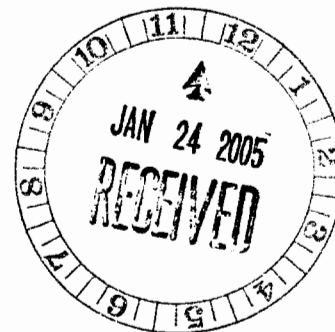




January 10, 2005

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284



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ROBERT L. COOK
EXECUTIVE DIRECTOR

RE: Draft EIS for Southwest Gulf Railroad Company construction and operation of a seven mile line of railroad in Medina County, Texas.

Dear Ms. Ghosh:

This letter is in response to your request for review of the Draft Environmental Impact Statement (DEIS) prepared by the Surface Transportation Board's Section of Environmental Analysis (SEA) to identify the impacts associated with the construction and operation of a seven mile line of railroad in Medina County, Texas. Texas Parks and Wildlife Department (TPWD) staff have reviewed the document and offer the following comments concerning the project.

The proposed project involves Southwest Gulf Railroad (SGR) constructing a single-track rail line in Medina County, Texas to connect a proposed Vulcan Construction Materials, LP (VCM) quarry and the Union Pacific Railroad Company (UP) Del Rio Subdivision at milepost 250 near Dunlay, Texas. The proposed seven mile line would primarily transport limestone from the proposed VCM quarry, but may provide transport services to other industries in the future. Four of fifteen alternative routes and the no-build alternative were considered in preparation of the DEIS. Of the build alternatives, the Proposed Route, Alternative 2, and Alternative 3 are of similar lengths (approximately seven miles), would traverse similar terrain, and would result in similar impacts upon natural resources in the area.

Mitigation for impacts associated with proposed project may be classified as those voluntarily agreed upon by the applicant, SGR, and those strongly recommended by the Surface Transportation Board based on information provided by natural resource agencies and other interested parties. Voluntary mitigation includes: performing maintenance and fueling activities outside of the Edward's Aquifer Recharge Zone, designing and locating bridges and culverts in areas that will avoid or minimize impacts in floodplains, coordinating with the U.S. Army Corps of Engineers regarding mitigation for impacts to jurisdictional waters and wetlands, implementing a Water Pollution Abatement Plan and a Storm Water Pollution Prevention Plan, and maintaining native grasses and shrubs inside the rails right-of-way (ROW). The SEA has provided 45 additional mitigation recommendations and has requested specific suggestions regarding appropriate



Take a kid
hunting or fishing

• • •

Visit a state park
or historic site

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mitigation for impacts associated with this project. TPWD concurs with the proposed mitigation recommended by SEA to the applicant and appreciates incorporating mitigation recommendations provided by this Department in previous correspondence.

In addition to the recommended mitigation for potential impacts to the fish, wildlife and habitat resources managed by this agency, the Department also offers the following recommendations.

Section 4.5 WATER RESOURCE IMPACTS

Section 4.5.3 Surface Water

SEA recommends that SGR design bridges to span the entire width of creeks and streams in the construction corridor. TPWD supports this design recommendation since bridges constructed to span creeks and wetlands avoid impacts to the waterbodies and stream bank stability and minimize changes to the hydrology at the crossings. In addition to the benefits of this design mentioned in the DEIS, elevating bridges and avoiding impacts to riparian vegetation also allows wildlife to continue to travel through established corridors along waterways in the project area.

Section 4.5.4 Wetlands

SEA anticipates that impacts to stream channels and associated wetlands would occur as a result of constructing temporary access roads through these sensitive areas. SEA considers the impacts to be minor since the roads would be removed promptly after construction. In order for these impacts to in fact be minor and to achieve no net loss of wetland functions and values, it is recommended that pre-construction surveys be conducted at each site to document the habitat conditions. Pre-construction surveys should include photographs of the sites, general descriptions of the dominant vegetation species and percent cover, and the elevations of the sites. Following construction, the pre-project elevations, contours and hydrologic conditions at each site should be restored to those pre-construction conditions. If pre-project conditions are restored, the areas should revegetate naturally within one or two growing seasons. It would be inappropriate to seed an area with native grasses if wetland areas did not contain those particular species prior to construction. TPWD recommend the restored sites be monitored for at least two years, and that a goal of 70% cover of original wetland species (pre-project conditions) be achieved.

Section 4.6 BIOLOGICAL RESOURCE IMPACTS

Section 4.6.2 Construction Impacts

Comments previously provided by this agency regarding the preservation of natural buffers, impacts to vegetation, and mitigation for loss of mature vegetation are still applicable.

The entire seven mile long, 40 foot wide rail ROW would be enclosed with fencing. No information regarding the height or the mesh size of the proposed fence was provided. This information should be provided in the final EIS. TPWD recommend at least a nine foot tall fence with fine mesh wire (1x1 to 2x2 inch) on the bottom one-third to one-half to prevent small and large animals from accessing the rail ROW. However, to allow wildlife the ability to continue moving across the landscape, wildlife underpasses should be incorporated in project plans. Placing culverts in areas likely to be used by amphibians, reptiles, and small mammals and using fine mesh fencing to direct wildlife into the culverts would allow them to pass safely under the rail. Whenever possible, similar techniques should be implemented at larger culverts and at bridges to allow larger mammals to continue moving safely through areas they are currently able to move through.

An updated county list of the rare, threatened and endangered species with the potential to occur in Medina County is attached and should be included in the Final EIS. Also, as recommended in a previous correspondence with this agency, TPWD's Natural Diversity Database (formerly the Biological and Conservation Data System) should be consulted for current information regarding State listed species that may occur in the project area. Please contact Celeste Brancel, 3000 S. IH-35, Suite 100, Austin, Texas 78704, for this information. A \$50 fee may be charged by TPWD for this review service.

Section 4.14 RECREATIONAL AND VISUAL RESOURCE IMPACTS

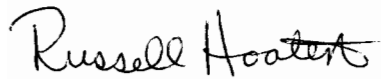
Section 4.14.2 Proposed Rail Line

SGR has agreed to maintain native grass and shrubs inside the rail ROW to allow the rail to blend with the surrounding area. TPWD appreciates this proposed action and recommends mowing grasses only in essential use areas in order to allow native grasses to prosper within the ROW.

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I appreciate the opportunity to provide comments on this project. Please contact me at (361) 825-3240 if we may be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Russell Hooten". The signature is written in a cursive style with a large, stylized 'R' and a long horizontal stroke at the end.

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh

Attachment

MEDINA COUNTY

Federal Status State Status

*** AMPHIBIANS ***

- Edwards Plateau Spring Salamanders** (*Eurycea* sp. 7) - endemic; troglotic; springs, seeps, cave streams, and creek headwaters; often hides under rocks and leaves in water; Edwards Plateau, from near Austin to Val Verde County
- Valdina Farms Sinkhole Salamander** (*Eurycea troglodytes* complex) - isolated, intermittent pools of a subterranean stream; sinkhole located in Medina County

*** ARACHNIDS ***

- Braken Bat Cave Meshweaver (=Veni's Cave Spider)** (*Cicurina venii*) – small, eyeless, or essentially eyeless spider; karst features in western Bexar County and eastern Medina County LE
- Government Canyon Bat Cave Meshweaver (=Vesper Cave Spider)** (*Cicurina vespera*) - small, eyeless, or essentially eyeless spider; karst features in northwestern Bexar County and northeastern Medina County LE
- Government Canyon Bat Cave Spider (=Government Canyon Cave Spider)** (*Neoleptoneta microps*) - small, eyeless, or essentially eyeless spider; karst features in northwestern Bexar County and northeastern Medina County LE
- Madla Cave Meshweaver (=Madla's Cave Spider)** (*Cicurina madla*) - small, eyeless, or essentially eyeless spider; karst features in northern Bexar County and northeastern Medina County LE

*** BIRDS ***

- American Peregrine Falcon** (*Falco peregrinus anatum*) - potential migrant; nests in west Texas DL E
- Arctic Peregrine Falcon** (*Falco peregrinus tundrius*) - potential migrant DL T
- Black-capped Vireo** (*Vireo atricapillus*) - oak-juniper woodlands with distinctive patchy, two-layered aspect; shrub and tree layer with open, grassy spaces; requires foliage reaching to ground level for nesting cover; return to same territory, or one nearby, year after year; deciduous & broad-leaved shrubs & trees provide insects for feeding; species composition less important than presence of adequate broad-leaved shrubs, foliage to ground level, & required structure; nests mid April-late summer LE E
- Golden-cheeked Warbler** (*Dendroica chrysoparia*) - juniper-oak woodlands; dependent on Ashe juniper (also known as cedar) for long fine bark strips, only available from mature trees, used in nest construction; nests placed in various trees other than Ashe juniper; only a few mature junipers or nearby cedar brakes can provide the necessary nest material; forage for insects in broad-leaved trees & shrubs; nests late March-early summer LE E
- Henslow's Sparrow** (*Ammodramus henslowii*) - wintering individuals (not flocks) found in weedy fields or cut-over areas where lots of bunch grasses occur along with vines and brambles; a key component is bare ground for running/walking; likely to occur, but few records within this county
- Mountain Plover** (*Charadrius montanus*) – breeding: nests on high plains or shortgrass prairie, on ground in shallow depression; nonbreeding: shortgrass plains and bare, dirt (plowed) fields; primarily insectivorous

Federal	State
Status	Status
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Zone-tailed Hawk (*Buteo albonotatus*) - arid open country, including open deciduous or pine-oak woodland, mesa or mountain country, often near watercourses, and wooded canyons and tree-lined rivers along middle-slopes of desert mountains; nests in various habitats and sites, ranging from small trees in lower desert, giant cottonwoods in riparian areas, to mature conifers in high mountain regions

***** FISHES *****

Edwards Plateau Shiner (*Cyprinella lepida*) - Edwards Plateau portion of Nueces basin, mainstream and tributaries of Nueces, Frio, and Sabinal rivers; clear, cool, spring-fed headwater creeks; usually over gravel

Guadalupe Bass (*Micropterus treculi*) - introduced in Nueces River system; endemic to perennial streams of the Edwards Plateau region

Nueces Roundnose Minnow (*Diionda serena*) - Edwards Plateau portion of Nueces basin, mainstream and tributaries of Nueces, Frio and Sabinal rivers

***** INSECTS *****

A Ground Beetle (<i>Rhadine exilis</i>) - small, essentially eyeless ground beetle; karst features in northern Bexar County and northeastern Medina County	LE
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A Ground Beetle (<i>Rhadine infernalis</i>) - small, essentially eyeless ground beetle; karst features in northern and western Bexar County and northeastern Medina County	LE
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Helotes Mold Beetle (<i>Batrissodes venyivi</i>) - small, eyeless mold beetle; karst features in northwestern Bexar County and northeastern Medina County	LE
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Manfreda Giant-skipper (*Stallingsia maculosus*) - most skippers are small and stout-bodied; name derives from fast, erratic flight; at rest most skippers hold front and hind wings at different angles; skipper larvae are smooth, with the head and neck constricted; skipper larvae usually feed inside a leaf shelter and pupate in a cocoon made of leaves fastened together with silk

***** MAMMALS *****

Black Bear (<i>Ursus americanus</i>) - within historical range of Louisiana Black Bear in eastern Texas, Black Bear is federally listed threatened and inhabits bottomland hardwoods and large tracts of undeveloped forested areas; in remainder of Texas, Black Bear is not federally listed and inhabits desert lowlands and high elevation forests and woodlands; dens in tree hollows, rock piles, cliff overhangs, caves, or under brush piles	T/SA; NL	T
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Frio Pocket Gopher (*Geomys texensis bakeri*) - associated with nearly level Atco soil, which is well-drained and consists of sandy surface layers with loam extending to as deep as two meters

***** REPTILES *****

Indigo Snake (<i>Drymarchon corais</i>) - Texas south of the Guadalupe River and Balcones Escarpment; thornbush-chaparral woodlands of south Texas, in particular dense riparian corridors; can do well in suburban and irrigated croplands if not molested or indirectly poisoned; requires moist microhabitats, such as rodent burrows, for shelter		T
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Federal State
Status Status

Keeled Earless Lizard (*Holbrookia propinqua*) - coastal dunes, barrier islands, and other sandy areas; eats insects and likely other small invertebrates; eggs laid underground March-September (most May-August)

Spot-tailed Earless Lizard (*Holbrookia lacerata*) - central & southern Texas and adjacent Mexico; oak-juniper woodlands & mesquite-prickly pear associations; eggs laid underground; eats small invertebrates

Texas Garter Snake (*Thamnophis sirtalis annectens*) - wet or moist microhabitats are conducive to the species occurrence, but is not necessarily restricted to them; hibernates underground or in or under surface cover; breeds March-August

Texas Horned Lizard (*Phrynosoma cornutum*) - open, arid and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees; soil may vary in texture from sandy to rocky; burrows into soil, enters rodent burrows, or hides under rock when inactive; breeds March-September

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Texas Tortoise (*Gopherus berlandieri*) - open brush with a grass understory is preferred; open grass and bare ground are avoided; when inactive occupies shallow depressions at base of bush or cactus, sometimes in underground burrows or under objects; longevity greater than 50 years; active March-November; breeds April-November

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*** VASCULAR PLANTS ***

Bracted twistflower (*Streptanthus bracteatus*) - endemic; shallow clay soils over limestone, mostly on rocky slopes, in openings in juniper-oak woodlands; flowering April-May

Sandhill woollywhite (*Hymenopappus carrizoanus*) - endemic; open areas in deep sands derived from Carrizo and similar Eocene formations, including disturbed areas; flowering late spring-fall

Texas mock-orange (*Philadelphus texensis*) - endemic; limestone cliffs and boulders in mesic stream bottoms and canyons, usually in shade of mostly deciduous sloped forest; flowering April-May

Status Key:

LE,LT - Federally Listed Endangered/Threatened

PE,PT - Federally Proposed Endangered/Threatened

E/SA,T/SA - Federally Endangered/Threatened by Similarity of Appearance

C1 - Federal Candidate, Category 1; information supports proposing to list as endangered/threatened

DL,PDL - Federally Delisted/Proposed for Delisting

NL - Not Federally Listed

E,T - State Endangered/Threatened

"blank" - Rare, but with no regulatory listing status

Species appearing on these lists do not all share the same probability of occurrence. Some species are migrants or wintering residents only, or may be historic or considered extirpated.