

#E1-2820
221



January 29, 2007

Rini Ghosh
Surface Transportation Board
Case Control Unit
Washington, DC 20423

Received
2/8/07

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RE: STB Docket No. FD 34284
Southwest Gulf Railroad Company rail construction and operation,
Medina County, Texas

Dear Ms. Ghosh:

This letter is in response to the request for comments regarding the Supplemental Draft Environmental Impact Statement (SDEIS) prepared for Southwest Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The proposed line would extend from a proposed Vulcan Construction Material's LP limestone quarry to the Del Rio subdivision of the Union Pacific Railroad Company near Dunlay, Texas. The SDEIS was prepared to: 1) evaluate three alternative rail routes in addition to the four routes considered in the Draft Environmental Impact Statement (DEIS); 2) discuss historic property identification; and 3) evaluate additional noise and vibration analysis.

Texas Parks and Wildlife Department (TPWD) reviewed the SDEIS and has comments regarding the following issues:

- Wildlife impacts
- Proposed mitigation



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hunting or fishing

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Visit a state park
or historic site

Wildlife impacts

It is understood that concerns regarding impacts to wildlife expressed by TPWD during the review of the DEIS will be addressed in the Final EIS; however, similar wildlife impacts associated with the three new alternatives (collectively referred to as the "Eastern alternatives") are likely and the anticipated methods to avoid, minimize or compensate for those impacts should have been included in the SDEIS. Habitat fragmentation and specific impacts to the Texas tortoise (*Gopherus berlandieri*) (i.e., stranding between the rails) remain of particular concern to TPWD. Regardless of which alternative is selected, the state threatened Texas tortoise and Texas horned-lizard (*Phrynosoma cornutum*), as well as other herpetiles will very likely occur in the majority of the project area.

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Following review of the DEIS, TPWD corresponded with the SGR's environmental consultants regarding measures to take to avoid impacts to the Texas tortoise that would benefit other species in the area as well.

The SDEIS also addressed noise and vibration issues but did not consider their impacts on wildlife. While little information exists on the impacts of low speed transportation projects, the impacts of high-speed transportation, noise and vibration on wildlife have been documented and indicate that few species ever become accustomed to high noise levels. Potential impacts can range from causing individuals to flee the area to interrupting reproductive cycles and interfering with behavior. Impacts to fossorial mammals that could potentially occur in the area should be considered. Areas of sandy/loam soils along drainages in the project areas could provide suitable habitat for the Frio Pocket Gopher (*Geomys texensis bakeri*), a species of concern that has been documented in Medina County along drainages approximately 15 miles west of the proposed rail line. TPWD recommend the construction (temporary) and operation (permanent) impacts of noise/vibration on wildlife be discussed in the Final EIS.

Proposed mitigation

Mitigation for impacts associated with the proposed project may be classified as those voluntarily agreed upon by the applicant, SGR, and those strongly recommended by the Surface Transportation Board's Section of Environmental Analysis (SEA) based on information provided by natural resource agencies and other interested parties. As stated in the review of the DEIS, TPWD again concurs with SEA's recommended mitigation measures, particularly those pertaining to Biological Resources (#33-36) reiterated in Section 6 of the SDEIS. TPWD strongly encourages SEA to recommend SGR to include one or more of the tortoise excluding devices described by TPWD in its correspondence with URS following review of the DEIS (see attached letter). The inclusion of such devices could greatly mitigate any potential adverse impacts the rail would have on the threatened Texas tortoise as well as other small species that could be negatively impacted by the project. Measures to exclude tortoise entrapment between the rails include: placing culverts at 1/8 mile intervals to allow herpetiles to cross under the rail; placing structures between the rails at at-grade crossings to block the most likely potential entry points, and/or including small ramps along the rail that would allow tortoises to escape over the rail.

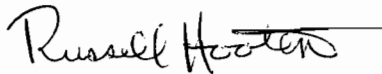
The information presented indicates that the three "Eastern alternatives" present fewer wildlife habitat impacts than the previously presented alternatives routes

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because they avoid more well developed riparian areas and other potential high quality wildlife habitats that occur in the other alternative routes considered. TPWD concurs that of the "Eastern alternatives," the Eastern Bypass Route and the MCEAA Medina Dam Alternative would result in the fewest impacts to resources of concern for TPWD.

TPWD advises review and implementation of these recommendations. If you have any questions, please contact me at (361) 825-3240.

Sincerely,

A handwritten signature in black ink that reads "Russell Hooten". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh

Attachment



October 28, 2005

Phil Ponebshek
Senior Project Manager
URS Corporation
9400 Amberglenn Blvd
Austin, TX 78720

RE: SRG Rail line: Tortoise and other small animal exclusion devices

Dear Mr. Ponebshek:

This letter is in response to the October 04, 2005 meeting notes you prepared regarding potential impacts to small animals, particularly tortoises and box turtles, associated with the proposed Southwest Gulf Railroad (SGR) line in Medina County. Texas Parks and Wildlife Department (TPWD) appreciates the opportunity to meet and discuss the project and potential alternatives to address our concerns.

As stated in the meeting and reflected in the meeting notes, TPWD is concerned with the physical and behavioral barriers created by railroads that result in fragmenting the habitat. Also, and more specifically, TPWD is concerned with direct impacts to the threatened Texas Tortoise (*Gopherus berlandieri*) as well as the Western Ornate Box Turtle (*Terrapene ornata ornata*) becoming trapped between rail lines. Mitigative measures to address these issues were discussed during the meeting.

To avoid or minimize fragmentation impacts, TPWD strongly recommends including corridors at intervals equal to or less than one-eighth of a mile that link habitats in the project area. TPWD concurs with the proposed measure that these corridors may result from bridges or culverts constructed to cross waterbodies or topographic features or from the installation of culverts through the railroad ballast.

Potential impacts regarding tortoises and other small animals consist primarily of becoming trapped between rail lines where they are susceptible to predation and physiological stresses including: 1) the core body temperature reaching the critical thermal maximum (the point at which tortoises are incapable of coordinated locomotion), 2) dehydration and 3) death. TPWD staff recommended surveying the project corridor to determine the presence/absence of tortoises near the project area. Because the Texas Tortoise is crepuscular (*i.e.*, most active at twilight) and hibernates (or more correctly "brumates") generally from October through March or April, determining their actual presence in the area with any degree of

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Mr. Ponebshek
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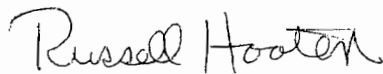
confidence could be extremely difficult and expensive. Surveys would also have to be postponed until Spring 2006 at the earliest.

TPWD strongly recommends employing more cost effective mitigative measures to avoid potential tortoise entrapment impacts. Such measures include installing either escape devices at intervals along the tracks or barriers at at-grade crossings. Beveled escape ramps described by TPWD staff placed at intervals along the rail would provide stranded tortoises a means of escape in multiple places. Alternatively, a flexible barrier described by Mr. Mase, a consultant on the project, installed at at-grade crossings would prevent tortoises from entering the intra-rail space. Other alternatives discussed at the meeting included a cattle-guard type device between the tracks or a pit-fall into a culvert under the tracks to prevent tortoises from becoming trapped between the tracks. It is the opinion of TPWD staff that any of these devices could be engineered to avoid potential conflicts (*i.e.*, entanglements or snagging) with hoses hanging from rail cars.

While no one exclusion device is endorsed over another, TPWD strongly encourages one of the measures to be incorporated into project plans to avoid impacts to the state listed Texas Tortoise. TPWD staff appreciates your interest in Texas' wildlife resources and this agency's efforts to protect them.

Thank you for the opportunity to provide comments on this portion of the SGR Rail Line project. Please contact me at (361) 825-3240 if we may be of further assistance.

Sincerely,



Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

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