

Panama Payaya
Raymond Hernandez

Pampopa
Mick Killan

Venados
Teodoso Herrera

Auraca Pakame
Ramon Vasquez
Y Sanchez

Pacoa
Steven Casanova

Tap Pilam – Coahuiltecan Nation

Tribe: Panam-a Payaya

273 Nicks Rd.

Comfort, Texas 78013

(830) 995-3356

E-Mail: coahtexo@hctc.net

HEI-1906
HW

April 17, 2007



Victoria Rutson
Section of Environmental Analysis, Chief
U.S. Surface Transportation Board
395 E. Street, SW
Washington, DC 20423-0001

Charlene Dwin Vaughn
Assistant Director
Federal Permitting, Licensing, & Assistance Section
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Ave., NW, Ste. 803
Washington, DC 20004

F. Lawrence Oaks
Executive Director
Texas Historic Commission
P.O. Box 12276
Austin, Texas 78711-2276

RE: U.S. STB Finance Docket No. 34284
Southwest Gulf Railroad-Construction & Operation-Medina County, Texas
NHPA Section 106 Consultation

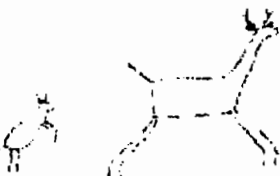
Dear Consulting Parties

After reviewing Southwest Gulf Railroad attorneys April 5, 2007 letter, the Tap Pilam Nation Tribal Council (pronounce, Taap Pilamm) submits the following statements for consideration.

For the Record, Tap Pilam Coahuiltecan Nation is opposed to the SGR "Proposed route", and prefer the MCEAA Medina Dam Alternative route. This decision was made after much deliberation and discussion within our Tribal Council & Communities. The Proposed Route by Southwest Gulf Railroad including all it's mitigation measures is certain to be more disruptive and likely to destroy much of our ancestral cultural & history deposits. This Proposed route courses through the Quihi valley, and area known to us to have been inhabited by our Tribal ancestors. On January 27, 2007 our Historical researchers provided a small amount yet significant & conclusive historical documentation of our Historical, Cultural & Spiritual (Religious with regards to the "cenotes") evidence that clearly establishes our Tribal affiliation to this project area.

European Spanish Archival records along with past archeological excavations provide a clear pattern of how our ancestors inhabited much of the Hill County, from parts of East Texas into West Texas, Gulf, and South Texas. Our Ancestors may have been driven and displace from much of our homelands, but many of our Ancestors cultural & historical presence remains and they are buried near the very waters that their livelihood depended on for survival.

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My experiences in the past 18 years in Texas with Federal, State Governmental agencies & Private industries have been disappointing to say the least. No matter how well intended this process is meant to be by well meaning people, the actions of those after they have obtain their permits usually fall way short of their responsibilities that they are bound to. We respectfully offer the following reasons for our objections to this propose route.

- (1) This proposed route with it's necessary excavations, cuts, fills and alteration of the terrains will surely destroy much those historical deposits.
- (2) State and Federal permitting processes in the past have been only pro-forma: no meaningful or with very little input and participation with Tribal communities that are most affected from this process.
- (3) Deadlines, cost factor, Political pressure & interference become the sole basis for disregarding & ignoring Federal, State Laws compliance at the expenses of Tribal communities.
- (4) Past excavations under these conditions have demonstrated it's of no or little benefit to our Communities.
- (5) Tribal communities in Texas have historically been omitted in the "scoping" and "monitoring" of the permitting process; with regards on projects that involve Indian cultural deposits, burials, ect...
- (6) It is clear to us who have had the difficult & burdensome experiences of having to rebury many of our ancestors in the past that the offer in allowing us that privilege is somewhat disingenuous and offensive. We do so only because we know the alternative of past abusive, and it is the only alternative that we have if we wish to protect our culture & historical past. We have a clear understanding between ignorance and stupidity. We would like to avoid that possibility or certainly minimize that possibility.
- (7) Our traditions, culture, & spirituality requires relevance to the sacredness' of our past along with our responsibility to those ancestors whose sacrifices provided us with our very existence and hope for our future.

At the public hearing on 3-26-07 I commented on the high probability of encountering cultural deposits, and ancestral remains, these remarks were then supported by the Texas SHPO Mr. Larry Oaks. Therefore, the alternate routes proposed by the MCEAA would present the less likelihood of encountering ancestral remains & deposits.

In conclusion the Tap Pilam Coahuiltecan Nation respectfully requests that the STB, THC, and ACHP not approve the "Propose route" as made by Southwest Gulf Railroad Co.

Respectfully

Tap Pilam Nation
Tribal Council Representative
Historic & Cultural Preservationist
Raymond Hernandez

C.C. AITSCM

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