

#EI-138Z
RH

The Medina County Environmental Action Association, Inc.
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January 28, 2005

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Ms. Victoria Rutson, Chief
SEA Division
Surface Transportation Board
1925 K Street NW
Washington, D.C. 20423-0001

FD 34284

Re: Mitigation Measures
FD 34284
VCM/SGR Proposed Project
Medina County TX

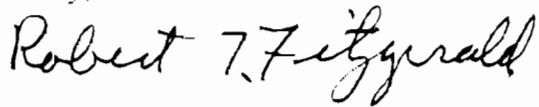
Dear Ms. Rutson:

MCEAA notes with frustration SGR's letter (EI-1296) written by David Coburn January 10, 2005, which brazenly directs STB to modify several of STB's mitigation measures. STB must not allow an applicant for a permit to dictate mitigation measures or alter them so as to make the mitigation impotent. What environmental protection is accomplished if STB's suggested mitigation is delayed, not done, or not done properly until after a permit is granted? Under these conditions, what data does STB have on which to grant a permit? MCEAA specifically refers to measures # 6 and #24 in Mr. Coburn's letter. These suggested modifications by SGR deal with 2 important measures, traffic and flooding. MCEAA and others have repeatedly brought these environmental factors to STB's attention. A permit must not be granted to SGR, on a "give me the permit now, and trust me that I will do flooding studies and build overpasses later" basis.

SGR, like its' parent company Vulcan Materials, cannot be trusted, and must be required to do all the mitigation measures before a permit is granted. This is the only way STB can properly evaluate and be aware of the environmental impacts this project will cause and be assured that they are the least harmful to the environment. Since STB is responsible for granting a permit, it must not assume that other agencies will provide a safety net to make up for STB's failure to do its' duty.

At this time MCEAA wishes to inform STB that we agree with Mr. Larry Oaks, Chairman of the Texas Historical Commission, that the Programmatic Agreement published in the DEIS is unacceptable. Only by bypassing the Quihi and Cherry Creek floodplains can a rail line be constructed to avoid flooding the historic and archeological heritage of the Quihi Historic District. MCEAA again wishes to bring to STB's attention that a variation of the abandoned 1911 GH&SA line from Dunlay to Mico could accomplish this requirement. We again urge STB to re-evaluate this route based on data supplied in the DEIS comment period for the DEIS submitted by MCEAA.

Sincerely,



Robert T. Fitzgerald, President
MCEAA, Inc.

CC:

Mr. Roger Nober, Chairman, Surface Transportation Board
U.S. Representative Henry Bonilla
U.S. Senator John Cornyn
U.S. Senator Kay Bailey Hutchison
Texas Senator Frank Madla
Texas Representative Tracy King
Cheryl Jasper, U.S. Army Corps of Engineers
Mr. Larry Oaks, Texas Historical Commission
Ms. Hope Andrade, Texas Department of Transportation
Dawn Whitehead, U. S. Fish and Wildlife Service
David Barton, The Gardner Law Firm
Dr. Lynn Kitchen, Adams Environmental, Inc.

MCEAA, Inc., for your Home, Health, and Heritage