

HEI-26174

August 11, 2017

To Diana Wood, Office of Environmental Analysis, Surface Transportation Board, Washington, D.C.

Re: FD 34284 Southwest Gulf Railroad
Sec. 106 Draft Resolution Plan dated May 30, 2017
and Programmatic Agreement, Stipulation IV, Resolution of Adverse Effects, C.

Dear Ms. Wood:

As per your email request yesterday, MCEAA wishes to submit the following questions prior to the acceptance of the Final Resolution Plan:

1. Is the Office of Environmental Analysis aware of the destructive activity of 41ME261, which occurred on or about July, 31, 2017. Now, all ten structures of HDR's AR01 location have been demolished, leveled by bulldozers and the debris removed in dumpsters. These structures were on the perimeter of Upper Quihi Rural District, located in the APE of the Railroad loop. We would like to know if archeological studies and investigations at this location have been completed by this time, as required by the Sec 106 process. Question: if the above studies were not completed, wasn't this destructive action a violation of the Programmatic Agreement of December 18, 2015, which states no construction of the railroad could be done prior to the completion of the final resolution plan? An additional question – if there was a violation, what action would the Surface Transportation Board take?
2. According to postings on the STB website, comments from consultants were unanimous in stating disapproval of the Draft Resolution Plan, stating that it was inadequate, hastily done, needed much more investigation work, and was therefore unacceptable. Will these comments be honored? If not, why not?
3. The solutions being considered up to this point are completely unworkable. It is hard to imagine how vegetation and landscaping will disguise or hide the visual impact of this rail spur project and serve to preserve the aesthetics of the Upper Quihi Rural Historic District (UQRHD), and no drawings are offered. In addition, to have SGR write books on the history of this area is laughable. For over a hundred years, qualified and dedicated historians have been writing and continue to write about the Henri Castro Colonies in Medina County. Families still collect their histories to share with others. The survey of the historic districts of Quihi, Upper Quihi, and New Fountain by Preservation Central, Inc., in 2006 is an in-depth study on the districts. Moreover, the proposal to create a mobile exhibit depicting the history of the UQRHD to traverse the area is inadequate and unworkable for the long term. Question: Are these solutions seriously being considered?
4. The draft resolution plan was prepared by unnamed sources with no statement of their qualifications and experience. Inquiries to the TSHO concerning these unnamed sources referred us to you for this information. Please give us the name, background, education and experience of these individuals as required in the December 18, 2015 Programmatic Agreement, Attachment A, pages 50 & 51. This information is necessary to quiet the doubts concerning the identity and qualifications of the author(s) who wrote the resolutions offered to the adverse effects. More importantly, this information would fulfill the disclosure of qualifications and adherence to the professional requirements stated in Attachment A of the current (2015) Programmatic Agreement in force now. It was noted that this qualification page was omitted in SGR's Draft Resolution Plan, pgs. B-1 and B-2 submitted by SGR's David Coburn dated May 30, 2017.

5.The correspondence from the THC to STB dated June 29, 2017, was the deadline date for comments. (This correspondence essentially duplicated SGR's draft resolution plan dated May 30, 2017). Therefore, it precluded the possibility of adequate time for review of comments by all commenters (particularly by the ACHP, MCEAA, knowledgeable professionals such as Dr. Tom Hester, and historical groups such as the Quihi & New Fountain Historical Society, and the Castroville Conservation Society). We all reached the conclusion that consultants comments were not being duly considered. The archeological information regarding this project supplied over the past 18 years by renowned archeologist Dr. Tom Hester has been largely ignored. Dr. Hester, Professor Emeritus of the University of Texas Austin, is very familiar with the Quihi area, having performed digs here numerous times over the past decades. He states that the Quihi area, with its evidence of human occupation for over 10,000 years, is a prime region for archeological discoveries. His latest letter – EI 12629, should be carefully reviewed. Please comment on this complaint.

6.The Corp of Engineers approved the Sec. 404 permit on June 29, 2017. COE rules have notification requirements. We would like to know if SGR's pre-construction notification to the COE noted that this permit would have to consider the possible adverse effects to the UQRHD by the rail crossing of the Quihi Creek? Were any mitigation measures required to preserve and protect archeologic and historic structures from flooding caused by the rail crossing? Also, were any of the Indian tribes notified as required by the COE?

7.The Resolution Plan provides for consultants' comments. We see no mention in the correspondence of OEA, Texas Historical Commission and Southwest Gulf Railroad with each other that our comments are being used or considered. We hope that the Final Resolution Plan will use our knowledge of the District to preserve its eligibility for the National Register. If the landscaping, vegetation, and brochure solution is adopted as contained in the correspondence noted above, will the UQRHD remain eligible for the National Registry?

8.An alternative STB-approved route that avoids the UQRHD exists since 2006. Using this alternative route would allow the UQRHD to maintain its eligibility for the National Register. Has STB ever questioned why SGR does not want to use this route? We would like an answer to this question.

9.Another question remains unanswered: Aside from the flooding issues mentioned in Coburn's email dated July 5 concerning new shippers, we previously asked: Wouldn't the ACHP and THC need to determine the *aesthetic* effects and visual impacts of a new shipper locating in the UQRHD? Wouldn't factors such as the type of new shipper, its location and appearance of the facilities need to be evaluated for possible adverse effects on the UQRHD eligibility for the National Register? Shouldn't provisions for this be included in the Final Resolution Plan?

10.What plans are being made for obtaining archeological and architectural data from affected properties having no right of entry as of this date? Shouldn't provisions for this be made in the Final Resolution Plan?

This rail spur has been stalled since its inception in year 1999, and with good reason. Although changes were made over the years, the numerous serious flaws in its planning still exist in other forms. We thank you in advance for your attention in this matter.

Dr. Robert Fitzgerald, President, Medina County Environmental Action Association

CC: Advisory Council on Historic Preservation, State Historic Preservation Officer (SHPO) - Texas Historical Commission, Medina County Historical Commission, Quihi & New Fountain Historical Society, Castroville Conservation Society, Dr. Tom Hester, U.S. Representative Will Hurd