



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

November 28, 2016

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—Medina County, Texas; Response to
MCEAA request to re-open record**

Dear Dr. Fitzgerald:

This letter replies to your September 30, 2016 request that the Board re-open and supplement the environmental analysis in the above referenced rail line construction and operation project due to a change in location of the loop loading track on the adjacent Vulcan Materials Company quarry site to the north.

As background, the Board evaluated the environmental impacts of the project, including the loop loading track, in an Environmental Impact Statement (EIS) prepared pursuant to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4370h. In December 2008, the Board granted the Southwest Gulf Railroad Company (SGR) authority to construct and operate a line of railroad along any of three environmentally preferred alignments, subject to compliance with environmental mitigation conditions. These routes include the Eastern Bypass Route, the Modified Eastern Bypass Route, and the MCEAA Medina Dam Alternative. The Board's decision, which the Medina County Action Association challenged in court, was affirmed in 2010. *Medina County Environmental Action Association v. STB*, 602 F.3d 687 (5th Cir. 2010).

Although your letter requests that the Board supplement the previous environmental analysis, you point to no new circumstances or information that would trigger the need for further environmental review in this case. The issue of whether to supplement an EIS depends on if the original proposed action has substantially changed or there are significant new circumstances or

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information relevant to the project or its environmental impact. 40 C.F.R. § 1502.9; 49 C.F.R. § 1105.10(a)(5). Here, however, much of the new loop track is located in close proximity to the northern segment of the MCEAA Medina Dam Alternative, one of the approved environmentally preferred alternatives. That alternative was studied in detail in the Supplemental EIS and Final EIS.¹ In fact, the EIS shows that, from an environmental standpoint, the new loop track location would cross a smaller amount of floodplain; would impact prime farmland soils to a lesser degree; would cross less area that is susceptible to karst feature development, would have less overall impacts to existing land uses; and would have slightly fewer impacts to cultural resources than the original location to the west.²

Moreover, the enclosed November 7, 2016 letter from SGR states that the newly-located loop track will have no impact on Zone A or X floodplains; no longer require crossings of Elm Creek or Polecat Creek; will reduce impacts to the Edward Aquifer Recharge Zone; and will not require any bridge construction to support the railroad alignment from the loop location. SGR's letter also notes that Vulcan Materials Company submitted a new Water Pollution Abatement Plan to the Texas Commission on Environmental Quality (TCEQ) in August 2016 for the new loop location and received an amended air quality permit from TCEQ based on the new information. Finally, SGR states that no changes will be made elsewhere on the rail line that was studied by the Board and that SGR is aware that it must still adhere to all Board-imposed mitigation measures.

Accordingly, the new loop track is similar to what was studied in detail in the EIS and nothing in your letter demonstrates substantial enough changes to warrant additional environmental review by the Board.

If you have other questions or need more information, please contact Diana Wood of my staff by telephone at 202-245-0302 or by email at Diana.Wood@stb.gov.

¹ For detailed discussion of resource impacts, see chapters 3 and 5 of the Supplemental EIS, issued December 8, 2006. And for detailed maps of the area in question, please refer to the intersection of CR 353 and CR 364 in Figures 2-3 thru 2-5 on pages 2-22 thru 2-24 of the Chapter 2 Final EIS, issued May 30, 2008, as well as the map showing the existing and relocated loop loading track in SGR's enclosed November 7, 2016 letter. The EIS documents can be accessed on the Board's web site at www.stb.gov by going to "E-Library," selecting "Decisions," and then conducting a search for FD 34284.

² See page 2-54 of the Final EIS.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

cc: David H. Coburn, Counsel for SGR
Charlene Dwin-Vaughn, Advisory Council on Historic Preservation
Bill Martin, TX SHPO
Dawn Whitehead, U.S. Fish and Wildlife Service
Enclosure (1)

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November 7, 2016

Ms. Diana Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW, Room 1110
Washington, DC 20423-0001

Re: STB Docket No. FD 34284, Southwest Gulf Railroad Company

Dear Ms. Wood:

This will respond to Robert Fitzgerald's September 30, 2016 letter on behalf of the Medina County Environmental Action Association (MCEAA) to the STB and others concerning changes made the location of the loading loop for the Southwest Gulf Railroad line in Medina County. By that letter, MCEAA requests that supplemental environmental analysis be undertaken by the Surface Transportation Board. As you know, the Board completed an Environmental Impact Statement for this project in May 2008 and issued a final decision approving construction of the SGR rail line in December 2008. The U.S. Court of Appeals for the Fifth Circuit affirmed the Board's decision in *MCEAA v. STB*, 602 F.3d 687 (5th Cir. 2010). In recent months, SGR has been acquiring property for construction of the rail line and the loading loop, and implementing the Programmatic Agreement that is in place for this rail line project.

No supplemental environmental analysis is required. The shifting of the loading loop tracks proximate to the quarry being served by the SGR line to a new location just east of the location originally contemplated by SGR will have no adverse environmental impacts and in fact is environmentally preferable for the reasons discussed below.

During the course of negotiating with property owners affected by the proposed alignment of the SGR line, SGR (or its parent, Vulcan Materials Corp.) had the opportunity, not previously available, to purchase the property on which the loading loop will be relocated. That property is located east of the originally proposed loading loop location. A detailed map showing new and prior locations of the loading loop is attached.

In the course of the due diligence process associated with the purchase of this property, it was determined by SGR that this newly available acreage would facilitate a new, eastern location for the loading loop that would further minimize impacts to sensitive features of the area. Specifically, SGR determined as follows relative to the prior and new loading loop locations:

- Flood Plain designation for both Zone A and X surrounded the originally proposed loop location. By relocating to the new, eastern location, this impact was completely eliminated since the new eastern location is entirely outside the Flood Plain Boundaries.
- Elm Creek and Polecat Creek (tributary to Elm Creek) both would require crossings prior to entering the originally proposed loop location. By relocating to the eastern location, all creek crossings were eliminated.
- The Edward Aquifer Recharge Zone was impacted by the originally proposed loop location. By relocating to the eastern location, the impacts to the Edward Aquifer Recharge Zone will be reduced.
- Bridge construction was planned to access the originally proposed loop location. By relocating the loop to the eastern location, no bridge construction is required to support the railroad alignment to/from the loop location.

With the reduction of impacts as described, the relocation of the proposed loop was determined to be in the best interest of the environment and the surrounding area. Further, SGR has not identified any environmental detriment from relocating the loop to the eastern location and MCEAA does not identify any such detriment. SGR will of course adhere to all mitigation measures specified in the STB's December 18, 2008 final decision addressing the construction of the rail line and loading loop, including Measures 78 and 79, which address Karst features relative to the loading loop.

Further, in August 2016 Vulcan submitted a new Water Pollution Abatement Plan to the TCEQ for approval of the move of the loading loop to the eastern location. That application remains pending. Vulcan has also received an amended air quality permit from the TCEQ based on the relocation of the loading loop.

Finally, the relocation of the loading loop to the east will not require any change to the location of the rail line studied by the STB or to the location of the quarry or any quarry-related

Ms. Diana Wood
November 7, 2015
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facilities. Nor will it have any impact on the volume or nature of the traffic handled by the line, on the loading process or on rail operations.¹

Please advise if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "David H. Coburn". The signature is fluid and cursive, with a long horizontal stroke at the end.

David H. Coburn

cc: Vicki Rutson, STB
Cathy Nadals, STB
Charlene Dwin-Vaughn, ACHP
Bill Martin, SHPO
Dawn Whitehead, USFWS

¹ It bears note that the rail operations on the rail loop will consist entirely of loading of rail cars. The loop thus constitutes industrial track.

