

HEI-26186

Wood, Diana

From: Alyne Fitzgerald <afitzgerald100@gmail.com>
Sent: Monday, August 28, 2017 4:38 PM
To: Wood, Diana
Subject: FD 34284 SGRR Construction Violations
Attachments: SGRR Construction.pdf; 2017 Aug 28 MCEAA Letter to STB re FRP 1.docx

Dear Ms. Wood:

Please see attached MCEAA letter, with attachments regarding SGRR beginning construction.

In addition, there is a violation of Mitigation Measure #4, Transportation and Traffic Safety. As of this date, rail line construction has begun, but plans for the rail line crossings for Medina County Roads have never been brought before the Medina County Government – the four Commissioners, according to Medina County Judge Chris Shuchart this morning. Therefore, no agreement concerning the design has been reached.

Please respond. Thank you for your consideration.
Alyne Fitzgerald

The Medina County Environmental Action Association, Inc.

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GREG NINEDORF

August 28, 2017

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

Re: Southwest Gulf Railroad (SGR) FD 34284
Non-Compliance with Programmatic Agreement Stipulation IV A, Page 6 (as evidenced by
enclosed copy of The Hondo Anvil Herald article dated Thursday August 17, 2017, Page 1, and
letter from Erik Remmert stating that SGR is beginning construction, dated August 22, 2017.)

Dear Ms. Wood:

As President of MCEAA, Consulting Party to SGR FD 34284 Programmatic Agreement, I request that you inform and require SGR's management immediately to stop all railroad construction activities, based on the fact this activity is in violation of the Programmatic Agreement noted above.

As you are aware, mitigation measures F77 dealing with the cultural aspects of this proposed project required a Programmatic Agreement (PA). The 'Draft' written February 2017 by HDR subsequent to this PA recognized adverse effects to archeological and architectural sites known to be present in the Upper Quihi Rural Historic District (UQRHD). As agreed upon by all parties, these adverse effects required a Resolution Plan that would either avoid, minimize or mitigate the impact of the Southwest Gulf Railroad on the UQRHD. When the draft resolution plan was made public, comments from consulting parties, as well as the Texas Historical Commission were submitted which needed to be further addressed in the Final Resolution Plan. These matters have not been completed. The PA Stipulation IV Resolution of Adverse Effects A, clearly states that "Prior to the initiation of any portion of construction of the rail line that might adversely affect an historic property or archeological resource, SGR will develop, in consultation with the STB and SHPO, an effects resolution plan".

On behalf of MCEAA members, I respectfully request the Surface Transportation Board to take whatever steps are required to order SGR to stop the railroad construction immediately. Construction should not be resumed until the Final Resolution Plan for adverse effects has been completed, made available to all consulting parties for review, and executed by the signatories. Other issues that need to be addressed

before the Final Resolution Plan is approved include answers to input and comments submitted by the Texas Historical Commission (see attachment), and to any input or comments from the Advisory Council on Historic Preservation that are received. And finally, all unanswered questions and comments submitted to the STB in response to the draft resolution plan by MCEAA in their letter of August 11, 2017, need to be considered and answered. Further, we understand that the Final Resolution Plan, which as of this date has not been issued for review to the consulting parties, provides for possible resolution of public objections within a 30-day review period.

In closing, the most important question of all is still unanswered and unaddressed. We ask again: Will the Final Resolution Plan guarantee that the UQRHD will remain eligible for listing in the National Register?

Respectfully,

Dr. Robert Fitzgerald

CC: Victoria Rutson,

Texas Historical Commission

Castroville Conservation Society

The Hondo Anvil Herald

The Gardner Law Firm

Advisory Council on Historic Preservation

Quihi/New Fountain Historical Society

Medina County Historical Commission

U. S. Representative Will Hurd

Dr. Tom Hester, Professor Emeritus, UT Austin



or email anvil6@hondo.net
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ANVIL HERALD

THURSDAY, AUG 24, 2017

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HONDO, TEXAS

ty's Newspaper

Our 131st Year

Published in Hondo, Texas

31, Number 34

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Three Sections, 24 Pages

75 Cents



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SGRR construction to start

By William Hoover

ANVIL HERALD CORRESPONDENT

Southwest Gulf Railroad Company on Tuesday announced it is beginning construction on The Medina Line.

The nine-mile common-carrier railroad will operate from a railyard connecting to the Union Pacific line near Dunlay and will primarily serve the Vulcan Material's quarry, north of Quihi. SGRR, a subsidiary of Vulcan Materials Company, also hopes the rail line will serve as a catalyst for new jobs and economic opportunity in Medina County.

In May 2016, after a more than 15-year struggle with landowners along the route, SGRR finally acquired the remainder of land it needed to begin construction of the rail line, by exercising its power of eminent domain via condemnation proceedings in Medina County's 38th Judicial District Court.

SGRR officials reported construction activity has started with surveying and marking of the right of ways. The next phases will be fencing, earthwork, site work and rail installation.

Based on current plans, construction is anticipated to be complete in 2019. SGRR

officials say they forged partnerships with the community and stakeholders to bring to life The Medina Line, which is expected to serve customers on and along the route in accordance with its common carrier responsibilities.

"We are actively marketing the property and there has been a lot of interest in development opportunities, particularly as we have been proceeding," said SGRR spokesman Scott Burnham of potential rail line customers.

"This is a testament to what's possible when we work together," said Erik Remmert, Vice President of SGRR. "This project will serve as a catalyst for jobs and economic opportunity for decades to come right here in Medina County. We look forward to continuing our work with the community and being good neighbors."

The construction phases will overlap and work will generally progress from south to north, but it may vary, according to the SGRR spokesman. Houston-based WT Byler Co, Inc., which has performed hundreds of miles of railroad construction in Texas and Louisiana, will serve as the general contractor.

The Medina Line is being constructed along the Modified Eastern Bypass Route, determined by the U.S. Surface

Transportation Board, engineers and environmental experts to be the optimal route. A key requirement of the STB authorization of SGRR's Medina Line was a rigorous and thorough environmental review, which included 91 mitigation measures from its Final Environmental Impact Statement that addressed many issues, including biological and cultural resources; water, noise and air quality; and safety.

Access points for construction crews will be constructed over time at CR 454, CR 4516, CR 4512, FM 2676, CR 353 (south) and CR 353 (north). Appropriate signage will be added along the roads indicating the construction entrances.

No roadways are expected to be closed until 2018. Each crossing will require temporary closure, however, and SGRR says it will communicate road closures in advance to neighbors and stakeholders. Closings will also be posted via road signs 14 days in advance. Detours will be communicated and posted as well. SGRR will coordinate with Medina County and local police, fire and emergency medical services. SGRR will also be installing electric warning signals and gates at the rail line's six roadway crossings, which they say exceeds TxDOT standards.

TEXAS HISTORICAL COMMISSION
real places telling real stories

August 15, 2017

Diana Wood
Office of Environmental Analysis
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: *Project Review under Section 106 of the National Historic Preservation Act, Proposed Final Resolution Plan, Southwest Gulf Railroad, Medina County, Texas*
STB/106, THC #201709149 (See also THC Track #201707114, #201704530)

Dear Ms. Wood:

On July 2017, we received and commented on the *Draft Resolution Plan for the Southwest Gulf Railroad Company Construction and Operation of the Proposed Single-Track Railroad*. In accordance with the December 2015 Programmatic Agreement for the project, we have now been provided with Final Resolution Plan to Resolve Adverse Effects to Historic Properties. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC).

The review staff, led by Casey Hanson, Justin Kockritz and Sara Ludueña, has completed its review of the Final Resolution Plan which lays out proposed minimization and mitigation efforts for the proposed rail line. As per the Programmatic Agreement for this undertaking, this Resolution Plan was created in response to a finding of adverse and potentially adverse effect to several of the cultural resources in the Area of Potential Effect (APE) associated with the Upper Quihi Rural Historic District (UQRHD).

The Archeology review staff, led by Casey Hanson, requires more information regarding the demolition activities at 41ME261 reported by the Medina County Environmental Action Association (MCEAA) to the Surface Transportation Board (STB) on August 11, 2017.

The Architecture review staff, led by Sara Ludueña, has completed its review of the Final Resolution Plan and has the following comments. In general, several of the proposed mitigation measures require additional clarification.

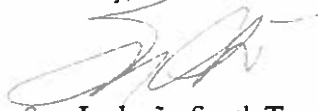
1. HABS Photographic Documentation: If HABS level photo-documentation is to be produced, what level of documentation is intended? In order to meet any of the three HABS level requirements, some level of drawing as well as a written component will be required for submittal along with the proposed photographs. Is this intended to be submitted for inclusion in the special collection at the Library of Congress?
2. UQRHD Document: The idea of creating a document to be housed in various repositories in South Texas is appropriate, but clarification as to what this document will actually look like will be useful. The plan states that it will include photographs and research—will there also be a narrative component to help put the UQRHD into context for a layperson who visits one of these archives? What sort of project professional will create this type of document? Will that person/firm meet the Secretary of the Interior's Qualification Standards?
3. Traveling Exhibit: Similarly, the idea of a traveling educational exhibit, which we mentioned in our response to the Draft Resolution Plan, will require some additional planning. We appreciate that several potential interest groups have been identified, but have any of them been contacted to gauge their interest or capacity to assist with such an exhibit? In the list of interest groups, the Quihi and New Fountain Historical Society should also be included. We would like to see a clearer direction in terms of housing such an exhibit. The Hondo Public Library, being located in the Medina County Seat, seems appropriate, but prior to finalization of this plan, they should be contacted to determine whether they are willing to participate. This planning will help avoid potentially foreseeable road blocks and delays down the line to ensure that this measure is carried out.



4. Vegetative Buffer: While a vegetative buffer will help minimize the visual impact of the proposed rail line on these historic properties, we have yet to see what the proposed buffer will look like. It should be compatible with the landscape so as not to call too much attention to itself, but needs to have a certain amount of density and height to perform its intended function.
5. "Mitigation Measure Related to SGR-Owned Architectural Resources" (page 20): The idea of providing "proposed modifications and periodic integrity status reports" to the THC for review is proposed in this section. This requires additional explanation. Would all future changes to these properties require review by our agency? For an indefinite period of time? If so, we should discuss whether to formalize this process in some way. And what is meant by "periodic integrity status reports"? Will a qualified professional perform a visual inspection of these buildings at set intervals? If so, what information will be gleaned and what format will that information take? Will the THC expect to receive a report on each property every six months, for example? While this does appear to be an appropriate potential mitigation measure, we would like to have a better understanding of our possible role.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our comments on the potential effects of the project on historic properties, please contact Sara Ludueña at 512-463-8952 or sara.luduen@thc.texas.gov; or, if you have any questions concerning our comments on archeological resources, please contact Casey Hanson at 512-463-5915 or casey.hanson@thc.texas.gov.

Sincerely,



Sara Ludueña, South Texas Project Reviewer
For: Mark Wolfe, State Historic Preservation Officer

cc: David H. Coburn, Steptoe & Johnson, LLP
Robert Hancock, Chair, Medina County Historical Commission
Dr. and Mrs. Fitzgerald, Medina County Environmental Action Association
Charlene Vaughn, Advisory Council on Historic Preservation

MW/ch/sl

SOUTHWEST GULF —
— RAILROAD CO.

August 22, 2017

Dear Neighbor,

As you know, Southwest Gulf Railroad is developing The Medina Line, a 9-mile common-carrier railroad near Dunlay that will serve as a long-term catalyst for new jobs and economic opportunity in Medina County.

We are committed to constructing and operating The Medina Line in a safe, responsible manner in accordance with all local, state and federal standards and regulations. We're making every effort to plan, manage and implement construction with safety and the community in mind.

We have recently completed all of the design and engineering and have acquired the necessary land and right of way to build the line.

Your property is not on the right of way, nor will we need to access your property at any time. A copy of the route map is attached for your reference. You can also find an interactive map on our website at www.sgrr.com/map-line.

SGRR has begun construction activity with a small team of surveyors marking the right of way. From there crews will install fencing, followed by earthwork, sitework and rail installation.

All workers will be held to the highest standards of safety and will be respectful of neighbors.

Based on current plans, we anticipate construction to be complete in 2019. Please reference the enclosed project update with more detail.

You can get project updates and sign up for email updates by visiting www.TheMedinaLine.com. If you or your neighbors ever have any questions, concerns or ideas, you can reach our team via our 24/7 community line at (800) 474-4086.

Sincerely,



Erik Remmert
Vice President, Southwest Gulf Railroad
eremmert@sgrr-mail.com
(800) 474-4086



Cynthia Prieto
Community Liaison, Southwest Gulf Railroad
cprieto@sgrr-mail.com
(800) 474-4086

August 22, 2017

Southwest Gulf Railroad Company (SGRR) is pleased to announce the beginning of construction for The Medina Line, a 9-mile common-carrier railroad near Dunlay that will serve as a long-term catalyst for new jobs and economic opportunity in Medina County.

The U.S. Surface Transportation Board in 2008 granted SGRR the authority to build and operate The Medina Line. The line is being constructed along the Modified Eastern Bypass Route, determined by the U.S. Surface Transportation Board, engineers and environmental experts to be the optimal route.

Additional information about SGRR and The Medina Line is available at www.TheMedinaLine.com. Future project updates will be posted to www.TheMedinaLine.com/project-updates.

Our Commitment to the Community

SGRR is committed to constructing and operating The Medina Line in a safe, responsible manner in accordance with all local, state and federal standards and regulations. We're making every effort to plan, manage and implement construction with safety and the community in mind.

Your SGRR project team includes:

- Erik Remmert, Vice President, Southwest Gulf Railroad Company
- Barton Chevreux, Project Manager, Southwest Gulf Railroad Company
- Cynthia Prieto, Community Liaison, Southwest Gulf Railroad Company

Our general contractor is Houston-based WT Byler Co, Inc., which has performed hundreds of miles of railroad construction in Texas and Louisiana. The company is a leader in the industry and has earned awards for their safety, health and environmental track record.

All workers will be held to the highest standards of safety and will be respectful of neighbors.

We are committed to continuing to work with our neighbors, answer questions and provide updates.

- Project updates posted to www.TheMedinaLine.com
- 24/7 community feedback line for questions and concerns at (800) 474-4086
- Sign up for email updates at www.TheMedinaLine.com

Neighbors should contact SGRR at (800) 474-4086 with questions, comments or concerns relating to construction. SGRR will coordinate responses with WT Byler Co. and the project team.

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Sara Ludueña, South Texas Project Reviewer
For: Mark Wolfe, State Historic Preservation Officer

cc: David H. Coburn, Steptoe & Johnson, LLP
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