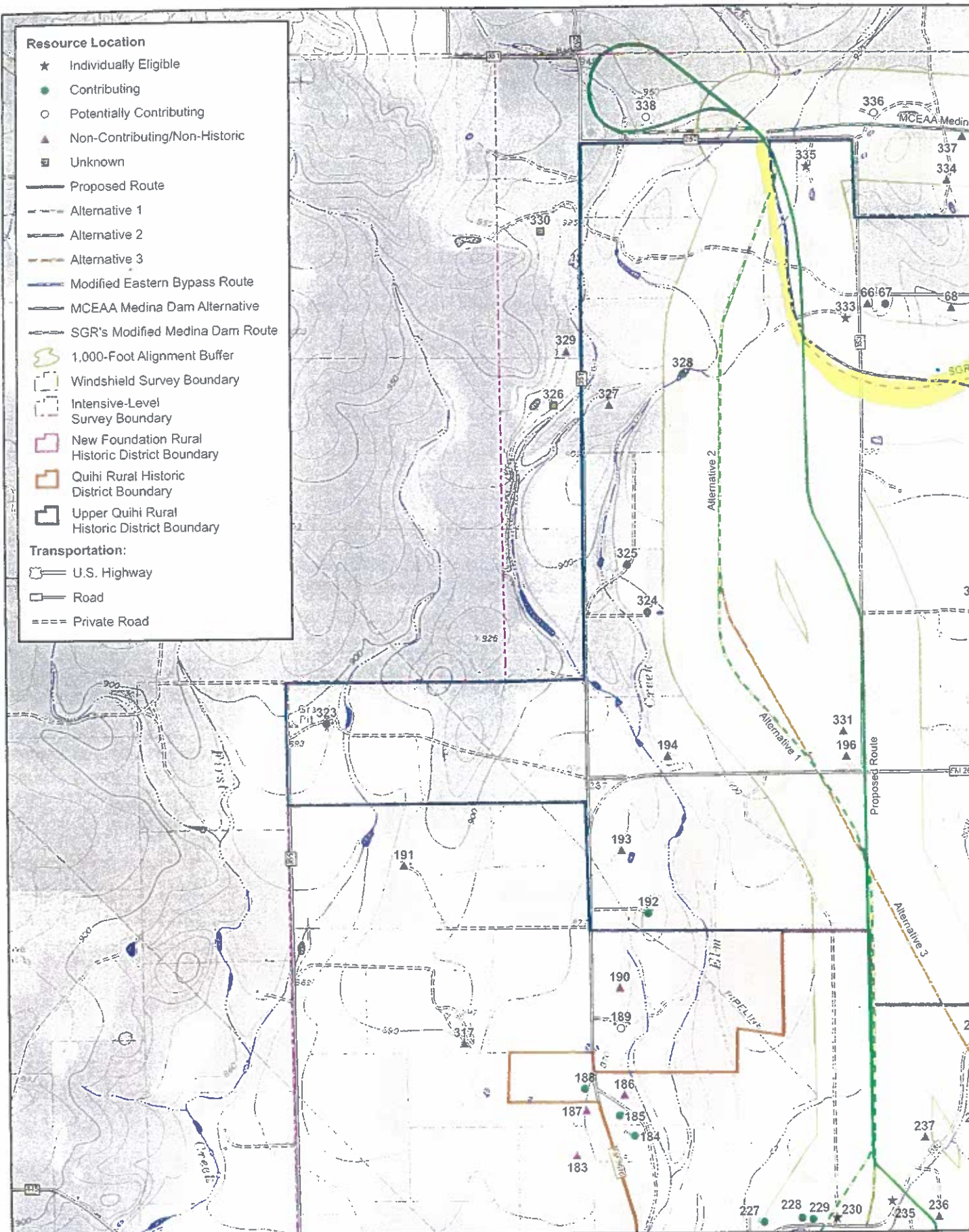
Resource Location

- ★ Individually Eligible
- Contributing
- Potentially Contributing
- ▲ Non-Contributing/Non-Historic
- Unknown

- Proposed Route
- - - Alternative 1
- - - Alternative 2
- - - Alternative 3
- - - Modified Eastern Bypass Route
- - - MCEAA Medina Dam Alternative
- - - SGR's Modified Medina Dam Route
- 1,000-Foot Alignment Buffer
- Windshield Survey Boundary
- Intensive-Level Survey Boundary
- New Foundation Rural Historic District Boundary
- Quihi Rural Historic District Boundary
- Upper Quihi Rural Historic District Boundary

Transportation:

- U.S. Highway
- Road
- Private Road



URS

9400 Amberglen Boulevard
Austin, TX 78729

File: P:\GIS_Projects\SGR_SITS.mxd
2007_10_02_MapSA-Contributing.mxd
Date: 10/03/2007 Design: PIV
Checked: DC
Sealed: JZP



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Feet
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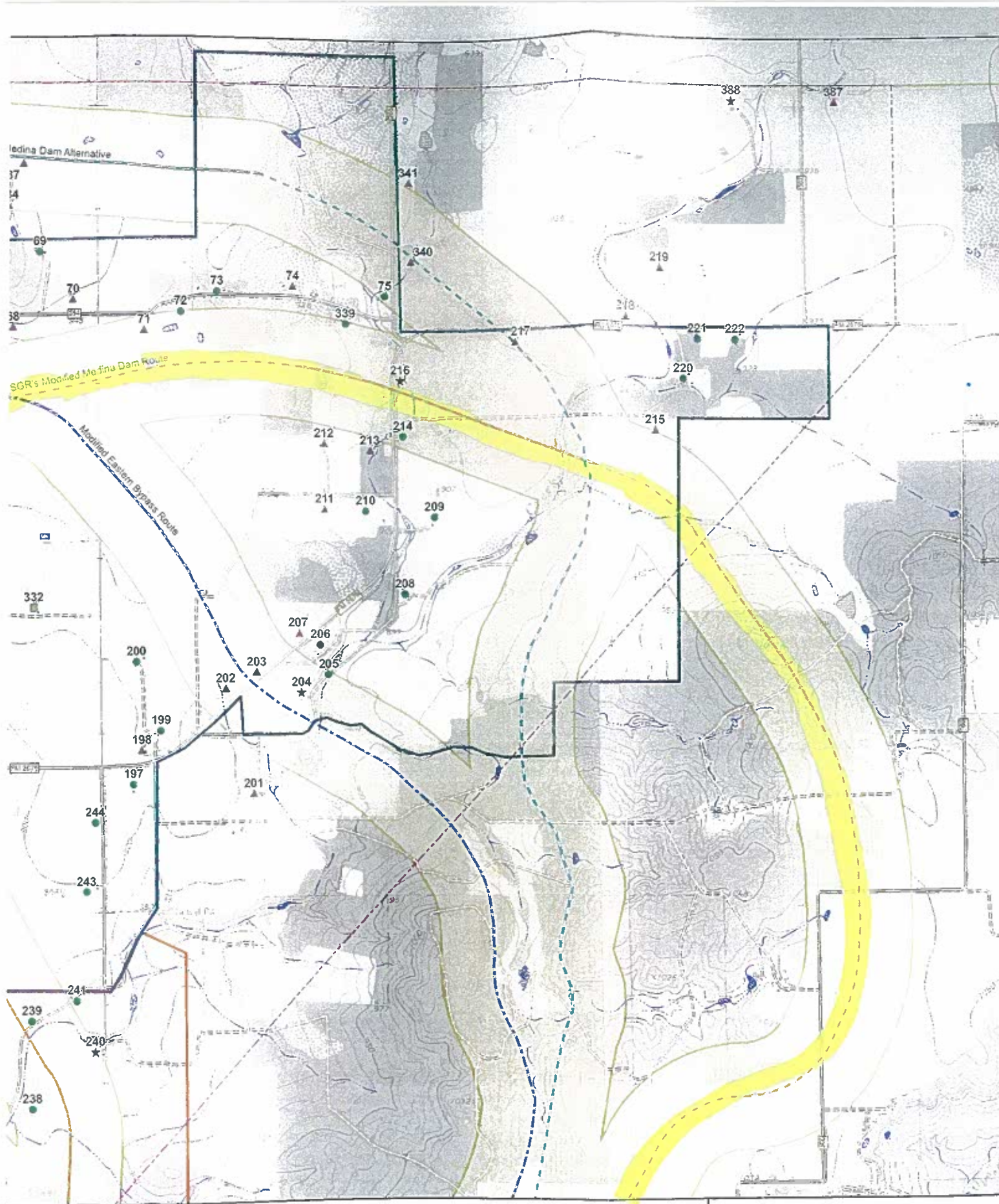


Figure 2-7
NRHP Status of Resource
in Intensive Level Survey Ar
Quihi Vicinity, Medina County,

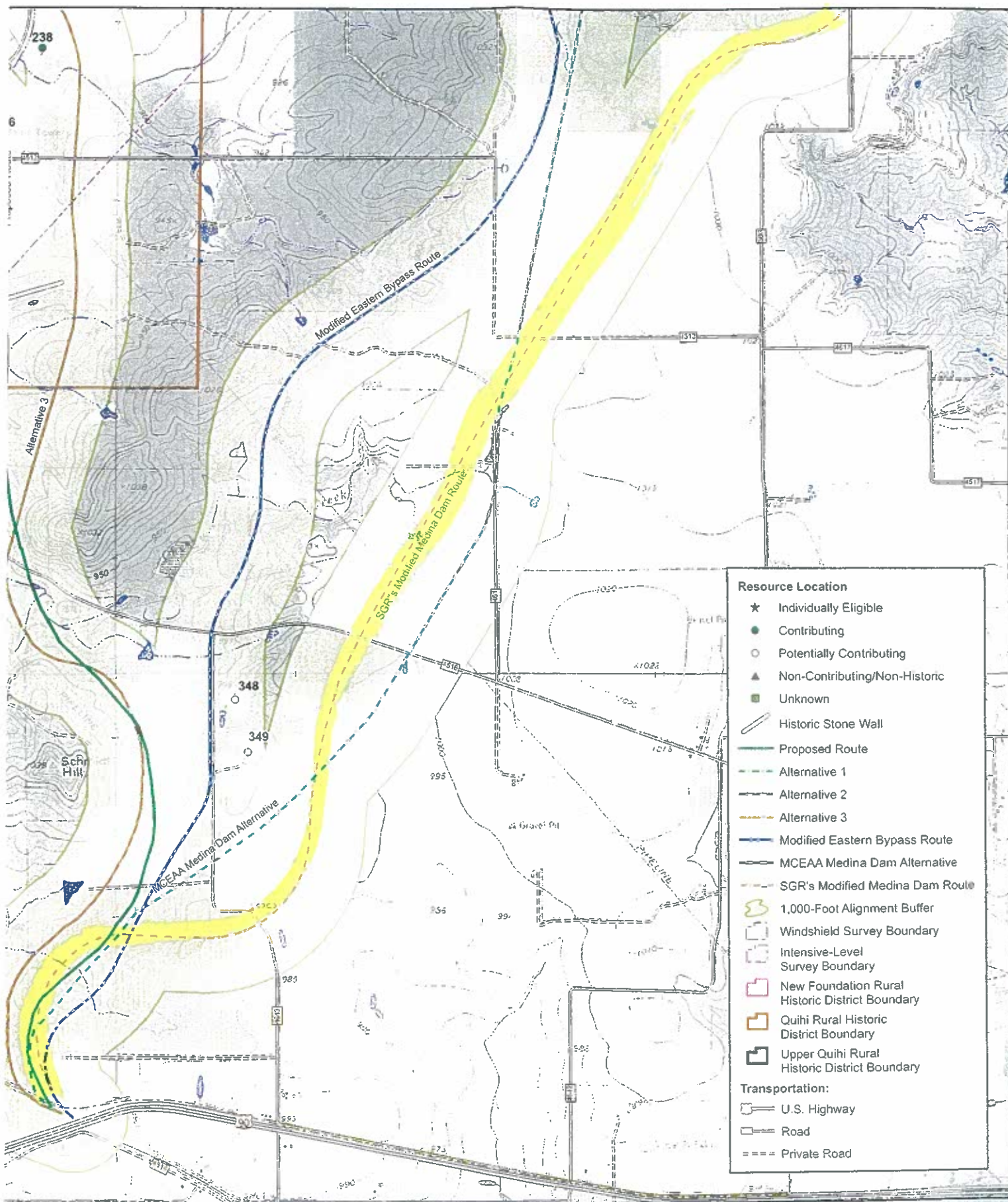


Figure 2-8
NRHP Status of Resources
in Intensive Level Survey Area
Quihi Vicinity, Medina County, Texas

PROGRAMMATIC AGREEMENT

Among

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
AND
SOUTHWEST GULF RAILROAD**

Regarding

**SOUTHWEST GULF RAILROAD COMPANY CONSTRUCTION AND
OPERATION OF THE PROPOSED SINGLE-TRACK RAILROAD IN MEDINA
COUNTY, TEXAS**

February 13, 2008

WHEREAS, the Surface Transportation Board (STB or Board) administers the Interstate Commerce Act, as amended, and, in connection with rail construction projects, is responsible for complying with the National Environmental Policy Act (NEPA), and the National Historic Preservation Act (NHPA), 16 U.S.C. Section 470f; and

WHEREAS, Southwest Gulf Railroad Company (SGR) filed a petition with the STB on February 27, 2003, in Finance Docket No. 34284 requesting an exemption from 49 U.S.C. § 10901 seeking authority to construct and operate approximately seven miles of single-track railroad from a planned Vulcan Construction Materials, LP limestone quarry to a connection with the Union Pacific Railroad Company rail line near Dunlay in Medina County, Texas (Project); and

WHEREAS, the Project may adversely effect the Quihi and/or Upper Quihi Rural Historic District and other properties that may be eligible for inclusion in the National Register and the STB has consulted with the Advisory Council on Historic Preservation (Council), and the Texas State Historic Preservation Officer (SHPO) pursuant to Section 800.14(b) of the regulations (36 CFR Part 800) implementing Section 106 of the NHPA; and

WHEREAS, the STB invited 15 Federally recognized Tribes¹ that may attach religious and cultural significance to historic properties that may be affected by the Project to

¹ The Tribes that were consulted and asked to participate in this project include: the Cherokee Nation of Oklahoma; the Comanche Nation of Oklahoma; the Tonkawa Tribe of Oklahoma; the Apache Tribe of Oklahoma; the Wichita and Affiliated Tribes of Oklahoma; the Kioawa Tribe of Oklahoma; the Mescalero Apache Tribe; the Kialegee Tribal Town; the Kickapoo of Kansas; the Kickapoo of Oklahoma; the Poarch Band of Creek Indians of Alabama; the Pokagon Band of Potawatomi Indians of Michigan and Indiana; the Seminole Tribe of Florida; the Seminole Nation of Oklahoma; the United Keetoowah Band of Cherokee Indians. Of these Tribes, only the Comanche Nation of Oklahoma; the Wichita and Affiliated Tribes of

WHEREAS, the Final EIS and the SDEIS have recommended the Eastern Routes as environmentally preferable;

WHEREAS, following the issuance of a Final EIS in this proceeding, the STB may still authorize any of the final rail alignments assessed in the Environmental Impact Statement for this proceeding (including the No-Action Alternative). Therefore, for purposes of this Agreement, the term "Approved Alignments" shall mean all the build alternatives assessed in the Environmental Impact Statement (Approved Alignments); and

WHEREAS, the Section 106 process will be reinitiated pursuant to Stipulation XI of this Agreement if the Board approves either Alternative 1, Alternative 2, Alternative 3, or the Proposed Route instead of any of the Eastern Routes; and

WHEREAS, the definitions in 36 CFR Part 800 are applicable throughout this Agreement;

NOW THEREFORE, the STB, the Council, the SHPO and SGR agree that upon any final approval by the STB of the Proposed Action this Agreement shall be implemented in accordance with the following stipulations:

Stipulations

The STB shall ensure that the following measures are carried out for the alignment on which SGR shall construct its railroad:

I. Area of Potential Effects (APE)

- A. The initial APE will encompass 1000 feet on either side of the right-of-way for the alignment approved by the Board.
- B. At the end of the preliminary design phase for construction of the railroad, the STB will consult with SGR and the SHPO to determine how the APE should be adjusted to reflect any changes to the design and the identification of staging and/or waste and borrow areas. This process will be completed in accordance with Stipulation VI.A of this Agreement,

II. Identification and Evaluation of Historic Properties

- A. Prior to construction, SGR will retain qualified personnel as defined in Stipulation V of this Agreement. Qualified personnel of the appropriate profession will conduct such archeological and architectural surveys within the APE as may be necessary to supplement the surveys undertaken in connection with, and appended as part of, the SDEIS to locate archeological sites, buildings or other structures, objects, districts, traditional cultural properties, and cultural or historic landscapes that may be eligible for listing in the National Register. The STB will ensure that:

- (c) Research on historical associations or prehistoric contexts; and
 - (d) Recommendations regarding National Register eligibility of properties identified.
- 2. For any historic building, or historic structure over 45 years old, documentation will also include:
 - (a) Date of construction, if known;
 - (b) Dates and descriptions of major alterations, if known;
- C. The STB will distribute the report(s) for review and comment per Stipulation VI. A. of this Agreement. The STB, in consultation with the SHPO and Federally recognized Tribes, will make determinations of eligibility in a manner consistent with 36 CFR § 800.4(c) and shall direct SGR to make any required revisions to the report(s).

III. Assessment of Adverse Effect

- A. Adverse effects to any archeological sites, buildings, structures, objects, traditional cultural properties, cultural or historic landscapes or districts determined to be individually eligible for listing in the National Register or contributing elements in either the Quihi or Upper Quihi Historic Districts shall be assessed by the STB in consultation with the SHPO using the Criteria of Adverse Effect, as described at 36 CFR § 800.5.
- B. SGR will submit to STB a report prepared by a qualified professional documenting the assessment of adverse effect for the historic properties identified. The report will include, but not be limited to:
 - 1. Preliminary engineering designs and alignment for the railroad construction with enough detail and specifics for the parties to evaluate the effects on the historic properties;
 - 2. Description of the nature of effects on each historic property within the APE, based on the proposed project design and potential environmental impacts identified in the Environmental Impact Statement prepared for this Project. Results of studies undertaken pursuant to this section will be provided for review upon request to signatories, and summaries of each study will be included in the Resolution Plan;
- C. STB will distribute the report for review and comment per stipulation VI.A of the Agreement. The STB, in consultation with the SHPO and

4. Fieldwork and analytical strategies to be employed, with an explanation of their relevance to the research question;
 5. Proposed methods of dealing with individual discovery situations;
 6. Methods to be used in data management and dissemination of data, including a schedule;
 7. How findings will be presented to support the research design;
 8. Proposed repatriation of recovered materials and records including the disposition of Native American sacred items, human remains and grave goods;
 9. Proposed methods for disseminating results of the work, including any plans for educating the general public. Public involvement may include site tours during excavation, preparation of educational materials for use in local schools, development of an entry on the Texas Beyond History web site, or some other means of disseminating information in a form that can be easily understood by the general public;
 10. Proposed methods by which Federally recognized Tribes and the STB approved consulting parties will be kept informed of the work and, where applicable, how the Federally recognized Tribes which concurred in this Agreement and the Tap Pilam-Coahuiltecan Nation of Texas will be afforded a reasonable opportunity to participate in the recovery of data that possess religious and cultural significance to them; and
 11. Proposed schedule for the submission of progress reports to the STB and other Signatories to this Agreement.
- D. An archeological data recovery plan that addresses all the above points shall be developed and incorporated as part of the Resolution Plan and shall be consistent with the Secretary's Standards and take into account the Council's publication, *Treatment of Archaeological Properties: A Handbook* (Advisory Council on Historic Preservation 1980), subject to any pertinent revisions the Council may make in the publication prior to completion of the data recovery plan, and the SHPO's guidance.
- E. In regard to buildings and other structures, objects and districts, in the event that avoidance of adverse effects to historic properties is not feasible, the Resolution Plan shall propose measures to minimize or mitigate potential adverse effects on historic properties.

VI. Monitoring & Reporting

- A. All of the reports generated under the terms of this Agreement (including the Resolution Plan) will be submitted by SGR in draft to the STB, the SHPO, Federally recognized Tribes, and STB-approved consulting parties for review and comment. The SHPO, Federally recognized Tribes, and STB-approved consulting parties will have 30 calendar days following receipt of the draft report to respond to the STB. The STB will review SGR's revisions of the draft report, and will ensure that SGR considers all comments in revising the draft report before the STB approves a final draft of the report. The STB will further ensure that SGR provides a copy of the final report to the SHPO, consulting parties and the STB. Failure to respond within the review time frame specified herein (30 calendar days) shall be deemed by the STB to constitute acceptance of the draft report and shall not preclude the issuance of the report in final form. Objections to the final report will be handled pursuant to Stipulation IX for objections by signatories to this Agreement, and pursuant to Stipulation X for objections by the public or consulting parties.
- B. Each six months following the execution of the Agreement until it expires or is terminated, SGR shall provide the STB, the SHPO, Federally recognized Tribes, and STB-approved consulting parties a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in STB's efforts to carry out the terms of this PA. Failure to provide such summary report may be considered noncompliance with the terms of this PA pursuant to Stipulation XI, below.

VII. Treatment of Human Remains

Should any human remains and associated funerary objects be discovered during the implementation of cultural resources studies or during construction of the Project, they will be treated pursuant to the recommendations provided by the Tribal representatives of the Federally recognized Tribes in accordance with procedures consistent with the Council's "Policy Statement Regarding the Treatment of Burial Sites, Human Remains and Funerary Objects" and applicable state laws.

VIII. Curation of Artifacts and Records

SGR shall be responsible for the curation of all documentation and materials resulting from implementation of the Agreement. Cultural materials and records resulting from archeological investigations performed pursuant to the Agreement will be curated at a curatorial facility in accordance with applicable requirements of 36 CFR Part 79 and in consultation with the STB and the SHPO. Materials, if

parties to this Agreement and take the objection into account, consulting with the objector and with the parties to this Agreement to resolve the objection.

XI. Amendments and Noncompliance

If any signatory to this Agreement determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other signatory parties to develop an amendment to the Agreement. The amendment will be effective when signed by all signatories. The execution of any amendment shall follow the procedures in 36 CFR Part 800.14. The signatories to this Agreement concur that the Section 106 process will be reinitiated in the event the Board approves an alignment other than the Eastern Bypass Route and/or MCEAA Medina Dam Alternative and/or a modification of one of these two routes. Once resumed, the Section 106 process will be concluded within a three month time period unless agreed to otherwise by the signatories.

XII. Terminating the Agreement

This Agreement may be terminated by any signatory by providing the other parties 30 days written notice. The parties shall consult during the period prior to termination of participation to seek agreement or amendments or other actions that would avoid termination. Within 30 calendar days following termination, the STB shall request the comments of the Council under 36 CFR § 800.7(a) and proceed accordingly.

XIII. Expiration

The term of this Agreement shall be five (5) years from the date of execution by the Council unless terminated earlier pursuant to Stipulation XII.

EXECUTION of this Agreement by the STB, the Council, and the SHPO and implementation of its terms, evidence that the STB has afforded the Council and the SHPO an opportunity to comment on the construction and operation of the proposed Project and its potential effects on historic properties, and that the STB has taken into account the effects of the construction of the proposed Project on historic properties, thereby satisfying its NHPA Section 106 responsibilities for the undertaking.

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
AND
SOUTHWEST GULF RAILROAD**

Regarding

**SOUTHWEST GULF RAILROAD COMPANY CONSTRUCTION AND
OPERATION OF THE PROPOSED SINGLE-TRACK RAILROAD IN MEDINA
COUNTY, TEXAS**

CONSULTING PARTY:

JOE H. AND ERNA L. BALZEN

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
AND
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Regarding

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COUNTY, TEXAS**

CONSULTING PARTY:

RICHARD FOURNIER

By _____ Date: _____

Printed Name: _____

PROGRAMMATIC AGREEMENT

Among

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
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COUNTY, TEXAS**

CONSULTING PARTY:

ARCHIE GERDES

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
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COUNTY, TEXAS**

CONSULTING PARTY:**THE MICHAEL CHURCHILL JONES RANCH TRUST**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
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THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
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Regarding

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COUNTY, TEXAS**

CONSULTING PARTY:**LESTER R. LANDRUM**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
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THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
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Regarding

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OPERATION OF THE PROPOSED SINGLE-TRACK RAILROAD IN MEDINA
COUNTY, TEXAS**

CONSULTING PARTY:**MEDINA COUNTY ENVIRONMENTAL ACTION ASSOCIATION:**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
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Regarding

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COUNTY, TEXAS**

CONSULTING PARTY:**MESCALERO APACHE TRIBE**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

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COUNTY, TEXAS**

CONSULTING PARTY:**DONATO RIOS, JR.**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
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COUNTY, TEXAS**

CONSULTING PARTY:**CURTIS SAATHOFF**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
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Regarding

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COUNTY, TEXAS**

CONSULTING PARTY:**MADELYN SCHOTT**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
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Regarding

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COUNTY, TEXAS**

CONSULTING PARTY:**JOSEPH AND VICKI SOLOMON**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
THE TEXAS STATE HISTORIC PRESERVATION OFFICER,
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Regarding

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COUNTY, TEXAS**

CONSULTING PARTY:**TAP PILAM-COAHUILTECAN NATION OF TEXAS**

By _____ Date: _____

Printed Name: _____

Title: _____

PROGRAMMATIC AGREEMENT**Among**

**THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE SURFACE TRANSPORTATION BOARD,
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Regarding

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COUNTY, TEXAS**

CONSULTING PARTY:**WICHITA AND AFFILIATED TRIBES OF OKLAHOMA**

By _____ Date: _____

Printed Name: _____

Title: _____