

APPENDIX A

AGENCY CORRESPONDENCE

- Exhibit 1 Sample Letter of Request for Project-Related Comments
- Project Area Maps
- List of Contacted Agencies
- Exhibit 2 Responses from the United States Army Corps of Engineers (August 9, 2018,
 June 20, 2018)
- Exhibit 3 Response from the National Park Service (July 31, 2018)
- Exhibit 4 Response from the Natural Resource Conservation Service (July 2, 2018)
- Exhibit 5 Response from the Federal Emergency Management Administration (June 20,
 2018)
- Exhibit 6 Response from the Texas Parks and Wildlife Department (July 16, 2018)
- Exhibit 7 Response from the Texas Commission on Environmental Quality (June 28, 2018)
- Exhibit 8 Response from the Texas Railroad Commission (June 20, 2018)
- Exhibit 9 Response from the Texas Historical Commission (June 15, 2018)
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- Exhibit 11 Response from the Texas Department of Transportation, Rail Division (October
 19, 2018)

EXHIBIT 1



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

[DATE]

RECIPIENT
TITLE
AGENCY
ADDRESS
ADDRESS

RE: STB Docket No. FD 36186, Texas Railway Exchange—Construction and
Operation—in Galveston County, Texas: **Preliminary Environmental Consultation**

[RECIPIENT];

Texas Railway Exchange, LLC (TREX) intends to file a petition with the Surface Transportation Board (the Board) seeking authority to construct and operate a new rail line in Galveston, Texas. The Board is an independent federal agency that has jurisdiction over railroad construction and operations. As part of its licensing process, the Board will conduct an environmental review of the proposed rail construction under the National Environmental Policy Act (NEPA) and related laws and regulations. The purpose of this letter is to advise you of the proposed rail line project and request information from your agency on the resources under your jurisdiction that could be affected by the proposed project.

Project Background

The proposed rail line would be approximately 2,600 feet in length and would provide a rail connection between the Texas International Terminals (TIT) and an existing rail line owned and operated by BNSF Railway Company. TIT is a liquid and dry bulk shipping facility that handles deep draft vessels, barges, trucks, and rail traffic along the Galveston Ship Channel. The facility is currently served by a rail line owned and operated by the Union Pacific Railway Company, but rail capacity on that line is limited. The purpose of the new rail connection would be to create an additional rail transportation option for TIT's customers as well as serve prospective customers at a proposed expansion of TIT's existing facility. TREX believes this would increase transportation and cost efficiencies at TIT. The attached map shows the corridor in which TREX proposes to construct the proposed new rail line in relation to the area served.

Environmental Review Process

Pursuant to NEPA and the Board's environmental rules, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that will evaluate the potential environmental impacts of the proposed rail construction project and the reasonable and feasible alternatives to the proposal. An Environmental Impact Statement (EIS) will be required if OEA determines that the proposed project would have significant environmental impacts. If the proposed project appears unlikely to have significant environmental impacts, then an Environmental Assessment (EA) may be prepared instead. OEA is beginning the process of

gathering information on the project area and project-related issues and concerns. Information collected will assist us in preparing the appropriate NEPA document for the proposed project.

Request for Comments

At this time, OEA is requesting preliminary comments from agencies and organizations that may have specific knowledge of potential environmental issues and impacts that may be associated with the proposed project. Issues and resource areas that may be important to this project include, but are not limited to, the following:

- Safety
- Local land use
- Existing transportation systems
- Air emissions and ambient air quality
- Energy use
- Water quality and wetlands
- Ambient noise levels
- Historic sites, archaeological sites, and cultural resources
- Socioeconomics (population, employment, and development)
- Wildlife, vegetation, and fisheries
- Soils and geology

Information on additional issues or concerns that you consider appropriate would also be appreciated. Please respond by [DATE] so that we may move forward expeditiously with the environmental review process. Please submit comments and responses to:

Joshua Wayland
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
Attn: STB Docket No. FD 36186

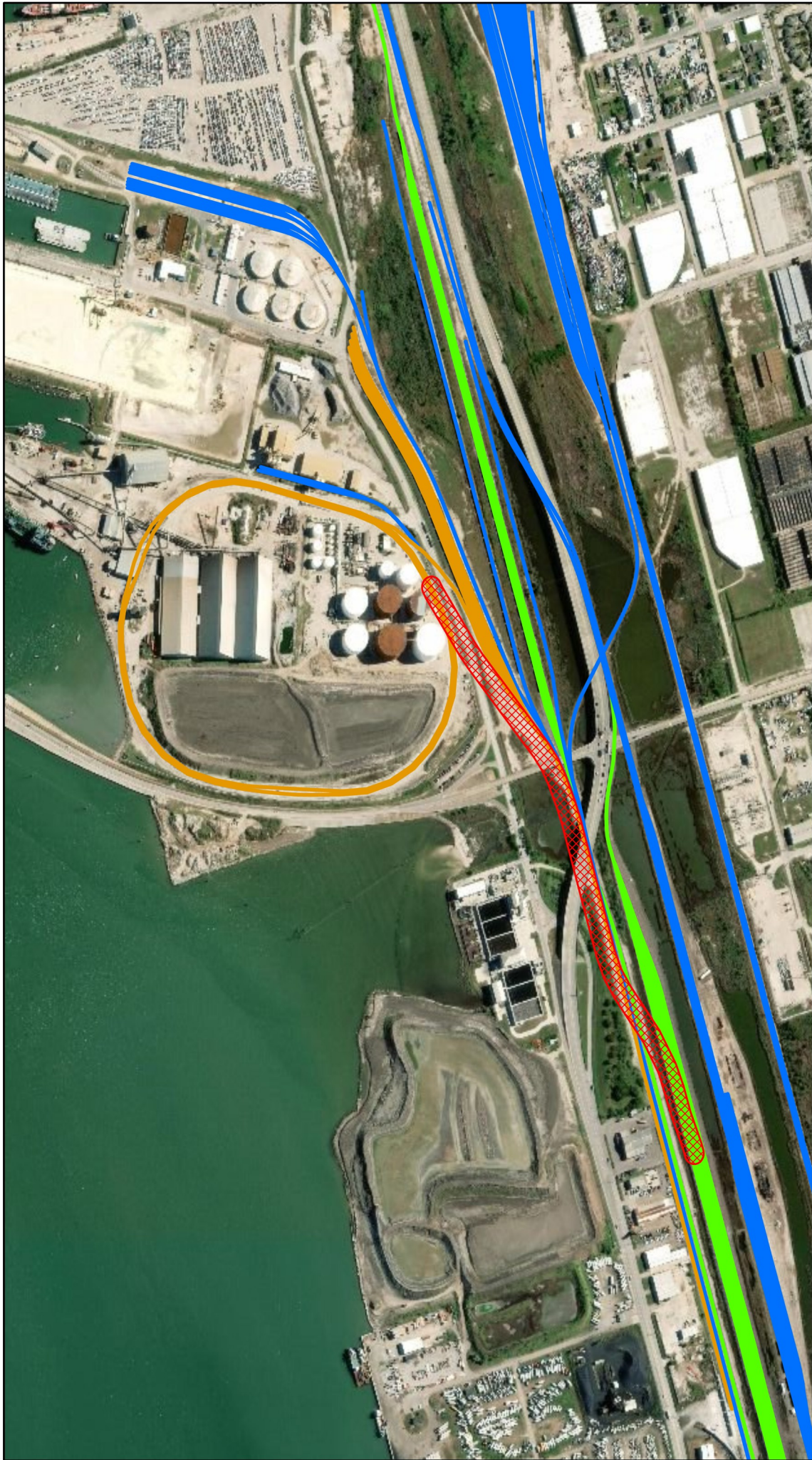
You may also submit comments electronically through the Board's web site at www.stb.gov by clicking on the "E-Filing" link on the right-hand side of the home page and then selecting "Environmental Comments." Brief comments may be typed within the comment field provided or you may attach comments as a separate file.

If you have any questions concerning agency consultation, the Board's environmental review process, or the proposed project, please do not hesitate to contact Josh Wayland of my staff at (202) 245-0330 or by email at Joshua.Wayland@stb.gov. We appreciate your assistance and look forward to your participation in the Board's environmental review process for this project.

Sincerely,

A handwritten signature in black 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
Director
Office of Environmental Analysis



Surface Transportation Board Docket No. FD 36186
Rail Construction and Operation in Galveston, Texas



- Project Corridor
- Existing TIT Trackage
- BNSF Trackage
- UP Trackage



LIST OF CONTACTED AGENCIES
Texas Railway Exchange; Galveston, TX

FEDERAL

Mr. Kevin Mannie, CESWG-RD-E
U.S. Army Corps of Engineers
Galveston District, Regulatory Division
P.O. Box 1229
2000 Fort Point Road
Galveston, TX 77550

Mr. David Gray
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Suite 1200
Dallas, TX 75202-2733

Mr. Ben Guttery
Federal Aviation Administration Southwest
Regional Office
10101 Hillwood Parkway
Fort Worth, TX 76177

Federal Emergency Management Agency
Region 6
FRC 800 North Loop 288
Denton, TX 76209-3698

Mr. David Hoth, Asst. Field Supervisor
U.S. Fish & Wildlife Service, Region 2
Texas Coastal Ecological Services Field Office
17629 El Camino Real #211
Houston, TX 77058

Ms. Sue Masica
Regional Director
National Park Service Intermountain Region
12795 Alameda Parkway
Denver, CO 80225

Mr. Salvador Salinas
State Conservationist
Natural Resource Conservation Service
101 S. Main Street
Temple, TX 76501

Mr. William E. Taylor, Jr.
Forest Supervisor
2221 N. Raguet Street
Lufkin, TX 75904

STATE

Mr. Mark Loeffler
Communications Director
Texas Department of Agriculture
P.O. Box 12847
Austin, TX 78711-2847

Texas Health and Human Services State
Headquarters
4900 N. Lamar Blvd
Brown-Heatly Building
Austin, TX 78751-2316

Texas Parks and Wildlife Department State
Headquarters
4200 Smith School Road
Austin, TX 78744

Texas Public Utilities Commission State
Headquarters
1701 N. Congress Ave., P.O. Box 13326
Austin, TX 78701

Ms. Christi Craddick, Chairman
Railroad Commission of Texas
1701 N. Congress Ave., P.O. Box 12967
Austin, TX 78701

Mr. Chad Coburn
Planner
Texas Department of Transportation Rail
Division
125 E 11th Street
Austin, TX 78701-2483

Mr. Jamal Elahi, PE
Area Engineer
Texas Department of Transportation Houston
District
5407 Gulf Freeway (I-45)
La Marque, TX 77568

Mr. Rex Isom
Texas Soil and Water Conservation Board
Office of Executive Director
1497 Country View Lane
Temple, TX 76504

LIST OF CONTACTED AGENCIES
Texas Railway Exchange; Galveston, TX

STATE, continued

Mr. Jeff Durst
Texas Historical Commission Galveston County
Project Review
P.O. Box 12276
Austin, TX 78711

Governor Greg Abbott
P.O. Box 12428
Austin, TX 78711-2428

Mr. Brian Christian
Texas Commision on Environmental Quality
Environmental Assistance Director
P.O. Box 13087
Austin, TX 78711-3087

Mr. David Green
Deputy Director
Texas Geneal Land Office
1700 Congress Avenue
Austin, TX 78701-1495

Mr. Michael Shannon
Galveston County Engineer
722 Moody Avenue
Galvetson, TX 77550

Mr. C.B. "Bix" Rathburn, Ph.D, Director
Galveston County Economic Development
722 Moody Avenue
Galveston, TX 77550

Ms. Julie Diaz
Galveston County Park & Cultural Resources
Office of Director
4102 Main (FM 519)
LaMarque, TX 77568

Mr. Lee Crowder
Galveston County Road & Bridge Office of
Director
5115 Highway 3
Dickinson, TX 77539

LOCAL

Mr. Brian Maxwell
Galveston City Manager
P.O. Box 779
823 Rosenberg, Suite 203
Galveston, TX 77553

Mr. Tim Tietjens
Galveston Development Services
Office of the Director
P.O. Box 779
823 Rosenberg
Galveston, TX 77553

Ms. Barbara Sanderson
Galveston Parks & Recreation Office of Director
P.O. Box 779
823 Rosenberg
Galveston, TX 77553

Mr. Kyle Hockersmith
Galveston Public Works Office of Director
P.O. Box 779
823 Rosenberg, Room 205
Galveston, TX 77553

Mr. Frank Incaprera
Galveston County Navigation District
2121 Market Street, Suite 211
Galveston, TX 77550

EXHIBIT 2



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON, TEXAS 77553-1229

EI-26365

August 9, 2018

Evaluation Branch

SUBJECT: **SWG-2018-00505** – Proposed Rail Line, Texas Railway Exchange, LLC,
Galveston County, Texas

Mr. Joshua Wayland
Surface Transportation Board
395 East Street, Southwest
Washington, DC 20423-0001
Attn: STB Docket No. FD 36186

Dear Mr. Wayland:

This is in response to the June 22, 2018 Preliminary Environmental Consultation (Corrected) for a proposed new rail line. The proposed approximate 2,600-foot-long rail line project is located between the start point approximately 1,960 feet west-southwest of the intersection of 51st Street and Texas State Highway 275, and the end point approximately 1,220 feet northeast of the same intersection in the City of Galveston, Galveston County, Texas.

The U.S. Army Corps of Engineers (Corps) has determined that the subject approximate 2,600-foot-long site may contain jurisdictional waters of the United States (U.S.). The Corps regulates the placement of structures and/or work performed in/or affecting navigable waters of the U.S. (i.e. bulkheads, piers, etc.) under Section 10 of the Rivers and Harbors Act of 1899. The Corps also regulates the discharge of dredged and/or fill material into waters of the U.S., including navigable waters, under Section 404 of the Clean Water Act. Therefore, the placement of structures and/or the discharge of dredged and/or fill material into waters of the U.S. requires a Department of the Army (DA) permit.

Please note the Corps has not delineated the extent of the waters of the U.S. within the proposed project site. If a delineation of the waters of the U.S. is required, we recommend that you hire an environmental consultant to perform the delineation. Upon its completion, please submit the delineation report to the Corps for verification. A list of consultants can be found at <https://www.swg.usace.army.mil/Business-With-Us/Regulatory/Environmental-Consultants/>.

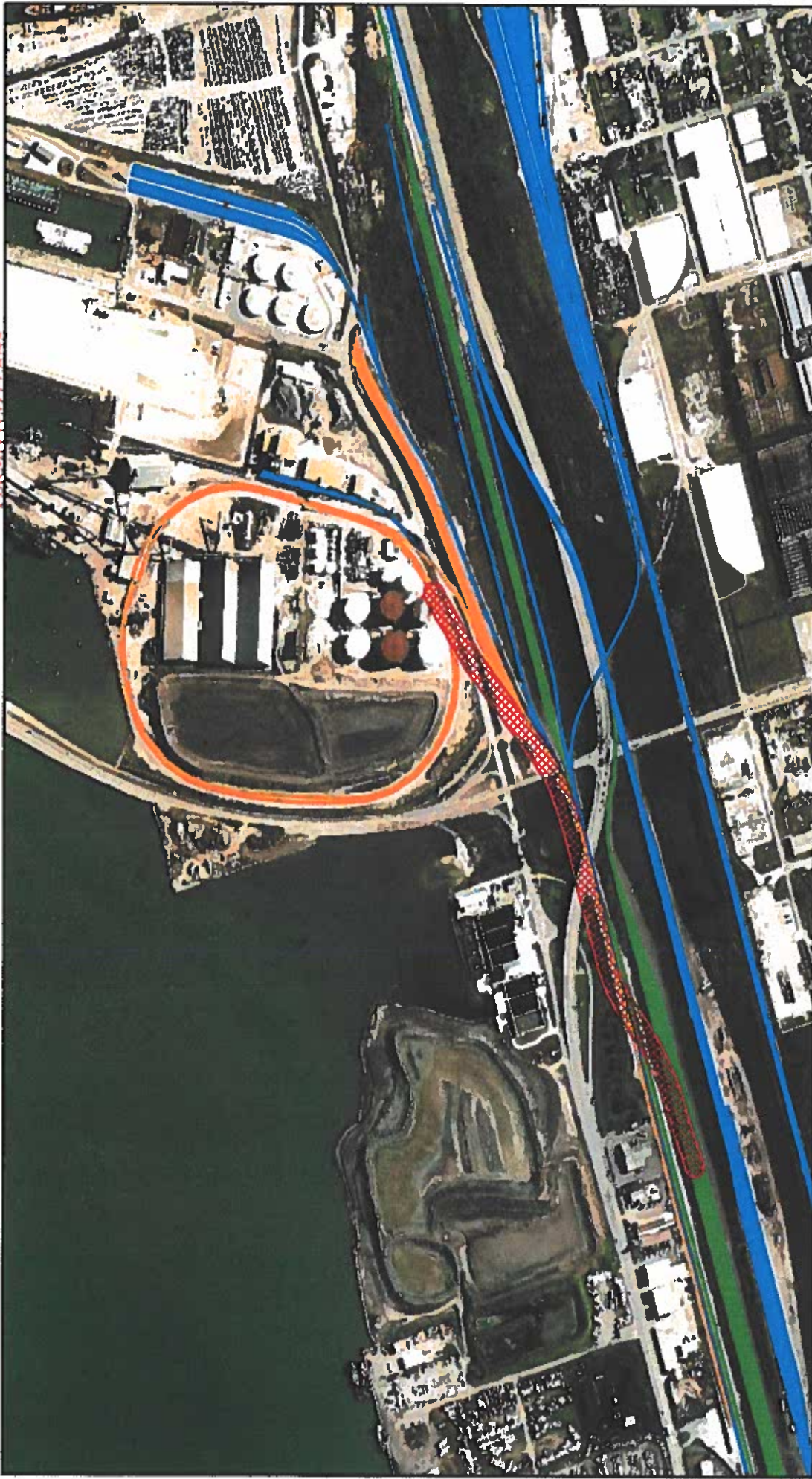
If you have any questions please reference **SWG-2018-00505** and contact Mr. Kevin Mannie, Regulatory Project Manager, at the letterhead address or by telephone at 409-766-3016. To assist us in improving our service to you, please complete the survey found at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kristi N. McMillan", with a stylized flourish at the end.

Kristi N. McMillan
Leader, Central Evaluation Unit

Enclosure



Surface Transportation Board Docket No. FD 36186
Rail Construction and Operation in Galveston, Texas



-  Project Corridor
-  Existing TIT Trackage
-  BNSF Trackage
-  UP Trackage





DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
P. O. BOX 1229
GALVESTON TX 77553-1229

EI-26327

June 20, 2018

REPLY TO
ATTENTION OF:

PLEASE NOTE: THIS IS NOT A PERMIT

Evaluation Branch

SUBJECT: Acknowledgement – Department of the Army Permit Application –
Proposed Construction of a New Rail Line - Galveston County, Texas

Joshua Wayland
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

This is to acknowledge receipt of your June 19, 2018, request for
Department of the Army permit authorization to perform certain work associated with the
proposed construction of a new rail line. The project site is located in Galveston
County, Texas. Please note the items listed below.

♦Date Request Received in Evaluation Branch:	June 19, 2018
♦Applicant (if other than Requestor):	Texas Railway Exchange, LLC
♦File Number Assigned:	SWG-2018-00505
♦Project Manager Assigned:	Mr. Kevin Mannie
♦Telephone Number of Project Manager:	409-766-3016
♦Email Address of Project Manager:	Kevin.S.Mannie@usace.army.mil
♦Mailing Address:	Kevin Mannie CESWG-RD-E U.S. Army Corps of Engineers P.O. Box 1229 Galveston, Texas 77553-1229

Please reference the **above file number** in all future correspondence with our office related to this request. You may contact the project manager at the address or telephone number listed above. As always, we are here to assist you in any manner we can regarding this request.

Sincerely,

Jill C. Wiggins

Jill C. Wiggins
Legal Instruments Examiner

PLEASE NOTE: THIS IS NOT A PERMIT

EXHIBIT 3

Wayland, Joshua

From: david_hurd@nps.gov on behalf of NPS IMRextrev <imrextrev@nps.gov>
Sent: Tuesday, July 31, 2018 11:40 AM
To: Wayland, Joshua
Subject: STB Docket No. FD 36186, Texas Railway Exchange-Construction and Operation-in Galveston County, Texas: Preliminary Environmental Consultation

Dear Mr. Wayland,

The National Park Service (NPS) would like to thank you for the opportunity to be involved in your project. The NPS has reviewed this project and has no comment at this time.

Regards,

National Park Service
Intermountain Region External Review Team
Serving MT, UT, WY, CO, AZ, NM, OK, TX
imrextrev@nps.gov

EXHIBIT 4



Natural Resources
Conservation Service

State Office

101 S. Main Street
Temple, TX 76501
Voice 254.742.9800
Fax 254.742.9819

July 2, 2018

Surface Transportation Board
Joshua.Wayland@stb.gov

Attention: Josh Wayland, *via email*

Subject: LNU-Farmland Protection
Texas Railway Exchange Project
NEPA/FPPA Evaluation
City of Galveston, Galveston County, Texas

We have reviewed the information provided in your correspondence dated June 15, 2018 concerning the proposed railway expansion project located in the City of Galveston, Galveston County, Texas. This review is part of the National Environmental Policy Act (NEPA) evaluation for the Surface Transportation Board (STB). We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed site does not involve areas of Prime Farmland. Additionally, we now consider the location to be "land committed to urban development" due to its location within the city limits of Galveston, Texas. Due to these reasons, this project is exempt from provisions of FPPA. We strongly encourage the use of acceptable erosion control methods during the construction of this project.

If you have further questions, please contact me at 254.742.9836 or by email at Carlos.Villarreal@tx.usda.gov (Preferred).

Sincerely,

CARLOS

VILLARREAL

Digitally signed by
CARLOS VILLARREAL

Date: 2018.07.02
07:59:33 -05'00'

Carlos J. Villarreal
NRCS Soil Scientist

Attachment: NA

EXHIBIT 5

U. S. Department of Homeland Security
FEMA Region 6
800 North Loop 288
Denton, TX 76209-3698



FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY
REGION 6
MITIGATION DIVISION

RE: STB Docket No. FD 36186, Texas Railway Exchange-Construction and Operation-in
Galveston, County, Texas: **Preliminary Environmental Consultation**

NOTICE REVIEW/ENVIRONMENTAL CONSULTATION

☐ We have no comments to offer. ☒ We offer the following comments:

**WE WOULD REQUEST THAT THE COMMUNITY FLOODPLAIN
ADMINISTRATOR BE CONTACTED FOR THE REVIEW AND POSSIBLE PERMIT
REQUIREMENTS FOR THIS PROJECT. IF FEDERALLY FUNDED, WE WOULD
REQUEST PROJECT TO BE IN COMPLIANCE WITH EO11988 & EO 11990.**

Michael Shannon
County Engineer/FPA
722 Moody Avenue
Galveston, TX 77550
Michael.shannon@co.galveston.tx.us
(409) 770-5453

REVIEWER:

Colleen Sciano
Floodplain Management and Insurance Branch
Mitigation Division
(940) 383-7257

DATE: June 20, 2018

EXHIBIT 6



Life's better outside.®

Commissioners

Ralph H. Duggins
Chairman
Fort Worth

S. Reed Morian
Vice-Chairman
Houston

T. Dan Friedkin
Houston

Anna B. Galo
Laredo

Bill Jones
Austin

Jeanne W. Latimer
San Antonio

James H. Lee
Houston

Dick Scott
Wimberley

Kelcy L. Warren
Dallas

Lee M. Bass
Chairman-Emeritus
Fort Worth

Carter P. Smith
Executive Director

July 16, 2018

Joshua Wayland
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: STB Docket No. FD 36186, Texas Railway Exchange-Construction and Operation; Galveston County, Texas

Dear Mr. Wayland:

Texas Parks and Wildlife Department (TPWD) has received and reviewed the submitted documentation regarding the above-referenced proposed rail line project.

Please be aware that a written response to a TPWD recommendation or informational comment received by a state governmental agency may be required by state law. For further guidance, see the Texas Parks and Wildlife Code, Section 12.0011. For tracking purposes, please refer to TPWD project number 40329 in any return correspondence regarding this project.

Project Description

The Project involves the construction and operation of a new rail line. The proposed rail line would be approximately 2,600 feet in length and would provide a rail connection between the Texas International Terminals and an existing rail line owned and operated by BNSF Railway Company.

TPWD offers the following comments and recommendations concerning this project.

General Construction Recommendations

Recommendation: TPWD recommends consolidating work and staging areas within previously disturbed habitat, such as established right-of-way (ROW).

Recommendation: TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from the construction area. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained for the life of the project

Mr. Joshua Wayland
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July 16, 2018

and only removed after the construction is completed and the disturbed site has been revegetated. Construction personnel should be encouraged to examine the inside of the exclusion area daily to determine if any wildlife species have been trapped inside the area of impact and provide safe egress opportunities prior to initiation of construction activities.

Recommendation: For soil stabilization and/or revegetation of disturbed areas within the proposed project area, TPWD recommends erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding rather than erosion control blankets or mats due to a reduced risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting should be avoided.

Federal Laws

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits direct and affirmative purposeful action that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

Recommendation: If migratory bird species are found nesting on or adjacent to the project area, they must be dealt with in a manner consistent with the MBTA. TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March 15th through September 15th, to avoid adverse impacts to this group. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends the project proponent survey the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. If nests are observed during surveys, an area of buffer vegetation no less than 25 feet in all directions should remain around the nest until young have fledged.

Mr. Joshua Wayland
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July 16, 2018

Federal Law: Endangered Species Act

Federally-listed animal species and their habitat are protected from take on any property by the Endangered Species Act (ESA). Take of a federally-listed species can be allowed if it is incidental to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Any take of a federally-listed species or its habitat without the required take permit (or allowance) from the USFWS is a violation of the ESA.

Recommendation: The USFWS should be contacted for species occurrence data, guidance, permitting, survey protocols, and mitigation for federally listed species. For the USFWS rare species lists by county please visit the USFWS Information for Planning and Consultation (IPaC) webpage.

Clean Water Act

Section 404 of the Clean Water Act (CWA) establishes a federal program to regulate the discharge of dredged and fill material into the waters of the U.S., including wetlands. The U.S. Army Corps of Engineers (USACE) and the Environmental Protection Agency are responsible for making jurisdictional determinations and regulating wetlands and other waters under Section 404 of the CWA.

Wetland mitigation is out-of-kind and insufficient to compensate for impacts to stream functions. For unavoidable stream impacts, stream compensation is required under 33 CFR §332.3(e)(3); item 11.B.2. in Compensatory Mitigation for Losses of Aquatic Resources (73 Federal Register 19596, April 10, 2008); and the Galveston District Stream Condition Assessment Standard Operating Procedure for Compensatory Stream Mitigation.

Recommendation: TPWD recommends consulting with the USACE for potential impacts to waters of the U.S. including jurisdictional determinations, delineations, and mitigation.

State Laws

Parks and Wildlife Code – Chapter 64, Birds

Texas Parks and Wildlife (TPW) Code Section 64.002, regarding protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. TPW Code Section 64.003, regarding destroying nests or eggs, provides that no person may destroy or take the nests, eggs, or

Mr. Joshua Wayland
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young and any wild game bird, wild bird, or wild fowl. TPW Code Chapter 64 does not allow for incidental take and; therefore, is more restrictive than the MBTA.

Recommendation: Please review the *Federal Law: Migratory Bird Treaty Act* section above for recommendations as they are also applicable for Chapter 64 of the TPW Code compliance.

Parks and Wildlife Code, Section 68.015

Section 68.015 of the Parks and Wildlife Code regulates state listed species. Please note that there is no provision for the capture, trap, take, or kill (incidental or otherwise) of state-listed species. A copy of *TPWD Protection of State-Listed Species Guidelines*, which includes a list of penalties for take of species, can be found online at the TPWD Wildlife Habitat Assessment Program: Laws and Regulations Applicable to TPWD Review webpage. State-listed species may only be handled by persons with authorization obtained through TPWD. For more information on this authorization, please contact the Wildlife Permits Office at (512) 389-4647.

TPWD provides online access to state-listed species information through the TPWD Rare, Threatened, and Endangered Species of Texas (RTEST) application. This application provides county-level information regarding occurrence of protected species (federal- or state-listed threatened or endangered) species and may be utilized to inform development project planning. Additionally, records of occurrence for these protected species are tracked within the Texas Natural Diversity Database (TXNDD) and are publicly available by request.

Recommendation: The TXNDD is updated continuously. As the project progresses and for future projects, please request the most current and accurate information at TexasNatural.DiversityDatabase@tpwd.texas.gov.

Recommendation: TPWD recommends a biological monitor be present during construction to relocate state-listed threatened species, if found. If the presence of a biological monitor during construction is not feasible, state-listed threatened terrestrial species observed during construction should be allowed to safely leave the site or be relocated by a TPWD-permitted individual to a nearby area with similar habitat that would not be disturbed during construction. TPWD recommends that any translocations of reptiles be the minimum distance possible and no greater than one mile, preferably within 100-200 yards from the initial encounter location. For purposes of relocation,

surveys, monitoring, and research, terrestrial state-listed species may only be handled by persons authorized through the TPWD Wildlife Permits Office.

Recommendation: TPWD recommends reporting observations of threatened species to the TXNDD. These observations can be reported by completing and submitting a TXNDD reporting form which can be found online at the Texas Natural Diversity Database: Submit Data webpage. The TXNDD can be contacted at TexasNatural.DiversityDatabase@tpwd.texas.gov or (512) 389-8744.

Recommendation: To aid in the scientific knowledge of a species' status and current range, TPWD encourages reporting encounters of state-listed species (as well as rare species and federally-listed species) to the TXNDD according to the data submittal instructions found at the TPWD Texas Natural Diversity Database: Submit Data webpage.

Species of Concern

In addition to state and federally-protected species, TPWD tracks special features, natural communities, and rare species that are not listed as threatened or important to evaluate and, if necessary, minimize impacts to rare species and their habitat to reduce the likelihood of endangerment and preclude the need to list. These species and communities are tracked in the TXNDD.

Please note that the absence of TXNDD information in an area does not imply that a species is absent from that area. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and cannot be used as presence/absence data. This information cannot be substituted for on-the-ground surveys. The TXNDD is updated continuously. As the project progresses and for future projects, please request the most current and accurate information at TexasNatural.DiversityDatabase@tpwd.texas.gov. Determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence.

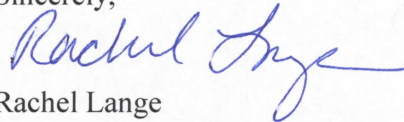
Mr. Joshua Wayland
Page 6
July 16, 2018

Recommendation: If encountered during construction, measures should be taken to avoid impacting all wildlife.

Recommendation: TPWD recommends reporting observations of rare species to the TXNDD. These observations can be reported by completing and submitting a TXNDD reporting form which can be found online at the Texas Natural Diversity Database: Submit Data webpage. The TXNDD can be contacted at TexasNatural.DiversityDatabase@tpwd.texas.gov or (512) 389-8744.

Thank you for considering potential impacts to Texas' wildlife and natural resources during project planning. Please contact me at (361) 412-9012 or Rachel.Lange@tpwd.texas.gov if you have any questions.

Sincerely,



Rachel Lange
Wildlife Habitat Assessment Program
Wildlife Division

RL: 40329

EXHIBIT 7

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Stephanie Bergeron Perdue, *Interim Executive Director*



EI-26329

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 28, 2018

Mr. Joshua Wayland
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

Via: E-mail

Re: TCEQ NEPA Request #2018-166, STB Docket No. FD 36186, Texas Railway Exchange – Construction and Operation – in Galveston County, Texas: Preliminary Environmental Consultation; Galveston, Texas, Galveston County

Dear Mr. Wayland:

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

The proposed project is located in Galveston County, which is currently classified by the United States Environmental Protection Agency as moderate nonattainment for the 2008 ozone National Ambient Air Quality Standard. Therefore, general conformity rules apply. The TCEQ is also evaluating the South Coast Air Quality Management District v. EPA, No. 15-1115 (D.C. Cir. 2018), which in the future could potentially result in a change of classification for previous ozone standards for Galveston County.

The two primary precursors to ozone formation are volatile organic compounds (VOCs) and nitrogen oxides (NOx). A general conformity analysis may be required when a project in an ozone moderate nonattainment area results in an emissions increase of 100 tons per year (tpy) or greater for either VOC or NOX, and one may be required when a project in an ozone serious nonattainment area results in an emissions increase of 50 tpy or greater.

We recommend the environmental assessment address actions that will be taken to prevent surface and groundwater contamination.

Any debris or waste disposal should be at an appropriately authorized disposal facility.

Thank you for the opportunity to review this project. If you have any questions, please contact the agency NEPA Coordinator, at (512) 239-3500 or NEPA@tceq.texas.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Vise".

Ryan Vise
Division Director
Intergovernmental Relations

EXHIBIT 8

From: Kathleen Hayden
To: [Wayland, Joshua](#)
Subject: TREX's Proposed construction
Date: Monday, June 25, 2018 10:57:46 AM

EI-26326

Hello Joshua,

Today we received a letter from you asking for preliminary comments related to construction and operation in Galveston County, Texas of proposed railway construction project. The railroads are no longer under the regulation of the Railroad Commission of Texas. The railroad has been placed under the purview and regulation of the Texas Department of Transportation. The RRC regulates the production of energy in Texas, of which Christi Craddick is Chairman.

I left a voicemail to that effect last week when we received an email. Please reach out to the Texas Department of Transportation.

Best regards,
Kathleen

*Kathleen Hayden
Executive Assistant
Chairman Christi Craddick
Railroad Commission of Texas
1701 North Congress Avenue
12th Floor
Austin, Texas 78701
512.463.7141 Direct
Kathleen.Hayden@rrc.texas.gov*

EXHIBIT 9



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

EI-26338

Office of Environmental Analysis

June 15, 2018

Jeff Durst
Texas Historical Commission
Galveston County Project Review
P.O. Box 12276
Austin, Texas 78711

RE: STB Docket No. FD 36186, Texas Railway Exchange—Construction and Operation—in Galveston County, Texas: **Preliminary Environmental Consultation**

Dear Mr. Durst;

Texas Railway Exchange, LLC (TREX) intends to file a petition with the Surface Transportation Board (the Board) seeking authority to construct and operate a new rail line in Galveston, Texas. The Board is an independent federal agency that has jurisdiction over railroad construction and operations. As part of its licensing process, the Board will conduct an environmental review of the proposed rail construction under the National Environmental Policy Act (NEPA) and related laws and regulations. The purpose of this letter is to advise you of the proposed rail line project and request information from your agency on the resources under your jurisdiction that could be affected by the proposed project.

Project Background

The proposed rail line would be approximately 2,600 feet in length and would provide a rail connection between the Texas International Terminals (TIT) and an existing rail line owned and operated by BNSF Railway Company. TIT is a liquid and dry bulk shipping facility that handles deep draft vessels, barges, trucks, and rail traffic along the Galveston Ship Channel. The facility is currently served by a rail line owned and operated by the Union Pacific Railway Company, but rail capacity on that line is limited. The purpose of the new rail connection would be to create an additional rail transportation option for TIT's customers as well as serve prospective customers at a proposed expansion of TIT's existing facility. TREX believes this would increase transportation and cost efficiencies at TIT. The attached map shows the corridor in which TREX proposes to construct the proposed new rail line in relation to the area served.

Environmental Review Process

Pursuant to NEPA and the Board's environmental rules, the Board's Office of Environmental Analysis (OEA) will prepare an environmental document that will evaluate the potential environmental impacts of the proposed rail construction project and the reasonable and feasible alternatives to the proposal. An Environmental Impact Statement (EIS) will be required if OEA determines that the proposed project would have significant environmental impacts. If the proposed project appears unlikely to have significant environmental impacts, then an Environmental Assessment (EA) may be prepared instead. OEA is beginning the process of gathering information on the project area and project-related issues and concerns. Information



collected will assist us in preparing the appropriate NEPA document for the proposed project.

Request for Comments

At this time, OEA is requesting preliminary comments from agencies and organizations that may have specific knowledge of potential environmental issues and impacts that may be associated with the proposed project. Issues and resource areas that may be important to this project include, but are not limited to, the following:

- Safety
- Local land use
- Existing transportation systems
- Air emissions and ambient air quality
- Energy use
- Water quality and wetlands
- Ambient noise levels
- Historic sites, archaeological sites, and cultural resources
- Socioeconomics (population, employment, and development)
- Wildlife, vegetation, and fisheries
- Soils and geology

Information on additional issues or concerns that you consider appropriate would also be appreciated. Please respond by July 20, 2018 so that we may move forward expeditiously with the environmental review process. Please submit comments and responses to:

Joshua Wayland
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001
Attn: STB Docket No. FD 36186

You may also submit comments electronically through the Board's web site at www.stb.gov by clicking on the "E-Filing" link on the right-hand side of the home page and then selecting "Environmental Comments." Brief comments may be typed within the comment field provided or you may attach comments as a separate file.

If you have any questions concerning agency consultation, the Board's environmental review process, or the proposed project, please do not hesitate to contact Josh Wayland of my staff at (202) 245-0330 or by email at Joshua.Wayland@stb.gov. We appreciate your assistance and look forward to your participation in the Board's environmental review process for this project.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis

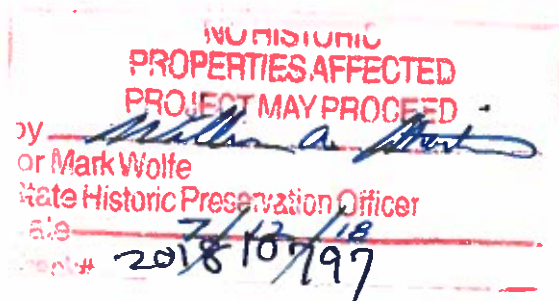


EXHIBIT 10



Galveston Fire Department

MEMORANDUM

To: Dan Buckley, Deputy City Manager
From: Fire Chief Mike Wisko
Date: 10-15-18
Re: Proposed Rail Crossing

In response to the June 15, 2018 letter from the Surface Transportation Board (STB), we have been working with Texas International Terminals (TIT) to better understand the impacts of the proposed rail lines for the Texas Railway Exchange (TREX). The TIT facility currently deals in ethanol, crude oil, and fertilizer using both rail lines and cargo ships.

Our primary concern has been that the proposed rail line would be built in/on existing wetlands under a major thoroughfare (Spur 275), which feeds our Level One Trauma Center, industrial corridor, the majority of our shipping industry, and Texas A&M Galveston Campus. The concern is that a rail car loaded with hazardous materials could be parked under the elevated portions of this thoroughfare. In addition, Emergency access to the proposed site will be limited due to terrain.

Through working with representatives from TIT and TREX, we have gained an expansive knowledge of the proposed plan. These representatives have shared their proposed Normal Operation plan and have proactively outlined their proposed response to address an event that may result in rail cars to be temporarily stationary under the Spur 275 elevated exchange. Based on the Operation plan outlined, as well as on-going discussions with the representatives, we have determined that their plans sufficiently address the concerns we have expressed. At this time, we have no unanswered concerns.

We do request that as this proposal moves closer to becoming a reality, TIT and TREX representatives, continue to work with our Department to review finalized proposals, to ensure that our concerns continue to be addressed in the proper manner.

Please feel free to contact me for any additional questions.



EXHIBIT 11



125 EAST 11TH STREET, AUSTIN, TEXAS 78701-2483 | 512.463.8588 | WWW.TXDOT.GOV

October 19, 2018

Joshua Wayland
Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001
Attn: STB Docket No. FD 36186

Dear Mr. Wayland,

The Rail Division of the Texas Department of Transportation received a letter on August 24, 2018 requesting preliminary environmental consultation for the proposed Texas Railway Exchange project in Galveston County. The Rail Division conducted a desktop review based on the project map that was included in the letter. The map indicates a project corridor running under State Highway 275/Harborside Drive and the Pelican Island Causeway. We understand that the project sponsor is developing alternative alignments within the project corridor.

The Rail Division maintains the Rail-Highway Operations Manual to define responsibilities and coordinate efforts required between railroad companies and other entities for projects that impact both roadway and railroad right-of-ways. The manual calls for the installation of crash walls on highway bridge columns within 25 feet of track centerlines and applying for a railroad spur permit if a new rail line will cross State right of way, outside of existing railroad right of way. Our records indicate that the Harborside Drive bridge was completed in 1982 and one or more columns are within 25' of existing tracks. It appears likely that any new alignment chosen for the Texas Railway Exchange project would also run within 25 feet of several highway bridge columns. The Rail Division expects that any new rail development would follow the Rail-Highway Operations Manual and include installation of safety features on the existing infrastructure in the project area to meet current standards. Please note you will need to meet with the American Railway Engineering and Maintenance-of-Way Association (AREMA) design criteria for vertical and horizontal clearances.

As of this time, we are not aware of any capacity improvement plans for the state bridge and do not object to the proposed project corridor. We are aware that the project may require permitting for wetlands impacts and assessments for other environmental features. The

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OUR MISSION: *Through collaboration and leadership, we deliver a safe, reliable, and integrated transportation system that enables the movement of people and goods.*

An Equal Opportunity Employer

Texas Department of Transportation has not reviewed environmental data at this time, but requests consultation as plans are further developed.

Thank you for the opportunity to comment on the project at this early juncture. Please contact us as the plan progresses.

Sincerely,



Peter D. Espy
Rail Division Director