



Preserving America's Heritage

HEI-2921
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April 27, 2007

Ms. Victoria Rutson
Chief
Section of Environmental Analysis
U.S. Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: *Proposed Southwest Gulf Railroad (SGR) – Construction & Operation
Medina County, Texas*

Dear Ms. Rutson:

The Advisory Council on Historic Preservation (ACHP) wishes to thank STB for hosting the conference call on April 20, 2007, to continue the Section 106 consultation process regarding the referenced undertaking. The discussion among the consulting parties was very informative and allowed all the participants to provide their perspectives regarding the most recent mitigation proposals for SGR's Proposed Route. The comments and concerns expressed by the participants were generally related to the location of their property and broader economic and preservation interests of the community. The Texas State Historic Preservation Office (SHPO) and the Tam Pilam-Coahuiltecan Nation expressed a preference for the Eastern alternatives.

As previously discussed, we understand that STB will carefully consider the information collected to date, including the historic landscape study prepared for STB, the mitigation SGR has proposed for its Proposed Route, and the views of the consulting parties, to determine which of the alternatives will be the subject of continued Section 106 consultation. Similar to the process undertaken for the analysis of SGR's Proposed Route, STB should examine the full range of historic preservation issues for the Eastern alternatives. Further, these historic preservation issues should be considered in the broader environmental context, as one of several differentiating environmental factors.

As STB continues its evaluation of alternatives, we believe greater clarity is needed regarding the significance, defining characteristics, and integrity of the Quihi and Upper Quihi Rural Historic Districts, since each alternative has the potential to adversely affect one or both historic districts. A clear identification of the contributing elements within the historic districts will assist the consulting parties in assessing which elements would warrant avoidance, preservation, or protection during project planning. Accordingly, we request, pursuant to 36 CFR § 800.4(c)(2) of the ACHP's regulations implementing Section 106, that STB obtain a determination of eligibility for these two historic districts from the Keeper of the National Register of Historic Places. A formal determination of eligibility from the Keeper, pursuant to 36 CFR § 63, will provide STB and all the consulting parties definitive baseline information.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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We suggest that STB request the following information from the Keeper in its request for a formal determination of eligibility:

- A determination as to whether the Quihi and the Upper Quihi Historic Districts are eligible for the National Register as separate and distinct districts or as a single district;
- A determination of the appropriate boundaries of any eligible historic district(s);
- A determination of the contributing and non-contributing elements of any eligible historic district(s), considering both significance and integrity, including any rural landscape elements (land uses and activities, patterns of spatial organization, circulation networks, boundary demarcations, etc.); and
- The significance of *cenotes* within any eligible historic district(s) and the basis of their importance to Indian tribes.

We are particularly interested that the potential for adverse effects to known *cenotes* are evaluated and considered by STB because the Tap Pilam-Coahuiltecan Nation has indicated that it ascribes religious and cultural significance to these sites. We encourage STB to continue consultation with the Nation and the Texas SHPO to obtain any additional information regarding these *cenotes* if necessary to give these sites full consideration. In addition, STB should recognize that *cenotes*, or sink holes, may present engineering challenges for the design of the proposed railroad.

We appreciate the significant effort STB has expended in coordinating the Section 106 review for this undertaking. If you wish to discuss these or other issues further, please contact Katry Harris by phone at (202) 606-8520 or by e-mail at kharris@achp.gov. Please feel free to circulate this letter to the consulting parties.

Sincerely,



Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs