

HEI-3251  
FD 34284  
JW

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Victoria Rutson  
Surface Transportation Board  
Case Control Unit  
395 E. Street SW,  
Washington DC 20423  
(202) 245-0302

**RE; STB Finance Docket No. 34284, SGC-Construction and Operation  
Exemption-Medina County, TX; Response to Availability and Re-  
quest Public Review and Comment on the Draft Programmatic A-  
greement:**

**Attention: Diana Wood, SEA Project Manager,**

This is our formal response to the STB,s final Programmatic Agreement.

1. (CRA)Coahuiltecan Research Associates acknowledges that this permitting process is governed by several federal laws:includingthe (NEPA),and the (NHPA)in all their relevant parts.
2. CRA specifically invokes the protections afforded in the (NHPA) at Section 304 [ 16 U.S.C. 470w-3(a)-Confidanttiality of the location of sensitive historic resources],plus §-3(b) and §-3(c).
3. CRA has created a detailed map for The Tap-Pilam Coahuiltecan Nation of Texas, identifying the locations of several (APE,s)Area of Potential Effect,along the proposed Eastern Bypass Route.
4. CRA will supply to the STB a copy of this sensitive map only upon request,and with the specific permission of the client the Tap-Pilam Coahuiltecan Nation.CRA will also give a copy of this map to SGR, with permission of the client.
5. CRA makes reference to §B.(1),(a),of the PA and would like to make some comparisons between SGR's data and the data that CRA has com piled.
6. CRA has identified several Traditional Cultural Properties (TCPc),in the form of Cenotés as in Sinkholes,pin pointed on a USGS

7.5 Minute Series (Topographic) maps. This was as directed in document #EI-3030 dated 7-24-07.

7. CRA has identified (seven) Cenotes along the Eastern Bypass Route.

8. CRA has identified (fourteen) Cenotes along the MCEAA Medina Dam Alternative Route.

9. CRA has identified (five) Cenotes within the area of the Stone Quarry.

10. CRA has identified two Caves located within the area of the Rock Quarry. See; Geological Assessment, submitted to the TCEQ by Geologist Richard V. Klar, P.G. of the Raba-Kistner Consultants, Inc. on behalf of Vulcan Materials. CRA, and the Tap-Pilam Coahuiltecan Nation wish to go record as viewing these two caves as (TCPs).

11. CRA makes reference to § IV.)C), (10), of the PA: wherein the SGR is willing to invite the Tap-Pilam Coahuiltecan Nation of Texas to "Afford a reasonable opportunity to participate in the recovery of data that possess religious and cultural significance to them;" The CRA makes a request to be included in this consultation of these same religious and culturally significant burial items.

12. CRA makes reference to item V.(A), wherein the SGR agrees to supply "All of the reports generated under the terms of this Agreement..." We request to be sent a copy of all reports generated in the course of this major undertaking, to be conducted by Vulcan and SGR and/or any outside research group.

In conclusion, CRA wishes to promote that the STB, the SHOP, and the ACHP, all issue to the SGR railroad the necessary permit in order to proceed with the Eastern Bypass Route with a rail spur towards the Vulcan Materials Medina Quarry, in order to create a stone quarry.

For any more information on any of the above listed items, please refer to the above listed name and address.

  
Richard C. Garay

Coahuiltecan Research Associates

cc Tap-Pilam Nation

cc SGR