

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 the these Tribes, only the Comanche Nation of Oklahoma; the Wichita and Affiliated Tribes of

participate as consulting parties in accordance with 36 CFR § 800.2(c)(2)(B)(ii) and where, to date, only the Comanche Nation of Oklahoma; the Wichita and Affiliated Tribes of Oklahoma; the Kiowa Tribe of Oklahoma; and the Mescalero Apache Tribe have asked to participate in this Project; and

WHEREAS, the STB has identified additional consulting parties including Joe H. and Erna L. Balzen; Richard Fournier; Richard C. Garay; Archie Gerdes; Dr. Thomas Hester; Lester R. Landrum; Russell Mangold; The Honorable Ciro Rodriguez of the U.S. House of Representatives; Donato Rios Jr.; Madelyn Schott; Joseph and Vicki Solomon; Lynette Steward; Harold Weiblen; the Coahuiltecan Research Associates; the Medina County Environmental Action Association (MCEAA); the Medina County Historical Commission; the Quihi and New Fountain Historical Society; the Schweers Historical Foundation; and the Tap Pilam-Coahuiltecan Nation of Texas; and

WHEREAS, the STB has prepared a Draft Environmental Impact Statement (DEIS), *Finance Docket No. 34284 Southwest Gulf Railroad Company - Construction and Operation Exemption, Medina County, TX*, in which identification of historic properties within 1000 feet of the proposed corridor and Alternatives 1, 2 and 3 has been completed for the purposes of comparing impacts to historic properties within each alternative; and

WHEREAS, the STB subsequently prepared a Supplemental Draft Environmental Impact Statement (SDEIS) in *Finance Docket No. 34284 Southwest Gulf Railroad Company - Construction and Operation Exemption, Medina County, TX* in which it assessed three additional alternative routes that largely bypass the Quihi and Upper Quihi Rural Historic Districts known as the Eastern Bypass Route (9.2 miles long), the MCEAA Medina Dam Alternative (9.9 miles long) and SGR's Modified Medina Dam Route (10.9 miles long), concluding that the Eastern Bypass Route and MCEAA Medina Dam Alternative were the environmentally preferable alignments for the Project in comparison to the other possible alignments studied in the DEIS and SDEIS, primarily in view of their avoidance of the Quihi area and consequent lower level of potential impacts to historic resources including the Quihi and Upper Quihi Rural Historic Districts; and

WHEREAS, the SDEIS identified the execution of a Programmatic Agreement (Agreement) as the appropriate mitigation measure to address the impacts of the environmentally preferred alignments on historic properties and other cultural resources;

WHEREAS, SGR no longer supports construction of its proposed rail line along any of the alternatives originally examined in the DEIS including the Proposed Route, Alternative 1, Alternative 2 or Alternative 3; and

WHEREAS, SGR has advised the STB that it has decided to support the Eastern Bypass Route (including its modification known as the Modified Eastern Bypass Route); and

Oklahoma; the Kiowa Tribe of Oklahoma; and the Mescalero Apache Tribes were interested in participating in this Project as consulting parties.

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:

1. The work will be conducted in compliance with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, 48 *Fed. Reg.* 44716, September 29, 1983 ("Secretary's Standards"); and
 2. SGR will also consider other applicable State of Texas laws, standards, and guidelines related to historic properties report documentation, specifically, the Antiquities Code of Texas, Title 9, Chapter 191 of the Texas Natural Resource Code; Rules of Practice and Procedure Chapter 26.24 and Chapter 26.25, and the Texas Historical Commission's Minimum Archeological Survey Standards, in accordance with 36 CFR § 800.4(b)(1).
 3. Prior to any field survey(s), SGR in consultation with the STB and SHPO will develop a scope of work for undertaking any survey under this stipulation. The STB, after seeking comments from the SHPO, must approve the scope of work prior to the initiation of fieldwork; and
 4. Any archeological sites, buildings or other structures, objects or districts located during the survey(s) will be evaluated for their individual eligibility for listing in the National Register in accordance with 36 CFR § 800.4. If the identified site, building, structure, object, or District is located within either the Quihi or Upper Quihi Historic Districts, then it will be evaluated for its association with and contribution to the applicable District(s).
- B. For historic properties within the APE not previously identified and evaluated, SGR will submit to the STB a report(s) documenting the archaeological and architectural survey results that meets the Secretary's Standards for Identification, Archeological Documentation and Historical Documentation. The report(s) shall include but not be limited to all of the following:
1. For all historic properties identified in the survey(s) documentation will include:
 - (a) A map showing the location of the historic property in relation to the Approved Alignments;
 - (b) Clear photographic prints, including at least one front elevation and one oblique view of each property surveyed, and area or streetscape views in potential districts;

- (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

Federally recognized Tribes, will determine if the historic properties will be adversely affected by the project and whether or not resolution of such adverse effects (see stipulation IV of this Agreement) is warranted.

IV. Resolution of Adverse Effects

- A. Prior to the initiation of construction of any portion of the rail line that might adversely effect an historic property or archeological resource, SGR will develop, in consultation with the STB and the SHPO, an effects resolution plan (Resolution Plan) developed in accordance with 36 CFR § 800.6 and that include but not be limited to the following:
 - 1. Strategies proposed to avoid, minimize or mitigate effects of the undertaking;
 - 2. Consideration of measures identified by Federally recognized Tribes for mitigation of adverse effects to properties that are determined to be significant for their traditional cultural values; and
 - 3. Documentation of comments from the consulting parties.
- B. The STB and SGR will consult with the signatories to this Agreement and consulting parties on specific procedures to preserve historic properties in place and avoid adverse effects in accordance with the Resolution Plan. Procedures to be considered shall include, but not be limited to, avoidance by re-routing the railroad alignment(s) around an individual historic property where feasible, and/or monitoring of archeological or tribal historic properties by archeologists or Tribal representatives.
- C. In regard to archeological resources, in the event that avoidance is not feasible and data recovery is determined by STB in consultation with the signatories to this Agreement to be the most prudent and feasible treatment option, research design proposed in the Resolution Plan shall specify, at a minimum:
 - 1. The archeological resources to be affected and the nature of those effects;
 - 2. The research questions to be addressed through data recovery, with an explanation of their relevance and importance;
 - 3. Data needed to address specific research questions, the likelihood that this data can be recovered and how the data will be analyzed;

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.

1. Minimizing actions to be considered shall include but are not limited to the following:
 - (a) With regard to noise effects, a plan to meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties* that is developed in consultation with the SHPO;
 - (b) Landscaping to obscure intrusive features and natural vegetation management. The STB and SGR will ensure that mitigation landscaping, if any, is done in accordance with a landscaping plan designed in consultation with the SHPO;
 - (c) To the extent feasible and consistent with sound rail engineering, relocating the railroad alignment(s) as far from the historic resources as possible and/or following existing roads, drives, fencelines etc.
- F. Prior to the finalization of the Resolution Plan, SGR will submit its preliminary engineering designs to the STB and the SHPO. If any changes are made to those engineering designs, SGR will consult with the STB and the SHPO to determine if any changes to the Resolution Plan are needed.
- G. STB will circulate the Resolution Plan report for review and comment per Stipulation VI.A of this Agreement.
- H. STB, in consultation with SGR, Tribes, and the SHPO will finalize the Resolution Plan and ensure that its terms are carried out. The STB will provide copies of the final Resolution Plan to all consulting parties.
- I. No Project work that would cause an adverse effect to a historic property may begin until all terms of the Resolution Plan for that property have been completed.

V. Professional Qualifications

All work shall be implemented and all documents prepared by personnel meeting the appropriate professional qualifications set forth in the Secretary of the Interior's Professional Qualification Standards as shown in Attachment B.

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

any, found on land owned by SGR will be sent to an appropriate curatorial facility. The STB will encourage private landowners to curate collections from their land, if any, in an appropriate facility. In the event that materials are found on private land not owned by SGR, SGR will provide the STB, the SHPO and the landowners with a list of any collected artifact finds from their lands. Materials from private lands, if any, to be returned to private landowners will be maintained in accordance with 36 CFR Part 79 until any specified analysis is complete. Documentation of the return of these materials to the private landowner shall be prepared by SGR and submitted to the STB with a copy to the SHPO.

IX. Dispute Resolution

Should any signatory to this Agreement object at any time to any actions proposed or the manner in which the terms of the Agreement are implemented, the STB shall consult with the objecting party(ies) to resolve the objection. If within 30 days of initiating such consultation the STB determines that the objection(s) cannot be resolved, the STB will:

- A. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR § 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise the STB on resolution of the objection within 30 calendar days. Any comment provided by the Council, and all comments from the signatories to the Agreement, will be taken into account by the STB in reaching a final decision regarding the dispute.
- B. If the Council does not provide comments regarding the dispute within 30 calendar days after receipt of adequate documentation, the STB may render a decision regarding the dispute. In reaching its decision, the STB will take into account all comments regarding the dispute from the signatories to the Agreement.
- C. Notwithstanding the above, disputes concerning site eligibility shall be referred for resolution to the Keeper of the National Register.
- D. The STB's responsibilities to carry out all other actions subject to terms of the Agreement that are not the subject of the dispute remain unchanged. The STB will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. The STB decision will be final.

X. Resolution of Public Objections

At any time during implementation of the measures stipulated in this Agreement, should an objection pertaining to this Agreement be raised by a member of the public, including but not limited to the consulting parties, the STB shall notify the

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 reinstituted 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.

SIGNATORY PARTIES:**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

By John M. Fournier Date: 4/4/08
Printed Name: JOHN M. FOURNIER
Title: EXECUTIVE DIRECTOR

SURFACE TRANSPORTATION BOARD

By Victoria Rutson Date: 3/24/08
Printed Name: Victoria Rutson
Title: Chief Section of Enviro. Analysis

TEXAS STATE HISTORIC PRESERVATION OFFICER

By F. Lawrence Oaks Date: 3/21/08
Printed Name: F. Lawrence Oaks
Title: SHPO, Executive Director, Texas Historical Commission

SOUTHWEST GULF RAILROAD

By J. Thomas Hill Date: 3/4/08
Printed Name: J. Thomas Hill
Title: President

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,
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COUNTY, TEXAS**

CONSULTING PARTY:**COMANCHE NATION OF OKLAHOMA**

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

CONSULTING PARTY:**RICHARD FOURNIER**

By _____ Date: _____

Printed Name: _____

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COUNTY, TEXAS**

CONSULTING PARTY:**RICHARD C. GARAY**By Richard C. Garay Date: 4-11-08Printed Name: Richard C. GarayTitle: Executive Director / Coahuiltecan Research Associate

PROGRAMMATIC AGREEMENT**Among**

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

CONSULTING PARTY:**ARCHIE GERDES**

By _____ Date: _____

Printed Name: _____

Title: _____

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CONSULTING PARTY:**DR. THOMAS HESTER**

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

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

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

CONSULTING PARTY:**KIOWA TRIBE OF OKLAHOMA**

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

CONSULTING PARTY:**LESTER R. LANDRUM**

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

CONSULTING PARTY:**RUSSELL MANGOLD**

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

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

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

CONSULTING PARTY:**MEDINA COUNTY HISTORICAL COMMISSION**

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

CONSULTING PARTY:**MESCALERO APACHE TRIBE**

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

CONSULTING PARTY:**QUIHI AND NEW FOUNTAIN HISTORICAL SOCIETY**

By _____ Date: _____

Printed Name: _____

Title: _____

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COUNTY, TEXAS**

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

By _____ Date: _____

Printed Name: _____

Title: _____

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**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:**THE HONORABLE CIRO RODRIGUEZ**

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
SOUTHWEST GULF RAILROAD**

Regarding

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

CONSULTING PARTY:**CURTIS SAATHOFF**

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
SOUTHWEST GULF RAILROAD**

Regarding

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

CONSULTING PARTY:**LARRY SAIERS**

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
SOUTHWEST GULF RAILROAD**

Regarding

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

CONSULTING PARTY:**MADELYN SCHOTT**

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
SOUTHWEST GULF RAILROAD**

Regarding

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

CONSULTING PARTY:**SCHWEERS HISTORICAL FOUNDATION**By Donald S. Schoch Date: APRIL 11, 2008Printed Name: DONALD S. SCHOCHTitle: PRESIDENT

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:**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,
AND
SOUTHWEST GULF RAILROAD**

Regarding

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

CONSULTING PARTY:**LYNETTE STEWART**

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
SOUTHWEST GULF RAILROAD**

Regarding

**SOUTHWEST GULF RAILROAD COMPANY CONSTRUCTION AND
OPERATION OF THE PROPOSED SINGLE-TRACK RAILROAD IN MEDINA
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,
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:**HAROLD WEIBLEN**By Harold Weiblen Date: 4/15/08Printed Name: Harold Weiblen

Title: _____

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**

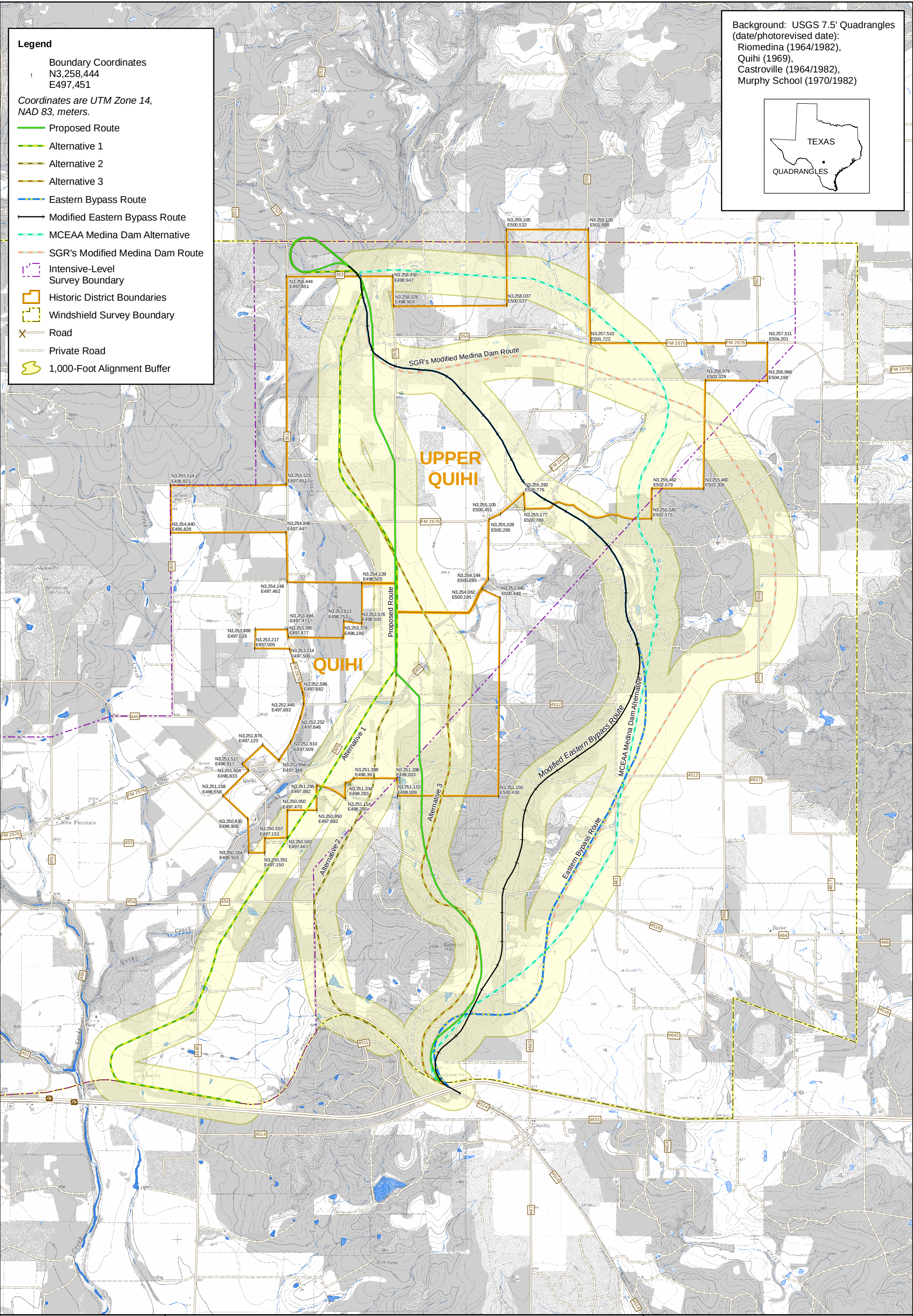
CONSULTING PARTY:**WICHITA AND AFFILIATED TRIBES OF OKLAHOMA**

By _____ Date: _____

Printed Name: _____

Title: _____

Attachment A

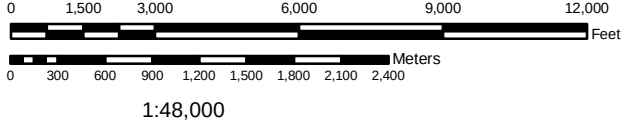


Background: USGS 7.5' Quadrangles
(date/photorevised date):
Riomedina (1964/1982),
Quihi (1969),
Castroville (1964/1982),
Murphy School (1970/1982)

TEXAS

QUADRANGLES

- Legend**
- Boundary Coordinates
N3,258,444
E497,451
 - Coordinates are UTM Zone 14,
NAD 83, meters.
 - Proposed Route
 - Alternative 1
 - Alternative 2
 - Alternative 3
 - Eastern Bypass Route
 - Modified Eastern Bypass Route
 - MCEAA Medina Dam Alternative
 - SGR's Modified Medina Dam Route
 - Intensive-Level
Survey Boundary
 - Historic District Boundaries
 - Windshield Survey Boundary
 - Road
 - Private Road
 - 1,000-Foot Alignment Buffer



Attachment B

Professional Qualifications Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology, and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

Programmatic Agreement Recipients

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

David Coburn, Esq.
Steptoe & Johnson
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
Executed Programmatic Agreement

Dear Mr. Coburn:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA).

The PA was executed on April 4, 2008 and is now being circulated to all the concurring parties, who will have five business days to sign and return the agreement. If a concurring party declines to sign, the agreement will still be effective because the required signatories have already executed the document (see 36 CFR 800.6). The PA will be posted within the next 15 business days on the Surface Transportation Board's (Board) website at www.stb.dot.gov, then go to "E-Library," select "Filings," and then conduct a search for Finance Docket No. 34284.

The Section of Environmental Analysis is currently completing a Final Environmental Impact Statement (FEIS) that responds to the comments received on the Draft Environmental Impact Statement and the Supplemental Draft Environmental Impact Statement. Once SEA issues the FEIS, the environmental review process will be concluded, and the Board will issue its decision on SGR's rail line construction and operation proposal.

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

F. Lawrence Oaks
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
Executed Programmatic Agreement

Dear Mr. Oaks:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA).

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Sincerely,

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Victoria Rutson
Chief
Section of Environmental Analysis

Enclosure

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

February 29, 2008

David Coburn, Esq.
Steptoe & Johnson
1330 Connecticut Avenue, NW
Washington, DC 20036-1795

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
Execution of Programmatic Agreement

Dear Mr. Coburn:

Enclosed please find the Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

The scope of the PA is focused on the two environmentally preferable routes to the east (the Eastern Bypass Route and/or MCEAA Medina Dam Alternative and/or modification of one of these two routes) because these routes would avoid many of the potential adverse impacts on the Quihi/Upper Quihi Rural Historic District. Should the decisionmakers in this proceeding – the Board -- approve an alignment other than the two routes addressed in the PA, SEA will reinstate the Section 106 process to ensure that potential impacts to historic resources on the route approved are mitigated. The signatory parties to the PA have agreed to this approach.

I have enclosed four copies of the signature page of the PA. Once all the signatory parties have signed the PA, the NHPA process will be complete.¹ In the interest of completing the Section 106 process in a timely manner, please sign the four signatory pages by within **five business days of receipt** and promptly return to:

¹ Parties who have participated in the consultations but do not have responsibilities under the PA may be invited to sign as concurring parties. If a party who was invited to sign or to concur in the agreement declines to sign, the agreement will still go into effect once the required signatories have executed the document (see 36 CFR 800.6).

Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with the first name "Victoria" and last name "Rutson" clearly distinguishable.

Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (5)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

March 25, 2008

John M. Fowler
Executive Director
Office of the Executive Director
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW
Washington, DC 20004

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
Execution of Programmatic Agreement

Dear Mr. Fowler:

Enclosed please find the Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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interest of completing the Section 106 process in a timely manner, please sign the four signatory pages and promptly return three to:

Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (5)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

March 6, 2008

F. Lawrence Oaks
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
Execution of Programmatic Agreement

Dear Mr. Oaks:

Enclosed please find the Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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interest of completing the Section 106 process in a timely manner, please sign the four signatory pages by within **five business days of receipt** and promptly return to:

Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (5)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

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

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Ms. Houghten:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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concurring party declines to sign, the agreement will still be effective because the required signatories have already executed the document (see 36 CFR 800.6).

If you concur with the agreement, please sign both pages within **five business days of receipt** and promptly return one page to:

Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Archie Gerdes
450 CR 351
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Gerdes:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Joe H. and Ema L. Balzen
780 CR 354
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. and Mrs. Balzen:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Lynn Schonchin
Comanche Nation of Oklahoma
C/O Comanche Nation
PO Box 908
Lawton, OK 73502

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Schonchin:

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Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Robert and Alyne Fitzgerald
The Medina County Environmental Action Association
202 CR 450
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Dr. & Mrs. Fitzgerald:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

The scope of the PA is focused on the two environmentally preferable routes to the east (the Eastern Bypass Route and/or MCEAA Medina Dam Alternative and/or modification of one of these two routes) because these routes would avoid many of the potential adverse impacts on the Quihi/Upper Quihi Rural Historic District. Should the decisionmakers in this proceeding - the Board - approve an alignment other than the two routes addressed in the PA, SEA will reinstate the Section 106 process to ensure that potential impacts to historic resources on the route approved are mitigated. The signatory parties to the PA have agreed to this approach.

The PA has been signed by the four required signatory parties – the Advisory Council on Historic Preservation, the Texas Historical Commission, the Southwest Gulf Railroad, and the Surface Transportation Board – and became a fully executed agreement on April 4, 2008.

I have enclosed two copies (one copy for your records) of the signatory page of the PA. Parties such as yourself, who have participated in the consultation process, but do not have responsibilities under the PA, are invited to sign as concurring parties. If a

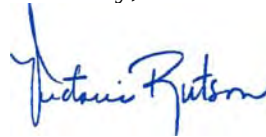
concurring party declines to sign, the agreement will still be effective because the required signatories have already executed the document (see 36 CFR 800.6).

If you concur with the agreement, please sign both pages within **five business days of receipt** and promptly return one page to:

Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Richard Fournier
2002 PR 3531
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Fournier:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Richard C. Garay
Coahuiltecan Research Associates
1130 Mission Road
San Antonio, TX 78210

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Garay:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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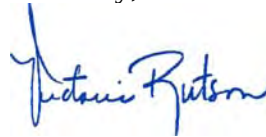
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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Robert M. Hancock
Chairman
Medina County Historical Commission
Medina County Courthouse
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Hancock:

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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Raymond Hernandez
Tap Pilam Coahuiltecan Nation
Panam-a Payaya
273 Nicks Road
Comfort, TX 78013

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Hernandez:

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Surface Transportation Board
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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Tom Hester
PO Box 625
Utopia, TX 78884

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Dr. Hester:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Barbara Jones, Trustee
The Michael Churchill Jones Ranch Trust
209 Newbury Terrace
San Antonio, TX 78209

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Ms. Jones:

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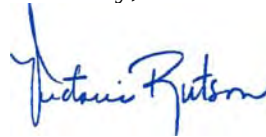
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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Dorla Goombi
Kiowa Tribe of Oklahoma
PO Box 30
Carnegie, OK 73015

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Ms. Goombi:

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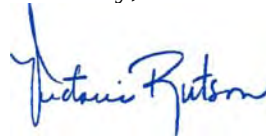
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Surface Transportation Board
395 E Street SW, 11th Floor
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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Lester R. Landrum
776 CR 354
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Landrum:

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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Cynthia Lindsey
Quihi & New Fountain Historical Society
PO Box 93
190 CR 4512
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Ms. Lindsey:

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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Russell Mangold
807 33rd Street
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Mangold:

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Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Donato Rios, Jr
6009 FM 2676
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Rios:

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Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

The Honorable Ciro Rodriguez
U.S. House of Representatives
246 West Harding
San Antonio, TX 78221

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Congressman Rodriguez:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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The PA has been signed by the four required signatory parties – the Advisory Council on Historic Preservation, the Texas Historical Commission, the Southwest Gulf Railroad, and the Surface Transportation Board – and became a fully executed agreement on April 4, 2008.

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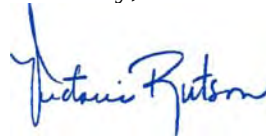
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If you concur with the agreement, please sign both pages within **five business days of receipt** and promptly return one page to:

Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Curtis Saatoff
7506 Pipers Run
San Antonio, TX 78251

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Saatoff:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Surface Transportation Board
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Washington, DC 20423

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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Larry Saiers
1100 Priscilla Lane
Alexandria, VA 22308

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Saiers:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Surface Transportation Board
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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

C. Ray Schoch
President
Schweers Historical Foundation
2405 South IH-35
New Braunfels, TX 78130

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Schoch:

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Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Madelyn Schott
19903 Bandera Road
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Ms. Schott:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Joseph and Vicki Solomon
1040 CR 353
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. and Mrs. Solomon:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Diana Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

If you have questions regarding the PA or require further information, please do not hesitate to contact me or Diana Wood at (202) 245-0302. Thank you for your assistance.

Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Lynette Stewart
3619 FM 2676
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Ms. Stewart:

Enclosed please find the fully executed Programmatic Agreement (PA) for the Southwest Gulf Railroad Company's (SGR) petition to construct and operate a rail line in Medina County, TX, pursuant to Section 106 of the National Historical Preservation Act (NHPA). The Surface Transportation Board's Section of Environmental Analysis (SEA) developed this PA in close consultation with the signatory and consulting parties. On October 18, 2007, SEA issued the draft PA for public review and comment as part of the Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding.

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Section of Environmental Analysis
Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Harold Weiblen
President, Weiblen Farms
450 CR 461
Hondo, TX 78861

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Weiblen:

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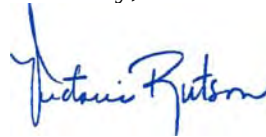
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Surface Transportation Board
395 E Street SW, 11th Floor
Washington, DC 20423

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Sincerely,



Victoria Rutson
Chief
Section of Environmental Analysis

Enclosures (3)

SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

April 8, 2008

Troy Johanntoberns
Witchita & Affiliated Tribes
PO Box 729
Anadarko, OK 73005

RE: STB Finance Docket No. 34284 – Southwest Gulf Railroad
Company – Construction and Operation in Medina County, TX;
**Executed Programmatic Agreement and Request for Signature
of Concurring Parties**

Dear Mr. Johanntoberns:

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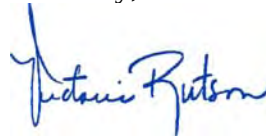
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