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April 17, 2007

Mr. F. Lawrence Oaks
Executive Director
Texas Historical Commission
PO Box 12276
Austin, TX 78711-2276

Dear Mr. Oaks:

I am writing to offer some comments on the letter of April 5, 2007 submitted by Mr. David Coburn of Steptoe and Johnson, LLP, dealing with the proposed routes of the Vulcan/SGR railroad.

Aside from the fanciful sketch of the rustic bridge over the Quihi Creek floodplain, there are other flights of fancy in this letter relating to historic preservation, archaeology, and the local Medina County Historical Commission (MCHC).

With regard to the Quihi Rural Historic District (QRHD), does not the detailed study provided by URS, and prepared with great diligence by Terri Myers, present all the data needed for such a designation (e.g., comparable to the detail in the SDEIS)? Will it require a half-million dollar "contribution" to wrap that up? Having worked with researchers who have submitted National Register nominations and the like, I am aware that this is time-consuming. But the process has already been started by the Quihi and New Fountain Historical Society (QNFHS), at no cost to anyone.

Contrary to Mr. Coburn's statement on p. 4, paragraph 3 of the April 5, 2007 letter, the QNFHS is not a creation of MCEAA. Indeed, it was organized in 2003 by Cynthia Lindsey and myself, after I had told Mrs. Lindsey of the THC's **"HELP" program** that was functional when the group was formed in 2004. The purpose of the QNFHS was to prepare HELP forms for endangered structures in the Quihi area. Numerous individuals joined together to assemble well over 60 of these forms, with photographs, all of which was provided to the files at THC. The Fitzgeralds had nothing to do with the formation or activities of the QNFHS, though the one fact that Mr. Coburn got straight was that Alyne Fitzgerald is currently the President.

Next, the Medina County Historical Commission is not designated to receive and expend funds that would benefit the QRHD at Quihi. It is inappropriate to even suggest that \$75,000 might be routed to the MCHC. My wife and I both served on the MCHC from 2000-2006 (we resigned in late 2006). Karen Muennink is the one member of the MCHC who has deep interests in the historical resources of Quihi. But, the activities of the MCHC in recent years have not included any activity at Quihi. Indeed, it was Mrs. Muennink who wrote the recent resolution opposing the "proposed route" through Quihi as posted on the STB incoming correspondence board.

I'm sure you know just how ineffective it has been in historic preservation to "incentivize" (p. 3, 3) businesses to locate outside of a historical district. Even government agencies and local police cannot protect National Register sites from destruction by vandals or by business development. And to think that if a business located on the Vulcan/SGR railroad within the QRHD, it is facile to think that "\$75,000" would somehow "mitigate" the loss of historic resources or the impact to those nearby. Again, as you know, \$75,000 will buy very little in cultural resource studies these days. Mr. Coburn has criticized me in the past for stating that archaeological mitigation can be extremely expensive, but having been involved in such work as an administrator for 30 years, I have plenty of evidence to support the increasingly high level of expenditures that are required!

The proposed consultation with the Tap Pilam Tribal Council is to be commended. It is my distinct impression that Mr. Ray Hernandez, whom I have known for years, is greatly opposed to any excavation of Native American human remains and that a "reburial" program is not what he wants! He is especially concerned about the sinkholes in the proposed quarry locale. I pointed out **in the first letter I sent to the STB, on November 6, 2003**, that such sinkholes were the preferred spots for disposal of the dead by prehistoric peoples in Central Texas. Of course, the quarry is not tied to the railroad in some minds, but I can't see that stopping Mr. Hernandez, and other groups such as the Lipan Apache, from generating extreme adverse reactions to the project in the media and elsewhere (something for which he is well known – and in which he is very successful!) if the quarry is opened with the present absence of data on the sinkholes there.

And while Mr. Gerdes is not accurately quoted in Mr. Coburn's letter (p. 4, para. 4), it is unclear to me where the newest of the new proposed route would be placed. members of the Southern Texas Archaeological Association have recorded important **prehistoric sites in this area**, many of them pointed out to them by Mr. Gerdes. Since there has never been a full-scale pedestrian archaeological survey of any of these routes, it could well be that large expenditures and a great deal of time will be needed to mitigate archaeological resources.

In closing, let me offer my personal thanks to you for your hard work in dealing with this issue. The THC clearly opposes the "proposed route," and has ignored offers of huge sums of money from Vulcan/SGR that would no doubt benefit the work of the THC, given its meager State appropriations. I would assume that as Chair of the Advisory Council on Historic Preservation, Mr. John Nau III (chairman of the Texas Historical Commission) will also strongly oppose the destruction of this unique rural historic landscape at Quihi.

Sincerely,

Thomas R. Hester, Ph.D.
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