



#E1-21245

CULTURAL HERITAGE PARTNERS, PLLC
innovation for preservation

January 11, 2016

Surface Transportation Board
Office of Environmental Analysis
Attn: Diana Wood
395 E. St. SW, Room 1110
Washington, DC 20423-0001

VIA EMAIL

Re: ***STB Docket No. FD 34284- Southwest Gulf Railroad Company-
Construction and Operation Exemption- In Medina County, Texas;
Executed Programmatic Agreement pursuant to Section 106 of the
National Historic Preservation Act, 54 USC § 306108***

Dear Ms. Wood,

The Medina County Environmental Action Association (MCEAA) represents the interests of over 90 families resident in the community impacted by this project. The MCEAA Board of Directors has reviewed the executed Programmatic Agreement (PA) and declines to sign it as a concurring party. MCEAA and its members understand that refusal to sign will not impact our rights as consulting parties to participate in the implementation of the executed PA. MCEAA intends to be an active consulting party throughout the process of assessing impacts of SGR's planned rail line on historic and archaeological sites and developing plans to resolve adverse effects.

MCEAA's members are disappointed that the concerns of so many stakeholders in the community have been ignored in the drafting of the executed Programmatic Agreement. Given the Surface Transportation Board's repeatedly stated preference in the PA for avoidance of negative impacts on historic resources, we are bewildered that SGR would choose this route to build their railroad. Even before the required archaeological studies are completed under the PA, it should be obvious to all that the Modified Eastern Bypass Route will directly impact far more cultural resources more severely than other alternatives. This choice is even stranger given that the engineering required on this route is also more complicated than the alternatives.

MCEAA's members are concerned that the preference of this route may be in deference to the wishes of a single family, whose property the Modified Route bypasses, at the expense of the cultural heritage of the rest of the community. MCEAA is concerned that this family has a financial stake in the Vulcan quarry and thus has unfairly influenced this process, putting at risk nationally significant cultural resources. This modification was never presented to the public for comment during the comment period for the SDEIS ending on January 29, 2007. The Final EIS, served on May 30, 2008, presented for the first

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time this "slight" modification (as described by Attorney Coburn), and presented it as an approved route. Because it was first presented in the Final EIS, there was no opportunity for comment. This modification is not a "slight" modification. It moves the route over to the west some 927.71 acres, as shown on the attached map.

MCEAA, its counsel, and the prominent professional cultural resource management firm advising MCEAA, look forward to reviewing HDR's survey of the area of potential effect and to continuing to participate in this process to minimize the harm from SGR's poorly conceived rail project.

Best regards,



Marion F. Werkheiser
Attorney for MCEAA

