



TEXAS
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The State Agency for Historic Preservation

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#E1-942
R2

July 20, 2004

Ms. Victoria Ruston
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20402-0001

received
8/9/04

Re: *Project review under Section 106 of the National Historic Preservation Act of 1966
Southwest Gulf Railroad Company, Medina County (STB/106)*

Dear Ms Ruston:

Our agency has received and been copied on correspondence addressed to your agency for the above referenced project. We have also received a letter from the attorney for the Southwest Gulf Railroad (SGR), David H. Coburn of Steptoe & Johnson, LLP, concerning the rejection of the Medina Dam Route.

Our agency's concern in this matter regards a statement in Mr. Coburn's correspondence to you, dated May 4, 2004, which includes the following statement on Page 13:

"It is also likely that the traffic of other shippers that might locate on the line will be headed eastbound since there are more potential markets to the east of the area."

As noted in the regulations implementing Section 106 of the National Historic Preservation Act, when assessing determination of effect, adverse effects "may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative." (36 CFR Part 800 – Protection of Historic Properties, Section 800.5 (a)(1))

Our agency considers the cited comment from Mr. Coburn's letter to indicate foreseeable effects to historic property and associated cultural landscapes, which may result in an adverse effect determination from our office. Without some legal assurances that new facilities will not be granted access to the proposed spur, we can only anticipate a possible adverse effect.

We would like to discuss the direct and indirect impact of this undertaking on the cultural landscape of these historic properties. Please contact me at 512/936-4323 to schedule a meeting and/or conference call to discuss this matter. Thank you for your cooperation in this federal review process.

Yours truly,

F. Lawrence Oaks, State Historic Preservation Officer

cc: John Nau, III, Chair, Texas Historical Commission
Albert Hausser, Texas Historical Commission
Rini Ghosh, Surface Transportation Board
David H. Coburn, Steptoe & Johnson, LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036-1795