

Appendix C

Comments Received on the Draft Supplemental Environmental Impact Statement (Incoming and Outgoing)

Appendix C

Comments Received on Draft Supplemental Environmental Impact Statement

SEA received approximately 229 comment letters on the Draft Supplemental Environmental Impact Statement (SDEIS). Below is a table listing each comment letter in the order in which they were entered into SEA's Environmental Correspondence Tracking database. (This database is available on the Board's website at www.stb.dot.gov and contains the environmental correspondence pertaining to all recent cases before the Board. The letter numbers are generated for the database as a whole and are not case specific. Thus, the numbers in the table below are not necessarily sequential.)

The postmark deadline for submitting comments was January 29, 2007. However, SEA has included the comment letters that were postmarked after the deadline. An asterisk after the letter number denotes that the letter was postmarked after the January 29, 2007 deadline.

Copies of the actual comment letters received in reduced text format follow the table of contents.

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-2613	James Greenwade	Natural Resources Conservation Service 101 South Main St. Temple, TX 76501-7602	12/14/06	C-1
EI-2627	Melinda Weiblen	Self 2520 FM 471 North Castroville, TX 78009-3400	12/29/06	C-1
EI-2628	James Weiblen	Self 550 North Harrison Avenue, Apt. 5205 Tucson, AZ 85742	12/29/06	C-2
EI-2629	Glenn Weiblen	Self 2520 FM 471 North Castroville, TX 78009-3400	12/29/06	C-2
EI-2633	Arthur Weiblen	Self 545 Private Road 4753 Castroville, TX 78009	12/30/06	C-3
EI-2634	Carolyn Marie Weiblen	Self 2918 Darlington Drive Highland Village, TX 75077	12/30/06	C-4
EI-2635	Adeline Weiblen	Self 545 Private Road 4753 Castroville, TX 78009	12/30/06	C-5
EI-2636	Anthony Weiblen	Self 2918 Darlington Drive Highland Village, TX 75077	12/30/06	C-5
EI-2638	Fred L. Weiblen	Self P. O. Box 395 Castroville, TX 78009	12/30/06	C-6
EI-2639	Carl K. Eisenhauer	Self 3110 CR 4516 Hondo, TX 78861	1/9/07	C-7
EI-2640	Mavis M. Bohl	Self 224 Lower LaCoste Road Castroville, TX 78009	1/8/07	C-9
EI-2641	Courtney Eisenhauser	Self 3110 CR 4516 Hondo, TX 78861	1/9/07	C-9
EI-2642	Carolyn B. Weiblen	Self P. O. Box 395 Castroville, TX 78009	12/30/06	C-11
EI-2646	Beatrice B. Balzen	Self 905 Oakridge Pleasanton, TX 78064	1/8/07	C-12

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-2647	Wayne L. Marty	Self 891 CR 354 Hondo, TX 78861	No date on letter postmarked 1/9/07	C-12
EI-2648	Jean Marty	Self 891 CR 354 Hondo, TX 78861	No date on letter; postmarked 1/9/07	C-12
EI-2649	Joan S. Seekatz	Self 139 CR 2610 Mico, TX 78056	1/6/07	C-12
EI-2650	Kelli Weiblen	Self 2106 North View San Marcos, TX 78666	1/6/07	C-13
EI-2651	Darrell Weiblen	Self 11027 Rivera Cove San Antonio, TX 78249	1/6/07	C-14
EI-2652	Christine Weiblen	Self 610 Townplace Drive College Station, TX 77840	1/6/07	C-14
EI-2653	Joey Weiblen	Self BP Sunbury (Stockley Park) PO Box 4381 Houston, TX 77210	1/6/07	C-15
EI-2654	Deborah Weiblen	Self BP Sunbury (Stockley Park) PO Box 4381 Houston, TX 77210	1/6/07	C-16
EI-2655	Harold Weiblen	Self 560 CR 461 Hondo, TX 78861	1/6/07	C-17
EI-2656	Cindy Weiblen	Self 560 CR 461 Hondo, TX 78861	1/6/07	C-17
EI-2657	Amanda L. Rothe	Self 1206 31 st St. Hondo, TX 78861	12/30/06	C-18
EI-2659	Charles and Patricia S. Bigelow	Self 905 Eventide Drive San Antonio, TX 78209	1/16/07	C-19
EI-2660	Matthew C. Rothe	Self 1206 31st St. Hondo, TX 78861	12/30/06	C-19

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-2661	Wayne R. Balzen	Self 905 Oakridge Pleasanton, TX 78064	1/8/07	C-20
EI-2662	Robert N. Clark	Self 520 CR 368 Mico, TX 78056	No date on letter; postmarked 1/12/07	C-20
EI-2663	Michael Weiblen, P.E.	Self 175 CR 373 Rio Medina, TX 78066	1/8/07	C-20
EI-2664	Judith Weiblen	Self 175 CR 373 Rio Medina, TX 78066	1/8/07	C-21
EI-2666	Max Walden	Self 655 CR 365 Quihi, Texas 78861	1/20/07	C-22
EI-2668	F. Lawrence Oaks, State Historic Preservation Officer	Texas Historical Commission P. O. Box 12276 Austin, TX 78711-2276	1/19/07	C-22
EI-2669	Trey Tschirhart	Self 811 Vienna St. Castroville, TX 78009	1/8/07	C-23
EI-2670	Lorin Tschirhart	Self 811 Vienna St. Castroville, TX 78009	1/8/07	C-24
EI-2671	Loren D. Bane	Self 12623 Hunters Chase San Antonio, Tx 78230	No date on letter; recorded on 1/22/07 by SBT	C-25
EI-2672	Elizabeth Wood	Self Beth Wood 671 CR 252 Hondo, TX 78861	1/13/07	C-25
EI-2673	Hannah Wood	Self 671 CR 252 Hondo, TX 78861	1/10/07	C-25
EI-2674	Mary FitzSimon	Self 523 Private Rd. 3515 Hondo, Texas 78861	1/13/07	C-26
EI-2675 (duplicate of EI-2720)	Larry Coyle	Self 601 CR 375 San Antonio, TX 78253	1/14/07	C-26
EI-2676	Jimmy K. Walch	Self 342 Rasa Dr. San Antonio, TX 78227-3223	No date on letter; rec'd by SBT 1/23/07	C-26

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-2677	John A. & Janice S. Waits	Selves 1404 County Road 265 Hondo, TX 78861	1/18/07	C-27
EI-2678	Robert and Robyn Hargrove	Selves 6810 Vine Street Austin, Texas 78757	1/23/07	C-27
EI-2679	James Wardwell	Self 440 Private Road 234 Hondo, TX 78861	1/24/07	C-278
EI-2680	Sandra Fuchs	Self P. O. Box 1028 Lytle, TX 78052	1/24/07	C-28
EI-2681	Angela R. Overley N. Stewart Overley	Selves No address on letter. No envelope attached.	1/23/07	C-28
EI-2682	Staci and Curtis Boehme	Selves 135 CR 2610 Mico, TX 78056	1/15/07	C-29
EI-2683	Jennifer L. Lindsey	Self P. O. Box 93 Hondo, TX 78861	1/18/07	C-29
EI-2684	Glenn K. Lindsey	Self 190 CR 4512 Hondo, TX 78861	1/18/07	C-29
EI-2685	Gary E. Balzen	Self 5527 Timber Trace San Antonio, TX 78250-4208	1/14/07	C-29
EI-2686	Henry Balzen and Arleen Balzen	Selves 281 CR 265 Hondo, TX 78861	1/15/07	C-30
EI-2688 (duplicate of EI-2787)	Ned Meister, Director Commodity and Regulatory Activities	Texas Farm Bureau P. O. Box 1689 Waco, TX 76701-2689	1/26/07	C-31
EI-2707	Aliska Jakob	Self 521 Private Road 3515 Hondo, TX 78861	1/29/07	C-32
EI-2708	David F. Barton	The Gardner Law Firm 745 E. Mulberry Ave., Suite 100 San Antonio, TX 78212-3167	1/29/07	C-32
EI-2709	Bret Bigelow	Self 111 W. Silver Sands San Antonio, TX 78216	1/19/07	C-39
EI-2710	Natalie Weiblen Henry	Self 25615 Little Brook San Antonio, Texas 78260	1/16/07	C-39

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-2711	Reese A. Henry III	Self 25615 Little Brook San Antonio, Texas 78260	1/16/07	C-40
EI-2712	David H. Coburn	Steptoe & Johnson LLP 1330 Connecticut Ave., NW Washington, DC 20036-1795	1/29/07	C-41
EI-2713	John Cornyn, United States Senator	Constituents Washington, DC 10510-4305	1/25/07	C-45
EI-2714	Alyne Fitzgerald	Quihi & New Fountain Historical Society 202 CR 450 Hondo, TX 78861	1/21/07	C-45
EI-2715	Nora L. Winkler	Self P. O. Box 369 Castroville, Texas 78009	1/22/07	C-46
EI-2716	Lester R. Landrum	Self 776 CR 354 Hondo, TX 78861	1/23/07	C-47
EI-2717	Joyce M. Landrum	Self 776 Cr. 354 Quihi, TX 78861	1/19/07	C-48
EI-2718	T. Lynn Allbritton	Self 4297 County Road 145 Alvin, Texas 77511	1/15/07	C-48
EI-2719	Robert T. Fitzgerald, President	The Medina County Environmental Action Association, Inc. 202 CR 450 Hondo, TX 78861	1/21/07	C-48
EI-2720 (duplicate of EI-2675)	Larry Coyle	Self 601 CR 375 San Antonio, TX 78253	1/14/07	C-49
EI-2721	Alfred M. Bishop	Self 241 CR 253 Mico, TX 78056	1/13/07	C-50
EI-2722	Jerriene R. Bishop	Self 241 CR 253 Mico, TX 78056	1/13/07	C-50
EI-2723	Sylvia Greer	Self 496 CR 253 Mico, TX 78056	1/15/07	C-51
EI-2724	Terry Greer	Self 496 CR 253 Mico, TX 78056	1/15/07	C-51

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EI-2725	Damien Dclozier	Self 337 CR 363 Hondo, TX 78861	No date on letter; received by STB 1/29/07	C-52
EI-2726	Margaret A. Skalka, RN	Self 3122 CR 265 Mico, TX 78056-5004	1/19/07	C-52
EI-2727	Dennis R. Skalka, DVM, MPH	Self 3122 CR 265 Mico, TX 78056-5004	1/14/07	C-54
EI-2728	Tom Walpole Mary Walpole	Selves 5201 FM 2676 Hondo, TX 78861	1/15/07	C-55
EI-2729	Garry and Beth Allen	Selves 141 CR 454 Hondo, TX 78861	1/15/07	C-55
EI-2730	Yolanda A. Verastezni Victor M. Verastezni	Self 4311 CR 4516 Hondo, TX 78861	1/13/07	C-55
EI-2731	Frank A. Fournier III and wife, Dottie Singleton	Selves 595 County Road 354 Hondo, Texas 78861	1/17/07	C-56
EI-2732	Donato Rios, Jr.	Self 6009 Fm 2676 Quihi, Tx 7861	1/10/07	C-56
EI-2733	Joseph Rodriquez	Self 4628 Knottingwood Ct., Bldg. 264 Austin, Texas 78744	12/14/07 (recorded as 1/14/07)	C-57
EI-2734	Richard Fournier	Self No address shown. No envelope attached.	12/14/07 (recorded as 1/14/07)	C-57
EI-2735	Wesley Haby	Self 7401 FM 2676 Hondo, TX 78861	No date on letter; rec'd 1/29/07 by STB.	C-57
EI-2736	The Portenier Family, Ted, Robin, Paige, Brentlee & Treyton	Selves 331 County Rd. 252 Hondo, TX 78861	No date on letter; rec'd 1/29/07 by STB.	C-58
EI-2737	Wayne, Holly, David, Justin, and Cody Dykes	Selves 1910 CR 351 Hondo, TX 78861	No date on letter; rec'd 1/29/07 by STB.	C-58

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EI-2738	Paula & Richard Dowell	Selves No address on letter. No envelope attached.	No date on letter; rec'd 1/29/07 by STB.	C-58
EI-2739	Travis H.P. Prok	Self 601 CR 252 Hondo Texas 78861	1/20/07	C-58
EI-2740	J.D. and Joyce McKay	Selves 915 C.R. 454 Hondo, TX 78861	1/21/07	C-59
EI-2741	Rosalie Fournier	Self No address on letter. No envelope attached.	12/14/07 (recorded as 1/14/07)	C-59
EI-2742	Jacque Conrad	Self No address on letter. No envelope attached.	1/16/07	C-59
EI-2743	Scott Conrad	Self No address on letter. No envelope attached.	1/16/07	C-59
EI-2744	Doris Johnson	Self No address on letter. No envelope attached.	1/14/07	C-60
EI-2745	Corey and Natalie Burke and family	Selves No address on letter. No envelope attached.	1/14/07	C-60
EI-2746	L. P. (Pat) Landrum	Self 776 CR 354 Hondo, TX 78861	1/15/07	C-60
EI-2747	Peggy J. Law	Self 6121 FM 2676 Hondo, TX 78861	01/08/07	C-61
EI-2748	Lynn Haby	Self 890 P.R. 3810 San Antonio, Texas 78253	1/12/07	C-61
EI-2749	Necey Schulte	Self 1901 22nd Street Hondo, Texas 78861	1/12/07	C-61
EI-2750	Linda L. Gerdes	Self 450 CR 351 Hondo, TX 78861	1/13/07	C-61
EI-2751	Archie R. Gerdes	Self 450 CR 351 Hondo, TX 78861	1/13/07	C-62

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EI-2753	John & Brenda Kennerly	Selves 555 P.R. 3501 Mico, TX 78056	1/13/07	C-63
EI-2754	Bill and Mary Belle Snyder	Selves 2501 CR 351 Hondo, TX 78861	1/29/07	C-63
EI-2755	Robert Reed, D.O.	Self 741 CR 351 Hondo, TX 78861	1/13/07	C-63
EI-2756	Grace R. Reed	Self 742 CR 351 Hondo, TX 78861	1/13/07	C-64
EI-2757	Joe Balzen and Erna Balzen	Selves No address on letter; No envelope with letter.	1/20/07	C-64
EI-2758	Velda E. Workman	Self 4383 CR 4516 Hondo, TX 78861	1/13/07	C-64
EI-2759	Mrs. Kenneth D. Fischer and Kenneth Fischer	Selves P. O. Box 1091 CR 355 Hondo, TX 78861	1/14/07	C-64
EI-2760	Barbara Lappe	Self 290 CR 454 Hondo, TX 78861	1/14/07	C-65
EI-2761	Will Gilliam	Self CR 365 Quihi, Texas (no zip code)	1/14/07	C-65
EI-2762	Steve Lapp	Self 290 CR 454 Hondo, TX 78861	1/14/076	C-66
EI-2763	Katherine Baxter	Self 222 County Road 363 Hondo, TX 78861	1/13/07	C-66
EI-2764	Lynette Stewart	Self 3619 FM 2676 Hondo, Texas 78861	1/14/07	C-66
EI-2765	Randy T. Johnson	Self No address on letter No envelope attached	1/14/07	C-67
EI-2766	Copies of a form letter submitted by 46 individuals	No addresses on letter No envelope attached	1/19/07	C-67

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-2769	Thomas H. Diggs, Chief Air Planning Section	US EPA, Region 6 1445 Ross Avenue, Suite 1200 Dallas, TX 75202-2733	1/8/07	C-79
EI-2770	Karen Muennink Laura Maney Robert N. Hancock Priscilla Hancock Jonele W. Taylor J.A. Ruiz Patricia Pizzini Fred Pizzini	The Medina county Historical Commission Members No return address shown No envelope attached.	1/22/07	C-79
EI-2771	James and Donna Dittmar	Selves 881 County Road 353 Hondo, Texas 78861	1/24/07	C-80
EI-2772	Petition submitted by the Medina Residents for Economic Growth.	No addresses shown No envelope attached	Rec'd 1/26/07	C-80
EI-2773	Petition submitted by the Medina Residents for Economic Growth.	No addresses shown No envelope attached	Rec'd 1/26/07	C-86
EI-2774	Petition signed by 10 residents of Medina County	No addresses shown No envelope attached	Rec'd 1/30/07	C-98
EI-2775	Melvin and Judy Dittmar	Selves 3980 FM 2676 Hondo, Texas 78861	1/24/07	C-98
EI-2776	Leslie A. Semmetmann H.E. Semmetmann	4125 CR 251 Hondo, TX 78861	1/23/07	C-99
EI-2777	Jimmy Stewart	Self 3619 FM 2676 Hondo, Texas 78861	1/22/07	C-99
EI-2778	Francis L. Fleming	Self 435 C.R. 260 W Mico, TX 78056	1/20/07	C-99
EI-2779	Russell J. Mangold	Self 807 33rd Street Hondo, Texas 78861-3513	No date on letter/rec'd 1/30/07	C-100
EI-2780	Verlyn Mangold	Self 807 33rd Street Hondo, Texas 78861-3513	No date on letter/rec'd 1/30/07	C-100
EI-2781	Duane Jungman	Self 1899 Cr 366 Hondo, Texas 78861	No date on letter/rec'd 1/30/07	C-101

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EI-2782	Doris Elaine Saathoff Jungman	Self 1899 Cr 366 Hondo, Texas 78861	No date on letter/rec'd 1/30/07	C-101
EI-2783	Ray H. Wardwell	Self 180 County Road 368 Mico, TX 78056	1/24/07	C-101
EI-2784	Nora L. Winkler	Self P. O. Box 369 Castroville, Texas 78009	1/25/07	C-102
EI-2785	Carolyn & Duane Wiemers	Selves 400 CR 455 Hondo, TX 78861	1/20/07	C-102
EI-2786	Glenn Schweers, Jr.	Self 1331 Hazelbury Lane San Antonio, Texas 78253	1/24/07	C-104
EI-2787 (duplicate of EI-2688)	Ned Meister, Director Commodity and Regulatory Activities	Texas Farm Bureau P. O. Box 2689 Waco, Texas 76702-2689	1/26/07	C-104
EI-2788	Sean Feneley	Self 1600 County Road 351 Hondo, TX 78861	01/25/07	C-104
EI-2789	Deborah Landrum Love	Self 14365 Cornerstone Village Houston, TX 77014	1/14/07	C-105
EI-2790	Petition signed by Robert J. Heyen, Kay Heyen, and Michael Heyen	Selves No address shown No envelope attached	No date on petition; received by SGR 1/31/07	C-106
EI-2791	Julianne Fletcher Executive Director	Preservation Texas P. O. box 12832 Austin, Texas 78711	1/18/07	C-105
EI-2792	David Barton	The Gardner Law Firm 745 E. Mulberry Ave San Antonio, TX 78212-3167	2/1/07	C-106
EI-2793	John Weiblen	Self 26003 Copperas Lane San Antonio, TX 78260	12/30/06	C-106
EI-2794	Tammy Weiblen	Self 26003 Copperas Lane San Antonio, TX 78260	12/30/06	C-107
EI-2796	Glenn R. Schweers Mary Jo Schweers	Selves 2602 Avenue K Hondo, Texas 78861	1/26/07	C-108

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EI-2797	TP Pilam Coahuiltecan Nation Tribal Council Signed by: Raymond Hernandez, Richard c. Garay, Jesus Reyes, and Marizella Mariana Medrano-Boyd.	Tribal correspondence. 273 Nicks Rd. Comfort, Texas 78013	1/27/07	C-109
EI-2798	Joseph Salomon	Self No return address shown. No envelope attached.	1/26/07	C-161
EI-2799	Vicki L. Salomon	Self No return address shown. No envelope attached.	1/26/07	C-162
EI-2800	Velda J. Jarrell	Self 651 County Road 354 Hondo, Texas 78861	1/23/07	C-162
EI-2801	Mary F. Walpole and Tom Walpole	Selves 5201 FM 2676 Hondo TX 78861	1/27/07	C-162
EI-2802	Form letters submitted by 12 individuals.	No addresses shown on letters. No envelopes attached.	1/19/07	C-163
EI-2808	Jack Love	Self P. O. Box 6301 Mico, TX 78856	1/11/07	C-166
EI-2809	Aliska Jakob	Self 521 Private Rd. 3515 Hondo, TX 78861	1/13/07	C-170
EI-2810	Robert Jakob	Self 521 Private Rd. 3515 Hondo, TX 78861	1/13/07	C-170
EI-2811	Vicki Lynn Balzen-Jeter	Self 260 CR 354 Hondo, TX 78861	1/24/07	C-171
EI-2812	Petition signed by 14 individuals	Petition	No date on petition; received 2/5/07 by STB.	C-171
EI-2813	Lisa J. Schweers	Self 8627 Berrywest Court San Antonio, TX 78240	1/24/07	C-171
EI-2814	Lois and Dave Hoesley	Selves 250 CR 365 Hondo, TX 78861	1/27/07	C-172

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EI-2815	N. Portenier	Self 436 CR 386 San Antonio, TX 78253	1/29/07	C-172
EI-2816	Neil Hernandez	Self 14125 Tobiano Trail Helotes, TX 78023	No date on letter; rec'd by STB 2/8/07	C-172
EI-2817	Morris Baxter	Self 222 CR 363 Hondo, Texas 78861	1/27/07	C-172
EI-2818	Michael P. Jansky, PE Regional EIS Coordinator	US EPA 1445 Ross Avenue, Ste. 1200 Dallas, TX 75202-2733	1/29/07	C-173
EI-2819	Willie R. Taylor Director, Office of Environmental Policy and Compliance	United States Department of the Interior Office of the Secretary Washington, DC 20240	1/31/07	C-173
EI-2820	Russell Hooten	Texas Parks & Wildlife Wildlife Habitat Assessment Program Wildlife Division 4200 Smith School Road Austin, TX 78744-3291	1/29/07	C-173
EI-2827	David Barton		02/12/07	C-174
EI-2845	Dr. Bob Fitzgerald	MCEAA	02/26/07	C-175
EI-2846 Duplicate of EI-2845	Dr. Robert Fitzgerald	MCEAA 202 CR 450 Hondo, TX 78861	02/22/07	C-175
EI-2848	F. Lawrence Oaks, SHPO	Texas Historic Commission	02/28/07	C-176
EI-2849	Carlos I. Uresti	The Senate of The State of Texas P. O. Box 12068 Austin, TX 78711	02/13/07	C-176
EI-2850	Raymond Hernandez	Tap Pilam Coahuiltecan Nation 273 Nicks Rd. Comfort, TX 78013	3/11/07	C-177
EI-2853	F. Lawrence Oaks, State Historic Preservation Officer	Texas Historic Commission P. O. Box 12276 Austin, TX 78711-2276	3/15/07	C-177
EI-2855	Anthony Weiblen	Self 2918 Darlington Drive Highland Village, TX 75077	3/17/07	C-178

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EI-2859	David F. Barton	The Gardner Law Firm 745 East Mulberry Avenue Suite 100 San Antonio, TX 78212-3167	3/15/07	C-178
EI-2861	Dean McNew	Self 1590 County Road 366 Hondo, Texas 78861-6431	3/31/07	C-179
EI-2862	David F. Barton	The Gardner Law Firm 745 East Mulberry Avenue Suite 100 San Antonio, TX 78212-3167	3/28/07	C-180
EI-2865	Dean and Ronda McNew	Self No return address on letter	4/3/07	C-182
EI-2864	Jared Boehme	Self 1977 C.R. 4516 Castroville, TX 78009	4/3/07	C-181
EI-2867	Ken Persyn	Self 510 CR 4643 Hondo, Texas 78861	4/4/07	C-182
EI-2868	David H. Coburn	Steptoe & Johnson LLP 1330 Connecticut Avenue, NW Washington, DC 20036-1795	4/5/07	C-183
EI-2871	David B. Barton	The Gardner Law Firm 745 East Mulberry Ave., #100 San Antonio, TX 78212-3167	4/5/07	C-185
EI-2873	David H. Coburn	Steptoe & Johnson LLP 1330 Connecticut Avenue, NW Washington, DC 20036-1795	4/10/07	C-185
EI-2874	Dr. James M. Bower Dr. Carolina Livi	Selves 325 Private road 3660 Hondo Texas 78861	4/8/07	C-188
EI-2875	Courtney M. Eisenhower	Self No return address on letter	4/4/07	C-188
EI-2876	Carl K. Eisenhower	Self No return address on letter	4/5/07	C-189
EI-2877	Shannon Windrow	Self 306 Avenue M Hondo, Texas 78861	No date on letter; rec'd by stb 4/10/07	C-190
EI-2878	Matthew J. Windrow	Self 306 Avenue M Hondo, Texas 78861	No date on letter; rec'd by stb 4/10/07	C-191
EI-2879	John R. Windrow	Self 1207 Acorn Rd. Hondo, Texas 78861	No date on letter; rec'd by stb 4/10/07	C-191

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EI-2880	Vivian W. Windrow	Self 1207 Acorn Rd. Hondo, Texas 78861	No date on letter; rec'd by stb 4/10/07	C-191
EI-2881	Zachary R. Windrow	Self 1204 Oak Lane Hondo, Texas 78861	No date on letter; rec'd by stb 4/10/07	C-191
EI-2882	Melissa Windrow	Self 1204 Oak Lane Hondo, Texas 78861	No date on letter; rec'd by stb 4/10/07	C-192
EI-2883	Carolyn Jagge Boehme	Self 1642 U.S. Hwy 90 West Castroville, TX 78009	4/3/07	C-192
EI-2884	Nelson and Paulette Martin	Selves 1596 County Road 366 Hondo, TX 78861	4/2/07	C-192
EI-2885	Dean McNew and Ronda (Martin) McNew	Selves 1590 County Road 366 Hondo, Texas 78861-6431	3/30/07	C-192
EI-2886	Jerry A. Martin	1450 County Road 366 Hondo, Texas 78861-6431	No date on letter; rec'd by stb 4/9/07	C-193
EI-2887 Duplicate of EI-2867	Ken Persyn	Self 510 CR 4643 Hondo, Texas 78861	04/04/07	C-193
EI-2888	Russell Hooten	Texas Parks & Wildlife 4200 Smith School Road Austin, Texas 78744-3291	4/5/07	C-193
EI-2889	(Mrs.)Jean Marty	Self 891 CR34 Hondo, Texas 78861	4/6/07	C-194
EI-2890	Wayne Marty	Self 891 CR34 Hondo, Texas 78861	4/6/07	C-194
EI-2893	Doris Elaine Saathoff-Jungman	Self 1899 CR 366 Hondo, TX 78861	4/12/07	C-194
EI-2894	Yvonne Stein	Self 1889 CR 445 Hondo, TX 78861	4/12/07	C-195
EI-2895	Alvin Saathoff	Self No address shown on letter	4/13/07	C-195
EI-2896	Martha Jung-man-Otake	Self 8523 Braun Knoll San Antonio, TX 78254	No date on letter; rec'd by STB 4/13/07	C-195

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-2897	David H. Coburn	Steptoe & Johnson LLP 1330 Connecticut Avenue, NW Washington, DC 20036-1795	4/16/07	C-196
EI-2898	Henry Balzen and Arleen Balzen	Selves 260 CR 354 Hondo, TX 78861	4/13/07	C-196
EI-2899	Robert Fitzgerald	The Medina County Environmental Action Association, Inc. 202 CR 450 Hondo, TX 78861	4/13/07	C-196
EI-2900	Sterley Jagge	Self 635 C.R. 464 Hondo, TX 78861	4/3/07	C-197
EI-2901	Mildred Mehr Jagge	Self 635 C.R. 464 Hondo, TX 78861	4/3/07	C-197
EI-2902	Jared Boehme and Janet Boehme	Selves 1977 C.R. 4516 Castroville, TX 78009	4/9/07	C-198
EI-2906	Raymond Hernandez	Tap Pilam-Coahuiltecan Nation 273 Nicks Rd. Comfort, Texas 78013	4/17/07	C-198
EI-2907	David H. Coburn	Steptoe & Johnson LLP 1330 Connecticut Avenue NW Washington, DC 20036-1795	4/18/07	C-198
EI-2908	Cynthia Lindsey	Section 106 Consulting Party P. O. Box 93 Hondo, Texas 78861	4/27/07	C-199
EI-2912	Dean and Ronda McNew	Selves 1590 County Road 366 Hondo, Texas 78861	No date	C-200
EI-2923	Dr. Bob Fitzgerald and Alyne Fitzgerald	Selves 202 CR 450 Hondo, TX 78861	5/3/07	C-204
EI-2924	Dr. Bob Fitzgerald	MCEAA 202 CR 450 Hondo, TX 78861	5/6/07	C-204
EI-2925	Julianne Fletcher	Preservation Texas P. O. Box 12832 Austin, TX 78711	4/17/07	C-205
EI-2926	Alyne Fitzgerald	Quihi & New Fountain Historical Society 202 CR 450 Hondo, TX 78861	4/25/07	C-205

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-2927	Anthony Weiblen	Weiblen Farms No address shown	4/29/07	C-206
EI-2930	Anthony Weiblen	Self No address shown	5/13/07	C-207
EI-2931	Anthony Weiblen	Self No address shown	4/29/07	C-208
EI-2932	Lester R. Landrum	Self 776 CR 354 Quihi, Texas 78861	4/26/07	C-208
EI-2933 Duplicate of EI-2906	Raymond Hernandez	Tap Pilam-Coahuiltecan Nation 273 Nicks Rd. Comfort, Texas 78013	4/17/07	C-209
EI-2934	Dean McNew	Self 1590 County Road 366 Hondo, Texas 78861	4/25/07	C-209
EI-2935	Thomas R. Hester, Ph.D.	Self No address on letter	4/17/07	C-210
EI-2936	Alvin Saathoff	Self No address on letter	4/13/07	C-210
EI-2937	Duane Jungman	Self 1899 Cr 366 Hondo, Texas 78861	No date on letter	C-211
EI-2938	Christie McVay	Self 640 CR 366 Hondo, TX 78861	4/18/07	C-211
EI-2939	Gary E. Balzen	Self 5527 Timber Trace San Antonio, TX 78250-4208	4/10/07	C-211
EI-2940	F. Lawrence Oaks	Texas Historical Commission P. O. Box 12276 Austin, TX 78711-2276	3/15/07	C-212
EI-2941	Ruth Toahy, NAGPRA Coordinator	Comanche Tribe NAGPRA P. O. Box 908 Lawton, Oklahoma 73502	5/6/07	C-213
EI-2959	C. Eisenhower	E-mail	6/7/07	C-213
EI-2960	Ronald J. Ulbrich	Medina County Commissioner Faxed letter	5/18/07	C-214
EI-3040	David H. Coburn	Steptoe & Johnson LLP 1330 Connecticut Avenue NW Washington, DC 20036-1795	8/3/07	C-215
EI-3109	Dr. Bob Fitzgerald	MCEAA 202 CR 450 Hondo, TX 78861	8/15/07	C-215

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Environmental Correspondence Tracking Letter Number	Name of Sender	Affiliation	Date of Letter	Page Number
EI-3137	Madelyn Schott	Self 19903 Bandera Rd Helotes, TX 78023	08/23/07	C-230
EI – 3138	Joan Seekatz	Self Joan Seekatz (Matt Saathoff Farm)	08/23/07	C-230
EI – 3445	David B. Casteel, P.E.	Texas Department of Transportation P.O. Box 29928 San Antonio, TX 78229	12/21/07	C-230
EI – 3499	Dr. Robert Fitzgerald	MCEAA 202 CR 3SO Hondo, TX 78661	01/11/08	C-231
EI – 3501	J. Thomas Hill	Vulcano Materials Company P.O. Box 791550 San Antonio, TX 78729	01/03/08	C-232
EI – 4456	Nancy Saiers	Self	01/07/08	C-232
GC-01	Mark Robertson	Self P. O. Box 701328 San Antonio, TX 78270-1328	No date on letter.	C-234
GC-02	Zachariah Butler	Self 76405 Tamarisk Ave. Twentynine Palms, CA 92277	No date on letter	C-234
GC-03	Thomas Roy Hester	Self P. O Box 625 Utopia, TX 78884	No date on letter.	C-234



Natural Resources Conservation Service
101 South Main Street
Temple, TX 76501-7602

E1-2613

RY

#E1-2627
RY

December 14, 2006

Surface Transportation Board
Section of Environmental Analysis
1925K Street, N. W.
Washington DC 20423-0001

FD 34284

10 copies
12/21/06

Attention: Rini Ghosh, SEA, Project Manager

Subject: LNU-Farmland Protection-
Supplemental Draft EIS
Southwest Gulf Railroad Company
STB Docket No. FD 34284
Medina County, Texas

We have reviewed the information provided in the Supplemental Draft Environmental Impact Statement (FD 34284) for the proposed construction of the Southwest Gulf Rail line in Medina County, Texas. Our agency is primarily concerned with actions that may impact Important Farmland. We have reviewed this Draft EIS as required by the Farmland Protection Policy Act (FPPA).

We have previously responded to the four alternatives outlined in the Draft EIS dated Nov 5, 2004 and we have previously evaluated the three additional proposed routes outlined in your notice dated March 13, 2006. This data was included in the SDIS. We have reviewed this Supplemental Draft Environmental Impact Statement and have no additional comments.

Thanks for the opportunity to reply to this Supplemental Draft EIS and the resource materials you submitted to evaluate this project. We also thank you for recognizing the importance of soils in the planning process. If you have any questions please call James Greenwade in the Soils Section at (254)-742-9960, Fax (254)-742-9859.

Thanks,

James Greenwade,
Soil Scientist
USDA-NRCS, Temple, Texas

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.
An Equal Opportunity Provider and Employer

December 29, 2006

Melinda Weiblen
2520 FM 471 North
Castroville, Texas 78009-3400

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

FD 34284

received
1/5/07

Dear Ms. Ghosh:

The Weiblen Family requests three points on record of consideration in response to the recent distribution of the Supplemental Draft Environmental Impact Statement (SDEIS) for Southeast Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The first is the inaccurate interpretation of the proposed Weiblen Modification, second is the cultural significance of the rural operations in existence, and third is the economic impact of the eastern routes.

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In paragraph five of section 2.5 in the SDEIS, the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) states:

In addition, if SEA were to modify routes to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners - which is what is being requested here - the environmental review process could become endless, since the number of modifications and alternatives that SEA could be requested to study could be potentially limitless.

This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes are the result of an effort to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

Also, the interpretation of the Weiblen Modification as stated in paragraph five of section 2.5 of the SDEIS is inaccurate. The Weiblen Family is not suggesting shifting the burden of the railroad path onto alternate landowners. Instead, the Weiblen Family is suggesting that the railroad path be shifted onto the west side of the Weiblen Family land, which creates the least impact to the Weiblen Family farm. This route stays on the Weiblen Family land while having the least impact on its sprinkler systems. Thus, the Weiblen Family is willing to work with the SGR and create a proposal that is acceptable to both parties if an eastern route is chosen.

The Weiblen Family requests corrections to paragraph five of section 2.5 in the SDEIS to reflect the true intent of the Weiblen Modification. In addition, the Weiblen Family requests the Final Environmental Impact Statement (FEIS) includes a statement that no additional environmental study is required if the Weiblen Modification is chosen, on the basis that the environmental impact of the Weiblen Modification is no different than any of the other eastern routes. If an environmental impact study is indeed required, the Weiblen Family requests the study be included in the FEIS in order for its consideration as a viable option by the Board.

If neither of the above Weiblen requests is honored, then all eastern routes should be removed from the FEIS as stated above.

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Paragraph eight of section 5.3 in the Cultural Resources states that the remaining portion of section 5.3 takes into account the cultural impact of the change in size and shape of fields and the bifurcation of farms, which in fact it only takes into account some farms and ranches, specifically those with historical buildings on them.

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The Board also needs to take into account that the eastern routes are longer, and therefore has a larger cultural impact since they affect a greater portion of land and landowners.

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The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern

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The other significant improvement rendered ineffective is the investment in increasing the size of equipment and parcels of land. The railroad would divide the land into smaller parcels making the larger equipment impractical. The landowners would have to revert back to smaller equipment, which reduces operational margin. The smaller land parcels would require additional land lie fallow in order to provide access to the ends for maneuvering equipment which reduces margins. The smaller land parcels require additional time spent turning equipment around, which is nonproductive and again reduces margin. The eastern routes will create some parcels of land impractical for farming or ranching purpose.

Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes will eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

Summary

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,

Melinda Weiblen

#E1-2628
RJ

December 29, 2006

Jarrett Weiblen
550 North Harrison Avenue, Apt. 5205
Tucson, Arizona 85742

Received
1/5/07

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Dear Ms. Ghosh:

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Sincerely,


Jarrett Weiblen

E1-2629
RJ

December 29, 2006

Glenn Weiblen
2520 FM 471 North
Castroville, Texas 78009-3400

FD 34284

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Received
1/5/07

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Sincerely,


Glenn Weiblen

December 30, 2006

Arthur Weiblen
545 Private Road 4753
Castroville, TX 78009

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

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#E1-2633



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The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern

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December 30, 2006

Carolyn Marie Weiblen
2918 Darlington Drive
Highland Village, TX 75077

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Dear Ms. Ghosh:

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This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

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Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes will eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

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Sincerely,

Carolyn Marie Weiblen
Carolyn Marie Weiblen

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JUN 8 2007
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December 30, 2006

Adeline Weiblen
545 Private Road 4753
Castroville, TX 78009

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Dear Ms. Ghosh:

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December 30, 2006

Anthony Weiblen
2918 Darlington Drive
Highland Village, TX 75077

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

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Anthony Weiblen

December 30, 2006

Fred L. Weiblen
P.O. Box 395
Castroville, Texas 78009

Surface Transportation Board
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Sincerely,

Fred L. Weiblen
Fred L. Weiblen

January 9, 2007

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

Dear Ms. Ghosh,

I reside in the Castroville West Subdivision, which is located at the southeast corner of County Road 4516 and County Road 4643. This subdivision is in very close proximity to the SGR's Modified Medina Dam Route, the Eastern Bypass Route and the MCEAA Medina Dam Alternative Route.

The Castroville West Subdivision is a deed restricted subdivision in which the people that reside here have taken pride in their properties and conformed to the restrictions since the subdivision was formed. According to their Declaration of Restrictions for the Castroville West Subdivision (Please see Attachment "A"), as filed in the Medina County Records Volume 219, Page 839, a train rail system that would cross properties within the subdivision boundaries would be a direct violation of Declaration 3:

"No noxious or offensive trades, services or activities shall be conducted on any Tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the owners of other Tracts within the Property by reason of unsightliness, excessive emission of fumes, odors, glare, vibration, gases, radiation, dust liquid waste, smoke or noise, or which shall increase the fire hazards of adjoining properties."

The above stated routes traverse both County Roads 4516 and 4643. These two crossings are in very close propinquity to each other and the probability that both roads could be blocked at any one given time is almost a certainty. If there were to be an emergency situation such as the need for medical services or the fire department, my home could not be reached in a reasonable amount of time. My home could burn to the ground before the fire department could arrive or a member of my family could die due to the delay in the response time of the medical service units.

Another major concern not addressed is that County Road 4516 has grown to be a very heavily traveled thoroughfare for a barely two lane, pot hole ridden, county road. The idea

that the proposed train would cross at an unlighted area of the road where there is an abrupt left curve, while simultaneously dropping 50-75 feet in elevation and completely blocking the driver's visibility scares me. I drive this road on a daily basis and have seen and heard of many horrible wrecks, some that have resulted in deaths. Two bad wrecks recently occurred at this very curve during 2006. This proposed crossing would make conditions on this road even worse and the number of reported wrecks is sure to increase. My daughter will be turning sixteen and begin driving in less than three years, I shudder at the fact that she will have to contend with the added hazards the proposed rail line will bring.

In the Supplemental Draft Environmental Impact Statement, it states that my home will not be impacted by the 'noise and vibration' emitted from the train. I strongly disagree with the stated findings. I can clearly hear the existing train that follows the Highway 90 rails, which are approximately 1.5 miles from my home. By stating this fact, how can you stand behind the findings in your report? In addition, was it considered that my home fronts County Road 4516, the point at where the proposed trains will cross and therefore will blow their horn with greater intensity and for longer periods of time to warn the crossing traffic?

As a child, my parent's home was located across from a rail line. The noise from the train was loud and disruptive both during the day and especially at night. I am a hard working professional that needs sufficient sleep to ensure a productive day. The above noted proposed train routes will cause sleepless periods during the night and as a result hinder my productivity during the day. In addition, we like to entertain family and friends at our house. Having a train interrupt our gatherings will be disruptive, annoying, embarrassing and destroy the atmosphere that we value as part of living in the country.

There are many other concerns that have already been brought to your attention by other concerned property owners. These include, but are not limited to, dust and train emissions, the destruction of the economic livelihood of the area farmers and the devaluation of property. In conclusion, as the Supplemental Draft Environmental Impact Statement suggests, the most feasible route would be the original Proposed Route that crosses the fewest roadways and private property.

Thanks you for taking the time to read this letter and considering some of the very serious concerns that I have for my property and my family.

Sincerely,

Carl K. Eisenhauer
Carl K. Eisenhauer

CC: Mr. Rick Perry, Governor of Texas

69218

AMENDED
DECLARATION OF RESTRICTIONS FOR
CASTROVILLE WEST SUBDIVISION

STATE OF TEXAS §
COUNTY OF MEDINA §

This declaration is made this the 7th day of April, 1994, by **NOONER-ZERR, INC**, hereinafter called "Declarant". This declaration amends and supersedes the original Declaration of Restrictions filed of record under Clerk's File No. 63639, Volume 200, Page 840 - 844, of the Official Records of Real Property of Medina County, Texas

The Declarant is the present record title holder of certain real property situated in the County of Medina, State of Texas, more particularly described as Tracts 1 through 5, 7, 8, and 10 through 20 of CASTROVILLE WEST SUBDIVISION, a subdivision in Medina County, Texas, according to map or plat thereof recorded in Volume 7, Page(s) 227 - 228 of the Official Records of Real Property of Medina County, Texas. Such property hereinafter referred to as the "Property" or the "Tracts".

Declarant is desirous of subjecting the Property and each Tract therein to the covenants, conditions, restrictions and reservations hereinafter set out to insure the proper use and appropriate development and improvement of said Property and each Tract.

The Property and each Tract therein is hereby made subject to the following conditions, covenants, restrictions and reservations, all of which shall be deemed to run with the Property and each and every Tract or parcel thereof to insure the proper use and appropriate development and improvement.

Conditions, Covenants, Restrictions and Reservations:

- 1. The Property and each Tract shall be used solely for residential purposes as follows:
 - A. On Tracts One (1) through Thirteen (13) mobile homes shall be permitted for a period of two (2) years from the date a mobile home is moved on to said Tracts. Two (2) years from date a mobile home is moved on to any of said Tracts, no mobile home shall be permitted to remain on said Tracts One (1) through Thirteen (13). Thereafter, any residence located on said Tracts must consist of a single family, site built structure.
 - B. On Tracts Fourteen (14) through Twenty (20) mobile homes or single family, site built structures are permitted subject to requirements contained in 2(C) below.

C. Declarant specifically reserves the right, until June 1, 2020, to vary the permitted use of any tract notwithstanding these restrictions, should Declarant deem it in the best interest of the Property to grant such variance.

- 2. A. No building or structure shall be erected or constructed on any Tract until the building plans, specifications, plat plans and external design have first been approved, in writing, by the Declarant, or by Declarant's nominee.
- B. All building on any Tract must be completed not later than twelve (12) months after laying the foundation and have at least 800 square feet of living space. All buildings must be completely enclosed from the ground level to the lower portion of the exterior wall to maintain a neat appearance, and to remove from view posts or piers.
- C. No mobile home older than seven (7) years from date of its original manufacture shall be moved onto any Tract for living purposes. The living area of all mobile homes shall contain a minimum of 720 square feet. All mobile homes moved onto the property shall be tied down and skirted. Regulations governing mobile homes, as may be established by Declarant shall be complied with.
- D. No used material may be stored on any Tract. In the event any materials are stored upon any Tract which are in the opinion of Declarant in violation of this provision, Declarant shall notify the owner of such Tract, by mail, of such violation, and if the violation is not corrected and the subject material removed within ten (10) days of the mailing of such notice, Declarant shall have the right to remove such material from the Tract, to dispose of such material and to charge the owner of the Tract with removal costs and expenses. It is further provided that Declarant shall not be liable to the owner of such Tract for any damages for the removal of such material.
- E. No building or structure constructed on any Tract shall be occupied or used until the exterior thereof is completely finished in accordance with the plans and specifications previously approved, and any structure or part thereof which is constructed with lumber shall be finished with not less than two coats of paint or stain.
- F. No outside privies shall be installed and/or maintained on any Tract, and all plumbing for waste shall be connected to a sanitary sewer or septic tank in accordance with State, County and local laws, rules and regulations. The owner of any Tract shall, before any work is done pertaining to the location of building and utilities on such Tract, obtain the approval for such location of such utilities and/or buildings from the Declarant and the local Department of Health, if applicable.
- G. No building shall be located on any Tract nearer to the front Tract line (adjacent to public roads) closer than 100 feet, or nearer to any side or rear

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Tract line closer than 25 feet. Additionally, areas between such set-backs and the Tract lines shall not be cleared of all trees.

- H. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the plat of the Property. No utility company, water district, political subdivision or other authorized agency or entity utilizing such easement shall be liable for any damage done by them or their agents, employees or servants, to shrubbery, trees or flowers, or to other property belonging to the owner of any Tract in any case where such shrubbery, trees or flowers are located within such easements.
- I. All culvert pipes placed in ditches on any Tract shall conform to County specifications.
- J. No motor home or travel trailer shall be occupied as a residence on any tract herein for a period to exceed two years.
- 3. No noxious or offensive trades, services or activities shall be conducted on any Tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the owners of other Tracts within the Property by reason of unsightliness, excessive emission of fumes, odors, glare, vibration, gases, radiation, dust, liquid waste, smoke or noise, or which shall increase the fire hazard of adjoining properties.
- 4. No swine of any kind shall be raised, bred or kept on any Tract except where the animal is to be kept as a 4-H project. A maximum of four (4) head may be kept for such projects.
- 5. No Tract shall be used or maintained as a dumping ground for rubbish or trash. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators and other equipment for the storage or disposal of such material shall be kept in a clean, sanitary condition. No "junk" cars or wrecking yards shall be located on any Tract.
- 6. No truck, bus or trailer shall be left parked in the street or road in front of any Tract except for construction and/or repair equipment while a Tract is being built upon or repaired in the immediate vicinity. No truck, bus, boat or trailer shall be parked on the driveway or any portion of any Tract in such a manner as to be visible from any public street or road for more than seventy-two (72) continuous hours.
- 7. No professional business or commercial activity to which the general public is invited shall be conducted on any Tract, nor shall any firing range be maintained on any Tract.
- 8. No Tract may be subdivided without the consent of Declarant.
- 9. No Tract shall be used for public or private road purposes, and no public or private road shall be built to extend through any Tract without the consent of the Declarant.

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10. Declarant hereby advises the Public and owners of all Tracts within the Property that the County Road which provides access to the Property has a "low water" crossing which is subject to flooding and may impair access for short periods at various times.

The conditions, covenants, restrictions and reservations herein contained shall run with the land and shall be binding upon and inure to the benefit of the Declarant and the owners of every Tract within the Property. These condition, covenants, reservations and restrictions may be enforced by Declarant acting for himself, or any owner of any Tract within the Property. An owner may prosecute proceedings at law or in equity against any person or persons violating or attempting to violate any condition, covenant, restriction or reservation herein contained. Violation of any condition, covenant, restriction or reservation herein contained shall give the Declarant the right to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of these conditions, covenants, restrictions or reservations, to enjoin and/or to prevent them from doing so, to cause such violation to be remedied and/or to recover damages for said violation and attorney's fees and costs of suit. All remedies provided herein or at law or in equity shall be cumulative and not exclusive. The failure of the Declarant to enforce any of the conditions, covenants, restrictions or reservations herein contained shall in no event be deemed as a waiver of the right to do so in the future, or a waiver of the right to enforce any other condition, covenant, restriction or reservation, and Declarant shall not be liable to any party for failure to enforce any condition, covenant, restriction or reservation.

This Declaration and every provision hereof, and every covenant, condition, restriction or reservation contained herein shall continue in full force and effect for a period of twenty-seven (27) years from date hereof, and shall thereafter be renewed automatically for periods of ten (10) years, unless and until terminated as hereinafter provided. This Declaration or any provision hereof or any covenant, condition, restriction or reservation contained herein may be terminated, extended, modified or amended as to the whole property or any portion thereof, during the initial term of this Declaration, with the written consent of the holders of the fee title to sixty-five percent (65%) in number of the Tracts within the Property subject to these restrictions. Such termination, extension, modification or amendment shall be immediately effective upon recording a proper instrument, in writing, executed and acknowledged by such fee title holders in the office of the County Clerk of Medina County, Texas.

Any and all of the rights, powers and reservations of Declarant herein contained may be assigned by Declarant to any person, corporation or association which may assume any or all of the duties and powers of Declarant hereunder, upon any such person, corporation or association evidencing its consent, in writing, to accept such assignment. The term "Declarant" as used herein shall include all such assignees, their respective heirs, successors and assigns. If at any time Declarant has died and not made such an assignment as above provided, a successor Declarant may be appointed by the holders of the fee title to sixty-five percent (65%) of the Tracts within the Property. Such appointment shall be evidenced by and effective upon recording such appointment, in writing, executed and acknowledged by the required fee title holders in the office of the County Clerk of Medina County, Texas.

At such time as "Declarant" shall no longer own any of the tracts, the rights, powers and reservation of Declarant herein shall be automatically assigned to the existing property owners of tracts herein or to their successors and assigns.

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All of the conditions, covenants, restrictions and reservations contained in this Declaration shall be construed together. But, if at any time it shall be held that any one of the said conditions, covenants, restrictions and/or reservations or any part thereof is invalid, or for any reason becomes unenforceable, no other condition, covenant, restriction and/or reservation or any part thereof shall be affected thereby or otherwise impaired.

The terms and provisions contained in this Declaration shall be binding and inure to the benefit of the Declarant and the owners of all Tracts located within the Property, and their respective heirs, successors, personal representatives and assigns.

Jerry M. Perkis and wife, Denise L. Perkis as the owners of Tract 6 and Judge E. Sandusky and wife, Camille M. Sandusky, as the owners of Tract 9, hereby accept and approve the amended declaration of restrictions and agree to be bound by the provisions contained herein.

EXECUTED this the 7th day of April, 1994.

NOONER-ZERR, INC.

BY: [Signature]
Steve Zerr, President

[Signature]
Jerry M. Perkis

[Signature]
Denise L. Perkis

[Signature]
Judge E. Sandusky

[Signature]
Camille M. Sandusky

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#E1-2640

January 8, 2007

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

Dear Ms. Ghosh,

My daughter and her family (Carl and Courtney Eisenhauer) reside in the Castroville West Subdivision, which is located at the southeast corner of County Road 4516 and County Road 4643. This subdivision is in very close proximity to the SGR's Modified Medina Dam Route, the Eastern Bypass Route and the MCEAA Medina Dam Alternative Route.

One major concern that I have is that the above stated routes transverse both County Roads 4516 and 4643. These two crossings are in very close propinquity to each other and the probability that both roads could be blocked at any one given time is almost a certainty. If there were to be an emergency situation such as the need for medical services or the fire department, their house could not be reached in a reasonable amount of time. Their house could burn to the ground from a spark produced by the train catching surrounding dry brush on fire before the fire department could arrive or they could die due to the delay in the response time of the medical services units. I do not feel that this concern has been addressed and should be looked at in great detail.

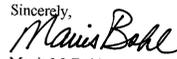
Another major concern not addressed is that County Road 4516 has grown to be a very heavily traveled thoroughfare for a barely two lane, pot hole ridden, county road. The idea that the proposed train would cross at an unlighted area of the road where there is an abrupt left curve, while simultaneously dropping 50-75 feet in elevation and completely blocking the driver's visibility scares me. I have driven this road many times and have seen and heard of many horrible wrecks, some that have resulted in deaths. This proposed crossing would make conditions on this road even worse and the number of reported wrecks is sure to increase. My granddaughter will be turning sixteen and begin driving in less than three years, I shudder at the fact that she will have to contend with the added hazards the proposed rail line will bring.

In the Supplemental Draft Environmental Impact Statement, it states that my daughter's house will not be impacted by the 'noise and vibration' emitted from the train. I strongly disagree with the stated findings. From her house, you can clearly hear the train that follows the Highway 90 rails, which are approximately 1.5 miles from their home. By stating this

fact, how can you stand behind the findings in your report? In addition, was it considered that their home fronts County Road 4516, the point at where the proposed trains will cross and therefore will blow their horn with greater intensity and for longer periods of time to warn the crossing traffic?

There are many other concerns that have already been brought to your attention by other concerned property owners and their families. These include, but are not limited to, the proposed rail line crossing the boundaries of an established, deed restricted subdivision known as the Castroville West Subdivision, dust and train emissions, the destruction of the economic livelihood of the area farmers and the devaluation of property. In conclusion, as the Supplemental Draft Environmental Impact Statement suggests, the most feasible route would be the original Proposed Route.

Thanks you for taking the time to read this letter and considering some of the very serious concerns that I have for my family.

Sincerely,

Mavis M. Bohl

#E1-2641

January 9, 2007

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

Dear Ms. Ghosh,

I reside in the Castroville West Subdivision, which is located at the southeast corner of County Road 4516 and County Road 4643. This subdivision is in very close proximity to the SGR's Modified Medina Dam Route, the Eastern Bypass Route and the MCEAA Medina Dam Alternative Route.

The Castroville West Subdivision is a deed restricted subdivision in which the people that reside here have taken pride in their properties and conformed to the restrictions since the subdivision was formed. According to their Declaration of Restrictions for the Castroville West Subdivision (Please see Attachment "A"), as filed in the Medina County Records Volume 219, Page 839, a train rail system that would cross properties within the subdivision boundaries would be a direct violation of Declaration 3:

"No noxious or offensive trades, services or activities shall be conducted on any Tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the owners of other Tracts within the Property by reason of unsightliness, excessive emission of fumes, odors, glare, vibration, gases, radiation, dust liquid waste, smoke or noise, or which shall increase the fire hazards of adjoining properties."

The above stated routes traverse both County Roads 4516 and 4643. These two crossings are in very close propinquity to each other and the probability that both roads could be blocked at any one given time is almost a certainty. If there were to be an emergency situation such as the need for medical services or the fire department, my home could not be reached in a reasonable amount of time. My home could burn to the ground before the fire department could arrive or a member of my family could die due to the delay in the response time of the medical service units.

Another major concern not addressed is that County Road 4516 has grown to be a very heavily traveled thoroughfare for a barely two lane, pot hole ridden, county road. The idea that the proposed train would cross at an unlighted area of the road where there is an abrupt

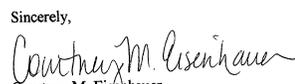
left curve, while simultaneously dropping 50-75 feet in elevation and completely blocking the driver's visibility scares me. I drive this road on a daily basis and have seen and heard of many horrible wrecks, some that have resulted in deaths. Two bad wrecks recently occurred at this very curve during 2006. This proposed crossing would make conditions on this road even worse and the number of reported wrecks is sure to increase. My daughter will be turning sixteen and begin driving in less than three years, I shudder at the fact that she will have to contend with the added hazards the proposed rail line will bring.

In addition, there are school bus stops along the stretch of County Road 4516 close to the proposed rail crossings. This creates a very unsafe situation to have children, who are often times unsupervised, waiting for or being dropped off within walking distance to the proposed tracks. The natural curiosity of children will draw them to the tracks and the resulting unthinkable results will be devastating to everyone.

In the Supplemental Draft Environmental Impact Statement, it states that my home will not be impacted by the 'noise and vibration' emitted from the train. I strongly disagree with the stated findings. I can clearly hear the existing train that follows the Highway 90 rails, which are approximately 1.5 miles from my home. By stating this fact, how can you stand behind the findings in your report? In addition, was it considered that my home fronts County Road 4516, the point at where the proposed trains will cross and therefore will blow their horn with greater intensity and for longer periods of time to warn the crossing traffic? My husband and I are hard working professionals that need sufficient sleep to ensure a productive day. The above noted proposed train routes will cause sleepless periods during the night and as a result hinder our productivity during the day. In addition, we like to entertain family and friends at our house. Having a train interrupt our gatherings will be disruptive, annoying, embarrassing and destroy the atmosphere that we value as part of living in the country.

Just as concluded in the Supplemental Draft Environmental Impact Statement, I feel that the most feasible route would be the original Proposed Route that crosses the fewest roadways and private property. Please consider this question when making your final decision; "Why are falling down 'historical' structures (which were not previously considered 'historic' until the railroad was proposed) more valuable than my home that I have maintained and lived in for nine years?"

Thanks you for taking the time to read this letter and considering some of the very serious concerns that I have for my property and my family.

Sincerely,

Courtney M. Eisenhauer

CC: Mr. Rick Perry, Governor of Texas

AMENDED
DECLARATION OF RESTRICTIONS FOR
CASTROVILLE WEST SUBDIVISION

STATE OF TEXAS §
COUNTY OF MEDINA §

This declaration is made this 28th day of April, 1994, by NOONER-ZERR, INC, hereinafter called "Declarant". This declaration amends and supersedes the original Declaration of Restrictions filed of record under Clerk's File No. 63639, Volume 200, Page 840 - 844, of the Official Records of Real Property of Medina County, Texas

The Declarant is the present record title holder of certain real property situated in the County of Medina, State of Texas, more particularly described as Tracts 1 through 5, 7, 8, and 10 through 20 of CASTROVILLE WEST SUBDIVISION, a subdivision in Medina County, Texas, according to map or plat thereof recorded in Volume 7, Page(s) 227 - 228 of the Official Records of Real Property of Medina County, Texas. Such property hereinafter referred to as the "Property" or the "Tracts".

Declarant is desirous of subjecting the Property and each Tract therein to the covenants, conditions, restrictions and reservations hereinafter set out to insure the proper use and appropriate development and improvement of said Property and each Tract.

The Property and each Tract therein is hereby made subject to the following conditions, covenants, restrictions and reservations, all of which shall be deemed to run with the Property and each and every Tract or parcel thereof to insure the proper use and appropriate development and improvement.

Conditions, Covenants, Restrictions and Reservations:

1. The Property and each Tract shall be used solely for residential purposes as follows:

- A. On Tracts One (1) through Thirteen (13) mobile homes shall be permitted for a period of two (2) years from the date a mobile home is moved on to said Tracts. Two (2) years from date a mobile home is moved on to any of said Tracts, no mobile home shall be permitted to remain on said Tracts One (1) through Thirteen (13). Thereafter, any residence located on said Tracts must consist of a single family, site built structure.
- B. On Tracts Fourteen (14) through Twenty (20) mobile homes or single family, site built structures are permitted subject to requirements contained in 2(C) below.

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Tract line closer than 25 feet. Additionally, areas between such set-backs and the Tract lines shall not be cleared of all trees.

- H. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the plat of the Property. No utility company, water district, political subdivision or other authorized agency or entity utilizing such easement shall be liable for any damage done by them or their agents, employees or servants, to shrubbery, trees or flowers, or to other property belonging to the owner of any Tract in any case where such shrubbery, trees or flowers are located within such easements.
- I. All culvert pipes placed in ditches on any Tract shall conform to County specifications.
- J. No motor home or travel trailer shall be occupied as a residence on any tract herein for a period to exceed two years.

- 3. No noxious or offensive trades, services or activities shall be conducted on any Tract, nor shall anything be done thereon which may be or become an annoyance or nuisance to the owners of other Tracts within the Property by reason of unsightliness, excessive emission of fumes, odors, glare, vibration, gases, radiation, dust, liquid waste, smoke or noise, or which shall increase the fire hazard of adjoining properties.
- 4. No swine of any kind shall be raised, bred or kept on any Tract except where the animal is to be kept as a 4-H project. A maximum of four (4) head may be kept for such projects.
- 5. No Tract shall be used or maintained as a dumping ground for rubbish or trash. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators and other equipment for the storage of or disposal of such material shall be kept in a clean, sanitary condition. No "junk" cars or wrecking yards shall be located on any Tract.
- 6. No truck, bus or trailer shall be left parked in the street or road in front of any Tract except for construction and/or repair equipment while a Tract is being built upon or repaired in the immediate vicinity. No truck, bus, boat or trailer shall be parked on the driveway or any portion of any Tract in such a manner as to be visible from any public street or road for more than seventy-two (72) continuous hours.
- 7. No professional business or commercial activity to which the general public is invited shall be conducted on any Tract, nor shall any firing range be maintained on any Tract.
- 8. No Tract may be subdivided without the consent of Declarant.
- 9. No Tract shall be used for public or private road purposes, and no public or private road shall be built to extend through any Tract without the consent of the Declarant.

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C. Declarant specifically reserves the right, until June 1, 2020, to vary the permitted use of any tract notwithstanding these restrictions, should Declarant deem it in the best interest of the Property to grant such variance.

- 2. A. No building or structure shall be erected or constructed on any Tract until the building plans, specifications, plat plans and external design have first been approved, in writing, by the Declarant, or by Declarant's nominee.
- B. All building on any Tract must be completed not later than twelve (12) months after laying the foundation and have at least 800 square feet of living space. All buildings must be completely enclosed from the ground level to the lower portion of the exterior wall to maintain a neat appearance, and to remove from view posts or piers.
- C. No mobile home older than seven (7) years from date of its original manufacture shall be moved onto any Tract for living purposes. The living area of all mobile homes shall contain a minimum of 720 square feet. All mobile homes moved onto the property shall be tied down and skirted. Regulations governing mobile homes, as may be established by Declarant shall be complied with.
- D. No used material may be stored on any Tract. In the event any materials are stored upon any Tract which are in the opinion of Declarant in violation of this provision, Declarant shall notify the owner of such Tract, by mail, of such violation, and if the violation is not corrected and the subject material removed within ten (10) days of the mailing of such notice, Declarant shall have the right to remove such material from the Tract, to dispose of such material and to charge the owner of the Tract with removal costs and expenses. It is further provided that Declarant shall not be liable to the owner of such Tract for any damages for the removal of such material.
- E. No building or structure constructed on any Tract shall be occupied or used until the exterior thereof is completely finished in accordance with the plans and specifications previously approved, and any structure or part thereof which is constructed with lumber shall be finished with not less than two coats of paint or stain.
- F. No outside privies shall be installed and/or maintained on any Tract, and all plumbing for waste shall be connected to a sanitary sewer or septic tank in accordance with State, County and local laws, rules and regulations. The owner of any Tract shall, before any work is done pertaining to the location of building and utilities on such Tract, obtain the approval for such location of such utilities and/or buildings from the Declarant and the local Department of Health, if applicable.
- G. No building shall be located on any Tract nearer to the front Tract line (adjacent to public roads) closer than 100 feet, or nearer to any side or rear

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10. Declarant hereby advises the Public and owners of all Tracts within the Property that the County Road which provides access to the Property has a "low water" crossing which is subject to flooding and may impair access for short periods at various times.

The conditions, covenants, restrictions and reservations herein contained shall run with the land and shall be binding upon and inure to the benefit of the Declarant and the owners of every Tract within the Property. These conditions, covenants, reservations and restrictions may be enforced by Declarant acting for himself, or any owner of any Tract within the Property. An owner may prosecute proceedings at law or in equity against any person or persons violating or attempting to violate any condition, covenant, restriction or reservation herein contained. Violation of any condition, covenant, restriction or reservation herein contained shall give the Declarant the right to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of these conditions, covenants, restrictions or reservations, to enjoin and/or to prevent them from doing so, to cause such violation to be remedied and/or to recover damages for said violation and attorney's fees and costs of suit. All remedies provided herein or damages for said violation shall be cumulative and not exclusive. The failure of the Declarant to enforce at law or in equity shall be deemed as a waiver of the right to do so in the future, or a waiver of the right to enforce any other condition, covenant, restriction or reservation, and Declarant shall not be liable to any party for failure to enforce any condition, covenant, restriction or reservation.

This Declaration and every provision hereof, and every covenant, condition, restriction or reservation contained herein shall continue in full force and effect for a period of twenty-seven (27) years from date hereof, and shall thereafter be renewed automatically for periods of ten (10) years, unless and until terminated as hereinafter provided. This Declaration or any provision hereof or any covenant, condition, restriction or reservation contained herein may be terminated, extended, modified or amended as to the whole property or any portion thereof, during the initial term of this Declaration, with the written consent of the holders of the fee title to sixty-five percent (65%) in number of the Tracts within the Property subject to these restrictions. Such termination, extension, modification or amendment shall be immediately effective upon recording a proper instrument, in writing, executed and acknowledged by such fee title holders in the office of the County Clerk of Medina County, Texas.

Any and all of the rights, powers and reservations of Declarant herein contained may be assigned by Declarant to any person, corporation or association which may assume any or all of the duties and powers of Declarant hereunder, upon any such person, corporation or association evidencing its consent, in writing, to accept such assignment. The term "Declarant" as used herein shall include all such assignees, their respective heirs, successors and assigns. If at any time Declarant has died and not made such an assignment as above provided, a successor Declarant may be appointed by the holders of the fee title of sixty-five percent (65%) of the Tracts within the Property. Such appointment shall be evidenced by and effective upon recording such appointment, in writing, executed and acknowledged by the required fee title holders in the office of the County Clerk of Medina County, Texas.

At such time as "Declarant" shall no longer own any of the tracts, the rights, powers and reservation of Declarant herein shall be automatically assigned to the existing property owners of tracts herein or to their successors and assigns.

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All of the conditions, covenants, restrictions and reservations contained in this Declaration shall be construed together. But, if at any time it shall be held that any one of the said conditions, covenants, restrictions and/or reservations or any part thereof is invalid, or for any reason becomes unenforceable, no other condition, covenant, restriction and/or reservation or any part thereof shall be affected thereby or otherwise impaired.

The terms and provisions contained in this Declaration shall be binding and inure to the benefit of the Declarant and the owners of all Tracts located within the Property, and their respective heirs, successors, personal representatives and assigns.

Jerry M. Perkis and wife, Denise L. Perkis as the owners of Tract 6 and Judge E. Sandusky and wife, Camille M. Sandusky, as the owners of Tract 9, hereby accept and approve the amended declaration of restrictions and agree to be bound by the provisions contained herein.

EXECUTED this the 7th day of April, 1994.

NOONER-ZERR, INC.

BY: [Signature]
Steve Zerr, President

[Signature]
Jerry M. Perkis

[Signature]
Denise L. Perkis

[Signature]
Judge E. Sandusky

[Signature]
Camille M. Sandusky

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el 213 Pl. 843

December 30, 2006

Carolyn B. Weiblen
P.O. Box 395
Castroville, Texas 78009

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Received
1/10/07

Dear Ms. Ghosh:

The Weiblen Family requests three points on record of consideration in response to the recent distribution of the Supplemental Draft Environmental Impact Statement (SDEIS) for Southeast Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The first is the inaccurate interpretation of the proposed Weiblen Modification, second is the cultural significance of the rural operations in existence, and third is the economic impact of the eastern routes.

SDEIS Inaccuracy

In paragraph five of section 2.5 in the SDEIS, the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) states:

In addition, if SEA were to modify routes to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners - which is what is being requested here - the environmental review process could become endless, since the number of modifications and alternatives that SEA could be requested to study could be potentially limitless.

This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

Also, the interpretation of the Weiblen Modification as stated in paragraph five of section 2.5 of the SDEIS is inaccurate. The Weiblen Family is not suggesting shifting the burden of the railroad path onto alternate landowners. Instead, the Weiblen Family is suggesting that the railroad path be shifted onto the west side of the Weiblen Family land, which creates the least impact to the Weiblen Family farm. This route stays on the Weiblen Family land while having the least impact on its sprinkler systems. Thus, the Weiblen Family is willing to work with the SGR and create a proposal that is acceptable to both parties if an eastern route is chosen.

The Weiblen Family requests corrections to paragraph five of section 2.5 in the SDEIS to reflect the true intent of the Weiblen Modification. In addition, the Weiblen Family requests the Final Environmental Impact Statement (FEIS) includes a statement that no additional environmental study is required if the Weiblen Modification is chosen, on the basis that the environmental impact of the Weiblen Modification is no different than any of the other eastern routes. If an environmental impact study is indeed required, the Weiblen Family requests the study be included in the FEIS in order for its consideration as a viable option by the Board.

If neither of the above Weiblen requests is honored, then all eastern routes should be removed from the FEIS.

Cultural Impact

Paragraph eight of section 5.3 in the Cultural Resources states that the remaining portion of section 5.3 takes into account the cultural impact of the change in size and shape of fields and the bifurcation of farms, which in fact it only takes into account some farms and ranches, specifically those with historical buildings on them.

All farms and ranches in the area are built on the rural culture on which Quihi was founded. The detriment of these farms would aid in the deterioration of the rural way of life that attracted settlers to the area. Some of these farms and ranches have been in continuous operation by the same family since the 1940s, and this fact was not taken into account when assessing the cultural impact of the eastern routes.

The Board also needs to take into account that the eastern routes are longer, and therefore has a larger cultural impact since they affect a greater portion of land and landowners.

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The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern

routes ineffective. The most significant is the interference with the large sprinkler systems. Without the coverage of these large systems, the farms would not be able to maintain the small margins that they use to keep these systems operable. The solution normally proposed to address this issue is to add additional sprinkler systems on the other side of the railroad. However, this solution would more than double the amount of maintenance and labor to keep the system operational and require additional piping and valves. Also, the railroad path would have to be at the perfect location relative to the sprinkler system and run straight across the affected land in order to have similar coverage.

The other significant improvement rendered ineffective is the investment in increasing the size of equipment and parcels of land. The railroad would divide the land into smaller parcels making the larger equipment impractical. The landowners would have to revert back to smaller equipment, which reduces operational margin. The smaller land parcels would require additional land lie fallow in order to provide access to the ends for maneuvering equipment which reduces margins. The smaller land parcels require additional time spent turning equipment around, which is nonproductive and again reduces margin. The eastern routes will create some parcels of land impractical for farming or ranching purpose.

Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes will eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

Summary

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,

[Signature]
Carolyn B. Weiblen

#E1-2646
RJ

#E1-2647
RJ

January 8, 2007

Ms. Rini Ghosh
Surface Transportation Board
Washington, D.C. 20423
STB Finance Docket #34284

Received
1/16/07

Dear Ms. Ghosh

I am writing concerning the above mentioned FD # 34284. I am in favor of any route than no route at all. After all it has been established that trucking would have more of an environmental impact than a Railroad. Although I feel that the preferred route would be a better choice for the following reasons. The preferred route passes through fewer pieces of property. Vulcan owns some of the property along the preferred route. The preferred route crosses fewer streams, roads (county and State) than the other routes. And several property owners along the preferred route including myself have indicated that we would sell to Vulcan.

As for Historical impact, you will find that the whole general area involved along the routes were settled at the same time. At one time there were communities of Bader Settlement, Haby Settlement, Upper Quihi, Quihi, New Fountain, Vandenburg, and Verdina in this general area. Then there is Hondo, Dunlay, Castroville, Rio Medina, to mention a few more.

Thank you for allowing my input and consideration for this project.

Beatrice B. Balzen
Beatrice B. Balzen
905 Oakridge
Pleasanton, Texas 78064

Wayne L. Marty
891 CR 354
Hondo, Texas 78861

Received
1/16/07

Ms Rini Ghosh
Surface Transportation Board
Case Control Unit
Washington, D.C. 20423

In Re: STB Finance Docket No. 34284

Dear Ms Ghosh:

I am writing in regard to the proposed railroad construction to the proposed Vulcan Quarry. I am directly affected by the Quarry in that my property is bounded by County Roads 353 and 354.

I am in favor of a railroad rather than just trucking out of the Quarry. Also, I am in favor of the most direct route preferred by Vulcan materials. The more direct route crosses fewer roads and fewer streams than the other routes. This route runs through fewer pieces of property.

Thank you for taking my letter into consideration.

Sincerely,
Wayne L. Marty
Wayne L. Marty

#E1-2648
RJ

#E1-2649
RJ

Jean Marty
891 CR 354
Hondo, Texas 78861

Received
1/16/07

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Surface Transportation Board
Case Control Unit
Washington, D.C. 20423

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Thank you for taking my letter into consideration.

Sincerely,
Jean Marty
Mrs. Jean Marty

January 6, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Received
1/16/07

Dear Ms. Ghosh:

I am writing because I am concerned about the changes the rock quarry and rail line proposed by Vulcan Materials will have on my family homestead in Upper Quihi.

As a life-long resident of Medina County I am opposed to the quarry and the railroad. In 2004 I built a home on family property at 6744 FM 2676 and I have discovered it is not on your SDEIS map-Figure2a: Alternative Rail Routes and Residences within 65 DNL Contour. I have enclosed a map with my house marked in red.

The SGR's Modified Medina Dam Route would go through my home and the MCEAA Medina Dam Alternative would be within one-fourth mile. My mother's 1910 Victorian style home with a hand-dug well and an old windmill is within a mile of the same two eastern alternate routes. There is another hand-dug well and windmill within one-half mile of the MCEAA route.

My environmental concerns are for the agricultural landscape, the recreational activities, the additional noise, and the possible damage to very old wells. Today the landscape is serene and peaceful, the bird hunting good, and there is absolutely no outside noises except birds and coyotes.

If pressured to select a route, I would choose the Eastern Bypass Route over the other two eastern routes.

The quarry and railroad have been a worry to many Medina County residents including my elderly mother and myself, and I would like Vulcan Materials stopped.

Sincerely,
Joan S. Seekatz
Joan S. Seekatz (Former Joarf S. McGill)

Enclosure: Map with my 2004 home marked in red and circled.

#E1-2650
RJR

January 6, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

received
1/16/07

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In addition, if SEA were to modify routes to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners – which is what is being requested here – the environmental review process could become endless, since the number of modifications and alternatives that SEA could be requested to study could be potentially limitless.

This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

Also, the interpretation of the Weiblen Modification as stated in paragraph five of section 2.5 of the SDEIS is inaccurate. The Weiblen Family is not suggesting shifting the burden of the railroad path onto alternate landowners. Instead, the Weiblen Family is suggesting that the railroad path be shifted onto the west side of the Weiblen Family land, which creates the least impact to the Weiblen Family farm. This route stays on the Weiblen Family land while having the least impact on its sprinkler systems. Thus, the Weiblen Family is willing to work with the SGR and create a proposal that is acceptable to both parties if an eastern route is chosen.

The Weiblen Family requests corrections to paragraph five of section 2.5 in the SDEIS to reflect the true intent of the Weiblen Modification. In addition, the Weiblen Family requests the Final Environmental Impact Statement (FEIS) includes a statement that no additional environmental study is required if the Weiblen Modification is chosen, on the

Routes and Residences Within 65 DNL Contour

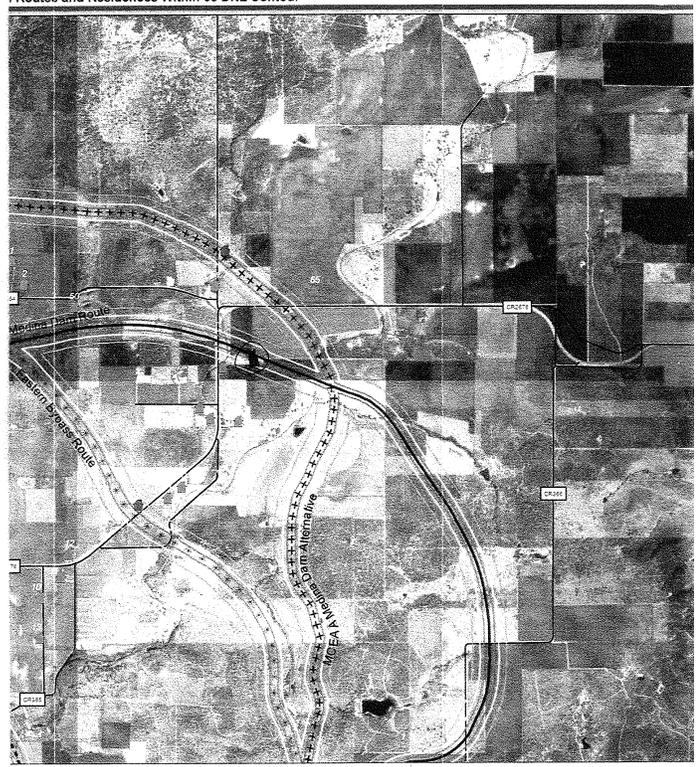


Figure 2a
Alternative Rail Routes and Residences within 65 DNL Contour

Routes and Residences Within 65 DNL Contour

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Sincerely,

Kelli Weiblen
2106 North View
San Marcos, TX 78666

#E1-2651
RJ

January 6, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

received
1/16/07

Dear Ms. Ghosh:

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Sincerely,

Darrell Weiblen
11027 Rivera Cove
San Antonio, TX 78249

#E1-2652
RJ

January 6, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

received
1/16/07

Dear Ms. Ghosh:

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Sincerely,



Christine Weiblen
610 Townplace Drive
College Station, TX 77840

#E1-2653
RY

January 6, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Received
1/16/07

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The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,

Joey Weiblen
BP Sunbury (Stockley Park)
PO Box 4381
Houston, TX 77210

January 6, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

received
1/16/07

Dear Ms. Ghosh:

The Weiblen Family requests three points on record of consideration in response to the recent distribution of the Supplemental Draft Environmental Impact Statement (SDEIS) for Southeast Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The first is the inaccurate interpretation of the proposed Weiblen Modification, second is the cultural significance of the rural operations in existence, and third is the economic impact of the eastern routes.

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This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

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Sincerely,

Deborah Weiblen
BP Sun (Stockley Park)
P.O. Box 4381
Houston, TX 77210

#E1-2655
R21

January 6, 2007

Harold Weiblen
560 CR 461
Hondo, Tx. 78861

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

received
1/16/07

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Harold Weiblen
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#E1-2656
R21

January 6, 2007

Cindy Weiblen
560 CR 461
Hondo, Tx. 78861

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

received
1/16/07

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Sincerely,

Cindy Weiblen
Cindy Weiblen

December 30, 2006

Amanda L. Rothe
1206 31st St
Hondo, TX 78861

Surface Transportation Board
Case Control Unit
Washington, DC 20423

Attention: Rini Ghosh
STB Docket No. FD 34284

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#E1-2657
RS

*Approved
11/6/07*

Family is willing to work with the SGR and create a proposal that is acceptable to both parties if an eastern route is chosen.

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#E1-2659
RS

Charles and Patricia S. Bigelow
905 Eventide Drive
San Antonio, Texas 78209
cbig2646@sbcglobal.net

January 16, 2007

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket #34284
Vulcan Materials Co./Southwest Gulf Railroad

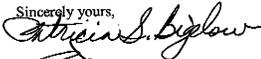
Dear Ms. Ghosh:

We are very opposed to the construction of a quarry in the vicinity of Quihi, Texas for several reasons. First of all, we are concerned about the environmental impact on the aquifer which lies just beneath the proposed quarry. This aquifer supplies water to a large portion of the population of South Texas, and we cannot afford to jeopardize one of our main sources of clean water. Second, the area north of Dunlay towards the proposed aquifer is very prone to flooding. We feel that the construction of a railroad spur through that area would cause a worsening of the flooding of roads, fields and residences. Third, we are in favor of preserving the historic farms and houses that give the Quihi area its unique, irreplaceable character. Several of the proposed railroad routes would destroy many of these historic places.

Our ranch is located just north of County Road 252, and the noise and air pollution caused by a large quarry would adversely affect our lives in many ways. We spend every weekend there and plan to retire there soon.

We urge you to help us preserve this unique pastoral area of Medina County, Texas by refusing to grant permission for a railroad spur to the site of Vulcan's proposed quarry. If you must grant permission, we urge you to choose the Medina Dam Alternative Route approved by MCEAA or else the Eastern Bypass Route. We also urge that the proposed fuel storage and maintenance area be moved further south, out of the Elm Creek floodplain.

Thank you very much for your help on this critical issue.

Sincerely yours,

Charles and Patricia S. Bigelow

The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern routes ineffective. The most significant is the interference with the large sprinkler systems. Without the coverage of these large systems, the farms would not be able to maintain the small margins that they use to keep these systems operable. The solution normally proposed to address this issue is to add additional sprinkler systems on the other side of the railroad. However, this solution would more than double the amount of maintenance and labor to keep the system operational and require additional piping and valves. Also, the railroad path would have to be at the perfect location relative to the sprinkler system and run straight across the affected land in order to have similar coverage.

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Sincerely,

Amanda L. Rothe

#E1-2660
RS

December 30, 2006

Matthew C. Rothe
1206 31st St
Hondo, TX 78861

Surface Transportation Board
Case Control Unit
Washington, DC 20423

Attention: Rini Ghosh
STB Docket No. FD 34284

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FD 34284 received 1/17/07 #E1-2661 RJ

January 8, 2007

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Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes will eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

Summary

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,

Matthew C. Rothe

Ms. Rini Ghosh
Surface Transportation Board
Washington, D.C. 20423
STB Finance Docket #34284

Dear Ms. Ghosh

I am writing concerning the above mentioned FD # 34284. I am in favor of any route than no route at all. After all it has been established that trucking would have more of an environmental impact than a Railroad. Although I feel that the preferred route would be a better choice for the following reasons. The preferred route passes through fewer pieces of property. Vulcan owns some of the property along the preferred route. The preferred route crosses fewer streams, roads (county and State) than the other routes. And several property owners along the preferred route including myself have indicated that we would sell to Vulcan.

As for Historical impact, you will find that the whole general area involved along the routes were settled at the same time. At one time there were communities of Bader Settlement, Haby Settlement, Upper Quihi, Quihi, New Fountain, Vandenburg, and Verdina in this general area. Then there is Hondo, Dunlay, Castroville, Rio Medina, to mention a few more.

Thank you for allowing my input and consideration for this project.


Wayne R. Balzen
905 Oakridge
Pleasanton, Texas 78064

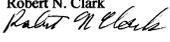
FD 34284 received 1/17/07 #E1-2662 RJ

Dear Sirs

I live in Medina Oaks which is on the edge of the proposed quarry. I am against any railroad that would cross cr265 or 2676. It would delay the school bus that already takes an hour and a half to get here. It would also delay an emergency run to the hospital in Hondo.

I am retiring this year. I have invested all my assets into my homesite in which I am going to retire in. I planned on a quite, peaceful, country style living. With this railroad this will never come true.

Vulcan should move farther west where there aren't any towns or very many people to disturb.

Thanks for your concern Robert N. Clark


Surface Transportation Board
ATT:Rini Ghosh
Section of Environmental Analysis
Reference Finance Docket #34284

January 8, 2007

Michael Weiblen, P. E.
175 CR 373
Rio Medina, Tx. 78066

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Dear Ms. Ghosh:

The Weiblen Family requests three points on record of consideration in response to the recent distribution of the Supplemental Draft Environmental Impact Statement (SDEIS) for Southeast Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The first is the inaccurate interpretation of the proposed Weiblen Modification, second is the cultural significance of the rural operations in existence, and third is the economic impact of the eastern routes.

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This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

Also, the interpretation of the Weiblen Modification as stated in paragraph five of section 2.5 of the SDEIS is inaccurate. The Weiblen Family is not suggesting shifting the burden of the railroad path onto alternate landowners. Instead, the Weiblen Family is suggesting that the railroad path be shifted onto the west side of the Weiblen Family land, which creates the least impact to the Weiblen Family farm. This route stays on the Weiblen Family land while having the least impact on its sprinkler systems. Thus, the Weiblen Family is willing to work with the SGR and create a proposal that is acceptable to both parties if an eastern route is chosen.

#E1-2663 RJ
JAN 18 2007 RECEIVED

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The Board also needs to take into account that the eastern routes are longer, and therefore has a larger cultural impact since they affect a greater portion of land and landowners.

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Sincerely,


Michael D. Weiblen, P.E.
Texas 44333

January 8, 2007

Judith Weiblen
175 CR 373
Rio Medina, Tx. 78066

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Dear Ms. Ghosh:

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#E1-2664
RQ

JAN 18 2007
RECEIVED

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Sincerely,



Judith Weiblen

**Surface Transportation Board
Incoming Correspondence Record**

#EI-2666

E-filing Correspondence Information		State	
* Required Fields		Recorded by: Kenneth Blodgett on: 01/20/2007	
*Docket #:	FD 34284 0	Affiliation:	Self / Individual
*Name of Sender:	Max Walden	Letter Type:	Other
Group:		Description 'Other': e-filing	
Attention Of:	Rini Ghosh	NEPA Type:	
*Date Received:	01/20/2007	In Public Docket?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Date of Letter:	01/20/2007	Phone Number:	830-741-3418
Group's Address:	655 CR 365	Email Address:	Waldenpond4@juno.com
Group's City:	Quihi	Group's Zip Code:	78861-
Group's State:	Texas		

Submitter Comments

This whole process overwhelms me as I am told that these comments carry a lot of weight on the final decision. However, many commenting live nowhere near the project and are very misinformed. I live within 100 yards of the preferred routes and have been told by the president of my bank that it will be just a "minor inconvenience" for me. Naturally, I am biased and favor the eastern routes. My first letter to you, when this free-for-all first began, included a suggestion that you consider these other routes because I knew they were less intrusive on the more populated area of Quihi. Your latest draft has affirmed this fact. If this process is legitimate and the decision makers are thoughtful folks, no railroad will wind its way through the valley created by Quihi creek. Actually, no railroad is necessary close to a populated area. The Edwards geological formation, which houses the water we all depend on, includes millions of acres of limestone west of here. The Union Pacific railroad runs thru it for one hundred miles, enough to supply Vulcan for years. I suggest no railroad at all in Quihi.

Max Walden (830)741-3418

STB's Comments

Image/Attachment(s)

#EI-2668
RJ



**TEXAS
HISTORICAL
COMMISSION**

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
JOHN L. NAU, III, CHAIRMAN
F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

January 19, 2007

Ms. Rini Ghosh
Surface Transportation Board
Case Control Unit
Washington, DC 20403
STB Finance Docket No. 34284

received
1/22/07

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Review of Supplemental Draft Environmental Impact Statement, Southwest Gulf Railroad, STB Finance Docket No. 34284, Construction and Operation Exemption, Medina County, Texas (STB)

Dear Ms Ghosh:

This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

Our staff has reviewed the Supplemental Draft Environmental Impact Statement (SDEIS). We greatly appreciate the Surface Transportation Board's cooperation in undertaking the rural historic landscape study and the careful consideration of alternative routes to potentially lessen the impact on historic resources. In addition to the study's importance for this project, we believe it provides crucial information for future planning in the community and within the region.

Our agency agrees with the findings and conclusions of the SDEIS. We strongly support the utilization of either of the environmentally preferred eastern routes. Both the Eastern Bypass Route and the MCEAA Medina Dam Alternative significantly lessen the impact of this project on critical historic resources. Both alternatives appear to meet the requirements of the National Historic Preservation Act to avoid or minimize adverse effects to historic properties.

We do offer one caveat regarding the environmentally preferred routes. We hope that the Surface Transportation Board will select whichever of these two routes that will result in the least division of current agricultural lands. We also believe that there may be an opportunity for slight adjustments or realignments to either of these routes to reduce the impacts on farmland operations. We pledge to work with the Surface Transportation Board to make either of these eastern alternative routes as functional as possible for the railroad and the landowners while still protecting the important historic resources of the eligible Upper Quihi Rural Historic District.

Again we appreciate your agency's efforts in the completion of this SDEIS and compliance with federal laws.

Yours truly,



F. Lawrence Oaks, State Historic Preservation Officer

cc: John Nau, III, Chair, Texas Historical Commission
John Fowler, Advisory Council on Historic Preservation
Albert Hausser, Texas Historical Commission
David H. Coburn, Steptoe & Johnson, LLP.

#E1-2669
RA

January 8, 2007

Trey Tschirhart
811 Vienna St.
Castroville, TX 78009

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

Re: STB Docket No. FD 34284

received
1/22/07

Dear Ms. Ghosh:

As a fourth generation heir to the Weiblen farms, I have a significant interest in the future productivity of the farm and the land on which it operates. Please consider the attached letter which details my stance on the proposed eastern routes and the impact they will have on the land and culture on which our farm was built.

Sincerely,


Trey Tschirhart

Attachment

January 8, 2006

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Castroville, Texas 78009

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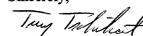
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Sincerely,


Trey Tschirhart

#E1-2670
RPS

January 8, 2007

Lorin Tschirhart
811 Vienna St.
Castroville, TX 78009

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

Re: STB Docket No. FD 34284

received
1/22/07

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The Weiblen Family wants to again document that the proposed eastern routes destroy some of the economic value of family farms and ranches in the area and will likely put some of them out of business. Since the removal of the original Medina Dam Railroad in 1912, the farmers and ranchers in the area have spent significant resources making improvements to their property in order to compete in the low margin farming and ranching industry. These improvements include: years of clearing, leveling, and fertilizing the land; drilling irrigation wells and establishing a network of piping and valves to distribute water across the land; purchasing and installing sprinkler systems to reduce water usage, protect natural resources, and reduce operating costs; and reinvesting all profits to increase the size of equipment and parcels of land to reduce inefficiencies.

The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern

routes ineffective. The most significant is the interference with the large sprinkler systems. Without the coverage of these large systems, the farms would not be able to maintain the small margins that they use to keep these systems operable. The solution normally proposed to address this issue is to add additional sprinkler systems on the other side of the railroad. However, this solution would more than double the amount of maintenance and labor to keep the system operational and require additional piping and valves. Also, the railroad path would have to be at the perfect location relative to the sprinkler system and run straight across the affected land in order to have similar coverage.

The other significant improvement rendered ineffective is the investment in increasing the size of equipment and parcels of land. The railroad would divide the land into smaller parcels making the larger equipment impractical. The landowners would have to revert back to smaller equipment, which reduces operational margin. The smaller land parcels would require additional land lie fallow in order to provide access to the ends for maneuvering equipment which reduces margins. The smaller land parcels require additional time spent turning equipment around, which is nonproductive and again reduces margin. The eastern routes will create some parcels of land impractical for farming or ranching purpose.

Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes will eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

Summary

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,



Lorin Tschirhart

Loren D. Bane
12623 Hunters Chase
San Antonio, Tx 78230
(210) 912-0333

Fb 34284 1/22/07

To Whom It May Concern:

Re: Southwest Gulf Railroad
Vulcan Construction Materials
Medina County Environmental Action Association Route

I believe that the MCEAA proposed route for the Vulcan Quarry in Medina County is nothing but a selfish route to dump their trash in other Medina County resident's backyard. There is nothing more historical about Quihi than the land around the eastern route. I believe the MCEAA route was only approved by its inner core of directors, not by the general membership. The MCEAA route covers approximately five (5) more miles of Medina County and will affect more residences than Vulcan's original route. The MCEAA route also cuts across FM2676 and CR265 within an approximately 1/2 (.5) mile distance. The MCEAA route also is a vendetta against the Wurzbach family because they leased a portion of their land to Vulcan. The MCEAA route goes right over the Wurzbach's land near their house at FM2676. The MCEAA should not be named Medina County because it only represents a very small number of Medina County residences with a very narrow minded goal that is to keep the railroad out of Quihi and only Quihi. If anyone gains from this quarry, it will be Quihi and Hondo.

There are many subdivisions and a large number of families who depend on these two roads for emergency care and their jobs in San Antonio and schools in Hondo, Texas. With the SGR crossing within .5 miles on both roads, this would create a disaster in many ways for more families than if this train went through Quihi. Being behind this long, slow moving train twice within .5 miles is not only selfish but criminal because it blocks a large number of Medina County residents from emergency care, for example: snake bites, hunting accidents, heart failure, etc., just to satisfy a few of the residents still alive in Quihi and the dead (cemeteries). A train route that covers approximately five (5) more miles with the crossings at both FM2676 and CR265 could not be more environmentally sound or safe when it affects more of the existing residents than Vulcan's proposal.

If you are wondering, I am also against the Quarry completely and I do not work for Vulcan. I have a ranch on CR 265 that is a neighbor of the proposed quarry and I hate that Vulcan is pushing this down our throats. However, the MCEAA route is more selfish and harmful than the Vulcan Quarry itself. Before you approve any route, you should really check how many people live up CR265 and will be affected by this. You will be surprised. The Eastern Routes are totally out of line and without merit.

If you would like to contact me to discuss further, I can be reached at 210-912-0333. Loren D. Bane

1/13/07

received
1/22/07

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket #34284
Vulcan Materials Co./SW Gulf Railroad

Dear Ms. Ghosh:

I am a mother of three preschool children. My husband and I have been working diligently to design a safe and peaceful home in the quiet countryside near Quihi, Texas. We are very alarmed to think of such an enormous and dangerous project being considered so near to our home. This area of Medina County is quickly growing in population - good quiet neighbors. This is the WRONG place for a quarry and railroad!

Finance Docket #34284

Page 6

This railroad (proposed) would be serving only the Vulcan quarry. Seizing private property for the railroad would violate many private citizen's property rights. I do not want to have to deal with the increased flooding this railroad will certainly cause.

If you do allow this project despite public protest, the so-called "MCEAA Medina Dam Route" would create the least damage to the environment and public safety. This alternative crosses the fewest roads, the fewest flood plains and avoids the Quihi area historical/archeological district.

Please act to protect public safety and our peaceful environment!
Deny this railroad permit!

Sincerely,

Elizabeth Wood

received
1/22/07

1/10/2007

#E1-2673
RJ

DEAR SIR,
I AM 5 YEARS OLD.
PLEASE DON'T LET
THEM BUILD A
TRAM TRACK
OVER THE ROADS.
I WANT TO RIDE
MY NEW BIKE
AND BE SAFE.
THANK YOU.

HANNAH WOOD

671 CR 252, Hondo, TX 78861

Finance Docket #34284

January 13, 2007

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 34284
1925 K Street, NW
Washington, DC 20423-0001

Received
1/23/07

Ref: Proposed Vulcan Materials/Southwest Gulf Railroad Rail Line
in Medina County, Texas

Dear Ms. Ghosh:

I am a landowner in the Quihi, Texas area. My family purchased land here just two years ago. The community welcomed us immediately and we instantly fell in love with this quiet, clean, historic place that is filled with courteous and honest people. We seem to all work hard for what we have and we take care of what we have. The notion of some aggregate company trying to come in and build a quarry over our aquifer; polluting our air; blasting near our home sites; and wanting to put a rail line thru our properties is preposterous to say the least.

There seems to be too many questions about the proposed railroad routes Vulcan has presented.

- What kind of impact will it have on the environment?
 - How will it affect the floodplains?
 - How will the flooding affect the farms downstream?
 - How will the flooding affect the Quihi Lake?
 - How will this affect the aquifers and water wells?
- What about railroad safety?
 - How many streams, roads, and driveways will the line cross?
 - How close are the lines to historic sites?
 - How many families will lose property to the rail line?

Please review the proposed routes *carefully*. My community may be permanently damaged by the railroad and most certainly will be damaged by the quarry. The people here will remain to be courteous and friendly, but this wonderful little piece of Texas may be changed forever. Please help us preserve this historic land and help us keep the land safe and clean for future generations.

Sincerely,

Mary FitzSimon
Mary FitzSimon

Ms. Rini Ghosh
Surface Transportation Board
Case Control Unit
1925 K Street, N. W.
Washington, D. C. 20423-0001

Received
1/23/07

Re: STB Finance Docket No. 34284

Dear Ms. Ghosh:

Please accept this letter as my opposition to granting approval for Southwest Gulf Railroad (SGR) to construct and operate a railroad spur line to serve the proposed Vulcan quarry in Medina County. Should this happen, a Fortune 500 company would have the power of Eminent Domain to utilize for their financial gain. Good for their stockholders, but bad for the landowners and environment they will impact.

I am a landowner bordering the proposed quarry that the SGR will solely serve. I am also a resident of Medina County. Having the quarry as a neighbor does not excite me, but I understand the importance of natural resources. I also understand and applaud the free market system. Having a private company condemn your property to be able to transport strictly their product is not right or a part of the free market system.

Having said that, and if the SGR is a foregone conclusion then I believe they should be held to routes having the very least impact on the environment. The immediate Quihi area has got to be the most environmentally sensitive area within the project study area. It cannot be argued that it does not have great historical and cultural significance. In addition, it has an abundance of jurisdictional waters. Lastly, it is the most heavily populated area. I believe the route should not impact this area at all. The two routes that you have identified as being the least environmentally disruptive both go well east of this area. Of these two routes (the MCEAA Medina Dam Alternative and the Eastern Bypass Route), I would not state a preference, as they both appear to negatively impact residents in the area. Should SGR successfully negotiate and acquire the necessary right of way without needing to exercise

Eminent Domain along these routes, then this may mitigate some of the negative impact.

The last comment I would make concerns the No Action alternative. I know for the purpose of your evaluation you must take SGR and Vulcan at their word that they would proceed with the quarry and truck the material to a rail head at Dunlay. I must also take them at their word, when they have said at previous meetings that they would not develop the quarry without rail transportation. If this is true, the No Action alternative would by far be the least environmentally harmful.

Your thoughtful consideration of this matter is appreciated.

Sincerely,

Larry Coyle
Larry Coyle
601 CR 375
San Antonio, TX 78253

cc: Medina County Environmental Action Association

SECTION OF ENVIRONMENTAL ANALYSIS #E1-2676
1925 K STREET NW
WASHINGTON, DC 20423-0001
FD 34284
Received
1/23/07

DEAR SIRs,

I UNDERSTAND YOU ALL CONSIDER A permit for the Southwest Gulf Railroad Company. I AM A HOME OWNER AT QUIHI, TX AND I AM CONCERNED ABOUT THE LOCATION OF THE RAIL LINE. IF I HAD MY WAY WE WOULD NOT HAVE A RAIL LINE. THIS PEACEFULL COMMUNITY WILL BE DESTROYED BY THE RAILROAD & THE NUMBER OF TRUCKS GOING TO THE PIT. THIS IS A VERY HISTORICAL AREA DATING BACK TO THE 1800'S MANY OF THE HISTORICAL HOMES MAY BE DESTROYED OR SEVERELY DAMAGED. THERE ARE MANY MORE AREAS IN TEXAS THEY CAN MINE LIMESTONE. IF THEY PUT THEIR RAIL LINE ON THE PROPOSED ROUTE IT WILL HAVE A DEVASTATING EFFECT ON THE FLOOD PLANE. IN 1998 I HAD A FOOT OF WATER IN MY HOUSE AND I AM AFRAID WITH THE NEW RAILROAD WITH ITS BRIDGES AND TRESSELS WE WILL HAVE A MORE DANGER OF BEING FLOODED WORSER. I KNOW YOU ALL ARE A LONG WAY FROM QUIHI, TX BUT I HOPE YOU WILL CONSIDER THIS. ALSO THE GOVERNMENT WILL HAVE TO CONDEM HOMEOWNERS PROPERTY

January 18, 2007

Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N. W.
Washington, DC 20423-0001

FD 34284
Received
1/23/07

Dear Ms. Rutson:

We are landowners and residents in Medina County, Texas. Our property is located approximately one half mile east from the proposed quarry that Vulcan Materials wishes to start. The county road on which we live is supposed to be crossed by one of the proposed routes for the quarry's railroad.

When we bought this property twenty-six years ago, we thought we had found the ideal place. We moved from Shavano Park which was about a mile south of a Martin-Merietta gravel pit in San Antonio. We were not anxious to be that close to the periodic explosions that went on in the pit much less the dust that was blown onto the house.

A railroad does not exactly lend itself to the natural setting that we have been used to. If this route is chosen, then we will have to cross the tracks twice to get to San Antonio or Castroville. If one of the other routes is chosen this will make a hindrance and danger to get to Hondo, food purchases, fuel, medical assistance, and children to school.

I understand that the gravel will be watered down as it is placed in the cars, but I wonder just how long the gravel will stay damp in the hot South Texas days. How much dust will be generated during the six plus miles to the switch at Dunlay?

I do not know much about the flood plains issue, only what others have said in relation to the railroad. I can understand going through cemeteries, historical places, ranches and peoples' homes will cause problems and ill feelings.

We prefer to have neither the quarry nor the railroad.

Sincerely,
John A. & Janice S. Waits

John A. & Janice S. Waits
1404 County Road 265
Hondo, TX 78861

For private use of this railroad.
I did not know the private companies
had the right to take your
property. Was the right of eminent
domain designed for this purpose.
If you decide to give Vulcan
a permit for a railroad it would
be better at a more easterly route
This would take it out of the
flood plain and the historical
part of Qishi, TX. I know this
has been a long hard journey
for everyone. I know you all
will do what is right for everyone
I will thank you for your time

Sincerely
Jimmy K. Walch

Jimmy K. WALCH
342 RASA
S.A. TX 78227

Surface Transportation Board
Incoming Correspondence Record

#E1-2678

* Required Fields				Recorded by: Kenneth Blodgett on 01/24/2007	
Docket #:	FD 34284 0	Affiliation:	Self / Individual		
Name of Sender:	Robert and Robyn Hargrove	Letter Type:	Other		
Group:		NEPA Type:	Description 'Other' e-filing		
Attention Of:	Rini Ghosh	In Public Docket?	<input checked="" type="radio"/> Yes <input type="radio"/> No		
Date Received:	01/24/2007	Phone Number:	512-459-3515		
Date of Letter:	01/24/2007	Email Address:	robyn_bigelow@hotmail.com		
Group's Address:	6810 Vine Street	Group's Zip Code:	78767-		
Group's City:	Austin				
Group's State:	Tx				

Subject Comments
[Redacted]
[Redacted]
[Redacted]

Robert and Robyn Hargrove
6810 Vine Street
Austin, Texas 78757
(512) 459-3515

January 23, 2007

Surface Transportation Board
Section of Environmental Analysis, Case Control Unit
Attn: Ms. Rini Ghosh
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket #34284
Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms. Ghosh:

We are opposed to the construction of a quarry and the proposed Southwest Gulf Railroad rail line in Medina County, Texas. The rail line that Vulcan proposes would, as a practical matter, enable the construction of the quarry. And the environmental impact of a quarry, particularly on the aquifer below, would be significant. We therefore urge the STB to consider these broader effects when evaluating the proposals for a rail line route. The environmental impact of the railroad is much more significant than contemplated in the STB's environmental impact statements.

We are concerned about the environmental impact of the quarry and the railroad on the Edwards Aquifer. This aquifer supplies water to a large portion of the population of South Texas, and we cannot afford to jeopardize one of our main sources of clean water. In addition, the area north of Dunlay toward the proposed quarry is prone to flooding. The construction of a railroad spur through that area could cause a worsening of the flooding of roads, fields and residences. Finally, we are in favor of preserving the historic farms and houses that give the Qishi area its unique, irreplaceable character. Several of the proposed routes would destroy many of these historic places.

On a personal level, our ranch is located just north of County Road 252, and the noise and air pollution caused by a large quarry would adversely affect our property.

We urge you to help us preserve this unique pastoral area of Medina County, Texas by refusing to grant permission for a railroad spur to the site of Vulcan's proposed quarry. If you must grant permission, we urge you to choose the Medina Dam Alternative Route approved by MCEAA or the Eastern Bypass Route. We also urge that the proposed fuel storage and maintenance area be moved further south, out of the Elm Creek floodplain.

Thank you for your help on this critical issue.

Sincerely yours,

Robert and Robyn Hargrove

Surface Transportation Board
Incoming Correspondence Record

#EI-2679

E-Filing Correspondence Information		Status: New	
* Required Fields		Recorded by: Rini Ghosh on 01/24/2007	
*Docket #:	FD 34284 0	Affiliation:	Citizens Group
*Name of Sender:	James Wardwell	Letter Type:	Letter
Group:		NEPA Type:	Draft EIS Comment
Attention Of:	Rini Ghosh	In Public Docket?	<input checked="" type="radio"/> Yes <input type="radio"/> No
*Date Received:	01/24/2007	Phone Number:	830-741-3863
Date of Letter:	01/24/2007	Email Address:	wardwell4@juno.com
Group's Address:	440 Private Road 234	Group's Zip Code:	78861-
Group's City:	Hondo		
Group's State:	Texas		

Submitter's Comments
 Vulcan Project:
 Please look into areas of the water table/use and the sensitivity of the region. There is a case right now in a city close to the area where the fire from a Mulch fire is being treated with water, and the wells in the area are affected. This water region is very vast and is being regulated. The Gravel Co's use a lot of water and the areas is porous.
 Also look at the use of these people in the are of 1283 by the Lake. Traffic and enviromental hazards are present daily. My daughter lives in the area and has to drive a different route to San Antonio due to the hazards. The land is stripped and cannot support any wildlife in the area. A simple overview by Air reveals how much strip mining in the area is present. This area is wrong and should be reconsidered.

STB's Comments

Image Attachment(s)

Jan-24-2007 09:13pm From-ZACHRY

T-518 P.001/001 F-830

#2680
 RQ

1/24/07
 FD 34284

January 24, 2007

Surface Transportation Board
 Rini Ghosh,
 Section of Environmental Analysis
 1925 K Street NW
 Washington, DC 20423-0001

Re: Finance Docket #34284
 Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms. Ghosh:

I feel Vulcan / Southwest Gulf Railroad should go somewhere else less populated and with less harmful impacts. Quihi is not the place for a railroad. There are too many flood plains, chance of blocking roads, chance of derailment (read the latest statistics), water and air pollution. There is too much historic value to be disturbed and / or destroyed.

If a rail spur is going to be forced on Medina County then let it be the MCEAA preferred route. Although, I believe the Medina Dam will be in danger of blasting by Vulcan and vibration of a railroad; which endangers all of Castroville.

Please do not allow a railroad to come through our beautiful Quihi.

Sincerely,

Sandra Fuchs

Sandra Fuchs

Jan 23 07 06:12p Angela Overley

210-695-4354

P.1

#EI-2681
 RQ

January 23, 2007

Surface Transportation Board
 Rini Ghosh
 Section of Environmental Analysis
 1925 K Street NW
 Washington, DC 20423-0001

RE: Finance Docket #34284
 Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms Ghosh:

I am against the railway which is to be built to accommodate removal of materials for the Vulcan Rock Quarry in Quihi, Texas.

I am a land owner in Quihi and am very distressed over the proposed railway for several reasons.

The area around Quihi is rapidly becoming developed with residential subdivisions. The growth is unprecedented and shows no signs of slowing. The introduction of a new railway in the area is a bad idea and would absolutely contribute to traffic accidents.

In addition, to the best of my knowledge, the entire area is considered a recharge zone for the Edward's Aquifer, the main water source for San Antonio and the surrounding area. Fuel storage is a real concern and should not be permitted.

I have observed flooding conditions in the area during the spring. Elm Creek, Quihi Creek and Polecat Creek flood excessively. A railway would compromise already challenged watershed areas.

So many people will be adversely affected by this railway and so few will benefit. I hope you will consider the full impact of your decision in this matter.

Sincerely,

Angela R. Overley
 Angela R. Overley (210) 695-5645

N. Stewart Overley
 N. Stewart Overley (210) 336-7598

#E1-2682
RGA

#E1-2683
RGA

January 15, 2007

January 18, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/24/07

received
1/24/07

Ms. Ghosh:

Attn: Ms. Rini Ghosh

My family and I are in favor of economic development and growth in Medina County however, we oppose Vulcan's proposed quarry and railroad. We feel the power that Vulcan has obtained relating to eminent domain violates our property rights as citizens of this country.

Ref: Finance Docket No. 34284

Ms. Ghosh,

In reference to the environmental impacts of Vulcan's various proposed railroad routes, we are still concerned about flooding, transportation safety and historical impact. In the overall scheme of things we are more concerned about how Vulcan's quarry will impact the Edwards Aquifer and various other water sources in our area.

My parents purchased our homestead over ten years ago with the intension of retiring and living their dream. The possibility of having a railroad coming through their land and destroying everything they have worked for is unthinkable. They have worked all their lives to be able to own their small portion of the American Dream, but this railroad will not only destroy their lives it will destroy a very special place, Quihi.

We are not in favor of any of the rail routes that would allow for a profit company to condemn private property. Vulcan should not have the power to devastate a lifelong, family run irrigated farm by intersecting their irrigation systems or to place a railroad on private land adjacent to a quiet country home. They are not a government entity acting for the overall general good.

I strongly object to this proposed railroad and request that you do not approve the application. Please, do not give Vulcan Materials the power to take private land for their own profit. Deny the application for approval of a "public" railroad, which we all know is a mockery of the truth.

As for local supporters of Vulcan and the railroad, would you still be in favor of this "benefit to the economy" if the train intersected your front yard or would you simply request that they move it to someone else's front yard?

Sincerely,
Staci Boehme
Curtis Boehme
Staci and Curtis Boehme

Regards,

Jennifer L. Lindsey
Post Office Box 93
Hondo, Tx 78861

#E1-2684
RGA

#E1-2685
RGA

January 18, 2007

FD 34284

Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Surface Transportation Board
Case control unit, STD Docket no. FD34284
Washington D.C. 20423-001

received
1/24/07

received 1/24/07

Jan 14, 2007

Attn: Ms. Rini Ghosh

Attn: Rini Ghosh

Ref: Finance Docket No. 34284

Ms. Ghosh,

I am a landowner in Quihi, Texas and I and my family will be adversely impacted by the construction and operation of the proposed quarry and railroad. I also strongly object to the railroad and the possibility of have my land taken for the private use and profit of Vulcan Materials.

1) I live in San Antonio, Bexar County, Texas but I am a concerned landowner in Upper Quihi, Medina County, Texas. I will be severely impacted by the Vulcan quarry operation if the Eastern Bypass Route (EBR) or the MCEAA Medina Dam Alternative (MMDA) is chosen for the SGR. Both of these routes pass through my property. (Atch. 1 #1)

2) I understand Vulcan's pursuit of the proposed railroad route and am in concurrence since it effects fewer landowners than the alternative routes. I feel that Vulcan can and should continue to work to mitigate any problems or divert the route where necessary to get through any sensitive areas.

A railroad in this historic rural landscape will cause multiple hardships on the all the residents of Quihi and the surrounding area. It will affect traffic and impede the flow of streams and rivers causing additional flooding beyond what we already experience. Also, the Quihi area is an important historical area and should be preserved for future generations undisturbed.

3) The following comments, recommendations and/or suggestions apply to the SEA's preferred routes. They are referred to in the SDEIS as the Eastern Alternative known as:

- A. The SGR's Modified Medina Dam Route (SMMDR)
- B. The Eastern Bypass Route (EBR)
- C. The MCEAA Medina Dam Alternative (MMDA)

I, therefore, fervently request that the application for approval of a railroad in the Quihi area be denied. If you have any questions or need any additional information please contact me.

These comments are provided for your consideration prior to approval of a SGR route to the Vulcan quarry in Medina County:

Regards,

Glenn K. Lindsey

Glenn K. Lindsey
190 CR 4512
Hondo, Tx 78861

4) The EBR crosses my property immediately east of FM 2676 (Atch.1, #1), in the northeast section of Quihi's historic district (Atch.2). I have a circa 1860's limestone house, with additions, in which my grandparents lived and which I was planning to restore. (Atch.1, #2 and the SDEIS appendix F1, pg 16, figure 14). This historic house is in the path of this EBR as are two other residences (considered high impact areas by SDEIS) immediately west of FM 2676 (Atch.1, #3&4). Additionally, this route would cut off a large portion of my already limited frontage on FM 2676 (the only road frontage) thus significantly reducing the value of my property. It would have the same effect on my neighbors on the west side of FM 2676.

Request this route not be selected for the above reasons.

5) Even though the MMDA also crosses my property on the east end (cutting off approximately 60 acres without any road frontage) and would also significantly reduce my property value, I request you allow me to propose an additional route using portions of the MMDA and the SMMDR (Atch. 1, highlighted)

*** Follow MMDA north to where it intersects SMMDR; then turn west and follow SMMDR as already proposed. **** This would not cause any additional study of new properties since these routes, separately, have already been considered. While I would rather not see either of these routes used for the SGR; this route would be less intrusive to me than the EBR as discussed in para. 4. I also believe this route would be better than the EBR or MMDA since it would effect fewer landowners (EBR has 32). It would avoid the eastern section of the Quihi historic district including a historic house (Atch. 1, #2). It would also avoid high impact residences on the EBR (Atch.1, # 3&4) and on the northern portion of the MMDA(Atch. 1 # 5,6&7). Additionally, it would avoid crossing the high traffic unfenced CR 265 (Atch. 1).

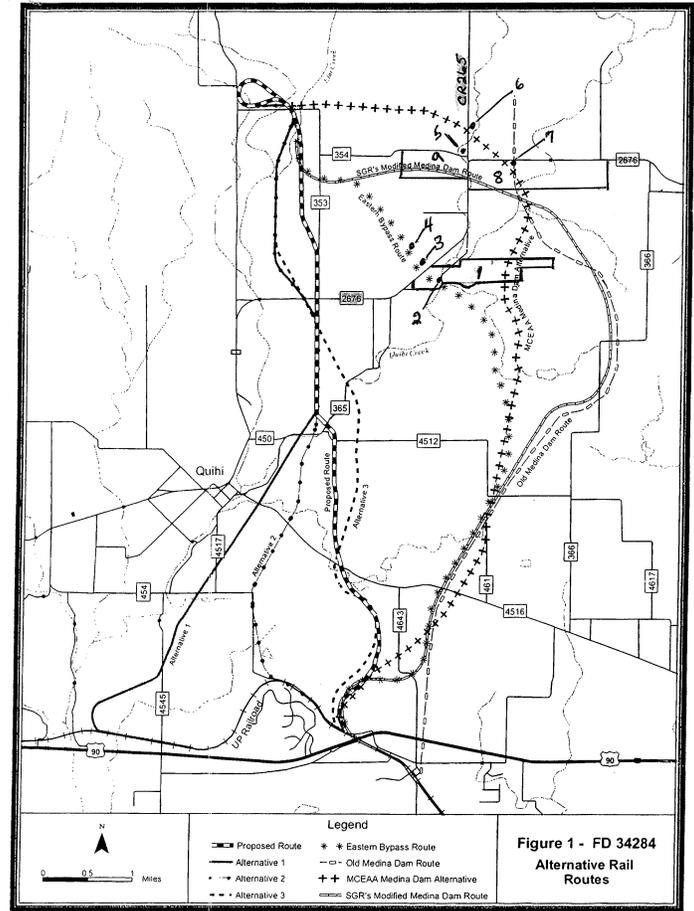
This route would also allow two landowners who own property on the SMMDR immediately to the east and west of FM 2676(Atch. 1, # 8&9) and who also own land in the quarry site and will be receiving financial benefits from the quarry operation, to provide railroad right-of-way like all the neighbors would be required to do. This could help to appease those neighbors who will receive no benefits from the quarry.

6) Your consideration of the above comments and proposal, prior to final selection of the SGR route, is appreciated. I am looking forward to hearing from you. Thanks.

Sincerely,
Gary E. Balzen
 Gary E. Balzen
 5527 Timber Trace
 San Antonio, TX 78250-4208

phone: 210-681-2559
 fax: 210-523-9555

Attachments 2



- County Road 265 is an "open range" road which means my cattle roam free across and on the road. My cattle pens and barn are all at house #2 of Attachment A.
- The route crosses the creek at the point of greatest elevation change from the creek to the adjacent hill.
- Another creek (as shown on Attachment A) west of CR265 on my property, not shown on your maps, will also have to be crossed.

I request that you consider the following comments and/or suggestions for a combination MCEAA Medina Dam Alternative and SGR's Modified Medina Dam Route. The MCEAA route to be used until it intersects SGR's Modified Dam Route just south of FM 2676. This proposal offers several advantages.

- There are not any residences in the direct path of the rail route as with the Proposed MCEAA route and the Eastern Bypass Route where it crosses FM 2676.
- CR 265 does not have to be crossed.
- The creek west of CR 265 noted on Attachment A does not have to be crossed because it merges with the other creek at house #75.
- SGR's Modified Route passes through property owned by Mr. Wurzbach and Mr. Schwuers (see noted area of Attachment A) who will financially benefit from the quarry because they both own property at the quarry site. The rail right-of-way should be a way for them to demonstrate support for their financial benefit of the quarry operation and to avoid major impact on their neighbors.

After review of the documents (ref. A1 & A2), I understand Vulcan's pursuit of their preferred route and I am in concurrence because it affects fewer landowners and agricultural property. It also provides the shortest route which would have the least contribution of train exhaust and dust pollution. Vulcan and SGR should continue to work in good faith as a "good neighbor" to minimize the impact on the existing residences, property and environment.

Your careful consideration of the above comments and proposal before your final route selection is appreciated. I am looking forward to hearing from you.

Thank You,

Henry Balzen
Henry Balzen and
281 CR 265
Hondo, TX 78861
Ph (830) 426-8009

Arleen Balzen
Arleen Balzen

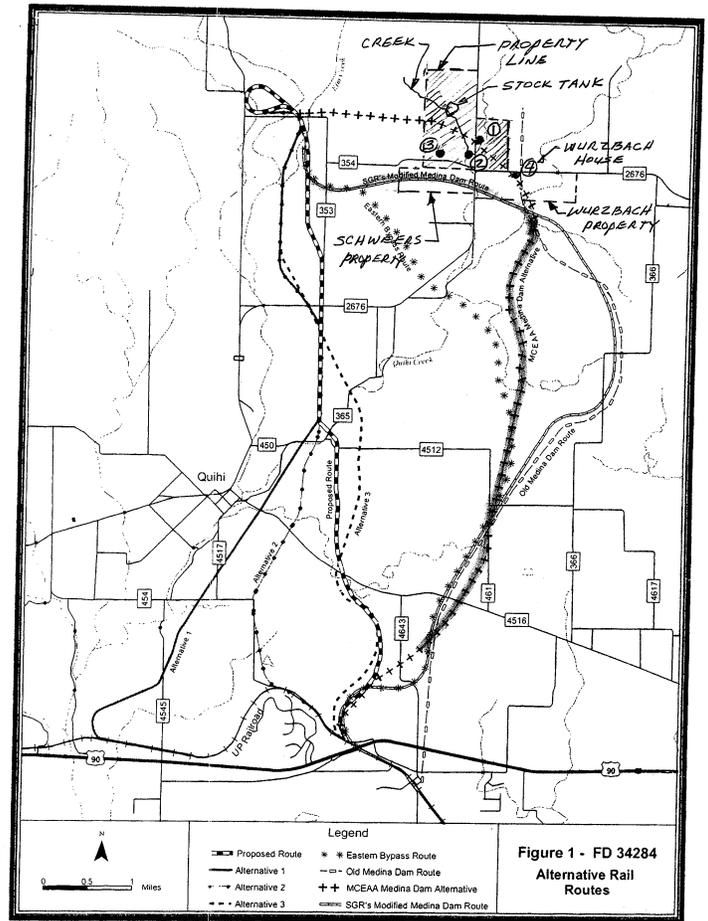


Figure 1 - FD 34284
Alternative Rail Routes

ATTACHMENT A

LETTER TO SURFACE TRANSPORTATION BOARD

Surface Transportation Board
Incoming Correspondence Record

#EI-2688

E-Filing Correspondence Information		Status/Next	
* Required Fields			
* Docket #:	FD 34284 0	Recorded by:	Rini Ghosh on: 01/26/2007
* Name of Sender:	Ned Meister	Affiliation:	Citizens Group
Group:	Texas Farm Bureau	Letter Type:	Letter
Attention Of:	Rini Ghosh	NEPA Type:	Draft EIS Comment
* Date Received:	01/26/2007	In Public Docket?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Date of Letter:	01/26/2007	Phone Number:	254-751-2457
Group's Address:	PO Box 2689	Email Address:	nmeister@txfb.org
Group's City:	Waco	Group's Zip Code:	76702-2689
Group's State:	Texas		

Submitter's Comments

STB's Comments

Image Attachments



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P.O. Box 2689 • Waco, Texas 76702-2689 • 254-751-2457

January 26, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423

Attention: Rini Ghosh
STB Finance Docket No. 34284

Texas Farm Bureau, the State's largest agricultural organization, is pleased to offer these comments on the Southwest Gulf Railroad Company's proposed new rail line in Medina County Texas.

The Supplemental Draft Environmental Impact Statement (SDEIS) has provided an opportunity for interested parties to evaluate the impact of additional alternate rail routes to connect the Vulcan Construction Materials, LP (VCM) limestone quarry to the Union Pacific Railroad Company (UP) rail line near Dunlay, Texas.

Having reviewed the information provided in the SDEIS and the DEIS, it is our opinion that the original Proposed Route (PR) provides the least impacting route for the new rail line to follow. It appears that the PR, as compared to the Alternatives can utilize more available existing rights of way and impact fewer landowners. In addition, the PR appears to allow for greater alignment with property lines thus minimizing the need to bisect productive agricultural land.

Texas Farm Bureau believes that the route that will ultimately be approved, should be the route that has the least impact on the area's farm and ranch land, and utilizes existing rights of way and property lines.

We appreciate the opportunity to provide comments on this important issue.

Sincerely,

Ned Meister
Ned Meister, Director
Commodity and Regulatory Activities

NAM:dp

Surface Transportation Board
Incoming Correspondence Record

#EI-2707

* Filing/Correspondence Information		Status: New	
* Required Fields			
Recorded by: Rini Ghosh on 01/29/2007			
*Docket #:	FD 34284 0	Affiliation:	Self / Individual
*Name of Sender:	Aliska Jakob	Letter Type:	Letter
Group:		NEPA Type:	Draft EIS Comment
Attention Of:	Rini Ghosh	In Public Docket?	<input checked="" type="radio"/> Yes <input type="radio"/> No
*Date Received:	01/29/2007	Phone Number:	(830) 741-8959
Date of Letter:	01/29/2007	Email Address:	aliska_j@hotmail.com
Group's Address:	521 Private Road 3515	Group's Zip Code:	78861-
Group's City:	Hondo		
Group's State:	Texas		

Submitter's Comments:

Dear Ms. Ghosh:
My family lives one mile from the proposed Vulcan Materials quarry. We travel on the county roads that Southwest Gulf Railroad are trying to cross and/or build along. I am against any railroad, any big trucks, and any quarry. The cons outway the pros. Our community is worried about the possible affects on our waterwells, air quality, home foundations, land value, wildlife habitats, road conditions, and all of the possible rail line complications. Please deny them of building a railroad. All too often we see big corporations take advantage of small communities and destroy nature.
Thank You,
Aliska Jakob

STB's Comments:

Image Attachment(s):

Surface Transportation Board
Incoming Correspondence Record

#EI-2708

* Filing/Correspondence Information		Status: New	
* Required Fields			
Recorded by: Rini Ghosh on 01/29/2007			
*Docket #:	FD 34284 0	Affiliation:	Citizens Group
*Name of Sender:	David F. Barton	Letter Type:	Letter
Group:	The Gardner Law Firm	NEPA Type:	Draft EIS Comment
Attention Of:	Unknown	In Public Docket?	<input checked="" type="radio"/> Yes <input type="radio"/> No
*Date Received:	01/29/2007	Phone Number:	2107338191
Date of Letter:	01/29/2007	Email Address:	dfb@glf.com
Group's Address:	745 E. Mulberry Ave, Suite 100	Group's Zip Code:	78212-3167
Group's City:	San Antonio		
Group's State:	TX		

Submitter's Comments:

Attached please find (1) comments from the Gardner Law Firm on behalf of party Medina County Environmental Action Association, Inc., as well as (2) a cover letter and (3) an additional attachment.

STB's Comments:

Image Attachment(s):



David F. Barton
Wm. Richard Davis (Retired)
Jay K. Farwell
Dawn B. Finlayson
Gregory M. Huber
R. Wes Johnson
Mary Q. Kelly
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J.P. Vogel
Thomas J. Walthall, Jr.
Board Certified—Consumer & Commercial Law
Texas Board of Legal Specialization

January 29, 2007

Rini Ghosh
Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

VIA STB WEBSITE
AND CERTIFIED MAIL
RRR# 7003 1010 0005 0216 1117

Dear Ms. Ghosh:

Re: STB Finance Docket No. 34284 – Comments on the Supplemental Draft EIS

Enclosed please find an original and two copies of comments on the SDEIS submitted on behalf of party Medina County Environmental Action Association.

Very Truly Yours,

THE GARDNER LAW FIRM
A Professional Corporation

David F. Barton

BEFORE THE SURFACE TRANSPORTATION BOARD

STB Finance Docket No. 34284

SOUTHWEST GULF RAILROAD COMPANY
CONSTRUCTION AND OPERATION—MEDINA COUNTY, TX

MEDINA COUNTY ENVIRONMENTAL ACTION ASSOCIATION

Comments on the Supplemental Draft Environmental Impact Statement

David F. Barton
THE GARDNER LAW FIRM
745 E. Mulberry Ave. Ste 100
San Antonio, TX 78212-3167
(210) 733-8191

Attorney for Medina County
Environmental Action Association

January 2007

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construct *and to negotiate based on the right to construct.*) (emphasis added). Indeed here, there is no competitive service benefit, because there is only one market participant, and, as the project is currently structured and will likely remain for the foreseeable future, only one proposed operator, which is the same entity.

Nevertheless, through these comments MCEAA will foreclose any argument by Vulcan for the STB to select multiple alternatives, including Vulcan's original Proposed Route, in the licensing decision, per the result in Finance Docket No. 34435, *Ameren Energy Generating Co.—Construction and Operation Exemption—in Coffeen and Walshville, IL* (Feb. 17, 2006). That type of result would skew the positions of the parties such that the actual citizens of the project area would be forced to give up additional leverage in order to achieve a result that had already been designated as the preferred alternative back in the Final EIS. That will not occur. A lawsuit which might not otherwise be necessary will be filed to stop it if it does. MCEAA will not trade present leverage for the applicant's future promises, and will litigate any licensing decision that approves the Proposed Route, because that alternative, unlike the environmentally preferred alternatives, has significant adverse impacts that cannot be mitigated. For many reasons, not least being the contents of the SDEIS and the County's desire to agree on mitigation based on the preferred alternative identified in the Final EIS—which will be one of the eastern alternatives now shown as environmentally preferable in the SDEIS—the Proposed Route is now effectively off the table.

(continued next page)

I. THE PREFERRED ALTERNATIVE

The Medina County Environmental Action Association (MCEAA) is encouraged by the finding of the Supplemental Draft Environmental Impact Statement (SDEIS) that two of the three eastern alternatives are "environmentally preferable." It is clear that one of these two alternatives will ultimately be chosen as the preferred alternative in the Final EIS, per 40 C.F.R. § 1502.14(e).

The analysis of the SDEIS further shows that the MCEAA Medina Dam Alternative consistently rates as the least impacting alternative across nearly all impact categories, and particularly for those impacts most likely to be adverse, including but not limited to flooding, land use, cultural resources, and transportation and traffic safety.

For those reasons, further discussed below, the Section of Environmental Analysis should adopt the MCEAA Medina Dam Alternative as the preferred alternative in the Final EIS.

However, MCEAA is under no illusions regarding how the STB sees the balance of power between communities and paper railroads such as Vulcan's. The STB, not Congress, has made a fundamental policy choice to grant construction and operation licenses to paper railroads, without fully considering or acknowledging some of the ramifications of that choice. See *extended discussion*, MCEAA DEIS comments at 13-19. The result is an extension of corporate leverage over communities far beyond that necessary to achieve market benefits. Cf. Surface Transportation Board News Release, Dec. 20, 2004, Statement of former Chairman Roger Nober ("Where shippers want rail competition, rail construction proposals continue to provide the opportunity both

To make it unmistakably clear to the three STB members who ultimately review this record:

Vulcan may want you to allow them to build the Proposed Route as one of the options of any license that is ultimately granted. MCEAA's position is that the Proposed Route has significant impacts that cannot or have not been adequately mitigated. The Section of Environmental Analysis and Vulcan currently, at the time of the SDEIS, appear to say that the Proposed Route can be or has been adequately mitigated. A decision along the lines of the result in *Ameren*, allowing the Proposed Route, forces the community to give up present leverage, whereas the applicant need only give up its future promises to mitigate adverse impacts on its Proposed Route. *Those future promises cost the applicant nothing*, yet under an *Ameren*-type result, the community is expected to give up present leverage just to secure a benefit that your own Section of Environmental Analysis has already identified as preferable.

Your counterpoint may be that NEPA does not guarantee a substantive outcome. That is true. However, you can also make a decision instead of punting to the applicant or the courts.

Look at what really happened here. To appease the landowners agreeing to lease the quarry to it, who reside to the east, the applicant originally proposed an alignment to the west (Proposed Route), over land owned by persons without a stake in the quarry. Thus, the applicant proposed to the quarry lessors that they could have their cake and eat it too, by pushing all the transportation costs off on their neighbors, which must have seemed like a good deal when the quarry leases were signed. After the objections of the western landowners were raised, it was found that this original route had several problems, including floodplain and cultural resource impacts, that were going to require a good deal of cost to mitigate, if it was even possible to do so. All this time, the applicant moved to cut off discussion of routes to the east, in part to protect the lessors' interests. Finally it was shown, and your own Section of Environmental Analysis agreed, that eastern routes were feasible. Lo and behold, the supplemental draft EIS showed that two of the eastern routes (MCEAA Medina Dam Alternative and SGR Eastern Route) were reasonable, feasible, had fewer impacts and were environmentally preferable. The state agency with oversight over one of the major impact areas, the Texas Historic Commission, has expressly concurred with the selection of preferred alternatives in the supplemental draft EIS issued by your own Section of Environmental Analysis, and has rejected the applicant's offer of mitigation money in exchange for support of the Proposed Route.

By licensing the Proposed Route, you would likely force us to repeat the process above, even though the facts will not change, in a later resolution of this case, and to pay twice for it.

In this case, the applicant also thought it could have its cake and eat it too. The Proposed Route was shorter and appeared cheaper, and no doubt helped sway the would-be quarry lessors. Part of the true cost of the applicant's choice is shown in the additional mitigation needed for the Proposed Route, but the economically efficient result would be to avoid those costs entirely and allow the applicant to use that money for more beneficial purposes. To the extent the applicant argues that the eastern routes have costs of their own, such as greater length, the alleged burden of those costs *now*, which do not offset the costs of mitigating the original Proposed Route, could have been avoided by making a wiser choice at the start. The applicant's costs to date—such as property acquisition, which is entirely recoverable—and psychological investment in the Proposed Route are absolutely irrelevant now. The cost of ill-advised prior decisions cannot be used to offset or allege that it would now be a bad or unduly costly idea to do what the record before you shows would have made the most sense from the start.

Finally, the Medina County Judge has stated to STB his desire to work out mitigation once a preferred alternative is selected. EI-2561 (Oct. 13, 2006). The County's mitigation will address specific road and crossing issues tied to a specific route—which the County Judge has identified in his letter to you as whatever the final preferred alternative is. This illustrates yet more work that a decision by the Board to license more routes than the Final EIS preferred alternative would undo. What possible justification is there for you, in Washington, DC, to overturn the County's good-faith efforts to negotiate mitigation? And what good comes of preventing those efforts, intended so that such mitigation can be binding and implemented with the license instead of potentially preempted after it, by your giving the applicant the final say in the route selection? None.

For these reasons, the licensing decision should be restricted to the preferred alternative identified in the Final EIS.

II. THE SDEIS DEMONSTRATES THAT THE MCEAA MEDINA DAM ALTERNATIVE SHOULD BE THE PREFERRED ALTERNATIVE IN THE FINAL EIS.

40 C.F.R. § 1502.14(e) requires the agency to identify its "preferred alternative" (singular) "in the final statement." As the SDEIS amply demonstrates throughout, the least impacting alternative is the MCEAA Medina Dam Alternative. In general, with some exceptions, MCEAA is pleased with the increased level of detail and increased level of discussion exhibited by the SDEIS. In addition, the mapping and comparative presentation of alternatives has improved noticeably from the DEIS and reflects a level of effort in those areas that deserves high praise and future emulation.

The SDEIS shows that MCEAA Medina Dam Alternative is the least impacting alternative in the following key impact categories, among others:

1. Length of Floodplain Crossed

The MCEAA Medina Dam Alternative crosses streams higher in the floodplain, where they are of lower stream order (a proxy for flow). As a result, it crosses less floodplain, causing any cut, fill, or bridge work to have far less impact on runoff and flood routing in what has been shown to be a flood-prone area, particularly further down in the watersheds where the other alternatives cross. The DEIS and SDEIS do not contain any mitigation conditions that would require span type bridges or that would otherwise guarantee zero increase in or significant modification to the floodplain from bridges, earthwork, cuts or fills. In the absence of such conditions, adverse impacts are certain and floodplain avoidance is the only remedy.

2. Acres of Prime Farmland Soils Impacted

The MCEAA Medina Dam Alternative impacts the fewest number of acres of irrigated and other prime agricultural land, which currently serves as the major economic activity in the project area. Combined with proposed mitigation condition 5A (regarding the replacement of any irrigation system that would be severed, or the realignment of the line to accommodate that system), the MCEAA Medina Dam Alternative will have the least impact on existing

economic productivity, by retaining the maximum acreage of prime soils available for agriculture.¹

3. Number of properties crossed

Also significant is the fact that the MCEAA Medina Dam Alternative would cross fewer properties than every other route, equaling Vulcan's Proposed Route. Vulcan's premature investment in properties along its Proposed Route is irrelevant and completely recoverable. It is important from a land use standpoint that the environmentally preferable MCEAA Medina Dam Alternative is no more disruptive than Vulcan's Proposed Route, as the SDEIS documents.

4. Acres of Rural Historic Districts crossed

As the Section of Environmental Analysis correctly noted in the SDEIS, the three historic districts "are a significant resource in the project area." SDEIS at 6-42. The eastern alternatives "would cause fewer impacts to cultural resources and would not traverse the boundaries of the Quihi Rural Historic District." *Id.* Avoidance of these significant features is certainly an adequate and independent ground to find the eastern alternatives environmentally preferable to the four central routes studied in the DEIS, as the historic studies in Chapter 5 and Appendix F demonstrate, and as the Section of Environmental Analysis correctly found, in this SDEIS. Table 5.3-9 of the SDEIS finds that the MCEAA Medina Dam Alternative has the lowest ranking of cultural resources impacts of any alternative. This low ranking is extremely important because it is based on impacts to the historic districts in the project area as a whole, without favoring any one building or site. Such an approach is appropriate here, where there are numerous sites and features in need of preservation and/or restoration. As future development occurs, the odds of, and opportunities for such preservation and restoration, through purchase, investment, governmental protection, and donation, increase greatly if the historic districts are disrupted as little as possible by this new industrial use and kept intact.

MCEAA would only add that the other three impacts described above are also significant and provide additional grounds to support the finding that eastern alternatives are environmentally preferable to the central alternatives. The four factors above,

¹ In light of these facts and those in the paragraph immediately following, the Texas Farm Bureau's recent letter supporting the Proposed Route is revealed for the transparent buy-off that it was. As with other impacts, including flooding and cultural resources, merely crossing fewer properties does nothing to eliminate the more significant impacts of the Proposed Route relative to the eastern routes.

together with others described herein, also render the MCEAA Medina Dam Alternative superior to the SGR Eastern Route. What is most important from a comparative standpoint is that the flood risk is eliminated, the economic impact to existing agriculture and property is minimized, and the integrity of the Rural Historic Districts is preserved. The MCEAA Medina Dam Alternative does those things and more to a degree that no other alternative can match. The MCEAA Medina Dam Alternative also crosses fewer Farm-to-Market and County roads than any of the eastern alternatives, and does so in safer locations.

Relative to the SGR Eastern Alternative and Proposed Route, the MCEAA Medina Dam Alternative has greater impacts, and then only marginally, in impact categories where all of the alternatives have a negligible impact to begin with in the first place. Thus, unlike flooding, economic and property impacts, and cultural resource preservation, the fact that operating the locomotives over the MCEAA Medina Dam Alternative produces a 0.2 ton per year increase in emissions of particulate matter (PM) means little when PM emissions from all of the rail alternatives are well below significant levels. The Section of Environmental Analysis has correctly determined that the marginally longer length of the eastern alternatives (2-3 miles) is not a distinguishing factor in their environmental impact. SDEIS at 6-42.

Similarly, the fact that the MCEAA Medina Dam Alternative would displace 16 more acres of habitat than the Proposed Route does not translate into a clearly more adverse impact, given that the habitat to be cleared is relatively common in the project area. Assuming for the moment that the representations that have been made with respect to the lack of potential for endangered species are true, the impact is still insignificant.

Likewise, the aquatic resources impacted by the MCEAA Medina Dam Alternative are primarily isolated man-made stock ponds and are likely not subject to substantial regulatory requirements, if any.

III. THE APPLICANT'S ORIGINAL PROPOSED ROUTE HAS ADVERSE IMPACTS THAT CANNOT AND/OR HAVE NOT BEEN ADEQUATELY MITIGATED

As the DEIS acknowledged, construction and operation "would have adverse effects to cultural resources within the areas of potential effect of all of the potential rail alignments" that comprise the four central alternatives studied in that document. DEIS at 4-117 (discussing unavoidable adverse impacts). These impacts "could not be completely mitigated by the measures set forth in [DEIS] Chapter 5 [Mitigation]." *Id.*

A. MCEAA Agrees That A Supplemented Draft Programmatic Agreement Should Be Circulated to Consulting Parties

It is still unclear at this time whether the old Programmatic Agreement contains adequate mitigation for the environmentally preferable eastern alternatives, much less the central alternatives, and MCEAA discusses that issue further elsewhere in these comments. By "old" or "draft" "Programmatic Agreement," MCEAA is referencing the draft document created pursuant to Section 106 of the National Historic Preservation Act and contained in Appendix I-3 of the DEIS. That draft was completed before the extensive studies contained in Appendix F of the SDEIS, and now obviously requires updating.

The DEIS states that the draft Programmatic Agreement at that time would address the greater impact on cultural resources caused by the central alternatives, but more is known about the extent of cultural resources now, due to the SDEIS, than at the

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MCEAA, Inc. Comments on the SDEIS
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time of the DEIS. Thus, the SDEIS correctly states that development of a new Programmatic Agreement will occur. SDEIS at 5-45.

The need to redo the Programmatic Agreement is a frustrating example of the consequences of poor choices by the applicant at the beginning of this process. A Programmatic Agreement must address the entire area of proposed effect, and must essentially, as MCEAA understands it, treat all alternatives fairly such that the adverse effects from all potential alternatives are resolved. In other words, it appears that the new Programmatic Agreement cannot assume that the preferred alternative in the Final EIS, or even the two environmentally preferable alternatives in the SDEIS, will ultimately be the only ones licensed.

It is clear from the proportionally greater impact on cultural resources caused by the central alternatives that any portion of a new Programmatic Agreement addressing those areas affected by those routes would have to contain more avoidance, minimization, and mitigation measures than the portions of the new Programmatic Agreement that address the preferred eastern alternatives.

Yet the whole point of resolving adverse effects is to develop alternatives that avoid, minimize, and mitigate the impacts, which brings the process full circle. Unless it is possible for the Programmatic Agreement to focus solely on the preferable eastern alternatives, the entire revision may be a moot exercise if the three STB members add insult to injury and decide to license one of the central alternatives, such as the Proposed Route, in addition to a preferred eastern alternative. The SDEIS clearly concludes that the best way to reduce impacts is to avoid the historic districts, so what is the point of preparing an Agreement that contains, in part, heavier mitigation in the event that

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MCEAA, Inc. Comments on the SDEIS
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avoidance does not occur? At some point, the priority of avoidance over mitigation has to intervene. No one at the Corps of Engineers goes around saying, "Well, we've got 400 acres of wetlands that you could reasonably and feasibly avoid, but I guess if you bank 400 man-made ones over in the mitigation bank we'll call it a wash and you can have the permit."²

The nature of much of the adverse impact³—aesthetic and visual—compels the conclusion that avoidance is the priority remedy, followed by minimization, followed by mitigation. We do not see any evidence of the latter in the old draft Programmatic Agreement. Mitigation for aesthetic and visual impacts is by nature compensatory, and the old draft Programmatic Agreement makes no such commitments. Rather, the old draft Programmatic Agreement purports to set out a framework to resolve adverse effects of all kinds. In reality, however, if aesthetic and visual impacts are going to occur and are going to be resolved, they will be resolved no differently now (i.e., through avoidance) than they will be later, because the scale of the impacts extends over wide areas of the historic districts that some of the less preferable alternatives bisect. In other words, the remedy can be accomplished now, and there is no reason for it not to be.

² And though the National Historic Preservation Act is a procedural statute, it is now clear that Courts are requiring procedural compliance with the obligation to resolve or at least guarantee (through a programmatic agreement) the resolution of adverse effects in their entirety. *Mid States Coalition for Progress v. STB*, 345 F.3d 520, 554 (8th Cir. 2003).

³ MCEAA notes that there are other components of the adverse impact not stated in the SDEIS but which may yet be stated in the Final EIS, including flood risk due to the amount of floodplain crossed by each alternative. In addition, all four of the DEIS alternatives would bisect the state-designated Gerdes Family Land Heritage Ranch, whereas neither of the two SDEIS environmentally preferred alternatives are known to have such impacts.

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MCEAA, Inc. Comments on the SDEIS
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If, on the other hand, the remedy is deferred so as to not inform the selection of alternatives, it undermines the entire SDEIS finding of an adverse impact to cultural resources by the central alternatives. It is difficult to see under that latter scenario what could be done to mitigate the adverse impacts later, because the old draft Programmatic Agreement proposes no such mitigation. The result under the old approach is a daisy chain of processes purportedly resolving adverse effects that still leaves the ultimate decision of how to address the impacts in the hands of the applicant, which is impermissible, because it does not actually resolve the adverse effect. Instead, it leaves the applicant in exactly the same position they were in at the start of the licensing process.

In sum, MCEAA believes that the timing of the SDEIS and its finding that only the MCEAA Medina Dam Alternative and SGR Eastern Route are environmentally preferable present a unique opportunity to focus the Programmatic Agreement on those two alternatives going forward, without the need to address substantial additional mitigation that the central alternatives from the DEIS would otherwise require.

B. Other Selected Adverse Impacts From the Proposed Route

1. Texas FS gas pipeline

The Proposed Route operates on top of or immediately parallel and adjacent to the active Texas FS gas pipeline for several hundred feet. The dangers of co-locating rail lines and active pipelines have been documented by the railroads themselves,⁴ and it is

⁴ See Finance Docket No. 34079, *San Jacinto Rail, Ltd.—Construction and Operation Exemption—Build Out to the Bayport Loop, TX* (Union Pacific response to discovery request of Galveston Bay Conservation and Preservation Association) (Powerpoint presentation entitled "Utility Lines v/s Railroads").
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MCEAA, Inc. Comments on the SDEIS
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not desirable for the agency to license such practices when other alternatives are available.

2. Flooding

The floodplain impacts from the central alternatives are further discussed in our previous letters, contained in Appendix B-2 of the SDEIS. These impacts are extremely adverse and are not addressed by the proposed mitigation, which merely defers analysis to the applicant at a post-licensing date. Unresolved floodplain impacts are one of several adequate and independent reasons why the STB should not license the applicant's Proposed Route.

IV. SELECTED CONTINUED OBJECTIONS AND PROBLEMS WITH ANALYSIS

A. Vibration

It is well settled that excessive vibration can damage groundwater wells and other types of subsurface wells. See e.g., *Stafford v. Thornton*, 420 S.W.2d 153 (Tex.App.—Amarillo, 1967); *Comanche Duke Oil Co. v. Texas Pac. Coal & Oil Co.*, 298 S.W. 554 (Tex.Com.App. 1927); *Bennett v. Texas-Illinois Gas Pipeline Co.*, 113 F.Supp. 788 (E.D. Ark. 1953) and cases cited therein; *Piorkowski v. Liberty Mut. Ins. Co.*, 228 N.W.2d 695 (Wis. 1975); *Ziegler v. Wonn*, 118 N.W.2d 706 (Wis. 1963); *Marigold Coal, Inc. v. Thames*, 149 So.2d 276 (Ala. 1963); *Hoyt v. Amerada Petroleum Corp.*, 69 So.2d 546 (La. App. 1953).

Because it repeated the DEIS methodology on this issue, the SDEIS makes the same conclusory statement regarding vibration from the quarry not leaving the quarry boundaries and overlapping with vibration impacts from the rail line. It is not necessary for the rail and quarry vibrations themselves to occur simultaneously. Rather, the issue is

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the cumulative effect of that vibration over time on the integrity of subsurface wells in the project area. It is obvious that the issue has not been addressed so far.

B. Noise

A similar objection to the one for vibration applies to the noise analysis. Subject to and without waiving this objection, MCEAA agrees with the SDEIS mitigation condition that would reduce, to the point of minimization or outright avoidance of, any significant noise impacts from the rail line by adjusting the alignment. MCEAA asserts, however, that this condition must have a guarantee written into it such that any adjustment to the alignment must result in the noise impact falling below the level of significance. Otherwise, it is not possible to claim that the mitigation condition would truly eliminate the significant impact. The current mitigation condition does not have such a guarantee.

C. Flooding

Currently, there are no substantive mitigation conditions related to bridges, creek crossings, and cut and fill in floodplain areas. Rather, the analysis necessary to determine substantive mitigation is impermissibly deferred to the applicant, after the licensing decision. As a result, the analysis of floodplain impacts is unable to contribute to the selection of a preferred alternative and an alternative to be licensed.

Three other points on the analysis of flood impacts arose after reading the SDEIS:

- State the methodology for the "watershed area intercepted" calculation in Table 3.5-1
- The flood maps in the SDEIS are cited as 2006 FEMA maps. Do these maps actually contain 2006 data or are they just year 2006 maps containing older data in digital format? At the time of the DEIS, the last FEMA mapping of the area had occurred in 1980.
- Floodplains and streams are not aligned with the base map in Figure 3-4 (they appear off-center). The question is, which one of them (the streams

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MCEAA, Inc. Comments on the SDEIS
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or the floodplains) is aligned with the features on the base map, and which one is shifted?

It is also noteworthy that, for all three of the impacts discussed above, no state regulatory process exists to analyze and then avoid, minimize, or mitigate the impact.

V. FOLLOW UP COMMENTS TO THE DEIS

A. Cumulative Impact on San Antonio's Railways and Roadways

In its DEIS comments in January 2005, MCEAA demonstrated the admitted additive impacts of this project on the overburdened rail system in San Antonio.⁵ It is physically impossible for eastbound traffic from this project to turn off of its route before crossing three streets at grade in San Antonio that have been shown to exceed or nearly exceed the USDOT criteria for grade crossing delay. MCEAA DEIS comments at 50-51 (identifying Zarzamora, Brazos, and Flores Streets).

Since that time, there have been numerous significant developments, some negative and many positive. These developments should be, at a minimum, noted in the agency's response to comments in the Final EIS and discussed in the cumulative impacts section.

First, derailments and collisions continue to occur at a rate that defies comprehension. Since May 2004 there have been over 15 serious incidents in the San Antonio area resulting in death, serious injury, and property destruction.⁶ For anyone

⁵ As also demonstrated previously, MCEAA, with members in San Antonio, has standing to raise these issues in a judicial forum, but such standing questions are irrelevant in the administrative process, where the agency has an independent duty under NEPA to address significant additive environmental impacts that are certain to occur.

⁶ An incomplete list of 8 appears in Brian Chasnoff, *Officials Demanding Answers In UP Wreck*, S.A. EXPRESS-NEWS, Oct. 18, 2006, at A1, available at

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who is not aware, the city has been the locus of railroad disasters in recent years, including a spill into the San Antonio River and a chlorine release following collision that killed four. And, if anyone bothered to review the historical record, they would find that the justified outrage is not new, it is just directed at a common target now that the industry has consolidated. The tracks in and approaching San Antonio have seen similarly spectacular accidents and levels of accidents since the 1980s, when trade with Mexico ramped up.⁷

Fortunately, the last three years have also seen major progress. In 2005 Texas voters approved state bond authority to relocate rail lines from urban areas.⁸ Governor Rick Perry signed his own agreements with Union Pacific and BNSF regarding the need for relocation and how such relocation would occur.⁹ Public discussion about the need to relocate and upgrade rail lines in San Antonio is moving in the right direction. Political leadership is united on the need to address land use and transportation conflicts posed by the current system and provide for a better one.

At the same time, investments are being made to upgrade the existing system. What effect this will have on relocation is unclear. In 2005 Union Pacific upgraded its South San Antonio Railyard, which is located where the Del Rio subdivision, used by this project, and the Laredo subdivision enter the city parallel to one another. Located immediately adjacent to this yard is the Port of San Antonio (former KellyUSA), which

<http://www.mysanantonio.com/news/traffic/stories/MYSA101806.01A.train.derailement.34fd89d.html>. See also <http://www.mysanantonio.com/news/specialcoverage/>

⁷ The June 22, 1997 collision in Devine (Medina County), the November 18, 1988 and 1986 MoPac derailments in San Antonio being a few of many examples.

⁸ <http://www.sos.state.tx.us/elections/voter/2005novconsamend.shtml>

⁹ http://www.governor.state.tx.us/priorities/transportation/UPR_memorandum/view and http://www.governor.state.tx.us/priorities/transportation/rail_relocation/view

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continues to expand with booming international trade. Traffic due to foreign trade generally through the city continues to skyrocket, and Union Pacific is hiring at a record pace to try and keep up. The Port is developing the East Kelly Rail Port to speed up and accommodate increased switching and intermodal traffic specifically, and all rail traffic generally. Meanwhile, this past November, the new Toyota truck plant opened. Union Pacific also continues to upgrade existing track and add workers as business expands.

MCEAA is not trying to resolve the San Antonio rail system in the context of this proceeding. To the extent Vulcan tries to accuse MCEAA of that, they are overreacting and mischaracterizing MCEAA's comments.¹⁰ MCEAA does not seek to impose mitigation requirements on Vulcan at locations in San Antonio. Rather, the focus is on vindicating the purpose of the environmental impact statement, which "guarantees that the relevant information will be made available to the larger audience that may also play a role in both the decisionmaking process and the implementation of that decision. Simply by focusing the agency's attention on the environmental consequences of a proposed project, NEPA ensures that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast." *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

What MCEAA is seeking on this issue is acknowledgment from the agency in its environmental disclosure document:

¹⁰ A misguided, hard-line, blinders-on approach arguing that this project will not contribute significantly to rail traffic on a line it must traverse ignores the fact that every additional impact is progressively *more* significant when a significant condition already exists, as it does here. [There is recent NEPA case law from the Circuit Court of Appeals level on this point which it is not necessary to cite with particularity at this time.] Equally misguided is reliance on conclusory statements that the traffic will be routed without problem.
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MCEAA, Inc. Comments on the SDEIS
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- Acknowledgment that there has been a problem with rail traffic and grade crossing delay on the line that Vulcan proposes to route its traffic over, and that this is the context in which this project is being proposed.
- Acknowledgment that, to the extent it functions as the exclusive economic regulator of the railroads and promotes the Rail Policy of the United States, 49 U.S.C. § 10101, the STB has an interest in actions that eliminate these problems and improve the rail system in San Antonio. STB is not a disinterested bystander waiting for service problems to occur down the road.
- Acknowledgment that there are numerous present and reasonably foreseeable future actions that may have, along with this project, cumulative impacts on the efficiency and safety of the existing rail system in San Antonio. The impact of many of these projects is positive (i.e., congestion reducing) in nature, and may well be reasonably interpreted as cancelling out any additive impact from this project, making further cumulative impact analysis unnecessary in this EIS.

The purpose of this acknowledgement by STB in the Final EIS is to communicate to citizens and the political leadership of the region involved in rail planning, including new Congressman Ciro Rodriguez, state representatives, county, city, and regional planning organizations, that context matters when evaluating down-line rail impacts, and that STB understands that context for San Antonio. The acknowledgment that the federal regulatory agency in charge of these issues is paying attention is more important than the Beltway may realize to a local political leadership that has been frustrated with some of the federal response to the situation here and which has largely reached consensus on the need for future proposals. The EIS document, though it may appear to address a small project, is nonetheless also a federal document that addresses a larger audience

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throughout government and is "used . . . to plan actions and make decisions,"¹¹ as the issues in this proceeding have shown.¹²

B. Historic Preservation

The Texas Historic Commission endorses the eastern routes. It has rejected a proposal by Vulcan to support a Proposed Route with additional mitigation in favor of avoidance of the impact. This is the proper application of the avoid-minimize-mitigate hierarchy in the determination of preferred alternatives. Clearly if the Texas Historic Commission thought that the impacts of the Proposed Route could be mitigated, it would have supported Vulcan's proposal, but it did not. Vulcan's desire to pay less overall by paying a little for mitigation cannot change the facts on the ground, as reflected in the SDEIS.

C. Air Permit Settlement, Connected Action, and No Action

The applicant's counsel has informed the Section of Environmental Analysis of the recent settlement of a contested case regarding the air permit for the quarry. The effect of this settlement certainly demands the agency's attention, but for different reasons than insinuated in prior letters from the applicant.

By signaling the resolution of the air permit, the applicant was essentially signaling a completion of state permitting processes for the quarry. Interesting, then, that it was even necessary, given that the applicant represented to the Section of Environmental Analysis and to us and continue to maintain, as far as we know, the right to open the quarry with a

¹¹ 40 C.F.R. § 1502.4 (2006).

¹² For example, the Medina County Judge has stated to STB his desire to work out mitigation once a preferred alternative is selected. EI-2561 (Oct. 13, 2006). That process may have to wait until the Final EIS, because there are still two environmentally preferable alternatives at this stage. This illustrates yet more work that a decision by the Board to license more routes than the preferred alternative would undo.

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MCEAA, Inc. Comments on the SDEIS
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temporary permit. MCEAA informed the applicant that we would fight any effort to open the quarry with a temporary permit in federal district court through a temporary restraining order and injunction once dirt was moved. That never came to pass.

It was necessary, of course, both because a permanent permit is required for permanent new sources under the Clean Air Act and because the applicant was otherwise unable to even begin to support its claim that the quarry had independent utility and could proceed without the rail line, thus arguably removing it from the scope of a potential connection action under NEPA.

The quarry still has not opened since the settlement agreement, and the Section of Environmental Analysis and the Board can take that for whatever strategic value it may have, particularly as to the viability of trucking option as the no action alternative, which MCEAA contests.

The viability of the no action alternative is made more questionable by the applicant's desire to pay less money—which is not an interest that may be factored into the NEPA analysis at this stage—and avoid an eastern alternative.¹³ The applicant now claims that the cost of the eastern routes exceeds the cost of the no action trucking alternative. This is impossible given their own earlier representations that eastern routes, including several they designed themselves, were feasible AND the fact that they still, after more than seven years, still have not opened the quarry and have not begun trucking.

¹³ An anonymous letter was received by MCEAA making arguments along these lines. Certain MCEAA members believe a resident not active in the organization in the Quihi area wrote the letter, but cannot say for sure. In any case, it is included as an attachment to these comments because it should be considered by STB as part of the record. The comments in the anonymous letter, however, do not reflect any official position of the MCEAA or any of its members.
Finance Docket No. 34284
MCEAA, Inc. Comments on the SDEIS
Page 21 of 22

#E1-2709
R2

Bret Bigelow
111 W. Silver Sands
San Antonio, TX 78216
bretbigelow@nisd.net

received
1/29/07

Surface Transportation Board

January 19, 2007

Rini Ghosh

Section of Environmental Analysis

1925 K Street NW

Washington, DC 20423-0001

Re: Finance Docket #34284

Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms. Ghosh:

I am writing to express my opposition to the construction of a quarry in the vicinity of Quihi, Texas. I am concerned about the environmental impact on the aquifer which lies just beneath the proposed quarry. This aquifer supplies water to much of the population of South Texas, and we cannot afford to jeopardize another of our dwindling sources of clean water. Additionally, the area north of Dunlay towards the proposed aquifer is prone to flooding and the construction of a railroad spur through that area would cause a worsening of the flooding of roads, fields and residences.

I feel very strongly about the importance of preserving the historic farms and houses that give the Quihi area its unique, irreplaceable character. I teach United States History in an area just east of Quihi and have been increasingly disheartened to see the results of increased development on the heritage homes, trees, and tranquility of that region. In the specific case of Quihi, several of the proposed railroad routes would wipe many of these historic places off the map and destroy a legacy that dates back well beyond the first European settlement in the mid 1800's. I understand the importance of economic growth to employment, but preservation and environmental measures taken are rarely sufficient. The loss of local heritage is not only felt by those such as myself who truly care about local history; many of my students feel helpless as their local environment becomes increasingly anonymous and subdivided by housing, big-box stores, and the resources such as quarries, rail, and roads that fuel that development and unchecked growth.

On a personal note, my ranch is located just north of County Road 252, and the noise and air pollution caused by a large quarry would adversely affect my life in many ways. I have spent many

weekends there enjoying the peace and solitude of that region and cannot imagine the impact on myself and other landowners who would have to put up with noise, air pollution, drainage issues, and drastically increased truck traffic kicking as much road dust as the quarry itself.

I urge you to help me preserve this unique pastoral area of Medina County, Texas by refusing to grant permission for a railroad spur to the site of Vulcan's proposed quarry. If you must grant permission, I urge you to choose the Medina Dam Alternative Route approved by MCEAA or else the Eastern Bypass Route. I also urge that the proposed fuel storage and maintenance area be moved further south, out of the Elm Creek floodplain.

Thank you very much for your help on this critical issue.

Sincerely,

Bret Bigelow

#E1-2710
R2

January 16, 2007

Natalie Weiblen Henry
25615 Little Brook
San Antonio, Texas 78260

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

received
1/29/07

Re: STB Docket No. FD 34284

Dear Ms. Ghosh:

As a fourth generation heir to the Weiblen farms, I have a significant interest in the future productivity of the farm and the land on which it operates. Please consider the attached letter which details my stance on the proposed eastern routes and the impact they will have on the land and culture on which our farm was built.

Sincerely,

Natalie Weiblen Henry

January 15, 2007

Natalie Weiblen Henry
25615 Little Brook
San Antonio, Texas 78260

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Dear Ms. Ghosh:

The Weiblen Family requests three points on record of consideration in response to the recent distribution of the Supplemental Draft Environmental Impact Statement (SDEIS) for Southeast Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The first is the inaccurate interpretation of the proposed Weiblen Modification, second is the cultural significance of the rural operations in existence, and third is the economic impact of the eastern routes.

SDEIS Inaccuracy

In paragraph five of section 2.5 in the SDEIS, the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) states:

In addition, if SEA were to modify routes to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners - which is what is being requested here - the environmental review process could become endless, since the number of modifications and alternatives that SEA could be requested to study could be potentially limitless.

This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

Also, the interpretation of the Weiblen Modification as stated in paragraph five of section 2.5 of the SDEIS is inaccurate. The Weiblen Family is not suggesting shifting the burden of the railroad path onto alternate landowners. Instead, the Weiblen Family is suggesting that the railroad path be shifted onto the west side of the Weiblen Family land, which creates the least impact to the Weiblen Family farm. This route stays on the Weiblen Family land while having the least impact on its sprinkler systems. Thus, the Weiblen Family is willing to work with the SGR and create a proposal that is acceptable to both parties if an eastern route is chosen.

The Weiblen Family requests corrections to paragraph five of section 2.5 in the SDEIS to reflect the true intent of the Weiblen Modification. In addition, the Weiblen Family requests the Final Environmental Impact Statement (FEIS) includes a statement that no additional environmental study is required if the Weiblen Modification is chosen, on the basis that the environmental impact of the Weiblen Modification is no different than any of the other eastern routes. If an environmental impact study is indeed required, the Weiblen Family requests the study be included in the FEIS in order for its consideration as a viable option by the Board.

If neither of the above Weiblen requests is honored, then all eastern routes should be removed from the FEIS.

Cultural Impact

Paragraph eight of section 5.3 in the Cultural Resources states that the remaining portion of section 5.3 takes into account the cultural impact of the change in size and shape of fields and the bifurcation of farms, which in fact it only takes into account some farms and ranches, specifically those with historical buildings on them.

All farms and ranches in the area are built on the rural culture on which Quihi was founded. The detriment of these farms would aid in the deterioration of the rural way of life that attracted settlers to the area. Some of these farms and ranches have been in continuous operation by the same family since the 1940s, and this fact was not taken into account when assessing the cultural impact of the eastern routes.

The Board also needs to take into account that the eastern routes are longer, and therefore has a larger cultural impact since they affect a greater portion of land and landowners.

The Weiblen Family requests that the SEA reassess the cultural impact of the eastern routes taking into account all of the aspects of cultural impact, not only the historical buildings.

Economic Impact

The Weiblen Family wants to again document that the proposed eastern routes destroy some of the economic value of family farms and ranches in the area and will likely put some of them out of business. Since the removal of the original Medina Dam Railroad in 1912, the farmers and ranchers in the area have spent significant resources making improvements to their property in order to compete in the low margin farming and ranching industry. These improvements include: years of clearing, leveling, and fertilizing the land; drilling irrigation wells and establishing a network of piping and valves to distribute water across the land; purchasing and installing sprinkler systems to reduce water usage, protect natural resources, and reduce operating costs; and reinvesting all profits to increase the size of equipment and parcels of land to reduce inefficiencies.

The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern

routes ineffective. The most significant is the interference with the large sprinkler systems. Without the coverage of these large systems, the farms would not be able to maintain the small margins that they use to keep these systems operable. The solution normally proposed to address this issue is to add additional sprinkler systems on the other side of the railroad. However, this solution would more than double the amount of maintenance and labor to keep the system operational and require additional piping and valves. Also, the railroad path would have to be at the perfect location relative to the sprinkler system and run straight across the affected land in order to have similar coverage.

The other significant improvement rendered ineffective is the investment in increasing the size of equipment and parcels of land. The railroad would divide the land into smaller parcels making the larger equipment impractical. The landowners would have to revert back to smaller equipment, which reduces operational margin. The smaller land parcels would require additional land lie fallow in order to provide access to the ends for maneuvering equipment which reduces margins. The smaller land parcels require additional time spent turning equipment around, which is nonproductive and again reduces margin. The eastern routes will create some parcels of land impractical for farming or ranching purpose.

Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes will eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

Summary

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,

Natalie Weiblen Henry
Natalie Weiblen Henry

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This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

In addition, if SEA were to modify routes to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners - which is what is being requested here - the environmental review process could become endless, since the number of modifications and alternatives that SEA could be requested to study could be potentially limitless.

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Dear Ms. Ghosh:
STB Docket No. FD 34284

25615 Little Brook
San Antonio, Texas 78260
Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Kim Ghosh

Rese A. Henry III
Rese A. Henry III
Sincerely,

Re: STB Docket No. FD 34284

25615 Little Brook
San Antonio, Texas 78260
Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Kim Ghosh

As covered 1/29/07

#E-2711

The division of the land by the railroad to benefit the economic value of a large company under these years of improvements by the farmers and ranchers in the path of the eastern

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Economic Impact

The Weiblen Family requests that the SEA account all of the aspects of cultural impact, not only the historical buildings.

The Board also needs to take into account that the eastern routes are longer, and therefore has a larger cultural impact since they affect a greater portion of land and landowners.

Account when assessing the cultural impact of the eastern routes.

Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes and ranches eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

Cultural Impact

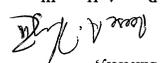
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All farms and ranches in the area are built on the rural culture on which Quidi was founded. The detriment of these farms would aid in the deterioration of the rural way of life that attracted settlers to the area. Some of these farms and ranches have been in continuous operation by the same family since the 1940s, and this fact was not taken into account when assessing the cultural impact of the eastern routes.

If neither of the above Weiblen requests is honored, then all eastern routes should be removed from the FEIS.

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The Weiblen Family requests corrections to paragraph five of section 2.5 in the SDEIS to reflect the true intent of the Weiblen Modification. In addition, the Weiblen Family requests the Final Environmental Impact Statement (FEIS) include a statement that no additional environmental study is required if the Weiblen Modification is chosen, on the basis that the environmental impact of the Weiblen Modification is no different than any of the other eastern routes. If an environmental impact study is indeed required, the Weiblen Family requests the study be included in the FEIS in order for its consideration as a viable option by the Board.

Reese A. Henry III

 incerely,

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

The eastern routes will create some parcels of land impractical for farming or ranching purpose.

Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes and ranches eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

The most significant improvement rendered ineffective is the investment in increasing the size of equipment and parcels of land. The railroad would divide the land into smaller parcels making the larger equipment impractical. The landowners would have to revert back to smaller equipment, which reduces operational margin. The smaller land parcels would require additional land to provide access to the ends for maneuvering equipment which reduces margins. The smaller land parcels require additional time spent turning equipment round, which is nonproductive and again reduces margin. The eastern routes will create some parcels of land impractical for farming or ranching purpose.

Without the coverage of these large systems, the farms would not be able to maintain the small margins that they use to keep these systems operable. The solution normally proposed to address this issue is to add additional sprinkler systems on the other side of the railroad. However, this solution would more than double the amount of maintenance and labor to keep the system operational and require additional piping and valves. Also, the railroad path would have to be at the perfect location relative to the sprinkler system and run straight across the affected land in order to have similar coverage.

The most significant is the interference with the large sprinkler systems. Without the coverage of these large systems, the farms would not be able to maintain the small margins that they use to keep these systems operable. The solution normally proposed to address this issue is to add additional sprinkler systems on the other side of the railroad. However, this solution would more than double the amount of maintenance and labor to keep the system operational and require additional piping and valves. Also, the railroad path would have to be at the perfect location relative to the sprinkler system and run straight across the affected land in order to have similar coverage.

STEPTOE & JOHNSON LLP
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#EJ-2712


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January 29, 2007

received
 1/29/07

VIA HAND DELIVERY

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

Re: Finance Docket No. 34284 -- Southwest Gulf Railroad Company -- Petition for Exemption from 49 U.S.C. § 10901 to Construct and Operate a Rail Line In Medina County, Texas

Southwest Gulf Railroad, Inc./Vulcan Construction Material LP's Comments on Supplemental Draft EIS

Dear Ms. Ghosh:

Petitioner Southwest Gulf Railroad, Inc. and Vulcan Construction Materials LP ("SGR"), unless otherwise noted) hereby offer their comments on the Supplemental Draft Environmental Impact Statement ("SDEIS") issued by the Board's Section of Environmental Analysis ("SEA") on December 8, 2006. SGR continues to support the alignment that it initially proposed as its favored alignment in this proceeding (the "Proposed Route") and believes that with appropriate mitigation to address cultural resources issues that that alignment should be found in the Final EIS to be among those deemed environmentally preferable. In these comments, SGR will explain why it believes that SEA should find acceptable the additional voluntary mitigation measures that SGR is prepared to implement to address cultural resources impacts of the Proposed Route. SGR will also comment on SEA's findings with respect to the Eastern Routes and the No-Action (truck) alternative, as well as on the mitigation measures proposed by SEA.¹

Ms. Rini Ghosh
 January 29, 2007
 Page 2

While SGR favors its Proposed Route for the reasons stated previously and in these Comments, SGR is pleased that SEA has determined that with respect to six of the seven alignments studied (with the exception of Alignment 1) "the majority of potential environmental impacts from the construction and operation of the proposed rail line under any of the alternatives would either be minimal or could be substantially reduced through SEA's recommended mitigation." SGR agrees with the assessment that none of the routes under consideration in the DEIS or the SDEIS are environmentally untenable, perhaps with the exception of Alternative 1. The differences in the alignments are instead less differences of environmental impact than they are differences of economic impact.

SGR is also very well aware, and respectful, of the cultural resources data and studies set forth in the SDEIS. Those studies were undertaken with SGR's full support. SGR understands the cultural and historical sensitivity of the area in question. It also believes that with appropriate voluntary mitigation of the type it is prepared to implement, the SGR rail line and the very low level of rail traffic projected for that line (two trains/day in each direction) can co-exist with the historic districts that have been identified, just as the existing roads, pipelines, electric wires and other modern visual elements already exist in these areas. Indeed, SGR believes that its proposed mitigation measures described below offer the best opportunity for preserving and maintaining the area's historic properties, while allowing SGR to achieve its goals in the most economically viable way.

SGR is advocating for the Proposed Route in part because it has environmental advantages (and the cultural resources impacts can be mitigated), but also in part because it is the most economically preferable route, both from the perspective of construction and operational/maintenance costs. Indeed, that route would be millions of dollars less expensive to build than either of the Eastern Routes, and also less expensive to operate and maintain year in and year out. SGR recognizes that SEA's primary goal in preparing the DEIS and SDEIS has been to assess environmental, rather than cost, benefits of one alignment or another. However, cost is not an irrelevant factor in assessing alternatives, and is certainly not an irrelevant factor in the real world of business decisions. SGR will further discuss below the cost benefit of the Proposed Route over the Eastern Routes, as well as the advantages of the Proposed Route from the perspective of environmental impacts.

¹ As SGR has previously advised SEA, MCEAA has reached a settlement with Vulcan over MCEAA's now-withdrawn challenge to Vulcan's air quality permit application for the quarry. Vulcan (Continued...)

understands that the TCEQ is close to taking final action on the air quality permit. Preparations for quarry operations are thus moving forward.

I. The Proposed Route, with Mitigation, Should be Included Among the Environmentally Preferable Routes

In the November 2004 DEIS issued in this proceeding, SEA assessed the Proposed Route and three other alternatives based on a variety of different impacts, including transportation and traffic safety, water and biological resources, land use, noise, vibration, cultural resources and air quality. SEA concluded at the time that three of the alternative routes (including the Proposed Route) were superior environmentally to Alternative 1, but that none of the three was environmentally preferable to the others. SEA proceeded to recommend a series of proposed mitigation measures. These included measures which SGR volunteered in order to address concerns that had been raised about potential flooding and other potential hydrological impacts to the area. With respect to cultural resources, SEA recognized the historic values of the Quihi area and the potential for its listing on the National Register. In response, SEA recommended that SGR enter into a Programmatic Agreement ("PA") that SGR had negotiated with the Texas Historical Commission ("THC"), concluding that "the extensive proposed mitigation measures in the Programmatic Agreement would appropriately address adverse effects to cultural resources." DEIS at ES-17. The referenced PA spelled out in detail procedures for SGR to follow in the addressing historic resources in the area through avoidance and other mitigation measures. A description of the PA appears in the DEIS at pages 4-98 through 4-99.

Following comments received on the DEIS about the impact of the Proposed Route and nearby alternatives on historic resources in the Quihi area, SEA determined that further study of that area was warranted, together with an analysis of three alternative routes east of the Quihi area. While SGR designed two of these routes, as it has made clear to SEA it did so in order to facilitate comparative analysis to be undertaken by SEA and not because it favors either of these routes over its Proposed Route. Specifically, SGR designed the Modified Medina Dam Route in response to comments submitted by the Medina County Environmental Action Association ("MCEAA") suggesting that SGR use as much as possible of the right-of-way that had been used by an early 20th century railroad that had existed for a period of years for the purpose of transporting construction materials needed to construct the dam at Medina Lake. That railroad no longer exists and its right-of-way exists today only on an old map. There is in fact little evidence remaining of the old railroad on the ground. Further, SGR has demonstrated that the Medina Dam railroad was too far east to offer a useful route to serve the Vulcan quarry.

SGR designed the Eastern Bypass route at the request of SEA to develop an eastern route that would avoid the Quihi area while providing a means of connection between the UP line and the Vulcan quarry. As noted above, Vulcan did not design this Eastern Bypass route because it favors it over the Proposed Route. Rather, SGR has consistently made clear that it believes that with appropriate mitigation the Proposed Route is the best alternative.

SGR is not unmindful of the fact that SEA has now concluded that two of the Eastern Routes (the Eastern Bypass route and MCEAA's Medina Dam Alternative, hereafter referred to as the "Medina Alternative") are environmentally preferable relative to the Proposed Route and any of the alternative routes considered in the DEIS. According to the SDEIS, that determination is based entirely on SEA's

assessment of cultural resources impacts. SEA has in fact made clear in the SDEIS that if cultural resource impacts are removed from the equation, three of the routes studied in the DEIS (including the Proposed Route) are not significantly different in terms of environmental impacts from the longer Eastern Routes. See SDEIS at 6-42. Indeed, SEA has stated that it "does not believe that the increased impacts from the longer lengths of the Eastern Alternatives would be significantly different from the impacts that would be caused by construction and operation of the Proposed Route, Alternative 2 or Alternative 3 . . ." and further found that the environmental impacts of any of these routes "would either be minimal or could be substantially reduced through SEA's recommended mitigation." Id.

SGR submits that in finding that the Proposed Route is not environmentally advantageous in comparison to the Eastern Routes (exclusively because of cultural resources impacts), SEA has understated key comparative advantages of the Proposed Route that cause it to remain SGR's preferred route -- particularly its shorter length. Further, SGR has now proposed additional measures that will address the cultural resources issues to further mitigate the disadvantages of the Proposed Route relative to the Eastern Routes. In short, SGR submits that SEA should reconsider its conclusions concerning the Proposed Route for the reasons described in the following sections of these Comments.

A. The Proposed Route Offers Distinct Advantages

A critical advantage of the Proposed Route is this: relative to any of the Eastern Routes in contention, the Proposed Route is meaningfully shorter -- about 7.5 miles versus 9.2 miles for the Eastern Bypass; 9.9 miles for the MCEAA Alternative and 10.9 miles for the Medina Dam Route. The Proposed Route is shorter because it is essentially a straight line between the point of logical connection to the UP line at the southern terminus of the proposed rail line and the Vulcan quarry site that the SGR line will serve at its northern terminus point.

In a June 6, 2005 letter to SEA, SGR estimated that the construction cost of the Proposed Route would result in savings of at least \$1.6 to \$2 million dollars relative to the Eastern Bypass route. SGR has now undertaken a new analysis of the difference in construction costs between the Proposed Route and both the Eastern Bypass and MCEAA Alternative routes based on 2007 cost factors. The new analysis uses updated construction cost figures based on another rail construction project in which Vulcan is currently engaged in Texas and the earthwork cost figures that take into account the fact that (as SEA's cut/fill calculations at page C-2-12 of the SDEIS show) almost 70,000 cubic yards of fill will need to be imported into the area for the MCEAA Alternative. Based on this analysis, SGR has determined that each of the Eastern Routes will cost at least approximately \$3 million more than the Proposed Route.² In reference to the estimated cost of the Proposed Route, this is a very substantial cost increase.

² SGR would be pleased to supply its workpapers underlying these calculations to SEA.

The Proposed Route also has the benefit of operational and maintenance savings in comparison to the Eastern Routes. For each year of operation, the operational and maintenance advantage of the Proposed Route (measured with respect to fuel consumption and track maintenance) will be approximately \$120,000 in comparison to the Eastern Bypass and about \$170,000 in comparison to the MCEAA Alternative. While these differences are relatively modest in any one year, over a period of ten years, the differences amount to an additional \$1.2 million and \$1.7 million.

The shorter distance traversed by the Proposed Route results in other advantages too. Compared to the Eastern Routes, it will disturb many fewer properties owned by persons other than SGR or affiliated entities -- 10 for the Proposed Route versus 32 and 22 for the Eastern Bypass and MCEAA Alternative, respectively. See SDEIS at 6-35. Just as importantly, the Proposed Route was carefully designed to traverse along the generally north-south oriented property boundaries and thereby minimize impacts to landowners. By contrast, due to their more semi-circular design, the Eastern Routes necessarily will cross many properties at a diagonal and thereby increase the likelihood of disruption to agricultural activities. Even though SGR would work with landowners to minimize these impacts (as per proposed Mitigation Measure 5A), it is unclear that it will be able to do so in all cases to the full satisfaction of the landowner.

While the Proposed Route would traverse modestly more prime farmland than the Eastern Routes, it will do so in a non-disruptive way by clinging to property lines so that agricultural activities on that farmland will be relatively unaffected. Most of the farmland through which the Proposed Route will traverse is rangeland and relatively little of it is irrigated farmland -- only about 1,000 feet and the line would traverse along the edge of this irrigated property. The Eastern Routes, on the other hand, would traverse more farmland in which landowners have made substantial investments in irrigation systems. Based on an assessment of just the Weiblen property, both the Eastern Bypass and the MCEAA Alternative would traverse several thousand feet of that irrigated farmland.

In addition, due to its shorter length, the Proposed Route will result in fewer air quality impacts -- compare Table 4.7-1 at page 4-50 of the DEIS with the Table 3.7.5-1 at page 3-40 of the SDEIS. These tables show that the Proposed Route result in lower emissions, e.g., 50 tons/year of NOx for the Proposed Route versus 62.2 and 66.1 tons/year for the Eastern Bypass and MCEAA Alternative, respectively. The emissions of NOx, as well as CO, PM and HC, are about 25% higher for the Eastern Routes as compared to the Proposed Route.

SGR offers this information *not* because it is of the view that either of the Eastern Routes could not be constructed within the mitigation framework set forth in the SDEIS or that doing so would have so substantial and adverse an environmental impact as to make the Eastern Routes non-viable. The SDEIS demonstrates to SGR's satisfaction that the Eastern Routes are not environmentally infeasible, although Vulcan may determine that they are not feasible from a cost perspective as discussed further below.

Further, SGR does not believe that the Eastern Routes are preferable to the Proposed Route, particularly once the cultural resources mitigation described below is taken into account. Thus, it is

SGR's view that the Proposed Route retains distinct environmental and significant cost advantages over the Eastern Routes due largely to its shorter length. When these distinct advantages of the Proposed Route are balanced against the cultural resources disadvantages identified in the SDEIS, and after the mitigation that SGR has now proposed to address those cultural resources impacts are taken into account, SGR submits that the Proposed Route should be among those deemed to be environmentally preferable in the Final EIS. SGR will now turn to those proposed mitigation measures.

B. SGR's Proposed Mitigation Addresses the Cultural Resources Impacts

SGR realizes that cultural resources are a critical issue in the assessment of the alternative routes, and it respects the history and resources of the area. At an early stage in this proceeding, SGR thus entered into consultations with the SHPO and developed, through a negotiation process, a Programmatic Agreement designed to address these issues. SEA found that PA satisfactory in its DEIS and concluded that it would adequately address the cultural resources impacts to the Quihi area, which was recognized in the DEIS as an area that may constitute a rural historic landscape. DEIS at 4-90. As the DEIS acknowledges, with appropriate mitigation a rail route may be approved for construction through a culturally sensitive area, even one eligible for listing on the National Register.

SEA's currently proposed mitigation to cultural resources remains the PA (see proposed measure 45 at page 6-10 of the SDEIS). However, SEA now further recommends avoidance (through the more circuitous Eastern Routes) of the Quihi Rural Historic District ("Quihi District"), the boundaries of which were defined in the Rural Historic Landscape Study found at Appendix F-2 of the SDEIS. While SGR recognizes that avoidance is one means of addressing the concerns about traversing the Quihi District, the regulations governing the Section 106 process make clear that impacts to historic resources can also be addressed through mitigation and minimization of those impacts, i.e., through "alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties." See Regulations Implementing the National Historic Preservation Act, 36 CFR section 800.6(a).

Accordingly, consistent with the Section 106 process, SGR has focused its efforts since issuance of the SDEIS on developing voluntary mitigation measures relative to the Proposed Route to address the concerns that have been raised about the fact that the Proposed Route runs through the Quihi District and to minimize the effects of its proposed action on the resources in that District. In that regard, it merits note that the Proposed Route does not traverse the portion of that District which contains the highest concentration of contributing elements, which lies to the west of the Route.

The series of measures that SGR now offers as additional voluntary mitigation (over and above the mitigation provided by the PA) are set forth in the attached January 16, 2006 letter addressed to Mr. Larry Oaks, the Executive Director of the Texas State Historical Commission. SGR has initiated consultation on these matters with the THC, and has advised the Section 106 consulting parties of its proposed mitigation measures.

The proposed measures consist of:

- Establishment of a conservation easement on land owned by SGR or affiliated companies along the portion of the Proposed Route that traverses the Quihi Rural Historic District and the use of SGR's best efforts to encourage other landowners of properties through which the line would run in the District to establish similar easements. This would result in an easement no less than 1.3 miles long in the Quihi District. By this means, the risk of commercial development along the line in the Quihi District would be significantly reduced. In SGR's view, this offers the best chance of preserving the area's character from encroachment from the inevitable growth of the San Antonio area toward Medina County. The identification of the Quihi District as eligible for listing, in and of itself, does nothing to preserve the area, as businesses could still move into the area or residential subdivisions be developed in it. By contrast, the easement that SGR proposes would offer a substantial measure of protection against any railroad-induced development. Further, the easement that SGR proposes would vest in THC control over the ability of any entities to hook into the railroad. SGR also notes that it believes that the area in which other businesses might locate on its line is the area close to the point where the line intersects with the UP and where US 90 is located, which is outside the Quihi District.
- Adjustment of the Proposed Route to avoid any direct impacts to any historic or other cultural structures (e.g., the stone wall identified in the Landscape Study). SGR would work with a cultural resources consultant to avoid and/or minimize impacts to any property within the APE of its line and consult with the THC. SGR is prepared in this regard to move a portion of the Proposed Route in the District further to the east to traverse along a portion of Alternative 3 and also traverse parallel to a portion of a pipeline right of way already located in the District so as to ensure no direct impacts to any cultural structures.
- SGR is prepared, given the construction cost savings of not building along one of the Eastern Routes, to make a substantial donation (\$500,000) to the Texas Preservation Trust Fund, with the funds to be used for preservation, rehabilitation, restoration and like purposes within the Quihi historic area. SGR is also prepared to structure this contribution so that it could be used to leverage federal grant money or otherwise to maximize the financial benefit to the THC. Like Vulcan's support for the Schweers Historical Foundation, SGR's proposal underscores its commitment to preservation of the area and underscores too its preparedness to advance measures that will have a real and immediate benefit to historic preservation and the future maintenance of historic resources in the area.

To the extent that one of SEA's two "preferable" Eastern Routes has lower environmental impacts than the other in some areas of comparison, these differences appear to be generally marginal. For example, in terms of potential impacts to hydrological resources (an issue on which line opponents have previously focused), the Eastern Bypass crosses fewer streams (8 versus 13) and has fewer floodplain crossing points (2 versus 4) and fewer aquatic features crossed (2 versus 4), while the total length of floodplain crossing is somewhat lower for the MCEAA Alternative (3996 feet versus 4557 feet). Although the Proposed Route would have marginally greater impacts to surface water and impacts to groundwater resources comparable to the Eastern Routes, SGR agrees with the broad conclusion of the SDEIS that none of the impacts of any of the alignments under consideration are dramatic or disqualifying. SGR also submits that the proposed mitigation addressed to these and other impacts, including its voluntary mitigation of hydrological impacts, is adequate to address any legitimate concerns.

SGR notes that the two Eastern Routes deemed environmentally preferable (like each of the other alternative routes) will traverse, and have some impact to, the Upper Quihi Rural Historic District ("Upper District"), as well as to certain individually eligible historic structures in that Upper District. See pages 5-13 through 5-16 and 5-35 through 5-38 of the SDEIS. In addition, both of these alignments could also have some impact to historic and pre-historic archeological resources. See 5-16 through 5-21 of the SDEIS. Thus, while SEA has found that the cultural resource impacts of the Eastern Routes are generally less than those of the Proposed Route (before the additional mitigation described above), each of the alternative routes could have some impacts. SGR concurs with SEA that the Programmatic Agreement provides appropriate mitigation for whichever of the alternative routes is ultimately constructed, including the Eastern Routes.

SGR also notes that the authors of the Landscape Study offered views on each of the alignments under consideration from a cultural resources perspective and concluded that the MCEAA Alternative would be preferable from that perspective. Unfortunately, although the authors of that Study consulted with numerous of the commenters in this proceeding, including MCEAA, they never consulted with SGR. Had they done so, SGR would have advised them, and hereby advises SEA, of its willingness to work with its own consultant and to consult with THC to avoid, minimize or mitigate to the extent reasonably possible, impacts to the historic resources within the APE. Of course, the PA, which is not mentioned or otherwise accounted for in the Landscape Study, is likewise designed to accomplish this result.

It also bears reiterating that whether a particular alignment will be built is not a decision that will be driven exclusively by the EIS or STB process, but rather a decision that necessarily will also be informed by economic considerations. In that regard, Vulcan has not at this time made a final determination with respect to the economic feasibility of either of the Eastern Routes. In the event that the two Eastern Routes identified in the SDEIS as environmentally preferable are identified in the Final EIS as the only environmentally preferable routes, Vulcan would be obligated by the higher construction and operation costs of those Routes to undertake a

- SGR would support any additional reasonable measures that might be proposed to help retain and preserve the historic character of the District, and would also support the listing of the Quihi District on the National Register. SGR would also take steps to reduce the already modest visual impact that its single track rail line would have as it traverses the relatively flat land in the area traversed by the Proposed Route. For example, local vegetation would be used to reduce that visual impact.

Further, none of these measures is designed to supplant the Programmatic Agreement that SGR remains prepared to execute. That Agreement contains extensive procedures for the identification of cultural resources and the development of means to minimize or otherwise avoid or mitigate impacts.

At this stage, SGR's proposed mitigation measures remain under consideration by the THC and consulting parties in the Section 106 process, each of whom has been sent a copy of SGR's written proposal. SGR looks forward to continuation of that process and to working toward an agreed resolution of this matter.³

II. The Eastern Routes

As stated above, SGR is pleased that SEA has determined that none of the alignments under consideration, except one, would result in substantial adverse environmental impacts or impacts that cannot be mitigated. With respect to the two Eastern Routes that SEA has deemed to be environmentally preferable in the SDEIS, SGR favors the Eastern Bypass due to its shorter length relative to the MCEAA Alternative. Based on available information, SGR sees no operational or cost advantages to the MCEAA Alternative over the Eastern Bypass given its longer length and a more circuitous routing. SGR's view in this regard is consistent with its view on the Proposed Route: shorter is better from both an environmental perspective and an economic perspective. Nonetheless, SGR does not take issue with SEA's determination that both the Eastern Bypass and MCEAA Alternative are environmentally acceptable (even though it does not believe for the reasons stated above that they should be deemed the only environmentally preferable routes).

³ As these Comments were being finalized, SGR received a copy of the January 19, 2006 letter from the Executive Director of the THC to SEA commenting on the SDEIS. SGR appreciates THC's position in favor of the two Eastern Routes as a means of avoiding or minimizing impacts to the Quihi District. SGR intends to continue to work with the THC and other Section 106 consulting parties to explore the cultural resources mitigation measures described here. We further note THC's interest that SEA choose a route that will result in the "least division of current agricultural lands." The Proposed Route best meets that criterion. Further, SGR is prepared to work with landowners on any alignment on which it ultimately chooses to build its line to minimize disruption to agricultural operations.

careful evaluation of whether to fund SGR's construction of a rail line on one or the other of these routes or, at least for some period of time during the initial years of quarry operation, pursue a no-build alternative, which may prove to be significantly less costly relative to the Eastern Routes. In other words, if forced to choose only among the Eastern Routes, Vulcan might decide based on a reasoned cost/benefit analysis to undertake a trucking operation of the type that has been described in detail to SEA.

Were Vulcan to decide that it would prefer a trucking alternative to the cost of the Eastern Routes as at least a short-term alternative to construction of one of those Routes, it of course would endeavor to mitigate the impacts of its trucking program to the extent reasonable. In that regard, Vulcan will continue to consult with Medina County officials over routings and road improvements that might be required. At the same time, Vulcan is hopeful that it can achieve a resolution that would allow SGR to pursue its Proposed Route with appropriate mitigation as it believes that this alignment offers a distinctly advantageous solution to the transportation needs of the quarry.

III. Mitigation

A. The Proposed New Mitigation Measures

SGR has reviewed the new mitigation measures proposed at pages 6-11 through 6-14 of the SDEIS. SGR is prepared to implement each of these proposed measures with respect to any finally approved alignment on which its rail line would be built, but offers the following comments on two of these newly proposed measures:

Mitigation Measure 5A. This mitigation measure has been offered in response to the concerns expressed by the Weiblen family, whose farm would be bisected by the Eastern Bypass. SGR is prepared to negotiate a modification of the rail line to minimize impacts to their property to the extent feasible should SGR decide to build its line along the Eastern Bypass alignment. SGR has so advised the Weiblens.

While the goal of negotiations designed to avoid or minimize impacts on homes, irrigation systems or other structures is obviously a sound one, such avoidance or minimization may not always be achievable due to geographic, cost or other constraints. Thus, to clarify that this measure is not intended to prohibit SGR from proceeding with construction even where certain impacts cannot be avoided, SGR suggests that SEA add the words "to the extent feasible," after the word "ensure" in this measure.

Mitigation Measure 15A. This measure contemplates that SGR will use a track lubrication system for the loop track to mitigate wheel squeal as necessary. However, the use of lubricants in the vicinity of the Edwards Aquifer recharge zone may raise its own set of potential adverse impacts of such lubricants on the recharge zone. Accordingly, SGR requests that this measure be modified to provide that SGR would use such a system (if necessary) only if the Edwards Aquifer Authority is first consulted with respect to the use of such a system and does not object.

B. The Mitigation Measures Proposed in the DEIS

In its January 10, 2005 comments on the DEIS, SGR commented on several of the mitigation measures proposed there. SEA did not address any of those comments in the SDEIS, but SGR assumes that it will do so in the Final EIS. To ensure that these comments are appropriately considered by SEA, SGR hereby reiterates its prior comments, while also updating those comments in certain respects. As noted in its prior comments, SGR's points are designed, in some cases, to clarify the terms of those measures and, in others, to propose modifications that SGR believes will improve the mitigation measures in a manner consistent with SGR's understanding of SEA's intentions and the public interest. SGR stands prepared to respond to any questions or concerns raised by these comments.

Voluntary Mitigation Measure No. 3 -- SGR has voluntarily agreed to use continuously welded rail for the line of rail that it proposes to construct between the quarry and the UP line. This will reduce noise levels from train operations between the quarry plant and the southern terminus of the SGR line. However, for sake of clarification, SGR notes that it may not use continuously welded rail for the loading loop or the straight track alternative at the plant site, and did not intend that its offer of using such rail for the line extend to the loading loop or alternate straight track. Based on its consultations with HDR Engineering, a rail engineering firm with which it has consulted on these matters, SGR understands that it likely will not be practical or economical to use welded rail for this track given the tight confines of any loading loop track and the number of switches that would be located on the loop or the straight track at the plant site. Further, to the extent that such rail is designed as a noise mitigation measure, its use on the grounds of the plant facility will not serve that purpose, particularly given that trains will be moving at a very slow speed (about 5 mph) at the plant site and that SEA has now proposed additional noise mitigation measures with respect to the loop track.

Mitigation Measure No. 6 -- SGR suggests that this measure be modified to add the following language before the period: "consistent with recognized highway safety standards taking into account the level of highway traffic at the crossing." SGR recommends that this language be adopted in order to better define the term "appropriate" as used in the draft mitigation measure. In this regard, SGR recognizes that the nature of crossing protections deemed warranted will vary based on the level of highway traffic at issue. SGR will consult with responsible highway safety officials on these matters.

Mitigation Measure No. 18 -- SGR recommends that the last clause of this measure be modified as follows: "and shall remediate any soils contaminated by any diesel or gasoline release for which Southwest Gulf Railroad Company is responsible as soon as practicable." This revised language will clarify, we believe consistent with SEA's intent, that SGR is not responsible for remediating soils that are contaminated as a result of conduct unrelated to SGR's activities.

Mitigation Measure No. 24 -- This mitigation measure requires that SGR conduct a floodplain study and obtain a Medina County Floodplain permit for each floodplain crossing prior to initiating rail construction. The condition is apparently based on a conversation during the pre-DEIS consultation period between SEA's third party consultant and the Medina County Floodplain Administrator, which is described in a message set forth in Appendix C to the DEIS (at page C-39) and discussed at page 4-35 of

the DEIS. SGR proposes that the condition be revised to require that SGR: (a) conduct a floodplain study for submission to the Medina County Floodplain Administrator and (b) consult with the Medina County Floodplain Administrator to ensure that SGR's construction plans will not cause more than a 12 inch rise in the current 100-year floodplain elevation, consistent with the Floodplain Administrator's permitting standards as set forth during the pre-DEIS consultation process. SGR intends to adhere to the standards for floodplain crossing described in the communications with the Floodplain Administrator. While SGR has every confidence that it will qualify for a permit, SGR also notes that it would have a right to seek relief from the STB on preemption grounds if necessary.

Mitigation Measure No. 26 -- This measure would require that SGR minimize ground contact by "oil cleaning materials." SGR is not certain what is meant by the quoted term and thus requests that this measure be clarified, or eliminated, in the final EIS.

Mitigation Measure No. 30 -- SGR is concerned about the portion of this proposed measure that would require SGR to avoid placing fill material or structures in the ordinary high water mark of any creek channel that will be crossed. This absolute restriction could have an adverse impact on the final design of bridges, with no offsetting benefit. To the extent that a Corps permit may be needed to cross any creek channel, SGR would need to comply with the terms of any such permit prior to initiating construction, as the DEIS recognizes at pages 4-38 and 4-39. Also see proposed mitigation measure no. 25. Consistent with the terms of the DEIS, which recognize that Corps approval would be required with respect to any crossing subject to Corps jurisdiction under Section 404 of the Clean Water Act, SGR requests that this proposed measure be revised to require that SGR comply with any applicable Corps requirements in connection with the placement of fill material or structures in creeks during construction. Further, SGR intends to use best management practices in connection with the construction of the stream crossings and expects to minimize any placement of fill material and structures in the ordinary high water mark of any creek channel, consistent with its obligation to minimize impacts to wetlands as per the opening provisions of mitigation measure no. 30.

Mitigation Measure No. 32 -- Based on a May 28, 2003 letter from the Texas Parks and Wildlife Department which suggested a 4:1 slope for graded embankments without offering any explanation, SEA has proposed that graded embankments not exceed a 4:1 slope. SGR respects the views of TPW, but believes that a properly constructed road bed, with sufficient compaction of the construction material, can be built with a 2:1 slope for graded embankments without any significant danger of enhancing erosion. While SGR initially proposed a 3:1 standard in its comments on the DEIS, further review of the issue by SGR led it to determine that a 2:1 slope ratio for graded embankments would in fact be most appropriate and is in common use in the railroad industry. SGR thus used this criterion as the basis for its engineering analysis, as it relates to the earthwork and the resulting cut/fill volumes, for the Proposed Route and the other alternatives. SEA did not question this slope assumption in its verification of SGR's cut/fill analysis and in fact SEA used the same assumption in its analysis of the MCEAA Alternative. See SDEIS at C-2-3.

The proposed 4:1 embankment slope would significantly and unnecessarily increase the width of the road bed, and, ultimately, the required right-of-way. The footprint of the railroad would thus be

much greater than might otherwise be the case. In addition, SGR notes that SEA has not imposed any slope standard requirement in the mitigation measures that it adopted or recommended in two recent rail construction cases involving considerably more cut and fill work: the DM&E project and the Tongue River Railroad project. Nor did SEA impose any slope standard on another rail project it approved in the same general area of Texas: the Alamo North rail construction approved in F.D. 34002.

In view of the above, SGR recommends that this mitigation measure be revised to eliminate any prescribed slope standard and to require that SGR take reasonable measures to ensure erosion control in connection with embankments.

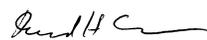
Mitigation Measure No. 33 -- This proposed mitigation measure is very broadly written to require SGR to avoid disturbing any natural buffers contiguous to floodplains in order to prevent soil erosion and preserve wildlife cover, food sources and travel corridors. SGR will of course endeavor to avoid any such disturbance of natural buffers, but complete avoidance may not be feasible. Thus, SGR recommends that this measure be revised to require that SGR use best practices during construction to avoid or minimize disturbance to the relevant natural buffers.

Mitigation Measure No. 41 -- SGR notes that SEA has proposed to replace this measure with Mitigation Measure 17A. SGR thus offers this comment in the event that Mitigation Measure 41 is retained. SGR notes that this mitigation measure could be read to require that SGR reroute or redesign its line following consultation to ensure well structure and pipeline integrity. SGR believes that the goals of this measure will generally be achievable with only minimal engineering changes. Thus, SGR requests that the condition be revised to eliminate the words "to the design of the rail line." Further, the comma between "well" and "structure" also should be eliminated.

Mitigation Measure No. 45 -- SGR notes that much of the work contemplated by the PA in terms of further studies of the area's cultural resources has already been done in connection with the preparation of the SDEIS. Thus, SGR believes that some modifications to the PA are appropriate at this stage, and will offer specific comments during the forthcoming consultation process contemplated by SEA. The PA would apply to any final alignment over which SGR would build its line and would not need to be adjusted if that final alignment proves to be one of the Eastern Routes.

SGR appreciates the opportunity to offer these comments and looks forward to the issuance of the Final EIS for its rail project.

Respectfully,


David H. Coburn
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January 16, 2007

F. Lawrence Oaks
State Historic Preservation Officer
Texas Historical Commission
1511 Colorado
Austin, TX 78711

**Re: Southwest Gulf Railroad Company, Medina County, TX
Project Review Under Section 106 of the National Historic Preservation Act of 1966**

Dear Mr. Oaks:

Thank you for meeting with me, Tom Ransdell and Clay Upchurch on January 11 to discuss the Southwest Gulf Railroad ("SGR") matter. I thought that it would be useful to reiterate in writing the terms of the proposed agreement that SGR raised for your consideration, and appropriate to copy on this letter the STB's Section of Environmental Analysis ("SEA"), Advisory Council on Historic Preservation and each of the Section 106 consulting parties for their information. SGR fully appreciates the THC's interest in supporting alignments for the SGR rail route that avoid, minimize or mitigate impacts to cultural resources, and particularly to the Quihi Rural Historic District ("District"), as it has been defined by the Rural Historic Landscape Study submitted with the Supplemental Draft EIS. In that regard, SGR understands the THC's support for the Eastern routes that are addressed in the Supplemental Draft EIS. SGR also understands that the THC will timely offer its views on those routes to the SEA.

SGR hopes, however, that the THC also will give consideration to the proposal that SGR has made for additional mitigation with respect to the Proposed Route. That proposal is designed to build on the natural advantages of the Proposed Route by mitigating its impact on cultural resources. The benefits of the Proposed Route include (1) a shorter length (essentially a straight line) and, related to that, a smaller footprint in the area than any of the Eastern routes under consideration; (2) likely fewer impacts to irrigated farmland than the Eastern alternative routes; (3) less cut and fill than any of the Eastern routes and therefore less disturbance to the area in general; (4) an alignment that traverses as much as possible along property boundaries and thus that is generally less intrusive than the Eastern alternatives to agricultural and other land uses for the property being traversed; (5) many fewer affected

properties not owned by SGR or affiliates; (6) fewer impacts to biological habitats than any of the Eastern routes and (7) lower construction costs and operating costs, as well as lower air emissions.

SGR notes that the no-action proposal -- which would contemplate a substantial volume of truck transport between the quarry site and a rail loading area that would be constructed near U.S. 90 -- also remains an option for Vulcan. In SGR's view, the economics favoring rail transportation along the Proposed Route over truck transportation are significant, but diminish meaningfully to the extent that a longer rail route such as any of the Eastern routes would be the only permitted options available. Thus, Vulcan could decide that it would have no choice but to consider truck transportation, at least for some period of time in that circumstance. In that event, routing of dozens of trucks through the District unfortunately would be unavoidable, and in SGR's view the impacts of such trucks would be much greater than the impact of two trains/day running through the area in each direction.

Of course, SGR recognizes that the Proposed Route also traverses the District. Even though it avoids the area of highest concentration of historic structures in that District (which is located in the southwest portion of the District), the Route would unavoidably have some impacts to the area. To specifically address the issues raised by that situation, and mitigate the impacts to the greatest degree possible, SGR has developed the following proposal for your consideration and the consideration of the Board's Section of Environmental Analysis:

1. SGR would offer a conservation easement on the property that it or its affiliates own in the Historic District proximate to the rail line. The easement would be designed so that THC would be in a position to control development on the property subject to the easement. The easement would be in place for a distance of at least about 1.3 miles, constituting almost half of the length of the portion of the Proposed Route traversing the District. Further, SGR would not oppose (and in fact would encourage) other landowners in the boundaries of the District from which it would need to acquire its right of way to establish similar conservation easements under which THC could exercise authority to control development within the District.

2. During the final engineering phase, SGR would adjust the alignment of the Proposed Route pursuant to a process that would be spelled out in a Programmatic Agreement to entirely avoid any direct impacts to specific contributing elements in the District, including the stone wall and any other structures identified in the Landscape Study. SGR would work closely with its own cultural resources consultant and consult with THC in doing so. In this regard, SGR is prepared to adjust the alignment of the Proposed Route so that it would follow a portion of Alternative 3 to avoid the stone wall and also traverse along a portion of a pipeline right of way already in the District.

3. By virtue of the construction cost savings that it would achieve were it able to construct the Proposed Route as opposed to any one of the Eastern alternatives, SGR would be in a position to provide a substantial contribution to the Texas Preservation Trust Fund for THC's discretionary use in supporting grants and loans designed to encourage preservation, rehabilitation, restoration or similar goals within the District. I have further discussed this contribution with my client and have been advised that the contribution would be in an amount of \$500,000. Further, SGR is prepared to work

with you and your staff to structure this contribution in a manner such that the amount of the contribution might be eligible, to the extent possible, for possible matching by government funds, or otherwise might prove as beneficial as possible to the advancement of the THC's goals in the area.

4. Vulcan and SGR would support the adoption of any local historic preservation ordinance that might be designed to preserve the historic integrity of the District and the listing of the District on the National Register. SGR would also be prepared to maintain natural vegetation in the area of the Proposed Route to mask the rail line to the greatest degree possible.

In regard to this last element of the proposal and the project generally, it bears note that SGR proposes only to construct a single track line that will not be visible unless one is very close to the line. In addition, as we discussed, the proposed line will be a very light density line, with only a very small number of trains (projected at two in each direction) operating over it daily. It also bears note that SGR believes that the portion of the line that would be most attractive to other shippers and thus the portion of the line potentially most likely to see additional traffic would be at the far south end of the line, in the area proximate to U.S. 90 and the proposed connection with the Del Rio subdivision of the Union Pacific. This area is almost two miles south of the southern boundary of the District. In this area, all of the alternatives under review, including the Eastern route alternatives, follow essentially the same routing.

SGR hopes that you will give further due consideration to these proposals and trust that you will agree that if this mitigation were provided, the benefits of building the line along the proposed route could be achieved. SGR looks forward to your views and to working with you and other interested parties to achieve a mutually satisfactory result in this matter.

Respectfully,


David H. Coburn
Attorney for Southwest Gulf Railroad

cc: Ms. Victoria Rutson, SEA
Ms. Rini Ghosh, SEA
Donald Klima, ACHP
Honorable Ciro Rodriguez
Mr. Robert Hancock, Medina County Historical Commission
Mr. Jim Arterberry, Comanche Nation
Mr. Archie Gerdes
Dorla Goomby, Kiowa Tribe of Oklahoma
Robert Fitzgerald, MD, MCEAA
Holly Houghton, Mescalero Apache Tribe

Mrs. Cynthia Lindsey, Quihi & New Fountain Historical Society
Carol Carpenter, Schweers Historical Foundation
Raymond Hernandez, Tap Pilam Tribal Council
Troy Johannoberns, Wichita and Affiliated Tribes of Oklahoma

JOHN CORNYN
TEXAS

United States Senate

WASHINGTON, DC 20510-4305
January 25, 2007

Surface Transportation Board
ATTN: Rini Ghosh
1925 K Street, NW
Washington, DC 20006

STB Docket FD 34284

Dear Ms. Ghosh:

Please find enclosed correspondence I have received from constituents of mine regarding the Supplemental Draft Environmental Impact Statement (SDEIS) for the proposed construction and operation of approximately seven miles of new railroad line in Medina County, Texas. The Medina County Environmental Action Association has requested that I submit these as part of the record for Docket Number FD 34284.

I trust you will ensure that these comments are given all due consideration in the preparation of the final Environmental Impact Statement, and that I am kept apprised as to the progress of this decision. You may contact John Wyatt, my Director of State Projects, in my Washington office with any relevant information or updates.

Sincerely,


JOHN CORNYN
United States Senator

Enclosed correspondence entered into Environmental
Correspondence database separately.

Exhibit 1 is too large to scan. Please contact the Section of Environmental Analysis to view a copy. Exhibit 2 originally in color.

#E1-2714
RJ

• **Quihi & New Fountain Historical Society**

- 202 CR 450
- Hondo, TX 78861
- (830) 741-5040

Alyne Fitzgerald, President
 Joyce Landrum, Vice-President
 Nanette Portenier, Secretary
 Cynthia Lindsey, Treasurer
 Joe Manak, Joe Balzen, Archie Gerdes, Directors

Received
1/29/07

January 21, 2007

Surface Transportation Board
 Attn: Victoria Russon
 Section of Environmental Analysis
 1925 K Street NW
 Washington, DC 20423-0001

1/29/07

Re: Finance Docket #34284
 Vulcan Materials/Southwest Gulf Railroad
 Supplementary Draft Environmental Impact Statement (SDEIS)

Dear Ms. Russon:

The Quihi and New Fountain Historical Society has the following comments to submit regarding the SDEIS:

Vulcan has submitted erroneous information regarding the number of trucks there will be each day, in addition to the rail line. They have stated there will be 24 trucks per day. It will actually be nearly 4 times that. They have stated that 10% to 15% of the production will be trucked to local markets. They have also stated that with no rail line there would be 850 trucks per day. If 850 trucks per day represented 100% of the transportation of product, then logically 85 trucks per day would be 10%. This gross understatement of traffic affects the traffic count, thereby affecting road upgrades that are projected to be needed, and the projected injuries and fatalities. The increase in vehicular traffic of the estimated 125 employees to and from the quarry was not noted, as well. Also, there is additional traffic that needs to be planned for from the growing subdivisions to the west of the proposed quarry site, as well as traffic from the Medina Oaks, Rocky Creek Acres, and Mountain View Subdivisions that use CR 265 as access to FM 2676. Could you please provide an accurate update on this information in road and bridges upgrades needed, and projected fatalities and injuries, in your final EIS?

We feel that there is a huge problem that has not been addressed yet regarding flooding that would be exacerbated by the placement of a rail line, and specifically by a rail loop, in this area. In March 2006, Overby and Descamps, Environmental Engineers, mapped the drainage area of the project area. This was submitted to the TCEQ as part of the WPAP. This map reveals that there is 18,301 acres of drainage upstream from the proposed rail loop on the southern end of the quarry site. This map indicates that there are 9 separate nodes that contribute to the drainage, all going through the planned quarry/rail loop site. When heavy rainfall occurs, floodwaters are funneled through the planned quarry site/rail loop area. Floodwaters then emerge from this area via the Elm Creek literally as a wall of water. Residents downstream from that point, along CR 351 and FM 2676 at Quihi, can actually hear the roar of the water as it comes through the Elm Creek, flowing south. The Quihi Creek joins the Elm just north of Quihi Lake, and both eventually join the Hondo Creek to the west at US Hwy 90. (Many pictures of the flooding, with their locations noted, were submitted on January 10, 2005, with comment on the Draft EIS.) Nothing can more vividly convey this information than the copy of the aforementioned map, showing the drainage area (upgradient areas)(Exhibit 1) Also enclosed is a copy of a map of the northeastern part of Medina County. On it, we have placed an illustration of the drainage area, and quarry area, as defined by the WPAP map. (Exhibit 2)

The flooding is real. We feel that there has not yet been enough attention given the flooding impacts. We want to know how Vulcan plans to control these floodwaters as they flow through the rail loop, as that will affect the very lives and homes and the many historic sites in the path of these floodwaters flowing south and westward. Does STB have any requirements for this? We will not accept "Best Management Practices" (BMP) as an answer. We are very much aware of disasters that have happened, and are happening now, because such events were not anticipated and planned for. We are amazed that Vulcan would even consider placing a quarry and rail line in their chosen location, but are also reminded of the fact that Vulcan did not do much of its "homework" in 1999 when scouting this area for their project.

We are very pleased that the Section 106 Cultural Rural Landscape study was done, and in such a thorough manner. We think this study accurately portrays the life and times of the early settlers to the present, and the evolution of agriculture, architecture, and the sense of community. We wish there were more information on the history of this area in Spanish Colonial and pre-history eras, as we have heard that there is very good evidence of significant habitation and events here. But we realize that all this cannot be investigated in the relatively short time allotted for such a study for the STB.

The SDEIS Section 106 Cultural Resources Study recognizes that the present day roads in the Quihi area are, for the most part, unchanged from the times of the settlers. We treasure this. This is part of our cultural landscape. We have documentation on the location of the historic General Wall's (Wool, Woll) Road, as it traversed through Medina County in the 1840's via Quihi itself and down CR 4516. We hope to preserve this as well.

We oppose having this project in this area. It was written in a prior letter to the STB by a renowned archeologist, Dr. Thomas Hester, P.H.D., (EI-1313, Nov 6, 2003) that Vulcan *couldn't have chosen a worse place in southcentral Texas for this quarry and rail project.* This is true from the standpoint of historical and archeological resources. In December 2002, Vulcan representative Tom Ransdell stated that he had no idea of the historic things in this area, which typifies another case of Vulcan not doing its homework before site selection. Close proximity of the Edwards Aquifer to the surface of the land at the quarry and rail loop area, and flooding of many creeks involved in the affected area, are among other things that should have been known by Vulcan before site selection. It is sad that we should have to figure out for Vulcan how to make their project work. We suggest that Vulcan go further west, to Knippa and beyond, where they say they are loved and wanted, instead of coming here. There is ample product out west, as well as rail availability.

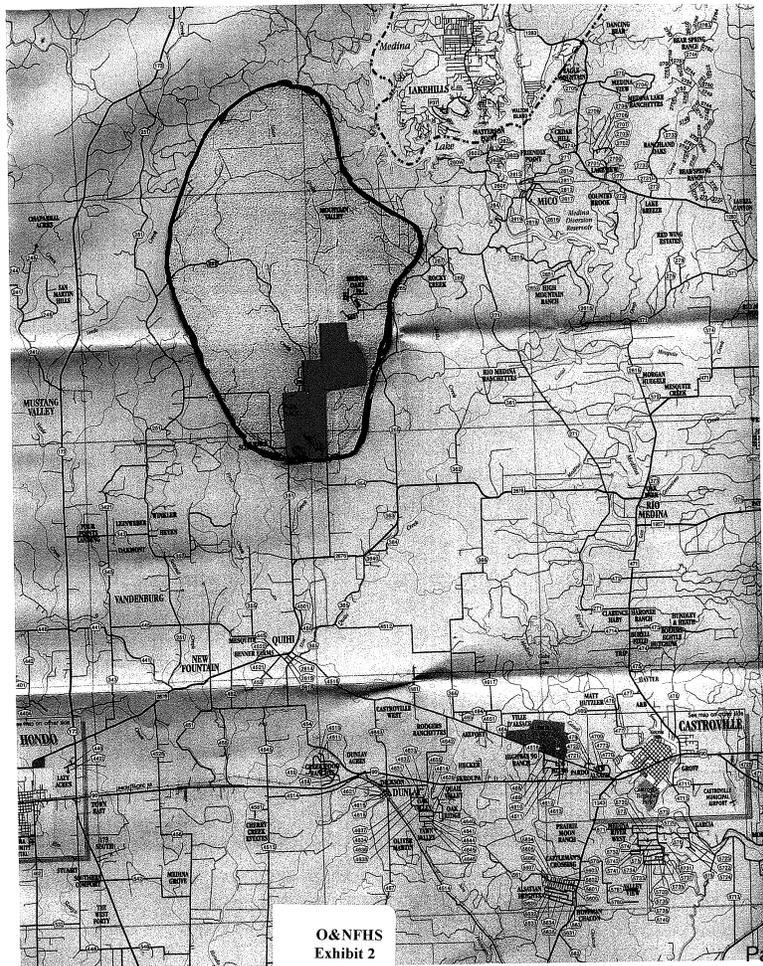
We concur with SEA's recommendation that any route chosen would have to be away from the historic and archeological resources of the area, and that the eastern routes present the least harmful environmental impacts and thus should be selected. There is no way that the Vulcan/SGR Proposed Route could be changed or mitigated that would spare the historic and archeological resources it affects. The very presence of the rail and the train cars traversing it destroys the aesthetics of the historical area.

Thank you for the opportunity to submit comments for this SDEIS, and for the diligence SEA used in compiling it.

Respectfully,

Alyne Fitzgerald
 Alyne Fitzgerald, President
 Q&NFHS

CC: Senator John Cornyn
 Texas Historical Commission, F. Lawrence Oaks, Executive Director



#E1-2715
RJ

P.O. Box 369
 Castroville, Texas 78009
 January 22, 2007

Surface Transportation Board
 Rini Ghosh,
 Section of Environmental Analysis
 1925 K Street NW
 Washington, D.C. 20423-0001

Received
1/29/07

Re: Finance Docket # 34284
 Vulcan Materials Co. / Southwest Gulf Railroad

Dear Mr. Ghosh:

I would like to express my concerns and my opposition to the proposed Vulcan quarry and to the railroad spur.

First, I am concerned about the effects on the quality and quantity of water — the surface water and the underground water. The proposed quarry site lies in the Edwards Aquifer Recharge Zone, and the aquifer supplies water for hundreds of thousands of residents in the San Antonio area — one of the most rapidly-growing areas of the United States! We must be concerned about a quarry (railroad) in such a sensitive area.

Medina County has been an agriculturally productive area of Texas and many farmers are dependent upon water from the aquifer to grow foodstuffs as well as hay/grain for ranchers who raise livestock on non-arable lands. We must be concerned about the volume of water needed to meet the daily needs of the residents and the need of water to support irrigation and the volume required by the proposed quarry.

None of us who live in the immediate area who depend on shallow wells for our personal needs and surface water (stock tanks) for our livestock will be greatly impacted by the run-off from the feed storage and maintenance areas. In addition, building a railroad will affect flooding during rainy seasons.

Received
1/29/07

23 January 2007

Attn: Ms. Rini Ghosh
Surface Transportation Board
Washington, DC 20423-0001

Re: STB Docket No. FD 34284

Dear Ms. Ghosh:

My wife and I reside at 776 CR 354, Hondo, TX., which is about one mile from the proposed quarry in Quihi and about one-half mile from any of the seven proposed rail routes. Our home of sixteen years is located on property that has been in our family since 1881 and recognized by Texas Family Land Heritage. From our home location, one can clearly see that our property and way of life is in jeopardy regardless of route selection.

While the SDEIS is improved over the DEIS with its published data and quality of printing, many subjects were often repeated, many others not presented, and data is often clearly skewed. Some conclusions are waiting for future data and future analysis by FEMA and Corps. Many conclusions are made and glossed over with terms like BMP, but did not fully define these practices with details. Some prior comments do need repeating as these comments on major controlling effects were ignored or omitted on the DEIS and SDEIS.

The following additional analysis should be added by SEA on this project study:

1. Medina county growth was used in analysis while the SGR is in northeastern Medina county where the growth is 2-3 times the county average.
2. Flood data maps and other flood data were not up-to-date.
3. Accident rates and data were out of date. No railroad bridge data included. Bridge distances and/or heights add to accident exposures.
4. Local truck shipments by the quarry varied greatly and often did not reflect the 10% or 85 trucks per day as per EI-28, Feb. 27, 2003.
5. Quarry blasting data was not fully presented or analyzed and it appears that Vulcan biased data was used. (EI-2189).
6. Marshaling plans of trains and railroad cars are not included. Train wait times for pick up and locations of idle trains on SGR should be used in impacts. Idle trains produce vibration plus noise and could wait for crews and traffic clearance for hours.
7. Safety data did not reflect UP operations. Several SGR references noted this tie-in with UP possible operations of SGR.
8. Trestle bridge and culvert clean-up was omitted, but did repeat weed control many times.
9. Historical wells and fences not included in rural analysis.
10. Average plus minimum speed of trains entering and exiting the quarry and the UP line not included. Vehicle data studies incomplete. (page 82-83, SDEIS, Appen. B)

Another concern of mine is the destruction of a very quiet, peaceful, and beautiful way of life. Those of us who are descendants of the German and Mexican immigrants who came to Quihi in the 1850's as a part of Henri Castro's colonists, retired building their dream homes, and young couples with a desire to bring up their children in the country do not want their lives ruined by the air pollution and noise pollution that would result from the quarry/railroad!

This is an historic site! There are many homes that would be damaged by the construction of the railroad and quarry. These homes date from the 1850's! There are also archeological sites from Quihi's first inhabitants - the native Americans - that would be impacted.

Thank you for reading my concerns.

Sincerely,
Nora S. Winkler

Rini Ghosh, STB, 23 January 07, page 2

11. Wells along railroad right of way not cataloged and located. This well data should include all aquifers.
12. Flooding and water shed not fully included and analyzed.
13. No comments are extended on who or what could be the added carrier on this SGR. Have any questions been posed by STB or others for this information. All types of data presented by STB and SGR was presented as averages, projections, extrapolations, forecasts, etc. for 40-50 years in the future, but no information could be examined for other carriers although this permit presents itself as a common-carrier. Where are the environmental impacts of others to be using this rail? Should this existing impact be increased by some factor of 2-3? Could historical railroad data be used? Vulcan expresses ideas about potential other shippers in several letters and even location on SGR.
14. Grade-crossing safety and numbers are glossed over and not complete. Traffic numbers do not include local market Vulcan trucks plus employ vehicles with the rail routes analysis. Grade crossing statistics were not used for Texas records nor were they adjusted to reflect UP records in this area.

Mitigation:

All mitigation should be re-examined on issues of safety, out of pocket cost to tax-payers, impacted land owners, and to issue detailed complete information to all governments for planning the project.

It is clear that Vulcan's intent with its action is to dilute and reduce meaningful mitigations. Vulcan seeks to have tax-payers pay for many of the needs of the project. The rail route should be selected and then mitigated or mitigated separately by route so comments are not elusive. (Indirect impacts)

1. Impose mitigation on the loading loop at the quarry to require vibration, noise traffic, and flooding environmental conditions are met.
2. Impose mitigation on future carrier to insure that EIS is prepared so that no fast track analysis is made at the expense of environment.
3. In Vulcan's letter to STB, May 25, 2006, it describes some of the details for their blasting to fracture limestone at the quarry. This blasting data sums to 10.6 tons of explosive per event and thus some 13,000 events over the next 50 years. Should these vibrations and the noise be acknowledged as to railroad cumulative analysis? Impose mitigation along north end of track to protect track.
4. Water wells, both Edwards and Leon Gravel, should have imposed mitigation on areas adjoining the railroad. This should be cataloging all wells of any type within 1/4 mile of railroad. (See Edwards Aquifer letters EI-55)

Rini Ghosh, STB, 23 Jan 07, (page 3)

4. (cont'd.) As necessary, some wells should be properly plugged and then relocated for the owner. Note that the shallow wells range from 10-50 feet deep and the Edwards wells near the quarry are only 200-400 feet deep. (See EI-656 Edwards Aquifer).
5. Vehicular Delays: On SDEIS page 4-15, on average each train would block an intersection at grade crossing for approximately four minutes causing some traffic delay. Impose mitigation on all crossings with over four minute delays to include grade-crossings. Surely trains entering and exiting the quarry at CR 353 will not have an average speed of 25 mph. The train entering or leaving the quarry would be estimated to have an average speed of 6 mph or less resulting in at least a sixteen minute delay with no interrupted movements. Should any train find it necessary to start and stop with cars crossing CR 353 and quarry entrance, then the delay would be much longer. This same type of delay could be caused at UP railroad junction. Again a long vehicular delay. This problem has been posed to you in the past and no reply has been forth coming. Note (see page 82 SDEIS). None of these delays have been increased for growth of other carrier on local road activities and thus could be greater than sixteen minutes at several road crossings. Should other crossings have delays over four minutes, then the carrier should build grade-crossings at their expense and not at the tax-payers expense.
6. Trestle bridge debris collected should be cleared and removed by Vulcan similar to or in conjunction with weed control program.
7. Immediately upgrade all roads with map (figure 4.17-2)VCM. These routes were reviewed on page 4-107 SDEIS.
8. Distribute maps with locations, elevations, and dimensions of all bridges to be used for analysis. It appears from materials presented that low water crossing rail lines could be used also.
9. Span bridges should be constructed to reduce flooding exposure

I believe the all-truck route is the most satisfactory for the following reasons:

1. Smaller eminent domain issues.
2. Smaller additional properties would need to be obtained and land divisions would not be required.
3. This all-truck plan by Vulcan is a hollow threat, and the chances of actual construction and sustained operation is very small. The 50-year quarry would seek other plans and solutions.
4. Existing roads of travel already exist.
5. Local and state government controls could be used quicker and more readily.
6. It spreads the overall impact to a wider area.

#E1-2717
RJ

Rini Ghosh, STB, 23 Jan 07, (page 4)

7. If this selection did come to pass, it would result in more information with publicity to others.
8. All safety would be more transparent and advertised.
9. Several overpasses would be demanded for added traffic.
10. More direct historic input and local actions for Quihi from state and county.
11. This operation, if built, could not survive and be sustained. Logistics would be very expensive for equipment and fuels.
12. Fewer impacts to property owners lands, buildings, and homes.

Should it be necessary to pick one rail route of SGR of the seven proposed rail routes, all about one-half mile from my home, I would select the eastern course "MCEAA Medina Alternative" as it is less offensive to Quihi environments. The rail route with my most objections is the "Vulcan Proposed Route" as it most endangers cultural resources, aggravates flooding, and increases traffic congestion.

All these conclusions are made realizing it is not a passing slight inconvenience, but will be everlasting. No one of Quihi residence will be free of everlasting results from this intrusive rail line that degrades our environments and way of life.

Yours truly,

Lester R. Landrum
Lester R. Landrum

cc: Senator John Cornyn
Senator Kay Bailey Hutchison
Texas Representative Tracy King
County Judge James Barden

Attn: Ms. Rini Ghosh
Surface Transportation Board
Washington, DC 20423-0001

January 19, 2007

Re: STB Docket No. FD 34284
No Action Alternative

*Received
1/29/07*

Dear Ms. Ghosh:

Because of the continued threat of building a quarry and railroad in Quihi – about a year ago the village of Quihi became listed as an endangered historical site by Preservation Texas (www.preservationtexas.org/endangered2006.htm). The rural landscape and many historic sites would be ruined if the SGR at Vulcan's preferred Proposed Route is permitted.

Historians recognize this area depicts life on the frontier in the mid-1800's when Texas was a republic. Several sites have a state marker or a federal marker. The MCEAA continues to work very hard to present detrimental issues that would affect these sites, with many letters, charts, maps, and engineering facts being sent to STB from residents and from experts to warn of pitfalls and the detriment to historical sites. The letters, etc. are being sent for STB to evaluate the environmental impact of a 50-year project such as this on old rock structures, old wells, and old cemeteries. But at present, big boardrooms and conglomerates are being given far too much influence over private lands, and any lands where they gain financially.

People in Quihi (not only the farmers and ranchers) value this area, and are very concerned about it becoming an industrial area and undermining its' importance to Texas history with many properties eligible for listing with the National Register of Historical Places. Please do not authorize the Vulcan conglomerate to destroy Texas cultural sites such as archeological deposits, 1850's stone architecture, and Native American and other historic sites. I prefer the No-Action Alternative!

Yours truly,

Cc: Senator John Cornyn
Senator Kay Bailey Hutchison
Texas Representative Tracy King
County Judge James Barden

Joyce M. Landrum
Joyce M. Landrum
776 CR 354
Quihi, TX 78861

#E1-2718
RJ

January 15, 2007

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW
Washington, D.C. 20423-0001
Attention: Ms. Rini Ghosh

Re: Finance Docket # 34284

Dear Ms. Ghosh:

As a member of the Medina County Environmental Association (MCEAA), I have become aware of the Supplementary Draft Environmental Impact Statement (SDEIS) that was recently issued. I have reviewed the information and wish to submit comments on the proposed railway routes.

It is imperative to choose a route that has the least environmental impact, as well as one that does not enhance flooding and/or traffic problems. The MCEAA eastern route would be highly preferable over Vulcan's proposed Southwest Gulf Railroad project route, if a railroad becomes absolutely necessary.

Farming, ranching, and historical importance are the qualities of the community of Quihi, Texas, where the impact will be felt. The route proposed by Vulcan greatly endangers the community's cultural resources and should not be considered as an option.

The residents of Quihi, including my parents, aunt, uncle, and cousins, all enjoy the natural beauty, the historical significance, and the peacefulness that Quihi provides. My heritage is in northeast Medina County and some of this property has been in our family since 1881. The quarry is not needed there, nor is the railroad.

It is my dream to purchase land in Medina County in the near future and enjoy the fresh water lakes, hunting, fishing, bird watching and outdoor recreation that this section of the Texas Hill Country provides. I greatly appreciate your consideration toward enhancing the preservation of a beautiful, growing community. With your help historical Quihi will flourish and not perish.

Most Sincerely,

J. Lynn Alibritton
T. Lynn Alibritton
4297 County Road 145
Alvin, Texas 77511

Cc: Senator John Cornyn
Senator Kay Bailey Hutchison
Texas Representative Tracy King
County Judge James Barden

The Medina County Environmental Action Association, Inc.

202 CR 450, HONDO, TX 78861
www.dontmesswithquih.com
DR. ROBERT T. FITZGERALD, PRESIDENT
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DWIGHT BIEDIGER, WEBSITE
ERNA BALZEN, MEMBERSHIP

January 21, 2007

Surface Transportation Board
Attn: Victoria Rutson
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket #34284
Vulcan Materials/Southwest Gulf Railroad

Dear Ms. Rutson:

As president of the Medina County Environmental Action Association (MCEAA), I wish to thank the Section on Environmental Analysis (SEA) of the Surface Transportation Board (STB) for its efforts in completing the Supplemental Draft Environmental Impact Study (SDEIS). These two volumes of data represent a more detailed and accurate evaluation and comparison of all the alternative routes for Vulcan Materials proposed Southwestern Gulf Railroad and its cumulative impact of Vulcan's quarry. MCEAA is gratified that SEA's preliminary decision that the two eastern routes are the least environmentally disruptive of the eight alternatives submitted for evaluation by STB. Further more, it is my opinion that the MCEAA Medina Dam Route alternative is the better of the two eastern routes which will be further discussed later in this letter.

I would like to single out the section on Cultural Heritage of the Quihi Area in the SDEIS as being especially well done. It truly demonstrates what MCEAA and other historic groups have struggled so hard to relate to the STB---that the Quihi area is a unique resource that must be recognized, preserved and protected from the invasion of a railroad which would destroy it by its very presence, not to mention the noise, dust, vibration and flooding danger that would accompany it. The eastern routes would guarantee this cultural landscape could have the opportunity to be developed and to take its rightful place as a Texas and national treasure.

I, also, appreciate the opportunity granted by SEA to comment on mitigation measures which I believe are justified and should be imposed or required by STB if a permit is granted. These mitigation measures are necessary to minimize the known harmful environmental impacts of the SGR and the quarry. These mitigation measures will follow below under the area which they will impact.

I will close my comments with the factual reasons of why MCEAA Medina Dam Alternative is the best choice for the SGR route if a permit with imposed mitigation measures is granted.

I. Transportation and Traffic Safety
Road improvement of State FM 2676 and County Roads 351, 353, 354 and 4526. These include widening, paving with sufficient base material and topping to support 78,000 pound loaded gravel trucks that will be using the above roads. Also include on and off ramps at junctions of CR4516 with FM2676 and CR4516 with CR4643, overpass on CR 4516 with SGR crossing, overpass with FM 2676 with SGR crossing and a bridge over Quihi Creek crossing with CR4516. The above state and county road improvements are needed to prevent loss of life and property on roads Vulcan admits will be impacted by its SGR and Vulcan's Statewide Transport gravel trucks.

#E1-2719
RJ

*Received
1/29/07*

Justification

MCEAA notes Vulcan is purposefully attempting to mislead STB concerning the amount of material (100,000 tons per year) and the number of trucks per day (24) they say would be required to transport the material it produces annually.

Previous data submitted by Vulcan (DEIS Vol III, G11, E128) and at the air permit meeting, stated Vulcan would ship 10% to 15% of its average annual 4 million tons of material locally. According to the below calculations, based on this data, Vulcan would require 96 trucks per day (not 24) -one way and 192 trucks per day round trip if 10% of the quarry output were shipped by truck and, at 15% of the quarry output, 144 trucks per day-one way and 288 trucks per day round trip:

- 10% of 4,000,000 equal 400,000 tons
- 15% of 4,000,000 equal 600,000 tons
- 100,000 tons requires 24 trucks per day-one way or 48 trucks per day
- 400,000 tons requires 96 trucks per day-one way or 192 trucks per day
- 600,000 tons requires 144 trucks per day-one way or 288 trucks per day

This number of trucks leaving and entering the quarry site on a daily basis justifies the above road improvements which Vulcan is trying to evade by purposely miscalculating the amount of material and number of trucks required. In so doing, Vulcan argues that it only needs to do a minimal amount of county and state road improvements, only citing CR 353 for widening.

Not only does it ignore the other roads listed above, which Vulcan (and other gravel trucks) admits it will use, but it now declines to construct overpasses on FM 2676 and CR4516 which it previously said it would do. Currently Vulcan states it will build and pay for these overpasses when the need arises, and when it is required to do so by TxDOT and County Commissioners Court. Even if Vulcan signs such a written contract with the state and county government, this contract is worthless unless these specific improvements are incorporated by STB as part of the imposed mitigation for a permit for a rail line. For this reason, MCEAA requests the above listed road improvements be a part of the imposed mitigation in the final Environmental Study (FEIS). Taxpayers should not have to bear this burden for Vulcan/SGR's profit.

SGR's Plans to Turn the Operation of the Rail Line to Another Carrier: MCEAA members would like to know STB's opinion concerning SGR plans to have another carrier manage the rail line, should a permit be granted for the construction of the rail line. Many questions concerning this decision arise. What prompted SGR's decision to have Union Pacific or any other rail line manage the line? What reason does SGR have for not wishing to operate its own railroad? STB should investigate why this is so. Would SGR be unable to manage it because of lack of experienced and trained railroad workers? If Union Pacific refused to build the line years ago, will it now agree to do so when it is currently besieged with shortages of personnel, engines, train cars and has experienced numerous accidents? Is it now more capable and willing to manage a new rail line which would add more traffic on its already over-burdened route through San Antonio, particularly if the new route had multiple liabilities as the SGR's originally Proposed Route and three alternatives possessed? MCEAA members respectfully ask STB to answer these questions in it the FEIS.

II. Surface Water Concerns

Contamination of the Edwards Aquifer from diesel fuel stored in ten one-thousand gallon tanks at the edge of the Edwards Aquifer Recharge Zone and the Elm and Pole Cat Creek flood plains. In response to MCEAA's protest concerning Vulcan/SGR original fuel storage and maintenance location over the Edwards Aquifer Recharge Zone, the Edwards Aquifer Authority advised movement of the fuel storage and maintenance area to the south, to a location which would have protective Del Rio clay covering. The response by Vulcan/SGR was to move the fuel storage and maintenance area due east, to the above-mentioned location. We believe this places those facilities in harms way during heavy rains into the 18,301 acre watershed that passes close by the present location, and could easily be flooded causing pollution in the Elm Creek flood plain and downstream. MCEAA suggests movement of the fuel storage and maintenance area to the southern terminus, near Dunlay, on high ground, where spills can be more easily contained and cleaned up, where delivery of bulk fuel can be more readily made and would be less expensive and dangerous, than if transported to the current location.

III. Ground Water

Supply and water quality issue concerns exist, caused by blasting in preparation of the railroad loop or straight-line tracks as well as daily quarry blasting effects on wells in the quarry area. Since the only source of water in the quarry area is from private wells, and since blasting activities are known to have potentially adverse effects on nearby wells, I believe there should be appropriate imposed mitigation that Vulcan Materials/SGT be required to repair wells that are damaged or contaminated or deepen wells that are dried up by Vulcan's huge water requirements. In lieu of this, Vulcan should be required to bear the cost to extend public water supply lines to this area to replace water availability it has interfered with. I also note with interest that Vulcan may seek to obtain water from other sources than the Edwards Aquifer for its railroad and quarry. (Stepcoe & Johnson's letter of October 12, 2006, E1-2550) This is yet another example of Vulcan's failure to do proper research before undertaking these projects. Now Vulcan is having to ask STB to allow it to get water from other aquifers because it did not drill test wells, or did not perform pump tests as are normal requirements for large projects with high water requirements. Only now does it learn that wells on the Edwards Aquifer Recharge Zone frequently are poor producers of large volumes of water such as they would need. Hence, Vulcan's request is made to STB to rescind previous suggested mitigation limiting Vulcan's water supply solely from the Edwards Aquifer.

By drilling wells in other aquifers, other problems and questions arise. Currently there are water shortages and restrictions in areas of Medina County, such as the Cow Creek Aquifer. Planned subdivisions, such as a 3500-unit subdivision in northeastern Medina County called The Hills of Castle Rock, may not be able to be completed due to water unavailability. This subdivision is dependent on the Trinity Aquifer, which is already stressed.

Recent queries by myself and others at the Medina County Ground Water Board Meeting (January 19, 2007) revealed that Vulcan has not requested a well permit for drilling into any aquifer in Medina County. MCEAA would like to know if Vulcan has to get water off of the quarry site, from an aquifer other than the Edwards, how it will plan to pipe the water to the quarry site. Realizing the answer to this question depends on the well site, we would like this to be discussed in the FEIS.

In conclusion, if the STB's final decision is to grant a permit for the SGR rail line, in spite of all of the severe environmental impacts that have been brought to STB's attention by MCEAA and others over the past three years, we believe the obvious choice for the least environmentally-damaging route is the MCEAA Medina Dam Alternative. This is proven conclusively by the SDEIS. Suffice it to say that, in the final analysis, any other alternative route will cause more severe environmental damage and be more disruptive on a one to one comparison. One does not have to re-state the advantages of the MCEAA Medina Dam alternative since STB is well aware of them. Therefore, the MCEAA Medina Dam alternative route should be selected with needed imposed mitigation.

Sincerely,

Robert T. Fitzgerald

Robert T. Fitzgerald, President
MCEAA

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

January 14, 2007

#E1-2720
RZ

Ms. Rini Ghosh
Surface Transportation Board
Case Control Unit
1925 K. Street, N. W.
Washington, D. C. 20423-0001

Re: STB Finance Docket No. 34284

*Received
1/29/07*

Dear Ms. Ghosh:

Please accept this letter as my opposition to granting approval for Southwest Gulf Railroad (SGR) to construct and operate a railroad spur line to serve the proposed Vulcan quarry in Medina County. Should this happen, a Fortune 500 company would have the power of Eminent Domain to utilize for their financial gain. Good for their stockholders, but bad for the landowners and environment they will impact.

I am a landowner bordering the proposed quarry that the SGR will solely serve. I am also a resident of Medina County. Having the quarry as a neighbor does not excite me, but I understand the importance of natural resources. I also understand and applaud the free market system. Having a private company condemn your property to be able to transport strictly their product is not right or a part of the free market system.

Having said that, and if the SGR is a foregone conclusion then I believe they should be held to routes having the very least impact on the environment. The immediate Quihi area has got to be the most environmentally sensitive area within the project study area. It cannot be argued that it does not have great historical and cultural significance. In addition, it has an abundance of jurisdictional waters. Lastly, it is the most heavily populated area. I believe the route should not impact this area at all. The two routes that you have identified as being the least environmentally disruptive both go well east of this area. Of these two routes (the MCEAA Medina Dam Alternative and the Eastern Bypass Route), I would not state a preference, as they both appear to negatively impact residents in the area. Should SGR successfully negotiate and acquire the necessary right of way without needing to exercise

Eminent Domain along these routes, then this may mitigate some of the negative impact.

The last comment I would make concerns the No Action alternative. I know for the purpose of your evaluation you must take SGR and Vulcan at their word that they would proceed with the quarry and truck the material to a rail head at Dunlay. I must also take them at their word, when they have said at previous meetings that they would not develop the quarry without rail transportation. If this is true, the No Action alternative would by far be the least environmentally harmful.

Your thoughtful consideration of this matter is appreciated.

Sincerely,

Larry Coyle

Larry Coyle
601 CR 375
San Antonio, TX 78253

cc: Medina County Environmental Action Association

#E1-2721
RJ

January 13, 2007

Alfred M. Bishop
241 CR 253
Mico, TX 78056

*received
1/29/07*

Surface Transportation Board
Case Control Unit
1925 K Street, NW
Washington, D.C. 20423-0001

Attention: Rini Ghosh

Fax No. (202) 565-9000
Re: STB Finance Docket No. 34284

Dear Ms. Ghosh:

I live about 1/2 mile north of the proposed quarry site and have several concerns about the proposed rail line and quarry. There are many reasons why I oppose construction of both the quarry and railroad in this area — not only is it a poor location for a quarry but Vulcan has proven to be deceptive and uncooperative in addressing many issues that could lessen the negative impact on this quiet community. I maintain that the proposed quarry and the railroad are "connected actions" and refuse to accept the notion that the quarry is simply 'cumulative impact' of the railroad. We moved to this area to retire and enjoy our families in the peace and quiet of a rural setting and don't want to see it destroyed by airborne dust, noise and blasting, myriads of trucks on our roads that are already in poor repair, railroad crossings, and most of all, serious threats to the drinking water that every family must have to survive.

In 1990, the Texas Natural Resource Conservation Commission designated the Trinity region to be a Priority Groundwater Management Area (PGMA), defined as an area where a critical water shortage is occurring or can be expected to occur in the next 25 years. I currently have a well in the Trinity aquifer that, due to the current drought conditions, barely produces enough water for the family. In fact, I am on a waiting list to get a new well drilled later this month. Not a small expense I might add.

With the growth in residential development I see in the area, and knowing that Vulcan schedules to use at least 6,000 acre-feet of water annually, I wonder how long it will be before our water supply simply disappears forever. I thought that Vulcan planned to extract water only from the Edwards aquifer but was made aware that in a letter dated Oct 12, 2006, Mr. Coburn, attorney for SGR, admitted that in the future, Vulcan's huge appetite for water might lead them to the Trinity as well. My question to you is "Where does it stop"? How many lives can we allow to be trampled for the sake of a company profiting by raping our natural resources?

I am concerned that Vulcan plans a fuel storage facility in the Elm Creek flood plain. Doesn't this seem to be an insane idea? What happens to our drinking water during the next flood?

If construction of the proposed railroad is allowed, the STB must require them to make the improvements needed to minimize impact to the community. Specifically:

- Overpass over FM2676
- Widening/asphalt surfaces to CR351, CR 353, CR354, CR4516 with bridge, and CR265.

There are already eight quarries in Medina County — using an undisclosed amount of our precious water. Just how many more such operations will the State allow before they see the light?

Sincerely,

Alfred M. Bishop

#E1-2722
RJ

January 13, 2007

Jerriene R. Bishop
241 CR 253
Mico, TX 78056

*received
1/29/07*

Surface Transportation Board
Case Control Unit
1925 K Street, NW
Washington, D.C. 20423-0001

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Fax No. (202) 565-9000
Re: STB Finance Docket No. 34284

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There are already eight quarries in Medina County — using an undisclosed amount of our precious water. Just how many more such operations will the State allow before they see the light?

Sincerely,

Jerriene R. Bishop

January 15, 2007

Sylvia Greer
496 CR 253
Mico, TX 78056

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW
Washington, D.C. 20423-0001

Attention: Rini Ghosh
Fax No. (202) 565-9000

Re: STB Docket No. 34284, Southwestern Gulf Railroad Company Construction and Operation Exemption – Medina County, Texas

Dear Ms. Ghosh:

My wife and I have been residents of the Medina County since April of 2000. Our residence is located about 1/2 mile north of the proposed quarry site and have concerns about the proposed rail line and quarry.

Thank you for considering the following issues regarding the permitting of the SGR routes for the proposed Vulcan Quarry Site.

In reviewing the DEIS, we feel the only viable railway routes to be considered for permitting are the Eastern By-Pass Route and the MCEAA Medina Dam Alternative route shown on figure 1 – FD 34284 of the study. The eastern routes would impose the least impact on the Elm Creek flood plain and the historical and archeological sites, however, please consider the following issues pertaining the eastern routes as part of your permitting process:

1. Require the SGR to provide grade elevated overpasses across FM 2676 and CR 265 to prevent traffic delays and accidents and assure access for emergency vehicles.
2. Require the SGR to improve the existing roads that would be utilized for local trucking to include FM 2676 and County Roads 351, 353, 354, and 4516. The permitting should require SGR to pay for the cost of improving these roads prior to quarry operation. We do not feel it is right for the tax payers to bear the cost of repairing and maintaining roads damaged by trucks hauling heavy materials for profit at the tax payers expense.
3. Require SGR to provide assurance that road improvements provided to meet the needs of the quarry will not restrict or impair the traffic patterns of local residents.
4. Require the SGR to locate the diesel fuel storage facility further south away from the Edwards Aquifer recharge zone and away from the Elm Creek Flood Plain. Locating the fuel storage facility further south would decrease the environmental impact.
5. Require the SGR and Vulcan to cover materials transported by rail cars and trucks to decrease the amount of local dust.

Although water consumption and environmental impact issues are not directly under the jurisdiction of the STB, we feel they should be considered as part of the permitting process. Issued to be considered are as follows:

Water Consumption: Although water consumption is not the major issue with permitting the SGR railroad, the proposed quarry will have a socio-impact on the local water supply. Medina County is an agricultural and residential community with an already diminishing water supply. Some of our local water wells have recently been abandoned due to insufficient flow. This could be attributed to the recent drought and the reduced surface water supply from Medina Lake imposed by the BexarMet Water District. Table L.3 of the Region L water needs report prepared by the Texas Water Development Board shows the total water need for Medina County in 2010 to be 6,818 acre-feet per year and 6,411 acre-feet projected for 2060. Projected Irrigation need was projected at 4,651 acre-feet per year (68% of total county need). The report does not include any projection for 6,000 acre feet per year ground water to operate the quarry. In a letter dated October 12, 2006, from SGR's attorney, it was revealed that Vulcan can choose to purchase additional future water rights that would not increase the amount of drawn from the Edwards Aquifer. This indicates that Vulcan plans to use more water than their existing water rights. We assume the additional water rights will be drawn from the underground Trinity reservoir and Cow Creek. The 6,000 acre feet per year drawn from the water sources will further impact our future water supply.

Environmental Impact: My wife and I choose Medina County as tranquil natural habitat in the hill country to build our retirement home. Much of the value of our homestead is attributed to the tranquility and beauty of the natural habitat that surrounds our property. Why should SGR and Vulcan be permitted to profit by the destruction of this beautiful habitat?

Eminent Domain Condemnation: We are concerned about having our properties condemned by SGR through eminent domain to support the present and future needs of the railroad and the (roads, power lines, water mains, etc.).

Sincerely,



Sylvia Greer

cc: Congressman – Cerio Rodriguez
Medina County Judge Jim Barden

January 15, 2007

Terry Greer
496 CR 253
Mico, TX 78056

Surface Transportation Board
Section of Environmental Analysis
1925 K Street, NW
Washington, D.C. 20423-0001

Attention: Rini Ghosh
Fax No. (202) 565-9000

Re: STB Docket No. 34284, Southwestern Gulf Railroad Company Construction and Operation Exemption – Medina County, Texas

Dear Ms. Ghosh:

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Sincerely,



Terry Greer

cc: Congressman – Cerio Rodriguez
Medina County Judge Jim Barden

#E1-2725
R21

#E1-2726
R21

FD# 34284

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Received
1/29/07

Dear Ms. Ghosh:

My family and I moved to this area to have a peaceful country environment to raise our two sons. The Vulcan/SGR Project would impose harmful impacts on me and my family. My two boys will be riding a bus to and from school. Putting this railroad in the path of that bus increases the danger of their day to day travels to school. Overpasses over roads would help lessen the dangers our kids are under.

Respectfully,

Damien Delozier

tdamien@yahoo.com
337 C.R. 363
Hondo TX 78861

January 19, 2007

3122 CR 265
Mico, TX 78056-5004

Ref: Finance Docket #34284

Surface Transportation Board
Section of Environmental Analysis
Attn: Rini Ghosh
1925 K Street N.W.
Washington, D.C. 20423-0001

Received
1/29/07

To: Rini Ghosh

My husband and I own 46 acres about 1.5 miles northeast of the northeast corner of the proposed Vulcan quarry boundary. We purchased our property in 1993 and built a home in 1995. The location is quiet, restful and just the thing for someone that suffers from a chronic respiratory disease and the discriminating retirees. Our retirement dream took a goodly portion of our savings. Then in 1999, comes Vulcan Materials, threatening all that most humans desire in their living environment. Unfortunately, existing Texas Environmental Laws are lacking in scope and enforcement due to the "Good Old Boy" attitude that exists. This attitude will eventually go the way of the other laws that contribute to the legal rape of our resources.

I would like to share with you a letter found on Jan. 15, 2007 San Antonio Express News' Editorial Page that reflect my thought about the helplessness we have concerning the effect of Vulcan's venture in our area. The letter stresses the lack of concern to

protect the environment from the prostitution of those that want to make a buck from natures best. Big 500 Fortune companies have the political and financial backing that creates a very difficult situation for the poor folks living around their quagmires located in neighborhoods that do not want them. They encourage their employees and families outside this area to support this untoward investment that does support the unhealthy and unsafe environment they produce.

Mulch fire a symptom

The Helotes mulch fire brings out all the issues that keep Texas leaders in first place for environmental ignorance, avarice and corruption.

Quality of life is never considered a priority by most elected and agency leaders who, generally, are controlled by developers. Texas developers care only about making money and give lip service to environmental issues. The Legislature continues to be controlled by moneyed interests so the status quo is maintained.

San Antonio's leaders only take pride in creating more -- more population, more housing, more businesses, more traffic, another professional team -- while never considering serious environmental planning. And the populace seldom questions it. Regulations are minimal and never enforced -- unless a developer is being restricted.

Authorities quickly concluded the fire was started by arsonists.

People are rightly concerned about the deteriorating quality of life in the area, but no effective counteraction will occur until developers are better controlled by elected leaders.

— W.L. Richter,
Roanne

My husband spent 26 years in Air Force as Officer working in the Healthcare and Sanitation Management Programs. I am a Registered Nurse and have a Master Degree in Health Care Management. We both do not support the Vulcan Quarry. We do not want the Quarry as a neighbor, nor a railroad to support that quarry.

We were told that this will be the largest quarry in Texas and that it will be in operation for 50 years. It is also sited over the Edwards aquifer, which is the lifeblood of a good portion of south Texas.

We do not have the money to discourage the proposed Vulcan Quihi Limestone Quarry or the proposed rail line, BUT we can write and tell our elected officials, state and local organizations and community groups that our health, safety and economic well being is threatened.

We have been told that our comments concerning the Supplemental Draft Environmental Impact Statement, Finance Docket No 34284 are being solicited and so desire to make the following comments about this project:

1. The routes designated, as Proposed Route, Alternative 1 and Alternative 2 are the least desirable of the eight outlined in your Figure 2-1 Southwest Gulf Railroad Location of Rail Alternatives. The effect of flooding due to the altering of the flood plain from berms and elevations necessary for railroad construction cannot be fully appreciated unless you have witnessed heavy rainfall in that area which we have. Additionally, those routes transverse historically significant homes and buildings that the early settlers constructed in the

Quihi area. Not only is there a potential for damaging or destroying these structures but archeological history rich along ancient waterways and prairies would be lost forever with the placement of a rail line in that vicinity. We would propose that a modification of the route designated as the MCEAA Medina Dam Alternative and SGR's Modified Medina Dam Route be our choice. This modification is as follows: Follow the MCEAA Medina Dam Alternative from Dunlay North to the northern intersection with the SGR's Modified Medina Dam Route just south of where it intersects with FM2676 and then follow the SGR's Modified Medina Dam Route to its conclusion. This allows traffic traveling south on FM 265 to divert to either FM 2676 East or FM 354 West in event of emergency in the event a train blocks FM 2676 at the crossing. The terrain seems to be friendlier to issues of flooding, etc if a combination of these two routes is the ultimate choice. (Atch 1)

2. The FM 2676 is major route for residents of the area. It connects with FM 171 to the west and FM 471 to the east. Where ever it is decided that the railroad transect FM 2676, Vulcan Materials should be responsible for the construction of an overpass as to not impede the flow of traffic and to remove the threat of eventual deaths that most certainly will result from a mutual crossing.
3. Other roads, specifically FM 351, FM 354, and FM 4516 will require extensive improvements if depending on the route that trucks hauling crushed rock will take if some of the other routes are chosen. FM 4516 requires a bridge at the point it crosses Quihi Creek. Presently, it is a concrete paved wash and would deteriorate quickly with extensive truck traffic.

Materials wishes to demonstrate their desire to do all they can to protect the Edwards Aquifer, they would relocate their fuel storage area to the other end of the rail line in Dunlay.

6. Please note that it is interesting how the Vulcan Management has conveniently listed their venture as a Rio Medina Quarry when it actually is located in the Quihi area. This is only a small example on the untruths these folks can generate to try to fool whomever.

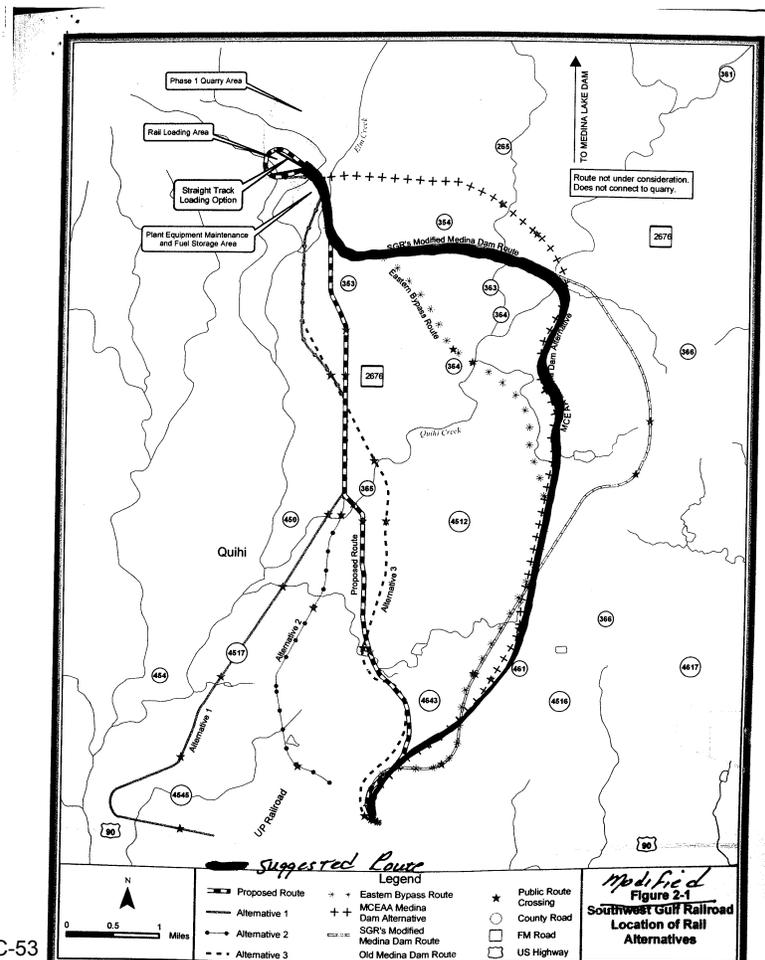
I cannot tell you how disappointed I am for this situation, but my heart goes out to those that have property that actually borders this proposed quarry and those folks whose property are subject to the railroad track passing through their private property. It just doesn't seem fair. How can anyone place a value to what we plan for and what is taken away?

Thank you for your time and consideration of my concerns relative to the proposed quarry.

Margaret A. Skalka, RN

These items should all be considered in the original planning and funded by Vulcan rather than at taxpayer expense.

4. At an earlier meeting, Vulcan Materials stated that they were going to remove over 200,000,000 tons of aggregate over a period of 50 years. This would result in 4,000,000 tons of aggregate removal annually. Vulcan Materials has stated that 10-15% of the material will be removed by trucks, (400,000 - 600,000 tons annually). In Volume 1, Paragraph 4.17.1, Transportation to Local Markets, states on page 4-105 that trucks would transport 100,000 tons per year. This understates the use of trucks for the hauling of aggregate by a factor of 4 or more if their original estimates are accurate. Instead of the 24 round trips per day, 96 - 144 round trips per day would be required. Aggregate haulers (trucks) will definitely impact the ability of Medina County to maintain these roads and force the burden upon the Tax Payers for commercial benefits. The actual estimated taxes and benefits to Medina County will not even begin to pay for the increase in road maintenance alone. It should also be remembered the potential for injury and death, broken windshields, etc resulting from trucks traveling narrow country roads for which they were not designed will be borne by the residents and visitors to Medina County. I personally have been run off the road barely missed being hit by a truck driving on CR 265 way too fast taking up the road coming around a curve and we have replaced two windshield in the last year from truck throwing gravel because they can not take the time to cover their hauls.
5. I fail to understand the need for locating the Fuel Storage Facility over the Edwards Aquifer recharge zone. If Vulcan



January 14, 2007
3122 CR 265
Mico, TX 78056-5004

Surface Transportation Board
Section of Environmental Analysis
Attn: Rini Ghosh
Ref: Finance Docket #34284
1925 K Street N.W.
Washington, D.C. 20423-0001

*received
1/29/07*

Attn: Rini Ghosh

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1

I have been told that our comments concerning the Supplemental Draft Environmental Impact Statement, Finance Docket No 34284 are being solicited and so desire to make the following comments about this project:

1. The routes designated, as Proposed Route, Alternative 1 and Alternative 2 are the least desirable of the eight outlined in your Figure 2-1 Southwest Gulf Railroad Location of Rail Alternatives. The effect of flooding due to the altering of the flood plain from berms and elevations necessary for railroad construction cannot be fully appreciated unless you have witnessed heavy rainfall in that area which we have. Additionally, those routes transverse historically significant homes and buildings that the early settlers constructed in the Quihi area. Not only is there a potential for damaging or destroying these structures but archeological history rich along ancient waterways and prairies would be lost forever with the placement of a rail line in that vicinity. We would propose that a modification of the route designated as the MCEAA Medina Dam Alternative and SGR's Modified Medina Dam Route be our choice. This modification is as follows: Follow the MCEAA Medina Dam Alternative from Dunlay North to the northern intersection with the SGR's Modified Medina Dam Route just south of where it intersects with FM2676 and then follow the SGR's Modified Medina Dam Route to its conclusion. This allows traffic traveling south on FM 265 to divert to either FM 2676 East or FM 354 West in event of emergency in the event a train blocks FM 2676 at the crossing. The terrain seems to be friendlier to issues of flooding, etc if a combination of these two routes is the ultimate choice. (Atch 1)

2. The FM 2676 is major route for residents of the area. It connects with FM 173 to the west and FM 471 to the east. Where ever it is decided that the railroad transect FM 2676,

2

Vulcan Materials should be responsible for the construction of an overpass as to not impede the flow of traffic and to remove the threat of eventual deaths that most certainly will result from a mutual crossing.

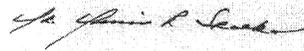
3. Other roads, specifically FM 351, FM 354, and FM 4516 will require extensive improvements depending on the route that trucks hauling crushed rock will take. FM 4516 requires a bridge at the point it crosses Quihi Creek. Presently, it is a concrete paved wash and would deteriorate quickly with extensive truck traffic. These items should all be considered in the original planning and funded by Vulcan rather than at taxpayer expense.

4. At an earlier meeting, Vulcan Materials stated that they were going to remove over 200,000,000 tons of aggregate over a period of 50 years. This would result in 4,000,000 tons of aggregate removal annually. Vulcan Materials has stated that 10-15% of the material will be removed by trucks, (400,000 - 600,000 tons annually). In Volume 1, Paragraph 4.17.1, Transportation to Local Markets, states on page 4-105 that trucks would transport 100,000 tons per year. This understates the use of trucks for the hauling of aggregate by a factor of 4 or more if their original estimates are accurate. Instead of the 24 round trips per day, 96 - 144 round trips per day would be required. Aggregate haulers (trucks) will definitely impact the ability of Medina County to maintain these roads and force the burden upon the Tax Payers for commercial benefits. The actual estimated taxes and benefits to Medina County will not even begin to pay for the increase in road maintenance alone. It should also be remembered the potential for injury and death, broken windshields, etc resulting from trucks traveling narrow country roads for which they were not designed will be borne by the residents and visitors to Medina County.

3

5. I fail to understand the need for locating the Fuel Storage Facility in the Elm and Polecat Creek floodplains. Heavy rains such as occurred in 2004, 2002, 1998, etc., have resulted in extensive flooding from the vast watershed above the quarry site eventually making its way to the Bay at Corpus Christi. If Vulcan Materials wishes to demonstrate their desire to do all they can to protect the Edwards Aquifer, they would relocate their fuel storage and Maintenance facility to the other end of the rail line in Dunlay.

Thank you for your time and consideration of my concerns relative to the proposed quarry.



Dennis R. Skalka, DVM, MPH

Atch, Modified Route Map

4

#E1-2728
R2

15 January, 2007

Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001
Attention Rini Ghosh

received
1/29/07

Dear Ms. Ghosh:

We have lived on Elm creek since 1995 and have seen numerous floods, some more violent than others. Elm creek floods are not just rising water, but very fast moving "white water." When a flood begins, the water rushes out of the watershed into Elm creek. It comes down stream like a wall of water in a deafening roar. I have heard it coming while standing on dry ground in the creek bottom and had to literally run for my life to avoid being swept away. We have seen large trees, farm animals and assorted wild life swept downstream in the rapidly moving water.

We have looked at Vulcan's water abatement plan which was filed with TCEQ. The plan showed us why Elm creek floods are so violent. The 18,301 acre water shed that flows south out of the hills, would flow through the quarry, the rail loop and fuel storage/ maintenance area. This certainly should have made Vulcan and TCEQ realize that the quarry project is in the wrong place. It is unthinkable that Vulcan would plan to build a fuel storage area in this flood plain and that STB would allow it to happen.

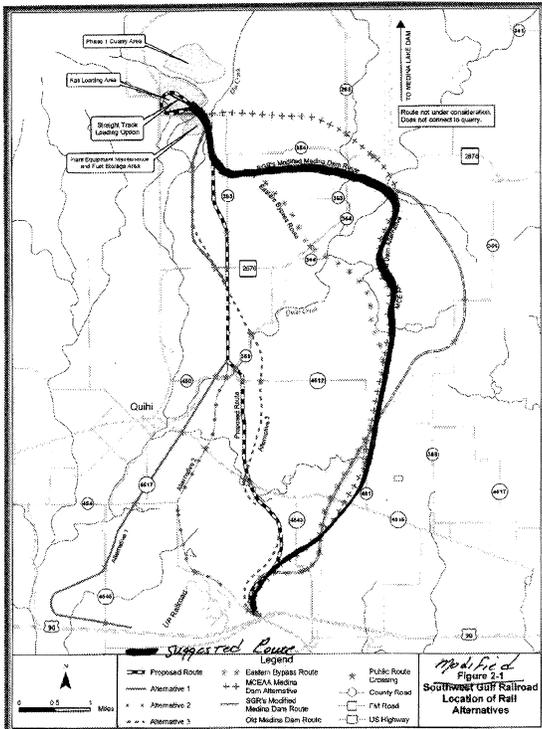
How can we be assured that during the next flood following the quarry opening, the fuel and the fuel storage tanks and most of the maintenance facility will not be washed down Elm creek and along the flood plain? Any fuel contamination will devastate this fertile land and cause harm to the wildlife.

We think the fuel storage and maintenance facility should be moved out of the flood plain. Vulcan has already purchased approximately 500 acres of land at the south terminus in the Dunlay area. The trains and trucks can be refueled in this area as easily as in the quarry.

We also recommend that Vulcan be required to develop a contingency plan that will reposition the locomotives (with hundreds of gallons of fuel on board and other contaminants) out of the flood plain when this area is under a flood warning. This should include any trucks and equipment that can be moved which contains HAZMAT.

We have many other concerns about the quarry and rail project which we have expressed verbally in public meetings and in written comments in the DEIS. We also agree with the MCEAA position to oppose this project in the Quihi area.

Tom Walpole Mary F. Walpole
Tom Walpole Mary Walpole
5201 FM2676 Hondo, TX. 78861



Attachment -
Modified Route

5

#E1-2730

#E1-2729
R2

15 January, 2007

Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001
Attention Rini Ghosh

received
1/29/07

Dear Ms. Ghosh:

We live in New Fountain on CR 454 and are very concerned about the gravel truck traffic on our county roads. Our business requires a lot of travel time within the county and work along the roadways. The addition of any more truck traffic will certainly be detrimental to the roads of Medina County.

The truck transportation to the local market comments in Volume I, page 4-105 does not appear to be a correct statement. You stated that "24 round trips per day would be required to meet local demand of gravel transportation". Vulcan has previously stated that without a railroad it would require 850 round trips per day to transport all aggregate and that 10% of these round trips would be for local deliveries. That comes out to be 85 round trips per day, more than triple your stated amount. What exactly is the amount of local truck traffic that could be on our roads if Vulcan gets its' railroad permit?

The county roads that the trucks will be using will also be used by farmers and ranchers on tractors with large implements and cattle trailers loaded with cattle. After all, the title of the roads define their use, FM "farm to market" and CR "county road". These small, narrow, mostly unpaved roads are not designed to accommodate heavy truck traffic traveling at a high rate of speed loaded with gravel, with a driver paid by the miles driven! To make matters worse, most Medina County roads are traveled twice a day by our school buses. Also EMS, emergency response vehicles, law enforcement vehicles, our stop and start mail delivery drivers and garbage pick-up.

We request that the questions regarding county road use and safety of Medina County residents be addressed through mitigation to the County Court's satisfaction before the final DEIS is issued. We understand that once the railroad permit has been issued, Medina County will have lost its' leverage for dealing with Vulcan.

Garry and Beth Allen
Garry and Beth Allen
141 CR 454
Hondo, TX. 78861

received
1/29/07

1-13-07

To whom it may concern
We Victor & Ylana Verastegui live in the historical town of Quihi. We reside in a historical adobe home built in 1876. Although we have not lived here very long, we want to keep the history alive. We are against the railroad & quarry which would change the historical area & our health.

Sincerely,
Ylana & Victor Verastegui
Victor Verastegui
4311 CR 45716
Hondo TX 78861
830-7413267

#E1-2731
RR

595 County Road 354
Hondo, Texas 78861
830-741-8680

received
1/29/07

To the Vulcan Representative and STB

We cannot express to you the fear and mental anguish we have been going through worrying about losing our home and ranch. All of our assets are on this property and more importantly our home where we plan to live out the rest of our years.

If you build a railroad through or near here it will either destroy or devalue everything we have left. We, as well as almost all of our neighbors, are senior citizens who have sought the tranquility of country life as our retirement homes. We, as well as most of our neighbors, are physically challenged by the idea of having to find a new home and or relocate because of the repercussions of the future growth of traffic, noise and the rumblings of a rail system through our country roads.

Our only water supply is our well. We know that the Edwards Aquifer will be jeopardized if you install your present plans. Our property is located between FM 2676 and CR 354, just behind Don Rios' ranch. A geoscientist from Baker Hughes studied our property and is sure a rail system this close would damage the casing of our well.

It is imperative that you find another alternate route instead of the proposed Eastern route so as to minimize minimal adverse direct impacts and not interrupt so many lives. Serious considerations on rerouting the rail route thru the most eastern path (Medina Dam route) so that any burdens be tendered to the proprietor of such quarry land. Dozens of innocent homeowners and ranchers should not be penalized for his profit.

We are not spots on a map, we, and all our neighbors, are real people with real homes and dreams. We intend to take every means possible to abandon the issue of a railroad or reroute the proposed rail lines in order to defend our homes and lives.

Sincerely,
Frank A Fournier III and wife Dottie Singleton

January 17, 2007
Frank A Fournier III and Dottie Singleton

#E1-2732
RR

Jan 10, 2007

STB Representatives:
REF: FD #34284
Vulcan Representatives:

received
1/29/07

We sought the serenity of the country life to get away from the hustles and bustles of traffic congestions and the density of homes in the San Antonio area. We purchased a ranch of our dreams in the year 2003 and have worked hard to clean and make our dream come true. Much to our dismay, your company now wants to erect a railroad through our community and ruin the precious resources of nature to include our water systems, let alone homes devalued due to the presence of a railroad.

I have attended all of the MCEAA meetings and have come to the realization that your plans for a railroad will adversely affect my real estate as well as my fixed dwellings. According to the proposed rail routes, the eastern route will adversely affect my home as well as my ranch in its entirety. At the time that your proposed route (Eastern) aerial photos were taken prior to the building of my 3500 hundred square foot home back in the latter half of 2006. Our neighbor's home is adversely affected by according to your aerial map, our home is not even shown to exist. Our main source of drinking water comes from two hand dug wells w/a depth of 45 feet of which the railroad would run right through them. This would greatly impact our water supply of which is not shown on your aerial map, Reference Figure 10, Resource Area 202 Appendix E. You must reconsider your route and give serious considerations to my habitat.

Our home is situated at 6009 FM 2676, with coordinates of:

Home: 29 degrees, 25.895 N
098 degrees, 59.651 W

Log cabin: 29 degrees, 26.676 N
098 degrees, 59.618 W

Windmill: 29 degrees, 25.784 N
098 degrees, 59.737 W

Barn: 29 degrees, 25.770 N
098 degrees, 59.745 W

Please review my coordinates with your routings and see the impact your proposed rail line will have on my property!

I strongly urge you and your engineering staff to reconsider the impact your railroad would have on our ranch and home as well as our main source of water supply.

It is also my understanding that a massive fuel depot is planned to be built for the RR/Quarry operation on CR 353 across the street from the boundary of the Edwards Aquifer Recharge zone and located in the Elm Polecat Creek's flood plain. Now is the time to safeguard to protect against spillage, leakage, flood or other possible disasters that would contaminate the soil and drinking water with petroleum contaminants including deadly benzenes. To ignore these issues would be a callous disregard of the health, safety and welfare of all downstream users of the aquifer in a multi-county area.

I am confident that your staff would not want a situation like this imposed on them that would demoralize their character and values of their properties. I ask that you get back to the drawing board and plan your routings so that property owners are not adversely affected as in our situation.

Please feel free to call at your earliest convenience should you have any questions regarding our plight to save our home and ranch. I know that you have received tons of letters in the past year and probably do not have the time to read them, but please make an honest effort to read my concerns.

Sincerely,
Donato Rios Jr.
Donato Rios/Jr.
6009 Fm 2676
Quihi, Tx 78861

830-426-4121

Email: donrios2003@yahoo.com

#E1-2734
RF

re corded as 1/14/07
December 14, 2007

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/29/07

Re: Finance Docket #34284
Vulcan Materials Co. / Southwest Gulf Railroad

Dear Ms. Ghosh,

My Parents moved to this area in 1959 with the intent of raising their family in a peaceful country environment and to create a heritage for generations of my family in the future.

In 2004 I purchased my Parent's land with the intent of keeping the dream alive by raising my family in a country environment and creating a heritage for years to come.

It seems now that that this is not the case - Vulcan Materials and SGR Railroad wants to upset our peaceful country setting with a gravel pit less than one mile from my homestead. We not only live on this land we co-exist with others. We drink water from a shallow well that we are worried Vulcan will pollute our most vital resource. The dust from the limestone containing calcite, which attacks the mucous membranes and lungs, does not provide for a safe environment as well.

Now I hear of a railroad and hundreds of trucks per day going by my land. How safe will this be when my family is going to school or work or Church and they are hit by a gravel truck or a train.

There are hundreds if not thousands of other locations in Texas that are less populated - more remote that would serve this operation better and cheaper. If we are forced to live with this company in our backyards - please be certain that they are not polluting our air... Our water... our quiet way of life. Please choose the route for SGR that is supplied by MCEAA where there is less of an impact to population - to wildlife to our way of life.

Ms. Ghosh, I wanted to thank you for your time to read this... and for the attention that you are paying to help the citizens of our small community. Please use good judgment when you are deciding on the impacts of Quihi, Texas. I

#E1-2733
RF

re corded as 1/14/07
December 14, 2007

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/29/07

Re: Finance Docket #34284
Vulcan Materials Co. / Southwest Gulf Railroad

Dear Ms. Ghosh,

My name is Joseph Rodriguez. I am a 45 year old Native American of the Comanche Nation. I live and work in Austin, Texas, however the Vulcan Quarry in Quihi, Texas has sparked my interest for the following reasons.

My Inter-Tribal Elders have been particularly interested in the Quihi area to perform a Ceremonial Pow Wow for some time now. We have found a potential location in the northern Quihi Area and are in final negotiations as we speak.

The reason I am concerned in the matter of the Vulcan quarry, is that one of the possible routes of a rail way transverses the area we are reviewing. We have been following this dispute between the inhabitants of Quihi that are for and against the Vulcan quarry.

If at all possible, would you please contact me at your earliest convenience to advise what routes you are inclined to take. Any information would be most helpful so that I can inform my Elders of our possible re-location.

Best Regards
Joseph Rodriguez

Joseph Rodriguez
4628 Knottingwood Ct.
Bldg 264
Austin, Texas 78744

(512) 589-0528

#E1-2735
RF

Wesley Haby
7401 FM 2676 Hondo, TX 78861

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Finance Docket No. 34284

received
1/29/07

If you have any questions, or if I can provide you with additional information, please do not hesitate to call me and thank you for your time and attention to this desperate matter.

I remain
Richard K. Fournier
Richard Fournier

Ms. Ghosh,

I am writing to object to Vulcan Material's permit for a railroad. Specifically, I am concerned about the impact of the railroad to prime farmland soils, existing land uses and flooding. Should this permit be granted, the negative impact will far outweigh any positives that Vulcan claims the quarry will bring.

Vulcan claims that they are servicing the good of all and therefore should have the powers of eminent domain. Farmers also provide for the good of all - why should Vulcan be allowed to cut through farmland and destroy the farmer's ability to provide their products?

We are absolutely against any railroad or quarry in this area. However, if forced to choose which route would be preferred, we would prefer the MCEAA Medina Dam Route. According to the SDEIS, it is the route that has the least impact on issues that concern us the most.

Regards,

Wesley Haby
Wesley Haby and Family

Portenier Family
331 County Rd 252 Hondo, TX 78861
830 426 4901

#E1-2736
RS

#E1-2737
RS

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Finance Docket No. 34284

received
1/29/07

Ms. Ghosh,

We are residents of Qhihi affected by Vulcan Material's request for a railroad permit. Our home is located on the western rim of the proposed quarry. We have reviewed the SDEIS and have the following comments:

1. We are adamantly against the railroad in any shape, form or fashion. This is simply not the right area to put a railroad. It crosses too many county roads at dangerous places and too many low-lying water sheds. Also, it is obvious that Vulcan Materials is only applying for this permit for the ability to condemn private property. Our tax dollars pay you to protect the environment and citizens from this type of deception. We have seen the financials for Vulcan - they have deep, deep pockets. Now we all know the reason is because they make their profits by stealing other people's property. Why should the property owners who have purchased and own their land have to give it up so that Vulcan can use it for their financial gain?
2. Should the Surface Transportation Board decide in favor of the railroad despite the overwhelming opposition, then STB should restrict Vulcan (SGR) to the route of least impact on the environment, traffic safety, landowners and historical resources. We believe the MCEAA Medina Dam Alternative route should be the route chosen (if one has to be chosen). According to the SDEIS, it impacts prime farm land to a lesser degree, it is less likely to be affected by the development of karst features, has less overall impacts to existing land uses and fewer impacts to cultural resources.

We are only asking that STB decide on the best interests of all parties involved. Vulcan can put a quarry anywhere; we have all we own in our land. If you grant this railroad, our property will be devalued and will cost us more than can ever be mitigated.

Regards,

The Portenier Family

Ted, Robin, Paige, Brentlee & Treyton Portenier

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Finance Docket No. 34284

received
1/29/07

Ms. Ghosh,

Please accept this letter as our objection to the Vulcan (SGR) railroad permit.

We recently purchased our home on CR 351. My wife and I were proud to move our boys out here in the Qhihi area. We instantly fell in love with the natural surroundings and historical Qhihi town. We then learned that Vulcan Materials is attempting to put a railroad through this wonderful area. What a tragedy!

We ask that you consider rejecting this permit for the railroad. If you must grant a railroad permit, we request that your decision is for the MCEAA Medina Dam Alternative. Reasons being that it does not go through the historical town of Qhihi, it has the least impact on karst features and land uses.

Regards,

Wayne, Holly, David, Justin and Cody Dykes

Wayne, Holly, David, Justin and Cody Dykes
1910 CR 351 Hondo, TX 78861

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Finance Docket No. 34284

#E1-2738
RS

#E1-2739
RS

Ms. Ghosh,

My husband & I searched long and hard for a special place to raise our 3 children (2 of which are handicapped), provide a haven for other handicapped children and someday retire. We prayed as we looked at each property. When we found the property on CR 351, we knew our prayers had been answered. It is the perfect place to enjoy God's creation. We have plans to invest our savings in building a home and equine facility that is designed for handicapped children to enjoy as a camp that will enable them to get away from the rat race of the city. We have plans to do something special for the community - to give because God has given us the ability to do so.

Vulcan Materials have their own plans - plans to condemn other's property, to pollute our air, contaminate our water supply, endanger our traffic safety and forever change the historical landscape of Qhihi.

We are asking that you not allow this private company to proceed with their self-serving plans. They are taking away all the quietness and stretching their boundaries too far. My husband and I believe that our privacy and health should not be impeded upon. We desire for our children and other children who come to our home to have a safe place to grow and learn.

If you are going to grant this railroad permit, despite the obvious hazardous impacts it would bring, we ask that you only grant the permit for the MCEAA Medina Dam Alternative. According to your studies, this route "preserves the historical sites of Qhihi, impacts prime farmland soils and existing land uses the least, crosses less amount of floodplain and has the least potential of the seven rail line alternatives to impact specific historic resources and the broader landscape of the rural historic districts."

Thank you in advance for your prudence in making a judgment.

Sincerely,

Paula & Richard Dowell

Paula & Richard Dowell

January 20, 2007

Ms Rini Ghosh,

Surface Transportation Board
Case Control Unit
1925 K. Street, N.W.
Washington, D.C. 20423-0001

received
1/29/07

Re: STB Finance Docket No. 34284

Dear Ms. Ghosh:

Thank you for the opportunity to present my concerns in reference to the STB Finance Docket No. 34284.

As a concerned land owner of Qhihi Texas please accept this letter as my formal opposition to granting approval for the Southwest Gulf Railroad (SGR). My concerns belong among the altruistic community of Qhihi residents that serve to preserve the safety, health and welfare of its native heritage. Demonstrating a strong humanitarian approach to the environment from which the community of Qhihi has developed its reputation as being good stewards to the state of Texas.

I am a land owner on "the western quarry rim". Evidence has demonstrated that my personal investment and safety as a land owner and resident will be directly effected. With a dismal outcome from the construction and operation of the railroad spur line to serve the proposed Vulcan quarry of Medina County.

If given no alternative. My only preference would be the MCEAA Medina Dam Alternative Route as referenced by the SDEIS study.

Regards,

Travis H.P. Prok

Travis H.P. Prok
601 CR 252
Hondo Texas 78861

#E1-2740
RJ

logged in
as 1/14/07

#E1-2741
RJ

January 21, 2007

Surface Transportation Board
Rini Ghosh,
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/29/07

Re: Finance Docket #34284
Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms. Ghosh,

This letter is in response to the Supplemental Draft Environmental Impact Statement. We are definitely not in favor of having a railroad come through our community. We purchased our property with the idea of raising our children in a peaceful, country environment. The ALT 1 route would come through our property - this would negatively impact our way of life.

We are also concerned about any flooding this railroad could cause. We have been flooded in numerous times, without the railroad. Just imagine what it will be like with the railroad.

This railroad in no way serves anyone - it will serve to make lots of money for Vulcan Materials. We believe it will not benefit this community, and that it will create a hazardous environment for anyone living in the Quihi area. Granting approval for a railroad that will travel in any direction from this quarry will only open the door for persons to have their homes and property taken from them and everyone in the area will face property devaluation.

There is no amount of compensation that can right the wrong that will be done by granting approval of this railroad. Please research any information that is being provided to you - don't base your decision just on what Vulcan Materials is saying. Vulcan Materials and the people who have been paid monies by Vulcan Materials are the only ones to profit from this railroad.

Please take time to consider the amount of damage you could cause the landowners and homeowners of the Quihi area and consider how you would feel if this was happening to your family.

Should the worst happen, we the people who live in Quihi, believe overpasses over the roads that the railroad crosses should be required. This would be for the safety of everyone, especially our children who ride the school bus to and from school. The loss of one life should not be negotiable. The overpasses should be required as part of the conditions of giving the permit.

Thank you for your attention to this matter.


J.D. and Joyce McKay
915 C.R. 454
Hondo, TX 78861

December 14, 2007

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/29/07

Re: Finance Docket #34284
Vulcan Materials Co. / Southwest Gulf Railroad

Dear Ms. Ghosh,

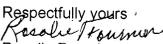
My name is Rosalie Fournier. I live at the corner of CR 353 and FM 2676. My husband and I purchased this house in 1985 to live out our retirement years in peace and quiet with our family and neighbors. We have lived in this area since 1959. I am 86 years old now and my husband passed on in December of 2005. And now I reside by myself in my home 150 yards from where Vulcan wants to run a train with 400 cars per day.

This is not what I moved to the country for. It's what I was escaping from in San Antonio. I do not want to stop the wheels of progress, but there are more environmentally friendly routes that have been proposed by the MCEAA. Routes that will affect less people ... fewer flood zones and have less impact on the country.

Now I understand that with a mining operation going on in our community, we will have hundreds of trucks going in and out of our roads. It is well known that a gravel truck is paid by the load. The more loads, the more pay. That equates to gravel trucks will make their loads in an expedient manner. Faster means more money. And we all know what happens when independent truckers are responsible for their own maintenance on their trucks and have a need to make as many loads as possible in a single day.

Ms. Ghosh, won't you please use the utmost care when Vulcan wants to coerce a deal for their routes? It will be so appreciated.

Thank you for taking the time to read an old woman's letter about her concern for the home that she loves.

Respectfully yours

Rosalie Fournier

#E1-2742
RJ

January 16, 2007

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/29/07

Re: Finance Docket #34284

Dear Ms. Ghosh:

I, again, am writing with my plea for the consideration of the STB regarding our concerns related to the proposed Vulcan Materials quarry in Quihi, Medina County, Texas,

This project, should it come to being, will create hardship and many problems for many people while only FIVE families and one Fortune Five Hundred Corporation will reap huge fortune.

As this project moves forward, Vulcan Materials is attempting to obtain a permit for its' railroad--- Southwest Gulf Railroad. There are several routes proposed and being considered for this project. These routes will mean irreparable harm to this fragile area of Texas. Vulcan Material's preferred route takes the railroad directly through the Quihi area, taking control of land through Eminent Domain and dividing land that has been owned by the same families for over 100 years. This area has been placed on Texas's list of Endangered Areas. Eminent Domain should not be allowed as there is no conceivable way this railroad would be a "common carrier". It would be established and used ONLY by Vulcan Materials--- one operation would not exist without the other.

Secondly, there is the threat to our safety on the roads of rural Medina County. Should Vulcan decide to "truck" this product, it would again greatly increase our traffic and safety issues. The roads in this area are not paved and many are in deplorable condition. What do you think all this truck traffic would do to this area? If the permit for the railroad is obtained, there are presently only grade level crossings planned. These crossings will be a definite hazard to traffic. One would wonder, just how long before a terrible accident would occur and result in possible deaths. Is this the time to consider doing it the right way? Should they consider one of these routes, it should be demanded that all the crossings be elevated.

Again, I feel, "this is not the place for a quarry and/or a railroad."

Thank you for your consideration in this matter.

Sincerely,

Jacques Conrad
Medina County Land Owner

#E1-2743
RJ

January 16, 2007

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

received
1/29/07

Re: Finance Docket #34284

Dear Ms. Ghosh:

Thank you for allowing me to express my feelings and opinions as to whether the Surface Transportation Board should grant Vulcan Materials and their railroad, Southwest Gulf Railroad, the right to operate as a common carrier. The last thing the citizens living in the Elm Creek area need is a rail line running through the center of the area. Railroad trestles and berms can only enhance the destructive effect of a flood.

This is one of the most environmentally and historical areas of the Texas Edwards Plateau. This area is rich in early man's relics and artifacts. The homes and buildings of the first European settlers still stand all over this area. Some of the descendants of these early settlers still own their great-great-grandparents original grants. They would not, at any price, sell or relinquish any parcel of their land, especially to a private enterprise solely to profit their shareholders. Besides these issues, there is the pollution problem to air, soil and water. The Edwards Plateau area of Texas is one of the most environmentally sensitive areas of the state. There are numerous places where a quarry and rail line would not present the potential damage this project presents.

Even though Vulcan Materials has purchased a few properties in an area they deem as the preferred route, this should not be a determining factor as to whether the SGR would be granted common carrier status. And, should they be granted common carrier status, where will they be allowed to run this line?

The safety aspects of this rail line, concerning the rural citizen of the Quihi area, have never been fully addressed by Vulcan Materials. It seems that this only takes place after injuries or death occurs at road crossings and vehicle junctions. The current population growth in this area, and in the future, makes this a real concern.

As long as there is a resource to be exploited and big profits to be made, the private land owner has no property rights. Private enterprise will see to it that the opposing land owner gets stuck with either property loss or loss of property values and the destruction and pollution of his environment. The fact that most of the citizens living in this project area are against a rail line, especially one that serves only one industry should mean something. Also, the fact that a few citizens living in the project area, have stated that they think the project will be wonderful as long as the rail line doesn't run on their

property, should also mean something.

Vulcan Materials has said numerous times in the past seven years that they can function quite well without a rail line. If they start operating a quarry, north of Quihi, the majority of the Quihi citizens much prefer that they do so without a rail line. But, again, I feel **"THIS IS NOT THE PLACE TO PUT A QUARRY OR A RAILROAD"**.

Thank you again for allowing an area land owner to comment to STB on the SGR permit.

Medina County Land Owner,

Scott Conrad
Scott Conrad
Medina County Land Owner

#E1-2744
RS

Jan 14, 2007

received
1/29/07

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

RE: Finance Docket # 34284
Vulcan Materials Co. / Southwest Gulf Railroad

Dear Ms Ghosh:

I oppose the construction of the Vulcan Quarry and the Southwest Gulf Railroad. I live in an area where our source of water comes from the low creek Aquifer. The construction and maintenance of the proposed Southwest Gulf Railroad line may require water to be pumped from the low creek Aquifer. This water supply is already endangered by over development in this area.

I am also concerned over the possible pollution to the Edward Aquifer.

Respectfully,
Doris Johnson
DORIS Johnson

#E1-2745
RS

received
1/29/07

To Whom It May Concern: 1-14-2007

I believe the safety and health of my family is at risk. The quarry proposed by Vulcan could endanger not only our health but the safety of driving on the highway that leads to our home. The dust from the blasting could affect the quality of the air that my children breath. My family drinks water from a shallow well and any contaminates (deisel fuel, sewage, industrial chemicals...) could easily be ingested by my family if it were improperly disposed of. We are also concerned that the functionality of our well could be comprised by the quarry's blasting or changes to the water use that might drain our water source or change to flow of the water within the shallow veins of water running through the gravel. These issues regarding water and air have NOT been addressed to my family's satisfaction and we are unsure of the implications to our health.

I also have a very large concern about our safety on the highway. I am a stay at home mother of two, three later this year. In the fall I will be driving my children at least two times a day to pick up/drop off my son at school. I am highly concerned that a large number of trucks will compromise our safety on the road. Assuming that every driver Vulvan hires is very responsible and has a great driving history, which I do not feel is likely, there is still the statistical increase of accidents when traffic on a road increases. Therefore, just by having the trucks on the road my family is more likely to be injured in a car accident. If we take into account the amount of trucks and the likely hood that at least some of these drivers are going to be less than responsible drivers the risk is even higher. A train would reduce the risk of being mamed by a truck while carting my children to school, but would create noise pollution that is not desired in the area.

We live in a peaceful area. We moved here because we wanted a peaceful, quiet, safe place to raise our children. I am appalled that ALL of those qualities that we value are at risk today.

Sincerely,
Corey Burke
Natalie Burke
Corey and Natalie Burke and family

#E1-2746
RS

received
1/29/07

Attn: Rini Ghosh
STB Docket No. FD 34284
Surface Transportation Board
Washington, DC 20423-0001
January 15, 2007

Dear Ms. Ghosh:

My name is Pat Landrum, and I reside at 776 CR 354, Hondo, TX. I am a sub-contractor for major well and utility water suppliers. My heritage is in northeast Medina county, and some of this property has been in our family since 1881.

I am opposed to the Southwest Gulf Railroad project as I see it as a private rail operation to be protected by eminent domain with no justification. The SDEIS does not justify this private railroad or sum the environmental impacts of other proposed carriers.

My opposition to the Vulcan Quihi project was flamed as my work sends me to many locations in Texas for many months each year, and I work in areas of Texas such as Bridgeport, Waco, Buda, and Austin, and have witnessed the daily real environmental attack by limestone quarries on air and water. My work areas have alerted me to small communities clearly choked from their own desirable growth by Vulcan and others.

Should it be necessary to select one route for this proposed rail line, I would select the eastern course "MCEAA Medina Dam alternative" as it is less offensive to Quihi environments. The route with my most objections is the "Vulcan proposed route" as it most endangers cultural resources, causing flooding and traffic congestion.

All these decisions are made realizing it is not a passing slight inconvenience, but will be an everlasting blight. No one of Quihi residence will be free of everlasting loathsome results from this project, and any slight good is far offset by the bad.

Cc: Senator John Cornyn
Senator Kay Bailey Hutchison
Texas Representative Tracy King
County Judge James Barden

Yours truly,
Pat Landrum
L. P. (Pat) Landrum

received
1/29/07

01-08-07

#E1-2747
RJ

Jan 12 07 03:27p

P.2

#E1-2748
RJ

I am a member of MCEAA, I'm an elderly lady living alone and on a fixed income. I am against the rock (Vulcan) quarry and rail road line on the Eastern By Pass route. The railroad will come right next to my home and take out the electric and telephone lines as well as the lane to my home. I will have to leave my friends and the retirement home my husband built for us.

Thank You
Peggy A. Shaw
6127 FM 2676
Hondo, Tx. 78861

LYNN HABY
890 P.R. 3810
San Antonio, Texas 78253

received
1/29/07

January 12, 2007

Surface Transportation Board
Case Control Unit
Washington DC 20423
Attn: Rini Ghosh

Re: STB Finance Docket No. 34284

Dear Sirs:

I am writing to express my concerns about the proposed Vulcan Quarry and the associated Railroad. I am strongly opposed to both.

The Hondo/Quihi/Castroville area has significant historical value which cannot be disregarded. A large industrial complex will only serve to destroy the peacefulness and charm of this beautiful area. Furthermore, the threat of pollution of the Edwards Aquifer and other waterways is very real indeed.

On behalf of the citizens of Hondo and the surrounding communities, I respectfully demand that you do everything in your power to ensure the safety and health of its residents. *My only hope is Congress will take the next best step.*

Sincerely,

Lynn Haby

Lynn Haby

Jan 12 07 03:27p

P.1

#E1-2749
RJ

NECEY SCHULTE
1901 22nd Street
Hondo, Texas 78861

received
1/29/07

January 12, 2007

Surface Transportation Board
Case Control Unit
Washington DC 20423
Attn: Rini Ghosh

Re: STB Finance Docket No. 34284

Dear Sirs:

Please note that I am not in favor of the Vulcan quarry or the railroad. In the event that a railroad must be built, I am only in favor of the most easterly route, since it creates less damage and destruction to our historical and archaeological assets and resources in my hometown.

In making your decision, please keep in mind the significant historical background of this quiet and peaceful community. Any industry that must move into this neighborhood should be conscience of safety and sensitive to the rich history of the area

Thank you very much.

Sincerely,

Necy Schulte

Necy Schulte

#E1-2750
RJ

January 13, 2007

Finance Docket # 34284

received
1/29/07

Dear Ms. Rutson:

My comments on the proposed railroad are the following:

First of all, I do not want a quarry in this beautiful area that will no longer be beautiful. I also do not want a railroad in my back yard or in anybody elses. However, if this had to be, if we are doomed to have it, then it (railroad) should go where it will cause the least flooding or no flooding, the least disruption to what wilderness we still have left. Our animals and trees will be heavily impacted by this limestone dust.

We too will have no choice but to breathe in this dusty air, our wells will run dry and we will have no water.

It is important for us and for those we leave behind that we protect the air, aquifer/water, wilderness land and wild animals and cattle. This is our life's role here in Quihi. If we dont, who will protect our precious resources. Have you heard a whippoorwill? Someday we never will.

I cannot understand why someone who doesn't live in Quihi has some say as to where the railroad will go here in Quihi. For example why should D'Hanis or Devine be asked to send letters for a quarry and railroad here in Quihi.

The Quarry dilemma has caused pain, conflict and division in our families, with our friends and neighbors. No one wants the railroad in their backyard. No one wants to live with the disruption and danger.

Furthermore, the flooding in the Quihi area will affect at least 40-50 families. If we have no other choice, the Eastern route has no flooding possibilities.

Linda L. Gerdes

Linda L. Gerdes
450 CR 351
Hondo, TX 78861

#E1-2751
RJR

January 13, 2007

Finance Docket # 34284

Received
1/29/07

Dear Ms. Rutson:

First of all, I am totally against a quarry and railroad in the Quihi area.

If there is no other alternative, the Eastern route is by far the best for the railroad. This would keep it out of our flood plain and Historical District and artifacts area in accordance with Dr. Hester, a professor at UT.

Enclosed is a clipping (dated 6 Jan 2007) of problems in Comal County quarries located near New Braunfels.

We will have the same problems here.

Archie R. Gerdes
Archie R. Gerdes
450 CR 351
Hondo, TX 78861

Comal official proposes a quarry commission

It would provide public input to operators on a regular basis.

By ROGER CROTEAU
EXPRESS-NEWS STAFF WRITER

NEW BRAUNFELS — Comal County Judge Danny Scheel proposed creating a quarry commission at a public meeting Wednesday night to meet periodically with representatives of three local limestone quarries to discuss residents' complaints.

"Rather than everyone carrying their own torch, if we come together as a group, we can get more done," Scheel suggested. "And I know from talking to these guys (quarry officials) they are willing to listen."

Scheel said the county commissioners could appoint the committee, if the district attorney says the Commissioners Court has that power.

Darrell Brownlow, director of geology at the Cemex quarry, said he welcomes the public input.

"You want to complain," he said. "Well, what is that going to get you? It's going to get you a lot. We are going to listen to that feedback and it will effect change."

About 125 neighbors of the three quarries peppered the officials from the Cemex, Martin Marietta and Chemical Lime quarries with questions and com-

plaints at the Oak Run School on Wednesday night.

Residents worried that vibrations from the blasts can damage their home foundations and wells, and dust from the operations could harm their health.

"A lot of us feel you are not good neighbors," said one man, who refused to give his name. "This is a wonderful community, and I've been here a long time. And it's maybe not as wonderful as it used to be."

The quarry officials explained steps they have taken to reduce dust emissions from their plants and the care they take to keep ground vibrations from the blasting to a minimum. They said it is difficult for residents to distinguish the "air blast" caused by the pressure wave from the exploding rock, from ground vibrations, which are more likely to damage property.

While they try to limit the air blast effect as well, it can be difficult, because wind, cloud cover, temperature inversions, the direction of the wall being blasted and many other factors can greatly effect how much air blast neighbors experience.

"Having cracks in your masonry is a natural phenomenon," Brownlow said. "I live 35 miles from a quarry and I have them. I'm not saying it's impossible, but living near a quarry does not exempt you from natural reasons for having that problem."

rcroteau@express-news.net

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rcroteau@express-news.net

#E1-2752
RJR

January 13, 2007

Surface Transportation Board,
ATTN: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Received
1/29/07

Re: Finance Docket #34284
Vulcan Materials/Southwest Gulf Railroad

Dear Ms. Ghosh:

My wife Nancy and I moved to the Quihi, Texas area in February 2006. After moving here, we discovered that there was an on-going controversy regarding the Vulcan quarry and a proposed rail line.

Our concerns are parallel to many of the property owners in Quihi. Water, air quality and the rail line are three of our concerns.

I would like to address the rail line. Regardless of which site is chosen, someone will be negatively impacted. Two of the proposed sites (the eastern route) appear to be within 1000 ft. of our property line. Besides the affect it will have on our property value and quality of life, there is a grave safety issue that needs to be addressed. EMS, Police and Fire mobility will be restricted during these crossing times. The profits to be made by this huge company are not worth putting the well being of a single person's life or property in jeopardy.

I am concerned about my neighbors for several miles around who have been farming in this community for decades. A large corporation wants to build a quarry and claims to want to partner with the community surrounding the quarry. This has created a division within the community. Sure, it will be good for some, but not for all.

There are many families that will be negatively affected. And, what concerns me greatly is the possibility that a person's property can be condemned for the profits of others. How is this partnering? In a true and viable partnership there has to be a consensus. There is not a consensus here.

And what about the western routes for the rail line? Our neighbors to our west will be equally impacted, as would the historical importance of Quihi.

And, I'm confused about the rail line being a common carrier. Realistically, how can this railroad be of any common good for everyone in this community?

I have an acquaintance that lives close to Quihi. He made a comment to me that he was sorry that the rail line would possibly come very close to our home, but the good news was that he was going to profit considerably because of what he could sell to Vulcan. He is very entitled to his opinion of the Vulcan quarry. The rail line will not come close to his residence or impede emergency vehicles. I will continue to respect this person, but I will remain an opponent of the Vulcan rail line. This is just one example of the division that has been created by this proposed Vulcan quarry.

Please be considerate of all of our valid concerns and livelihoods when making a final decision regarding the proposed rail line in Quihi. I don't know of a single opponent of this issue that stands to benefit or financially profit from this project.

Our postal station is in Hondo, Texas, but we live in Quihi, Texas.

Respectfully,

Michael C. Beers
Michael C. Beers
3120 CR 4516
Hondo, Texas 78861

Jan. 13, 2004

#E1-2753
RB

Surface Transportation Board
Rini Ghosh,
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/29/07

Re: Finance Docket #34284
Vulcan Material Co./Southwest Gulf Railroad

Dear Ms. Ghosh:

We moved to Medina Co. in 2002 and unknown to us when we purchased, Vulcan Materials had received leases from three (3) landowners to open a quarry, right in the middle of the Edwards aqua recharge zone, and next to our property.

Our fight against the quarry started about 7 years ago and the Medina County Environmental Action Assoc. was formed with approx. 150 families, which we have joined.

Having spent 26 years cruising on a sailboat, we have always been water conscious. So, to move to land and to see the "mess" our water resources are already in and "then" getting ready to dig out "Nature's Gift" (Limestone for cement) just doesn't seem to make sense.

Therefore, we believe that this is the wrong place to put a railroad (and a quarry only dependent of the railroad). The historical and archeological sites will be harmed and the flooding it may cause.

- 1 -

- 2 -

Ms. Rini Ghosh

Re: Finance Docket #34284
Vulcan Materials Co./Southwest Gulf Railroad

If the railroad is going to be permitted anyway, Vulcan M&C should go to less populated and less harmful impact on the environment, with overpasses over the roads that the railroad crosses. Fuel storage and maintenance area should be moved further south.

We are in favor of the route named "MCE AA Medina Dam route" if a railroad is permitted only.

Thank you for your attention.

Sincerely
John & Brenda Kennedy
555 P.O. 3501
Waco, TX 78056
830-426-2516

#E1-2754
RB

January 13, 2007

received
1/29/07

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket #34284
Vulcan Material Co./Southwest Gulf Railroad

Dear Ms. Ghosh:

This proposed project is in the wrong area. Vulcan should put its project in an area where it is less populated with less harmful impacts.

We do not want our historical and archeological sites harmed.

We do not want flooding problems caused by the railroad.

If any railroad crosses any of our roads, we want full bridges and overpasses to protect the public.

Thank you for your attention.

Sincerely,

Bill and Mary Belle Snyder

Bill and Mary Belle Snyder
2501 CR 351
Hondo, Texas 78861

Re: Finance Docket #34284
Vulcan Materials Co./Southwest Gulf Railroad

#E1-2755
RB

Date: 1-13-07

Dear Furo,

I moved to this area in 1978 to raise my family. I believe this is the wrong place for this project. They should get a less populated area and less harmful impact.

I do not want the historical and archeological sites harmed.

I don't want flooding that would be caused by this railroad, so they should have overpasses over the main roads. Also fuel storage and maintenance area should be moved out of the Elm Creek floodplain.

I believe that this railroad will be a common carrier - it will not happen.

Basically they should see this place - where they are going to put it - when it floods - anyone with sense would not do anything commercial there - it floods.

We don't want this Vulcan good job in our area or railroad.

Respectfully,
Robert Reed RR
341 CR 351
Hondo, TX 78861

#E1-2756
RB

January 20, 2007

#E1-2757
RB

January 13, 2007

received
1/29/07

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket #34284

Dear Ms. Ghosh:

We have lived in the Quihi area for over 25 years. Much to my regret, Vulcan Materials wants to put a railroad about one mile from our home. My husband has lung problems and difficulty breathing. The railroad would not only ruin our community, which has over sixty-five historical sites, but would ruin our water supply. The proposed railroad would go through a flood plain.

If a railroad crosses any of our roads, we want bridges and overpasses to protect the public.

The only route for a railroad should be the eastern route.

Anything you could do to assist in this matter would be appreciated.

Thank you for your attention.

Sincerely,

Grace R. Reed

Grace R. Reed
742 CR 351
Hondo, Texas 78861

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

received
1/29/07

Re: Finance Docket #34284

Dear Ms. Ghosh:

We are writing to express our concerns about Vulcan's proposed rail spur. The quarry and the railroad are not a connected action. Therefore, the rail spur is not a common carrier. This is an important point.

We live one-half mile from the quarry entrance. No matter which route is taken it will go west, north, east or south of our property. It will greatly impact our lives. Our safety and our health will be threatened. Will E.M.S. Or fire protection be able to get to us, if needed? Will we be able to tolerate the dust and the noise?

Our property is in the Texas Land Heritage program and has been in our family since 1881. We planned our retirement here. Our home was built by our grandfather in 1910. Moving is not an option for us.

There are many historical and archaeological sites in this area which should be considered. Also, it seems inconceivable for a quarry to be permitted directly over the Edwards Aquifer recharge zone. Our water is a precious resource which should not be threatened in any way.

This is not the place for a quarry or rail spur. We support neither!

Thank you for allowing us to submit our comments.

Sincerely,

Joe Balzen

Joe Balzen

Erna Balzen

Erna Balzen

#E1-2758
RB

January 13, 2007

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Reference: Finance Docket #34284

I am writing to comment on Vulcan's proposed Eastern rail spur routes as requested in the Supplementary Draft Environmental Impact Statement.

I am in favor of the Eastern route and opposed to the routes previously proposed through the historic town of Quihi. The historic buildings and rural ambience of this community should be preserved.

I am living in a c. 1920's farmhouse and have a historic rock building on my property. The rock building was a store for the Quihi community. My property is also in the floodplain. This is my retirement home and was chosen because of its pastoral nature. A busy rail spur adjacent would destroy my ability to enjoy the peaceful qualities of my home.

I urge the STB to reject any routes through this historic neighborhood.

Sincerely,

Velda E. Workman

Velda E. Workman
4383 CR 4516
Hondo, TX 78861

received
1/29/07
Jan. 14, 07
#E1-2759
RB

Surface Transportation Board
Rini Ghosh,
Section of Environmental Analysis
1925 K St. NW
Washington DC 20423-0001

Re Finance Docket #34284
Vulcan Materials Co. / Southwest Gulf Railroad

Dear Ms. Ghosh,

I am very concerned with the impact the proposed quarry will have on our home in Quihi. We have two wells on 80 acres and are worried that quarry operations will affect our wells and the quality of our water.

The proposed quarry location is at the base of an 18,000 acre watershed. Either that water potential will flood them out of business or they may block drainage that would naturally flow through their area.

The water that floods the area doesn't come often but when it does, it can be absolutely overwhelming and probably more than they ever anticipated. The rock strata they seek to exploit is not unique to our area. The project should be located in a less populated area with less environmental damage potential.

If they do pursue this location,

they must take precautions to minimize damage to the area.

They should build in such a way as to not exacerbate flooding in the area.

They should put overpasses over all roads that the railroad crosses. Their permit should be dependant on this agreement.

Fuel storage and maintenance should not be set up in the Elm Creek floodplain.

Flooding could cause terrible environmental damage and that must be prevented.

We bought our home in the country over thirty years ago so that we could enjoy the place, solitude, wildlife and fresh air that was so much a part of this area.

Vulcan threatens to ruin our home. If they must build, please enforce restrictions on the project that will protect our home.

If the rail line must go through, let it be far to the east and out of the floodplain.

Kenneth D. Fischer

Mr. Kenneth D. Fischer
P.O. Box 1091 CR 355
Hondo Texas 78861

received
1/29/07

#E1-2760
RF

Surface Transportation Board

1-14-07

Rini Ghosh

Section of Environmental Analyses

1925 R. Street NW

Washington, DC 20423-0001

Re: Finance Docket #34284

Vulcan Materials Co/Southwest
Gulf Railroad

Dear Ms. Ghosh:

My family has lived in the area for over thirty years so we have an idea of what living in a flood plain is about. When it rains we have a river going down our road and as rain amounts increase my home becomes an island.

I have owned our family home for only a couple of years but I know the bridge has been flooded twice.

I can handle a remodeling twice in thirty years but changing the landscape could cause my home to be regularly flooded and in that circumstance I will be without a home.

Page 2

The Quihi Creek runs behind my property and I wonder what kind of pollutants will be coming down Elm Creek into the Quihi Creek since their fuel tanks are right on the Elm Creek.

What will our farmers do for water with the quarry using huge amounts of water each day and pulling water from our aquifer. I am already wondering how long any of us will have water in our wells with the huge numbers of people moving into the area.

You may have already realized that I have no desire for a quarry in this area. There are alot of areas where there is empty land that would be a better place for a quarry.

Thank you,

Barbara Lapp
290 CR 454
Hondo, TX 78861

#E1-2761
RF

received
1/29/07

January 14, 2007

FD #34284

Dear Ms Ghosh

I'm not for this project, I think it will disturb the high quality of life that this area presently maintains. If however, if this project is to go through, I would prefer MCEAA Medina Dam alternative.

It would have less total impact on property and people living in the area. I also have concerns about the diesel tank and other hazardous material being near floodplain areas.

Finally, again the Medina Dam alternative stands out as the preferred route of choice considering all the negative impacts compared to the proposed SGR route through the Quihi Valley historical district.

Yours truly

(signed)

Will Gilliam

CR 365
Quihi, Texas

1/14/07

Dear Ms. Ghosh, E# 34284

I am not for this project, I think it will disturb the quality of life that this area presently maintains. If, however, if this project is to go through I would prefer the EAA Medicine Dam cut. It would have less total impact on property and people living in the area. I also have concerns about the dust, noise and other hazardous material being near flood plain areas. Finally, again the Medicine Dam cut, straight as the preferred choice route of choice considering all the negative impacts that compared to the proposed S&L route through the Quihi valley historical district.

Yours Truly
Will Gilliam
WILL GILLIAM

January 14, 2007
Surface Trans. Board
Ms. Rini Ghosh, Section of Env. Analysis
1925 K Street NW
Washington, DC 20423-0001

received
1/29/07

#E1-2762
RSG

Re: Finance Docket # 34284
Vulcan Materials Co./Southwest Gulf Rail
Dear Ms. Ghosh:

We have lived in Quihi for 7 years and recently purchased our house and property. Our intent is to live here in peace and quiet until our natural death.

Since the day we moved here we have been opposed to the U.S. Government granting permission to Vulcan Co. to build and operate a railroad in our community. I do not understand why a private business should be allowed to condemn property of other private citizens solely for the profit and gain of said private business (Vulcan Co.). In fact, I believe such permission and action is in violation of individual rights granted to U.S. citizens by the United States Constitution.

Regardless of what route through Medina County would be used, I believe this Southwest Gulf Rail line would be illegal and detrimental to the citizens of Medina County and Texas.

Sincerely, Steve Capp
Steve Capp
290 CP 464
Hondo TX 78861

received
1/29/07

#E1-2763
RSG

January 13, 2007

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street N.W.
Washington, D.C., 20423-0001

reference: finance docket #34284

Dear Ms. Ghosh and board members,

As a Medina County land owner, I have a number of serious concerns regarding the proposed railroad from the Vulcan quarry site.

1. The only purpose of this railroad will be to haul the product from the Vulcan quarry to the main railroad. In no way will this proposed railroad serve the public good. No matter what Vulcan claims, we are not fooled. The railroad will be for Vulcan's good alone. How can land be taken from family farms and homes to satisfy the request of one large company?
2. If approved, the railroad would take land from ranches that have belonged to families for over 100 years.
3. The railroad is very likely to cause more serious flooding in areas where flooding is already a problem.
4. Unless an overpass is constructed over FM 2676, a railroad will cause traffic problems, accidents at the crossing, and delay of emergency vehicles and school buses.
5. Many historic sites will be destroyed if a railroad is built through our area.

Please consider the families in rural Medina County who have cared for the land for hundreds of years. Do not approve a railroad through their lands --- a railroad that will be of benefit, not to the public, but only to Vulcan.

Very truly yours,

Katherine Baxter
Katherine Baxter
222 County Road 363
Hondo, TX 78861

Jimmy & Lynette Stewart
3619 FM 2676
Hondo, Texas 78861
(830) 741-4836

received
1/29/07

#E1-2764
RSG

January 14, 2007

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

Reference: Finance Docket #34284

Dear Ms. Ghosh:

My husband and I are residents of Quihi. We feel a railroad in any location would change the peaceful environment enjoyed by many residents in the Quihi area.

The railroad routes proposed by Vulcan would affect many historical sites in an adverse way. The tracks would cross four (4) of our roads. These crossing would be a danger to all residents, but especially school buses and many elderly residents.

I do not want Vulcan or any company to operate a Quarry in this area. It is my wish that the project be dropped and let Quihi maintain the serene life we now enjoy.

I suppose if a railroad has to happen, the eastern routes would be less invasive to many residents. Again, I vote for Vulcan to leave the Quihi area and all areas of Medina County.

Sincerely,
Lynette Stewart
Lynette Stewart

received
1/29/07

#E1-2765
RJA

E1-2766
RJA

JAN 14 2007

received
1/29/07

FD 34284

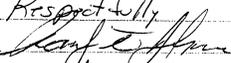
Attached are copies of a form letter submitted by 46 individuals.

SURFACE TRANSPORTATION BOARD
Rini Ghosh
Section of Environmental Analysis
1985 K Street
Washington DC 20423-0001

Re: FINANCE Docket # 34284
Vulcan Materials Co / Southwest Gulf Rail/Road

Dear Ms. Ghosh:

I oppose the construction of the Vulcan Quarry & Southwest Gulf Rail/Road. The Quarry has the potential to contaminate the Edwards Aquifer & surface water. The construction of the Railroad may involve the use of water rights that may effect water supply of the Cow Creek Aquifer which I depend on for drinking water. This Aquifer is already endangered from over development.

Respectfully,

Randy Johnson

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

Re: Railroad Concerns
STB Finance Docket No. 24824

Gentlemen:

I live where the railroad loop may be located.

I am NOT in favor of any quarry of rail route, but if one is built it should be built in the most easterly loop as possible to avoid destruction of the historical assets of our community and the very serious flood plains of Elm Creek.

I have both elderly people and small children in my household and the noise, dirt and traffic issues concern me deeply.

I hope that you will strive to protect the Edwards Aquifer Hills and our quiet little Alsace-Lorraine community when you make your decisions

Thank you,


Ian Sullivan

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

Re: Railroad Concerns
STB Finance Docket No. 24824

Gentlemen:

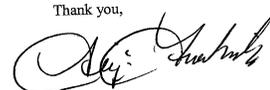
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I hope that you will strive to protect the Edwards Aquifer Hills and our quiet little Alsace-Lorraine community when you make your decisions

Thank you,



Don Trowbridge
187 County Road 252
Hondo, TX 78861

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

Re: Railroad Concerns
STB Finance Docket No. 24824

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Thank you,



January 19, 2007

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Thank you,



Don Trowbridge
187 CR 252
Hondo TX 78861

January 12, 2007

Surface Transportation Board
Case Control Unit
Washington DC 20423
Attn: Rini Ghosh

Re: Railroad Concerns
STB Finance Docket No. 34284

Gentlemen:

I live right across from where the railroad loop may be located.

I am NOT in favor of any quarry or rail route but if one is built it should be built in the most easterly loop as possible to avoid destruction of the historical assets of our community and the very serious flood plains of Elm Creek.

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Very truly yours,



Don Trowbridge
187 CR 252
Hondo TX 78861

January 12, 2007

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Case Control Unit
Washington DC 20423
Attn: Rini Ghosh

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STB Finance Docket No. 34284

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Very truly yours,



January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
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STB Finance Docket No. 24824

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Thank you,

Billy Sanders

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

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STB Finance Docket No. 24824

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Thank you,

Maria Pino

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

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Thank you,

Juan Martinez

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
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Thank you,

Diane Garcia

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
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Re: Railroad Concerns
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Thank you, *Cayla Gonzales*

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
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Thank you, *Liz Buchanan*

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
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Thank you, *Harry Buchanan*

January 19, 2007

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Washington, D.C. 20423
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Thank you, *Tasha Trumbidge*

January 19, 2007

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Case Control Unit
Washington, D.C. 20423
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Thank you,

Rob Trumbidge

January 19, 2007

Surface Transportation Board
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Washington, D.C. 20423
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Thank you,

Joe Trumbidge

January 19, 2007

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Thank you,

Cameron Wren

January 19, 2007

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Case Control Unit
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Thank you,

Jackie Youngblood

January 19, 2007

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Thank you,

Tessa Martinez

January 19, 2007

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Thank you,

Jessica Kelly

January 19, 2007

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Washington, D.C. 20423
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Thank you,

Holly Demond

January 19, 2007

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Washington, D.C. 20423
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Thank you,

Aaron Robinson

January 19, 2007

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Thank you,

Jason Garcia

January 19, 2007

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Juan A Garcia

January 19, 2007

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Thank you,

Rob Miller

Don Trowbridge
187 County Road 252
Hondo, TX 78861

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
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Thank you,

Seth Gary

January 19, 2007

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Thank you,
Ed Garnett

January 19, 2007

Surface Transportation Board
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Washington, D.C. 20423
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Thank you,
Claude E. Odinet Jr.

January 19, 2007

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Washington, D.C. 20423
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Claude E. Odinet III

January 19, 2007

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Thank you,
Tony Odinet

Don Trowbridge
187 County Road 252
Hondo, TX 78861

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
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Don Trowbridge

Don Trowbridge
187 County Road 252
Hondo, TX 78861

January 19, 2007

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Thank you,

M. J. Brown

Don Trowbridge
187 County Road 252
Hondo, TX 78861

January 19, 2007

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Washington, D.C. 20423
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Thank you,

Tammy Rae Stewart

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
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Thank you,

Bob Phillips

January 19, 2007

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I am NOT in favor of any quarry of rail route, but if one is built it should be built in the most easterly loop as possible to avoid destruction of the historical assets of our community and the very serious flood plains of Elm Creek.

I have both elderly people and small children in my household and the noise, dirt and traffic issues concern me deeply.

I hope that you will strive to protect the Edwards Aquifer Hills and our quiet little Alsace-Lorraine community when you make your decisions

Thank you,



LETTER
MAY 19 2007

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

Re: Railroad Concerns
STB Finance Docket No. 24824

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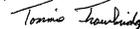
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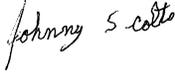
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 6
 1445 ROSS AVENUE, SUITE 1200
 DALLAS, TX 75202-2733

#E1-2769
 RJ

January 8, 2007

Ms. Victoria Ruston
 Surface Transportation Board
 Case Control Unit
 Washington, DC 20423

*received
 1/29/07*

Attention: Rini Ghosh
 STB Finance Docket No. 34284

Re: Supplemental Draft Environmental Impact Statement (SDEIS)
 Southwest Gulf Railroad Company Proposal, Medina County, Texas

Dear Ms. Ruston:

Thank you for the information on the Southwest Gulf Railroad Company's proposal to construct and operate a rail line in Medina County, Texas. Your letter was received by my office on December 15, 2006.

We have reviewed the SDEIS to assure compliance with applicable conformity regulations per 58 FR 63214. Medina County, Texas is in attainment for all National Ambient Air Quality Standards; therefore, general conformity regulations do not apply and an applicability analysis is not necessary. However, any demolition, construction, rehabilitation, repair, dredging or filling activities have the potential to emit air pollutants and we recommend best management practices be implemented and local ordinances be complied with for reducing emissions so as to minimize the impact of any air pollutants. Further, construction and waste disposal activities should be conducted in accordance with applicable local, state and federal statutes and regulations.

If you have any questions or comments, please contact me or Jeff Riley of my staff at (214) 665-8542.

Sincerely yours,

 Thomas H. Diggs
 Chief
 Air Planning Section

Internet Address (URL) • <http://www.epa.gov>
 Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 25% Postconsumer)

January 19, 2007

Surface Transportation Board
 Case Control Unit
 Washington, D.C. 20423
 Attn: Rini Ghosh

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Thank you,
Jame Williams

FROM : BROUIN RESIDENCE FAX NO. : 8307413243 Jan. 27 2007 11:43AM P1

#E1-2770
 RJ



*received
 1/29/07*

January 22, 2007

Ms. Rini Ghosh,
 Section on Environmental Analysis
 Surface Transportation Board
 1925 K Street NW
 Washington, DC 20423-0001

Re: Finance Docket 34284
 Vulcan Materials Company, Southwest Gulf Railroad
 Proposed Rail Line, Quihi, Medina County

Dear Ms. Ghosh:

In response to the Section on Environmental Analysis' (SEA) request for comments on the Supplementary Draft Environmental Impact Statement (SDEIS), we the members of the Medina County Historical Commission (MCHC) wish to present the following information.

On July 17, 2003, the Medina County Historical Commission passed a resolution stating that it has a "commitment to the preservation, study and recognition of the county's cultural heritage". Attached is a copy of that resolution. Our position has not changed. Therefore, we urge the Surface Transportation Board (STB) to designate a route that is not harmful to the historic and archeological resources located in the Quihi Historic District, The New Fountain Historic District, and the Upper Quihi Historic District.

We support the statement that these areas are eligible to be listed on the National Register of Historic Places (NRHP) (Volume II, F1). The removal of the threat of the railroad from the historic areas would facilitate their listing, and would encourage the efforts to complete the work necessary for obtaining the designation for the NRHP.

In addition, the Medina County Historical Commission concurs with the STB's findings that the eastern routes prove to be less harmful to the historic and archeological resources, and preserve the aesthetic value to the cultural landscape. The village of Quihi has been designated by Preservation Texas as being an endangered historic site, entirely because of the threat of the proposed Vulcan quarry and railroad project to its historic resources.

In Volume I, Chapter 6, (page 6-43), the SEA states that 2 of the eastern routes are the "environmentally preferable alternatives out of the eight alternatives studied in the environmental review", and we agree. We appreciate the opportunity to comment, and appreciate your efforts and consideration in this matter.

Respectfully,
Karin Muenning
Jenna Maney

Robert N. Hancock
Shirley Hancock
Janelle Taylor
Patricia Pizzini
Med Hill

The Medina County Historical Commission Members
 Encl. Resolution of July 17, 2003

FROM : BROUIN RESIDENCE FAX NO. : 8307413243 Jan. 27 2007 11:44AM P2



MEDINA COUNTY HISTORICAL COMMISSION
 MEDINA COUNTY COURTHOUSE
 HONOLU, TEXAS 78861

RESOLUTION NO. 2

A RESOLUTION OF MEDINA COUNTY HISTORICAL COMMISSION URGING VULCAN MATERIALS TO CONSIDER PROTECTING THE HISTORIC RESOURCES OF THE QUIHI AREA IN THE CONSTRUCTION OF A PROPOSED RAILROAD AS IT RELATES TO ITS PROPOSED QUARRYING ACTIVITIES IN THAT PART OF MEDINA COUNTY.

WHEREAS, the Medina County Historical Commission has a continuing commitment to the preservation, study, and recognition of the county's cultural heritage.

WHEREAS, the Commission is aware of the plans of Vulcan Materials to construct a railroad through the Quihi area related to its proposed quarrying activities in that part of Medina County; and

WHEREAS, Quihi is a highly important historic area of Medina County, representing a settlement established in 1846, and is marked by the presence of numerous homes and buildings of that period; and

WHEREAS, there are also important prehistoric archeological sites, as old as 10,000 years, in the area; and

WHEREAS, the Commission urges the Surface Transportation Board to use all proper review procedures during its consideration of the Vulcan applications for its railways and proposed alternative routes.

WHEREAS, this will involve detailed consultation with the Texas Historical Commission, charged with the implementation of Section 106 regulations related to cultural resources.

WHEREAS, the Commission will monitor the process and will receive the comments of concerned citizens of the Quihi area during all phases of cultural resource studies related to this project.

NOW THEREFORE, BE IT RESOLVED BY THE MEDINA COUNTY HISTORICAL COMMISSION:

Section 1. That the Directors of the Commission urge the Vulcan Materials Company to consider preserving the historic resources in the Quihi area of Medina County, Texas while planning the construction of the railroad for their proposed quarrying activities.

PASSED AND APPROVED this the 17th day of July, 2003.

Robert N. Hancock
 ROBERT N. HANCOCK, Chairman
 Medina County Historical Commission

#E1-2771
RJ

881 County Road 353
Hondo, Texas 78861

January 24, 2007

Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

received
1/26/07

Reference: Finance Docket #34284

Dear Ms. Gosh,

As a resident farmer/rancher involved in the proposed Vulcan Materials quarry and railroad spur in Upper Quihi we need to voice our concerns again regarding this project. My wife, 2 and 4 year old children, and I live on my parents farm located on County Road 353 less than a mile from the quarry site. Six of the seven listed routes run through the farm. The proposed route, which Vulcan still seeks a permit for, runs right through the middle of the farm located in the Upper Quihi Rural Historic District, less than 1000 feet from the 70 year plus farmhouse (shown in your SDEIS as individually eligible for the National Register). It's then proposed to go on down through the flood plane and threaten the historical part of Quihi.

It's not enough we have to deal with the threat to the air and water quality since we are so close to the proposed quarry and rail, our lives are threatened because we will have to cross the rail within the farm, and also on the county and state roads to get to work and back. The children will eventually have to ride the school bus on these roads covered with trucks and dangerous rail crossings.

We feel a real danger of flooding in the Quihi Historic District if the railroad follows the proposed route through the flood plane that Vulcan insists on using. It could possibly create a major flooding situation in that area. There are some very nice historical homes, a church, and cemeteries that will be threatened by flooding if the proposed rail is built.

There is the most recently suggested route, the MCEEA Medina Dam Alternative Route, which would still most certainly cause dangers and problems to some but would not involve the flood plane or the Quihi Historical District and would create much safer crossing sites. We would hope that this route would be considered the safest and least destructive overall by Surface Transportation Board.

Sincerely,

[Signature]
Donna Dittmar

James and Donna Dittmar

#E1-2772
RJ

received
1/26/07

FD 34284

The attached petition was submitted by the Medina Residents for Economic Growth during the comment period for the SDEIS

05-18-2006 04:09pm From: TCEQ / CHIEF CLERK T-073 P. 022/022 F-071

Docket Number: FD - 34284 - 0

To: Texas Commission on Environmental Quality

received
1/26/07

We, the undersigned citizens of Medina County, support Vulcan Materials plans for the quarry to be located within our county. We ask that, once they have met the requirements set forth by the State of Texas, their permit be approved.

Name	Address	City	Signature	Date
Tom Hays	403 CR 453	Hondo	<i>[Signature]</i>	4-2-06
Bernie Beale	255 CR 453	Hondo	<i>[Signature]</i>	4-2-06
Merlin Beale	255 CR 453	Hondo	<i>[Signature]</i>	4-2-06
Bryanne Juij	403 CR 453	Hondo	<i>[Signature]</i>	4-2-06
Richard Fitz	991 CR 342	Hondo	<i>[Signature]</i>	4/3/06
Stuart Nietenhoefer	2940 CR 251	Hondo Tx	<i>[Signature]</i>	4-3-06
Walt Smith	106 CR 440	Hondo	<i>[Signature]</i>	
Olav SAPP	2361 CR 421	Hondo	<i>[Signature]</i>	4/4/06
Joey Lutz	321 CR 4571	Hondo	<i>[Signature]</i>	4/5/06
Mark FORTRE	2002 Ave X	Hondo	<i>[Signature]</i>	4/5/06
Chick Tondre	2002 Ave X	Hondo	<i>[Signature]</i>	4/5/06
George O. MUMFEE			<i>[Signature]</i>	

CHIEF CLERKS OFFICE
APR 06 2006
AT PUBLIC MEETING

To: Texas Commission on Environmental Quality

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Name	Address	City	Signature	Date
Robert Eitz	3685 FM 2676 (quail)	Hondo	<i>Robert Eitz</i>	3-31-06
Leatrice Eitz	3685 FM 2676	Hondo	<i>Leatrice Eitz</i>	3-31-06
Julie K Eitz	591 CR 342	Hondo	<i>Julie K Eitz</i>	3-31-06
William E. Winkler	240 CR 4522	Hondo	<i>William E. Winkler</i>	4-2-06
Carol Winkler	240 CR 4522	Hondo	<i>Carol Winkler</i>	4-2-06
Ayle Blasing	4850 FM 2676	Hondo	<i>Ayle Blasing</i>	4-2-06
Elizabeth A. Blasing	4850 FM 2676	Hondo	<i>Elizabeth A. Blasing</i>	4-2-06
Mark Blasing	930 CR 451	Hondo	<i>Mark Blasing</i>	4-2-06
Cynthia Blasing	930 CR 451	Hondo	<i>Cynthia Blasing</i>	4-2-06
Robert C. Winkler	220 CR 4522	Hondo TX	<i>Robert C. Winkler</i>	4-2-06
Andrew Winkler	220 CR 4522	Hondo TX	<i>Andrew Winkler</i>	4-2-06
Shawn Belle	255 CR 453	Hondo TX	<i>Shawn Belle</i>	4-2-06

CHIEF CLERKS OFFICE

206 APR 24 PM 1:53

TELEPHONE NO. 512-225-5121

OPA RECEIVED

APR 06 2006

AT PUBLIC MEETING

20 of 22

17 d CONFERENCE

To: Texas Commission on Environmental Quality

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Name	Address	City	Signature	Date
Tom Harrell	420 PK 4662	Castroville	<i>Tom Harrell</i>	4/6/06
Melissa Nabelek	2400 CEDAR	Hondo	<i>Melissa Nabelek</i>	4/6/06
Alvin & Alice Wiemers	983 CR 341	Hondo	<i>Alvin & Alice Wiemers</i>	4/6/06
Mr & Mrs Welton Boehme	Rio Medina	Medina TX	<i>Mr & Mrs Welton Boehme</i>	

206 APR 24 PM 1:54

TELEPHONE NO. 512-225-5121

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Name	Address	City	Signature	Date
SOREY DECKER	1041 CR 355	Hondo	<i>Sorey Decker</i>	4-6-06
BRENDA DECKER	1041 CR 355	Hondo	<i>Brenda Decker</i>	4-6-06
KIMBER KLINGER	14309 BRETTON WOODS SA	San Antonio	<i>Kimber Klinger</i>	4/6/06
LARRY KLINGER	" " " "	" " " "	<i>Larry Klinger</i>	" " " "
Howard Suddoff	1200 DAK	Louisville	<i>Howard Suddoff</i>	
Shawn Blumard	Center Point	Center Point	<i>Shawn Blumard</i>	

CHIEF CLERKS OFFICE

206 APR 24 PM 2:00

TELEPHONE NO. 512-225-5121

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Name	Address	City	Signature	Date
Tommy Almy	1302-234	Hondo	<i>Tommy Almy</i>	
Robbie	11306	Universal City	<i>Robbie</i>	
Kevin Powell	2340 Terry Hill	San Antonio	<i>Kevin Powell</i>	
Tom Brown	614 Starway	SATX	<i>Tom Brown</i>	
Mike Pess	800 Iron	San Antonio TX	<i>Mike Pess</i>	
Alister Sanchez	AD BOULDER	SATX	<i>Alister Sanchez</i>	
PENNY CLARK	15852 CR 272	Mico TX	<i>Penny Clark</i>	
BRUCE CLARK	15852 CR 272	Mico TX	<i>Bruce Clark</i>	
Janita Schurman	8807 Solano Dr	Hezotes TX	<i>Janita Schurman</i>	
Alvin & Glenda Michaels	1811 Canyon Glen	SA TX	<i>Alvin & Glenda Michaels</i>	
Rico Bienes	PO Box 78	Pearsall	<i>Rico Bienes</i>	

CHIEF CLERKS OFFICE

206 APR 24 PM 2:00

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Name	Address	City	Signature	Date
Charles Streek	15800 Hillside	Malvern TX	[Signature]	4-16-06
Mike Schutter	108 W. Sabine	Uvalde	[Signature]	4-06-06
Bryan Fisher	27322 Channel Area Dr	LSA	[Signature]	4-06-06
Pat Benders	3322 Cannonsby Blvd	S.A.	[Signature]	
Brett Bryant	8241 Liberty Park	Boerne	[Signature]	4-6
Jesse S. Carroll	P.O. Box 653	Hondo	[Signature]	7/8/86
Adelina Lopez	809 11th St	Hondo TX	[Signature]	8/8/61
[Signature]	P.O. Box 228	Hondo	[Signature]	7/8/61
Renee Schultz	2388 FM 462 N	Hondo TX	[Signature]	7/8/61
[Signature]	301 Studer Circle		[Signature]	7-6-06
[Signature]	Univale TX	78901	[Signature]	
[Signature]	3615 Camp Circle	Hondo TX	[Signature]	7/8/07
[Signature]	235 PR 4661		[Signature]	
[Signature]	Castroville, TX	78009	[Signature]	4-6-06

CHIEF CLERKS OFFICE
203 APR 24 PM 2:03
PUBLIC MEETING

14 of 22

To: Texas Commission on Environmental Quality

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Name	Address	City	Signature	Date
Aleisha Kriehenbauer	907 Poy Oak	San Antonio	[Signature]	4/16/06
Emmitt King	7720 L Eyle	Hudson	[Signature]	4/16/06
Fannie Ewers	1404 Edwards	Boerne	[Signature]	4/16/06
Pick Jones	28750 WaterView	Boerne	[Signature]	4-6-06
Geary Yeaman	181 W. Market	San Antonio	[Signature]	4-6-06
John & Carol Carpenter	509 Linden	Boerne	[Signature]	4/16/06
[Signature]	2011 Summit	San Antonio	[Signature]	4/16/06
[Signature]	800 Pleasant	SA TX	[Signature]	4/16/06
Debra Benavides	123 River Trail	Castroville, Texas	[Signature]	4/16/06
[Signature]	2325 Central	SA TX	[Signature]	4/16/06
[Signature]	10050 FM 1580 N	San Antonio	[Signature]	4-10-06
[Signature]	217 Westley Dr.	San Antonio, TX	[Signature]	4.06.06

CHIEF CLERKS OFFICE
203 APR 24 PM 2:03
PUBLIC MEETING

15 of 22

To: Texas Commission on Environmental Quality

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Name	Address	City	Signature	Date
Art Davis	115 PR 4661	Castroville	[Signature]	4/6/06
Estrella Mejia	693 C.R. 512	Boerne	[Signature]	4/16/06
Edwin Rodriguez	11226 744	Yamney TX	[Signature]	
Sam Rodriguez	192 CA 200	Yamney TX	[Signature]	
Sandra Wilson	1027421 North	Castroville, 78009	[Signature]	
Deanne Mangold	235 PR 4661	Castroville	[Signature]	4-6-06
Wayne Baber	905 Eagle Ridge	Pleasanton TX	[Signature]	4-6-06
[Signature]	1305	Castroville TX	[Signature]	7/8/07
[Signature]	220	Castroville TX	[Signature]	
[Signature]	1702	Castroville TX	[Signature]	7-8-00
[Signature]	307	S.A.	[Signature]	
Ronnie Gadhban	14103 Cedar Canyon	SA, TX	[Signature]	78231

CHIEF CLERKS OFFICE
203 APR 24 PM 1:53
PUBLIC MEETING

14 of 22

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Name	Address	City	Signature	Date
Dalia Hoover	P.O. Box 304	Natalia	[Signature]	04-05-06

CHIEF CLERKS OFFICE
203 APR 24 PM 1:53
PUBLIC MEETING

13 of 22

To: Texas Commission on Environmental Quality

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Name	Address	City	Signature	Date
John H. Eskerville	Hondo	Hondo	[Signature]	04-05-06
Kody Utter	Hondo	Hondo	[Signature]	4-5-06
Kevin Bayon	Hondo	Hondo	[Signature]	4-05-06
Scott [unclear]	Hondo	Hondo	[Signature]	4-05-06
Joe A. Vasquez	Hondo	3300 Cadon St Lot	[Signature]	4/5/06
Hugo W. Wraybach	7110 FM 2676	Hondo TX 78861	[Signature]	
Elizabeth Wraybach	7110 F.M. 2676	Hondo, TX 78861	[Signature]	4-5-06
Spige [unclear]	6035 St Hwy 173 W	Desire, TX 78842	[Signature]	
Verlie [unclear]	393 CR 3421	Hondo TX 78861	[Signature]	
Thany [unclear]	393 CR 3421	Hondo TX 78861	[Signature]	
Lorain Miller	1701 22nd St	Hondo, TX 78861	[Signature]	
Melvin [unclear]	25145. H-90 E	Tx 78861	[Signature]	

CHIEF CLERKS OFFICE
APR 24 PM 1:55
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APR 06 2006

12 of 22

To: Texas Commission on Environmental Quality

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David Naisco	Hondo	Hondo	[Signature]	
Alfred [unclear]	P.O. BOX 94	D'Arbonne Tx	[Signature]	4-5-06
John [unclear]	1206 Ave R	Hondo, Tx 78861	[Signature]	4-5-06
Bobby [unclear]	909 3rd	Hondo Tx 78861	[Signature]	4-5-06
Queen Carter	Hondo	Hondo	[Signature]	4-5-06
Lawrence [unclear]	1703 2nd	Hondo	[Signature]	4-5-06
David [unclear]	2010 17th St	Hondo Tx	[Signature]	4-5-06
Emilio Sanchez	2112-17 ST	Hondo	[Signature]	4-6-06
Gene [unclear]	1521 11th	Hondo	[Signature]	
Raymond [unclear]	2216 3rd St	Hondo	[Signature]	
Logan [unclear]	P.O. BOX 636	Hondo, TX 78861	[Signature]	
Raymond [unclear]	6035-5th Hwy 173 W	Desire TX	[Signature]	

CHIEF CLERKS OFFICE
APR 24 PM 1:55
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APR 06 2006

11 of 22

To: Texas Commission on Environmental Quality

We, the undersigned citizens of Medina County, support Vulcan Materials plans for the quarry to be located within our county. We ask that, once they have met the requirements set forth by the State of Texas, their permit be approved.

Name	Address	City	Signature	Date
Ferry S. Ibarra	2003 16th St	Hondo, Texas	[Signature]	3-31-06
Edna Ibarra	" " "	" " "	[Signature]	3-31-06
Kimberly Reddy	2912 Southern Breeze	Hondo, TX 78861	[Signature]	4-4-06
Bella Reddy	2912 Southern Breeze	Hondo, TX 78861	[Signature]	4-4-06
Kevin Reddy	2912 Southern Breeze	Hondo, TX 78861	[Signature]	4-4-06
Shirley J. Knecht	251 US Hwy 90 E	Hondo, TX 78861	[Signature]	4-6-06
Debbie Brundage	881 CR 641	Hondo, TX 78861	[Signature]	4-6-04
Glenn Schweers	2608 Ave. K	Hondo	[Signature]	4-6-04
Mary Jo Schweers	2608 Ave K	Hondo	[Signature]	4-6-04
Glenn Schweers, Jr	Hazelburg, S.A.		[Signature]	4-6-04
Kisa Schweers	5107 Berrywest, S.A.		[Signature]	4-6-04
Sheila Cardon	P.O. Box 1258	George West, TX	[Signature]	4-6-06

CHIEF CLERKS OFFICE
APR 24 PM 1:55
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APR 06 2006

10 of 22

To: Texas Commission on Environmental Quality

We, the undersigned citizens of Medina County, support Vulcan Materials plans for the quarry to be located within our county. We ask that, once they have met the requirements set forth by the State of Texas, their permit be approved.

Name	Address	City	Signature	Date
LISA MILLER	4946 FM 2676	Hondo	[Signature]	30 Apr 06
Dennis Wilson	705 FM 471 NORTH	CASTROVILLE, TEXAS	[Signature]	
STANLEY JUNGMAN	197 CR 530	HONDO, TX	[Signature]	4/6/06
Keith Smoot	1507 27th St	Hondo	[Signature]	4-6-06
Walter [unclear]	1315 Houston St	Castroville, TX	[Signature]	4-6-06
Charles [unclear]	1058 [unclear]	[unclear]	[Signature]	4-6-06
Stephanie [unclear]	P.O. Box 1258	George West, TX	[Signature]	4-6-06
[unclear]	17915 State Hill	SA, TX	[Signature]	78256
[unclear]	6370 [unclear]	SA, TX	[Signature]	78250
[unclear]	151 Kahl Play	Brown TX	[Signature]	7806
[unclear]	225 CR 373	Rio Medina	[Signature]	
[unclear]	221 KOWERLACOSTER D.	CASTROVILLE	[Signature]	78009

CHIEF CLERKS OFFICE
APR 24 PM 1:55
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APR 06 2006

9 of 22

To: Texas Commission on Environmental Quality

We, the undersigned citizens of Medina County, support Vulcan Materials plans for the quarry to be located within our county. We ask that, once they have met the requirements set forth by the State of Texas, their permit be approved.

Name	Address	City	Signature	Date
Armando Valle	903 17th	Hondo TX	[Signature]	4-4-06
Raul Rodriguez	1605 17th	Hondo TX	[Signature]	4-4-06
Antonio Lopez	1308 16th	Hondo TX	[Signature]	4-4-06
Joe Daniels	697	3202 Ave H	[Signature]	4-4-06
David Garcia	900 20th	Hondo TX	[Signature]	4-4-06
David Lopez	[Address]	Hondo TX	[Signature]	4-4-06
Miguel Garcia	1306 16th	Hondo TX	[Signature]	4-4-06
Jose Gutierrez	1107 30th	Hondo TX	[Signature]	4-4-06
MARILYN	926 CR 4638	Hondo TX	[Signature]	4-4-06
Luis Garcia Sr.	1306 Ave S	Hondo TX	[Signature]	4-4-06

CHIEF CLERKS OFFICE

APR 06 2006

APR 06 2006

OPA RECEIVED

APR 06 2006

AT PUBLIC MEETING

8 of 22

3

To: Texas Commission on Environmental Quality

We, the undersigned citizens of Medina County, support Vulcan Materials plans for the quarry to be located within our county. We ask that, once they have met the requirements set forth by the State of Texas, their permit be approved.

Name	Address	City	Signature	Date
Deanne Bendale	881 4th	Hondo	[Signature]	4-3-06
Ad Gonzalez	1310 Ave M	Hondo	[Signature]	4/3/06
Ramon Serrano	7100 212 Ave	Hondo	[Signature]	4-3-06
Ronald J. Schmitt	8000 20th	Hondo	[Signature]	4/3/06
Jesus P. Alon	2505 Ave T	Hondo TX	[Signature]	4/3/06
Robert C. Maples	409 Ave I	Hondo, TX	[Signature]	4/3/06
James & Ellen Jones	1847 U.S. Hwy 90 E	Hondo TX	[Signature]	4-3-06
Edward A. Haly	2507 Ave E	Hondo TX	[Signature]	4/4/06
Walter Garcia	1717 21st	Hondo TX	[Signature]	4/4/06
James Lopez	2210 Ave A	Hondo TX	[Signature]	4/4/06
Paul T. [Name]	[Address]	Hondo	[Signature]	[Date]
Paul [Name]	706 Ave D	Hondo, TX	[Signature]	7-5-06

CHIEF CLERKS OFFICE

APR 06 2006

APR 06 2006

OPA RECEIVED

APR 06 2006

AT PUBLIC MEETING

7 of 22

7

To: Texas Commission on Environmental Quality

We, the undersigned citizens of Medina County, support Vulcan Materials plans for the quarry to be located within our county. We ask that, once they have met the requirements set forth by the State of Texas, their permit be approved.

Name	Address	City	Signature	Date
Jose R. Hoyales	Hondo	Hondo	[Signature]	4-6-06
Ruben Garcia	Hondo	Hondo	[Signature]	4-6-06
Jose Lopez	Hondo	Hondo	[Signature]	4-6-06
Shawn C. [Name]	2205 Ave E	Hondo	[Signature]	4-6-06
Carla [Name]	194 37th	Hondo	[Signature]	4-6-06
Paul [Name]	2602 Ave M	Hondo	[Signature]	4-6-06
Maddyn Smith	Devine	Devine	[Signature]	4-6-06
Ralph J. Bruch	Devine	Devine	[Signature]	4/6/06
Janey Savage	Devine	Devine	[Signature]	4/6/06
[Name]	Hondo	Hondo	[Signature]	4/6/06
[Name]	Hondo	Hondo	[Signature]	4/6/06
[Name]	Hondo	Hondo	[Signature]	4/6/06

CHIEF CLERKS OFFICE

APR 06 2006

APR 06 2006

OPA RECEIVED

APR 06 2006

AT PUBLIC MEETING

6 of 22

6

To: Texas Commission on Environmental Quality

We, the undersigned citizens of Medina County, support Vulcan Materials plans for the quarry to be located within our county. We ask that, once they have met the requirements set forth by the State of Texas, their permit be approved.

Name	Address	City	Signature	Date
Paul [Name]	Hondo	Hondo	[Signature]	4-5-06
Daniel Rayl	1325	Hondo	[Signature]	4-5-06
Ron Valle	2105 Castro	Hondo	[Signature]	4-5-06
Ron Valle	2104 Castro	Hondo	[Signature]	4-5-06
Edwin [Name]	1603 Ave Z	Hondo TX	[Signature]	4-5-06
Shawn [Name]	109 19th St	Hondo, TX	[Signature]	4-5-06
Ron [Name]	P.O. Box 337	Medina TX	[Signature]	7-5-06
Sam [Name]	P.O. Box 357	Kaippa TX	[Signature]	7-5-06
June [Name]	202 E 8th St	Hondo TX	[Signature]	7-5-06
[Name]	P.O. Box 403	Uvalde TX	[Signature]	4-5-06
Blacky [Name]	2503 Ave J	Hondo	[Signature]	4/5
Samantha [Name]	P.O. Box 711	Hondo	[Signature]	7-5-06

CHIEF CLERKS OFFICE

APR 06 2006

APR 06 2006

OPA RECEIVED

APR 06 2006

AT PUBLIC MEETING

5 of 22

5

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Dionicio Gonzalez signature 703 Lucas address 830-665-5907 phone
Danié signature
Danié Gonzalez printed name 703 Lucas address Garvina address 830-665-5209 phone
Christy Roberts printed name 6888 FM 402 South address Honono address 830-446-2233 phone
Christy Roberts signature 2505 Ave. U. address #906 address (830) 426-2233 phone
Giina Lopez printed name 1301 Stagecoach address Dr. address 406-7060 phone
Monica Gonzalez printed name 1104 Ave R address Garvina address 430-423-8066 phone
Roger A Garcia printed name 156 CR 5632 address Castroville address 930-931-0049 phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Jeffrey Perales printed name Jeffrey Perales signature 912 Geneva St. address (830) 931-2843 phone
Rail Perales printed name Rail Perales signature 912 Geneva St. address (830) 931-2843 phone
Jean Barr printed name Jean Barr signature 1925-23rd address Dr. address 830-426-3785 phone
Lynn DeGinger printed name Lynn DeGinger signature 17th & 365 address 830-741-8507 phone
Dick DeGinger printed name Dick DeGinger signature 736 CR 365 address 830-741-8507 phone
Lily Turner printed name Lily Turner signature 1901 23rd Circle address 830-926-2680 phone
Beatha Kios printed name Beatha Kios signature 1920 23rd Circle address 830-741-8103 phone

The attached petition was submitted by the Medina Residents for Economic Growth during the comment period for the SDEIS

received
1/26/07

#E1-2773
R91

#E1-277
R91

Docket number - 0
FD - 34284 - 0
received
1/26/07

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Brenda Younsworth printed name Brenda Younsworth signature 1109 Alamo St. address 830-931-0296 phone
Justin Davis printed name Justin Davis signature 117 Alamo St address 830-931-0971 phone
Lisa Davis printed name Lisa Davis signature 1117 Alamo address 830-931-0971 phone
MARY TSHIRKHEB printed name MARY TSHIRKHEB signature 1314 S. 211 address 26117D address
Shirley Zinsmeyer printed name Shirley Zinsmeyer signature Box 1084 address Castroville Tx address 538-2601 phone
Carol Corbett printed name Carol Corbett signature 882 Dennis address Int'l address 8105342759 phone
Crystal P. Rexius printed name Crystal P. Rexius signature Rouge address Castroville, TX address 78039 address 830-935-9120 phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Helen Houghton Medina County Castroville
 printed name signature address phone
James McManis James McManis 289 Briden Castroville TX 78008 3370
 printed name signature address phone
Frances Biggart Frances Biggart 102 Spring Rain Castroville TX 78009 3509
 printed name signature address phone
Margarita H. Hinalik Margarita H. Hinalik 104 Spring Rain Castroville TX 78009 9281
 printed name signature address phone
Ramela J. Larson Ramela J. Larson 105 Spring Rain Castroville TX 78009 931
 printed name signature address phone
David M. Lusa David M. Lusa 105 Spring Rain Castroville TX 78009 937
 printed name signature address phone
HAROLD LANCE JAMES Harold James 217 MALONE DR DEVINE 78040 663-9376
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

DEBBIE WARD Debbie Ward 2705 CE545 Hondo 78048 4475
 printed name signature address phone
LOIS WRIGHT Lois Wright
 printed name signature address phone
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

TANYA BROWN Tanya Brown P.O. Box 446 Devine TX 78040 665-2200
 printed name signature address phone
Shannon Brown Shannon Brown 135 Park 103 Devine TX 78040 665-2972
 printed name signature address phone
Michelle Morales Michelle Morales 210 387-5577
 printed name signature address phone
JAVIER GARCIA Javier Garcia 825 W 1004th TX 78040 662-5211
 printed name signature address phone
MARY PELL Mary Pell 759 CR 672 W NATALIA 78040 663-2741
 printed name signature address phone
MARIE BROWN Marie Brown 529 Fosselle Rd Devine 78040 665-9072
 printed name signature address phone
THOMAS H. WILKINSON Thomas H. Wilkinson 601 W. MOORE AVE. DEVINE TX 78040 663-2337
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

KIM ELLISTEN Kim Ellisten 235 Malone Dr. 830-663-3444
 printed name signature address phone
John C. Elliston John C. Elliston 235 Malone Dr. 830-663-3444
 printed name signature address phone
MARK ROBERTSON Mark Robertson 516 JACK NICKLAUS 830-665-9705
 printed name signature address phone
Sandra Stacy Sandra Stacy 519 Jack Nicklaus 830-665-2103
 printed name signature address phone
LARRY STACY Larry Stacy 519 Jack Nicklaus 830-665-2103
 printed name signature address phone
ROBERT MOKLER Robert Mokler 523 Jack Nicklaus 830-665-5137
 printed name signature address phone
Susie Bourcier Susie Bourcier 715 Jack Nicklaus 830-663-2120
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

José Antonio J. A. signature 810 Galtieros Devine address phone
Beulah Miller signature 200 E. 2nd St. Devine TX 78040 address phone
Theresa L. Smith signature 3800 7113 Devine address phone
Jocelyne Jaramila signature 209 Rosemary address phone
Rebeca M. Peña signature 7111 526 Puma address phone

printed name signature address phone
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Leticia Gonzalez signature 1019 Galtieros Devine TX 78040 address phone
Shami R. Miller signature 205 2nd St address phone
Metelvia Rosalez signature 105 Peggy Devine address phone
Raymond Lopez signature 705 4944 Devine TX address phone
Adalberto Dalabosa signature 1943 SF 4133 Devine TX address phone
Julie Mihalko signature 290 CR 6717 Natalia address phone

printed name signature address phone
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Catherine Futner signature 306 Bain Dr Devine TX 78040 address phone
James McDonald signature 308 Bain Dr. Devine TX 830-465-4692 address phone
Spaulford signature 517 Bain Dr. Devine TX 831-663-5571 address phone
Jason Ows signature 307 Bain St. 830-865-5481 address phone
Gus Feltner signature 305 Bain address phone

printed name signature address phone
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Florine Faeeler signature 1912 23rd Co. Howard, TX. 830-426-2784 address phone
Ruben Alvarado signature 601 20th St - Devine TX 830-426-8180 address phone
LINDA ALVARADO signature 601 20th St. Howard TX 830-426-8180 address phone
Rubio Carrasco signature 705 25th St. Howard TX 78040 address phone
Leo Zambrano signature 506 2nd St. Howard TX address phone
Antonia Roscan signature 907 1st St. Howard TX 830-426-2784 address phone

printed name signature address phone
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Sandy Gomez [Signature] 328 Houston 931-0544
 printed name signature address phone
Laura Gomez [Signature] 312 Houston 971-0544
 printed name signature address phone
Robert Gomez [Signature] 312 Houston 931-0544
 printed name signature address phone
Looris Hart [Signature] 200 Houston 538-2130
 printed name signature address phone
Elizabeth Chandler [Signature] 906 Fisher —
 printed name signature address phone
Robert T. Fluit [Signature] 1001 Fisher 538-9057
 printed name signature address phone
Bobby Jack Lushig [Signature] 100 Fisher —
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

DEBRA WEATHERS [Signature] 411 Mockingbird Lane 830 6654923
 printed name signature address phone
Muel Ann Dowling [Signature] 11 Mockingbird Ln 830 6654923
 printed name signature address phone
Janice Jameson [Signature] 503 Mockingbird Dr 830 663 6057
 printed name signature address phone
Janice K. Peth [Signature] 503 Mockingbird Ln 830 663-6057
 printed name signature address phone
Key H Black Sr [Signature] 510 Mouncello Cir 210 208 5701
 printed name signature address phone
Bill B. Barais [Signature] 400 Monticello 830 663 2369
 printed name signature address phone
Margie Bennis [Signature] 406 Mount with 830-663 2096
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Martina Vera [Signature] 1310 Lennon St. Custronville (830) 4912170
 printed name signature address phone
Virginia Murrell [Signature] 1408 28th St Honda 830 426 2526
 printed name signature address phone
Dennis Hipton [Signature] 1207 28th St Homb. 890-426-4719
 printed name signature address phone
Margaret Chandler [Signature] 1505 27th Street Honda 830-426-2662
 printed name signature address phone
Kristi Frisch [Signature] 1512 27th S. Honda 830-426-9388
 printed name signature address phone
Karin Frisch [Signature] 1512 27th S. Honda 830-426-9388
 printed name signature address phone
Adelle Adkins [Signature] 1512 27th S Honda 830 741 8503
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Sharon Mabry [Signature] 305 Mockingbird 663 2137
 printed name signature address phone
Sandra Pace [Signature] 303 Fox Run 665 9378
 printed name signature address phone
Joann Sanchez [Signature] 301 Colonial Pkwy (830) 663 5990
 printed name signature address phone
ENCARNACION [Signature] 301 Colonial Pkwy 663 5990
 printed name signature address phone
Maria Lissac [Signature] 305 Fox Run 210-289-8899
 printed name signature address phone
Monica Luciano [Signature] 41 Rosewood Drive (817) 524 8214
 printed name signature address phone
DM RM [Signature] 71 Fox Run —
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

STEFANIO VILLO Duqueno Celc. 1506 Ave. R 741-8424
 printed name signature address phone
ANTONIO VILLO Stanton's Rd. L. Vill. 1506 Ave. R 741-8424
 printed name signature address phone
MANUEL GUEVARA Mick 1601 15th St 741 0266
 printed name signature address phone
MARY LOU GARO MOULDER 1505 S. FORT 826 3882
 printed name signature address phone
MARCELLA FLY M. Fly 135 River Trl 921 9184
 printed name signature address phone
WALTER G. GILBERT Agard 431 RIVER 2 TEL 931 0114
 printed name signature address phone
LISA MARSHALL Alto 104 Sunnyland Dr. 931 3468
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Reina Marshall Reina C. Marshall 104 Sunnyland Dr. 931-3468
 printed name signature address phone
Code William W. Code 110 Sunnyland Ave 931-4304
 printed name signature address phone
Yvonne Marquez Yvonne Marquez 117 Sollock Devine Tr 830 6652708
 printed name signature address phone
ARMANDA RODRIGUEZ Armanda Rodriguez 254 Sollock Devine 830-6635848
 printed name signature address phone
Kay Schultz Kay Schultz 330 Sollock Devine 830 665-3194
 printed name signature address phone
John G. Schussler John G. Schussler 518 W. Williamsburg, Rev. 663-5244
 printed name signature address phone
Claudia Chamberlain Claudia Chamberlain 516 Cypress Rd Devine 210 770 6662
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

MARY JO PETERS Mary Jo Peters 1507 31st St. Abando 830-426-8207
 printed name signature address phone
JUDITH SCOGGIN Judith Scoggin 1503 31st St. Abando 210-855-6710
 printed name signature address phone
Troy Wooten Troy Wooten 1203 31st St 870-426-2909
 printed name signature address phone
T. J. Griffin T. J. Griffin 1203 31st St 830-426-2909
 printed name signature address phone
MESLEY N. BUILOK Mesley N. Builok 1127 31st 830-771-4950
 printed name signature address phone
MARGIE JORDAN Margie Jordan 1504 31st St 830-741-8288
 printed name signature address phone
TOM JORDAN Tom Jordan 1504 31st St. 830-741-8288
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Maria G. Sanchez Maria G. Sanchez 1504 31st 830-241-4180
 printed name signature address phone
M. G. Sanchez M. G. Sanchez 1709 17th St. 830 426-2681
 printed name signature address phone
Esther M. Garcia Esther M. Garcia 1610-17th 741-3339
 printed name signature address phone
Adolfo Adolfo 1606 17th 426-8660
 printed name signature address phone
L. Cardo L. Cardo 1903 16th 426-4996
 printed name signature address phone
Olinda Salazar Olinda Salazar 1901 16th 426-2449
 printed name signature address phone
LUCINE LEHUS Lucine Lehus 1601 15th St 210 473 5631
 printed name signature address phone

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Ken Latta printed name [Signature] signature 514 Hickory Hwy Devine address 210-882-3331 phone
Leo Latta printed name [Signature] signature 514 Hickory Hwy Devine address 210-382-3331 phone
C. WARRICK printed name Charlotte Danner signature 513 Hickory Hwy Devine address 830-665-5569 phone
BLAINE EATON printed name [Signature] signature 502 Hickory address 830-665-5709 phone
REGGIE WILLIAMS printed name [Signature] signature 500 Hickory address 65-9203 phone
DORAE HAREBA printed name [Signature] signature 408 Hickory address 663-2119 phone
JOHN PRZESINSKI printed name [Signature] signature 406 Hickory Hwy address 210-516-5629 phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

INA TO NIXON printed name [Signature] signature 502 Hermitage Dr address 663-5259 phone
 printed name _____ signature _____ address _____ phone _____
 printed name _____ signature _____ address _____ phone _____
 printed name _____ signature _____ address _____ phone _____
 printed name _____ signature _____ address _____ phone _____
 printed name _____ signature _____ address _____ phone _____
 printed name _____ signature _____ address _____ phone _____

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Heron Sob Jr printed name [Signature] signature 518 Wedgewood Way address 830-663-3012 phone
NORMA ESPARZA printed name [Signature] signature 303 Patrey Natalia address 830-663-2629 phone
ANDREW printed name [Signature] signature 123 CEDAR HILL address 830-663-5111 phone
GAIL MITCHELL printed name [Signature] signature 100 L. MARTIN Devine address 830-665-2211 phone
JUAN P. GONZALEZ printed name [Signature] signature 779-173 So Stat Hwy address 830-665-2355 phone
Stella Contreras printed name [Signature] signature Lake Harb Dr address 210-746-6648 phone
MARIA D. RENTONIA printed name [Signature] signature PO BOX 34 FORTUNA address 210-404-0178 phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

MICHAEL A. FUJIA printed name [Signature] signature 332 SOLON DR address 210-288-2521 phone
MARTIN MEDINA printed name [Signature] signature 4016 WEDGEWOOD WY address 279-9545 phone
ROD HARRISON printed name [Signature] signature 510 WEDGEWOOD WY address 665-5737 phone
JAMES HARRISON printed name [Signature] signature 510 WEDGEWOOD WY address 665-5234 phone
Mandi Wilson printed name [Signature] signature 512 WEDGEWOOD WY address 665-7402 phone
Nancy Burton printed name [Signature] signature 1087 Mulone Drive address 665-9510 phone
KATHY Raman printed name [Signature] signature 311 Davis Ave Devine address 383 8996 phone

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Margie Navarro *Margie Navarro* 70 ~~Box 388~~ Devine 800-665-9540
 printed name signature address phone
 Haggard John D. *John D. Haggard* P.O. Box 652 830 703 7392
 printed name signature address phone
 Belcher, Robert *Robert Belcher* P.O. Box 355 210-693-3514
 printed name signature address phone
 Maria Elvando *Maria Elvando* P.O. Box 74 Devine 800-665-6758
 printed name signature address phone
 Zepeda Elvando *Zepeda Elvando* P.O. Box 74 Devine 800-665-6758
 printed name signature address phone
 Annie Kirtwood *Annie Kirtwood* 508 Lakes Devine 663-3031
 printed name signature address phone
 Margaret Martinez *Margaret Martinez* 1005 ~~James~~ Devine 663-3103
 printed name signature address phone

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Patrick Dubose *Patrick Dubose* 1084 CR 669 Devine 830 665 2633
 printed name signature address phone
 Nelda Villalba *Nelda Villalba* 1104 W. Hards Devine 830-665-6084
 printed name signature address phone
 Walter Salazar *Walter Salazar* 306 N. Bright 830-665-1017
 printed name signature address phone
 ASON Powell *ASON Powell* #187 CR 6816 NATALIA 830 665 3107
 printed name signature address phone
 Bob Howard *Bob Howard* 305 PRYOR MNRCE 830 741-8786
 printed name signature address phone
 Maria A Silva *Maria A Silva* 111 Chaps Devine 830-9119
 printed name signature address phone
 RONALD T. LITTLETON *Ronald T. Littleton* PA 6244204277
 printed name signature address phone

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Crystal Morris *Crystal Morris* 639 CR 773 Devine 830-665-9299
 printed name signature address phone
 Violeta HMA *Violeta HMA* 232 Breera Devine 210-323-2047
 printed name signature address phone
 CORUVELA MARIA *CORUVELA MARIA* 230 Breera Devine 830 665 9175
 printed name signature address phone
 Lester Coffman *Lester Coffman* 705x 656 Ahtalia 830 663-2958
 printed name signature address phone
 Angelia Mader *Angelia Mader* 304 Tigua Rd. Devine 830-663-9932
 printed name signature address phone
 ANNE S. LITTLETON *ANNE S. LITTLETON* 20511 ~~James~~ Devine 663 3103
 printed name signature address phone
 Cindy Brown *Cindy Brown* 1005 ~~James~~ Devine 665-3586
 printed name signature address phone

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Karen Cisneros *Karen Cisneros* 1005 ~~James~~ Devine 665-3586
 printed name signature address phone
 Sarah Dixon *Sarah Dixon* P.O. Box 166 VaCoste 830-985-3371
 printed name signature address phone
 Isabel Coates *Isabel Coates* 365 CR 672 W. 830 665 5482
 printed name signature address phone
 Victoria Moore *Victoria Moore* 4114 Devine Devine 210 366-7365
 printed name signature address phone
 Linda Travis *Linda Travis* 100 L.L. Martin #302 830-663-2484
 printed name signature address phone
 Anne Escamela *Anne Escamela* 2021 CR 772 830 912-5607
 printed name signature address phone
 Coby G. Morris *Coby G. Morris* 639 CR 773 Devine 830 665 9299
 printed name signature address phone

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Michael Beck *Michael Beck* signature address 1049 Cantata phone 830-931-3514
 JAMES WRIGHT *James Wright* signature address 913 GENTILEZ phone 830-931-2706
 Suzanne Wright *Suzanne Wright* signature address 913 GENTILEZ phone 830-931-2706
 VANCE TOMNEY *Vance Tomney* signature address 1205 27th Hondo phone (330) 931-4349
 DeTomney *DeTomney* signature address 1205 27th Hondo (330) 931-4308
 Tony Brock *Tony Brock* signature address 2417th Hondo phone (330) 462-2467
 CHARLOTTE *Charlotte Brock* signature address 1604 97th Hondo phone 78804

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

Debraque Vento *Debraque Vento* signature address 502 Westwood phone 662-9371
 Tina Onda *Tina Onda* signature address 401 W Park Drive phone 663-3889
 Janie Saucedo *Janie Saucedo* signature address 1300 Windy Knoll Drive phone 665-5111
 Janie Bustamante *Janie Bustamante* signature address 815 Tully Ave. Devine phone 830-663-5337
 GRAY Fox *Gray Fox* signature address 520 S. Teel phone 830-665-9044
 ROBBIE MARTINEZ *Robbie Martinez* signature address 708 RIVERVIEW phone 665-5125
 Luis Espinoza *Luis Espinoza* signature address 1305 Hondo phone 830-665-9071

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W. Linda White *W. Linda White* signature address 4010 FM 2200 W phone 830-665-2705
 P. M. S. Skille *P. M. S. Skille* signature address P.O. Box 345 Devine TX phone 830-444-9142
 Peter Omlie *Peter Omlie* signature address 134 CR 181 NATAVIA TX phone 830-665-6171
 MADE G. MARTINEZ *Made G. Martinez* signature address 708 DEVINE DR. phone (830) 665-5125
 Don Childers *Don Childers* signature address 4045 Commercial phone 830-663-9705
 CAROL TORRES *Carol Torres* signature address P.O. Box 104 Devine TX phone 830-663-5889
 CASPER RODRIGUEZ *Casper Rodriguez* signature address 215 E. Hill Devine TX phone 210-8718770

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Bruce Alexander *Bruce Alexander* signature address 516 Vienna phone (830) 931-0652
 Constance Belmas *Constance Belmas* signature address 501 Vassar phone 830-931-2421
 Doug Wray *Doug Wray* signature address 1813 Amelia phone 210-320-4429
 HENRY MULLER *Henry Muller* signature address 1707 AMELIA phone 538-2753
 ALAN MULLER *Alan Muller* signature address 801 A July phone 931-3901
 ESTELA NETZON *Estela Netzon* signature address 905 Huntley phone 830-538-3615
 ERED NETZON *Ered Netzon* signature address 905 Huntley phone 830-538-3615

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Tera Richter Chau Kietler 1405 2372 830-426-2271
 printed name signature address phone
Rick Garbus Rick Garbus 1203 25th 830-426-2711
 printed name signature address phone
Visente Arco Patricia 1510 32nd St. 830-426-2711
 printed name signature address phone
Richard Luvich Richard Luvich 1509 32nd St 830-741-8657
 printed name signature address phone
Victoria C. O'Keef Christina O'Keef 1156 32nd St
 printed name signature address phone
Keisty J. Day Keisty J. Day 1511 22nd St
 printed name signature address phone
Isabel C. Arco Isabel C. Arco 1518 33rd St. 830-741-2088
 printed name signature address phone

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Michael S. Smith Michael S. Smith 19521 Elm St. 3 Duncan TX 830-663-9183
 printed name signature address phone
 printed name signature address phone

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Bobby Poole Bobby Poole 1311A Green Rd Hwy 6 4268413
 printed name signature address phone
Bob Stillman Bob Stillman 117 River Forest
 printed name signature address phone
Tom Benson Tom Benson 113 River Forest
 printed name signature address phone
Deborah A. Cole Deborah A. Cole 105 River Forest 931-3885
 printed name signature address phone
JANET COOK Janet Cook 101 River Forest
 printed name signature address phone
Sara E. Castro Sara E. Castro 114 River Forest (310) 446-7582
 printed name signature address phone
Jose M. Martinez Jose M. Martinez 113 River Forest (830) 538-2578
 printed name signature address phone

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Rose Pizzell Rose Pizzell 1408 53rd 830-426-3119
 printed name signature address phone
Ken Larsen Ken Larsen 1201 Oak La Harro 830-741-3177
 printed name signature address phone
Thomas Baglow Thomas Baglow 1207 Oak La Harro 830-741-8362
 printed name signature address phone
Robert Smith Robert Smith 1203 K. Duncan
 printed name signature address phone
Mary Lou Weber Mary Lou Weber 1309 Kollman Dr. 830-426-8048
 printed name signature address phone
Herold Weber Herold Weber 1309 Kollman Dr 830-426-8048
 printed name signature address phone
Mary G. Roth Mary G. Roth 1313 Kollman Dr.
 printed name signature address phone

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FLOYD HALLIBURTON *Floyd Halliburton* signature
 405 Montrose C. Dr. Irvine, TX 78016 address
 phone 78016

MARGARET BILSBURY *Margaret Bilsbury* signature
 407 Montrose C. Dr. Irvine, TX address
 phone 78016

ROBERT GERRARD *Robert Gerrard* signature
 405 Montrose C. Dr. Irvine, TX address
 phone 78016

MARYLIN SELLICK *Marylin Sellick* signature
 1403 Liberty Irvine, TX 78016 address
 phone 78016

DEBORAH CARVER *Deborah Carver* signature
 605 Colonial Devine, TX 78016 address
 phone 78016

NORA SANDRIS FLORES *Nora Sandris Flores* signature
 411 W. Park Devine, TX 78016 address
 phone 78016

RUTH WALDEN WHITAKER *Ruth Walden Whitaker* signature
 1183 Cr 771 Devine, TX address
 phone 830-665-5522

The Devine News reporter/columnist

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PAUL D. RUSTAD *Paul D. Rustad* signature
 307 Poplar address
 phone 830-665-3255

MELISSA COOP *Melissa Coop* signature
 302 Fry Rd address
 phone (214) 287-4753

ALICIA GARAY *Alicia Garay* signature
 402 Mockingbird Ln. address
 phone (830) 665-5808

LUPE SALAZAR *Lupe Salazar* signature
 404 Mockingbird Ln. address
 phone (830) 665-5808

CHARLES STIN *Charles Stin* signature
 408 Mockingbird address
 phone (830) 665-5808

J.C. MORALES *J.C. Morales* signature
 505 Monticello address
 phone 665-5990

DONNA ZAPATA *Donna Zapata* signature
 411 Monticello address
 phone 665-6195

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

BRENDA BARBER *Brenda Barber* signature
 119 River Trail, address
 phone 78009

RENE ANCHUA *Rene Anchua* signature
 101 County Lane address
 phone Comstock, TX

CHRISTOPHER J. CRANFORD *Christopher J. Cranford* signature
 117 County Lane address
 phone Bastrop

printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

JIMMY YANCEY *Jimmy Yancey* signature
 311 Hill Drive address
 phone

printed name signature address phone

printed name signature address phone

printed name signature address phone

printed name signature address phone

printed name signature address phone

printed name signature address phone

printed name signature address phone

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Debra Jo Pandal Allyson Pandal 579 Wedgewood Way 663-9288
 printed name signature address phone
Travis C. Byrom Travis C. Byrom 531 Wedgewood Way 663-5156
 printed name signature address phone
Brendan Unger Brendan Unger 407 Wedgewood 663-5037
 printed name signature address phone
Chris - John G John G PO Box 1000 830 665-4181
 printed name signature address phone
Eric Rodriguez Eric Rodriguez 409 LARA Devine Tr.
 printed name signature address phone
Suzette Cruz Suzette Cruz 4261 FM Rd 2200W 663 8195
 printed name signature address phone
Nicole Davis Nicole Davis 1201 11th St (214) 427-0438
 printed name signature address phone

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Gay Kinkead Gay Kinkead 104 Willow Dr Castellville TX 78209
 printed name signature address phone
Roda Maguire Roda Maguire 107 Willow Dr Castellville TX 78209
 printed name signature address phone
Eric Tengui Eric Tengui 106 Howard Wallace Devine Tr 78016
 printed name signature address phone
Justin Ehlinger Justin Ehlinger PO Box 423 (214) 400-7787
 printed name signature address phone
James Banks James Banks 519 Williamsburg (214) 859-1485
 printed name signature address phone
Sally Hart Sally Hart 508 Ingram Rd
 printed name signature address phone
J Ann Boyd J Ann Boyd 513 Wilgwood 830 665 9648
 printed name signature address phone

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Kevin Brennan Kevin Brennan 513 Hickory Valley 830 665-5006
 printed name signature address phone
Marsdie Perry Marsdie Perry 505 Hickory Valley 830-663-9875
 printed name signature address phone
Jeff Murphy Jeff Murphy 505 Hickory Valley 830 663-9875
 printed name signature address phone
James S. Bowser James S. Bowser 501 Hickory Devine Tr 210 392 8812
 printed name signature address phone
Maria J. Amzelles Maria J. Amzelles 407 Hickory Hwy 663-1772-1894
 printed name signature address phone
Steven Anderson Steven Anderson 315 Mockwood Devine Tr
 printed name signature address phone
Brian Hawberk Brian Hawberk 303 Mockwood Devine Tr 78016
 printed name signature address phone

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Laura Hernandez Laura Hernandez 801 Liberal Devine
 printed name signature address phone
Jo Ann Lopez Jo Ann Lopez 461 S. Jarrisson Dr Devine
 printed name signature address phone
Linda Olson Linda Olson 501 Park - Devine
 printed name signature address phone
Dale Williams Dale Williams 611 Hickory Devine
 printed name signature address phone
Michael Espinosa Michael Espinosa 601 Hickory Devine
 printed name signature address phone
Geo Sehatt Geo Sehatt 5 R Hickory Devine
 printed name signature address phone
Charles M Burt Charles M Burt 515 Hickory Devine
 printed name signature address phone

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Betty Bantier Betty Bantier 806 2nd Blvd 926-5553
 printed name signature address phone
Cecilia Gonzalez Cecilia Gonzalez 804 2nd Blvd 741-5928
 printed name signature address phone
Daniel Green Daniel Green 800 22nd St 822-6815
 printed name signature address phone
AMPAROL VAREZ AMPAROL VAREZ 902 25th Blvd
 printed name signature address phone
Eather Munson Eather Munson 908 22 Street Hondo
 printed name signature address phone
AMELIA DELA FUENTE AMELIA DELA FUENTE 1404-22nd St Hondo
 printed name signature address phone
Rat Silva Rat Silva 1403 22nd St Hondo
 printed name signature address phone

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Edward Forman Edward Forman 1304 22nd St 926-5553
 printed name signature address phone
Kary Poitnick Kary Poitnick 1002 Florence 930-931-5874
 printed name signature address phone
UPHANA BOTELLO UPHANA BOTELLO 1205 Kishan St 926-5553
 printed name signature address phone
Roxes Botello Roxes Botello 1313 Bisbon St 926-5553
 printed name signature address phone
Clauide Clauide 1422 21st 426-3242
 printed name signature address phone
William Sargent William Sargent 1405 741-2583
 printed name signature address phone
BEATO PINTA BEATO PINTA 708-22nd St 426-8110
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

ADELL JORDAN ADELL JORDAN 1304 Sledge 830-746-2574
 printed name signature address phone
Coelho Coelho 1655 Main 760-0309
 printed name signature address phone
Edward Leay Edward Leay 118 River 830-951-0745
 printed name signature address phone
FAYE UEBRICH FAYE UEBRICH 114 Luper 538-9138
 printed name signature address phone
FRANK DANN SR. FRANK DANN SR. 105 Fikes 930-931-8989
 printed name signature address phone
EILEEN EILEEN 107 Village 926-5553
 printed name signature address phone
Gloria Martinez Gloria Martinez 123 Village 792-0099
 printed name signature address phone

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LISA Lopez LISA Lopez 1606 BAND ST 926-5553
 printed name signature address phone
Michelle Johnson Michelle Johnson 1706 Oak 926-5553
 printed name signature address phone
Chance Toney Chance Toney 1712 22nd 426-8812
 printed name signature address phone
MATTHEW PACCA MATTHEW PACCA 1909 22nd 926-5553
 printed name signature address phone
Willis Boone Willis Boone 1312 Kollman 426-3242
 printed name signature address phone
Brendy Angermiller Brendy Angermiller 1314 Kollman 741-4543
 printed name signature address phone
Patti Gonzalez Patti Gonzalez 1310 Avenir 820-456-4289
 printed name signature address phone

We the undersigned residents of Medina County support Vulcan Materials' Company in their efforts to develop a quarry and rail line in Medina County. We believe that the quarry will bring much-needed jobs to Medina County and we believe that the rail option for transporting materials from the quarry is a safer and cleaner alternative than the numerous truck trips that would be required to transport the same material. We highly encourage the Texas Commission on Environmental Quality and the Federal Surface Transportation Board to quickly approve the quarry and rail line.

DO ROTHY HOLLOWAY	<i>[Signature]</i>	601 PETERSBURG	830-581-9362
Phoebe McKay	<i>[Signature]</i>	315 PETERSBURG	830-538-3089
Carol Ann Miki	<i>[Signature]</i>	103 PETERSBURG	210-219-2000
Lacy Lovell	<i>[Signature]</i>	1919 ISABELLA	830-538-2772
SELINA RENDON	<i>[Signature]</i>	1807 ISABELLA	210-532-3720
Michael Guinn	<i>[Signature]</i>	501 FLEISCHER	830-931-4865
Kyle Reitzmeyer	<i>[Signature]</i>	709 Florence	210-889-1991

FD 34284 #E1-2774 RA

Rini Ghosh
Surface Transportation Board
Case Control Unit
Washington, D.C. 20423

received
1/30/07

Dear Ms. Ghosh:

As a resident of Medina County, I recognize the financial needs of our schools and our county. I also recognize that Vulcan Materials will be paying a significant amount of new taxes to our schools and to our county when its rock quarry and rail line are operating. With that in mind, I ask the Surface Transportation Board to approve the most direct rail route as a means of allowing tax generation to start as soon as possible. If not the most direct route, please allow one of the alternative routes.

Sincerely,

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Signatures are from

Sean Noonor
Medina County Businessman and president of the Hondo Chamber of Commerce

Claude Schuehle
Medina County Real Estate Professional

Robert Eitze
Medina County Businessman, community volunteer

Vance Tomey
Medina County Businessman, Hondo Councilman

A. Scruggs Love
Former president of the American Institute of Real Estate Appraisers, Medina County Businessman

Ed Gates
Medina County businessman

Thomas Wooten
President Community National Bank in Hondo

Mary Jo Schweers
Medina County resident, mother, member of Schweers Historical Foundation

Glen Schweers
Medina County resident, father and former school teacher, member of Schweers Historical Foundation

Hugo Wurzbach
Retired U.S. Air Force enlistee, Medina County Resident

3980 FM 2676 Hondo, Texas 78861 830-426-3348 p.2

#E1-2774 RA

3980 FM 2676
Hondo, Texas 78861

January 24, 2007

Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

received
1/25/07

Reference: Finance Docket #34284

Dear Ms. Gosh,

As a land-owner involved in the proposed Vulcan Materials quarry and railroad spur in Upper Quihi we need to voice our concerns again regarding this project. Our farm is located on County Road 353 less than a mile from the quarry site. Six of the seven listed routes run through our farm. The proposed route, which Vulcan still seeks a permit for, runs right through the middle of the farm located in the Upper Quihi Rural Historic District, less than 1000 feet from the 70 year plus farmhouse (shown in your SDEIS as individually eligible for the National Register). Our son, daughter-in-law, and two small grandchildren live in this house. It's then proposed to go on down through the flood plane and threaten the historical part of Quihi.

It's not enough we have to deal with the threat to the air and water quality since we are so close to the proposed quarry and rail, our lives are threatened because we will have to cross the rail within the farm and on the county and state roads to get to the farm and back.

We live in Quihi, near the Quihi Creek. We feel a real danger of flooding if the railroad follows the proposed route through the flood plane that Vulcan insists on using. We are also proud of the history we have here in Quihi. There are some very nice historical homes, a church, and cemeteries that will be threatened by flooding if the rail is built.

#E1-2776
RS

There is the most recently suggested route, the MCEAA Medina Dam Alternative Route, which would still most certainly cause dangers and problems to some but would not involve the flood plane or the Quihi Historical District and would create much safer crossing sites. We would hope that this route would be considered the safest and least destructive overall by Surface Transportation Board.

Sincerely,

Melvin and Judy Dittmar

Melvin & Judy Dittmar

To: Surface Transportation Board
Case Control Unit
Washington DC 20423
Attn: Rini Ghosh

*Received
1/30/07*

From: Leslie & Elaine Semmelman
4125 CR 251
Hondo, TX 78861

Date: 01/23/07

Re: STB Finance Docket No. 34284

Dear Sirs:

We are opposed to the rail and quarry project.

Please protect our water and historical assets by improved mitigation measures.

Thank you for your kind help.

Sincerely,

Leslie & Elaine Semmelman
L. E. Semmelman

Jimmy & Lynette Stewart
3619 FM 2676
Hondo, Texas 78861
(830) 741-4836

#E1-2777
RS

January 22, 2007

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

Reference: Finance Docket #34284

Dear Ms. Ghosh:

I am a resident of Quihi. This is a peaceful country area. Why should many lives be "turned upside down" with a railroad, many large trucks, blasting, and air quality damage so a large company can benefit. The individuals that will benefit from this do not live in this area nor plan to live in the area.

The railroad routes proposed by Vulcan would affect many historical sites and family farms in an adverse way. The tracks would cross four (4) of our roads. These crossings would be a danger to all residents, but especially school buses and many elderly residents.

I do not want Vulcan or any company to operate a Quarry in this area. It is my wish that the project be dropped and let Quihi maintain the serene life we now enjoy. Over the number of years that Vulcan plans to operate this Quarry, I wonder how many lives will be lost to the trains or large trucks.

No one wants a railroad dividing their property not even the people that stand to benefit financially from this Quarry. Please do not authorize the construction of this railroad at any location.

Sincerely,

Jimmy Stewart
Jimmy Stewart

(DATE) *1/20/07*

#E1-2778
RS

Surface Transportation Board
Rini Ghosh,
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

*Received
1/30/07*

Re: Finance Docket #34284
Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms. Ghosh:

(Use those items which apply to you and put in your own words:)

- Moved to this area to have a peaceful retirement or to have country environment to raise a family
- Believe that this is the wrong place for this project. Vulcan/SGR should go somewhere less populated, with less harmful impacts
- Do not want the historical and archeological sites harmed
- Do not want flooding that would be caused by this railroad
- Want overpasses over the roads that the railroad crosses, and this should be required as part of the conditions of giving the permit.
- Fuel Storage and Maintenance area should be moved out of the Elm Creek floodplain, moved further south.
- Any other points you want to make.

Take a look at 1283 + 4714 in They have been along several towns several people have been killed by trucks & railroads

Respectfully, or *don't let this happen to Medina*
Sincerely, *to marry west of San Antonio already*
(Signature) *Francis L Fleming*
Printed Name FRANCIS L FLEMING

just about 100 miles ago people would killed by a cement train
(ALSO FAX to the Surface Transportation Board at 202-565-9000

FRANCIS L FLEMING We do not need a blood bath in
435 C.R. 250 W. Medina County to stop this in its tracks
MICO, TX 78056
830-612-2358

#E1-2779
RJA

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423

received
1/30/07

Attention: Rini Ghosh

STB Finance Docket No. 34284

After reviewing Vol. 1 and Vol. 2 of the Supplemental Draft Environmental Impact Statement I have come to two conclusions: One it would be best for the county of Medina and the people residing in this county that the Surface Transportation Board decline the application of a Fortune 500 Company to force their will on same. This rail line will still be determined by the much criticized law of Eminent Domain that should have been rewritten long ago. This law was not intended to give this kind of power to money making ventures that are against the God given right of the people to protect their property.

Two: The items in Vol. 1 and Vol. 2, that in my opinion have not been adequately addressed or answered: 6,000 acres of water a year from the Edwards Aquifer. Is there enough water there to guarantee 50 years from now. (The life of the quarry) and that our personal wells will not dry up.

2. What effect will 9,000 lbs. of explosives twice a week will have on wells What effect of the explosives residue that will not be captured when gravel is washed and this uncaptured water seeps into the Edwards Aquifer 50 years from now.
3. Not one had addressed the issue of power to run this quarry, where will it come from, will Vulcan build or put in power lines to the quarry at their own expense? Will the line cross private property that will also have to be taken by eminent domain or will the line have to be provided by the county of Medina at the tax payers expense.
4. Road crossing to trains at grade will they have arms or Just Lights?
5. When rail lines crossing private property and separate it into sections, Will SGR give them access to same? Will they have to cross over tracks? Will they have a tunnel, or bridge? This should not be left out for further mediation.
6. Sonner or later SGR will require spurs to be built to handle trains. Will this land also be aquired by eminent domain?
7. Another question is how many quarries will follow? As they have done in San Antonio to New Braunfels Texas. Then how many trains and tracks will be allowed?
8. If the rail line will be a common carrier. Why not have the road that parcel this track be open to the land owner's for common use? If you can take our land the least you could do is let us use it.
9. As an add on to these comments, I would like to thank the Wieblens Vol. 2 for volunteering our land for the modified Eastern Line. However need I mention that this line would destroy a historical location that is registered with the State of Texas by Dr. Thomas Hester and given a Number site 41ME132 (The Buddy Mangold

Site) 1200 feet West of MCAA Medina Dam Alternative Registered July 2003 See known Prehistoric Sites Page 5-17 Vol. II. This site has not fully developed due to the death of Buddy Mangold. No one can say how much area this sight covers.

Respectfully,

Russell J. Mangold

#E1-2780
RJA

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423

received
1/30/07

Attention: Rhini Ghosh
STB Finance Docket 34284

From: Russell & Verlyn Mangold

807 33rd Street	500 South Park Apt.13	New 3-07
Hondo, Texas 78861-3513	Montrose, Colorado 81401	63434 Ranger Road
830-741-2615	970-249-3597	Montrose, Colorado 81401
		970-249-3597

Re: 426 Acres and 112 Acres in Quihi, Texas

This land has been in my family for 4 generations.

Henry Scheuhle & Gebka Gerdes	Vernor & Floriene Wiemers
Gus Wiemers & Louisa Schuehle	Verlyn & Russell Mangold

Since we took possession of the lands, we've enlarged the tank. In 1999 we fought trailer homes on our fence line, we closed 4512# on the east side and closed them out. After a million dollars later and a new fence on our east side. We even tried to buy 40 acres to complete our ranch. We couldn't. So our neighbors helped. For the last 5 years we have been fighting the rail line and quarry. We want a rail Road running on their property. It will not benefit Medina County or Quihi. We live in Hondo with Train noises every Day and Night.

The train will disturb both ranches. It will cut the 112 Acres in half. Not good.

Please keep Quihi peaceful.

Verlyn Mangold

COUNTY JUDGE JIM BARDEN
830-741-6020

From: Russell & Verlyn Mangold	3-07
807 33rd Street	500 South Park Apt. 13
Hondo, Texas 78861-3513	63434 Ranger Road
Ph. 830-741-2615	Montrose, Colorado 81401
	Montrose, Colorado 81401
	Ph. 970-249-3697

Attention: Quarry & Rail Line

Dear Judge Barden:

The 50 year quarry in Medina, County and the rail line running through our ranches..

1. How they will be over our aquifer and blasting.
2. Noise that will not be controlled. We need a Noise Abatement Office.
3. How much of our water they will be using.
4. We have a hand dug well on our property and a regular well.
5. What will they be doing with water lines running through both properties.
6. How limestone trucks ruin our county roads.
7. Make sure they use the use the good blasting caps that won't disturb our wells or springs or artifacts.
8. Our 426 Acres has an oil line running through it.
9. The road to both ranches will be disturbed by the rail line.
10. Land has been in the family for 150 years.
11. We have been fighting this since 1999.

Please consider some of this. You have the power to do something about this.

Thank you,

Verlyn Wiemers Mangold

Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N. W.
Washington D. C. 20423-001

#E1-2781
RPH

FD 34284
received
1/30/07

Re: Southwest Gulf Railroad Co.
Construction & Operation Exemption - Medina County, Texas
(Alternate rail routes for Vulcan Construction Materials, LP proposed quarry
to Union Pacific RR Co. rail line near Dunlay, Texas)

Ms. Ghosh & Board Members,

This correspondence is in regards to Southwest Gulf Railroad Routes in Medina County,
Texas.

My family's property would be severely affected by a route.

Our land has been honored for a century or more of continuous ownership and operation
as a family agriculture enterprise. Through generations of dedication and perseverance of
the founders and heirs, our property having been founded in 1890 has been awarded the
Texas Family Land Heritage Award in 1993 by Texas Land Commissior Rick Perry to
the Elmer and Ida Balzen Saathoff Family.

Physically the SCR's Modified Medina Dam Route would cut through two (2) parcels of
land which produce vital family income. One tract which has recently been cleared, road
plowed, stumps and rocks removed to enhance production of grazing land for the future.
This comes with a lot of labor, time and money to ensure success. Another tract would
suffer severely as the route would impact an irrigation sprinkler system installed, to better
ensure crops grown on this tract of land would become profitable.

The route would also affect the flow of rain water runoff which now is the primary flow
to fill stock tanks for our and neighbors livestock operations, which is vital to income off
of the land.

I ask you to please consider all other proposed routes that do not have a negative impact
upon my family and neighbors livelihood.

Sincerely,

Duane Jungman
Duane Jungman
1899 Cr 366
Hondo, Texas 78861

Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N. W.
Washington D. C. 20423-001

#E1-2782
RPH

FD 34284
received 1/30/07

Re: Southwest Gulf Railroad Co.
Construction & Operation Exemption - Medina County, Texas
(Alternate rail routes for Vulcan Construction Materials, LP proposed quarry
to Union Pacific RR Co. rail line near Dunlay, Texas)

Ms. Ghosh & Board Members,

In regards to the SGR's Modified Medina Dam Route as a possible route.

My family's property would be severely affected.

Our land has been honored for a century or more of continuous ownership and operation
as a family agriculture enterprise, through generations of dedication and perseverance of
the founders and heirs. Our property having been founded in 1890 has been awarded the
Texas Family Land Heritage Award.

Physically the route would cut through two (2) parcels which produce vital family
income. One tract is in the midst of being improved for grass for grazing. Another tract
would suffer severely as the route would impact a sprinkler irrigated row crop farming
operation which is extremely vital to the monetary income of those involved. Much time,
money and planning has been put into these parcels over the years to achieve the success
of the projects.

The route would also affect the flow of rain water runoff which now is the primary flow
to fill stock tanks for our and neighbors livestock operations, which is vital to our income
off of the land.

Please consider a route that has the least impact on the livelihood of our community
financially, environmentally and historically.

Sincerely,

Doris Elaine Saathoff Jungman
Doris Elaine Saathoff Jungman
1899 Cr 366
Hondo, Texas 78861

SURFACE TRANSPORTATION BOARD
CASE CONTROL UNIT
WASHINGTON, D.C.
ATTN: RINI GHOSH
STB FINANCE DOCKET #34284

FD 34284
received
1/30/07

#E1-2783
RPH

24 JAN 2007 -

Z
RPH

I AM SENDING THIS LETTER IN REFERENCE TO THE
PROPOSED QUARRY AND RAIL (SGR) IN MEDINA COUNTY, TEXAS
REF # FD 34284.

MY FAMILY LIVES JUST NORTH OF THE PROPOSED QUARRY/RAIL,
IN AN AREA OF SMALL ACREAGE RESIDENCES. THESE AREAS
HAVE BEEN TYPICALLY IGNORED BY VULCAN AND STUDIES
RELATED TO THE QUARRY. WE MOVED TO THIS LOCATION IN 1984,
OUR CHOICE OF THIS HOME SITE WAS DUE TO THE CLEAN AIR,
CLEAN WATER AND QUIET. NOT FOR THE POSSIBILITY THAT
THAT SOME DAY THERE WOULD BE A QUARRY/RAIL.

I AGAIN WRITE TO VOICE MY OPPOSITION TO SGR
(VULCAN'S PURCHASED RAILROAD) AND QUARRY/RAIL ITSELF.

SINCE ITS INCEPTION MANY, WHO LIVE HERE, HAVE
OPPOSED THE QUARRY/SGR, BASED ON NEGATIVE AFFECTS
WE WOULD SUFFER. OUR CONCERNS: CLEAN AIR, CLEAN
WATER NOISE POLLUTION AND DESTRUCTION OF
NATURAL FEATURES OF THIS AREA.

WE HAVE BEEN TOLD BY VULCAN, THAT MANY PEOPLE
BUY HOMES AND LIVE NEXT TO OUR QUARRIES AND
RAILWAYS. THAT IS THEIR CHOICE, BUT TO HAVE
THIS FORCED INTO AN AREA, IT BECOMES A
DOMAIN ISSUE.

THE PURCHASE OF SGR IS VULCAN'S METHOD OF
USING EMINENT DOMAIN FOR THEIR BENEFIT.
VULCAN/SGR'S DECLARATION THAT SGR IS A
"COMMON CARRIER" IS FALSE.

IN REVIEWING THE BOOKS/INFORMATION PREPARED
BY STB, THROUGHOUT CORRESPONDANCE FROM
SGR, LAWYERS STATEMENTS FREQUENTLY BEGAN
WITH, "SGR HAS NOT YET..." ANOTHER GENERAL
STATEMENT VULCAN/SGR MAKES IS,

"MANAGEMENT BEST PRACTICE", THIS BASICALLY
MEANS THE LEAST WE HAVE TO DO. THROUGHOUT
COMMENTS BY VULCAN/SGR, REGARDING QUARRY, TRUCKS,
AND RAILROAD, STATEMENTS REGARDING FUEL AND WATER
THEY MENTION "EXCEPTIONS" WE MAY HAVE TO USE(?)

ONE SECTION STATES VULCAN/SGR HAS NOT YET
DEVELOPED "BEST MANAGEMENT PRACTICES"
TO MINIMIZE IMPACTS ON GROUND WATER RESOURCES.

IN ANOTHER CORRESPONDENCE FROM SGR
LAWYER COHEN, SGR STATES THAT EASTERN ROUTES
ARE NOT FEASIBLE OR PREFERABLE. AS COMMENTS
WERE COLLECTED TO SHOW WESTERN ROUTES WOULD
IMPACT HISTORICAL AREAS AROUND QUINCY - VULCAN/SGR
NOW SHIFTS TO THE EASTERN, "LESS FEASIBLE" ROUTE
SO AGAIN OTHER RESIDENTS ARE AT RISK OF
CONDEMNATION BY VULCAN'S "PURCHASED" RAILROAD.

THE VULCAN COMPANY AND THOSE WHO PROFIT FROM THE QUARRY AND RAILROAD, DO NOT LIVE HERE. THEIR HOMES AND LIVES WILL NOT BE AFFECTED.

IN THESE DAYS OF ENVIRONMENTAL ISSUES AND PROBLEMS THREATENING GROUND WATER, AIR AND NATURAL AREAS THIS CONCEPT GOES AGAINST COMMON SENSE AND CONSIDERATION OF RESIDENTS.

IN CLOSING, PLEASE UNDERSTAND AND CONSIDER THAT THIS OVERALL PROJECT WILL HAVE A NEGATIVE EFFECT ON ALL PEOPLE WHO LIVE HERE - OUR SAFETY, AIR, WATER WELLS, OUR QUALITY OF LIFE IS AT STAKE HERE.

THANK YOU FOR YOUR CAREFUL CONSIDERATION REGARDING THIS VERY IMPORTANT ISSUE.

Sincerely,
[Signature]



Mr. & Mrs. Ray H Wardwell
180 County Road 369
Mico, TX 78096

830-741-3271

received 1/26/07

P.O. Box 369
Castroville, Texas 78009
January 25, 2007

Ms. Victoria Rutson
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

Re: Finance Docket # 34284
Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms. Rutson:

I would like to share my concerns about the proposed Vulcan Materials Quarry and Southwest Gulf Railroad Rail Line project at Quiki, Medina County, Texas, and to state my opposition to it.

I am a rancher who inherited property that lies 1/4 miles south of the proposed quarry and immediately north of the Herdus Family Hand Heritage Ranch. My property is one of the tracts of land purchased by my 4th working great-grandfather, Paul Cefinger, Sr., an immigrant who came from Germany in the 1850's as one of Henri Castro's colonists in Quiki. Though this land has been in my mother's family for over a hundred years, the Cefingers were not the first inhabitants of this beautiful area of Medina County. Along the Elm Creek beside the natural watering holes that now serve as a source of water for my livestock and underneath the gigantic live oak trees that grow in the flood plain lies arrow heads - evidence of the earliest inhabitants and their ancestors - the Native Americans. My inheritance lies in a quiet, peaceful and scenic area of Medina County - a location in which Castro colonists' descendants continue to live and work and in which young couples have come to raise families and retirees have come to build their dream homes. This beautiful historic and archeologically significant place deserves to be left unmarred by noise, air, and water pollution! Having witnessed the need of water descending the Elm Creek like a mini tsunami following a rainstorm and having witnessed the effects of two severe droughts, I am concerned about the quantity and quality of our most important resource - water. Construction of a railroad link across a flood

plain will change the flow of run-off water and will create even greater damage than the Quiki area has endured.

Not only will surface water be affected by air and chemical pollutants from the quarry operations / storage / fueling areas but shallow wells and caves as yet to be explored will be impacted as well. As this area of Medina County lies above the recharge zone of the Edwards Aquifer, we must be concerned about the impact on future usage and possible contamination of this water source. Water is vitally important to us all! Irrigation farmers need water. We ranchers need surface water and unpolluted well water for our livestock. And there are hundreds of thousands of residents in the San Antonio area who are dependent on the aquifer for their needs. We must be concerned about the quality and quantity of water.

In closing, I urge you not to grant a permit for the quarry/railroad project. This historic, archeological, geological site - this beautiful, peaceful quiet place - Quiki - deserves to remain unharmed!

Sincerely,
[Signature]
Hera S. Warden

received 1/31/07

January 20, 2007

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket # 34284
Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms. Ghosh,

This letter is to inform you of our concerns about the Vulcan Quarry and the Southwest Gulf Railroad.

Our homestead and land is located at the end of Alternate Route 1. My husband's grandfather purchased this land. My husband grew up here and now we have raised our family here. This land was not free - each son had to pay siblings for it. Each family put many back-breaking hours into improving this land. This includes in the early years clearing brush and mesquite trees with wagons and mules to the present - planting grains and

coastal grass for our cattle. We are also members of the Hondo Creek Watershed, which is a program established by the USDA - United States Department of Agriculture - that provides guidelines to practice conservation measures to conserve soil.

We have worked hard to manage our wildlife and conserve habitats for them. We are able to enjoy wildlife such as, deer, turkeys, bobcats, rabbits, quail, doves, and many bird species. The raw land provides habitats for endangered species as the Horned Toad, Golden-Cheeked Warbler, and the Texas Tortoise.

Alternate Route 1 would go straight through our raw-land and destroy our wildlife habitats including the endangered species. It would go through our field and destroy wildlife and cattle food sources. The railroad would be within 100 yards from our house. We would have to move because of the noise, dust, and loss of income that the fields provide.

And last but not least, the railroad is located too close to creeks and the floodplain. The Verdi and Quihi Creeks run together on our land. They run into the Hondo Creek approximately 1/2 mile south. On average rainfall years the creeks easily flood. I'm enclosing pictures of how the '97 flood devastated our fields. Needless to say, this is the wrong place to put a railroad.

We are also concerned about the Quarry destroying our water supply. How can digging hundreds of feet down into the earth with big diesel machinery not be harmful to the Edwards Aquifer? When it rains the quarry is just an open pit for pollution. The polluted water will go straight into the aquifer.

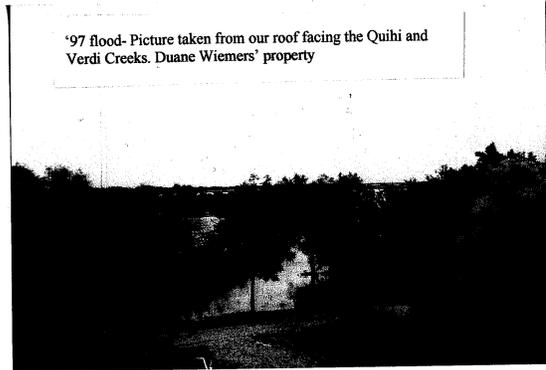
Many people that live or own property along the different railroad routes share the same concerns that we have. We value our family heritage, our historical sites, our wildlife and our farms and ranches. The railroad would destroy our homes,

our heritage, our retirement, our tranquility, our wildlife, our farms, our ranches, and our children's dreams of being able to come back home and live. They will never be able to relive their wonderful childhood memories with their own children if the railroad comes through our property.

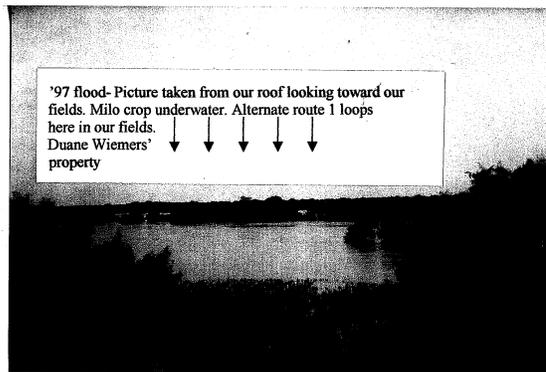
Sincerely,
 Carolyn + Duane Wiemers
 Carolyn Wiemers &
 Duane Wiemers
 400 CR 455
 Hondo, TX. 78861

Originals of photographs submitted in color.

'97 flood- Picture taken from our roof facing the Quihi and Verdi Creeks. Duane Wiemers' property



'97 flood- Picture taken from our roof looking toward our fields. Milo crop underwater. Alternate route 1 loops here in our fields. Duane Wiemers' property



#E1-2786
RS

To: Members of the Surface Transportation Board
of the U. S. Department of Transportation
Case Control Unit
Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

received
1/31/07

January 24, 2007

Members of the Surface Transportation Board:

I have followed with interest the long-term efforts of Vulcan Mining and Materials Company who plans to develop a quarry in northeastern Medina County. They will need to move the aggregate in the most efficient and safe manner possible. Therefore, I support the request of Southwest Gulf Railroad (SGR) to build a rail line to provide transportation of limestone and any other products in that area.

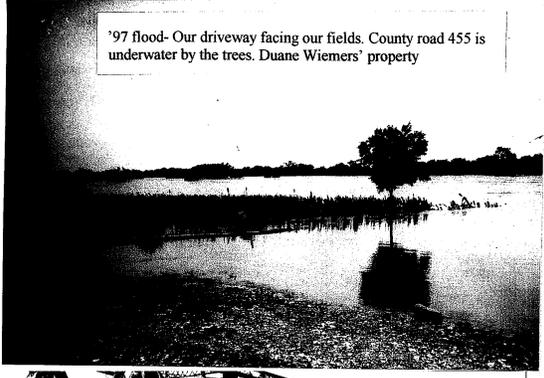
You have thoroughly studied a number of possible rail routes and published your findings in two volumes of Supplemental Draft Environmental Impact Statement, Finance Docket No. 34284, for SGR. This information prompts me to believe it is very important that you do agree to rail transportation rather than hauling aggregate by truck.

From studying the various proposed routes, I found only one which would be the best choice for providing the safest and most economical path for most persons concerned. The direct route proposed by Vulcan Materials provides the following reasons for my support of that choice:

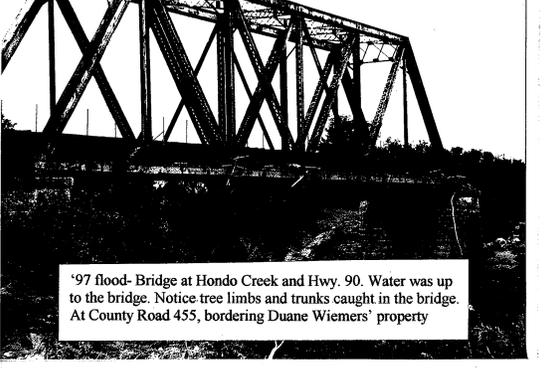
- (a) This route would cross fewer roads and provide more safety for those who travel FM 2676 and other rural roads nearby.
- (b) Several properties along this route are already owned by Vulcan Materials Company.
- (c) Fewer people live or work on properties along this route. (Some who protest this path neither live nor work there.)
- (d) The shortest route passes through limited drainage areas, causing fewer concerns about flooding.

My family and I lived north of Quihi for several years but moved to San Antonio where we work at jobs which provide better support for our needs. However, I regularly return there to work with ranching and farming interests on properties which have been in my family since the late 1800's. I was present at the hearing in Medina County Courthouse in 2006, and because of my concern for this project involving a rail line, I believe the shortest, most direct route would be best for Vulcan and area residents. Thank you for allowing me to express these views.

Sincerely,
Glenn Schweers Jr
Glenn Schweers, Jr.
1331 Hazelbury Lane
San Antonio, Texas 78253



'97 flood- Our driveway facing our fields. County road 455 is underwater by the trees. Duane Wiemers' property



'97 flood- Bridge at Hondo Creek and Hwy. 90. Water was up to the bridge. Notice tree limbs and trunks caught in the bridge. At County Road 455, bordering Duane Wiemers' property

'97 flood- Picture taken from our roof looking toward our fields. Milo crop underwater. Alternate route 1 loops here in our fields. Duane Wiemers' property



OFFICERS

KENNETH DIERSCHKE
President

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#E1-2787
RS

FD 34284

TO: SECTION OF ENVIRONMENTAL ANALYSIS
ATTENTION: RINI GHOSH

received
1/31/07

#E1-2788
RS

01-25-07

FR: SEAN FENELEY

Southwest Gulf Railroad/Vulcan Construction Materials has submitted a petition to build a rail line from a Union Pacific line near Dunlay Texas to a proposed lime stone quarry out side of Quihi Texas. My family and I are opposed to the construction of the rail line and the operation of a quarry at the proposed site. I understand that the Surface Transportation board is only concerned with the rail line but you must also understand that the quarry and the rail line are one and the same. Without one you do not have the other.

There are two residences on my property that is located approximately one quarter of a mile from the proposed quarry site and the area of the site that is to house the rail operations. See attached map and note the highlighted area. Along with the two residences there are also two water wells on the property belonging to the family.

I, along with most of the residence in this area, moved or live here to get away from traffic, noise, poor air quality and the urban environment and now all of that is pending the out come of your study and the decision made by your board.

Your office has outlined areas that will be analyzed in the SDEIS and I will submit our concerns regarding those areas and possibly more.

Transportation in this rural area can be difficult when weather conditions are bad and this will be compounded if any of the proposed rail routes are considered and agreed upon. With the low areas and flood problems there are times when access to vital services such as law enforcement, fire and ambulance are limited or non-existent to residents in this area and trains blocking roadways will add to delays in the arrival of these services. There is also a concern with free travel in the area for farmers and residents attempting to utilize the limited routes we have to travel to towns and markets. Placing any of the proposed routes will alter life styles regarding travel and travel time.

There is also a public safety aspect to a rail line. Inevitably, there will be a fatality at one of the crossings and is the financial benefit to SGR/Vulcan worth the life of anyone? Vulcan material may think so but I can guarantee no one in Medina County thinks so. In the recent past, there have been a number of derailments in this area of Texas and I do believe that Union Pacific lines have been involved with most of them. Whom is Vulcan going to contract to build the rail line and will it be of the quality of current rail lines? Increased rail traffic will only increase the chances of more derailments.

As stated above there are two Edwards aquifer water wells on our property. This quarry and rail line will be on the border of the Edwards recharge zone. The make up and characteristics of limestone and the operation of a quarry and the rail operations in that quarry have a great potential to contaminate the wells in the area. Features in limestone allow for water movement and some wells in this area are not very deep. One of the wells on our property hit water at approximately 288 ft. and there are other wells in the area that hit water sooner. It would not take much of a spill from the rail operations area to contaminate the ground water. Vibration from the rail operation not to mention from the

P.O. Box 2689 • Waco, Texas 76702-2689 • 254-772-3030

January 26, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423

Attention: Rini Ghosh
STB Finance Docket No. 34284

Texas Farm Bureau, the State's largest agricultural organization, is pleased to offer these comments on the Southwest Gulf Railroad Company's proposed new rail line in Medina County Texas.

The Supplemental Draft Environmental Impact Statement (SDEIS) has provided an opportunity for interested parties to evaluate the impact of additional alternate rail routes to connect the Vulcan Construction Materials, LP (VCM) limestone quarry to the Union Pacific Railroad Company (UP) rail line near Dunlay, Texas.

Having reviewed the information provided in the SDEIS and the DEIS, it is our opinion that the original Proposed Route (PR) provides the least impacting route for the new rail line to follow. It appears that the PR, as compared to the Alternatives can utilize more available existing rights of way and impact fewer landowners. In addition, the PR appears to allow for greater alignment with property lines thus minimizing the need to bisect productive agricultural land.

Texas Farm Bureau believes that the route that will ultimately be approved, should be the route that has the least impact on the area's farm and ranch land, and utilizes existing rights of way and property lines.

We appreciate the opportunity to provide comments on this important issue.

Sincerely,
Ned Meister
Ned Meister, Director
Commodity and Regulatory Activities

NAM:dp

quarry operation could cause formations in the lime stone to shift causing irreparable damage to wells. There is no other source of water for area residents.

Air quality is of concern due to the health reasons. The transfer of limestone to awaiting rail cars will cause a large amount of dust. Vulcan states that they will use a large amount of water to keep the dust down. That merely compounds the water problem. Using a large amount of water to keep dust down will increase the amount of water seeping into the ground and that water will pick up other contaminants and wash them into our only source of water. The placement of the rail operation in the quarry will allow the prevailing winds to carry any thing airborne from the quarry directly toward my house. Air quality was one of the reasons for locating to this area.

The introduction of SGR/Vulcan into this area is going to cause a major disruption to the wildlife in the area. This disruption is also going to alter the ability of landowner to utilize there land in the manner in which most do. Hunting is a major recreation to folks in this area. For some the disruption of the wildlife will be a financial loss due to the continuous noise and operation of a quarry and rail line. This loss will be felt as a result of encroachment onto property by the rail line as well as the noise and vibration and the encroachment will cause the landowner to loose their ability to utilize their land as they wish. Farmers and Ranchers could feel the impact by loss of revenue from divided property or loss of production by stressed livestock.

The residents in Quihi and the surrounding area like to live a quiet and simple life. They enjoy the country life and do not appreciate a large corporation coming into the area and disrupting their lives. When you sit out on your back porch and throw some beef on the fire, you do not want to look out and see a large rock crusher towering over the live oaks. You do not want to have the peace and quiet removed by the sounds of a diesel locomotive and the sounds of a rock crusher and dynamite.

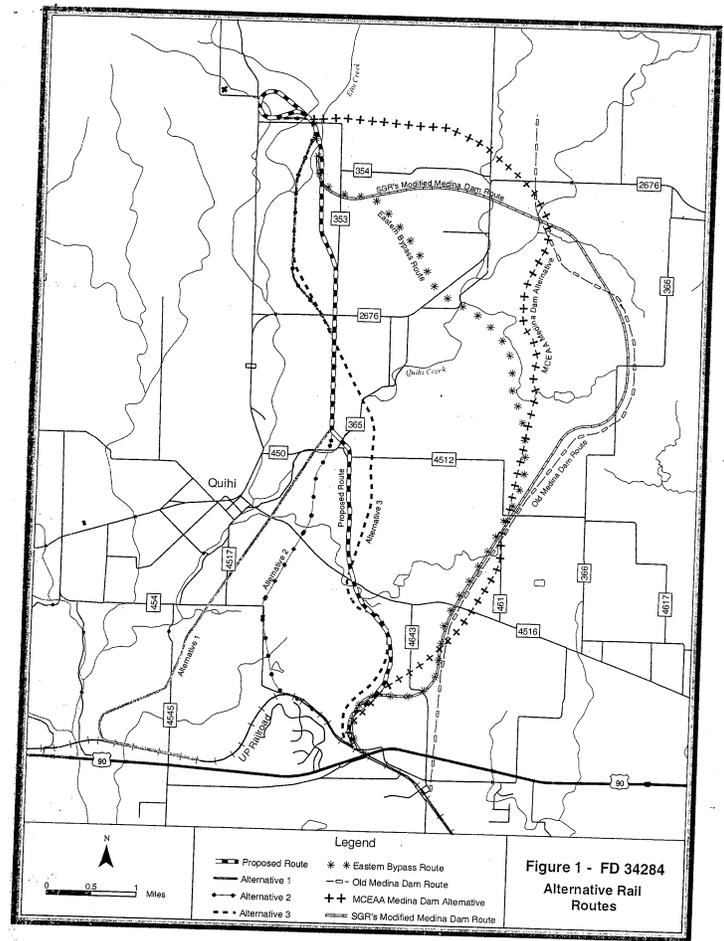
The proposed rail line and quarry is a moneymaker for Vulcan materials and the few landowners whose property the quarry will be on but everyone else in the area will loose. Property values will decrease as well as ability to sell property.

Vulcan Materials is a fortune 500 company and we are citizens of a rural Texas County. Vulcan has the finances and lobbyists to wine you and dine you to help their cause. We however do not have such resources. Your decision in this matter will greatly affect many individuals. A few for the good (Vulcan and quarry landowners) and many for the bad (local residents). This rail line and quarry will have a negative affect on the area for a very long time. You have the ability to stop it and I ask that you consider the thoughts and feelings of all of the residents in the area and make the only right decision and that is to deny SGR/Vulcan the permit to build the rail line.

Thank you for your time and consideration in this matter.

Respectfully,

[Signature]
Sean Feneley



#E1-2789
RS

Attn: Rini Ghosh
STB Docket No. FD 34284
Surface Transportation Board
Washington, DC 20423-0001

received
1/31/07

January 14, 2007

Dear Ms. Ghosh:

My name is Deborah Love and I live in Houston, Texas. My parents live in Quihi on farmland that has been in continuous agricultural operation in the Balzen family for over 100 years.

Because of the continued threat of building a quarry and a railroad in Quihi, about a year ago the village of Quihi became listed as an endangered historical site by Preservation Texas (www.preservationtexas.org/endangered/2006.htm). The rural landscape and many historic sites would be ruined if the railroad is permitted.

Historians recognize the value of this area. It depicts life on the frontier in the mid-1800's when Texas was a republic. Several sites have a state marker and one has both a state and a federal marker. The MCEAA organization has been working very hard to bring out the truth about detrimental issues that would affect these sites.

My wish is to bring the human side to view and for you to listen to the farmers and ranchers fears. Most are hoping that their children and grandchildren would have their rightful heritage. Instead we are being run by boardrooms and big conglomerates which are not really thinking about the human side.

The people of Quihi are very concerned about this area due to its importance to the history of Texas with many properties eligible for listing with the National Register of Historical Places (NRHP).

We do not want a railroad and we do not want a quarry. Let us not lose this heritage!

Cc: Senator John Cornyn
Senator Kay Bailey Hutchison
Texas Representative Tracy King
County Judge James Barden

Yours truly,
orig. signed
Deborah Landrum Love
14365 Cornerstone Village
Houston, TX 77014

#E1-2790
RS

Rini Ghosh
Surface Transportation Board
Case Control Unit
Washington, D.C. 20423

received
1/31/07

Dear Ms. Ghosh:

As a resident of Medina County, I recognize the financial needs of our schools and our county. I also recognize that Vulcan Materials will be paying a significant amount of new taxes to our schools and to our county when its rock quarry and rail line are operating. With that in mind, I ask the Surface Transportation Board to approve the most direct rail route as a means of allowing tax generation to start as soon as possible. If not the most direct route, please allow one of the alternative routes.

Sincerely,

Robert A. Heyon

Kay Heyon

Michael Heyon



January 18, 2007

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Executive Director

Julianne Fletcher

Surface Transportation Board

Case Control Unit

Washington, DC 20423

Attention: Rini Ghosh

RE: Finance Docket #64348

Proposed Rail Line for Medina County Texas

Dear Ms. Ghosh:

It is with great joy that I read the December 2006 Supplemental Draft Environmental Impact Statement prepared by the Surface Transportation Board. Kudos are due to the Section of Environmental Analysis for conducting additional research and fieldwork to consider additional rail routes for the Vulcan Construction Material's project.

As a representative of Preservation Texas, I testified at a hearing in Hondo in February, 2006, regarding the historic resources of the rural Quihi setting. Preservation Texas named Quihi to its Texas' Most Endangered Places List in 2006 because of the threat a truck route or a rail line posed to the historic houses, structures, and farmsteads in its path. The area was intriguing to PT because of the relatively unchanged rural area with remnants from this unique settlement of Germanic/Alsatian-style stone homes and ruins. We saw only the four proposed routes in February and were concerned because all of them looked invasive. It was heartening to read in the December 2006 report that the newly examined Eastern Alternatives appear to have fewer cultural resource impacts than the original four rail routes studied.

The MDEAA Medina Dam Alternative route extending due east from the proposed quarry site before turning south near the intersection of County Road 354 and County Road 265 is a viable option. Though the length of this route is longer than the Proposed Route, the Alternative I, Alternative II, Alternative III, and Eastern Bypass Route, it offers more protection to the National Register eligible resources. Historic resources are not something you can replace as you can replant a young tree to replace an old one. These resources tell the story of how Quihi came to be and no photographs in a book or words on a page can tell the story like the actual site.

Preservation Texas supports the choice of the Medina Dam Alternative route because it crosses fewer floodplains and has the least negative impact on historic resources and the broader landscape of the rural historic districts.

Sincerely,

Julianne Fletcher
Executive Director

PRESERVATION TEXAS, INC.
P. O. Box 12832
Austin, Texas 78711

Voice: 512-472-0102
FAX: 512-472-0740
Email: info@preservationtexas.org

A Statewide Partner With The National Trust For Historic Preservation
www.preservationtexas.org

#E1-2791
RJ

Received
1/31/07

Surface Transportation Board
Incoming Correspondence Record

#E1-2792

Table with columns: E-Filing Correspondence Information, Status: New, Recorded by: Rini Ghosh on 02/01/2007. Includes fields for Docket #, Name of Sender, Group, Attention Of, Date Received, Date of Letter, Group's Address, Group's City, Group's State, Affiliation, Letter Type, NEPA Type, In Public Docket?, Phone Number, Email Address, Group's Zip Code.

Submitter's Comments

I would like to bring the following article in the San Antonio Express-News and clips from KENS-5 TV to your attention. I would further urge your agency's participation in the field hearings this summer regardless of whether you find that it implicates this case, which in many ways it does.

http://www.mysanantonio.com/news/metro/stories/MYSA013007.trainhearings.KENS.36ee695a.html

http://www2.mysanantonio.com/multimedia/video/VideoPlayer/includes/gen_nod_wm.cfm?ids=43682,43669

STB's Comments

Image Attachment(s)

December 30, 2006

John Weiblen
26003 Copperas Lane
San Antonio, TX 78260

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Dear Ms. Ghosh:

The Weiblen Family requests three points on record of consideration in response to the recent distribution of the Supplemental Draft Environmental Impact Statement (SDEIS) for Southeast Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The first is the inaccurate interpretation of the proposed Weiblen Modification, second is the cultural significance of the rural operations in existence, and third is the economic impact of the eastern routes.

SDEIS Inaccuracy

In paragraph five of section 2.5 in the SDEIS, the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) states:

In addition, if SEA were to modify routes to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners - which is what is being requested here - the environmental review process could become endless, since the number of modifications and alternatives that SEA could be requested to study could be potentially limitless.

This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

Also, the interpretation of the Weiblen Modification as stated in paragraph five of section 2.5 of the SDEIS is inaccurate. The Weiblen Family is not suggesting shifting the burden of the railroad path onto alternate landowners. Instead, the Weiblen Family is suggesting that the railroad path be shifted onto the west side of the Weiblen Family land, which creates the least impact to the Weiblen Family farm. This route stays on the Weiblen Family land while having the least impact on its sprinkler systems. Thus, the Weiblen Family is willing to work with the SGR and create a proposal that is acceptable to both parties if an eastern route is chosen.

#E1-2793
RJ

Received
2/1/07

The Weiblen Family requests corrections to paragraph five of section 2.5 in the SDEIS to reflect the true intent of the Weiblen Modification. In addition, the Weiblen Family requests the Final Environmental Impact Statement (FEIS) includes a statement that no additional environmental study is required if the Weiblen Modification is chosen, on the basis that the environmental impact of the Weiblen Modification is no different than any of the other eastern routes. If an environmental impact study is indeed required, the Weiblen Family requests the study be included in the FEIS in order for its consideration as a viable option by the Board.

If neither of the above Weiblen requests is honored, then all eastern routes should be removed from the FEIS.

Cultural Impact

Paragraph eight of section 5.3 in the Cultural Resources states that the remaining portion of section 5.3 takes into account the cultural impact of the change in size and shape of fields and the bifurcation of farms, which in fact it only takes into account some farms and ranches, specifically those with historical buildings on them.

All farms and ranches in the area are built on the rural culture on which Quihi was founded. The detriment of these farms would aid in the deterioration of the rural way of life that attracted settlers to the area. Some of these farms and ranches have been in continuous operation by the same family since the 1940s, and this fact was not taken into account when assessing the cultural impact of the eastern routes.

The Board also needs to take into account that the eastern routes are longer, and therefore has a larger cultural impact since they affect a greater portion of land and landowners.

The Weiblen Family requests that the SEA reassess the cultural impact of the eastern routes taking into account all of the aspects of cultural impact, not only the historical buildings.

Economic Impact

The Weiblen Family wants to again document that the proposed eastern routes destroy some of the economic value of family farms and ranches in the area and will likely put some of them out of business. Since the removal of the original Medina Dam Railroad in 1912, the farmers and ranchers in the area have spent significant resources making improvements to their property in order to compete in the low margin farming and ranching industry. These improvements include: years of clearing, leveling, and fertilizing the land; drilling irrigation wells and establishing a network of piping and valves to distribute water across the land; purchasing and installing sprinkler systems to reduce water usage, protect natural resources, and reduce operating costs; and reinvesting all profits to increase the size of equipment and parcels of land to reduce inefficiencies.

The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern

#E1-2794
RA

December 30, 2006

Tammy Weiblen
26003 Copperas Lane
San Antonio, TX 78260

*Received
2/1/07*

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

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routes ineffective. The most significant is the interference with the large sprinkler systems. Without the coverage of these large systems, the farms would not be able to maintain the small margins that they use to keep these systems operable. The solution normally proposed to address this issue is to add additional sprinkler systems on the other side of the railroad. However, this solution would more than double the amount of maintenance and labor to keep the system operational and require additional piping and valves. Also, the railroad path would have to be at the perfect location relative to the sprinkler system and run straight across the affected land in order to have similar coverage.

The other significant improvement rendered ineffective is the investment in increasing the size of equipment and parcels of land. The railroad would divide the land into smaller parcels making the larger equipment impractical. The landowners would have to revert back to smaller equipment, which reduces operational margin. The smaller land parcels would require additional land lie fallow in order to provide access to the ends for maneuvering equipment which reduces margins. The smaller land parcels require additional time spent turning equipment around, which is nonproductive and again reduces margin. The eastern routes will create some parcels of land impractical for farming or ranching purpose.

Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes will eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

Summary

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,

John Weiblen
John Weiblen

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The Board also needs to take into account that the eastern routes are longer, and therefore has a larger cultural impact since they affect a greater portion of land and landowners.

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The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern

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Summary

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,

Tammy Weiblen
Tammy Weiblen

To: Members of the Surface Transportation Board
of the U. S. Department of Transportation
Case Control Unit

Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

January 26, 2007

Members of the Surface Transportation Board:

We thank you for sending us the two volumes of the Supplemental Draft Environmental Impact Statement which we received recently. The entire contents gives evidence of the thorough manner in which your board investigated and commented on every aspect of the Southwest Gulf Railroad Company's proposed plan for construction of a rail line in Medina County, Texas.

We have followed closely the project originated by Vulcan Materials and Mining which proposes to operate a quarry in the rural area north of Quihi, Texas. It is our opinion that a rail line is absolutely necessary to move the aggregate from the quarry site to a major rail line which already exists approximately seven miles to the south. Using trucks to carry this amount of material on our rural roads would cause extreme hardships and many complications for persons living and/or working in this area of our county. Also a railroad built soon would offer transit for future economic growth in this region.

It was written in Volume 2 of your recent publication, "As milled lumber became more readily available with the arrival of the railroad in 1881, settlers seeking to shield their houses from the harsh Texas sun often added front porches." We must not forget the favorable influence which railroad transportation has had on all of this county, including improvements in the historic buildings in the settlements of Quihi and New Fountain. If progress in Medina County is not encouraged, we are not contributing to our ancestors' goals to use what occurs in nature to better provide for the needs of our society. Most forms of transportation and much construction rely on continuing supplies of the limestone aggregate to be quarried by Vulcan Materials.

Prior to receiving a permit to construct this railway, Vulcan Materials submitted several routes which were to be considered by you. Since that time other individuals and groups have offered suggestions for various other courses which could be followed. We feel that the original route proposed by Vulcan Materials is far more desirable for this region than any other plan presented at this time. Our grounds for this choice are as follows:

1. This path offers the straightest, most direct means of joining the sizeable railroad already in place. The distance involved would reduce the burden of extensive tracks layed across this treasured land when compared to alternate routes to the east.

#E1-2796
RQ

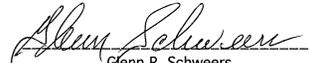
2.

2. Fewer roads would be affected by railroad crossings, resulting in safer travel in the area. We trust that any and all crossings will be easily identified with proper warning signals and respected by anyone who has driving experience. Also, fewer crossings will offer minimal obstacles for fire trucks, ambulances, and other emergency vehicles to contend with when they are needed.
3. Limited railroad tracks and crossings would minimize the number of drainage tracts to be examined and dealt with to reduce worries about flooding. However, well-engineered rail lines will follow guidelines of federal and local water management agencies and should not contribute to flooding concerns.
4. The anxiety about this preferred route affecting valued historical structures and sites was not demonstrated before Vulcan Materials proposed their quarry and preferred route. In fact, Vulcan began to assist in the restoration of an historical home and nearby cemetery dating to the 1800's, prior to Quihi becoming an "historical village." Historical structures and districts dating to the 1700's are located beside and near railroad tracks throughout earlier settlements of America.
5. At this time Vulcan Materials is already the owner of several portions of land through which their proposed route would travel.
6. Many other persons have shown support for a choice made by Vulcan Mining. Most people who are in favor of eastern routes do not live nor work in those locations. It often has become a matter of, "Somewhere else, 'Not in my back yard.'" Our family currently works in farming and ranching on three parcels of land in the proposed quarry region - one of which has been in our family since the 1800's.

We are not in the minority where some would place us because we do not burden your membership with repetitive correspondence. It is our belief that once our point of view is stated, we need not restate our feelings with numerous communications to your office. At this time we appreciate your provision for another 45-day public comment period. We trust you will accept our ideas as a vote for the Southwest Gulf Railroad Company's proposed route for a rail line from the planned Vulcan Materials and Mining site to the Union Pacific line in Medina County.

Thank you for your continued attention and generous time spent in the comprehensive study of this venture.

Sincerely,


Glenn R. Schweers


Mary Jo Schweers

2602 Avenue K
Hondo, Texas 78861

To: Members of the Surface Transportation Board
of the U. S. Department of Transportation
Case Control Unit

Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

January 26, 2007

Members of the Surface Transportation Board:

We thank you for sending us the two volumes of the Supplemental Draft Environmental Impact Statement which we received recently. The entire contents gives evidence of the thorough manner in which your board investigated and commented on every aspect of the Southwest Gulf Railroad Company's proposed plan for construction of a rail line in Medina County, Texas.

We have followed closely the project originated by Vulcan Materials and Mining which proposes to operate a quarry in the rural area north of Quihi, Texas. It is our opinion that a rail line is absolutely necessary to move the aggregate from the quarry site to a major rail line which already exists approximately seven miles to the south. Using trucks to carry this amount of material on our rural roads would cause extreme hardships and many complications for persons living and/or working in this area of our county. Also a railroad built soon would offer transit for future economic growth in this region.

It was written in Volume 2 of your recent publication, "As milled lumber became more readily available with the arrival of the railroad in 1881, settlers seeking to shield their houses from the harsh Texas sun often added front porches." We must not forget the favorable influence which railroad transportation has had on all of this county, including improvements in the historic buildings in the settlements of Quihi and New Fountain. If progress in Medina County is not encouraged, we are not contributing to our ancestors' goals to use what occurs in nature to better provide for the needs of our society. Most forms of transportation and much construction rely on continuing supplies of the limestone aggregate to be quarried by Vulcan Materials.

Prior to receiving a permit to construct this railway, Vulcan Materials submitted several routes which were to be considered by you. Since that time other individuals and groups have offered suggestions for various other courses which could be followed. We feel that the original route proposed by Vulcan Materials is far more desirable for this region than any other plan presented at this time. Our grounds for this choice are as follows:

1. This path offers the straightest, most direct means of joining the sizeable railroad already in place. The distance involved would reduce the burden of extensive tracks layed across this treasured land when compared to alternate routes to the east.

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RQ

2.

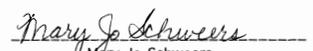
2. Fewer roads would be affected by railroad crossings, resulting in safer travel in the area. We trust that any and all crossings will be easily identified with proper warning signals and respected by anyone who has driving experience. Also, fewer crossings will offer minimal obstacles for fire trucks, ambulances, and other emergency vehicles to contend with when they are needed.
3. Limited railroad tracks and crossings would minimize the number of drainage tracts to be examined and dealt with to reduce worries about flooding. However, well-engineered rail lines will follow guidelines of federal and local water management agencies and should not contribute to flooding concerns.
4. The anxiety about this preferred route affecting valued historical structures and sites was not demonstrated before Vulcan Materials proposed their quarry and preferred route. In fact, Vulcan began to assist in the restoration of an historical home and nearby cemetery dating to the 1800's, prior to Quihi becoming an "historical village." Historical structures and districts dating to the 1700's are located beside and near railroad tracks throughout earlier settlements of America.
5. At this time Vulcan Materials is already the owner of several portions of land through which their proposed route would travel.
6. Many other persons have shown support for a choice made by Vulcan Mining. Most people who are in favor of eastern routes do not live nor work in those locations. It often has become a matter of, "Somewhere else, 'Not in my back yard.'" Our family currently works in farming and ranching on three parcels of land in the proposed quarry region - one of which has been in our family since the 1800's.

We are not in the minority where some would place us because we do not burden your membership with repetitive correspondence. It is our belief that once our point of view is stated, we need not restate our feelings with numerous communications to your office. At this time we appreciate your provision for another 45-day public comment period. We trust you will accept our ideas as a vote for the Southwest Gulf Railroad Company's proposed route for a rail line from the planned Vulcan Materials and Mining site to the Union Pacific line in Medina County.

Thank you for your continued attention and generous time spent in the comprehensive study of this venture.

Sincerely,


Glenn R. Schweers


Mary Jo Schweers

2602 Avenue K
Hondo, Texas 78861

Some original attachments
submitted in larger size or
in color.

FD 34284

#E1-2777

RS

Victoria Rutson, Chief
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Surface Transportation Board
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received
1/31/07

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Victoria Rutson, Chief
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January 27, 2007

RE: Surface Transportation Board docket 34284, Southwest Gulf Railroad Company

Dear Chief:

As one of the listed "Consulting Party" organizations, please list all of the instruments enclosed herein as part of the written comments submitted by the Tap Pilam Coahuiltecan Nation.

The Payaya are the native, indigenous people of South-Central Texas whose traditional homelands extend outward from the sacred headwaters of the Yanaguana (refreshing waters.) This body of water is now known as the San Antonio River. Together with all the bodies of water that drain into the San Antonio River, such as the Rio Medina, the Rio Leon, and other less known streams, these water ways were all sacred to our ancestral peoples. Our traditional creation story tells us that we come from these springs, even though some springs have presently become dry. Like the springs that flow out of the earth, we are also traditionally called the Tap Pilam: People of the Earth.

This letter serves as formal protestation against the issuing of a permit by the Surface Transportation Board styled as Finance Docket No. 34284.

The Surface Transportation Board is a federal agency that has jurisdiction over the issuance of any railroad line or railroad line improvement. As such, this federal agency has a ministerial duty to take in comments from potentially affected parties. The Tap-Pilam Coahuiltecan Nation, through its tribal council, formally asks that the Surface Transportation Board take judicial notice to the documents submitted to the Board for its review. In Texas, judicial notice is governed by Vernon's Texas Rules Annotated-Rules of Evidence, Rule 201-Judicial Notice of Adjudicative Facts. In the federal jurisdiction we are relying on Federal Rules of Civil Procedure, 44- Proof of Official Record and Federal Rules of Civil Procedure, 44.1-Determination of Foreign law, and Article II Judicial notice, Federal Rules of Evidence 201-Judicial notice of Adjudicative Facts.

By way of background information on the Tap-Pilam Coahuiltecan Nation, we submit the following:

1. **Vernon's Texas Rules Annotated Rules of Evidence, Vol. 7 Judicial Notice, Rule 201.**

2. **Draft Environmental Impact Statement. Finance Docket No. 34284 Vol. III - appendices G-I by Surface Transportation Board** reported on page 71, letter from **Tap Pilam Coahuiltecan Nation**, February 4, 2004. This letter gave the Tap-Pilam Coahuiltecan Nation consultation and interested party status with the Board.
3. **Reassessing Cultural Extinction: Change and Survival at Mission San Juan Capistrano, Texas, edited by Alston V. Thoms, 2001.** This instrument, which consists of 20 pages, is listed as Appendix H, Selected Letters and Documents. These documents are a chronology of over 30 years of efforts by this tribe in repatriating ninety-two Coahuiltecan remains exhumed by the Texas Historical Commission in conjunction with The Witte Museum and the Roman Catholic Church.
4. May 09, 1995, **letter from Florida Tribe of Eastern Creek Indians to the Tap Pilam Coahuiltecan Nation** requesting that we take passion of some Texan Indian remains located in Bruce, Florida. Since it was determined by the Creek Indians that these remains were, in fact, Texas Indians, the Coahuiltecan Indians took possession of these remains and interred them in the Comanche National Cemetery, Fort Hood, Texas.
5. **Reassessing Cultural Extinction: Change and Survival at Mission San Juan Capistrano, Texas, edited by Alston V. Thoms.** These papers are excerpted from this report and describe how the Tap-Pilam Coahuiltecan Nation finally repatriated nine-two Mission Indians at Mission San Juan Capistrano in San Antonio, Texas.
6. **A.D. 1870 map of Quihi, Texas,** taken from the James Allison Survey and the Rudolph Schorobny Survey. An important feature is located on the Rudolph Schorobny Survey which has been identified as the location of a burial site of some 18-20 Native Americans. This unmarked cemetery is now claimed by the Coahuiltecan nation as being culturally affiliated to our native people.
7. A copy from the archivist Alfred Rodriguez verifying that these documents are held in the Spanish Archives of the County Clerk's Office in Bexar County, San Antonio, Texas. He indicates that the attached information is taken from an "informal catalogue of the Red Numbered Miscellaneous Folders located in the Spanish Archives of the Bexar County Courthouse" compiled by Robert L. Tarin, Jr., 1991. Amongst the Red Folders we have an index that is entitled Land Grants and Sales. Land Grants and Sale Number 311 is from a Father Refugio De La Garza, grantee, and the grantors are Antonio Garcia and heirs, dated January 16, 1833. Attached to this document is Sale of Eleven Sitios of Land by Antonio Garcia and heirs to Refugio De La Garza, 1833. As the document is written and filed forever and ever, it turns out that this was an invalid sale. Refugio De La Garza was the priest in charge of the Parish Church at San Fernando in the village of La Villa de San Fernando, which later became known as San Antonio. The ancient Recopilacion De Las Leyes De Las Indias forbade trustees, which was the role that Father Refugio De La Garza played, from ripping off the persons for whom he held either money or land or goods in trust. He was supposed to administer these eleven

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Victoria Rutson, Chief
Office of Economics, Environment Analysis and Administration, STB

Sitios for the benefit of the survivors and the still remaining Mission Indians that were at Mission San Jose and all the other Missions in San Antonio after 1794. The final secularization of the lands and goods and property of all the Missions took place in 1824 and the priest at San Fernando was placed in charge of distributing and administering these properties, handling the Indians' money for them, making cattle sales, vegetable sales, and every kind of sale. It so happens that the western boundary of the rancho belonging to San Jose Mission was ceded to them by the Spanish crown, November 18, 1766, as a result of a lawsuit entitled Castelo v. Mission San Jose. The priest in charge at Mission San Jose was Father Pedro Ramirez de Arrellano, O.F.M. He was successful in keeping the land in the name of the Mission Indians, at least for a period of time. Instead of properly administering the secularization of the lands, Father Refugio De La Garza simply stole these lands from the proper owners.

See document that reads sale of eleven sitios of land by the priest, Father Refugio De La Garza, to a General John McMullen dated 1834. The sale took place in July, 1834, for the amount of one-thousand-one-hundred pesos. This involves the area of Quihi because the western limits of Rancho San Lucas was the area of a creek immediately east of Quihi and all the way south through San Lucas Springs, which are still there today.

Spanish Archives, Spanish Book No. 2, page 263, dealing with Domingo Castelo lands. Don Castelo simply took adverse possession of the lands of Rancho San Lucas and claimed it as his own. The Supreme Court in Mexico City issued a decree dated November 18, 1766 which invalidated Domingo Castelo's claim to Rancho San Lucas land. What is interesting about this document is that he is listed as Senor Gobernador Y Capitan General Domingo Castelo natural de los Reinos de Castilla, no exact date found, on or about 1772, in the Bexar Archives.

8. **An informal catalogue of the Red Numbered Miscellaneous Folders located in the Spanish Archives of the Bexar County Courthouse, San Antonio, Texas,** taken again from the Tarin Collection, dated 1991. The most important document that is attached to this report is taken from the General Land Office Holdings file stamped date February 16, 1983, which is the date it was obtained from the General Land Office Holdings. It is part of the law suit, once again, styled Domingo Castelo v. Mission San Jose. The copy of the title of lands granted by the government of Spain to the Indian community of the Mission of San Jose situated on both sides of the Rio Medina, Eleven Leagues Grant, dated November 18, 1766. It is further certified by the land commissioner in Austin, related to the dispute between Don Domingo Castelo against the Reverend Father of Mission San Jose and his Mission Indians.

The relevance of all these Spanish land grants and Spanish deeds are to establish the fact that the lands around Quihi and leading up to Quihi from the east, from San Antonio, all pertained to the Mission Rancho of San Lucas that stayed in possession of the Indians until 1834 when Refugio De La Garza essentially dispossessed these original grantors of their lands.

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Victoria Rutson, Chief
Office of Economics, Environment Analysis and Administration, STB

We have submitted a full copy of the thirty page report which is Special Publication No. 1, published by the Southern Texas Archeological Association dated 1975, authored by T. N. Campbell, entitled "**The Payaya Indians of Southern Texas.**" We submit this into evidence specifically because it is very difficult to give a thumb-nail sketch of any group of Indians, let alone, one that has such a lengthy history in the area of San Antonio, the Rio de San Antonio, the Rio de Medina, and the Leon Creek. For the Payayas, this was their principal lands, occupation sites, camp sites, hunting grounds, burial places, which led all the way up to and even beyond Quihi. No doubt, there are multiple burial sites approaching Quihi, within Quihi, and beyond the Camino that was called at time El Camino del Camion that runs through Quihi.

We have also submitted into evidence **Hunter-Gatherer Mortuary Practices during the Central Texas Archaic** by Leland C. Bement. This is an excellent account of the type of people the Payaya were. They were hunter-gatherers in their culture hunting buffalo, deer, wild pigs and all the naturally occurring game wildlife in and around Bexar and Medina counties. The hunter-gatherer mortuary practices are very relevant, the Edwards Plateau of Central Texas is known for its long sequence of prehistoric hunter-gather societies. Beginning over ten thousand years ago, this band-society mode persisted in Texas until the arrival of the Spanish in the 1500's, even though neighboring groups such as the Caddoans to the east, Puebloans to the west, and Plains Villagers to the north became sedentary and adopted corn agriculture. Five centuries before European contact, subsistence procurement systems, technology, and settlement patterns of the Edwards Plateau hunter-gatherers had been reconstructed through the study of the material culture uncovered by eight decades of archaeology investigations in Texas.

We submit into evidence a work by the famous artist, Mr. Jose Cisneros, entitled **Riders across the Centuries- Horsemen of the Spanish Borderlands** with a biography by John O. West. Many readers of this report may not be familiar with Spanish Colonial History and we submit these renderings by Mr. Cisneros with a brief explanation of the priest: the attire of the priest cited on page 94 is exactly what Father Refugio De La Garza would have worn while carrying out his priestly duties in San Fernando, which is present day San Antonio. Domingo Castelo would have looked like the Spanish Officer early 18th century featured on page 55 of this book. The Franciscans that ran all the Spanish Missions in San Antonio would have dressed exactly like the priest featured on page 78 with an Indian riding on a mule. Based on their religious rule, the priests or friars were not allowed to ride horses or mules. The horse or mule was to be led by a rope instead of riding the animal. Finally, a fact that may be little-known by many involves the Mission Indian Vaquero. Vaquero is a term used in the south for cowboy. This may be perceived as a contradiction in terms: the first cowboys in San Antonio and Texas were Indians and would have appeared like the picture featured in his riding gear on page 93 of this report.

We now submit into evidence documented series number 7, **Letters and Memorials of Fray Mariano de los Dolores Y Viana, 1737 - 1762,** from the Old Spanish Missions Historical Research Library of Our Lady of the Lake University of San Antonio, Texas, dated 1995. We submit this into evidence to show that at least on two separate occasions the Mission Indians, mostly the Indians at Mission San Antonio de Valero, actually were responsible for saving the fledgling village of San Antonio known in the colonial period as La Villa de San Fernando. There was an attack by Apaches on September 18, 1731, and they were repelled by the Valero Mission Indians. A second attack was

made during the night of June 30, 1745, where 350 Apaches, including women and children, attacked the settlement, and again, the Mission Indians fought them off and saved the town. What makes this account relevant to the Quihi site is that the Apaches came through a road, El Camino del Cañon that goes right through Quihi. When they were chased away by the Spanish Mission Indians, the Apaches retreated by way of Quihi back up into the Apacheria.

We submit **Reassessing Cultural Function: Change and Survival at Mission San Juan Capistrano, Texas**, edited by Alston V. Thoms, dated 2001. We included this in the record because there is dispute and uncertainty as to from whence came the name Quihi. There were Mission Indians living in the Missions in San Antonio, some of which our Tap-Pilam Coahuiltecan Nation members descend from people like Jose Diaz, Coronado Rivera and Jose Maria Rivera. Their Indian band was called Pamaque-Piquique and is also spelled Pihuique. If you use the English pronunciation of Pihuique, there is great similarity to the name Quihi.

We submit all this seemingly unrelated data because all of it is related to the historiography of the area of Quihi as it applied to the Mission Indians and the pre-Mission Indians of Bexar and Medina Counties.

We submit now **Putnam's Geology**, 3rd Edition, by Peter W. Birkeland and Edwin E. Larson, Oxford University Press, 1978. Because the area of Quihi has been described as a karst region, we submit this into the record as a similar instance of other areas that are made of these types of gravels and limestone formations that are affected and shaped and reshaped by underground aquifers.

We submit the **Explorers' Texas-The Lands and Waters**, by Del Weniger, former director of Biology Department at Our Lady of the Lake. In that, the first photograph featured is captioned Theodore Gentilz: Camp of Indians. While Gentilz never details the grassy vegetation of the prairie, he paints an aesthetic village scene with scattered trees of the prairie. This photograph is provided courtesy of The Witte Museum, San Antonio, Texas. It is relevant because on or about 1842 this very group of Indians, possibly Apache, was massacred by members of the early Texas Rangers who were known Indian fighters. There is some suspicion that this attack was, if not directed by, certainly carried out with the authority of an early Texas Ranger by the name of Jack Hayes. The massacre of Indian settlements in Texas during that era were commonplace. It is described as the boldest and most concentrated of Indian invasions on Texas and the deepest into the heart of Texas soil occurring in August of 1840 and culminating in the Battle of Plum Creek. These hostilities and hysteria overtook almost all the white settlers around San Antonio, Austin, and down towards Lavaca and Victoria. For some reason, the official policy then was the only good Indian in Texas was a dead Indian. The fact that they massacred these Indians on the road to Quihi makes it relevant. Once again, Professor Weniger's writing describes the area of Quihi in his book, *Explorers' Texas-The Lands and Waters*. On page 144 it reads thus, Captain French left us the best report on Hondo Creek and its branches. Experienced as he was as he moved west through Medina County in June of 1849, he wrote: "from Castroville, the road leads over some gentle hills, and thence through a tract of land pretty well timbered, until it opens out to Hog Wallow prairie...beyond this prairie is an elevated ridge, and the top of which, spread out before him, the traveler sees the beautiful valleys of the Quihi and the Hondo, pent in by blue hills in the distance. The valley of the Quihi is sparsely covered with timber, principally mesquite and oak...in midsummer the spring ceases to flow, but the water at intervals collects in never failing pools...on reaching...the Hondo, however, we find it but the dry bed of a

river with occasional ponds of water rising from the Hondo the road stretches over a prairie country to the Seco crossing a hog wallow that we found nearly impassable." This is quite an accurate description of the beauty and topography of the area around Quihi all of which is now in jeopardy by the permitting of this blasting quarry that they are going to create just north of Quihi.

We now make reference to the **Texas Speleological Survey entitled Overview of Texas Caves and Karst** by William R. Elliott, Ph.D. The relevant parts of this study are as follows: at least 9,000 caves, sink-holes and springs are known in Texas, distributed in karst regions covering about 20% of the state. Karst is a terrain formed by the dissolution of bedrock, and generally is characterized by sink-holes and caves that channel water underground. Texas caves and karst aquifers are important, economic, scientific, and recreational resources. As in the area in the immediate environs of this soon to be rock quarry that will be blasted and excavated to the point of scarring the land irreparably.

We have also included an article entitled **Cenoté**. The ancient Mayans pronounced this word, "Tzonot". A cenoté is merely a sink-hole that dots the limestone terrain mostly in the area of the Yucatan. They are also found in Florida and in the complete area that encompasses our Edwards underground aquifer, which of course, runs under Quihi and is in the recharge zone of the Edwards underground aquifer. So blasting and introducing contaminants like Benzene and other chemicals that are contained in these explosives can only harm the surface water and the underground aquifer and create possibly a large plume of contamination that we do not have now but expect to have with this gigantic blasting to be done by Vulcan Industries north of Quihi in order to obtain surface road fill and other uses of the karst limestone.

Another reason why the area of Quihi is sacred to us is that these sink-holes may contain ancient burials. Dr. Hester has already identified burials (work in progress.) In the cenotés of the Mayan country and other cenotés or karst regions of Texas there have been found many meters in depth of sink-holes alternately filled with burials, layers of stone, and more burials, and then more layers all the way up to within four-to-six feet of the top of the sink-hole. For this reason, those sink-holes that have already been identified and those that have yet to be identified in Quihi are sacred and we claim cultural and religious affiliation to these cenotés. Additionally, in the area of Quihi, Medina County, there is a plant called Croton Fruticulosus, common name Bush Croton, common Spanish name Encinilla, Hierba Loca. This is a plant that does bloom in the area of Quihi. The Mexican farm workers that still live there today use the non-poisonous species of this plant to brew tea from the leaves and upper portions of this Croton Fruticulosus. Moreover, we know from our historic records that the missionaries describe the Indians going to that area and obtaining this Bush Croton, and boiling the roots from which yielded scarlet red paint. This paint was used to paint their bodies, faces, their horses, and their shields. So the source of the red paint came from the Quihi area. We give you this data in order to further establish a cultural and religious affiliation with the areas of all those creeks, Quihi Creek, Chacon Creek, the Medina River, and the Hondo River and all the way to the Rio Frio. Those were the Payaya lands we occupied for a millennium.

By way of further documentation of the presence of the Payaya Indians in the area of Quihi, we refer to the exhibit entitled **Preliminary Studies of the Texas Catholic Historical Society, Vol. I, March 1930, Number 3, Espinosa-Olivares-Aguirre Expedition of 1709** by Reverend Gabriel Tous, T.O.R. During this expedition on Wednesday, April 10, the chronicler cites, "passing some small villages filled with mesquite clumps and oak groves we came to the arroyo called Chilitpique which

was dry." Notice the last two syllables of this word, pique. Might this be the source of the name Quihi? Moreover, his diary further reads on Thursday, April 11, "we set out from the set place towards the east in search of the Medina River which we reached and crossed on the opposite bank, in a clearing, along the river, we found the Rancharia of the Payayas who were not numerous. Moreover, on Friday, April 12, 1709, we moved on to the east to a plain, and at a distance of three leagues, not far from the river, met some Payaya Indians. Later we met five others of the Pampoa tribe, who were going to the Rancharia of the Payayas." This report also includes in it the map of the Espinosa-Olivares-Aguirre Expedition of 1709.

We have included a map dated 1870 entitled **Map of John McMullen Grant**. The outline on this map is the actual meets and bounds of the eleven league Rancho of San Lucas belonging to the Mission San Jose and its Indians. Special mention is given to the late Miss Ann Davis of Hondo, Texas, from where we obtained a copy of this map, as a part of her estate. We thank her and her sister Lucy Davis, who is still living in the Hondo area, for their contribution to our efforts of this wonderful map.

We also include a master's thesis produced in August, 1952, by Irma M. Benavides, in completion of her master's degree. In it she wrote a paper entitled **Route Through Texas Followed by the First Column of the Army of the Mexican Republic, Commanded by Brigadier General Adrian Woll, Commander of the Second Division, and made by his quartermaster, Captain of Sappers, Colonel Jose Maria Carrasco, and August 24, 1842**. The relevance of this document includes that this report dated 1842 before the formal establishment of the town of Quihi, he mentions Quihi in his military campaign report. On the 9th day of March we quote "the march was continued through a forest of mesquite, leaving Quije Lake," the spelling used by this Mexican, "to the left and following a north, northeast direction. Quije plain was crossed, and, turning to the east, Medina River was reached at 5:00 p.m. after having traveled seven leagues in the first direction, and two leagues toward the second. The river was crossed, etc." It's interesting to note that even before the foundation of Quihi in 1845 by the Alsatiens who came with Henry Castro's Colony Empresario Grant that founded Castroville, Quihi was already being mentioned. This was because it was the main road, which later became known as Woll's Road, (remnants of which still exist in present-day Quihi dating from the period of just up to the Battle of the Alamo in 1836, a time when the Mexicans returned in an attempt to retake San Antonio in 1842 under the Woll invasion of Texas).

Because it is relevant, we also include **"Primeras Exploraciones Y Poblamiento De Texas (1686-1694)"** by Fray Lino Gómez Canedo O.F.M., printed by Publicaciones del Instituto Tecnológico Y de Estudios Superiores de Monterrey, Mexico, 1968. This report by the Franciscan Father Lino indicates the diary that was kept by the founders who named the Rio de Medina, Alonso de León in his entrada of 1689, on Holy Monday after Easter Sunday. He describes it as "topamos con un rio bien grande aunque no con mucha agua y con bien bado para pasarle; le pusimos por nombre el Rio de Medina." It is also noted in this diary that on Tuesday after Easter Sunday, while traveling further down the road, it notes thus, "la tierra fue muy sertil de pastos y a causa de haber allado cerca de este arroyo un león bien disforme, muerto, le pusimos el Arroyo del León." This is just some of the historiography of the areas and the roads leading through Quihi dating back to pre-contact periods. Apparently the terrain was such that travelers naturally followed it, which consequently took them by way of Quihi. So too did almost all the earliest explorers, certainly all the Mexican explorers, during

the period when Texas was called the El Estado Libre de Coahuila y Tejas, up to the Republic period and finally statehood and beyond. All the roads that led to San Antonio first passed through Quihi.

For the sake of brevity there will be no separate synopsis of every map contained in the map folder which is part of this formal report to the Surface Transportation Board. The maps are self-explanatory. They are placed in this document to illustrate the roads dating back from 1845 and beyond.

We have identified the route of the road that came through Quihi called Camino del Cañon. This road was named thus because the Mission of San Antonio de Valero, The Alamo, and the Village of San Fernando, later named San Antonio, connected to all the missions and the road that connected us in San Antonio to the missions located on the lower Nueces which were transplanted from the San Sabá River in 1762. That area of the Nueces River is called El Cañon, thus the name El Camino del Cañon. We rely on a map describing the boundaries of the Provincia de Tejas and bounded by the Provincia de Coahuila. The boundary line for these two ancient provinces of New Spain was the Rio de Medina. We cite here Vito Alessio Robles in his work called **Coahuila y Tejas en la Epoca Colonial**, in 1991, the Texas State Department of Transportation (TXDOT) published a **Texas Legacy-The Old San Antonio Road and the Caminos Reales-A Tricentennial History, 1691-1991**. This is an excellent study from which we extracted map figure number 20 on page 145, an enlargement of the meets and bounds of the Rancho San Lucas. A question mark can be seen on the dotted line which is a road leading to a crossing on the Medina. That was the road called the El Camino del Cañon later known as Woll's Road, which makes the Spanish Colonial history relevant to Quihi. Page 151, figure 21, is a further example of the delineation of Rancho San Lucas, El Atascosa Ranch and the Rancho belonging to Ignacio Perez, all from Spanish Colonial Period and again, the Medina River up to Castroville and Quihi were the western boundaries of these large settlements and ranches.

We have no date or source for the map that describes the names of some of the major early Texas tribes. Especially notice along the Balcones Escarpment west of San Antonio are the Payayas which is the group from which we descend and are proud to be descendants from.

There was a Spanish book that was translated into English by Franciscans Father Benedict Leutenegger and Father Marion Habig, entitled the **Zacatecan Missionaries in Texas, 1716-1834**. Of the excerpts from the **Libros De los Decretos of the Missionary College of Zacatecas 1707-1828**, is extracted the composite map of the New Spain in the 18th Century which shows the province of Coahuila which is adjacent to the province of Texas, and after 1749, the province of La Provincia de Nuevo Santander. The Medina and the Nueces were boundaries to these provinces and they are relevant in the history of the area of Quihi and that part of Texas.

We have also added **Spanish Establishments in Texas** from the same book by Fathers Leutenegger and Habig. It shows all thirty-six missions of the Spanish Colonial era which were located in Texas.

Additionally, in **Digging into South Texas Pre-History, A Guide for Amateur Archaeologists** by Dr. Thomas R. Hester, the figures referenced show what the average Payaya Indian member and what other Coahuilteco bands looked like or would have dressed like while hunting and gathering in the area of Bexar County and all of South Texas.

One of our greatest concerns as the Tap-Pilam Coahuiltecan Nation is that there will be a repeat at the Quihi mine that will be mined for gravel (see figure 4.13), of what occurred at the Oso

Cemetery Site. Depicted is the kind of horror that we are trying to avert from ever happening again. This picture was taken in 1930, Nueces County. There is no record of the disposition of all these Indian burial remains and we have never seen an archaeological report from that site. There is also a need to become aware of a report from the **Supreme Court of the State of Texas**, Austin, 1849 December term. This lawsuit settled the issue of a composition deed, which is when the Spanish Crown ceded to the missionaries to the actual Indians in the name of their nation, multiple acres of land that later came down to Refugio De La Garza and finally came down to **McMullen v. Hodge** (Texas 1849). It describes the names of the Mission Indians from Mission San Jose that initially sold to Father Refugio De La Garza all these eleven sitios of land from the Rancho San Lucas which later came into possession by General John McMullen from Refugio De La Garza. It is an excellent description and it makes points of law that are applicable to the impact area of the quarry that is to be blasted by Vulcan Industries.

Finally, we extracted from the "Supplemental Draft Environmental Impact Statement" **Finance Docket No 34284, Vol. II, Appendices C-F**, dated 2006, a very interesting map entitled **Map Sheet 1, Site Numbers & Survey Area Boundaries, Quihi Vicinity, Medina County, Texas**. There is a feature which is going to have one of the alternative routes run directly through it, a wall that is based on the descriptions provided by Dr. Fitzgerald and his wife, Alyne Fitzgerald, in Quihi. From it can be seen a green wall that is over a mile in length. The only reference that can be made to that is the missionaries in all the Ranchos had many walls built, many corrals, including chapels that were visited by the missionary to offer the Holy Sacrifice of the Mass for the outlying Indians that were at the Rancho. Also, Don Domingo Castelo indicates in his lawsuit that he had made improvements on the land and had a Rancho House which would have been in the area of Quihi Creek, more or less at the western boundary of the eleven leagues of land comprising the Rancho San Lucas which was in the possession of the Mission Indians of Mission San Jose in San Antonio, Texas.

In summary, we have submitted what we feel to be sufficient information to indicate that the Tap-Pilam Coahuiltecan Nation definitely has cultural and religious affiliation with all the areas which include all the creeks of Medina County, in Quihi and outside of Quihi, dating back to pre-history as well as during the contact period: all through the Spanish Colonial period, the Mexican period, the Republic of Texas period, and Statehood to the present date because there are Indian remains located in many sink-holes unknown and unrecognized as yet; cemeteries comprised of Indians that date back from the beginning of time. We ask that the Surface Transportation Board disallow the exemption to Vulcan Industries and to all of their associates. We do not need this mine for quarrying gravel in Medina County. It is too sensitive a zone. It is located directly over an earthquake zone. It is located directly over the Edwards Aquifer Underground Recharge Zone. If extensive studies had been done, Vulcan Industries could not have picked a worse location for a place to blast mountains into gravel than what was done in selecting Quihi and Quihi Creek as a site for their work in mining the gravels of the karst region of South Central Texas. We ask that the Commission contact the Tap-Pilam Coahuiltecan Nation and make us interested parties and consultation parties to all of these efforts so that we can all come to a common agreement that we will not be left out when and if Indian burial remains or ancient burial mounds are located. They will at times be identifiable by deer antlers and arrow points because part of the funerary rituals of the Payayas and the Coahuiltecos was to build funeral pyres, put the deceased Indian on the pyre, and add three arrows and the head of a deer before

setting fire to it. It is most likely that artifacts and funerary objects of this type will be found which point directly to our ancestors. Please help us preserve our history, our ancestors, our Indian burials, and our sacred grounds in the Quihi area, Medina County, Texas.

Respectfully yours,


 Raymond Hernandez

Tribal Councilman and Cultural Preservationist of the Tap-Pilam Coahuiltecan Nation

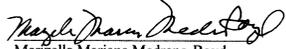

 Richard C. Garay

Research and Investigative Team Director for the Tap-Pilam Coahuiltecan Nation

Bruce A. De La Cruz
 Linguistic Specialist and Research and Investigative Team Consultant


 Jesus Reyes

Research and Investigative Team Consultant


 Marizella Mariana Medrano-Boyd

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CC: Director
 Texas Historical Commission
 Austin, Texas

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3. "Reassessing Cultural Extinction: Change and Survival at Mission San Juan Capistrano, Texas." Edited by Alston V. Thoms, 2001, a joint publication by: Center for Ecological Archaeology, Texas A & M University Reports of Investigation no. 4 and the National Park Service in San Antonio, Texas... ..	20 pages
4. May 9, 1995, from "Florida Tribe of Eastern Creek Indians" to Mr. Raymond Hernandez, Tribal Council for American Indians in Spanish Colonial Missions (AIT-SCM), part of Tap Pilam Coahuiltecan Nation , Transmittal of Native American Remains to Texas.....	2 pages
5. "Reassessing Cultural Extinction: Change and Survival at Mission San Juan Capistrano, Texas." Edited by Alston V. Thoms, etc, with photos of the reinterment of 92 Coahuiltecan Mission Indians at the Spanish Mission of San Juan Capistrano. Includes pp. 40-43 plus title page.....	5 pages
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9. "The Payaya Indians of Southern Texas" by: T. N. Campbell, Special Pub., No. 1, Southern Texas Archeological Association, 1975.....	30 pages
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13. "Reassessing Cultural Extinction: Change and Survival at Mission San Juan Capistrano, Texas," edited by Alston V. Thomas, 2001.....	3 pages

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22. "Primeras Exploraciones Y Poblamiento De Texas (1686-1694)" by Fray Lino Gómez Canedo O.F.M., printed by Publicaciones del Instituto Tecnológico Y de Estudios Superiores de Monterrey Serie: Historia. Monterrey, Nuevo Leon, Mexico, 1968..... 4 pages

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6. "**Coahuila Y Texas en La Epoca Colonial**" by Vito Alessio Robles, showing the limits of the Provincias Internas de Oriente, which included Texas..... 2 pages
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9. **Digging Into South Texas Prehistory-A Guide for the Amateur Archaeologist**, By Thomas R. Hester, Ph. D. (c) 1980, with three photos, Figures 5.5, Figure 4.13, Figure 4.14..... 3 pages
10. "**The Supreme Court of the State of Texas**" by Oliver C. Hartley, Vol. V, 1877, McMullen v. Hodge (Texas 1849) pp17-44..... 16 pages
11. "**Supplemental Draft Environmental Impact Statement**" Finance Docket No 34284, Vol. II, Appendices C-F, by: (STB) December 8, 1006, Map Sheet 1, Site Numbers & Survey Area Boundaries, Quihi Vicinity, Medina County, Texas..... 2 pages

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Volume 7

THOMSON
 WEST

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Library References

Tex.Prac., Texas Rules of Evidence:
Civil and Criminal, Ch. 2.

Rule 201. Judicial Notice of Adjudicative Facts

- (a) **Scope of Rule.** This rule governs only judicial notice of adjudicative facts.
- (b) **Kinds of Facts.** A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.
- (c) **When Discretionary.** A court may take judicial notice, whether requested or not.
- (d) **When Mandatory.** A court shall take judicial notice if requested by a party and supplied with the necessary information.
- (e) **Opportunity to Be Heard.** A party is entitled upon timely request to an opportunity to be heard as to the propriety of taking judicial notice and the tenor of the matter noticed. In the absence of prior notification, the request may be made after judicial notice has been taken.
- (f) **Time of Taking Notice.** Judicial notice may be taken at any stage of the proceeding.
- (g) **Instructing Jury.** In civil cases, the court shall instruct the jury to accept as conclusive any fact judicially noticed. In criminal cases, the court shall instruct the jury that it may, but is not required to, accept as conclusive any fact judicially noticed.

Effective March 1, 1998.

Law Review and Journal Commentaries

Affidavits of heirship. J. Howard Hayden, 31 Tex.B.J. 741 (1968). Annual survey of Texas law: Wills. Charles O. Galvin, 35 Sw.L.J. 21 (1981).	Authentication under existing laws and pro- posed federal rules of evidence. 16 Wayne L.Rev. 195 (1969). Computer printouts: Admissibility under the business records exception. 12 South Texas L.J. 291 (1971).
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DRAFT
Environmental Impact Statement
Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

Volume III - Appendices G-I

Prepared by:
Surface Transportation Board



Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Information Contacts:
Victoria Rutson, Chief
Rini Ghosh, Attorney-Adviser

Served on Parties and Delivered to US EPA November 5, 2004
Comment Due Date: January 10, 2005



Tap Pílam
Coahuiltecan Nation
1426 El Paso
San Antonio, Texas 78207
Ph. 210-227-4940

Certified Letter 7003 1010 0000 2279 1405

2/4/2004

Surface Transportation Board
Chief Section of Environmental
1925 K Street N.W.
Washington, D.C. 20402-0001
Attention: Ms. Victoria Rutson

Tap Pílam
Coahuiltecan
Tribal Council

Ms. Rutson

Tribes
Pe-nam-a Payaya
Raymond Hernandez
coahexo@hdc.net

This is in regard to Project 34284 S.W. Gulf in Quilil Texas Medina County. It has come to our attention that a Preliminary Cultural Resource Assessment has been prepared by your agency, concerning this site. We believe that your agency along with Advisory Council on Historic Preservation have not properly complied with Federal Law in regards to notifying American Indians with Cultural affiliation. It appears that no attempt was made to contact any of the aboriginal Tribes of Texas. This practice by Federal Agencies is dishonest and a disservice to American Indians and to all Taxpayers.

Pomposa
Mickey Killian
pakawen@sabr.com

As Coahuiltecan Indians we know that these sites are very likely to be of our Ancestors (Same race & culture of people from which we descend). Many past practices by some archeologist and anthropologist have created much misinformation about existing Coahuiltecan Indian Tribes.

Venados
Teodoso Herrera
venado5@sabr.com

We respectfully are requesting that we be involve in the Consultation process and that all reports pertaining to this excavation be share with our Community. Information can be mailed to Tap Pílam Tribal Council Raymond Hernandez Cultural Preservationist Rt. 1 Box 76 B-2 Comfort, Texas 78013. Can be reached at Tol. # 630-995-3356 or 210-724-3356.

Aufeca Paguarne
Ramon Vasquez y
Sanchez
vasquezysanchez@msn.com

Respectfully

Raymond Hernandez
Tap Pílam Tribal Council

Pamposa
Stephen Casanova
scasanova@stcloudstate.edu

Cc Carol Legard
Advisory Council on Historic Preservation
12136 West Bayaud Suite 330
Lakewood, Co 80228
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REASSESSING CULTURAL EXTINCTION:



CHANGE AND SURVIVAL AT MISSION SAN JUAN CAPISTRANO, TEXAS

Edited by
Alston V. Thoms



Contributing Authors

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Patricia A. Clabaugh
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J. Bryan Mason
D. Gentry Steele
Alston V. Thoms

Reports of Investigations No. 4
A Joint Publication of:
Center for Ecological Archaeology
Texas A&M University
and
San Antonio Missions
National Historical Parks, Texas
National Park Service

REASSESSING CULTURAL EXTINCTION: CHANGE AND SURVIVAL AT MISSION SAN JUAN CAPISTRANO, TEXAS

Edited by Alston V. Thoms, Principal Investigator

Technical Editors:
Dawn A.J. Alexander
Rhonda Brinkmann
Julia M. Gottshall
Jennifer L. Logan
Christopher H. Sasser

Funded by and Submitted to:
National Park Service
San Antonio Missions National Historical Park, Texas

Prepared and Submitted by:
Center for Ecological Archaeology
Texas A&M University, College Station

A Joint Publication by:

Center for Ecological Archaeology, Texas A&M University
Reports of Investigation No. 4
and
San Antonio Missions
National Historical Park, Texas
National Park Service
Contract No. 1443cx760098001

APPENDIX H
SELECTED LETTERS AND DOCUMENTS

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- Inter-office Correspondence from Father Grahmann to the Archbishop concerning the contract with the Witte Museum relative to discoveries of artifacts at Mission San Juan Capistrano, dated March 25, 1969315
- Letter from Robert J. Mallouf, State Archaeologist at the Texas Historical Commission, to Rev. Balthasar Janacek, Director of the Old Spanish Missions for the San Antonio Archdiocese, regarding the Archdiocese's intent to rebury the human remains recovered during archaeological excavations at Mission San Juan, dated June 25, 1986316
- Letter from Curtis Tunnell, Executive Director of the Texas Historical Commission, to members of the San Juan Capistrano Mission Repatriation Committee regarding the Committee's request to obtain human remains and funerary objects recovered during archaeological excavations at the mission, dated August 15, 1994318
- Letter from Robert C. Amdor, Superintendent of the San Antonio Missions National Historic Park, to Raymond Hernandez, of the American Indians in Texas at the Spanish Colonial Missions, regarding human remains and funerary objects recovered from Mission San Juan and stating that the Catholic Church, not SAAN, had legal standing in the matter of reburial issues, dated March 23, 1995320
- Letter from Most Reverend Patrick F. Flores, the Archbishop of the San Antonio Archdiocese, to Raymond Hernández, President of American Indians in Texas-Spanish Colonial Missions, asserting the Church's legal standing as the only group with rights to seek the return of human remains recovered from Mission San Juan, dated May 10, 1995322
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STATE BUILDING COMMISSION
GOVERNOR JOHN CONNALLY, CHAIRMAN ATTORNEY GENERAL CHARLES S. MARTIN
COMMISSIONERS OF CONTROL CHARLES S. COATES DIRECTOR W. A. NEWMAN, JR., P. E.
409 S.A.M. HOUSTON STATE OFFICE BUILDING
P.O. BOX 12172 AUSTIN, TEXAS 78711-512 GR 5-2941

January 11, 1967

Most Reverend Robert E. Lucey
Archbishop of San Antonio
P. O. Box 13190
San Antonio, Texas 78213

Dear Archbishop:

This letter will enumerate the terms of our verbal agreement on January 10, 1967, concerning the preliminary archaeological investigation of Mission San Juan Capistrano.

It is understood that the State Building Commission and the Catholic Church will each provide the sum of \$2,000.00 to conduct an archaeological investigation which is expected to add substantially to our knowledge of this important historic site in particular and our Spanish Colonial heritage in general, and in the preservation of valuable architectural data and historical specimens.

The investigation will be under my general supervision with the collaboration of Mardith Schuetz of the Witte Memorial Museum in San Antonio. Utilizing the funds provided, the Witte Memorial Museum will provide the necessary personnel and services to carry out the investigation and maintain a proper accounting of the expenditures. In addition to help the funds and general supervision of the project, the State Building Commission will provide certain field equipment (cameras, surveying instruments, heavy excavation equipment) for use on the project.

It is expected that the archeological project will begin late in January, 1967. As fully as time and funds permit, the following areas will be tested: the rooms north of the chapel, the original church, the floor

(Attachment A)

Most Reverend Robert E. Lucey, January 11, 1967
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of the chapel, random locations in the plaza, the mission middens. Excavation, laboratory analysis and report preparation should be completed by August 31, 1967. An illustrated report will present the results of the investigation and fully acknowledge the contribution of all participants in the project.

* Specimens recovered from the excavation will be properly processed and analyzed. When museum facilities are available at the site, a representative sample of the specimens (including any unique or unusual objects) will be returned to the Mission for inclusion in interpretive exhibits. The remainder of the specimens will remain in an archeological research collection where they will be available to qualified scholars for research purposes.

If this agreement meets with your approval, please so indicate by attaching your endorsement to this letter and returning it to my office. After securing the endorsement of the Director of the Witte Memorial Museum, I will return a copy of the completed agreement to you for your files.

Sincerely,

Curtis Tunnell
Curtis Tunnell
State Archaeologist

* The paragraph noted with an asterisk is amended to read as follows:

Specimens recovered from the excavation will remain the property of the Archdiocese of San Antonio. These specimens will be properly processed and analyzed. A representative sample of the specimens and any objects that are unique or unusual in the judgment of the Archbishop or his representative will be returned to the Mission for inclusion in interpretive exhibits when museum facilities are available at the site. The ownership of the remainder of the specimens will be relinquished by the Archdiocese, and these specimens will remain in an archeological research collection where they will be available to qualified scholars for research purposes.

Miriam Obregon

Robert E. Lucey
Most Rev. Robert E. Lucey
Archbishop of San Antonio

CHANCERY BUILDING - SAN ANTONIO
Inter-Office Correspondence

To: The Most Reverend Archbishop Date: March 25, 1969
From: Father Grahmann Re: Contract: Witte Museum

Your Excellency:

Attached is a copy of the contract with the Witte Museum relative to discoveries of artifacts at San Juan Capistrano.

Generally speaking, specimens recovered remain the property of the Archdiocese. A representative sample of these determined by the Archbishop will be displayed at the old mission. Remainder will be turned over to a collection for research purpose.

C. G.

Att.
CC/pa

MARVA GILBERT, HOUSTON
 CLAIRMAN
 GAYLE CLIFF, AUSTIN
 VICE CHAIRMAN
 JAMES HARRIS, SECRETARY
 FARE AUSTON



GEORGE ERMENTRA, AUSTIN
 RESEARCHER
 T. FERRELL, SAN ANTONIO
 WALTER L. FORT, HOUSTON
 MRS. ALBERTA BELL, AUSTIN
 DR. ROBERT D. WITTE, AUSTIN
 MRS. HE. LONG, AUSTIN
 W. NICHOLS, HOUSTON
 JOHN P. TERPAGAN, SAN ANTONIO
 EUGENIE LINDEN, HOUSTON
 GALESTON P. SUD
 DR. DANA WELLS, FORT WORTH

TEXAS HISTORICAL COMMISSION
 P.O. BOX 12276 AUSTIN, TEXAS 78711 (512) 475-1892

Rev. Balthasar Janacek
 Archdiocesan Director
 Old Spanish Missions
 2610 Perez Street
 San Antonio, Texas 78207

June 25, 1986

Dear Reverend Janacek:

I appreciate your informing us of the Archdiocese's intent to rebury human skeletal material from archaeological investigations at Mission San Juan during the late 1960's. Since our telephone discussions, I have talked this matter over with several archeologists having familiarity with the projects and the remains, including Mr. Curtis Tunnel and Dr. Thomas R. Hester, and I have reviewed files and published reports concerning the projects at Mission San Juan.

The first season of archeological work at Mission San Juan in 1967 was a cooperative project by the Archdiocese, the Witte Museum, and the State Archeologist. A few burials were removed from beneath the floor of the old church which collapsed in colonial times, and many more burials remain undisturbed in that structure. From the first season's work, certain artifacts (such as silver coins) were returned directly to the Archdiocese. Some other selected items were placed in exhibits at the Mission. The Archbishop relinquished all claim to the remaining collections, including the skeletal remains, and agreed they could be permanently curated as a research collection (please see attachment A). A dissertation resulted from analysis of the skeletal remains, but the researcher stated emphatically that much more could be learned using more modern techniques of analysis (attachment B).

In 1969, the Archdiocese initiated another season of archeological work at Mission San Juan under contract with Dr. Mardith Schuetz. This work was done for the convenience of the Archdiocese in their restoration of the chapel. A large number of burials were removed from beneath the floor of the chapel to facilitate the installation of new air conditioning ducts and a new floor. The Archdiocese did not provide funds for the analysis of the burials and they have never been studied. Again the Archdiocese retained certain interesting artifacts for use in exhibits and relinquished the remainder of the collections, including the skeletal material, to the university for permanent curation as a research collection. The University of Texas at San Antonio, in good faith, has curated these collections at no charge for many years.

The State Agency for Historic Preservation

Rev. Balthasar Janacek June 25, 1986 Page 2

In sum, it was agreed by all parties from the outset of investigations that the skeletal remains would form part of a permanently curated research collection. Although some of the materials have undergone preliminary analysis, much of this scientifically important collection remains unstudied due to a lack of funding. The Archdiocese has now announced that this research collection will shortly be reburied, without consideration of prior agreements and without proper study. We feel that this course of action is unacceptable for the following reasons:

- a. The state has contributed significantly to the acquisition and curation of these collections and should be involved in deciding their disposition.
- b. The skeletal remains from beneath the chapel are well preserved and may represent mission Indians of identifiable ethnic groups, during the traumatic period of their acculturation.
- c. These remains have never been adequately studied and analyzed because of lack of funds. The burials would still be under the chapel today if the Archdiocese had not removed them for their convenience, but they have not funded an analysis of this material.
- d. After a comprehensive analysis of these remains is completed, a group of interested parties including the Archdiocese, U.T.S.A., descendants of the deceased should consider the question of final disposition.

The Center for Archaeological Research is currently contacting qualified physical anthropologists to see if proper analysis can be arranged, although funding is currently lacking.

In light of these stated concerns, we hope that the Archdiocese will reconsider its decision to rebury these remains this summer, and will work with us and other concerned parties to arrive at a satisfactory resolution of this problem.

Please call me at (512) 463-6090 if you would like to discuss this matter further.

Sincerely,

 Robert J. Mallouf
 State Archeologist

RJM/nh

xc: Mr. Curtis Tunnel
 Dr. Thomas R. Hester

MARVA GILBERT, HOUSTON
 CLAIRMAN
 GAYLE CLIFF, AUSTIN
 VICE CHAIRMAN
 JAMES HARRIS, SECRETARY
 FARE AUSTON



GEORGE ERMENTRA, AUSTIN
 RESEARCHER
 T. FERRELL, SAN ANTONIO
 WALTER L. FORT, HOUSTON
 MRS. ALBERTA BELL, AUSTIN
 DR. ROBERT D. WITTE, AUSTIN
 MRS. HE. LONG, AUSTIN
 W. NICHOLS, HOUSTON
 JOHN P. TERPAGAN, SAN ANTONIO
 EUGENIE LINDEN, HOUSTON
 GALESTON P. SUD
 DR. DANA WELLS, FORT WORTH

TEXAS HISTORICAL COMMISSION
 P.O. BOX 12276 AUSTIN, TEXAS 78711 (512) 463-6190

August 15, 1994

Mr. Richard C. Garry
 Mr. Raymond R. Hernandez
 Mr. Joel L. Silva
 San Juan Capistrano Mission Reparation Committee
 1130 Mission Road
 San Antonio, Texas 78210

Dear Sirs:

Thank you for your letter of August 7, 1994, in which you request assistance and support from the Texas Historical Commission in obtaining human remains and funerary objects excavated in 1967 from the vicinity of the San Juan Capistrano Mission in San Antonio, Texas. It is our understanding that the remains in question are currently being studied and curated by the Department of Anthropology of Texas A&M University. According to your letter, you are requesting, pursuant to provisions of the Native American Graves Protection and Repatriation Act (NAGPRA - Public Law 101-601, 104 Stat. 3048-3058) of November 16, 1990, that Texas A&M University turn over to your organization all human remains and funerary objects recovered from the San Juan Mission area. It is our further understanding that you are filing an official request for repatriation of these remains in your appointed role as representatives of the Coahuiltecan Indians (Los Coahuiltecos).

While our agency fully supports the intent of NAGPRA and we understand and appreciate your concerns relative to the San Juan Mission skeletal remains and associated funerary objects, I am afraid that we are in the difficult position of informing you of problems with your request. While NAGPRA clearly states in Section 7(a)-1 that "...If, pursuant to section 5, the cultural affiliation of Native American human remains and associated funerary objects with a particular Indian tribe or Native Hawaiian organization is established, then the Federal agency or museum, upon the request of a known lineal descendant of the Native American or of the tribe or organization and pursuant to subsections (b) and (c) of this section, shall expeditiously return such remains and associated funerary objects." Under Section 2(f), Indian Tribe is defined as "...any tribe, band, nation, or other organized group or community of Indians...which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." The Coahuiltecan Indians are not included in the Federal Register (Vol. 53, No. 250, Dec., 1988) listing of 312 "Indian Tribal Entities" eligible to receive funding and services from the Bureau of Indian Affairs. Until such time as your organization can achieve recognized federal standing as an

The State Agency for Historic Preservation

Indian Tribe, you will not be eligible under NAGPRA to carry out repatriation of Native American funerary remains and objects from federally funded institutions and museums. The most recent organization in Texas to receive federal recognition and listing is the Kickapoo Tribe of Texas, which received official federal recognition on July 11, 1989. It was understandably the intent of the authors of NAGPRA to restrict repatriation claims to recognized Native American tribal groups.

In light of this NAGPRA requirement, we would recommend that your group first address the issue of federal recognition through discussions with the National Park Service and the Bureau of Indian Affairs. Once you have achieved the required federal recognition as an Indian Tribe, you can then move to the next step of demonstrating cultural affiliation with the San Juan Mission remains, and ultimately, receive recognition of your organization's right to carry out repatriation claims.

As a state agency, we are required to follow federal law to the letter, and we make every effort to do so. While we understand your concerns relative to the San Juan Mission remains, you must of necessity qualify as an Indian Tribal group before this agency can be of any further assistance.

Thank you for your inquiry, and please contact us should you wish to discuss this matter further.

Sincerely,

Curtis Tunnel
 Executive Director



**United States Department of the Interior
NATIONAL PARK SERVICE**

SAN ANTONIO MISSIONS NATIONAL HISTORICAL PARK
2202 Roosevelt Avenue
San Antonio, Texas 78210
(210) 229-5701

IN REPLY REFER TO:
D6215

March 23, 1995

Mr. Raymond Hernandez
American Indians in Texas
At the Spanish Colonial Missions
1130 Mission Road
San Antonio, Texas 78210

Dear Mr. Hernandez:

Your hand delivered correspondence, dated February 7, 1995, to National Park Service Director Roger Kennedy was passed to us for addressing the specific issue you raised.

American Indians in Texas - At the Spanish Colonial Missions (AIT-SCM) and the National Park Service appear to have a number of common goals. We are both interested in the protection of the past, present, and future of all indigenous Native American people. In fact, a large percentage of our annual budget is allocated to that end.

We are very cognizant of the role indigenous people performed for hundreds of years prior to establishment of the Spanish Colonial Missions. A very pivotal role indeed.

The National Park Service recognizes AIT-SCM status as an interested organization. We support your efforts to protect the remains and funerary objects of American Indians.

We are pleased to work together in furtherance of our mutual goals. Our area of influence is not all encompassing, and is limited, by agreement to portions of the Spanish Colonial Missions in San Antonio. We agree in principle to the suggestion of identifying the camposantos areas and telling the story of the many contributions of the Mission Indians. To a large extent, this has already been accomplished. We feel we know the general locations of all camposantos and routinely tell of the many contributions made by the Mission Indians. This is evidenced by the exhibit panels installed at Mission Concepcion and the numerous educational presentations made by our interpretive staff at all Mission sites. Plans are well underway to further refine the educational material that will be presented at the new Visitor Center at Mission San Jose, which you have been requested to comment on.

The National Park Service fully supports the repatriation of all human remains and funerary objects associated with Native Americans removed from the Missions. It is important to recognize that all known human remains and funerary objects removed from the Spanish Missions was done so prior to the National Park Service assuming any management control. This issue will have to be settled between your organization and the Catholic Church. We have no legal standing in the matter but would be more than happy to offer our assistance.

The National Park Service fully supports your efforts to recognize the Indian nations who lived at the Spanish Missions. That recognition should come in the form of inclusion in all exhibits and wayside panels. It is a very critical part of the story which needs to be told in a tasteful manner.

The sacred burial grounds certainly need to be respected by all visitors to the park. We routinely restrict vehicular access and other activities that may damage in situ artifacts.

The issue of marking and delineating the area of the camposantos at the missions is a delicate issue. Much of the area where these camposantos are located are areas under the control of the Catholic Church, thus the National Park Service has no authority to dictate how these areas will be treated. We are concerned that illegal pot hunting would increase if the camposantos are clearly delineated.

The United States Constitution prohibits the National Park Service from dictating to the church any aspects of religious activities. The separation of church and state decree clearly differentiates the activities retained by the National Park Service and those retained by the Catholic Church. We have no sacred sites maintained and under the administrative control of the National Park Service are always open to all groups for religious activities. We will in no way place burdens on the rights of you or other groups to perform religious activities.

The National Park Service has not been a participant in archaeological investigations which resulted in the disturbance of remains of any individuals interred in the camposantos, nor do we plan any archaeological investigations in the future that will interfere with these camposantos.

We feel the historical record on the burial areas of the missions is well documented. Our current plans address the Native American presence at the missions and we anxiously await your reply to the previously mentioned review of our Exhibit Plan for the Visitors' Center at Missions San Jose.

We welcome your planned activities to celebrate the Indian Decapour Day in September. Due to the large number of requests that we receive for other groups to use the mission sites, we encourage you to continue the dialog and give your precise

We feel that your correspondence has opened up a dialog that we trust will continue. By working together we can both insure that the common goals of preserving and protecting the very important cultural heritage contained within the San Antonio Missions National Historical Park are met.

Sincerely,

Robert C. Andor
Robert C. Andor
Superintendent



ARCHDIOCESE OF SAN ANTONIO

CHANCERY OFFICE
P.O. BOX 28410
SAN ANTONIO, TEXAS 78228-0410
TELEPHONE (210) 734-2620

May 10, 1995

Mr. Raymond Hernandez
President
American Indians in Texas -
at the Spanish Colonial Missions
1130 Mission Road
San Antonio, Texas 78210

RE: The American Indians in Texas - at the Spanish Colonial Missions (AIT-SCM)
File No.: 200.1073

Dear Mr. Hernandez:

This letter is in response to yours of March 15th in which you enclosed a draft of a letter that you proposed that I send to you as president of American Indians in Texas - at the Spanish Colonial Missions (AIT-SCM). I have met with the Mission priests to discuss your letter and I can assure you that they and I are supportive of the desire of the descendants of the Mission Indians to recover their heritage in terms of its history, its artifacts and the preservation of the remains of their ancestors.

To give credence to its support, the Archdiocese will make its resources available to those Indians who wish to verify their ancestry. The Archdiocese will provide technical assistance to those who wish to undertake this task, and will certify the authenticity of those whose heritage is verified. Although the process to verify his identity may seem burdensome to one who believes himself to be a descendant of the Mission Indians it is essentially the same process that a Native American must undertake to qualify as a member of one of the tribes recognized by the Federal Government. The certification that may be provided by the Archdiocese should be valuable for an individual or group of individuals who seek further recognition.

As I mentioned, the Archdiocese will be glad to work with the individuals who are interested in verifying their ancestry and establishing themselves as descendants of the Mission Indians. Should a sizable group be certified it would perhaps become expedient for them to put forth a representative to act on their behalf with the Archdiocese. In the meantime, however, the Archdiocese will deal with them on an individual basis.

You have proposed that I authorize the use of the Missions, the Mission Churches and the camposantos by all Native Americans. If by the "Missions" you mean more than the portions reserved for religious services, generally only the Mission Churches, you must consult the National Park Service. As for the Mission Churches and the camposantos, you should consult the priest at the Missions. Since they have voiced their support of the cause of Native Americans generally, I am sure

you will have their full cooperation so long as the proposed use is not inconsistent with Catholic doctrine and liturgy, and does not conflict with their are strictly controlled by State law and the Archdiocese can not delegate their control. Subject to that consideration, I am sure that you will find the parish priests also cooperative with respect to whatever services you wish to perform in the camposantos.

The Archdiocese will not surrender any rights or responsibilities it may have with respect to the remains of those who were originally interred in consecrated ground. Legally, only the Archdiocese has standing to seek the return of the remains from San Juan Capistrano and it will continue to seek their return. When recovered, these remains will be reinterred in consecrated ground. The remains at San Juan Capistrano were exhumed to enable the restoration and preservation of the Mission. Some of the remains had been disturbed and were badly scattered, and some dated from the post mission period.

The remains at Alamo Plaza were exhumed to allow the construction of a United States Post Office and courts building on land the Archdiocese did not own. Many of the exhumed remains have been returned and reinterred. The funerary objects and other artifacts are architectural treasures to be shared for scientific and educational purposes. A representative number of these artifacts will be returned to the Missions when appropriate facilities for their display are available. In this comment is the suggestion of a future project for AIT-SCM.

Although for the reasons stated I am unable to subscribe to the letter which you drafted and propose that I send to you, I hope that in this letter you will recognize that a spirit of cooperation truly exists between the Archdiocese and the descendants of the Mission Indians. The Archdiocese will continue to assist them in reaching their goals as the limits of its own responsibilities will permit.

I solicit your further comments and suggestions at any time.

With every best wish, I remain

Sincerely yours in Christ,

Patrick F. Flores
Most Reverend Patrick F. Flores, D.D.
Archbishop of San Antonio

PFH/mgs

cc: Mr. Samuel A. Kirkpatrick
President
University of Texas at San Antonio
6500 North Loop 1604
San Antonio, Texas 78249

Mr. Raymond Baird
Director of Behavioral and Cultural Sciences
University of Texas at San Antonio
2900 North Loop 1604 West
San Antonio, Texas 78249



ARCHDIOCESE OF SAN ANTONIO
CHANCERY OFFICE
P.O. BOX 28410
SAN ANTONIO, TEXAS 78228-0410
TELEPHONE (210) 734-2620



June 9, 1995

Reverend Jorge Baistra
San Juan Capistrano Mission
9101 Graf Road
San Antonio, Texas 78214

RE: American Indians in Texas - at the Spanish Colonial Missions

Dear Father Baistra:

I recently received in the mail three petitions apparently executed by a total of twenty-four (24) individuals. I am enclosing a copy of one of the petitions for your information. The three are identical except for the signatures.

As you can see, the petitioners request that all human remains and associated cultural objects previously removed from San Juan Capistrano be returned there and be reinterred. In my letter of May 2nd to Mr. Hernandez of AIT-SCM, I said only the Archdiocese has standing to seek the return of the remains from San Juan Capistrano and it will continue to seek their return. That is a plain statement and I do not believe anything more needs to be said about the return of the human remains. As for the associated cultural objects, I said that some of them will be shared for scientific and educational purposes and a representative number would be returned to the Missions when appropriate facilities for their display are available. This letter will require funding which is not presently in hand. Interested parties such as the AIT-SCM might wish to assist in this regard.

For those who are concerned with this matter, Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), P.L. 101-601, 104 Stat. 3048, 25 USCS Section 3001 et seq., is not applicable to San Juan Capistrano Mission, the remains and cultural items associated therewith that were removed from San Juan Capistrano or from any of the other Spanish Colonial Missions in the Archdiocese.

I am sending this letter to you because I believe you may be in a position to disseminate this information among at least some of the petitioners, whose addresses are not known to me. I am also sending a copy to Mr. Hernandez.

With every best wish, I remain
Sincerely in Christ,

Most Reverend Patrick F. Flores, D.D.
Archbishop of San Antonio
PFF/mgs

cc: Raymond Hernandez
Samuel A. Kirkpatrick
Raymond Baird

COPY

Wichita and Affiliated Tribes

P.O. Box 729
Anadarko, Oklahoma 73005
Telephone (405) 247-9425
Fax (405) 247-2430
RESOLUTION

WT-00-30

WHEREAS, the Wichita and Affiliated Tribes (Kochi, Tawakoni, Waco) possess substantial inherent sovereign powers and has exercised those powers since time immemorial, and

WHEREAS, the Wichita and Affiliated Tribes (Kochi, Tawakoni, Waco) has a duly established Tribal Government recognized by the Secretary of the Interior, and

WHEREAS, the Executive Committee of the Wichita and Affiliated Tribes has been empowered to act in all matters of business on behalf of the Tribe, and

WHEREAS, the Tribe has received a request from the Tap Pilam-Coahuiltecan Nation to sponsor their participation in the management of cultural and natural resources within and by Fort Sam Houston, and

WHEREAS, the Wichita and Affiliated Tribes fully support our traditional Tribal Neighbors the Tap Pilam-Coahuiltecan Nation of San Antonio, Texas, in their efforts and activities to protect and preserve their sacred sites, burial grounds and artifacts.

BE IT RESOLVED, that the Wichita and Affiliated Tribes hereby sponsor the Participation of the Tap Pilam-Coahuiltecan Nation in all official and appropriate matters involving their traditional homeland to include properties owned and controlled by the U.S. Government.

BE IT FURTHER RESOLVED, that the Wichita and Affiliated Tribes recognizes the authority Mr. Teodoso (Ted) Herrera and Mr. Raymond (Ray) Hernandez to represent and vote for the Coahuiltecan Nation on all official and appropriate matters when dealing with the U.S. government on traditional homeland issues, such as repatriation of Sacred sites, uncovered remains, funerary objects and Indigenous artifacts.

CERTIFICATION

The foregoing resolution was adopted by the Executive Committee of the Wichita and Affiliated Tribes of Oklahoma on May 23, 2000, in Anadarko, Oklahoma, by a vote of 5 for, 0 against and 0 abstentions, a quorum being present.

ATTEST:

APPROVED:

Stratford Williams
Secretary

Ray McAdams
President

Res026

77(R) HR 787 Enrolled version - Bill Text

http://www.capitol.state.tx.us/cgi-bin/d.LTYPE/RABILL/SUPFIX/00787A/VERSION/56TYPE.B

77(R) HR 787 Enrolled version - Bill Text

http://www.capitol.state.tx.us/cgi-bin/d.S/PACCHAMBER/FABILLTYPE/RABILL/SUPFIX/00787A

RESOLUTION

1-1 WHEREAS, Although the United States government acknowledged receipt of the Tap Pilam-Coahuiltecan Nation's petition for federal recognition;
1-2
1-3
1-4
1-5
1-6
1-7
1-8
1-9

1-9 WHEREAS, The Coahuiltecan tribe's distinguished history in the Lone Star State merits strong consideration for official acknowledgment from the State of Texas and the United States; and
1-10
1-11
1-12
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1-14
1-15
1-16
1-17

1-17 WHEREAS, To increase the number of Spanish citizens on the frontier, various Native American groups were converted to Christianity, and five missions were established between 1718 and 1731 in San Antonio, including the San Antonio de Valero, San Jose, Concepcion de Acuna, San Juan Capistrano, and San Francisco de la Espada; moreover, the Coahuiltecan language was translated into Spanish to make the conversion process easier; and
1-20
1-21
1-22
1-23

1-24 WHEREAS, Members of the Coahuiltecan tribe and other Native American groups performed important duties at the missions, such as constructing dams and irrigation canals, working in the fields and as the first cowboys, and helping to build what became communities in present-day Texas and northeastern Mexico; and
2-1
2-2
2-3
2-4

2-5 WHEREAS, While many Native American tribes eventually became displaced and assimilated in the 18th and 19th centuries, the Coahuiltecan tribe's proud rituals and traditions have endured, and aspects of its daily life are the same as those in use at the time of its first contact with Europeans; and
2-8
2-9
2-10
2-11

2-11 WHEREAS, Descendants of this antedipic tribe celebrate time-honored occasions, such as Indian Decoration Day, and also use ceremonial music and dress as ways of upholding tribal customs; in addition, renewed efforts to ascertain more knowledge about their ancestry are ongoing; and
2-14
2-15
2-16
2-17

2-17 WHEREAS, Throughout the years, the Coahuiltecan have played an integral role in Texas' development, and the Native American tribes who were the first Texans have greatly enriched our shared heritage with their culture; and
2-18
2-19
2-20
2-21

2-21 WHEREAS, Given the tribe's justifiable pride in its distinct history and culture, the Texas House of Representatives finds that it is indeed appropriate to bestow such recognition as will encourage the preservation of the Tap Pilam-Coahuiltecan's unique cultural heritage and to support those activities consistent with the state's interest in preserving all of Texas' diverse cultural and natural resources for future generations; now, therefore, be it
2-23
2-24
2-25
2-26

2-26 RESOLVED, That the House of Representatives of the 77th Texas Legislature hereby recognize the Tap Pilam-Coahuiltecan Nation for its immeasurable contributions as an indigenous people of Texas and commend the tribe's efforts to preserve its cultural and spiritual heritage and traditions.
3-1
3-2
3-3

Turner of Coleman
Speaker of the House

I certify that H.R. No. 787 was adopted by the House on May 10, 2001, by a non-record vote.

Chief Clerk of the House

TEXAS LEGISLATURE ONLINE

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Bill History

Bill History * Act * Actions * Captions * Authors * Next Bill

Bill: HR 787

Legislative Session: 77(R)

Council Document: 77R 11685

05/14/2001 H Reported enrolled 07:50AM

Recognizing the Tap Pilam-Coahuiltecan Nation and its efforts to preserve its cultural and spiritual heritage and traditions.

Author: Turner, Bob

Subjects: 10705 Resolutions--Congratulatory & Honorary
N0046 TAP PILAM-COAHUILTECAN NATION

House Committee: Rules & Resolutions

Status: Out

Vote: AYES= NAYS= PNV= ABSENT=

Bill Subcommittee:

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Texas Legislature Online
Created: 22 May 2001 - 03:42PM

SENATE RESOLUTION NO. 1038

WHEREAS, The Senate of the State of Texas takes pride in recognizing the Tap Pilam-Coahuiltecan Nation for its distinguished history in the Lone Star State and its contributions to our country; and

WHEREAS, The Coahuiltecan tribe was encountered by the Spanish explorers in North America in the late 1600s, when tribe members had seasonal attachments to their campgrounds and relied on their hunting and gathering skills to survive; and

WHEREAS, During the early 1700s, a number of Native American groups were converted to Christianity, and members of the Coahuiltecan tribe and other groups performed important duties at the missions, such as constructing dams and irrigation canals, working in the fields and as cowboys, and helping to build communities; and

WHEREAS, Unlike the traditions of many Native American tribes, the proud rituals and traditions of the Coahuiltecan have endured, and many aspects of the tribe's early life remain the same today; time-honored occasions, such as Indian Decoration Day, are still celebrated, and ceremonial music and dress are still in use; and

WHEREAS, The Coahuiltecan have played an important role in Texas history, and they have enriched our culture by preserving and sharing their heritage and customs; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 77th Legislature, hereby commend the Tap Pilam-Coahuiltecan for their exemplary preservation of their heritage and their many contributions to the culture of our state and nation; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Tap Pilam-Coahuiltecan Nation as an expression of esteem from the Texas Senate.

Zaffirini

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 11, 2001.

Secretary of the Senate

Member, Texas Senate

TEXAS LEGISLATURE ONLINE

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Bill History

Bill History * Text * Actions * Clauses * Authors * Next Bill

Bill: SR 1038

Legislative Session: 77(R)

05/11/2001 S Reported enrolled

Commending the Tap Pilam-Coahuiltecan Nation.

Author: Zaffirini

Subjects: 10705 Resolutions--Congratulatory & Honorary
N0046 TAP PILAM-COAHUILTECAN NATION

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Texas Legislature Online
Created 22 May 2001 - 03:53PM

1 of 1

5/22/01 3:57 PM



Florida Tribe of Eastern Creek Indians

P.O. BOX 3028 Bruce, Florida 32455 (904) 835-2078

09 May 1995

FOR: Mr Raymond R Hernandez, Chairman
American Indians in Texas - at The Spanish Colonial Missions
1130 Mission Rd
San Antonio, Texas 78210

FROM: FLORIDA TRIBE OF EASTERN CREEK INDIANS
PO BOX 3028
BRUCE, FL 32455

SUBJECT: TRANSMITTAL of NATIVE AMERICAN REMAINS

In accordance with the provisions of the Native American Graves Protection and Repatriation Act (NAGPRA) and based upon the evidence of cultural affiliation provided to the Florida Tribe of Eastern Creek Indians, these remains recovered from the "Museum of Sea and Indian" at Destin, Fl by Don Sharon of The Florida Tribe of Eastern Creek Indians on March 22, 1995 are placed in the possession of The American Indians in Texas - At the Spanish Colonial Missions. Please address any questions to The Florida Tribe of Eastern Creek Indians, at the above address or by phone at (904) 835-2078.

John C B Thomas
John C B Thomas; Chairman
Florida Tribe of Eastern Creek Indians

1st Ind, American Indians in Texas - At The Spanish Colonial Missions "COAHUILTECAN NATION".

To: The Florida Tribe of Eastern Creek Indians

I acknowledge receipt of the above remains.

Raymond R Hernandez
Raymond R Hernandez, Chairman
American Indians in Texas - At The Spanish Colonial Missions

Bruce A. DeSola Cruz
Bruce A. DeSola Cruz

3/27/1995 Notes on Indian remains recovered from the Museum of Sea and Indian at Destin, Fl on 3/22/1995 by Don W Sharon of the Florida Tribe of Eastern Creek Indians.

On 3/15/ 1995 Mr Brown owner of the "Museum of Sea and Indian" Destin, Fl called Don Sharon to see if the Florida Tribe of Eastern Creek Indians could rebury two Indian Skeletons he was removing from public display. Subsequently Don Sharon picked up three skeletons on 3/22/1995. An other skeleton was also removed in Don Sharon's presence. All three Remains were supposed to be local Florida Indians. Later examination of the Remains revealed that two of the Individuals were not Florida Indians.

The remains were turned over to the Walton County Sheriff's Dept. Dr Bill Maples; Director of the C. A. Pound Human Identification Laboratory was called to examine the Skeletons. He said that two of the three American Indian Individuals came from the American SW and one was probably from Florida as the museum label stated. Further investigation by Don Sharon revealed that the Southwestern Indian Remains were excavated by David C Reichelt from a cave on the Pecos River in SW Texas and were circa AD 1200. Male 25 to 30 years old, Child 6 to 12 years old. Horsetooth with one; appears to have tobacco leaf wrapped around root of tooth.

REASSESSING CULTURAL EXTINCTION:

CHANGE AND SURVIVAL AT MISSION SAN JUAN CAPISTRANO, TEXAS

Edited by
Alston V. Thoms



Contributing Authors

Adán Benavides
Patricio A. Clabaugh
Jeffery H. Cohen
Charlotte E. Donald

Jennifer L. Logan
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Alston V. Thoms

Reports of Investigations No. 4
A Joint Publication of:
Center for Ecological Archaeology
Texas A&M University
and
San Antonio Missions
National Historical Parks, Texas
National Park Service

2001

representation of the Archdiocese of San Antonio on matters of the "Old Spanish Missions" in its dealings with the City of San Antonio, the State of Texas, and the National Park Service. Janacek attested:

Every time I can, I try to reiterate that the missions represent not only the Hispanic presence in the area but the Hispanic and indigenous presence, because the Native Americans were the ones who really built those missions, whose intelligence was put in visible form at these places. They must have been amazing people to have learned as much as they did and to have learned it so quickly. And their work has continued to be with us as a tribute to them.

As far as the future is concerned, the challenge for us is going to be how to integrate the idea of the participation of the Native American in these Old Spanish Missions. In reality, we have worked ourselves into a linguistic trap by the name commonly applied to them. We thought that was a clever way of integrating the missions into the community, but one heritage has tended to obscure the other in that name [Torres 1997:187].

Father Balty continued to be involved at Mission San Juan while Native American groups, including AIT-SCM and the newly formed Pamaque Band of San Juan Mission Indians, maintained pressure to rebury all of the human remains removed during the excavations in 1967 and 1971. He and Hernández, a co-founder of the AIT-SCM group, played key roles in working out a 1999 agreement to rebury the remains. Representatives of the National Park Service, the Archdiocese of San Antonio, the Texas Historical Commission, and the University of Texas at San Antonio reached the agreement (Barrios 1999a; Rosalind Rock, personal communication 1999).

Formal reburial ceremonies were held on Saturday, November 29, 1999, when the

remains of more than 100 individuals were reinterred in the floor of the unfinished church where many of the individuals were first buried more than 200 years earlier (Barrios 1999a, 1999b; Thoms 2000). Two Native American church services were held the night before the reburial to help prepare the Indian contingents for the morning ceremonies (Figure 5; also see cover photos). Saturday morning, Archbishop Patrick Flores performed a funeral mass with assistance from Father Balty (Figure 6). In his homily, Archbishop Flores noted that it had been a mistake for the church to grant permission for the exhumation and protracted study of the remains of its parishioners (Figure 7). He also acknowledged and thanked the Indian descendants for their role in maintaining the pressure for reburial (as principal investigator of the present project, I was among the 100 or so people who attended the ceremonies). Hernández led the Native American reburial ceremony on behalf of AIT-SCM and the Coahuiltecan Nation. In a newspaper article entitled "Indian Remains' Reburial Today," Hernández said, "We're trying basically to honor the past with respect and dignity...The first time they were being buried as Catholics. This time they're being buried as Coahuiltecan" (Barrios 1999b). The Sunday newspaper included a photograph of the funeral mass, entitled "Laid to Rest Again," with the following caption:

Archbishop Patrick Flores gives the communion to members of the Coahuiltecan Nation during reburial ceremonies at Mission San Juan Capistrano. The remains of more than 100 American Indians and Mexican Americans that were removed from the site in 1967 and 1968 were reburied there Saturday. The reburial service included Indian and Catholic ceremonies (San Antonio Express-News [SAEN] 1999).



Figure 5. Photograph of teepees in the mission square where a Native American Church service was held Friday night (November 26, 1999) before the Saturday morning reburial ceremonies (photograph by Alston V. Thoms).



Figure 6. Photograph of parishioners and community members, including representatives of the AIT-SCM (foreground), attending the Saturday morning (November 27, 1999) funeral mass held prior to the Native American reburial ceremony led by Raymond Hernandez (photograph by Alston V. Thoms).



Figure 7. Photograph of Archbishop Patrick Flores delivering the homily at the funeral mass that preceded the Native American reburial ceremony on Saturday morning, November 27, 1999; also depicted are Father James Galvin (leaning forward, center foreground), San Juan's parish priest; and Monsignor Bathasar Janacek (seated to the right), the parish liaison between state/federal agencies and Indian groups on matters of old Spanish missions (photograph by Alston V. Thoms).

SUMMARY AND CONCLUDING COMMENTS

A key component of the historical context for Mission San Juan is that the earliest Indian residents and their progenitors—native inhabitants of south Texas and northeastern Mexico known today as Coahuiltecan—had been interacting regularly with the Spanish for more than 100 years. Apocalyptic depopulation from diseases, slave raiding, and warfare had resulted in significant social reorganization. Entirely new groups formed of survivors from what in pre-contact times were probably linguistically and perhaps

ethnically distinctive hunter-gatherer bands (cf. Ewers 1973). It seems likely that non-Indian genes—mostly Spanish and African—would have been incorporated into the aboriginal population as well (cf. Chapa 1997).

During the early part of the eighteenth century, a diversity of Native Americans came to reside at Mission San Juan Capistrano and four other Spanish missions located nearby along the San Antonio River. A few of San Antonio's mission Indians were from agricultural tribes whose home territories were originally as far as west as central Mexico (e.g., Tlaxcalan, a Nahuatl group) and east Texas (e.g., Tejas, a

(Copy of 'Bat Measure').

*Cemetery in
255 1 x 222*

M. Schorobiny

Warranty Deed from M. Schorobiny, a single man, to O. A. Grell, Emil Boehle, and H. L. Schuehle, Trustees and Managers of the Quihi Public Cemetery Ass'n., and their successors, etc. For \$20.00...out of Survey No. 29, R. Schorobiny, original grantee...8,464 square varas - or 14 acres of land...on and along the S. side of the Dunlay and Quihi Road: Beginning at a rock set in the center of the Dunlay and Quihi Road for the S.E. corner of Survey No. 23 James Allison:

Thence S. 7 vrs...set under the fence for the N. line of this New Cemetery: ^{20 ft}

Thence E. with said fence line ^{169 ft} 61 vrs.; Thence S. ^{255 ft} 92 vrs.; Thence W. ^{255 ft} 92 vrs., for this S.W. corner; Thence N. 92 vrs.; Thence E. with fence and along said road ^{86 ft} 31 vrs. to the place of beginning. "This cemetery frontage being 92 vrs. E. and W. along the S. side of the Dunlay and Quihi Road as surveyed by H. V. Haass on May 4, 1914...to be used as a public cemetery for all persons without regard to color or religion or politics, and in lieu and replacing Lots Nos. 334-335-336 and 337, in Quihi, heretofore donated by J. C. McKean to the Trustees of Quihi, as per deed recorded in Book A No. 8, p. 53, Medina County Deed Records, and which were today by petition donated to the Lutheran Church at Quihi by the Order of the Commissioners' Court on May 8th., A.D. 1916." The deed is dated May 8, 1916, recorded in Vol. 52, P. 365, Medina County Deed Records, and it is signed by M. Schorobiny.

Gerry Rickhoff



BEXAR COUNTY COURT HOUSE
SAN ANTONIO, TEXAS 78205

January 11, 2007

The attached information is taken from *An Informal Catalogue of the Red Numbered Miscellaneous Folders Located in the Spanish Archives of the Bexar County Courthouse* Compiled by Robert L. Tarin, Jr., 1991.

[Signature]
Alfred Rodriguez
Bexar County Archivist

BEXAR COUNTY SPANISH ARCHIVES
(TRANSLATIONS)

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SALE OF 11 SITIOS OF LAND BY ANTONIO GARCIA AND HEIRS
TO REFUGIO DE LA GARZA
1833

THIRD SEAL FOR THE FURNITURE OF
TWO REALES 1832 and 1833

In the City of San Fernando de Bexar, January 16, 1833; before me, Manuel Jimenes, First Alderman of the Illustrious Cabildo of the said City, acting Alcalde in the absence of the incumbent, personally appeared Antonio Garcia in his behalf and in the name of Eusevio Ancures, Luis Romero, Jose Maria Garcia, Juan de La Cruz, Cecilia Nunes and Apolinario Ramirez natives of the secularized Mission of San Jose and Declared:

That as sole heirs to the 11 sitios of land granted to their ancestors by the Spanish government, he sells at public sale, now and forever the priest, Refugio de la Garza of this said City the said 11 sitios of land with the following boundaries:

The survey was begun at the place known as the Loma del Padron which is identified by a plateau covered with brush and thorny undergrowth; From this plateau running the line from North to South to the Ford of Alamo Creek, monuments were placed at the edge of the road which leads to the Presidio de Rio Grande:

Then continuing on the said road toward the West leading to the Patahuia Creek a monument was placed and returning toward the North to the road which leads out of the canyon to Loma Alta a stone monument was placed a short distance from the line of Baltasar Perez, an adjacent land owner and from there toward the East to the said Loma de Padron where a rock monument was placed.

The said land was surveyed in accordance with the boundaries described in the original grant which is filed in the archives of this city and to which the grantors refer.

Antonio Garcia conveys these 11 sitios of land for the price and sum of 330 pesos, which he has received for himself and the remaining heirs, to his and their entire satisfaction. He sells this land with all its uses, customs, easements, rights of ingress and egress to the said purchaser, his heirs and successors or whoever with lawful title may represent his rights so that as property acquired by a lawful title, he may use it, sell it or exchange it whenever or however it may be to his best interest.

Thus for these reasons, from this moment, he parts with and divests himself of all rights of proprietorship, which the grantor and the remaining heirs may have to the said land and transfers them to the purchaser.

Consequently, he waives all laws which may be in his favor or defense, such as the law of four years of continued deceit, the law Non In Mala Pecunia, the law Circumvenit de Jurisdictione Ordinis Judicium and the provisions of the entire Civil Code.

In testimony whereof, he thus executed and signed the deed of conveyance with me, the present Judge. The instrumental witnesses were: Domingo Bustillos, Jose Flores and Bruno Huizar, besides the witnesses to my proceedings with whom I act in the customary form; to which I bear witness.

Manuel Jimenez,	Antonio Garcia,
(Rubric)	(Rubric)
Witness:	Witness:
Victoriano Zepeda,	Ygnacio Arocha,
(Rubric)	(Rubric)

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SALE OF 11 SITIOS OF LAND BY THE
PRIEST REFUGIO DE LA GARZA
TO JOHN MACMULLEN
1834

THIRD SEAL FOR THE BIENNIUM OF
TWO REALES 1832, 1833 AND 1834

Flores,
[Rubric]

In the City of San Antonio de Bexar, July 24, 1834, before me, Ygnacio Chavez, First Alderman of the Illustrrious Ayuntamiento and Judge of first instance because of the illness of the incumbent, personally appeared the priest Refugio de la Garza of this city, who is well known to me and declared:

That he conveys and assigns at public sale, by right of inheritance, now and forever to John MacMullen, a resident of this said city, 11 sitios of land which he acquired by purchase from Antonio Garcia, as appears in the deed of conveyance which he Refugio de la Garza hereby delivers to the purchaser, John MacMullen. The said land amounting to the said 11 sitios was surveyed as follows:

The survey began at the Loma de Padron which is identified by a mesa covered with brushwood and thistle; and from the said Loma extending North to South to the Ford of the Creek of the Alamos where monuments were placed at the edge

of the road which leads to the Presidio of the Rio Grande; and following the said road the line leads towards the West as far as the Letchuia Creek where a monument was placed; and returning towards the North to the road which leads out of the canyon to the Loma Alta where a rock monument was placed a short distance from the solar of Baltasar Perez an adjacent land owner; thence to the East to the said Loma de Ladron where another monument was placed. The measurements of this land correspond to those set forth in the deed of possession which is filed in the archives of this city to which the grantor refers;

The land is granted with all its rights of ingress and egress, uses, customs, rights and easements;

The grantor warrants that the land is clear of tax, mortgage, note, lien or any encumbrance special or general, to the purchaser, John MacMullen, his children, heirs, successors or whoever with lawful title may represent his rights, for the price and sum of 1,100 pesos receipt of which he acknowledges to his entire satisfaction from the said purchaser.

Wherefore Garza waives the laws of delivery and proof of payment; the laws of the Non Numerata Pecunia with the laws of the four years of continued deceit and the laws of the Royal Ordinance passed in the Cortes at Alcalá de Henares, which regulate transactions where land is bought, sold or exchanged for more or less than its just price and the vendor agrees

that he will not invoke any of these laws in his favor.

From this instant forever he divests himself of, assigns and surrenders all dominion, rights, rights of action, proprietorship, ownership, title or recourse which he had acquired in the 11 sitios of land. Thus he conveys, assigns and transfers all these rights to the said purchaser, his children, heirs and successors so that as property of his own he may possess, enjoy, exchange, sell or mortgage it, at will or at his pleasure.

He confers authority on the said purchaser to demand and assume possession of the said land personally or by court action whenever he considers it necessary and binds himself to the firmness, validity and security of this conveyance and with his property now in hand and to be acquired in such manner that if any claim, demand, dispute or lawsuit should be filed because of this conveyance he will intervene to defend the said suit until he has won it and left the purchaser in quiet and peaceful possession of the said 11 sitios of land which Garza has sold him. And if he should not comply with these conditions because he cannot or will not, he agrees that for this simple act, he will refund the said 1,100 pesos which he has received and also pay all costs, damages, debts and deterioration which may have resulted; and the grantor agrees that to enforce this provision the purchaser may rely only on his naked oath without further proof even if the law

require further proof.

And that he may be commanded and compelled to observe these conditions the grantor agrees that they may be enforced with all the rigor of the law and by way of execution as if upon a judgment entered in a competent court, consented to and never appealed under which terms he had acquired the land. The grantor waived his own rights of forum, domicile and residence, the law Circumvenere de Jurisdictione Omnium Judicium including the provisions of the general Civil Code.

Thus the grantor executed this deed and signed it. The instrumental witnesses were: Ambrosio Rodriguez, Juan Andres Lombroso and Bruno Huisar, besides the witnesses to my proceedings with whom I act in the customary manner, to which I bear witness.

Ygnacio Chaves,

[Rubric]

Witness:

Victoriano Zepeda,

[Rubric]

Refugio de la Garza,

[Rubric]

Witness:

Jose Francisco Flores,

[Rubric]

Collector of general taxes of the Department of Bexar, July 24, 1834.

The purchaser has paid into this administration the fee as agreed in this instrument.

Flores,

[Rubric]

de sus posesion como queda y perfeccion de sus entera, de las algunas y de las fincas... de los sitios de las fincas... de los sitios de las fincas...

1834 Agosto 2 de Calles
Antonio
a la casa de
2 de Calles

My, State of Texas
County of Bexar
I, Juan C. Navarro, Sheriff of the County of Bexar, do hereby certify that the attached writing contains in true and correct copy, found on file in the County Clerk's office of Bexar County, among the original Spanish and Mexican Archives of Bexar County, and duly recorded the 14th day of July, 1834, at 8 o'clock P.M. in the general records of Bexar County in Volume No. 2, pages 262 & 263 (Spanish) which writing, according to the terms of an order of the Commissioner of Bexar County, made and entered in the minutes of said Board at its February Term, 1834, and in accordance with the laws of the State of Texas relating to the recording of Public Lands.

En este día de Agosto de 1834 yo, Juan C. Navarro, Sheriff de este Condado de Bexar, certifico que el escrito adjunto contiene una copia verdadera y fiel de un documento que se encuentra en los archivos originales de este Condado de Bexar, y que fue registrado el día 14 de Julio de 1834, a las 8 de la tarde, en los registros generales de este Condado de Bexar, en el Volumen No. 2, páginas 262 y 263 (Español) el cual, de acuerdo con los términos de una orden del Comisionado de este Condado de Bexar, hecha y puesta en los minutos de dicho Consejo en su Sesión de Febrero de 1834, y de acuerdo con las leyes de este Estado de Texas relativas al registro de las Tierras Públicas.

y a las once horas de la noche y en el día siguiente a la fecha en el presente instrumento... y a las once horas de la noche y en el día siguiente a la fecha en el presente instrumento...

Domingo Castelo

Yo, mi oírte la hevo por presentada y admitida en el presente papel... Yo, mi oírte la hevo por presentada y admitida en el presente papel...

Angel de Maestas
de No. 2
Chavez y los
Sanjos Cas...

AN INFORMAL CATALOGUE
OF THE
RED NUMBERED MISCELLANEOUS FOLDERS
LOCATED IN THE SPANISH ARCHIVES
OF THE
BEXAR COUNTY COURTHOUSE

COMPILED BY ROBERT L. TARÍN, JR.
1991

44. a) Census of Mission Nuestra Señora de la Purísima Concepción de Acuña, June 14, 1809 (copy of original Spanish and typed translation).
- b) Census of Mission San Francisco de la Espada, June 15, 1809 (copy of original Spanish and typed translation).
- c) Census of Mission San Juan Capistrano, June 7, 1809 (copy of original Spanish and typed translation).
- d) Census of Mission San José y San Miguel de Aguayo, June 12, 1809 (copy of original Spanish and typed translation).
45. Álamo Countdown, by Richard G. Santos, 1989 (news articles).
46. Original Grantee, Patentee, Bexar County, Texas, Land Titles, by Mrs. Frances Terry Ingmire & Mr. Robert Lee Thompson.
47. a) Census of Mission San Antonio de Valero, December 25, 1804.
- b) Census of Mission San Juan Capistrano, December 31, 1804.
48. a) Census of Mission San Juan Capistrano, 1819, Bexar Archives microfilm, roll 58, frames (?).
- b) Census of Mission San Francisco de la Espada, 1817, Bexar Archives microfilm, roll 58, frames 910-912.
49. County Clerk of Bexar County, Inventory List.
50. a) Census of the military and civilians at the Presidio of La Bahía del Espíritu Santo, December 1810.
- b) Census of La Bahía, 1817, Bexar Archives microfilm, roll 60, frames (?).
51. Domingo Castelo land of mission ranchos, San José y San Miguel de Aguayo and San Francisco de la Espada missions (?), Spanish Archives, Book No. 2, pp. 263, 264, General Land Office, Austin, TX, and Vol. 50, page 25.
52. Corridor between San Antonio and Goliad, Texas, by AACOG, 1989 (pamphlets, letters, and news articles).
53. a) Census of Mission San Francisco de la Espada, December 4, 1819.

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GENERAL LAND OFFICE, AUSTIN, TEXAS
FEB 16 1993

I, GARY MAURO, Commissioner of the General Land Office of the State of Texas, do hereby certify that the above and foregoing is a true and correct copy of the _____ as appears on page _____ of _____ which said volume is kept in the Spanish Archives of this Office.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of said office the day and date first above written.


 GARY MAURO
 Commissioner of the
 General Land Office

GLG-R-04-(1-82)

Mission

Notarized by
Don Alexander Goy
July 1761 -
see Enclosure page 104

San José

Authentic Copy of the Title
for Lands granted by the Gov. of Spain
to the Indian Community of the Mission of
San José. - Situated on both sides of
the River Medina. - 11 La. Grants -
18th Nov. 1766.

For Remarks see the Reverse of this Title.

Domingo Castello a resident of the Town of
San Fernando in the Province of New Seville the
Cathillo of the said Town for the Grant of Colon Lands
of Land at the "San Lucas Springs" (Luzas to the
North West of the said Town.

The Petition was Contained by the Mission of
San José, and by the Authorities of the Government ordering
it to be put up at public Sale to the highest Bidder, - on
the 18th November A.D. 1766. the Land was awarded
to the Indian Community under the Jurisdiction of the said
Mission for \$100. for the Colon Lands, and \$50 in
addition for the part of being occupied from the Proceeds of
the Order to forward to Mexico, and submit the Proceedings
to the Council of the Supreme Council of India and for
its ratification.

The Act of Grant was sent into the King's
Treasury at Mexico on the 23rd Nov. 1766. the Copy
of the Receipt whereof is on folio 45. of this Title
made 95 of this Title.

Indian Communities under the Jurisdiction of a
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Atestamos

Atestamos a la letra de los autos de
diligencia hecha por D. Domingo Castello
de la Villa del Sr. Fernando Jurisdiccion de las
ciudades de Segovia, Salamanca y Mexico quales dize
que son onxal Titulo de Ganado mayor de los
Indios del Pueblo y Mission de S. J. Cos



SELLO QUARTO, EN
TITULO, AÑOS DE MIL SE
TECIENTOS Y SESENTA Y
SEIS, Y SESENTA Y SIETE.

Presenta. En esta Villa del San Fernando de la Comandancia
de Segovia y Nuevas Philipinas en nueve dias del
mes de febrero de mil y setecientos y sesenta y na
co años por ante Nos el Cavildo de sobre dicha
Villa representado es este capitulo por el comendador
Cacique Don Domingo Castello Senior de esta Villa del
San Fernando y Casado con una de las Señoras
de dicha Villa y haver en estado de edad de
ocho años esta parte as el Magister (que Dios
guarde) de la Iglesia en el Excoidio de S. (Caba)
y actual Residencia de esta Villa ante N. S. en la
mejor forma posible y digo: Que allandome
con algunos bienes muebles asi como
de mi mujer los que me veo precisado a man
tener, y no tener sitio ni agostadero en que
poderlos apastar, me vi precisado a aprobar el
paraje nombrado San Lucas en el qual fabrica
Casa e hizo Corrales como es publico y notorio
Generalmente a todos para se dividan

Villa ocho leguas en el Oriente a noventa
 la frontera de esta Villa en las costas de las
 de las pobladas y Reales de las como a S. B. le con-
 ra, por lo qual a S. B. pido luego y Suplico
 y osi en (mediante Justicia) de mandara
 venude la Certificacion de vez asi lo en pias
 do en este mi escripto por el Relezo y no ha
 estado poblado dicho Sitio por ninguna otra
 de vez en su no por mi. En lo qual a S. B. pido y
 suplico osi van demandas proveer como
 llevo pedido que en hazerlo asi no vize ha
 y fuesen, Si vniendo a S. B. Justicia, median
 de admitir este mi escripto en los pias
 comun por no ha verlo de ninguno vello, y
 Suo este mi escripto no sea de nulicia y en lo
 necesario S. B. Domingo Castelo _____
 Auto Aristo por nos, lo hubimos por presentado
 y admitido en los pias papel comun por las
 razones que en pias, Sena atencion a lo que
 es ta pias pida: Certificamos al Rey nuestro
 Senor (que Dios guarde) Al Conno Senor Pi-
 nax de esta Nueva España, sus Reales Audiencias
 cias adonde esta fuesen presentada: Sucesario

THE PAYAYA INDIANS OF SOUTHERN TEXAS

by

T. N. Campbell

Special Publication, No. 1
 Southern Texas Archaeological Association
 Published by the Association at San Antonio, Texas
 1975

The Payaya Indians
 of Southern Texas

T. N. CAMPBELL

SPECIAL PUBLICATION NO. 1
 SOUTHERN TEXAS ARCHAEOLOGICAL ASSOCIATION

1975

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INTRODUCTION

Documents written by Europeans who first explored and then later established settlements in the southern part of Texas, particularly south of the Edwards Plateau, contain formal identifying names for a remarkably large number of American Indian groups. Most of these were hunting and gathering peoples who have come to be referred to loosely as Coahuiltecos, which implies linguistic and cultural relationships with numerous formally named groups in adjoining northeastern Mexico. For any particular one of these Indian groups, either in northeastern Mexico or in southern Texas, it is difficult to make meaningful statements because relatively little effort has been made to collect, collate, analyze, and interpret the information available in European documents, many of which have yet to be published. The reasons for this minimal effort are varied. The first Europeans were not sufficiently interested in any one of these groups to record very much about them; what Europeans did record was incidental to other interests and is now widely scattered in numerous documents; and most modern students seem to assume that not enough information was recorded to make a data recovery effort worth while. Despite the handicaps, it is premature to characterize the Coahuiltecos as a whole until each one of the presumed constituent units is given individual research attention.

The following essay represents an attempt to focus attention on one such group, the Payaya, who in the late 17th and the early 18th centuries were most frequently associated with the area that now includes the city of San Antonio. What is presented here is based on such data as have been discovered thus far about the Payaya. It should be regarded as an advanced progress report, since many documents that may contain information on the Payaya have yet to be examined, and it should also be regarded as an effort to demonstrate that such tedious and time-consuming studies are worth doing. The last word on the Payaya is not likely to be written for some time to come.

In considering southern Texas and its Indian populations during the latter part of the 17th century, when the natives began to be better known to Europeans, it should not be assumed that the Indians were fully representative of peoples who lived there during the late prehistoric period. In the closing years of the 17th century the Indians of southern Texas already knew much about the Spaniards of northeastern Mexico, who had been established there for at least a full century. Many Indian groups of northeastern Mexico had been broken up by European-introduced diseases and wars with colonizing Spaniards, and some of the remnants of such groups had moved across the Rio Grande into present-day Texas. Furthermore, the Spanish frontier of northeastern Mexico was not the only frontier that affected the Indians of southern Texas. There was also a southward- and southeastward-moving Athapaskan or Apache frontier. By 1684 there is clear evidence in the itinerary of Dominguez de Mendoza (Bolton 1916:321, 331-333, 335-338; Williams 1962) of aggressive Apache movements from the southern Plains into the western part of the Edwards Plateau. Mendoza had to leave the plateau earlier than he had intended because the Apaches were making off with too many of his horses.

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123 East Crestline, San Antonio, Texas 78201

In 1690 Mazanet, who accompanied Alonso de León from Coahuila northeastward to the Hasinai of eastern Texas, mentioned that parties of Apaches had already reached the grasslands north of the Colorado River downstream from Austin but had not penetrated the wooded area farther east (Gómez Canedo 1968:161). Mazanet also said that Apaches were living west of the Hasinai but gave no further details. The next year, 1691, Casasas, a missionary among the Hasinai, confirmed Mazanet's last remark by saying that the Hasinai already knew several Apache groups and had fought with them (Casasas, in Swanton 1942:251). After 1700 the increasingly dominant theme in the more northerly part of southern Texas was Apache pressure, for eventually the entire Edwards Plateau became Apache Apachería. Such successes as the San Antonio missions had after 1718 were largely due to the territorial encroachments of the Apaches. In 1727 the missionary Vergara (in Haggard 1942:77) wrote that the Payaya and other Indians who came to the first two San Antonio missions "were converted for fear of the Apaches."

So far as the area west and southwest of San Antonio is concerned, the general picture is fragmentation of native populations between northward-moving Spaniards and southward-moving Apaches, with a consequent squeeze that induced remnants of many peoples to move farther eastward. This partially explains why so many ethnic groups were initially recorded in the lower section of Texas. San Antonio became the first Spanish settlement of southern Texas in part because it was a good place for missionary work among disturbed Indian populations, most of whom, when weighing Spaniards against Apaches, seem to have regarded Spaniards as the lesser of two evils. It is not surprising to read, in Spanish documents of the time, that the first Indians seen around San Antonio were "docile" and well disposed toward Spaniards. They were docile for very good reasons.

The preceding paragraphs, which attempt to show a contrast between the late prehistoric Indians and the late 17th century Indians of southern Texas, also serve to show a contrast between the Indian world of at least a part of southern Texas as pictured by Cabeza de Vaca (1527-1535) and inability to conceive of his Indians as well-adjusted to their local environments, it is evident from his accounts that these Indians were able to solve most of their problems and survive biologically. One gets the impression that Cabeza de Vaca was describing an ecological equilibrium. His Indians were not yet having to face serious encroachment by the 17th century the Indians of southern Texas were already beginning to face what most hunting and gathering peoples of the world have had to face: population decline, territorial displacement, segregation and ideological pressure, loss of ethnic identity, and absorption by invading populations. Southern Texas is a good area for studying the decline and fall of fragile hunting and gathering societies.

BASIC PAYAYA SOURCES

The primary sources which yield information on the Payaya Indians cover a period of approximately 100 years--from 1688, when their name seems to have first been recorded, to 1789, when their ethnic identity was lost

during the last days of one of the San Antonio missions, San Antonio de Valero. The documents which tell the most about their pre-mission life were written prior to 1730, and the best ones prior to 1718. Of these, the most informative sources are those which record eyewitness accounts of Payaya in specific localities at specific times, and even these are disappointingly lean in descriptive detail. After 1730 nearly all that can be learned about the Payaya is found in mission-related documents, which reflect rapid acculturation in a segregated mission environment. In the later baptismal, marriage, and burial records of Mission San Antonio de Valero they eventually cease to be referred to as Payaya individuals and are merely recorded as Indians (Indios), to distinguish them from Europeans and genetically mixed individuals whose names also occur in the same records.

PAYAYA NAME VARIANTS

As the result of fairly common usage over a period of some 75 years, Payaya has come to be accepted as a standardized orthographic form for the name of one ethnic group in southern Texas. Its meaning remains unknown. With stress on the second syllable, it seems to represent reasonably well the sounds heard by Europeans, mainly French and Spanish, when Payaya individuals repeatedly uttered an identifying name for themselves. Assuming some knowledge of both French and Spanish phonetics, most of the orthographic variants found in written records are readily recognized as being related to the form Payaya.

Below is given an alphabetized list of Payaya name variants which I have thus far encountered in Spanish sources and their English translations. These are acceptable through contextual analysis and comparisons of various documents. Both singular and plural forms, if actually used in the sources, are included. Bibliographic citations are not feasible because well over 100 separate sources are involved.

- | | |
|----------------------|------------------------|
| Mepayaya (Mepayayas) | Payaya |
| Nepayaya | Payalla |
| Paia | Payas |
| Paiaia | Payatas |
| Paiaies | Payay |
| Paialla | Payaye (Payayas) |
| Paiaya (Paiaayas) | Payayos |
| Pajaja | Paytay |
| Pallalla | Pazaga |
| Pallalles | Peayaya |
| Pallaya | Peayaye (Peayayas) |
| Papayo | Piyai |
| Payaes (Payaez) | Tilpayaya |
| Payagua (Payaguas) | Tilpayai |
| Payai (Payaiies) | Tilpayay (Tilpayayaes) |
| Payaiia | |

Some of the above variants are undoubtedly distortions arising from bad handwriting in original documents and from carelessness among the early professional copyists, not to mention modern carelessness and clerical

and printing errors. Modern students often express impatience with long lists of synonymous group names, which is understandable; but it should be realized that lists of authenticated variants are essential for developing reliable identities for all those poorly known Indian peoples whose names in documents are rendered in such confusing variety.

Only two variants, Pailhailles and Paillailles, appear in the French sources examined. These obviously record essentially the same sounds as indicated by most of the Spanish variants.

In the Handbook of American Indians (Hodge 1910, 11:218, 1118) four name variants linked with the Payaya should be corrected. Three of these--Payaga, Payasa, and Payayasa--are misprints that should all be read as Payaya; the fourth, Payseyas, refers to the Pausay, not to the Payaya.

PREVIOUS PAYAYA STUDIES

The first summarizing statement on the identity, territorial range, and known ethnohistory of the Payaya Indians was prepared for the Handbook of American Indians (Hodge 1910, 11:217-218). Written by H. E. Bolton, an able and scholarly historian who was especially interested in the northern frontier of colonial Spanish North America, it consisted of some 215 words, accompanied by a bibliography of nine sources, mostly unpublished manuscripts, and a list of 15 names considered to be orthographic variants of the name Payaya. Bolton's brief article was historically oriented and said nothing specific about Payaya culture, not even that the Payaya were originally hunting and gathering Indians. The Payaya were, of course, mentioned in other Handbook articles, all written by Bolton, but these mainly referred to the Payaya role in missions (Hodge 1907, 1:844-845, 847; 1910, 11: 92-93, 183, 209, 354, 424-426, 569-570, 980). Since 1910 little has been added to Bolton's statement, although Ruecking (1955a:349-350) has paraphrased Bolton and sought to relate the Payaya to other Indian groups of the same area, a matter to be discussed later. Ruecking (1953, 1954b, 1955a,b) also attempted to develop a composite ethnography for Coahuiltecan Indians. This was based primarily on published data for groups that ranged south of the Rio Grande, and very little Payaya information was used. In recent years a number of new documents have become available, adding appreciably to what may be said about the Payaya.

EUROPEAN OBSERVATIONS OF PAYAYA SETTLEMENTS

The reports of Europeans who actually visited Indian settlements in southern Texas usually indicate or at least imply that these were temporary settlements or encampments, and such settlements are often referred to as rancherías. Sometimes settlements are reported as being inhabited by individuals attributed to a single ethnic group, but more frequently the reports specify occupation by two or more ethnic units, or what may be called shared encampments. This variation in ethnic composition provokes another question: under what circumstances did individuals from a single population unit camp alone, and under what circumstances was an encampment shared? Unfortunately, no European ever asked an Indian such a question; or if so, the answer was never recorded.

de Sacatsol camp was probably somewhere just south of the Edwards Plateau margin in either Kinney or Uvalde County of today.

The Tilpayaí recorded by Mazanet have long been identified as Tilijae instead of Payaya (Hodge 1910, 11:750, 1156), which is not phonetically justifiable. When the name Tilpayaí is compared with over 30 recorded orthographic variants of Tilijae, it will be seen that not one of the Tilijae variants contains the letter p. The equation of Tilpayaí with Payaya is reinforced by a list of 19 Indian groups known to Juan Jarri and obtained from him after he was captured and later interviewed by Spaniards in Mexico (León y otros 1961:219). On this list is the name Piyai and no other name that even remotely resembles Tilijae. The difference between the recordings of Tilpayaí and Piyai may be explained by the fact that Tilpayaí was obtained from the Pacpul Indian and Piyai from Juan Jarri.

Mazanet, 1690. In 1690 the Tilpayaí were again recorded, this time in a letter written by Mazanet to the Conde de Galve, recently published for the first time by Gómez Canedo (1968:159-165). This document specifies locations for numerous Indian groups south of the Edwards Plateau that were encountered by Alonso de León's expedition of 1690 to Matagorda Bay and to the Hasinal country of eastern Texas. Few of these groups were mentioned in the letter of Mazanet to Carlos de Sigüenza and in Alonso de León's itinerary, both translated by Bolton (1916:353-423). When Mazanet's letter to the Conde de Galve is used in conjunction with the original map showing León's route to eastern Texas (as of the year 1690, facing page 370), the result is a substantial increase in knowledge of the territorial ranges of Indian groups in southern Texas as of the year 1690. Mazanet reports six Indian groups on the Medina River: Tilpayaí, Cauya, Semomam, Saracum, Pulacum, and Anxau (Gómez Canedo 1968:160). According to León's itinerary (Bolton 1916:408), the Medina was crossed twice, on April 19 and again on April 20. Although Mazanet is none too clear about the six Medina groups sharing the same encampment, they probably did because he refers to them as "los indios que viven en dicho puesto." Prior to Gómez Canedo's publication of this letter, five of the six names were known only from an official summarizing report of 1716 (Velasco 1958:318) which simply listed all the Indians reported in 1690 by Mazanet as living between Coahuila and eastern Texas, but did not indicate where each was encountered. Bolton and later writers on the Payaya did not know of Mazanet's informative letter to the Conde de Galve and, as a consequence, errors have been perpetuated that grew out of speculation about the territorial ranges of many Indian groups.

If we note the Medina River as shown by the detailed route map of León's 1690 expedition to eastern Texas, it will be seen that the locality where Mazanet's six Indian groups were reported was along that section of the Medina River which flows from west to east near the present boundary between Medina and Bexar counties. Since this is the area where the Payaya were reported as living at various times during the next two decades, the synonym of Tilpayaí and Payaya becomes even more acceptable.

Mazanet, 1691. The first eyewitness accounts of the Payaya under that name occur in documents of the Terán de los Ríos expedition to eastern Texas in 1691-1692, particularly in the diaries of Terán and Mazanet

Since it is difficult to conceive of any ethnic group wanting to maintain exclusive encampments under all circumstances, it appears reasonable to assume that both unshared and shared settlements have always been characteristic of the hunting and gathering peoples of southern Texas, even in the prehistoric period. What seems to be especially significant is the relatively high frequency of shared encampments during the early historic period. Perhaps this is explainable as the result of disturbances produced by well-organized invading populations, such as Spaniards and Apaches. If the population of a native group was still large enough for the people to feel secure, at least temporarily, its settlements might be unshared at times; or its numerical strength might attract individuals and families from one or more nearby extinct remnant groups. However, if a given area was being ranged by small remnants of several groups, these would feel safer in a shared encampment.

Mazanet-Jarri, 1688-1689. The earliest record of the Payaya appears to be under the names Tilpayaí and Piyai, which occur in documents pertaining to a mysterious Frenchman captured by Spaniards in 1689. This man, known to Spaniards as Juan Jarri (in French probably Jean Géry) was evidently a deserter from the La Salle expedition (1685-1687) who made his way westward from La Salle's Fort St. Louis near Matagorda Bay on the Texas coast. The records suggest that Jarri acquired considerable influence, religious as well as political, over many Indian groups in southern Texas, particularly south of the Edwards Plateau. It is fairly clear that he was captured in the general vicinity of Guerrero, Coahuila, some 30 miles down the Rio Grande from Eagle Pass, Texas.

We first learn of Jarri through the missionary Mazanet, who in 1688 was serving at Misión Caldera (near modern Candela, Coahuila). Mazanet heard of Jarri from Indians at the mission and persuaded a Pacpul Indian leader to go northward and find out just where Jarri was then living. The Pacpul returned and reported that the Frenchman was seen north of the Rio Grande near the Sierra de Sacatsol in an encampment shared by Indians representing at least eight named groups--Mescal, Yorica, Chonon (Jumano), Machomen, Sampanal, Pacuache, Tilpayaí and Ape (Hape) (Bolton 1916:356-357; Gómez Canedo 1968:8-9).

According to Mazanet, the Indian encampment near the Sierra de Sacatsol was some 20 leagues (about 52 miles) north of the Rio Grande and some 60 leagues north of Misión Caldera. Bolton (1916:297, footnote) thought that the Sierra de Sacatsol may have been the present Anacacho Mountains of southwestern Kinney County, an isolated elevation some six miles long. It is doubtful if the word sierra would have been used for such a short ridge. It seems more likely that the Sierra de Sacatsol referred to the heavily eroded southern margin of the Edwards Plateau, which is a short distance farther north. When approached from the south, the margin of the plateau looks like an elongated range of low mountains with a serrated crest. It is of course impossible today to determine the longitude of Jarri's Sierra de Sacatsol settlement. However, when Jarri was later taken into Spanish custody in 1689, he was then in an encampment near Guerrero and the names of four Indian groups present were recorded, three of which were also present at the camp near the Sierra de Sacatsol. These were Mescal, Jumano, and Hape (Bolton 1916:389-390). All this suggests that the Pacpul crossed the Rio Grande near Guerrero and that the Sierra

(Gómez Canedo 1968:176-177, 238-239; Hatcher 1932:14, 54-55). In mid-June, 1691, this expedition visited a Payaya settlement on the San Antonio River at a point somewhere within the present limits of the city of San Antonio. Although today a precise location cannot be firmly established, historians continue to discuss the matter. I am inclined to accept the argument of Habi (1968:160) that the Payaya encampment was near Misión San Juan Capistrano. At any rate, this is the only unquestioned record of Payaya along the San Antonio River until the first mission was established at San Antonio in 1718.

This Payaya settlement was described as being in a wooded area near the river. It is of interest to note that Mazanet referred to the Payaya encampment as a ranchería, whereas Terán used a plural form, ciertas rancherías, which suggests that he was the better observer, that is, he saw the clustering of shelters dictated by natural open spaces in a wooded locality. The records do not actually refer to housing of any kind, and the only reference to population size is Mazanet's remark, which may not necessarily refer to this particular settlement alone, that the Payaya constituted a large group (es nación muy grande). From this about all that can safely be concluded is that the Payaya were probably among the more populous Indian groups in Coahuila and Texas then known to Mazanet.

After Mass was performed in the encampment, European goods were distributed among the Payaya: rosaries, glass beads, various kinds of knives, and tobacco. Mazanet also presented a horse to the Payaya head man. Although this is the first record of horses and European "trade goods" among the Payaya, it should not be assumed that European horses and artifacts had never been seen before. As noted earlier, Spanish colonists had been living in northeastern Mexico for at least a century prior to 1691.

Salinas Varona, 1693. On his return to Coahuila from a trip to eastern Texas in 1693, Gregorio de Salinas Varona encountered three Payaya encampments some 30 miles southwest of modern San Antonio (Gómez Canedo 1968:302-303, 306). His diary makes it possible to say that the three settlements were all west of the Medina River in what is now southeastern Medina County. After leaving the Medina River, Salinas Varona visited these encampments in rather close sequence along his route southwestward, and he passed the third and last one before he crossed lower Hondo Creek just above its junction with the Frio River. No population estimates for the three rancherías were recorded, nor were any descriptive remarks made other than that the first settlement encountered was near a spring. The time was summer, the first two settlements being visited on July 1, the third on July 2. When Salinas Varona had earlier passed through this same area he saw no Indians of any kind between Hondo Creek and the upper San Antonio River (May 15-20).

These Payaya encounters probably explain the origin of a Spanish place name, El Arroyo de los Payayas, first mentioned in documents some 25 years later. On April 21, 1718, Martín de Alarcón, on his way from Coahuila to San Antonio, crossed El Arroyo de los Payayas six leagues (about 15 miles) before he reached the Medina River (Hoffmann, 1935:47; 1938:316). This is where Salinas Varona saw Payaya Indians in early July, 1693. The records of the Alarcón expedition do not mention Indians of any kind being seen on or near El Arroyo de los Payayas. However, it appears likely that by 1718 the Payaya had largely abandoned the more exposed western part of their

range because of Apache attacks. Some of the Payaya entered Mission San Antonio de Valero of San Antonio in that year. Nine years later, in 1727, Pedro de Rivera, the great frontier inspector, followed Alarcón's route and on August 1 recorded a stream with the same name in the same area (Rivera y Villalón 1945:111). Rivera also saw no Indians along El Arroyo de los Payayas, but he did say that the locality was much favored by the Payaya (su más continua habitación). It is very doubtful if this last remark applies to the year 1727, for by that time most of the surviving Payaya had taken up residence at Mission San Antonio de Valero, having been converted to Christianity, as the missionary Vergara so frankly stated, because they feared the Apaches.

My own interpretation is that El Arroyo de los Payayas, as recorded by the Alarcón and Rivera documents, received its name in the latter part of the 17th century and is probably derived from the experience of Salinas Varona and possibly other Spanish travelers whose movements were never officially recorded. I think that El Arroyo de los Payayas refers to the most prominent of the southeastward-flowing headwater tributaries of San Miguel Creek, namely, the stream which on recent maps is designated San Francisco Pérez Creek. If archeologists want to find early historic artifacts at least in part attributable to the Payaya Indians, the area covered by the upper headwaters of San Miguel Creek is one good place to begin the search. The entire San Miguel drainage has a total airline length of some 75 miles and empties into the Frio River in northern McMullen County. Just how far down the San Miguel drainage the Payaya ranged in the late 17th century remains problematical.

In his Handbook article Bolton wrote of the Payaya as "...living in the latter part of the 17th century on the San Antonio River... In 1691 Father Massanet...passed through their village..." This was written before Bolton knew that Salinas Varona's diary had recorded visits to three Payaya settlements just west of the Medina River. Unfortunately, Bolton's statements have led some writers to assume that the Payaya originally lived only along the San Antonio River, that their population was so small that all of them normally lived in one settlement, and that their San Antonio "village" was a permanent settlement. These assumptions, now that we have the Salinas Varona diary, obviously need modification.

Mendoza, 1703. In 1703 Felipe de Mendoza, who came from Spanish Florida by way of French Louisiana, wandered lost afoot and alone in Texas for some time. In a statement made later in Mexico Mendoza claimed that, after crossing the Colorado River, he moved on farther westward and reached a settlement of "Paillailles," where he spent eight days. Among these Payaya he found a man who spoke both Spanish and Mexican (Nahuatl) and who directed Mendoza to Presidio San Juan Bautista on the Rio Grande, which he reached after wandering about uncertainly for eleven days. If this statement is reliable, and it seems to be, since Salinas Varona interviewed Mendoza and authenticated his geographic knowledge of Texas, then Mendoza's Payaya were probably either on the upper San Antonio River or near the Medina River where Salinas Varona had seen them ten years before (Mendoza 1703:77-78; summarized in Weddle 1968:68-70).

The Ramón expedition documents mention horses and dogs at Rancharía Grande, and they also say enough to indicate that Rancharía Grande was associated with a wooded stream valley in the Blackland Prairie region, originally a tall-grass prairie, where bison were reported to be numerous. This helps to explain the subsistence base for a settlement of some 2,000 Indians. This relatively large population in turn provided some protection from the Apaches who by 1716 were in firm control of the hill country of central Texas just west of the Blackland Prairie.

Derbanne-St. Denis, 1717. In 1717 Louis Juchereau de St. Denis led a small party of Frenchmen, later joined by a few Spaniards and 26 Hasinaí Indians, from Natchitoches southwestward through the Hasinaí country to present San Antonio and on to Presidio San Juan Bautista on the Rio Grande. After crossing the Brazos River and fighting off an attack by Apaches, the Hasinaí returned to their own villages and the Europeans went on to encounter a few Payaya in a grassland area. The recorded itinerary data (Derbanne) indicate that the encounter must have been somewhere east or northeast of what is now Austin (Bridges and De Ville 1967; Margry 1888, VI:206). These Indians took the party to a nearby encampment, at which the travelers spent one day and two nights. This Payaya camp was said to be six leagues (about 15 miles) north of the Colorado River, possibly in present northeastern Travis County, which lies in the north-south oriented strip of dark soils marking the Blackland Prairie region. Some of the Spaniards in the party traded for dressed bison skins, which suggests that the Indians were there for a spring bison hunt (the month was April).

All of the above comes from the Derbanne diary of the journey. Later in the same year, 1717, in a declaration recorded by Spaniards in Mexico (Shelby 1923:176-177), St. Denis gave additional information about the encampment. "For a time," said St. Denis, "there reside on the banks of the San Marcos (present Colorado River) the following nations, La Payaya--Pamaya--Tzatoó--Emé--Tziames." These four groups, the last two of which have composite names, are readily identifiable as Payaya, Pamaya, Sana and Toho (Tzatoó), and Emet and Sijame (Emé--Tziames). Farther on in the same declaration St. Denis added this statement: "These four wander from this river (the Colorado) to the Medina, always as vagrants."

The remarks made by St. Denis seem to indicate that Derbanne simplified the picture by reporting only the name of the numerically dominant group, the Payaya, in this encampment north of the Colorado River. Derbanne's account is a day-by-day record, and he mentions no other Indian groups encountered in the area. In other words, the probability is high that the reported Payaya encampment was one which the Payaya were sharing with Pamaya, Sana, Toho, Emet, and Sijame. This seems especially reasonable when it is recalled that the St. Denis party had fought off Apaches only a short time before. This joining of forces for better protection against Apaches is compatible with the historical context of the time. It may also be noted that St. Denis's statement about the territorial range of the Payaya agrees well with information on their range as reported in earlier documents.

Espinosa, 1709. In 1709 Isidro Felix de Espinosa, a missionary, recorded the journey of a small party of Spaniards from San Juan Bautista on the Rio Grande northeastward to a point on the Colorado River not far downstream from present-day Austin. On April 11 the Spaniards visited a small Payaya encampment on the left bank of the Medina River southwest of San Antonio (Maas 1915:52; Tous 1930b:4-5). From the descriptive details recorded it is evident that the Payaya were encamped on that section of the Medina that flows due eastward, or somewhere near the present boundary between Medina and Bexar counties, where Mazanet had reported Tilpayal in 1690. This Payaya settlement was said to be in a clearing in the woods along the river. Here Espinosa inserted a statement that along the Medina River were many pecan trees whose nuts were used for food by all the Indians who ranged its banks. Three leagues farther on toward San Antonio an unspecified number of Payaya individuals was encountered, apparently from the encampment just visited. Still farther on the Spaniards met five "Pampoa" (Pampopa) who were said to be on their way to the Payaya's Medina River camp. Shortly after this, still traveling within sight of the Medina River, the Spaniards came to a Pampopa encampment. This east-west section of the Medina River is another good locality which archeologists might profitably search for artifacts attributable to an early historic Payaya occupation.

Espinosa, 1716. On June 12, 1716, when the Ramón expedition was on its way to re-occupy eastern Texas, a large Indian encampment known as Rancharía Grande was visited near the junction of Little River with the Brazos River in Milam County (Folk 1933; Tous 1930a). Bolton has collected data on the Rancharía Grande phenomenon (in Hodge 1910, II: 354; Bolton 1915:42-44, 142-150) and has shown that it was primarily an Indian refugee encampment. In 1716 this Rancharía Grande had an estimated population of 2,000 Indians, mainly from northeastern Coahuila and the adjoining part of Texas, who had left an intolerable situation in an area increasingly dominated by Spaniards from the south and Apaches from the north. The list of Rancharía Grande groups named by Espinosa (Tous 1930a:17) includes Cantona, Ervijame, Mescal, Mesquite, Pamaya, Sijame, Ticamar, and Xarame, and additional groups were undoubtedly also represented. Except for the Cantona, apparently a local Tonkawan group, all these Indians were from the area south of the Edwards Plateau, both in Coahuila and Texas. With Ramón when he visited Rancharía Grande in 1716 were nine Spanish missionaries, some of whom had served at the Rio Grande missions below present Eagle Pass, and these friars recognized individual Indians they had known personally on the Rio Grande. Some of these Indians were labeled as former frontier trouble-makers; others were identified as runaway neophytes and apostates from the Rio Grande missions.

Just how many Payaya were present at Rancharía Grande in 1716 we do not know, but perhaps not very many, since Espinosa used the phrase "some Payaya." It should be pointed out that a similar aggregation had been visited before, in 1707, at which time it was on the Colorado River somewhere downstream from modern Austin; but Payaya were not reported there. Rancharía Grande does not add much to the Payaya record, but it does reveal something about the tensions in southern Texas in the early 18th century.

PAYAYA AT SPANISH MISSIONS

In the preceding section attention was focused on the Payaya outside of missions. Here an attempt will be made to summarize the leading facts about the Payaya at three missions: San Francisco Solano, San Antonio de Valero, and Nuestra Señora de la Purísima Concepción de Acuña (Mission Records, n.d.).

San Francisco Solano. Payaya were present at Mission San Francisco Solano of extreme northeastern Coahuila, which was founded in 1700, and which in 1718 was transferred to San Antonio, where it became known as Mission San Antonio de Valero. But the Payaya were evidently an insignificant element in the recorded Indian population at Solano. Of some 45 ethnic groups identifiable in the surviving but incomplete mission records (baptisms, marriages, and burials), the Payaya group is represented by only two individuals. One of these was Marcela, a female said to be about 25 years of age, baptized in 1706; and the other was Antonio, a male of unspecified age, baptized in 1707. The largest group represented at Solano during the 18-year period of its existence was Xarame, with some 90 identifiable individuals. However, of the approximately 475 individuals recorded at Solano, a substantial number, 131, cannot be identified as to ethnic origin. Some of these may have been Payaya. This is reinforced to some extent by a reference in 1700 to 14 Payaya males who were killed in an attack on Mission Solano by unidentified hostile Indians, apparently not Apache (Olivares 1700:49). All of this suggests that the Payaya normally ranged too far east for many of them to seek protection at the Rio Grande missions. Nearly all of the recorded Payaya settlements were east of lower Hondo Creek, which is some 175 miles from the average location of the Solano mission (this mission was moved three times during its existence in Coahuila). But it also indicates that shortly after 1700 at least some of the Payaya were beginning to feel insecure enough to take refuge in a mission protected by the soldiers of Presidio San Juan Bautista, which was founded in 1703.

San Antonio de Valero. Most of what can be learned about the Payaya experience in Spanish missions in connected with Mission San Antonio de Valero of San Antonio, founded in 1718. This is the only long-lived mission in southern Texas for which reasonably complete baptismal, marriage, and burial records have survived. These three kinds of records were kept separately, the entries being serially numbered and dated. Beyond that the entry format varies considerably through time. Some numbered entries are illegible and others are either missing or do not specify ethnic identity. Sometimes errors in ethnic identification, often correctable, were made by the various missionaries responsible for the entries, and this is undeniably shown by internal evidence when successive entries for the same individual are compared. It is relatively simple to cross-check the ethnic identities of many Payaya individuals, since their names were repeatedly recorded, not only when they and their children were baptized, married, and buried, but also when they were designated as godparents for children baptized or as witnesses at marriages. Despite the inadequacies, Valero has the best basic mission records available, and from these it is possible to ferret out various kinds of information, mainly demographic, selected aspects of which will be presented here.

At Valero, Payaya was the largest ethnic group represented. If one constructs a mission census through analysis and comparison of all entries, it is possible to identify at least 184 individuals as Payaya. According to the missionary identity rule, all children of a Payaya father were considered to be Payaya and were so recorded, although at times erroneously. The only exception to this rule was when the father of an occasional illegitimate child was unknown to the missionaries, in which case the child of a Payaya mother was identified as Payaya.

The earliest identifiable Payaya entry is for the year 1719; the latest, a somewhat doubtful case, is for the year 1789, which gives a time range of 70 years. Santos (1966-1967:158), who used only burial records, obtained a Payaya population count of 122 at Valero, allowing for a few ethnic group names which he apparently misread as "Payayo." This indicates that many Payaya individuals were baptized and married at Valero but were not buried there; and it also shows the value of using, when available, all three types of records in mission census construction. The Valero proportions--122 for burial records (given by Santos) and 184 for all records combined (given here)--suggest that burial records, if used alone, give only about 66% of total mission population for a lengthy period. It must be realized, of course, that a Payaya who came to the mission but left before being baptized or married might never appear in mission records. There is no way to control this factor.

The figure of 184 identifiable Payaya represents the entire 70-year period. Just how many Payaya were present at Valero in any one year cannot be stated very precisely. However, an impressionistic answer can be obtained by carefully checking the records for standard census decade-years and tallying the individuals for whom there is documentary proof of their living presence during each of those years. The following tabulation presents the results of such an effort:

1720	26	Payaya
1730	41	"
1740	39	"
1750	37	"
1760	31	"
1770	5	"
1780	2	"

After making generous allowance for record inadequacies, it seems likely that in any particular year the total Payaya mission population never exceeded 60. In the tabulation it may be noted that after 1760 there is a notable decline. This reflects two things: (1) decline in the general mission population because of a high death rate (discussed below) and little or no replacement by outside recruiting, and (2) loss of interest by the missionaries in recording ethnic-group identity. After 1760 the missionaries gradually began to identify many Indians as merely *indios*, and they rarely entered adequate detail on parentage, which is essential for carrying ethnic identities forward in time.

The Valero records provide information on the life expectancy of Indians in San Antonio missions. In these documents the recording of age is somewhat spotty, and the only reliable age figures are for individuals who

at Valero, mainly groups considered to be Coahuiltecan, but also including, especially later in time when Coahuiltecan mates were scarce, Karankawans (Coco and Karankawa), Tonkawans (Mayeye), and Athapaskans (Lipan Apache and other unspecified Apaches), not to mention groups of unknown linguistic affiliation.

In the Valero records it is possible to identify 48 Payaya males who lived long enough to be married, but only 33 of these had children that can be identified. The average number of children per Payaya family was four (figure rounded). The number of children per family ranged from one child (10 cases) to 10 children (one case).

Practically nothing is found in the Valero records that throws light on the Payaya pre-mission kinship system and family structure, nor on any facet of native sociopolitical organization. The Payaya mission families were essentially Spanish-type families, which is indicated by the limited genealogies that can be constructed and also by the naming system. In mission records all Payaya are identified by Spanish names. More commonly these are single or double given names, such as Brígida or Damián, Juana María or Pablo Mauricio. Family names, as Miguel Hernández Arcon or María Josepha de Lamas, become more frequent with the passage of time. Occasionally a name recorded by the missionaries will signify proficiency in some skill or activity, for example, Jacobo el Carpintero (carpentry) or Manuel el Cantor (singing). In the mission Indian village a simplified set of Spanish-type civil officials performed such duties as were necessary and, since the Payaya were relatively numerous, Payaya males often held such offices as *gobernador*, *alcalde*, *fiscal*, and *oidor*. The missionaries invariably recorded the civil office held by any male.

Nuestra Señora de la Purísima Concepción de Acuña. With one exception, no Payaya individuals were recorded at any of the San Antonio missions other than San Antonio de Valero. This exception is Mission Nuestra Señora de la Purísima Concepción de Acuña, usually referred to as Mission Concepción, which was moved from eastern Texas and established at San Antonio in 1731. Only the marriage records of Mission Concepción have survived, and these carry the name of one Payaya woman, Josepha, a widow said to be from the nearby Mission San Antonio de Valero, who in 1739 married Juan Baptista, a Patumaco Indian who was formerly an *alcalde* in the Concepción Indian village. This single entry reveals the ambiguity of Bolton's statement (in Hodge 1910, 11:93) that the Concepción marriage records indicate the initial entry of Payaya at this mission in 1739, implying that other Payaya individuals were later married there, which is not the case. Evidently Payaya individuals rarely transferred from the San Antonio mission of their original choice, Valero.

PAYAYA LINGUISTIC AFFILIATION

Although it is generally accepted that the Payaya spoke the language now known as Coahuilteco (Swanton, 1940:55), the evidence which supports this judgment has never been summarized.

Only two words of probable Payaya origin have been recorded. One of these is the ethnic group name, Payaya, whose meaning is unknown. However, it

were born in the mission and were shortly afterward baptized there, and who also died in the mission. For individuals, particularly adults, who were not born in the mission, estimated ages are sometimes given.

For 80 Payaya individuals of both sexes there are fairly good figures for age at time of death. Of these, 36 are males and 44 are females. The age at death of males ranges from a few days to 80 years, and for females from a few days to 71 years. But the average age at death of the males is 15 years, and of females 10 years. In other words, it seems that the average Payaya at Valero barely managed to reach early adolescence. Since there are no comparable figures for Payaya during the pre-mission period, it is not possible to say whether mission life shortened or lengthened life expectancy.

If one concentrates on the first 10 years of the individual life span, it is evident that childhood was the critical period. Of the 184 Payaya individuals recorded for the entire 70-year period, at least 61 died before reaching the age of 10 years. And of these 61 cases, 41 were children who died before reaching the age of two; 14 died between the ages 3-5; and six died between the ages 6-10. Thus it appears that as many as one out of every three Payaya individuals may have died before he was 10 years old.

The Valero records rarely indicate causes of death. Two Payaya males were reported killed by Apaches (1746, 1752), and one was killed by unspecified Indian enemies (1765). Whatever the causes of death, it is clear enough that Mission San Antonio de Valero was a decidedly lethal place for the Payaya and other Indian inhabitants.

Only a limited amount of information on Payaya marriages can be extracted from the Valero records. Data on age at first marriage are scarce and not very reliable. About all that can be said is that both sexes seem to have married as soon after puberty as mates could be found, and one gets the definite impression that females found mates more readily than males. Widows and widowers usually remarried, if mates could be found, and such remarriages sometimes occurred within a few months after the death of a spouse. In a few cases, if a person lived long enough, there might be a succession of spouses. The largest number of spouses recorded for any one individual is four. Divorces were of course never recorded, since divorce was not sanctioned by the church.

In his various *Handbook* articles on missions and mission Indians, Bolton sometimes argued that the earliest records at a mission often refer to specific intergroup marriages prior to mission entry, and that such pre-mission marriages signified group intermarriage preferences in a presumably aboriginal context, thereby suggesting especially close relationships between certain groups, particularly among the Coahuiltecan. This is not supported by the Payaya records at Valero. What really controlled group intermarriages during the mission period, and also apparently for at least two decades preceding mission foundation, was availability of mates during a period of marked population decline. Both outside and inside the mission the Payaya most frequently intermarried with nearby groups having the largest populations at the time. During the entire 70-year mission period Payaya married individuals from at least 25 other ethnic groups represented

is possible that a clue to its meaning lies in the recorded Comecrudo word, *payauya* 'p, "brave or wild" (Swanton 1940:90). Comecrudo is regarded as a Coahuilteco dialect. The other word is *yanaguana* (or *yanawana*), which was recorded by Mazanet in 1691 (Gómez Canedo 1968:238). *Yanaguana* refers either to the San Antonio River (Bolton's interpretation, in Hodge, 1910, 11:217,245) or to a specific locality along that river within the present limits of the city of San Antonio. Chabot (1931:15), who wrote extensively on the early history of San Antonio, referred to *yanaguana* as the name of the Payaya "village" visited by Mazanet, but this does not seem to be acceptable because all known Payaya "villages" were only temporary settlements or encampments. The name more likely refers to the locality where a Payaya settlement happened to be at the time. Habig (1968:160) has recently stated that *yanaguana* means "refreshing waters," which may be true, but he does not identify the source of his information and I have not been able to confirm the translation. In his study of recorded Coahuilteco speech samples from southern Texas and northeastern Mexico, Swanton (1940:5, 55) noted Mazanet's linkage of this name with the Payaya, but after making many detailed lexical comparisons he did not suggest even a probable basic meaning for *yanaguana*. However, Swanton never expressed any doubt about Payaya and *yanaguana* being Coahuilteco words.

The best evidence for the Coahuiltecan affinity of Payaya speech lies in several specific statements made by missionaries who had served in north-eastern Coahuila and southern Texas and undoubtedly knew something about native languages. In his diary of 1691 Mazanet said that, after leaving the Payaya settlement on the San Antonio River, his party of Spaniards traveled northeastward to a stream that seems to be the present Cibolo Creek, which now forms the boundary between Bexar and Comal Counties. At this point in his diary Mazanet noted that all the Indian groups encountered between Mission Caldera (near present Candela, Coahuila) and this stream (Cibolo Creek) spoke the same language. This appears to receive support from the fact that with Mazanet was a Christianized Paqul Indian from northeastern Coahuila who explained to the Payaya, apparently in his own language, the significance of the Mass performed in their village on the San Antonio River (Gómez Canedo 1968:238). Further confirmation is provided by Espinosa (1964:758), who in 1746 wrote that the Payaya of Mission San Antonio de Valero spoke the same language as the Indians at Mission San Francisco Solano, near the Rio Grande in northeastern Coahuila, where some of the Payaya had formerly been in residence.

All this is further reinforced by statements made in 1760 by another missionary, Joseph Guadalupe de Prado, in Bartholomé García's *Manual* for administering Catholic rituals in the Coahuilteco language (García 1760: iv-v; also cited in Troike 1959:1), to the effect that Coahuilteco was the most common language spoken by Indians from Candela northeastward to the San Antonio River and that it was used by friars in Franciscan missions of that region. Fray Joseph, it may be noted, had 22 years of missionary experience in Coahuila and Texas. This indirect evidence is not as satisfactory as having a significant recorded sample of Payaya speech for analysis and comparisons, but it seems good enough to support the statement that the Payaya Indians probably spoke a dialect of Coahuilteco.

PAYAYA TERRITORIAL RANGE

When we review the data from documents that report the Payaya in native-style temporary encampments, it will be seen that between 1688 and 1717 ten such settlements were recorded. The first point to note is that the encampment localities are all distributed along the route commonly used by Spaniards in traveling from Coahuila northeastward to the Caddoan area of eastern Texas and vicinity. If the Spaniards had used other routes in addition to this one, particularly routes that passed farther to the north or to the south of San Antonio, other Payaya settlements might have been recorded and thus would provide something more informative than the present linear distribution of Payaya settlements.

Linked with this route bias is the fact that all the precisely dated observations of settlements (eight cases) were made during warm seasons, specifically between April 9 and July 2. Since Europeans of the time normally traveled by horseback, and horses needed water and grass, travel was timed for spring and early summer warmth and rainfall. The records involved do not report droughts in southern Texas, either local or widespread. Hence there are no records of where the Payaya camped during the late summer, fall, and winter phases of their seasonal subsistence round; or where they camped in times of climatic stress, such as droughts. At other times of the year the Payaya may have sometimes been in very small, widely dispersed encampments because of food shortages; or, when food was locally abundant, in fairly large aggregations appropriate for certain social and ceremonial activities. The diary covering the earlier, eastward-bound portion of Salinas Varona's trip of 1693 indicates that at times the Payaya could not be seen at all along the commonly used European travel route.

It may also be noted that eight of the 10 encampments can be linked with fairly specific localities, and that between 1690 and 1709, a period of nearly 20 years, five of the eight encampments are associated with a compact area in modern Medina and Bexar counties. In this area, except for the one dubious case of Pampopa visitors to a Payaya encampment in 1709, the Payaya apparently did not share their camps with other groups. But before 1690 the Payaya shared encampments from the Medina River westward, and after 1709 they were sharing encampments well to the northeast of San Antonio. The settlement sample is so small that one hesitates to attach too much significance to patterns that may be detected, but such data as are available suggest that between 1690 and 1709 the Payaya near the Medina and upper San Antonio rivers were fairly numerous and were able to exploit the resources of that area without being too seriously threatened by Apaches. If this was actually the case, an explanation can be offered for the relative freedom from Apache attacks. In the San Antonio area during this period there was no reservoir of Spanish horses and other loot to attract Apaches. The missions and other settlements of eastern Texas were abandoned by the Spaniards in 1693 and, although re-occupation was being considered by 1709, nothing was accomplished until 1716. According to this hypothesis, the Payaya before 1690, because they lived too far to the east, were minimally affected by the unrest connected with Spanish settlements near the Rio Grande in northeastern Coahuila, and afterward had a relatively quiet time for about two decades, which eventually ended with the formal re-establishment of Spanish settlements in

eastern Texas in 1716 and the founding of San Antonio in 1718. After 1716, with supply trains going to and from eastern Texas, there were horses to be had by Apaches along the entire Spanish travel route, and this attraction was intensified by the beginnings of a livestock industry around San Antonio.

It may further be noted that the Payaya settlements are confined to a relatively narrow strip of territory, consisting mainly of grasslands and fairly open woodlands well suited to grazing and browsing animals, that extends from the upper San Miguel Creek drainage in southeastern Medina County northeastward to eastern Travis County or, if the limited presence of Payaya at the Ranchería Grande is included, to eastern Milam County. If the recorded settlements are plotted on a map which shows the major geographic regions of Texas (for example, Anonymous 1975), it will be seen that the Payaya were most closely associated with parts of two formally named regions--the southern part of the Blackland Prairie and the northeastern part of the South Texas Plain. These settlement localities are all near the eastern and southeastern margins of the Edwards Plateau region. Since the Blackland Prairie between San Antonio and Austin is notably narrow, the Payaya settlements were also not far from the western and southwestern margins of the Post Oak Belt, which parallels the Blackland Prairie. The positions of recorded Payaya settlements with respect to these regions indicate access to a wide variety of ecological niches.

The same conclusion may be drawn when one plots the Payaya settlements on Blair's map showing biotic provinces of Texas (Blair 1950:98). The Payaya had access to the plants and animals of three such provinces--Tamaulipan, Balconian, and Texas. Whether or not the Payaya actually exploited their full environmental potential remains unknown.

PAYAYA CULTURE

As is all too evident, the documents which record observations of Payaya settlements during the period 1688-1717 reveal disappointingly little descriptive detail on the aboriginal Payaya culture. Such information as is available will be summarized here and amplified by inferences made from other data considered to be pertinent.

The Payaya were unquestionably a hunting and gathering people who lived only in temporary settlements. Some of their encampments were unshared, but others were shared with individuals and families from one or more other distinctively named groups. Reports of unshared encampments need to be cross-checked for reliability whenever possible, for a single report of an unshared encampment is not as convincing as several such reports, and each case is strengthened when there is agreement between the reports of two observers of the same encampment on the same occasion.

We know nothing specific about the length of time any Payaya encampment was occupied before being abandoned, or its population size, or the internal space allocations when Payaya and non-Payaya shared the same camp. Nor do we have any satisfactory information on housing, such as house type and form, construction materials, and number of families or

individuals commonly associated with a single housing unit. The records do indicate that Payaya encampments were near a water supply (springs and streams) and also near a wood supply (natural open spaces in a wooded area). Use of nuts from pecan trees evidently drew encampments to certain stream valleys in autumn, when nuts were harvestable. Salinas Varona (1693) recorded three Payaya settlements which were simultaneously occupied in early July and which seem to have been irregularly distributed along his travel route for a distance of less than 25 miles, thus providing at least some impression of settlement density in summer. Another source refers to a Payaya encampment close enough to a Pampopa encampment for exchange of visits.

Although the earlier documents never actually mention the Payaya hunting specific animals, they frequently refer to the abundance of game in the area, especially bison, and in precisely the same localities where Payaya settlements were encountered between 1690 and 1709. For example, in 1691 Mazanet repeatedly recorded bison seen along the route of the Terán expedition (Hatcher 1932:54-55). On June 11, after crossing Hondo Creek above its junction with the Frio River and reaching the headwater tributaries of San Miguel Creek, he wrote that "on this day there were a great number of buffaloes." The next day, June 12, in the general vicinity of the Medina River he reported "...a beautiful prairie where there were great numbers of buffaloes and deer." Then on June 13, shortly before arriving at the Payaya encampment on the San Antonio River: "On this day there were so many buffaloes that the horses stampeded and forty head ran away." Mazanet continued to refer to frequency of the same game along the route northeast of San Antonio. This circumstantial evidence makes it difficult to avoid the conclusion that the Payaya must have made use of bison for food and artifacts when the animals were available. Later sources, as previously noted (accounts of Espinosa, 1716 and Derbanne-St. Denis, 1717) indicate or imply bison hunting by Payaya in the grasslands between the Colorado and Brazos rivers northeast of San Antonio, and the processing of bison hides is also mentioned.

The only Payaya food-gathering activity specified in the documents is collecting nuts from pecan trees. This was recorded by Espinosa in 1709 in connection with his observation of a Payaya encampment on the Medina River. He referred to the abundance of pecan trees along the river and stated that the nuts provided a common foodstuff for all the Indians who at times encamped along its course (Tous 1930b:4). Later in the same document (pp. 10-11) Espinosa described the resources of the entire region traversed (Rio Grande to Colorado River) and presented informative details on the pecan and its uses. As at least one-half of his route lay within the maximum known Payaya territorial range, it can be safely inferred that what he says applies to the Payaya. Espinosa's brief, generalized statement is an important source of information on the probable role of the pecan in the subsistence patterns of various indigenous groups in southern Texas.

The earlier Spanish documents consistently refer to pecans in Texas as walnuts, but it is clear enough that Espinosa refers to what is now known as the pecan, for he describes the nut as elongated and notes that it varies considerably both in size and shell hardness. According to Espinosa, the Indians of the area gathered pecans in great quantities. Some of the nuts were shelled and eaten shortly after being collected,

but large amounts were also stored, evidently unshelled, in underground pits of unspecified sizes. Espinosa says that pecans were used for food the greater part of each year and also that some were consumed the following year. This may reflect the well-known fact that pecan trees in a given locality, because of variations in spring frost timing, do not have uniform yields every year. The implication is that the Indians may have been aware of this and stored more nuts in years of heavier yield, anticipating a possible lighter yield the next year.

These Indians were said to be skilled in removal of the nut shells without breaking the paired nut meats. If such nut meats were not eaten at once, they were not stored but temporarily contained in two different ways. The meats were placed in small skin bags or pouches or, less commonly, perforated and then threaded on long pieces of string. Although Espinosa does not so indicate, these methods of containing small amounts of a rich, concentrated food are very compatible with travel.

The various activities associated with collection, storage, and preparation of pecans for consumption, as described by Espinosa, should be of interest to archeologists because it opens new vistas in the recovery and interpretation of data. Will it be possible for archeologists to recognize former pecan-shelling activity areas by fragments of shells fortuitously preserved by carbonization in fires and by clusters of certain kinds of tools that may have facilitated pecan shelling without breaking nut meats or perforation of nut meats, likewise without breakage? Just where in or near a given archeological site could pecans be cached to best advantage, and can former storage pits now be recognized through careful excavation? What kinds of tools were used for digging pits? Is it possible to find evidence that storage pits were lined with certain kinds of identifiable materials to protect the nuts from excessive soil moisture? Could empty storage pits sometimes have been used for flexed burials? And of some significance to settlement pattern theory is whether a tendency to store large quantities of pecans near the sources of supply along streams was a factor partially controlling the frequency of temporary settlements in valleys as opposed to uplands; or, whether certain sites would be occupied longer or be more frequently revisited during one annual seasonal round because excess food was stored there.

Horses are rarely mentioned in documents pertaining to the Payaya, and it may be inferred that they probably had few horses until some time after 1700. This is suggested by the record of Mazanet's gift of a horse in 1691 to a Payaya leader in the San Antonio encampment, along with his failure to mention horses among any Indian groups seen between the Rio Grande and the San Antonio River. If the Payaya had been rich in horses at that time, the documents probably would have mentioned it, as well as raids on the Payaya by horse-hungry Apaches. It appears likely that the Payaya began to acquire more horses after Spanish expeditions again became more common after 1700. By the time of Ramón's visit to Ranchería Grande in 1716, the Payaya there probably owned some of the horses reported among the assembled refugee groups. Increasing interest in horses is certainly indicated by an incident that occurred in 1718 when Alarcón's party was on the Guadalupe River, apparently near modern Seguin. Alarcón's Payaya guide absconded with the Spanish horse he was riding (Hoffmann 1935:59). After this the Payaya were of course involved with livestock at the San Antonio establishments.

RUECKING'S PAYAYA-CLUSTER CONCEPT

In the 1950's Frederick H. Ruecking, Jr., made a pioneering attempt to impose more order on the rather amorphous body of published data concerning the early historic Indian groups of southern Texas and adjoining northeastern Mexico. One of his major objectives was to identify all groups that were probably Coahuiltecan in language and culture and sort them out in space as well as in time. He became particularly interested in identifying sets of Coahuiltecan groups which seem to have been associated with specific areas when those areas first became known to Europeans and before extensive population displacements occurred and missions were established. For this he used a simple concept which he called "band-cluster." Ruecking defined band-clusters as "groups of bands (that) can be isolated...by (1) historic association, (2) geographic proximity, (3) cultural similarity, (4) linguistic affiliation, and (5) similarities in band names" (Ruecking 1954a:1).

Our concern here is with one of Ruecking's band-clusters, the Payaya-cluster, which he conceived of as a set of Indian groups who ranged over a roughly circular area centered on present San Antonio, Texas (Ruecking 1955a:Map 6, p. 27). In this Payaya-cluster Ruecking placed eight Indian groups: Aguastaya, Camama, Mesquite, Pakawa, Payaya, Sijame, Siupam, and Ticmamar (Ruecking 1954a:4-5). His basis for selecting these eight groups is indicated by the following statements: "This cluster is based upon repeated references to the association of three bands, the Mesquite (Mesquite), Awastaya (Aguastaya), and Payaya proper. All (other) bands in this cluster are mentioned with one or all of these (three) bands. All Payaya-cluster bands were found in the same geographic locale" (Ruecking 1955a:24).

Here an attempt will be made to test the validity of the Payaya-cluster by critically reviewing, for each of the seven groups linked with the Payaya, the data used or not used by Ruecking. If a Payaya-cluster actually existed in the San Antonio region, it should be clearly demonstrable by data from European documents written before 1718, when the first mission was established at San Antonio. These pre-mission documents should indicate at least some interaction between the various groups forming the cluster, such as cooperation in subsistence activities or mutual visiting between encampments, something to indicate that they were in contact over a considerable span of time. If the documents indicate that some groups were recent migrants or refugees from another area, the cluster concept is appreciably weakened.

Since Ruecking identified three basic or core associations--Aguastaya, Mesquite, and Payaya--the Aguastaya and Mesquite may be considered first. For the Aguastaya no pre-mission data exist and, to my knowledge, no document has been found which indicates an aboriginal range. The earliest observation recorded is that of Pedro de Rivera (1945:111, 124), which refers to the year 1727. At that time a number of Aguastaya, along with some Mesquite and Payaya, and undoubtedly many others whose group names Rivera did not bother to mention, were said to be congregated in two settlements near the San Antonio missions then in existence, San Antonio de Valero and San José. Ruecking evidently assumed that the settlements noted by Rivera were native-style encampments instead of

Antonio in 1731 there were "in sight" (a la vista) three Indian groups: Pacao, Pajalat, and Pitalac (Espínosa 1746:459). Bolton (in Hodge 1910, 11:425) long ago pointed out that Espínosa's statement is misleading because the three groups named were then ranging the lower Rio and Nueces rivers south and southwest of San Antonio. It is difficult to understand how Ruecking managed to accept the Pacao (his Pakawa) for the Payaya-cluster and at the same time to exclude the Pajalat and Pitalac. The Pajalat turn up in his Orejon-cluster, and the Pitalac end up with no cluster association at all. Such inconsistencies do not strengthen the case for a Payaya-cluster.

Initially Ruecking (1954a:4-5, 20) included the Sijame in his Payaya-cluster without qualification, evidently because he then believed that the Sijame were first known from an account of 1709 (Tous 1930b:5, 13) which reported them as sharing an encampment with Siupam and Sulujam at present San Antonio. But in 1955 Ruecking (1955a:367-368), after becoming aware that the Sijame were at missions in northeastern Coahuila as early as 1698 (Morfi 1856:367-368; Portillo 1888:277, 440, 448; Rivera y Villalón 1945:131) and that the Sijame at San Antonio in 1709 were refugees from Coahuila and adjoining Texas, did not entirely abandon his earlier position, saying that "they may have been associated with the Payaya-cluster." In Ruecking's defense it may be said that his record on the Sijame is better than that of Bolton in his *Handbook* article on the Sijame (in Hodge 1910: 11:569-570). Bolton ignored the Coahuila evidence, failed to note the Sijame at San Antonio in 1709, and first picked up the Sijame at Rancharía Grande in 1716. Bolton even suggested that the Sijame may have been a Tonkawan group of central Texas, which today seems quite far-fetched.

As for the Siupam, Ruecking apparently placed these in his Payaya-cluster solely because in 1709 they were seen with the Sijame and Sulujam near present San Antonio, as noted above. But doubts are raised by other sources (not seen by Ruecking) which place the Siupam considerably to the southwest of San Antonio, and one of the sources refers to the preceding year, 1708 (Griffin 1969:166; Maas 1915:36-37). The only link of the Payaya with the Siupam is apparently through an overlapping of territorial ranges after some displacement of the Siupam.

Ruecking was unable to cite any European observations of Ticmamar anywhere in the San Antonio area prior to establishment of missions there. His association of the Ticmamar with the Payaya is based on the fact that in 1716 both were present, along with other refugee groups, at Rancharía Grande. As noted above, many of the refugees, including the Ticmamar, were from northeastern Coahuila and vicinity, where they had been known by Spaniards since 1675. For some reason Ruecking considered the Ticmamar of Rancharía Grande as unrelated to the Ticmamar of the Coahuila area, a position which cannot be defended.

The preceding review indicates that the Payaya-cluster concept does not stand up very well when the documentary evidence is subjected to critical scrutiny. Of the seven groups presumed to be associated with the Payaya in the San Antonio area, two (Aguastaya and Camama) cannot be definitely linked with the San Antonio area at all, and the remaining five are

Spanish-induced mission villages which Rivera's account unquestionably indicates. In pre-mission times the Aguastaya may have been associated with the immediate San Antonio area and with the Payaya, but this cannot be proved by documentary evidence now available.

In addition to the Rivera document noted in the preceding paragraph, Ruecking linked the Mesquite with the Payaya on the basis of Espínosa's account of 1716 (erroneously given by Ruecking as 1709), which reported individuals from both groups in the large encampment known as Rancharía Grande. As previously noted, Rancharía Grande included a large number of refugee groups from northeastern Coahuila and the adjoining part of Texas, some of whose group names had been known to Spaniards since 1675. Ruecking regarded the Mesquite of Rancharía Grande as unrelated to the Mesquite farther to the southwest, and he even coined a new name, Meskítexa, to indicate this separate status. This is not justifiable, since the Mesquite were earlier reported as ranging an area more or less midway between San Antonio and the Eagle Pass-Laredo section of the Rio Grande (Maas 1915:37). Otherwise the only known associations of Payaya and Mesquite were in the San Antonio missions. Ruecking's "repeated references to the association" of Aguastaya, Mesquite, and Payaya in the San Antonio area actually turn out to be mainly repeated citations of one misinterpreted source, the account of Rivera, and the core association emphasized by Ruecking consequently loses much of its significance.

This leaves five groups for consideration--Camama, Pakawa, Sijame, Siupam, and Ticmamar. All references to the Camama are obviously derived from a single primary source, a report of the Solís inspection of Texas missions in 1767, almost 50 years after the first mission was established at San Antonio. In this report the Camama are listed among eight Indian groups--Aguastaya, Camama, Cana, Mesquite, Pampopa, Pastia, Tacame, and Xauna--for which Mission San José was said to have been established at San Antonio in 1720. The Solís report has been translated several times into English, in whole or in part, and some of the translations are misleading in that they give the erroneous impression that the Indian groups named all lived in the immediate vicinity of the mission. For example, Kress and Hatcher (1931:51) translate as follows: "...The nations among whom this mission...was founded..." whereas the original Spanish text reads "Las naciones con que se fundó esta Misión..." (Solís 1767:280). Solís said nothing about the pre-mission territorial ranges of any of these groups. In fact, the only evidence we have for the actual existence of the Camama is the bare mention of the name by Solís. It appears likely, since no other European seems to have referred to a Camama group in southern Texas, that Camama is a distortion by Solís of some other name which he saw in the San José records. To say, as Ruecking does, that the Camama may be placed in a Payaya constellation is going far beyond the evidence.

Ruecking (1955a:333-334), following the *Handbook of American Indians*, disregards evidence that the Pacao and Pacoa were probably separate groups with similar names (García 1760:title page) and combined the two under the name Pakawa. He seems to have placed his Pakawa in the Payaya-cluster because he gave a literal interpretation to Espínosa's remark that when Mission San Francisco de la Espada was established at San

peoples displaced from areas farther west and southwest who did not appear in the San Antonio area until after 1700. The records do not confirm actual contact of the Payaya with any of these groups except in later times well to the northwest of San Antonio and in the San Antonio missions. If the seven dubious associates are removed from the Payaya-cluster, the Payaya alone remain.

Perhaps the time has come to assess Ruecking's Payaya-cluster for what it really is, the result of an innovative but largely unsuccessful effort to grapple with the complex demographic and historical realities of the San Antonio area. It is based upon the questionable assumption that the late 17th- and early 18th-century documents refer to fairly stable populations in an area still largely insulated from the disruptive effects of Spanish and Athapaskan expansion. Ruecking's argument is marred by uncritical use of published documentary sources. Despite its deficiencies, Ruecking's work nevertheless has value because it gives point to one fundamental issue, namely, that a time and place identity must be very carefully constructed for each named Indian population unit before interacting groups can be recognized in a given area during a given period. These critical remarks are directed to the Payaya-cluster only, not to other clusters proposed by Ruecking. Each cluster must be evaluated separately on the basis of such documentary evidence as can be found.

The nearest thing to a Payaya-cluster, in Ruecking's sense, consists of the six groups reported by Mazanet in 1690 on the Medina River: Tilpayai (Payaya), Cauya, Semomam, Saracuum, Pulacuum, and Anxau. Ruecking, of course, could not have known about this particular association, since Mazanet's letter was still not available at the time of his research. However, so little is known about the last five of the six Medina River groups that no useful purpose can be served by speaking of the set as a Payaya-cluster.

CONCLUDING REMARKS

In this monographic presentation an attempt has been made to view the Payaya Indians in as broad a perspective as data recovered from written records will permit. The amount of data recovered from documents thus far has turned out to be greater than was anticipated when the search began, and to this extent the effort has been satisfying. It is now possible to say more about the Payaya than could be said earlier, but there are still great information gaps that at present can be filled only by hypotheses and restrained speculation.

In this study emphasis has been placed on the unfortunate position of the Payaya and their neighbors with respect to the collision courses of two advancing frontiers, Spanish and Athapaskan or Apache. The southern and southeastern margins of the Edwards Plateau roughly mark the zone of Spanish-Athapaskan confrontation in the late 17th and early 18th centuries. The Payaya and other more northerly Coahuiltecan, caught between the two, and probably already reduced in population size by epidemics of European diseases, were no longer able to maintain themselves satisfactorily as hunters and gatherers amid so much confusion and uncertainty. The Payaya remnant, along with remnants of other groups, eventually gave up its

former way of life and accepted Spanish protection in missions. Some Payaya may have joined their enemies, the Apaches, or even Indian groups farther east in Texas, but on this subject the documents are silent. If one cares to speculate, it may be interesting to ask how much longer the Payaya would have lasted in the San Antonio area if Apaches of the southern Plains had not acquired horses from Spanish colonists in New Mexico and expanded into central Texas, and if the French had not moved into the lower Mississippi valley, inducing the Spaniards to colonize Texas earlier than they might have otherwise.

Since so much of the basic information is connected with European observations of Payaya native-style temporary settlements, a careful effort has been made to summarize all the significant data recorded, and also to give reasons for specific interpretations made in connection with each observation. However, it was not feasible to present detailed arguments for judgments made about the routes followed by various European traveling parties. This would have required too much citation of geographic observations recorded in the documents, and these arguments will have to be presented elsewhere.

Perhaps the most valuable part of the settlement observation summary is the inclusion of new records that enlarge the known territorial range of the Payaya and show that the core area was not along the upper San Antonio River, as has been supposed, but southwest of the city of San Antonio along the Medina River and the upper watershed of San Miguel Creek, an area with a maximum dimension of some 40 miles, partly in the South Texas Plain and partly in the Blackland Prairie region. With more precision in the location of known Payaya settlements, it becomes possible for archeologists to select localities where the residues of Payaya occupations are more likely to be found, and these are localities not yet covered by large urban settlements.

The settlement observations also introduce the problem of interpreting unshared and shared settlements, and it has been hypothesized that shared encampments became more common as population declined in size and Apache threats increased.

The value of mission baptismal, marriage, and burial records as sources of information on specific Indian groups has been demonstrated, and their regular use is recommended, particularly for recovery of demographic data. However, these records must be processed in various ways before valid information can be extracted. Only by use of such records was it possible to discover that the Payaya had the largest mission Indian population at San Antonio de Valero and that the principal reason for Payaya population decline in that mission was a high mortality rate among children. It was somewhat surprising to learn how few historians of missions in southern Texas have made serious use of these basic mission records. Although the missions were frontier institutions designed for displaced Indians, historical studies are not notably informative about the Indian groups represented at each mission, and these same studies reveal little understanding of the especially traumatic adjustments that had to be made by hunting and gathering peoples who entered those missions.

Thus far it has not been possible to recover very much information on Payaya pre-mission culture, mainly a few details concerning settlements and indirect evidence of the roles of bison and the pecan in the subsistence system. Espinosa's consistently-overlooked description of pecan nut collection, storage, and preparation for consumption as food has special significance for archeologists now working in southern Texas, and this has been noted. The data on Payaya culture, although minimal, raise questions about Rueckling's composite description of Coahuiltecan culture, which is based principally on data drawn from northeastern Mexico. The Payaya data suggest that perhaps more caution should be displayed in extrapolating data from one large, better known area (northeastern Mexico) to an equally large but more poorly known area (southern Texas).

Little is known about the Payaya language, but the evidence which suggests that the Payaya probably spoke a dialect of Coahuilteco has been summarized. An up-dated list of authenticated Payaya name variants has been presented as an aid to those who may have occasion to read the primary documents, either in the original language or in English translation. This list may also be helpful to those who read the works of local and regional historians, in which there is sometimes confusion about the identity and cultural relationships of Indian population units.

One regrettably destructive aspect of this study of the Payaya has been the generation of serious doubts about the validity of Rueckling's concept of a Payaya-cluster. This presumed association of Coahuiltecan groups in the San Antonio area does not meet the requirements of the major criteria upon which it is said to be based, that is, historic association and geographic proximity. The Payaya-cluster merely identifies groups, other than the Payaya, whose territorial ranges cannot be established by documentary evidence or who were displaced from other areas and only entered the San Antonio region at various times after 1700.

One residual question, the question of Payaya origin, has to be approached speculatively. When they became fairly well known to Europeans, the Payaya were associated with a stretch of territory along the inner edge of the coastal plain near the south-southeastern margin of the Edwards Plateau. They could always have occupied this same area and hence be thought of as representing a continuity from the prehistoric period. If so, the demonstration must come from detailed archeological studies. The Payaya could also have come from some other area prior to 1688 and have displaced or merged with earlier populations native to this area. Here it is perhaps pertinent to note that the pre-1688 documents which contain names of Indian groups seen or heard of in surrounding areas never include a name that can be recognized as a variant of the name Payaya. This negative ethnohistoric evidence leaves the Payaya still associated with the same area.

Since their recorded settlements were so near the margin of the Edwards Plateau, it seems plausible to think that the Payaya range must have included at least some lands on the plateau, particularly that portion referred to as "hill country" northwest of San Antonio, access to which may eventually have been denied to them by invading Apache groups. The only documentary evidence which even suggests this is a place name was

recorded in 1756. In that year Bernardo de Miranda was sent from San Antonio to inspect the San Saba mines, presumably located somewhere along the lower Llano River. His route took him through what he called Payaya Pass (Puerto de los Pavayas), which he said was 10 leagues or roughly 25 miles from San Antonio (Hackett 1934, 11:126-127). This probably refers to the passage of upper Cibolo Creek out of the Edwards Plateau, now followed by a modern highway. We do not know how long before 1756 this place name came into local Spanish use and therefore cannot put much emphasis on its significance. All it does suggest is that at some time the Payaya may have used the pass on hunting or food-collecting trips into the plateau. It thus appears that the answer to the Payaya origin question, if indeed it can be answered, rests in the hands of imaginative archeologists.

As the record now stands, of all the presumed Coahuiltecan who at some time or other were observed by Europeans in the vicinity of San Antonio, the Payaya have the strongest claim to being the principal indigenous Indian group. If it is possible to determine the approximate territorial range of the Payaya at the close of the 17th century, it should also be possible to do the same for other Indian peoples of southern Texas, particularly those whose names are frequently mentioned in the primary written documents.

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BAE-B	Bureau of American Ethnology, Bulletin. Washington.
SHQ	The Southwestern Historical Quarterly. Austin.
TCHS	Preliminary Studies of the Texas Catholic Historical Society. Austin.
TJS	The Texas Journal of Science. San Marcos.
UTAA	The University of Texas at Austin, Archives.

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Preface

The Edwards Plateau of central Texas is known for its long sequence of prehistoric hunter and gatherer societies. Beginning over 10,000 years ago, this band society mode persisted in central Texas until the arrival of the Spanish in the 1500s, even though neighboring groups such as the Caddoans to the east, Puebloans to the west, and Plains Villagers to the north became sedentary and adopted corn horticulture five centuries before European contact. Subsistence (procurement systems), technology, and settlement patterns of the Edwards Plateau hunter-gatherers have been reconstructed through the study of the material culture uncovered by eight decades of archaeological investigations. Missing from these reconstructions has been a study of the mortuary practices. The inability to locate more than a few burials in habitation sites or single interments under burial cairns has prevented the reconstruction of all but the most meager of burial programs. The largest number of burials from the Edwards Plateau region have been recovered by landowners excavating sediments from vertical shaft sinkholes. The commercialization of extensive cavern networks in the limestone bedrock of the region and the concentration of rich topsoils in their entrance shafts kindled a public as well as private interest in these features. Subsequent excavation of these shafts inadvertently uncovered the remains of prehistoric burials—sometimes as many as fifty individuals. Although such finds were reported to the archaeological community during the 1960s, the lack of contextual information precluded all but descriptive analysis of the retrieved skeletal remains. Thus, there has been little opportunity for systematic excavation and analysis.

This situation is compounded by the difficulty in identifying mortuary sinkholes. Sinkhole shafts are hard to find in a landscape where cracks and crevices are commonplace. When located, these sites are fraught with perils such as rattlesnakes, poisonous spiders, and pre-

A more striking statistic is that the 294 beads, placed end to end, would create a single strand 6 meters (19.7 feet) long. The concentrations of beads in level 22 of excavation units m and k would create an estimated strand 1.5 and 1.1 meters long, respectively.

The bone bangle is fashioned on the proximal half of the left radius of a badger (*Taxidea taxus*). The epiphyseal end was not removed, and the radius was truncated by the groove and snap technique. Polish and shallow abrasions in the natural fossa between the epiphysis and radial tuberosity indicate the bone was attached to a necklace or bracelet by a narrow thong or string.

DISTRIBUTION OF BEADS. Bone beads were found in levels 22 through 29, most occurring in levels 23, 24, 25, and 27. These levels are on either side of the depositional break between the black clay of Unit I and the brown clay of Unit II.

Although it is recognized that the small size of the beads ($\bar{x} = 18.9$ millimeters) makes them prime candidates for vertical movement, their presence on both sides of a distinct depositional boundary suggests that identical technology and use were components of a cultural tradition that utilized the sinkhole before, during, and after the climatic shift indicated by the depositional changes—a span of nearly 1,000 years.

Deer Antler Billet: $n = 1$. A fragment of deer antler was recovered in association with the human skeletal remains. The antler fragment is composed of the beam of the antler from its base to 5 centimeters beyond the eye tine (Figure 9d). The tine had been removed flush with the beam, and the crenellations at the base of the antler beam have been removed for the majority of the circumference. The distal end of the antler fragment is rounded, removing any sign of the means of cutting or breakage. A facet tangential to the truncation on the inside curve of the beam is similar to the striking facet identified on billet punches and hammers (Michaels 1987:115). This facet forms as a result of percussion with stone material, suggesting this antler fragment was intentionally fashioned and used as a soft hammer or billet probably in the production (reduction) of flaked stone tools. The small size of this tool, 12.9 centimeters long, 3.0 centimeters wide, 1.9 centimeters thick, and 45.2 grams weight perhaps indicates that this billet was used in the final shaping or reduction of thin lithic tools (e.g., projectile points).

Deer Antler Segments: $n = 39$. A total of 39 deer antler fragments have been recovered from the sinkhole deposits. They consist of portions of the beams, tips, and bases of shed antlers and range in length

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9. Summary and Conclusions

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Summary of the Bering Sinkhole Analyses

Bering Sinkhole is a natural cavern in the Cretaceous limestone of the Edwards Plateau in central Texas. Access into the cavern is limited to a precipitous drop through a hole in the ceiling at the south end of the cavern chamber. Beginning approximately 7,500 years ago, the hunter-gatherer inhabitants of the area dropped or lowered their dead through the opening and left the bodies exposed, or partially buried under rock thrown in afterward, on a debris cone surface initially over 6 meters below the sinkhole entrance. Natural deposition, and the repeated use of the site in the disposal of the dead for at least 5,500 years, eventually filled the cavern to within 3 meters of the surface entrance. Excavations to date of the stratified deposits of the debris cone have recovered the partial remains of at least 62 individuals, representing all age groups and both sexes. The majority of the individuals had been buried as fully fleshed corpses. Also included are the remains of at least 6 cremations and 1 bundle burial. Approximately 50 percent of the debris cone and 15 percent of the deposits adjacent to the cone have been removed.

The 5,500-year span of human burial deposits reflects portions of all five Archaic phases defined by Weir (1976) for the central Texas cultural region. Bering Sinkhole provides the opportunity to compare biological and ritual aspects of Archaic cultures to the culture systems model developed by Weir.

Bering Sinkhole is not close to any of the habitation sites in the area. The nearest known habitation site is .75 kilometer south of the sinkhole, and a larger site complex of multiple large burned rock middens is located approximately 2.1 kilometers from the sinkhole. Neither site has received archaeological investigation, although the larger site has produced artifacts representing Late Paleoindian through Late Prehistoric time periods. Lithic debitage and worked cobbles, the

result of lithic procurement of the fine-grained cherts that outcrop on the hill slopes, are scattered across the hill slopes and interflues near the sinkhole.

The excavated materials from Bering Sinkhole were analyzed using a multidisciplinary approach combining site formation analysis, faunal analysis, taphonomy, material culture analysis, and human remains analysis toward the goal of macrotemporal characterization of cultures and the identification of long-term shifts in cultural systems in central Texas.

The results of the faunal analysis bolster and somewhat refine the model of Holocene paleoenvironmental reconstruction that proposes a general drying trend beginning over 7,000 years ago and continuing throughout the Holocene, interrupted approximately 2,500 years ago by a mesic period. The remains of desert cottontail and Florida cottontail rabbits from deposits dating to most of the Holocene—except the period from 2,500 to 1,500 years ago, when only the remains of the more mesic-adapted Florida cottontail were found—suggest that the xeric conditions had ameliorated during this time. That a period of heightened xeric conditions occurred just prior to 3000 B.P. is suggested by the recovery of the terrestrial snail *Glyphyalinia umbilicata* in deposits before 3400 B.P. and after 2500 B.P.

Accompanying the drying trend was a decline in soil depth and conditions. By 4500 B.P., the deep sandy soil-adapted gopher *Geomys* was replaced by *Pappogeomys*, which inhabits shallower soils. And even this gopher disappeared by 3100 B.P. leaving only *Thomomys*, which inhabits shallow rocky soils.

Material culture analysis involved artifacts made of stone, bone, antler, turtle, freshwater shell, and marine shell. All of the lithic artifacts conformed to classes previously defined in the central Texas region. Projectile point types were Martindale, Uvalde, Travis, Bulverde, and Frio, representing only a fraction of the number of types defined for the Archaic of central Texas. Although projectile points were not very numerous in the sinkhole ($n = 10$), their distribution provided very limited insight into the seriation of some types that often co-occur in habitation sites. In this regard, the two Martindale points were found in deposits below the single Uvalde point. These two types of points are often found side by side in the same strata in habitation sites. The situation at the sinkhole suggests that Martindale dart points may predate Uvalde points in at least this area of central Texas, although the extremely small sample size may be misleading.

Travis dart points, often accompanied by Nolan points in habitation sites, were the only projectile point type from the Clear Fork Phase

in the sinkhole. In this instance, of course, the sinkhole data cannot suggest - in the absence of Nolan points - whether Travis predated Nolan, but rather that the two types do not always co-occur in central Texas. The distribution of Bulverde and Frio dart points support the sequence proposed for central Texas (Weir 1976).

With the exception of the cache of large bifaces and a drill, the remaining lithic artifacts, composed of unifaces, bifaces, hammerstones, and cores, are not noteworthy in a utilitarian sense; however, their presence in a burial context is significant in characterizing the burial programs. This is discussed later. The cache of 14 large, early stage bifaces and 1 drill is significant in a number of ways. Through statistical analysis of technological and idiosyncratic attributes, it was determined that at least 3 flintknappers were responsible for the manufacture of the bifaces. Such group investment in burial offerings suggests the high-quality cherts and fine workmanship were of economic and ritual importance. Further support of this is found in the archaeological record in areas south and east of the Edwards Plateau, where biface blanks of Edwards chert have been recovered. These bifaces were traded to chert-poor areas. The recovery of a number of biface caches from Loma Sandia on the Gulf Coastal Plain provides further evidence that Edwards cherts were important trade items.

Bone artifacts were awls, pins, engraved implements, and tubular beads. The awls and pins were made from deer bone, and deer-sized bone was used to make the incised bone implements. The beads were made from rabbit and turkey long bones, and a single bone bangle was made from a badger leg bone. The awls were apparently utilitarian items, whereas the pins and beads were articles of personal adornment. The engraved bone implements are similar to specimens found in burial contexts in areas east of the Edwards Plateau (Hall 1981, n.d.). Hall (1988:170) has proposed that the design elements on bone batons or pointed implements are group signifiers, and, through intersite comparisons of designs, he postulates that area-specific designs could be identified. The zigzag line and short bar design on the sinkhole specimens are different from the designs found at other sites discussed by Hall. Whether this design is individual-specific, site-specific, or area-specific cannot be determined at the present time. The sinkhole specimens predate the implements discussed by Hall (1988) by approximately 500 years. Those discussed by Hall (1988) are Late Archaic or San Marcos- equivalent age, while the sinkhole implements belong to the terminal Round Rock Phase.

Antler artifacts consist of one antler billet used in the reduction of lithic tools and numerous antler tines, antler fragments, and beams still attached to the animal's skull cap. The numerous fragments un-

doubtedly represent complete antler racks that have partially disintegrated in the damp sinkhole conditions. Some of the fragments are badly burned. Deer antler racks have been recovered from burial contexts in the large burial sites of southeast Texas and smaller sites or individual interments along the Balcones Escarpment (Bement 1987; Hall 1981; Lukowski 1988; Taylor and Highley n.d.). In most instances, numerous racks, sometimes still attached to the skull, were laid directly on top of the corpse in the burial sequence. Burned antler is also common in these instances. With the exception of cases where the antler is worked into a specific tool, antlers recovered from burial contexts are best explained as the result of ritual activity.

A single artifact of turtle carapace was recovered from the sinkhole. This implement may have been a bowl or hair ornament or may have served as both. Turtle shell containers have been found in burial contexts at Horn Shelter (Young 1985:39). There, 5 carapace bowls were found in various associations with the burials. Three of the carapace artifacts were stacked and placed under the head. The Horn Shelter specimens are dated to the Late Paleoindian period. At Bering Sinkhole, the carapace artifact was recovered from the San Geronimo Phase burials. The hypothesis that the Bering specimen served as a hair ornament stems from the recovery of a long, slender bone pin from directly under the smashed carapace. The bone pin was of sufficient length and thinness to pass between the narrow gaps in the costal plates of the carapace. In such a position, the pin and the carapace could have functioned as a barrette or hair ornament. The removal of the vertebral arches from the inside of the carapace is consistent with alteration necessary for the artifact to function as a bowl.

Unaltered freshwater mussel shell valves have been recovered from burial contexts of various ages (Turpin 1992; Taylor and Highley n.d.). The function of the shell halves is not known, although it has been hypothesized that they served as containers, plates, or spoons.

Marine shell ornaments have drawn considerable attention in North American archaeology. This attention stems from the recovery of numerous large shell pendants from burial contexts across the southeastern United States, along the Mississippi River drainage system, and in southeast Texas. The Texas sample alone contained exotic artifacts from as far away as Arkansas and possibly Florida (Hall 1981:303). The pendants, made of conch shell, may have come from the Florida rather than the Texas coast (Hall 1981:295). However, the origin of these objects remains to be demonstrated. The 2 conch shell pendants from Bering Sinkhole were recovered from the Early Archaic San Geronimo Phase deposits. One is made from the outside whorl of the conch, and its form is identical to ones recovered from

Late Archaic contexts in southeast Texas (Hall 1981). The second pendant is made from the columella of the conch. Columella pendants are also common during the Late Archaic of southeast Texas; however, the form of the Bering pendant is unlike any recovered from Late Archaic contexts. The Bering pendant required that the columella be trimmed to a rectangular tablet rather than its original cylindrical form. The significance of the Bering conch pendants lies in the considerable age of the technology used in fashioning such items that until now has been attributed solely to Late Archaic peoples.

Small marine shell beads are relatively rare in assemblages from Texas, although when found they are usually from burial contexts (Hall 1981). Their relative rarity is probably a function of their small size. That more are found in burial contexts is probably attributable to the special recovery techniques often employed by archaeologists in burial fill analysis.

The material culture recovered from the sinkhole is a mixture of utilitarian, personal adornment, trade, and ritual items. The sinkhole has provided new data concerning the possible age and function of some of the artifacts that have wide distributions in Texas.

Analysis of the human skeletal remains included consideration of taphonomy, paleodemography, paleoepidemiology, and paleodiet with the goal of reconstructing the biological aspects of the populations living in this area of the Edwards Plateau. The skeletal remains provided the means of identifying the various strata of sinkhole use through the plotting of long bones that allowed the projection of depositional surfaces across the borders of individual excavation units. While the wet conditions of the sinkhole deposits preserved some aspects of bone morphology, the destructive forces of gravity, animal gnawing, and water transport disarticulated and dispersed the skeletal elements to such a degree that it was impossible to reconstruct individual skeletons. The dispersed and intermingled condition hampered age and sex determinations that rely on the use of different bone and tooth attributes from the same individual to produce reliable results.

A minimum number of 62 individuals of both sexes and all age-groups were recovered from the sinkhole deposits. The presence of both sexes and all age-groups in the various deposits indicate that the burial facility was available to all members of the society and not limited to a certain segment. The egalitarian nature of the mortuary facility is consistent with the societal reconstruction of central Texas hunter-gatherer groups determined by site and tool assemblage analysis (Weir 1976:140).

Riders across the Centuries

Horsemen of the Spanish Borderlands

Drawings and Text by José Cisneros



Biography by John O. West

Western Heritage Award Winner, Cowboy Hall of Fame



El Señor Cura
c. 1805

FROM THE TIME that Hernán Cortés brought Christianity to Mexico in the sixteenth century, religion has played an important part in the lives of the Mexican people. And throughout the history of Mexico, almost every activity has been regulated or influenced by either the cordial or antagonistic relations between Church and State.

The inevitable conflicts and confrontations between those two institutions began with the servitude and abuse of the natives by some of the newcomers who proved to be greedy and unscrupulous. During that era, the missionaries not only defended the Indians, they also established schools and other institutions in an effort to improve conditions for them.

One of the more unfortunate events that greatly affected the northwestern frontier including Chihuahua, Sonora, Arizona and Baja California, was the expulsion of the Jesuits. Those men of the Church, who had labored long and hard to help the Indian tribes in that region, were expelled and herded out of the country at a predetermined day and hour that was decreed by Carlos III. All of this was done swiftly, unexpectedly and in complete secrecy, thus denying the Jesuits the right to trial, or even to protest. Their schools, which at that time were the best in Mexico, as well as their churches and missions, were abandoned without warning, at the stroke of the royal pen.

Another significant event in which members of the church hierarchy had a very active part was in drafting of the Declaration of Independence from Spain. The most prominent leaders — Miguel Hidalgo y Costilla, José María Morelos y Pavón, and Mariano Matamoros — were Catholic priests.

Spanish Officer
Early XVIII Century

THE EIGHTEENTH CENTURY brought considerable changes into the colony of New Spain. In the matter of military attire, it witnessed, by way of Spain, the introduction of Dutch or Walloon uniforms brought by Flemish troops sent by the crown to revitalize her army. These uniforms, in turn, imitated the French style which was becoming predominant throughout Europe.

The wide brimmed hat, sometimes upturned on one side, replaced the cap or helmet. The coat was tight-fitting above the waist, knee length and flaring out over the hips. It buttoned down the front and had long, full cuffs turned back and fastened with buttons to show the coat lining — thus distinguishing one regiment from another — which was the origin of regimental facings. Two large pockets were set low on the front of the skirts. Under the coat went a thigh-length waistcoat. The legs were clad in loose breeches with ruffles at the knees. Hair was worn long and loose.

Two distinctive features in the Spanish military attire of this period was the red sash, worn by officers across the corselet, and the Burgundy or Saint Andrew's Cross, displayed on banners or standards instead of the traditional royal coat of arms of Castile and León.



Franciscan Missionary XVIII Century

THE PRESENCE OF SPAIN in the Southwest was enhanced by the strong support and assistance of the Franciscans. They marked their paths with institutions, monuments and customs that have survived through the centuries. In their journeys they followed Estéban the Moor and Francisco Vázquez de Coronado; they were with Antonio de Espejo and with the Adelantado Don Juan de Oñate. They traversed the land with the soldiers and without them. In their burning zeal to conquer souls, their efforts sometimes culminated in martyrdom.

No group of men had more influence in the founding of the pivotal cities in the Spanish period than the members of the Order of Friars Minor. San Francisco, San Diego, San Antonio, Los Angeles, Guadalupe del Paso del Norte, Ciudad de la Santa Fé de Nuestro Padre San Francisco — all attest and proclaim with their sonorous Spanish names the Franciscan heritage of their origin.

Junípero Serra, Agustín Rodríguez, Antonio Margil de Jesús, Alonso de Benavides, and García de San Francisco are a few of the names in the long and illustrious roster of great *poverellos*, benefactors of the Southwest.

Although in their mission establishments they were surrounded by livestock and all kinds of domestic animals, the statutes of their order and their religious triple vows of poverty, chastity and obedience prevented them from riding horses, except on very extraordinary circumstances.



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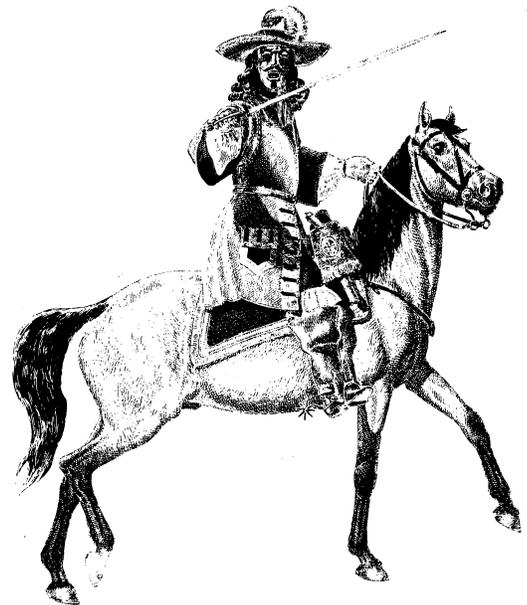
- 78 -

Spanish Officer Early XVIII Century

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DOCUMENTARY SERIES NO. 7

LETTERS AND MEMORIALS

OF

FRAY MARIANO DE LOS DOLORES Y VIANA

1737 - 1762

Documents on the Missions of Texas from
the Archives of the College of QuerétaroTranscript of the Spanish Originals
and English Translation

by

Fr. Benedict Leutenegger O.F.M.

With Introductions and Notes

by

Fr. Marion A. Habig O.F.M.

Old Spanish Missions Historical Research Library at

Our Lady of the Lake University

SAN ANTONIO, TEXAS

1985

4.

October 8, 1745

To: Acting Mayor Juan Joseph de Montes de Oca

This "petition" is not a request but a reminder and an offer. Fr. Mariano paid the mayor of Villa de San Fernando a visit on October 8, 1745, and presented this short document to him and the town council (cabildo). It recalls two occasions when the mission Indians assisted the Spanish settlers in repelling attacks by large forces of Apaches and saved the presidio and villa or its defenders from destruction; and it assured the presidio and villa that the mission Indians would come to their aid when they would need their help in the future.

The first attack was made on September 18, 1731 (not 1732, as Fr. Mariano says). A force of 540 Apaches approached the villa. They stole 60 horses. Captain Juan Antonio Pérez de Almazán and 26 soldiers who had been in pursuit of the raiders were completely surrounded. Then, "miraculously," the Apaches took to flight. What happened? Dunn and Castañeda write that the Apaches feared that the trapped soldiers would be getting help from the presidio. What really happened, according to Fr. Mariano, was that the mission Indians were on the way to rescue Pérez de Almazán and his men. The Apaches saw them coming and they fled.

The second attack was made during the night of June 30, 1745, by a force of 350 Apaches (including women and children). The settlers and soldiers were not prepared to defend themselves; and if the mission Indians had not immediately come to the aid of the villa and routed the attackers, it could well have suffered the same fate as La Salle's Fort St. Louis in 1689.²

En la Villa de S^{ra} Fernando de la Governacion de Texas y Nuevas Philipinas en ocho dias del mes de octubre de este año de mil setecientos quarenta y cinco. Ante el Señor D^{no} Juan Joseph de Montes de Oca Alcalde ordinario de segundo voto de esta d^{ha} Villa se presento la Peticion de abajo. Por el Mui R^{do} P^{re} frai fran. Maria Ano de los Dolores Ministro de la Mission de el Señor San Antonio en nombre de todos sus Indios de d^{ho} Pueblo.

Señor Alcalde Ordinario

Fr. Maria Ano Francisco de los Dolores Pred^{ca} Ap^{to} de la S^{ra} Cruz de Queretaro, y Ministro de la Miss^{on} de S. Antonio de Valero, sita en esta Provincia de Texas; al d^{ho} Colegio per-

In the Villa of San Fernando of the government of Texas and the New Philippines, on October 8, 1745 in the presence of Señor Don Juan Joseph de Montes de Oca, acting mayor and in the second place of this Villa, the following petition was presented by Very Rev. Fr. Fray Francisco Maria de los Dolores, missionary of San Antonio, in the name of all the Indians of that pueblo.

The present Señor Mayor

Fr. Maria Ano Francisco de los Dolores, apostolic preacher of Santa Cruz de Queretaro and missionary of the Mission San Antonio de Valero, situated in this Province of Texas and belonging to said College, in the name of the Indians of that mission and in the

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teneciente, en nombre de los Yndios de d^{ha} Miss^{on}; en la mejor forma, que aya lugar en derecho, y a los dichos Indios con venga, parezco ante Vm. y digo:

Que siendo preciso, que a la Magestad del Rey N.S. (que D^{os} g^{os}) y a sus Reales Ministros conste juridicamente por sus Reales Justicias de los servicios, que sus Vasallos en beneficio de la Real Corona, han executado; para la impetracion de algunas gracias, privilegios o essenciones. Siendo constante que los hijos de esta Miss^{on} de S. Antonio se han mostrando siempre leales vasallos, permaneciendo firmes en la obediencia, y sugeccion, que desde su conversion prestaren; continuando con los Españoles buen trato; sin que alguno aya causado a d^{hos} Españoles en sus personas y bienes la menor de-lacion, antes si cuidando los y defendiendolos en todas las ocasiones, que se han hallado en peligro de las naciones enemigas: como sucedio el año de mil, setecientos, y treinta y dos en que ocurrio tanta numero de Apaches, que saliendo al Campo el Capitan D. Juan Antonio Perez de Almazan con su compañia y no pudiendo resistir las fuerzas del enemigo, se vieron en grandissima conflicto; por hallarse d^{ho} Capitan, y los mas de la Compañia mal heridos. Y a no haver ocurrido los Yndios de esta Mision no solo los huvieran saqueado, y destruydo este Presidio de S. Antonio; y con solo ver los enemigos a la gente de este Pueblo, aun reconocido por ellos la ventaja de llevar quasi vencido la Compañia, no tuviesen animo de probar con ellos su valor; antes luego al punto vergonzosamente huvieron; por constarles de los animos es-forzados de estos Naturales. Quienes en todas las campañas y resurgimientos, que hasta oy se han executado contra esta nac^{on}

best form appropriate to its right and to said Indians, I come before Your Honor to say:

Since it is necessary that for His Majesty the King our Lord (may God keep him) and his royal ministers, it is clear juridically by their royal judges of services performed by his vassals for the benefit of the royal crown for asking some favors, privileges or principles. It is evident that the natives of this Mission of San Antonio have shown themselves always loyal vassals, firm in their obedience and submission since their conversion; they have continued in good relations with the Spaniards and no one has caused them or their belongings the least problem; rather they have looked out for them and defended them on every occasion when they were threatened by hostile tribes, as happened in 1732 when such a large number of Apaches appeared on the scene. Captain Don Juan Antonio Perez de Almazán with his company went out to the field and could not overcome the forces of the enemy; they were engaged in serious conflict and Captain and most of his company were seriously wounded. If the Indians of this mission had not entered the conflict, all would have been killed and the Presidio of San Antonio ransacked and destroyed. For the enemy just to see the natives of this pueblo, even though they realized that they were superior by having destroyed the company, they did not have the courage to test their valor against the natives; at that moment they fled in disgrace in the face of the great spirit of these natives. They were the ones who up till now in all the campaigns and uprisings have come out against the Apache tribe, followed their tracks and spied upon their ranches with great loyalty and such manly spirit that without them not even the Spaniards would have entered,

Apache, han servido de seguidores de rastros, y Espias de las Rancherias con tanta fidelidad, y animo tan varonil, que sin ellos, ni los Españoles se huvieran internado, y en caso de haverlo echo, a mas de no haver conseguido las Victorias, que se han logrado, o a salir con vida, huviera sido con fuga vergonzosa. Y ultimamente haviendo el dia treinta de Junio de este presente año de mil setecientos y quarenta y cinco venido a la madrugada bastante numero de Apaches o entrarse a este Presidio de S. Antonio y Villa de S. Fernando, estando desprevenidos los Españoles del Presidio y Villa como cosa nunca executado, teniendo pronto la noticia, con tal velocidad y esfuerzo concurreron los Yndios de este Pueblo con armas y Caballos a resistir a los enemigos Apaches, que ellos expellieron, y arrojaron, apremiandolos de forma que consiguieron assi el librar de su furia a los Españoles, y que no executaran la desolacion, que intentaron: como tambien ponerlos en fuga, dandoles muerte a algunos de ellos, y hiendo otros mal heridos. De todo lo qual, para que en los tiempos venideros puedan representar a donde mas les convenga, para los fines, que hallasen convenientes, se ha de servir Vm. presentar esta mi peticion a los Señores en junta de Cabildo, para que cada uno de por si certifique lo que acerca de lo referido les constare. Por tanto a Vm. pido y suplico se sirva de mandar executar como llevo pedido, que es justicia etc.

Fr. Maria Ano, franco de los Dolores

and even if they had, they would not have been victorious or saved their lives; they would have retreated in shame. Finally, on June 30 of this year of 1745, a large number of Apaches came at dawn and entered this Presidio of San Antonio and the Villa of San Fernando; the Spaniards of the presidio and Villa were taken by surprise, as this had never happened before. Being quickly informed, with speed and force the Indians of this pueblo rushed in with arms and horses to resist the Apache enemy. They drove them out and forced them in such a way that the Apaches lost their anger against the Spaniards and did not carry out the destruction they had intended. The enemy was put to flight; some were killed and others wounded. On future occasions, therefore, they can present what is best to gain the goals intended. May Your Honor see to it that this my petition is brought before the Lords in the council meeting, so that each one certifies on his own what is evident to him. I ask Your Honor and plead that you would be so kind as to order the carrying out what I have requested, for it is just etc.

Fr. Maria Ano Francisco de los Dolores

NOTES

1. Castañeda, *op. cit.*, III, 37-38.
2. Castañeda, *op. cit.*, III, 48-49.

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REASSESSING CULTURAL EXTINCTION:



CHANGE AND SURVIVAL AT MISSION SAN JUAN CAPISTRANO, TEXAS

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National Park Service

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Table 7. Native American group affiliation of individuals in residence at Mission San Juan.

Schuetz (1980b, c)	Campbell and Campbell (1996)	Francis (1999)	Rock (1999)
Borrado	Borrado	Borrado	Borrado
Chayopin [Sayopine, Chaiopin]	Chayopin [Sayopine, Chaiopin]	Chayopin [Sayopine]	Chayopin [Sayopine, Chaiopin]
Guanbrauta-Aiaguia	Carnasuqua (Pamaque*)		Guanbrauta-Aiaguia
Malaguita [Maraguitas, Malahuites]	Guanbrauta-Aiaguia	Malaguita	Malaguita
Orejón [Orejones]	Orejón	Orejón [Orejones]	["Maraguitas, Malahuites"]
Pacaos			Manos de Perro
Pajalat [Pajalate]	Pajalat	Pajalat	Orejón [Orejones]
Pamaque*	Pamaque*	Pamaque*	Olojas ("Pitalac [Pitalaque, Alobaja, Pacitalac])
Pana	Pana		Pacabos
Pasnacan [Paxnacac]	Pasnacan	Pasnacan [Pasnacan]	Paguacans [Pasnacan, Pane]
Piguique* [Pihuique]	Piguique* [Pihuique]	Piguique* [Pihuique]	Pajalat
Pitalac [Pitalaque, Alobaja, Pacitalac]	Pitalac [Pitalaque, Alobaja, Pacitalac]	Pitalac [Pitalaque, Alobaja, Pacitalac]	Pamaque*
Salcedo			
Tilijae [Alijae, Filixaye, Tilijayas, Tiloja, Titiyay, Toluja, Teloxa]	Sarapjon (Pamaque*)		
	Tacame	Tacame	Piguique* [Pihuique]
	Taguaguan (Pamaque*)		Pilatos
	Tilijae [Alijae, Filixaye, Tilijayas, Tiloja, Titiyay, Toluja, Teloxa]	Tilijae [Alijae, Filixaye, Tilijayas, Tiloja, Titiyay, Toluja, Teloxa]	Sanipaos [Sanipas]
	Peana		
	Piguique* [Pihuique]		
	Timapihuaya (Pamaque*)		
Venado [Benado]	Venado [Benado]	Venado [Benado]	Tilijae [Alijae, Filixaye, Tilijayas, Tiloja, Titiyay, Toluja, Teloxa]
Vallejo	Viayan (Pamaque*)		Tlascalan
			Venado [Benado]
			Viayan

[] indicates name variants
* indicates collective name

Note: Handbook of North American Indians was used for standardized spelling of group names.

Table 8. Names and tribal affiliations of mission Indian land grantees from San Juan.

Name	Tribal Affiliation	Date	Document	Source
*Bustamante, Luis	Orejón	1793	Census	Schuetz (1980b:10)
*Bustillos, Antonio	Pamaque-Piguique	1793	Census	Schuetz (1980b:10)
*Castañeda, Marcelino	Pamaque-Piguique	1793	Census	Schuetz (1980b:10)
*de la Cruz Texada, Mariano	Tribal affiliation unknown	1793	Census	Schuetz (1980b:10)
*del Prado, Mathias	Chayopin	1793	Census	Schuetz (1980b:264, 1980c:10)
*Díaz, José	Pamaque-Piguique	1793, 1797	Census	Schuetz (1968:58-59, 1980c:10)
*Flores, Salvador	Malaguita	1793, 1824	Secularization Record	Schuetz (1968:58-59, 1980c:10)
*Quiñonez, José Ventura	Malaguita	1793	Census	Schuetz (1980c:10)
*Rivera, Conrado	Pamaque-Piguique	1793	Census	Schuetz (1980c:10)
*Rivera, José María	Pamaque-Piguique	1793	Census	Schuetz (1980c:10)
*Valle, José Cayetano	Guanbrauta?	1794, 1795, 1798, 1815, 1817	Censuses	Schuetz (1980b:264, 1980c:10)
*Ximenez, Mathias	Venado	1793, 1794, 1824	Secularization Record	Schuetz (1968:58-59, 1980c:10)

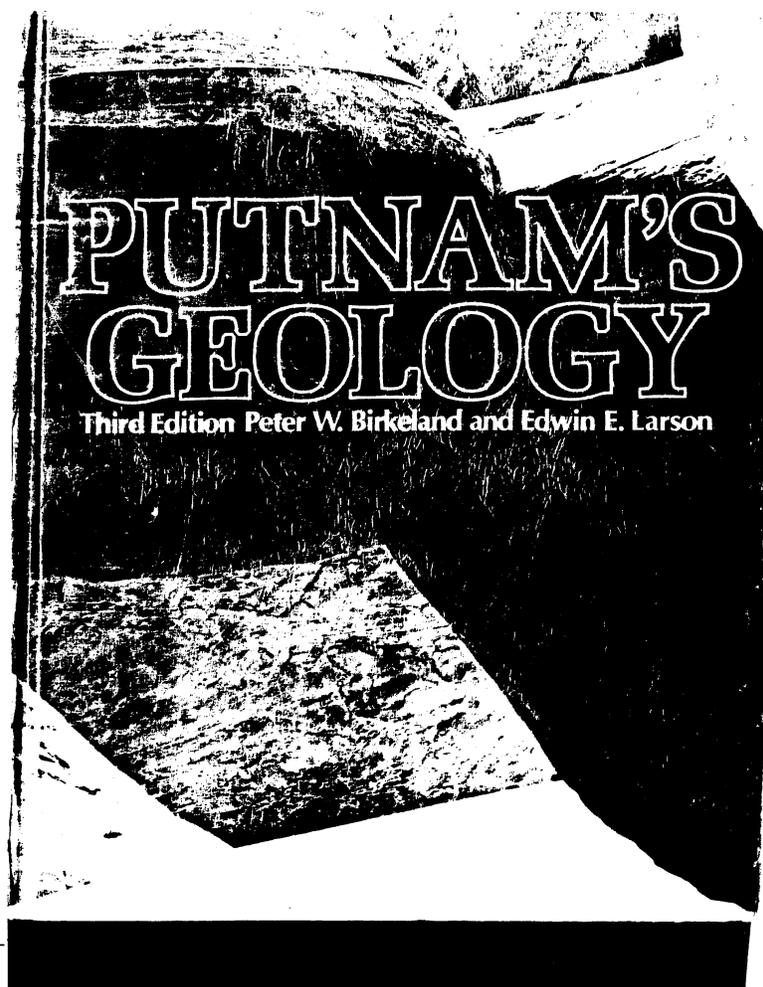
Table 9. Ethnic make-up of San Antonio and its missions from available statistical reports, 1790 and 1792.

Ethnic Categories	Villa of San Fernando		Mission Valero		Mission Concepción		Mission San José		Mission San Juan		Mission Espada	
	1790*	1792	1790	1792	1790	1792	1790	1792	1790	1792	1790	1792
Europeans	--	13	0	0	0	0	0	0	0	0	0	0
Spaniards	780	666	15	15	4	14	26	27	8	4	14	32
Indians	269	289	82	36	48	24	93	80	43	25	66	38
					[63 ^b]							
Mestizos	30	--	--	--	--	--	--	--	--	--	--	--
Mulattos	--	213	4	19	3	9	21	17	6	22	8	7
Of Broken Color	324	--	--	--	--	--	--	--	--	--	--	--
Slaves	17	--	--	--	--	--	--	--	--	--	--	--
Other Castes	--	121	6	0	8	11	14	0	12	0	6	0
Total:	1420	1302	107	70	63	58	154	124	69	51	94	77

* Includes population of Presidio of San Antonio de Béxar.

[^b] Count from 1792 "Indians Only" statistical report for Mission Concepción.

-- Category not used in statistical report.



Third Edition Peter W. Birkeland and Edwin E. Larson

Karst

PUTNAM'S GEOLOGY

THIRD EDITION

PETER W. BIRKELAND EDWIN E. LARSON

New York  Oxford University Press  1978

GROUND WATER

sinks rapidly into the ground. A stream will flow for short distances, disappear underground, and then reappear several kilometers away as a river emerging full-born from a giant spring. Such a limestone terrain is pocked with large numbers of closed depressions, some large, some small. Commonly the depressions are floored with clay, and that thin accumulation of reddish soil is likely to be all that is available for agriculture. In Yugoslavia the larger depressions may be several kilometers across—large enough at any rate to shelter a village and its surrounding patchwork of fields. The origin of the large depressions is uncertain. While they are partly caused by removal of material by solution, they also appear to be the result of the folding and faulting of the underlying limestone.

Smaller, closed depressions in Yugoslavia and elsewhere are almost certainly caused by solution. Some of them extend downward into the earth through near-vertical shafts, which commonly lead to deep caverns. In North America such solution pits are called *sinkholes*, and some may hold small lakes if they are floored with a layer of clay (Fig. 15-14). Should the clay seal be broken, then the lake will drain away through solution channels into the underlying limestone.

Sometimes sinkholes serve as natural wells. Their steep sides extend downward for scores or even hundreds of meters, until they intercept the water table which stands as a pool of water, somber and green, at the bottom. Renowned examples of such formation are the *cenotes* of Yucatan. Mexico's Yucatan Peninsula is a nearly level limestone plain, devoid of surface streams because the rainwater sinks almost immediately into the ground. When the peninsula was the site of the Mayan Empire, the dense agglomerations of people at such cities as Chichén-Itzá were dependent upon so slender a supply of water as the dank fluid at the bottom of a limestone sink. No wonder that, to preserve that tenuous link with survival, a maiden burdened down with bangles and ornaments was ceremoniously hurled into the cenote each year in order to assure a continued supply.

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Sinkhole formation is still an active process, as some unfortunate landowners have discovered. It is a vexing geologic hazard common to many areas in Florida and in other parts of the country where it causes damage to homes and building foundations (Fig. 15-15) and makes the maintenance of stable road beds for highways very difficult. Research is now being directed at finding ways to locate areas that are prone to sinkhole formation, so that future damage can be avoided. One method of study is aerial photography with remote-sensing devices. Data thus obtained may reveal thermal and vegetation patterns that could indicate the presence of caverns subject to collapse.

Geysers and hot springs

By far the most spectacular manifestation of ground water is its appearance at the surface in the form of geysers and hot springs. Certainly they are the leading attraction of Yellowstone National Park, and it is a rare household that does not include a member who has seen Old Faithful run through its repertoire. Yellowstone is not the only geyser area in the world; in fact, the extensive one of Iceland gives its name to this sort of aqueous outburst, since all are named for a large Icelandic spring, *geysir* (Fig. 15-16). Another large and touristically attractive geyser region is the Rotorua region of North Island in New Zealand. It is currently being developed as a source of thermal power.

Although the actual process that goes on in an erupting geyser is something of a mystery, enough is known of the physical laws operating that a plausible explanation can be offered. Incidentally, its general elements are much the same as the one advanced by the German chemist Robert Wilhelm Bunsen, whose burner is known to every student of chemistry.

A generally held view is that ground water percolating downward in a geyser area comes in contact at depth with a source of heat. That source may be cooling volcanic rocks, or steam, or other gases given off by magma. Even though the water at the bottom of a tube may be heated to 100°C (212°F) it does not boil

GEOLOGIC ROLE OF GROUND WATER

Karst

The landscape that may develop in a region underlain by limestone differs in a multitude of ways from one characteristic of less soluble rocks. Parts of China display such a landscape well (Fig. 15-13). But perhaps the best-known region of that type is the Karst, the portion of Yugoslavia bordering the Adriatic, the Dalmatian Coast. It is one of the picturesque coasts in the world, with the sea penetrating far inland in long, fiord-like inlets. They are separated by barren, whitish limestone ridges and islands that contrast vividly with the wine-dark waters of the sea—to use the 2700-year-old imagery of Homer. Karst, in fact, is the name

given to similar topography formed by the solution of rocks everywhere.

Dalmatia is one of the historic coasts of Europe. The once-tormented slopes of the now barren hills of what was then known as Illyricum provided timbers for the galleys of Rome, and later for the wide-ranging vessels of the Venetian Maritime Republic. Today it is a harsh, stony land, and it is difficult to visualize the widespread forests and soils that once mantled its slopes before destruction by overcutting, overgrazing, and active erosion.

The region has one of the heavier rainfalls of Europe, yet it is strikingly devoid of surface streams. Limestone—if joints and other fractures abound—is so permeable that rainwater

Fig. 15-14. Sinkhole topography in Indiana. John S. Shelton



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The Explorers' Journal



Del Weniger



ABOUT THE AUTHOR

Del Weniger is chairman of the Biology Department of Our Lady of the Lake University in San Antonio, where he has taught for twenty-four years. He earlier taught at the University of Houston and at Oklahoma Panhandle A&M University.

Fortunate in having early training in ecology, he organized the first course in ecology offered in San Antonio and still teaches it. He has not only been active in studying our Texas environment, but has worked to preserve it, doing ecological consulting work for both federal and local agencies and a number of Texas ranches, has served on the State governing boards of The Nature Conservancy and the Sierra Club, and heads the Science and Education Committee of the San Antonio Botanical Center. He has also contributed by speaking to many groups about the Texas scene.

As a botanist, he is author of the major

works, *Cacti of the Southwest and Cacti of Texas and Adjacent States*, as well as of numerous articles and research reports.

He has been honored with a Texas cactus, *Echinocereus wenigeri* named after him. In 1970 he received an award "As one of Texas' Outstanding Authors and Author of the Year's Best Book by a Texas Publisher" from Theta Sigma Phi. He was a co-author of the book awarded by the Texas Historical Commission "The 1978 Official Texas Award for the best publication of the Year in Local or Regional Texas History entitled, 'San Antonio in the Eighteenth Century.'" He was the recipient of the *Sociedad Mexicana de Cactologia*, Mexico, D.F. In 1980 he received an award by Texas Woman's University for past significant publication on Texas native plants.



Theodore Gentilz: *Camp of the Lipans*. While Gentilz never details the grassy vegetation of the prairie, he paints here a lovely scene with the scattered trees of the prairie included.

— Courtesy of the Witte Museum, San Antonio

picture of its situation which we would not otherwise have. He wrote, "... after commencing our march for home, we struck the Nueces, though unknown to us, within four miles of the Laredo crossing. Had we known this fact, infinite trouble might have been spared us. ... None were lost in crossing the river, but we had now to encounter a marshy bog, two miles wide, and filled with numerous sloughs, which we were all day crossing — fifty horses were lost in this bog, including General Somervell's."¹⁷⁷

Lieutenant Michler was much more fortunate than all the others when he crossed the Nueces in 1849. His ford, so luckily found, was probably near the boundary of McMullen and Live Oak Counties. He wrote: "At the point where we struck the Nueces, a splendid rocky ford was found. ... There was no river bottom land to pass through [in approaching the river from the south side] — perfectly clear prairie, free from all timber, bordering immediately upon the river at this point. Above and below, at a short distance from the ford, the timber in the bottom was heavy and thick. ... On this side [the north side] there was but a narrow strip of heavy timber and bottom land, about twenty yards in width, and then you rise to a mezzquite flat. ... The water of the Nueces here presents a muddy appearance, contrasting greatly with the clearness of its water at its crossing of the wool road."¹⁷⁸

In Live Oak County, the Nueces receives its first important tributary. It is the Frio River, which drains a large area and which is itself a complex system. To find the sources of this river one has to go all the way back up into Real and Bandera Counties, and the early travelers avoided this rough and dangerous Indian stronghold, so we have no early reports of its beginning.

Where most explorers first struck the Frio was usually in what is now Uvalde County. At this level there were already two important branches of the Frio. The eastern is considered a tributary, the Sabinal River, and the western is considered the main Frio. French described these two streams as he found them in June of 1849: "... the Sabinal — a clear, cool, delightful, running stream, with banks bordered with large trees, suitable for building purposes. Leaving the Sabinal [going west], the country is more rolling and diversified. ... With but little change, the road continues its westerly course across the Comanche creek, and thence to the Rio Frio, 13.87 miles. We found in the Rio Frio no running water. Its banks are high, presenting in places a wall of limestone of considerable height; and evidences of its being swollen to a stream of large size, at times, were visible."¹⁷⁹ When Beale crossed these

two rivers in June of 1857, he found the Sabinal, "a fine stream of water in large pools, and very clear and sweet," but says, "we arrived at the Rio Frio, and found the water not such as the name would indicate, and confined at the crossing to one large pool,"¹⁸⁰ this confirming the contrast between the two streams which must have been typical in the dry season. However, Hughes must have found the Frio during a wetter season when he crossed it at or near the same place in September of 1846, for he wrote, "Arrived on the Frio. ... a deep and beautiful stream, the water pure and cold."¹⁸¹ Gregg crossed the Frio at about the same place less than a week after Hughes, and leaves a real indication of the amount of water in it at that time, as well as of its very changeable nature: "... to Rio Frio, with large gravelly bed, but not running the fourth of the water of the San Antonio, at present; yet subject to great rises."¹⁸²

After these two streams combine, they flow as the Frio River down into the county named after it. In Frio County the river receives from the east a tributary rich in history, if apparently not in water. This is Hondo Creek, on whose branches some of the earliest German settlements were located.

Captain French left us the best report on Hondo Creek and its branches, experienced as he moved west through Medina County in June of 1849. He wrote: "From Castroville the road leads over some gentle hills, and thence through a tract of land pretty well timbered, until it opens out into what is here known as a 'hog-wallow' prairie. ... Beyond this prairie is a slightly elevated ridge, from the top of which, spread out before him, the traveller sees the beautiful valleys of the Quihi and the Hondo, pent in by the blue hills in the distance. The valley of the Quihi is sparsely covered with timber, principally mesquite and oak. ... In midsummer the stream ceases to flow, but the water at intervals collects in never-failing pools. ... On reaching ... [the Hondo], however, we found it but the dry bed of a river, with occasional ponds of water. ... Rising from the Hondo, the road stretches over a prairie country to the Seco, crossing a 'hog-wallow' which we found nearly impassable. The Seco, at this season, like the two previous streams, afforded no running water, notwithstanding the late rains. Two miles below the crossing, on the left bank, there is a settlement of Germans, at Dermis [D'Hanis]. Here, as at Vandenberg, great inconvenience arises from the want of water, and while we were encamped on the banks, the people had to drive all their cattle two miles to a pond found in 'the bed of the stream.'"¹⁸³

This is a dismal picture of less than reliable streams, and it is confirmed by others — for in-

stance, by Beale, who wrote of his experience in June of 1857, "... we encamped on the Hondo. ... Supper over, I went to the stream, which I found to be fine, clear water, in large pools, but not running at this time."¹⁸⁴

As if it were not bad enough to have the streams intermittent, the settlers of this region may have had to put up with a stream which swallowed itself and disappeared before them. The story is a strange one, but there are just enough indications it might be true to prompt us to repeat it here.

It was Julius Froebel who told the story in 1853. He wrote that there were subterranean water courses in this area, "... many of which never find an outlet to the surface. Sudden as well as gradual changes appear to take place in these water-courses, the water in one spot removing an obstruction, and in another creating some new one. Mr. P., an engineer of San Antonio, told me the following fact: — The Rio Verde, a river now entirely dependent on the atmosphere for its supply of water, and which falls into the Rio Hondo, was formerly a permanent, clear, and broad stream, several feet deep; people settled on its bank; when, it all at once disappeared, nor did it appear again. A deep well, dug near it, at first yielded some water, but afterwards became dry. Suddenly, one night, a regular torrent broke forth from it with a tremendous noise, but it flowed only for a few hours: in the morning the well was again empty. At noon the torrent gushed forth anew. This continued for several hours, since which time it supplies very little permanent water. Of course I cannot vouch for the accuracy of these statements."¹⁸⁵

Froebel's story is second hand, and so not presented here as eye-witness evidence like that making up the bulk of this work. And the only other account of this strange falling of a stream I have found is in an even less substantial and later source — just the kind I am usually avoiding in establishing our pictures of Texas as it was. However, it seems important to present these stories, since if they are true, they would explain much which is known fact.

The source of this second version of the drying up of Verde Creek is an unsigned article appearing in print in 1930. It details some early experiences of one Xavier Vance. The part which has bearing on Vandenberg and Verde Creek is the following: "Xavier Wanz, pronounced Sevier Vance" was born in Strassburg, Alsace, in 1844, and came to Texas with his parents as part of Castro's Colony in 1845. ... His parents left Castroville, went fifteen miles further west and settled at a place called Vandenberg, four miles Northwest from the present village, and settlement of New Fountain. ... When the settlement was made here the creek then called Lucky, but now

Verde, was a bold, running stream, and derived its name from its many evergreens that grew along its bank and always gave it a verdant appearance. This settlement began prosperously, but all at once a strange thing happened, which caused Vandenberg to be abandoned and the houses which they had so carefully and substantially built to go to decay. This was the sudden drying up of the Verde Creek. It broke out again, however, four miles below, and most of the people moved there and started another village and called it New Fountain, suggested by the new flow of water. A few remained at the old town and hauled water."¹⁸⁶

Now let's see how these stories, unlikely as they seem, square with known facts.

The first fact is that this valley is actually underlain by the Edwards formation, which has at this point just gone underground and is still near the surface. This formation is famous for being a massive limestone layer eaten through with myriads of water-worn passages up to cavern size. These would be Froebel's subterranean watercourses. It is remarkable that he so accurately understood the underground geology.

The second fact is that a settlement called Vandenberg, or Vandenburg, was made on the bank of Verde Creek exactly as stated by both authors, and that this settlement was abandoned, just as stated by both.

We do not have other contemporary statements about the quality of Verde Creek when Vandenberg was flourishing. However, these German immigrants did not usually settle as a community and stay long enough to laboriously build their stone buildings where there was insufficient flowing water, so it seems we must assume that when they built Vandenberg, Verde Creek was an adequate flowing stream at that point.

The next known fact is that Vandenberg was abandoned, just as both authors maintain. We don't know why, but this sort of an abandonment points toward some unanticipated failure of an essential resource, and so constitutes a valid presumption that the accounts of these two writers were true as far as the radical and permanent change in Verde Creek is concerned.

It is also known that a new settlement was actually made below old Vandenberg on Verde Creek, and that it was called New Fountain. If the name of this new settlement means anything, it must indicate a new flow of water — a new spring — occurred at that point, and so this name seems to be incidental evidence for the unknown later writer's story.

An outstanding feature of a Karst region like this is the underground channels constantly formed

and changed by the flow of water through them. Common occurrences are sink holes caused by sections of rock undermined and collapsing into eroded voids. These events radically change the flow of water both underground and on the surface. These facts leave the distinct possibility that such a collapse occurred somewhere underneath Verde Creek, opening a new channel which suddenly swallowed the creek somewhere above Vandenburg, and that the water formerly in the creek was then conducted to the surface again at a point further downstream. This would produce a new spring, merely another of the myriad such springs thus formed, but this one unique in that it burst out right in front of the settlers and so worthy of the name, New Fountain. Even the strange action of the well at Vandenburg would be understandable as the rocks below were rearranged by the force of the water forming its new channels.

We thus have in these stories not wildly impossible imaginings, but rather accounts of strange but

clearly possible events which may have been experienced by the early settlers and which may have affected the history of these settlements drastically. The fact that the evidence all points toward the truthfulness of these stories and that they offer plausible explanations of otherwise unexplained historical events and names, should influence our judgments upon many early accounts which seem on the surface sensational or unlikely.

Soon after receiving whatever waters these creeks can spare, the Frio River now combines with what is considered a tributary to it from the west. This is the Leona River, which arises in the small distance between the already constituted Frio and Nueces Rivers back up in Uvalde County. Its watershed, less than 10 miles wide where it starts, would never have been large enough to produce anything more than another intermittent creek, but this stream is fortunate to receive the waters from one of the State's great springs. This is Leona Spring, already mentioned, which prompted the founding of



The Leona River in 1942, sketched by Seth Eastman.
—Courtesy of McNay Museum, San Antonio

Texas Speleological Survey

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Overview of Texas Caves & Karst

by William R. Elliott, Ph.D.

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The TSS defines a cave as a naturally occurring, humanly enterable cavity in the earth, at least 5 m (15' 6") in traverse length, and where no dimension of the entrance exceeds the length or depth of the cavity.

Note: This definition is used by the Texas Speleological Survey to classify karst features, but five meters is not universally accepted. Other states and the Texas Commission on Environmental Quality have different standards.



Orion Knox in the entrance room of Electro-Mag Cave, Sun City, Williamson County, Texas.

- photo George Veni

At least 9,000 caves, sinkholes and springs are known in Texas, distributed in karst regions covering about twenty percent of the state. Karst is a terrain formed by the dissolution of bedrock, and generally is characterized by sinkholes and caves that channel water underground. Texas caves and karst aquifers are important economic, scientific, and recreational resources.

Karst requires soluble rocks, and Texas has many karst regions (see map). The majority of Texas caves occur in the Cretaceous limestones of the Edwards Group, Glen Rose, and Austin Chalk, distributed in the Balcones Fault Zone, the Edwards Plateau, the Stockton Plateau, and the Cibolo Creek and the Guadalupe River basins. In the Llano Region, the Ellenburger Group carbonates (Ordovician age) are intensely

http://www.utexas.edu/tmm/sponsored_sites/tss/cavesandkarst/index.html

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cavernous. Permian reef limestones in West Texas contain important caves. Two gypsum karst areas (Permian age) occur north of Van Horn, Culberson County, and in fourteen counties in Northwest Texas. Some unusual caves occur in "pseudokarst" (false karst), where caves did not form primarily by dissolution in groundwater. Examples of pseudokarst are granite (Enchanted Rock Cave, Llano County), volcanic tuff and conglomerate (Big Bend), sandstone, travertine, shale, caliche, and other materials. Many caves are being degraded, filled, or quarried by humans before their contents can be adequately studied.

Long caves: At least 103 Texas caves are longer than 300 m (984 ft.). Honey Creek Cave is the state's longest at 32 km (20 mi.), and is still being actively explored. The cave is a tributary to the Guadalupe River, and it extends under Comal and Kendall counties. Powell's Cave System, a complex of three caves in Menard County, is at least 21 km (13 mi.) long and "growing" as cavers continue to map it.

Deep caves: At least 104 caves are deeper than 30 m (99 ft.). Sorcerer's Cave (Terrell County) is the deepest at 170 m (558 ft.). The largest cave in terms of volume may be Fern Cave (Val Verde County), estimated at about 300,000 cubic meters (10 million cubic ft.).

The scientific resources of Texas caves are many. Hundreds of ancient species, specially adapted to an energy-efficient life in permanent darkness, are scattered through the karst of Central Texas. Cave-adapted salamanders, catfishes, shrimps, isopods, amphipods, snails, spiders, harvestmen, pseudoscorpions, beetles, millipedes, centipedes, and other types have been described. Most of these eyeless "troglolobites" occur in the Balcones Fault Zone, where geologic isolation in faulted, river-dissected karst blocks has resulted in an evolutionary history like that of an archipelago. Some of these species are endangered by land development, overuse of groundwater, pollution, and pests such as the red imported fire ant.

About two dozen Texas caverns harbor a total of about 100 million Mexican free-tailed bats from April to November every year. These migratory bats consume 6,000 to 18,000 metric tons of insects annually in Texas. The largest known mammal colony in the world is the colony of 20 million or more Mexican freetail in Bracken Bat Cave, Comal County. Bats are

recognized as important but are feared by many nevertheless. A 1917 state law protecting bats was rescinded during a rabies scare in 1957. Several other insectivorous bat species inhabit hundreds of Texas caves, but have been killed or driven out of some caves by vandals. Bat Conservation International moved its headquarters to Austin in 1986 and has been educating the public on the ecological importance of bats.

About twenty-five Texas caves have yielded important fossils of vertebrate animals. Extinct species, such as the scimitar cat, dire wolf, Columbian mammoth, ground sloth, glyptodon, spectacled bear, and flat-headed peccary, denned in, fell in, or were eaten in Texas caves. Radiocarbon dates up to 23,000 years before present have been recorded. Bats have utilized Texas caves for many millennia. The remains of small mammals found in cave soil and flowstone strata have chronicled the climatic shifts in Texas since the ice ages ended about 11,000 years ago. Central Texas was a cool, moist environment until about 3,000 years ago. Burrowing mammals, such as moles and gophers, were common. With the increasing aridity there was a massive loss of soil. A second episode of soil loss was caused by the loss of fire ecology and the overgrazing by domestic animals that continues to this day.

Paleoindians utilized Texas cliffs and rockshelters for "animal kills." As long as 12,400 years ago, Bonfire Shelter near the Rio Grande received animals driven off the cliff. People processed the carcasses in the shelter. Kills of mammoth, bison, and horse occurred several times. In the Archaic Period (9,000-1,000 years ago) many shelters in the Lower Pecos River and Devils River area were inhabited by hunter-gatherers. Fine pictographs may still be seen in Fate Bell Shelter at Seminole Canyon State Historical Park near Comstock. Pit burials, where the dead were dropped into deep sinkholes, also have been documented. Important archaeological materials no doubt remain to be found in caves and are protected by law.

Early scientific work in Texas caves began in 1896 with the description of the Texas blind salamander *Eurycea rathbuni* from an artesian well at San Marcos. Important bat guano caves were documented in 1901; the caves had been sources of nitrates for gunpowder but became fertilizer mines for citrus and vegetable farms. Serious speleology in Texas began with the 1948 publication of *The Caves of Texas* by the National

Speleological Society (NSS). Caving groups (grottos) formed in the 1950s and systematic documentation of the state's caves began, first by the grottos and the Texas Cave Survey, then by the Texas Speleological Survey (TSS), founded in 1961. NSS conventions were held in Texas in 1964, 1978, and 1994; the 2009 NSS Convention will be held in Kerrville in conjunction with the 15th International Congress of Speleology. Today's Texas Speleological Association includes eleven grottos in major cities. Caves are conserved and managed by the Texas Cave Management Association, The Nature Conservancy, Texas Parks & Wildlife Department, Bat Conservation International, and many private landowners. The State Caverns Protection Act protects caves from vandalism and destruction. Another statute protects landowners from liability for injuries to cave visitors, unless they have paid for access to the cave.

The Edwards Aquifer, which extends from Brackettville to north of Austin along the margin of the Edwards Plateau, is a karst aquifer that supplies drinking water to 1.5 million people in the San Antonio area. As pumping begins to exceed natural recharge and water levels decline, several rare species and the human economy are threatened. The Comal and San Marcos rivers, which originate from large karst springs, are important in maintaining the Guadalupe River ecosystem all the way to the San Antonio Bay estuary on the Texas coast.

Texas caves abound with natural delights. Seven show caves are open to the public: Cascade Caverns and Cave Without A Name (both at Boerne), Caverns of Sonora (Sonora), Inner Space Cavern (Georgetown), Longhorn Cavern (Burnet), Natural Bridge Caverns (New Braunfels), and Wonder Cave (San Marcos). Caverns of Sonora is considered by many experts to be the most beautiful cave in the world. The other caves offer an amazing variety of beautiful speleothems (mineral formations), fossils, and history. Wild Caving tours are now offered at Colorado Bend State Park, Kickapoo Caverns State Natural Area, and West Cave (a botanical preserve and travertine cave near Austin).

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Cenoté

East of the major Chichén Itzá ruins is a dark underground world the Mayans called Cenoté. They are deep water filled sinkholes formed by water percolating through the soft limestone above. Since the porous soil held little water, these underground bodies were extremely important to the city. A visit to one is a spine chilling experience. Entry is through a vertical hole with narrow stair steps carved by the Mayan's themselves. The air is thick and musty. One misstep on the slimy ledges threatens to send you falling over 20 feet.



Once your eyes get used to the light level a bizarre world takes shape. Stalagmites of blood red limestone seem to ooze from the dripping walls. Ahead is a strange green pool of glowing water.



As you approach the pool you notice roots of trees hanging before you. In their search for water they've penetrated the ceiling, dropping 50 feet to the pool below. It's like an eerie underground forest.

After you've crawled under some especially low hanging stalactites you're greeted by an incredible scene. A beautiful blue green pool of unknown depth stretches out before you. A massive stalagmite hangs down, just inches from

touching the surface, and above a piercing beam of light streams in from the ceiling, illuminating the pool and the entire chamber.

By pure luck I was at the Cenoté for a rare event. Once a year, in April, the beam of light touches the tip of the stalagmite. There are many instances of ancient peoples building monuments to take advantage of events like these but this is something that is totally natural and unplanned.

There is a darker side to this and other Cenoté, however. In the wells around Chichén Itzá have been found scores of skeletons. Mayan petroglyphs depict human sacrifices at these sites. What lies under this Cenoté is not known, no one has ever been able to reach it's depths.



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THE ESPINOSA-OLIVARES-AGUIRRE EXPEDITION
OF 1709

BY

REV. GABRIEL TOUS, T. O. R.

CORRESPONDING MEMBER OF THE COMMISSION

EDITED BY REV. PATR. J. FOX, C. S. C., PH. D.
Chairman of the Commission and President of the Society



Bush Croton (*Croton fruticosus*)

CD Home Gardens Plant List



Fern Canyon, Mitre Peak Scout Camp, Davis Mts., Jeff Davis Co. Oct 2005. Photograph by Wynn Anderson.

- **Common English Names:** Bush Croton
- **Common Spanish Names:** Encinilla, Hierba Loca
- **Scientific Name:** *Croton fruticosus* (CROW-ton frew-tick-cue-LOW-sus)
- **Family:** Euphorbiaceae (Spurge Family)
- **Geographic Range:** Southeastern Arizona to central Texas, south into Mexico.
- **Plant Form:** Shrub
- **Remarks:**

file://C:\Documents and Settings\Marizella\My Documents\Bruce\Croton fruticosus.htm 1/22/2007

THE ESPINOSA-OLIVARES-AGUIRRE EXPEDITION
OF 1709: ESPINOSA'S DIARY

TRANSLATED BY

REV. GABRIEL TOUS, T. O. R.

ESPINOSA'S DIARY OF 1709

In the name of the Most Blessed Trinity, God the Father, the Son, and the Holy Ghost. This begins the diary of the expedition undertaken in the year 1709 by the Rev. Father Fray Antonio de Olivares, Apostolic Preacher, Comisario of the Holy Cross of Queretaro, Apostolic Father Fray Pedro de Espinosa, Apostolic Preacher and Missionary in charge of the Misión de San Juan Bautista on the Rio Grande del Norte, and assisted by Captain Pedro de Aguirre, Commander of the Presidio of Rio Grande del Norte, and sixteen men from his company, agreeable to the orders issued by his Excellency the Duke of Albuquerque, Viceroy, Governor, and Captain General of New Spain, etc.

April 6th. Friday. After breakfast the whole expedition set out in search of the San Marcos River and after crossing the Rio del Norte, which carried much less water than usual, stopped at a place called Cuervo Encarnament. There were only a few pools of rain water which was brackish and somewhat salty. The expedition travelled this day four leagues.

April 6th. [Saturday.] We travelled on this day in an easterly direction across level ground and some mesquite groves. Here we found a dry arroyo in which there were clumps of oak trees. After crossing a small thicket of mesquites, we went over a few low sandy hills covered with good pasture. We came to a small rocky spring where there is an abundance of haddock, catfish, and other fish which temporarily appeared our hunger. We continued our march until we reached the Holy Sacrifice of the Mass, a strong wind arose which prevented it, from fear of some irreverence. We continued our march through open country and crossed a small thicket of mesquites. We then descended to the arroyo of Caramanchal whose two branches we followed. There are many ash trees, elms and an abundance of alfalfa. From dry arroyo to the Nueces River it is all level ground. The water of this river is fresh and clear. It has many ash trees, elms and walnuts and there is an abundance of Cocomocalt, a plant whose thorny nature might bear some relation to the writer's name. [Espinosa means thorny.]

The expedition set out from the Misión of San Juan Bautista.

FOREWORD

The diary, here presented, is a translation of the original record in the *Archivo General de Indias* at Seville, Spain (82-2-28), and describes the expedition of Espinosa, Olivares and Aguirre into Texas in 1709. In 1915 the Reverend Otto Mess, O. F. M., published the entire document in his book, entitled *Viaje de Espinosa, Olivares y Aguirre a la Compañía de Nuevo Mexico*. Though Father Mess changed the ancient orthography, he scrupulously followed the text in every other detail.

As far as we know, this diary has never been translated into English, and it is now presented because it bears a relation to the later *entrada* into Texas, when permanent settlements were established. This is a literal and exact translation of the original text. It must be remembered, however, that the document contains the archaic Spanish language and expressions of over two hundred years ago. It was written in the epoch of literary "gerundinism" so much in vogue with writers and chroniclers of the sixteenth and seventeenth centuries.

The diary is the work of Espinosa, and differs little from that of the expedition of 1716, a translation of which is now in the press and will appear later in the year 1930. The style of the latter is more sober and concrete, and more exact as to details of important facts, such as directions and distances traveled each day. In this account we recognize the Espinosa of the *Crónicas*, more exuberant, more digressive and at times inclined to exaggerate. Here he gives the most interesting and vivid descriptions of animals, rivers, country, customs and the physical and moral characteristics of the Indians. He portrays for us in the diary a real word picture of the buffalo roaming in the wilderness.

The expedition gave the River San Antonio its present name. There were earlier *entradas* into Texas which followed the same general course. The map here drawn to supplement the diary was planned and compiled with the greatest difficulty, because of the lack of evidence and data to check up accurately the direction and distances traveled by the explorers as recorded in the document. We feel confident, however, that the route of the expedition here traced is as correct as can be made under the circumstances with the information available.

The translator and the editor wish to acknowledge with thanks the careful revisions of the diary that have been made by the Rev. Dr. Walter O'Donnell, C. S. C., of St. Edward's University, Austin, Texas, and by Prof. Carlos Castañeda, Librarian of the Garcia Latin-American Library, University of Texas.

northeast, and at times to the east, through a very dense forest of mesquite clumps and holm-oaks. We came out upon a few bare hills, and continued till we reached the other branch of the said river of Guadalupe. Its banks are very fertile and pleasant. Its waters are abundant, clear and good. On coming to the river, while going along its banks, a soldier's horse suddenly turned and the soldier went through the water unemotionally. He came out drenched and shivering. Two others who went to his rescue also got a bath without intending it. Here there is an abundance of sabbines, elms, poplars, willows and alders. In the river there is a variety of fish that we killed, and alligators have been seen by the Spaniards. Wild turkeys, commonly called quetzales, were also seen. While hunting them two shots were fired, one of which fell, and the other was lost. We walked here for the Spaniards, who were to bring us news of the Tejas nation, whom we had summoned but they did not come. We stopped on the bank of the said river, having travelled nine leagues.

April 15th. Monday. We made signal fires to attract the attention of the Spaniards, travelling towards the northeast through some mesquite clumps, going over plains and gentle hills we killed two turkeys which appeared right over the hills we reached the river sooner than we had anticipated. The banks of this river are very pleasant, full of walnut trees, elms, black mulberry trees, etc. very pleasant, full of walnut trees, elms, far as the San Marcos River, six leagues.

April 16th. Tuesday. We crossed the San Marcos River very near its source, the crossing being two aqueducts above from where the river rises. Directing our course, we went through a forest of mesquite clumps and some elms, we came, after a distance of about two leagues, to an arroyo with little water which is a distance of about two leagues, to whom we interested the success of our journey. This arroyo has many holm-oaks and some elms and is watered by leaving the crest of the hills. Beyond the arroyo mentioned we went on toward some low hills in the direction of the northeast, travelling sometimes to the east. In the center of a plain is a grove of holm-oaks, where there is a small spring of water, not far from said arroyo. After we passed the hills we came to a stream which, because of the many thick, gurgles, we found there, we called arroyo of the Gurgles. All of us, though against our will, carried away many of them. We stopped this day at this arroyo. A buffalo which was seen accidentally by an Indian who with us was killed and though somewhat lean, answered our purpose. We travelled this day eight leagues.

The present Guadalupe River.

April 17th. Wednesday. We went on to the northeast in search of the Colorado River or Espiritu Santo, which is all ours, in order to see if we could meet some Indians who could give us information about the Tejas, since the Indians of the Simpa tribe had said that they did not know of them. At a distance of five leagues we arrived at a place called Espiritu Santo, the guide saw four buffaloes. In a little while all four fell into the hands of the soldiers, who as excursions, put an end to them, providing the expedition with meat. We stopped near this river, having travelled five leagues.

April 18th. Thursday. Having made a thick smoke in order to see if the Indians would respond and not finding any traces or footprints of them, we decided to go on by a marsh on the opposite bank of the river. We set out with the captain and seven soldiers, seven others remaining in the camp who left at the river, and with orders that, if they had any news of Indians who might come there, or anything else worth knowing, they should make a smoke that we might repair to camp. We came to the river, which is sheltered on either side by luxuriant trees, walnuts, ash trees, poplars, elms, willows and wild grapes, much higher and larger than those of Cedeira. The river has sand banks all along its margin, showing the high water mark, and it is a quarter of a league wide. Its water is the best we have found. Just beyond this part of the river is a shallow place, about half-a-league, surrounded by trees, where we found an abandoned rancharia, in the shape of a half-moon which had more than 150 circular huts, but large and well made. There, while on our way, we came upon four graves covered with sticks, two of which still gave out an offensive odor and appeared to be fresh. We passed said place and, guided by the Indian, we directed our course towards the east through a forest of oaks for a distance of about six leagues. Looking for Indians we crossed the said river a second time, and continuing our course to the northeast for about two leagues, always in sight of it, we stopped again at some ponds not far from the river, because the forest before us was so dense that we could not penetrate it. We travelled this day nine leagues.

April 19th. Friday. Having suffered much from the cold the preceding night, and being about to decide to cross over to the other bank of the river, which we had not explored, some of the party thought they saw some smoke on the bank of the river we had already explored. We recrossed the river to investigate the smoke, but there was no trace of it, nor a footprint of man or beast, only deep tracks and pathways of the buffalo that crossed the river. On both sides we saw many herds of them. This caused us no little surprise, not having found even old tracks of them from the San Marcos River to the Rio Grande. Seeing there were no people we returned, avoiding the forest through which we

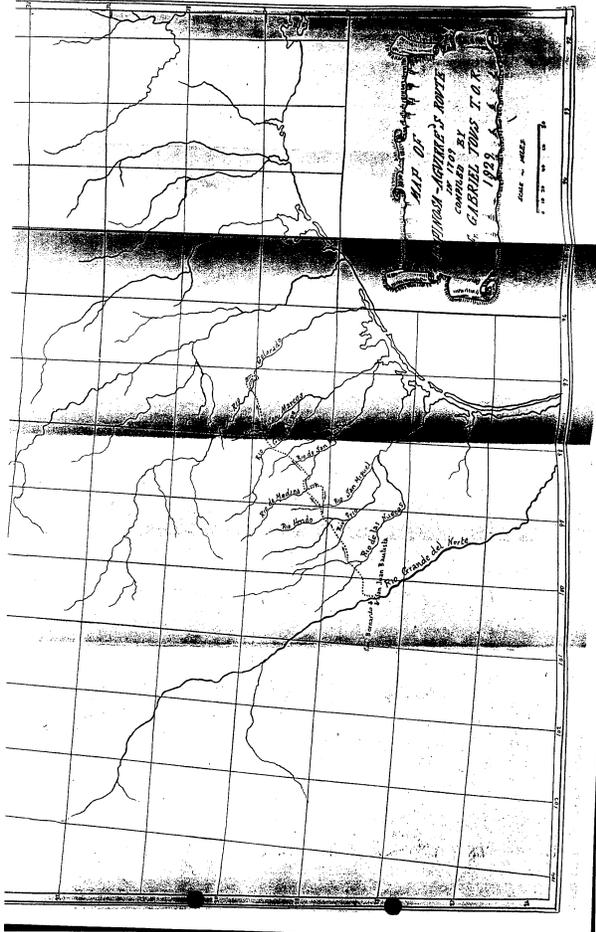
about; that only a few were in the habit of going in search of buffalo meat to the Colorado River and its neighborhood. Asked again, if they knew this to be the truth, they maintained what they had said, and declared further that Bernardino, a Tejas Indian, who knew Spanish and was very crafty, having lived many years among the Spaniards, was the chief of all the Tejas, and this they knew well. All this caused us sorrow on the one hand, because we wanted to see the Tejas, and [Joy] on the other hand, because it relieved us of the uncertainty under which we had labored concerning the whereabouts of the Tejas. The Indians said also that it was a three-day journey from the place where we were to the village of the Tejas. Not having planned to stay any longer, and the Captain of the military expedition not having instructions to go any farther, and having been told by all who knew him that the chief of the Tejas was very adverse to all matters of faith, never having been made to live like a Christian, and that he had escaped from the mission on the Rio Grande with some Indian women who had been left there, we decided not to proceed any further. On the day that all this happened we travelled over rough ground covered with oak trees nine leagues.

April 20th. Saturday. Being on the point of returning straight to the Rio Grande, the aforementioned Indians reminded us that their women, children, and other members of their tribe who had not seen us would be very sad and disconsolate if they did not. Seeing their eagerness and judging that their people were not far distant, we accompanied the Indians, following a northeastern direction for about four leagues, to a few soldiers in the camp. Those that went with us carried the Rio cross and the three images of Our Lady of Guadalupe that the Indians had brought. Captain Cantona rode on horseback, bounding to the Indian camp and from him a silver-mounted came. He bade them love the Spaniards, in this manner we came in sight of the wigwams and an Indian ran to meet us. He immediately returned to the wigwams, and we proceeded to set up our tents in such numbers that filled us with tenderness to see them. Not one of them came out with arrows; all came with their hands raised or crossed; some with very little clothing on their body; the majority or almost all of them entirely nude. Hardly had we dismounted when they surrounded us, crowding around so persistently that we knew not where to turn. They gave shots of joy, embraced us, and pressed our faces and arms, doing the same among themselves after the manner of mourning. This is a custom they have to make others their friends or mourning.

By the evidence which we have and according to the directions given it seems that the place where they stopped on the Colorado River is situated between Batavia and Sanahuire of today.

had come, and on the way the soldiers killed three buffalo cows and three calves. They took as much meat as they could carry, and about this time, we saw a thick smoke rising from the spot where we left the camp. While returning to the river dismounted, we amused ourselves a short while by testing a buffalo. At about eight, we got to the river passage, and it was already very dark when we crossed. On arriving at the camp we found there Captain Cantona, an Indian, who is very well known by the Spaniards. With him were more than forty Indians, most of them of the Yojian tribe, a few Sira, Sira, and a few Ticonib, who arrived that morning with many others who had returned to the rancharia, seventy-seven persons in all. They came from the river single file, bearing a wrough *olde* (bamboo) cross before them. The cross-bearer was followed by three other Indians each with an image of Our Lady of Guadalupe, two of which were painted, and the other was an old engraving. As they came to where we were, all the manifestations of peace, some bowed, others approached the Spaniards, kissed their faces and embraced them as is their custom in showing their joy and high esteem for those they love. There they explained themselves in this manner: Two Indian youths seeing the thick smoke we had made before arriving at the river, came to investigate it, and following our tracks, reached that night the place where our camp was. Suspecting that those in camp were Apaches, they cautiously watched the camp until they saw by the reflections of the fire the waistcoat of the Apaches. They knew then that they were Spaniards, because they had seen them on another occasion when they entered the province of the Tejas. These two went to inform the rancharia, which was four leagues distant, and on Friday morning all came in the manner already mentioned. They declared that they were very much afraid to approach our camp but finally Indians embraced us with many manifestations of joy. We gave them the most affectionate welcome we could and distributed tobacco among them, this being the present most prized by them. They stayed with us that night, with much rejoicing, refusing to return to their rancharia in order to be with the Spaniards.

Seeing that our efforts to reach the arroyo of the Otates in the hope of meeting the Tejas had been fruitless, and knowing that the Indian leader of the Yojanes, called Cantona, frequents the province of the Tejas and as it was true that they had left their territory and had come to settle on the San Marcos River. To this they replied that the Ainaia Indians, commonly called Tejas, were in their own country where they had always lived; that they had not moved to the place we inquired



There are many fish of which we had some for dinner. On this day we met three Indians of the Pecosian nation who were out hunting mice. The other Indians, who made a thick smoke in the woods upon our arrival, did not show their faces again and were lost in the thickness of the woods along the bank. We travelled this day five leagues.

April 20th. Monday. We moved from said place and travelled over level ground through mesquite forest and thorny bushes and thistles, very difficult to cross although there was a path. We then travelled for two leagues through mesquite forest and thorny bushes and thistles, very like mulberries, elms, and oaks called by the names of the various trees plenty of good, fresh water. After crossing many ravines, or small streams, and sparse mesquite woods we came to a dry arroyo filled with oaks. From here we went to stop on the Rio Grande, as the Indians call it, Rio Frio. Here we found some Indians, two Xirames and a number of Pecosians, about twenty in all. This day the expedition travelled seven leagues.

April 21st. Tuesday. We advanced through a small mesquite flat and over level ground towards the northeast and east to the Rio Grande. The river whose bed was filled with pools of water. Continuing through the day in the same direction we arrived at the arroyo of Cepas, where there were many ashbines, elms and evergreen-oaks, the fields being covered with flowers as in April. After ascending the arroyo for about two leagues to the north we stopped. On the way we hunted for many days the expedition being supplied with meat by seven which were killed. We travelled this day nine leagues.

April 22nd. Wednesday. Passing some small valleys filled with mesquite clumps and oak groves we came to the arroyo called Chalit, which was dry. We then crossed some plains, going about three leagues towards the east, and passed a few holm-oak groves in the same direction, until we came to the arroyo of the Robalos which had a few pools of water. The expedition travelled this day eight leagues.

April 23rd. Thursday. We set out from the said place towards the east in search of the Medina River which we reached and crossed. On the opposite bank, in a clearing along the river, we found the rancharia of the Pajays who were not numerous. This river is bordered by walnuts, the daily food of the nations who live along the banks. Along the river are many green and white poplars, elms and a diversity of other trees which were very beautiful. Here we consulted and planned the route we were to follow in search of the San Marcos. We stopped at this place and, travelling five leagues.

April 24th. Friday. We moved on to the east through a plain, and at a distance of three leagues, not far from the river, met some Payaya Indians. The creek still flows through the town of San Antonio. Ramon's diary describes the town of San Antonio, and says that the creek is the Colorado River of today.

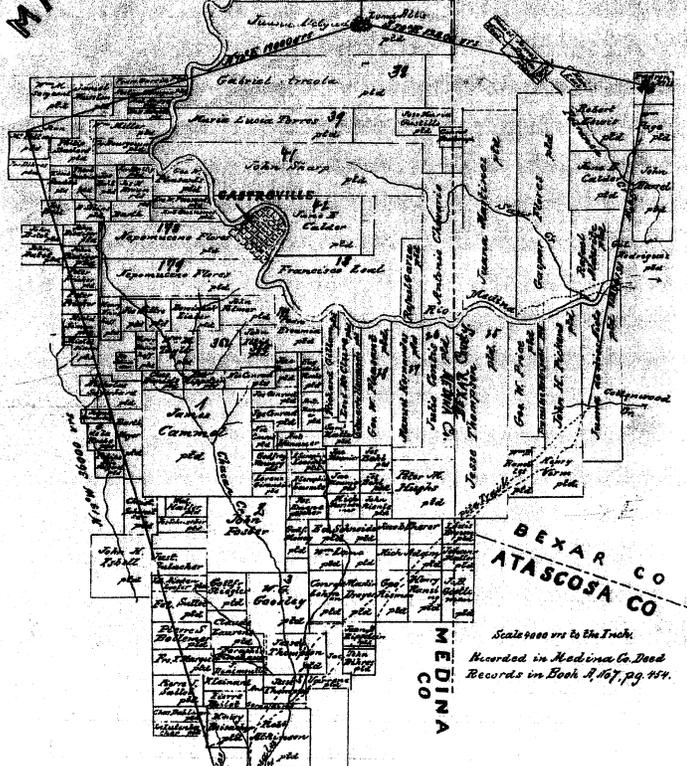
Indians. Later we met five others of the Pampoa tribe, who were going to the rancheria of the Payaya. Crossing the Medina a second time we continued in eight of it, until we arrived at the rancharia of the said Pecosians. Here we inquired about the watering places in order to continue our journey. We took an Indian on horseback as guide, twelve Pampoa accompanying us on foot. We travelled this day five leagues.

April 13th. Saturday. We continued our course towards the east through some ravines filled with holm-oaks, mesquites and some white oaks, until we arrived at the rancharia of Leon, which had running water, and we crossed it about a league from a rancharia named Gregorio Salinas and it seems years before. We crossed a large plain in the same direction, and after going through a mesquite flat and some holm-oak groves we came to an irrigation ditch, bordered by many trees and with water enough to supply a town. It was full of water, and the soil of the earth being tanned. We named it San Pedro Spring (aguas de San Pedro) and at a short distance we came to a large growth of trees, high walnuts, poplars, alms, and mulberries watered by the San Juan, which rises near a populous rancharia of Indians of the tribe of the Spaniards, Chaulanmas and some of the Spaniards, numbering in all about 500 persons, young and old. The river, which is formed by this spring, could supply not only a village but a city, which could easily be fortified because of the good ground and the many conveniences, and because of the shallowness of said river. This river not having been named by the Spaniards, we called it the river of San Antonio de Padua. Having distributed tobacco among all of them, we took four Indians to guide us to an arroyo of briny water, and after passing a forest of mesquite trees we came travelled this day eight leagues.

April 14th. Sunday. The Holy Sacrifice of the Mass was celebrated in a tower. After Mass we went on towards the northeast in search of the River Guadalupe, and crossing over open country except for some mesquites, we came upon a branch of the Guadalupe River, having crossed a deep arroyo with large pools of water. Having heard of another branch of this river, we set out in search of it going towards the east.

Arroyo de Leon is probably the present Leon Creek west of the San Antonio river. The name of Leon was given to the town of Leon, 1692-1697, and of Nuevo Leon, 1706-1707, and for a very important part in the explorations of Pecos. The creek still flows through the town of San Antonio. Ramon's diary describes the town of San Antonio, and says that the creek is the Colorado River of today.

MAP JOHN M. MULLEN GRANT



ROUTE through Texas followed by the first column of the Army, of the Mexican Republic, commanded by Brigadier General, Adrian Woll, Commander of the 2nd Division, and made by his quartermaster, Captain of sappers, Colonel Jose Maria Carrasco.

Year 1842 August the 24th

EXPEDITION MADE IN TEXAS BY PART OF THE 2nd DIVISION OF THE ARMY CORPS OF THE NORTH PRINTED BY FRANCISCO MOLINA MONTERREY, 1842 BY ILMAR BENJAMIN, B. A. TENGIS FOR THE DEGREE OF MASTER OF ARTS UNIVERSITY OF TEXAS AUGUST, 1952

Number 242 - Most Excellent Sir: I am remitting to Your Excellency a diary of the movements and sketches of the encampments which were made by the Division under my command since it left Fresidio de Rio Grande until the 11th of the present month when it overpowered the enemy in this city. Both were made under my orders by Colonel Jose Maria Carrasco, who, as I have already made it known to Your Excellency, has fulfilled the duties of quartermaster to my greatest satisfaction.

God and liberty. San Antonio de Bejar, September 12, 1842. Adrian Woll - Most Excellent Sir, The Commander-in-chief.

ROUTE through Texas followed by the first column of the Army of the Mexican Republic, commanded by Brigadier General, Adrian Woll, Commander of the 2nd Division, and made by his quartermaster, Captain of sappers, Colonel Jose Maria Carrasco.

Year 1842 August the 24th

The Division departed from Fresidio de Rio Grande towards the Noyal crossing. The ground over which it marched is level, with woods of mesquite, tiny dales, and a narrow road. The right bank of the river is higher than the left and is bordered with tiny hills suitable for batteries of four or five pieces.

To the rear at a distance of four hundred paces, there is a formation of hills parallel to the river much higher than the others. The steep bank at this crossing is almost perpendicular and consists of loose, sandy dirt. The bed of the river is made up of sand, clay, and thin loose layers of rough stones. The ford is variable, from nine to eleven feet for two-thirds of the way towards the left bank and three to nine feet towards the right bank. The course of the river forms an arch of very limited radius and the current flows sharply on the left side of the crossing. Its breadth is two hundred and fifty varas and during flood time measures three hundred.

The 25th Day

Twenty six dragoons of the Presidial Regiment crossed in two small canoes which were found at the crossing.

The 26th Day

The Defenders of Bejar and Rio Grande (dragoons and riflemen) numbering one hundred and twelve men, twelve carts with a portion of corn supply, a squadron consisting of forty-eight troopers of the Santa Anna Regiment, forty loads of food and fifty live steers crossed today.

The 27th Day

The ammunition for the artillery and engineers, the remainder of the corn supply, two pieces of ordnance, four pounders with their gun carriages and

foot and mounted complement, the second squadron of the Santa Anna Regiment, with the same number of men as the first one, its staff, the remount reserve and the artillery train with its men

The 28th Day

[Crossed today].
The remainder of the food supply (110 boxes), two hundred and thirteen mule herd, forty-five dragoons of the Presidial Regiment and a company of the Santa Anna Battalion with one hundred veterans [Crossed today].

The 29th Day

Two companies of the said [Santa Anna] battalion with the same number of men and fifty presidial dragoons [Crossed on this day].

The 30th Day

The last company of the battalion, with its stand of colors, and its music, and the equipment of general headquarters were crossed, together with the various infantry and cavalry detachments. They took their position in the camp grounds that lay along a line with its back on the river. The right was flanked by the "defenders" and the left by the mouth of the Sauc³ [Willow] creek, as seen

³Sauc [Willow] Creek flows through Maverick County.

3

in the sketch. ⁴ Today, in the afternoon, the

⁴The sketches referred to in this diary were not reproduced. They are probably in the official files of the Oficina de Defensa Nacional, to which all the archives of the Secretaría de Guerra have been transferred in Mexico City.

commanders-in-chief of this Division crossed [The river], reconnoitred the camp and spent the night there.

The 31st Day

At daybreak the Division was placed under arms and having formed in parade, his Excellency, the Commander-in-chief, accompanied by the General of the Division, passed before them and halting in the center of the line he read a proclamation and retired. The Division undertook the march at six in the morning in three columns, along an unmarked road towards the North. The center was the infantry column, two ordnance pieces, and the baggage trains; the right was formed by the regular cavalry; and the left by the presidial troops; the vanguard, the rearguard and the flanking scouts [consisted] of "presidial" and "defender" troops. The land is level, traversed by creeks. Camp was made at twelve noon at the Cueva Creek, ⁵ protected from

⁵Cuevas [Caves] Creek is an intermittent stream which rises in southern Maverick County and flows southwest to join the Rio Grande near the town of Eagle Pass. Texas State Historical Association, The Handbook of Texas.

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the rear by this stream. The right and left were covered by two of its smaller tributaries, and the sketch of Camp Number 2. Five leagues were covered in six hours.

Sept. the 1st

The corn carts, escorted by the Defenders of Bejar, continued the march after leaving in camp two grain rations for the cavalry. The Division stayed behind to wait for a company of the Presidial Regiment which was to join them, whose horses stampered on the night of the 30th. They joined [The Division] at six this afternoon.

The 2nd Day

The Division renewed its march towards the north, northeast along level ground in the same order as the previous day and following the same direction. Camp was made on the Saladito Creek ⁶

⁶See Salado Creek which is an intermittent stream and rises in northern Maverick County flowing southeast twelve miles into Chacon Creek. Texas State Historical Association, The Handbook of Texas.

at one in the afternoon after having covered five leagues of level ground today. I was ordered by the Commanding General of the Division to advance in order to join Mr. Seguin and to supervise the opening of a road which had begun to present difficulties because of the woods and creeks that

5

cross the given direction. I took a mule loaded with engineering equipment and joined Mr. Seguin at 8:00 p. m.

The 3rd Day

The Division renewed its march towards the northeast; the land was level, furrowed with deep, narrow creeks and dense forests. At the edge of the first creek, which is the Picoso, ⁷ a bridge had

⁷Picoso Creek rises in central Maverick County, and flows generally eastward about twenty-two miles into Elm Creek in southwestern Zavala County. Texas State Historical Association, The Handbook of Texas.

been built. In all the others the banks were leveled and the woods were cleared to make a cart road. The Division camped three leagues from its point of departure, on the other side of Chaparrosas Lakes, ⁸

⁸See Chaparrosa Creek, which is an intermittent stream, rising in the Anacacho Mountains in the southeastern part of Kinney County, and flowing southwestward, crossing the northeastern corner of Maverick County, and continuing into western Zavala County where it flows into Turkey Creek. Texas State Historical Association, The Handbook of Texas.

150 varas from the shore, the right protected by a hill; the back, by a lake to the rear and the left by another. At six this afternoon I renewed the march in order to prepare the road for the following day.

6

The 4th
Day

The Division renewed its march at six towards the north, northeast after crossing a tiny creek, there follows a plain with minor hills (slopes) called the Colorados. The ground rises to a big hill called Divisadero (Lookout); next there are two bayous before Rancharías Creek, deep and rough, is reached. The slopes were leveled on either side. A dense forest, furrowed with tiny creeks, is then crossed. Here, the Division overtook the troops assigned to work on the road, but while they the Division drank water, the task was completed. Today, from four in the morning to three in the afternoon more than five leagues of road were cleared of woods and crossings made at four deep creeks. The Division, while on the march was exposed to a rainstorm for an hour and arrived at four-thirty in the afternoon at the Hueces River, after having covered two leagues towards the above-indicated direction, four towards the northeast, two towards the east and one towards the east northeast to the edge of the river which was crossed at the fords known as Amoladeras and Chico. This new crossing was named General Woll. The river at this point is very different from what it is on the main highway the standard road from Rio Grande to Bejar. Its woods consist of ash, elm and poplar trees; its bed

7

leagues; it is shallow, without trees, not remarkable, running through large grassy plains. Camp was made on the left bank of the creek called the Sabinal, at its mouth crossing. The camp occupied the arch formed by the creek delimited by a line running from north to south. This creek has no woodland on either of its banks. The flanks were protected by two huge ravines. It had no crossing to the rear other than the one made in the direction of the arch with a radius of 200 varas. The bed of this creek is 50 varas wide, planted with huge sabinas. It rises at the mouth of the Juan de Uvalde (Uvalde) Canyon, in the hills of San Sabas. *

The 8th
Day

The march was renewed at seven in the morning towards the east, northeast and after traversing seven leagues of level land, Hondo Creek was crossed. Camp was made after the banks had been leveled in order to cross it.

The 9th
Day

The march was continued through a forest of mesquite, leaving Cuije lake to the left and following a north, northeast direction. Cuije Plain was crossed and, turning to the east, Medina River was reached at 5:00 p. m. after having traveled seven leagues in the first direction, and two leagues towards the second. The river was crossed between its mouth ford and canyon crossing

8

wide and of loose rock, and its banks are very high. It the river can water a lot of land to the right and to the left; the ground along the banks is very firm; the forest on the right bank is very dense. Camp was made on the left side, and the "defenders," who occupied a high hill, protected the right, the front was protected by a hill parallel to the river, and the left by the bank of a nearby tributary creek.

The 5th
Day

The Division rested.

The 6th
Day

The march was renewed towards the north, northeast through level land and the journey was continued in three columns as far as Leona Creek, a distance of three leagues. This creek on its right bank has about 20 or 30 yards of woods, and on its left bank the woods are from 400 to 500 yards deep and very dense, thick and towering. It differs very little from the crossing on the main road Rio Grande to Bejar. The road was made practical for all kinds of transportation. Camp was made on the left bank in the same order as on the previous days.

The 7th
Day

The journey was renewed at six in the morning towards the northeast along level land. The Rio Frio was crossed after traveling a distance of two

8

here a draw is formed. The Division crossed through the center of the draw and camped alongside the arch of the river along a line from north to south.

The 10th
Day

At six in the morning the march was renewed towards the northeast and after one and a half leagues, it was changed to the east, northeast. This direction was followed for a league. A change was made to the east and camp was made at Leon Creek at 2:00 p. m. At six the Division renewed its march along level land and followed single file along the left bank of San Pedro Creek. The infantry was lined up to the left of the road and the Santa Anna Regiment on the right, with the two field pieces placed as a battery on the road. This creek is approximately a cannon shot's distance from the Bejar Plaza. From this point, the Presidial Regiment and the Defenders of Bejar and Rio Grande advanced to intercept all avenues of escape within the city and to establish positions at all vantage points around the plaza. At twelve midnight, all the troops were arranged in formation and rested under arms awaiting the signal of a cannon shot for the regular infantry and cavalry corps to penetrate the city and take their position at the plaza. The encircling troops were not to permit a single individual

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DESCUBRIMIENTO DE LA POBLACIÓN FRANCESA EN LA BAHIA DEL ESPIRITU SANTO Y DEL PAIS DE LOS TEXAS (1839)

to leave. At four-thirty in the morning the advance was made by columns of half companies; the General, with his staff, and the music of the Santa Anna Battalion playing at the head until the first houses on the edge of the city were reached. A heavy mist prevented either persons or horses from being seen. A stop was made until it cleared. But seeing that it was already five-thirty and the mist persisted, the General ordered the signal cannon be fired. The music started to play reveille and continued with the national hymn as the column renewed its march. What followed will be made known in the report regarding the action which this column sustained.

San Antonio de Bejar, September 11, 1842. - Jose Maria Carrasco.

Number 243 - Most Excellent Sir: I am remitting to Your Excellency a copy of the proclamation which today I have addressed to the citizens of this city, hoping it will meet with your approval and you will see fit to have it published. God and liberty. Bejar, September 12, 1842. - Adrian Woll. - Most Excellent Sir, The Commander-in-chief.

11

A L O N S O D E L E Ó N

Saliendo de este punto, pasamos el río y anduvimos como una legua al norte, por donde se veían las montañas que forman el rumbo del nordeste lo más, hasta llegar a una altura que se llama cerro de los cerros, donde se veían las montañas que forman el rumbo del nordeste del río, que le pasamos el Fuerte de los Cerros, porque al conocerse se aparecieron más de tres mil el camino del río y sin embargo.

Domingo de Ramos, tres del dicho, salimos al rumbo del nordeste por tierra llana distancia de tres leguas, y después hubo otra día de algunos días, y después pasamos unas arroyadas secas y luego llegamos a una concha que se llama cerro de los cerros, donde se veían las montañas que forman el rumbo del nordeste del río, que le pasamos el Fuerte de los Cerros, porque al conocerse se aparecieron más de tres mil el camino del río y sin embargo.

Lunes Siete cuatro del dicho, continuamos al rumbo del nordeste la más del día y algunas ratas, cuatro al norte, distancia de ocho leguas, al principio de la mañana, y después hubo un monte de matorrales pequeños, y habiendo pasado el río, se aparecieron las montañas que forman el rumbo del nordeste del río, que le pasamos el Fuerte de los Cerros, porque al conocerse se aparecieron más de tres mil el camino del río y sin embargo.

El día de hoy, tres del dicho, salimos al rumbo del nordeste por tierra llana distancia de tres leguas, y después hubo otra día de algunos días, y después pasamos unas arroyadas secas y luego llegamos a una concha que se llama cerro de los cerros, donde se veían las montañas que forman el rumbo del nordeste del río, que le pasamos el Fuerte de los Cerros, porque al conocerse se aparecieron más de tres mil el camino del río y sin embargo.

DESCUBRIMIENTO DE LA BAHIA

Nuestro por tener muchas noticias de algo pedregoso y todas sus piedras son de fuego y muy lindas.

Martes Siete, cinco del dicho, pasamos del río, fue necesario andar medio legua en su orilla y entonces por una concha que se llama cerro de los cerros, donde se veían las montañas que forman el rumbo del nordeste del río, que le pasamos el Fuerte de los Cerros, porque al conocerse se aparecieron más de tres mil el camino del río y sin embargo.

Miércoles Siete seis del dicho, continuamos al rumbo del río, el dicho río del nordeste y dos al este, por tierra llana y de terreno plano y por una concha que se llama cerro de los cerros, donde se veían las montañas que forman el rumbo del nordeste del río, que le pasamos el Fuerte de los Cerros, porque al conocerse se aparecieron más de tres mil el camino del río y sin embargo.

Jueves Siete, siete del dicho, continuamos al rumbo del río, el dicho río del nordeste y dos al este, por tierra llana y de terreno plano y por una concha que se llama cerro de los cerros, donde se veían las montañas que forman el rumbo del nordeste del río, que le pasamos el Fuerte de los Cerros, porque al conocerse se aparecieron más de tres mil el camino del río y sin embargo.

Viernes Siete, ocho del dicho, pasamos de la otra banda del río, Hondo y seguimos el rumbo del este al nordeste la más de este día, cerca del

PRIMERAS EXPLORACIONES Y POBLAMIENTO DE TEXAS (1686 - 1694)

por LINO GÓMEZ CANEDO Historiador de la U.S.A.

PUBLICACIONES DEL INSTITUTO TECNOLÓGICO Y DE ESTUDIOS SUPERIORES DE MONTERREY

Serie Historia

NOTICIAS GEOGRÁFICAS E HISTÓRICAS DEL NORESTE DE MEXICO

Editorial por la Biblioteca del Instituto Tecnológico y de Estudios Superiores de Monterrey

111

Monterrey, Nuevo León, México 1968

MONTERREY 1968

Y con buen viento para pasarle, le pasamos por delante el río de Medina...

Martes de Pasco, diez del dicho, pasamos el río, fué el paso muy arduo...

Miércoles trece de abril, salimos rumbo del este y a veces al este-nordeste...

Jueves catorce de abril, salimos para el rumbo del este cuarta al nordeste...

Yo, Alonso de León, de una cerroña de la otra, y lo lo que pedí...

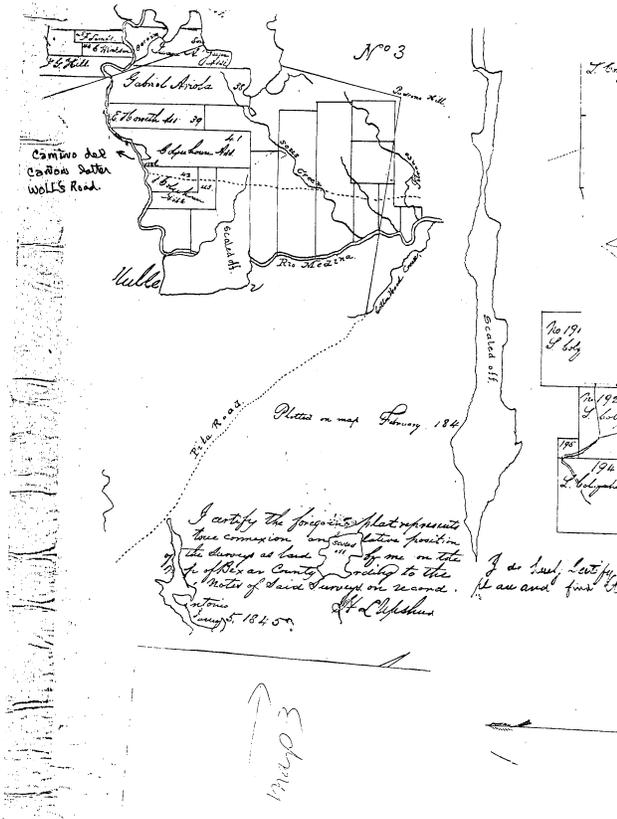
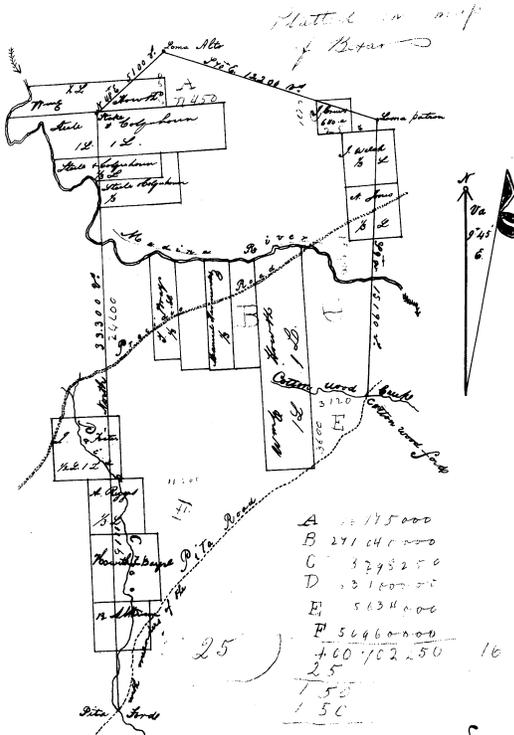
Sábado Santo, veinte del dicho, salimos al rumbo del nordeste y por algunas montañas...

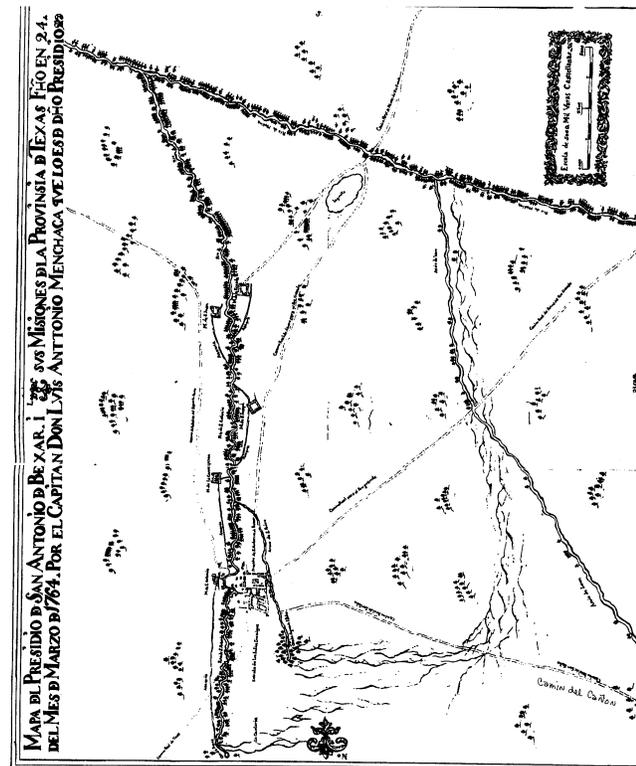
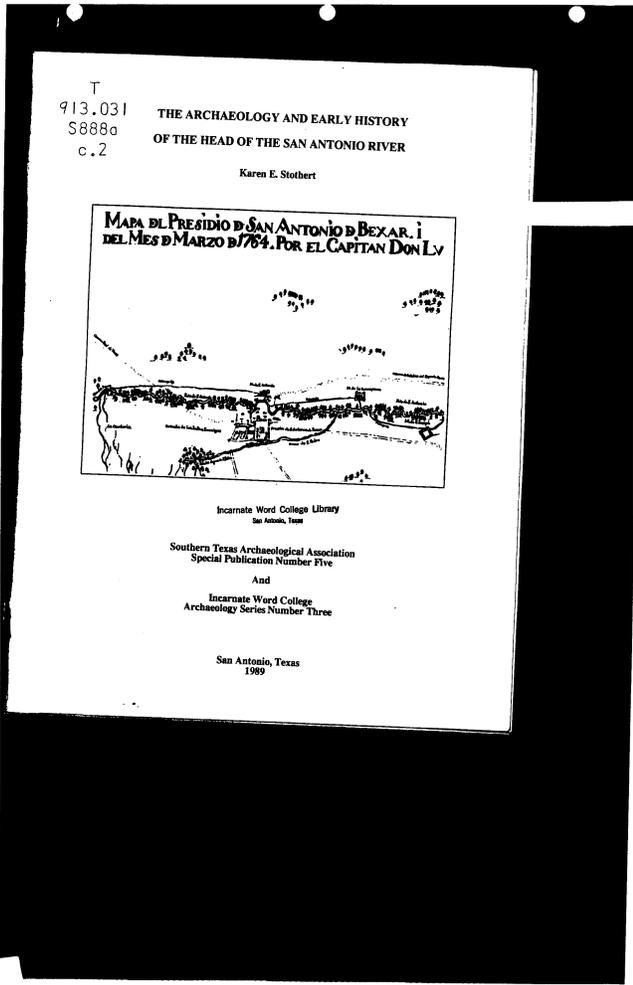
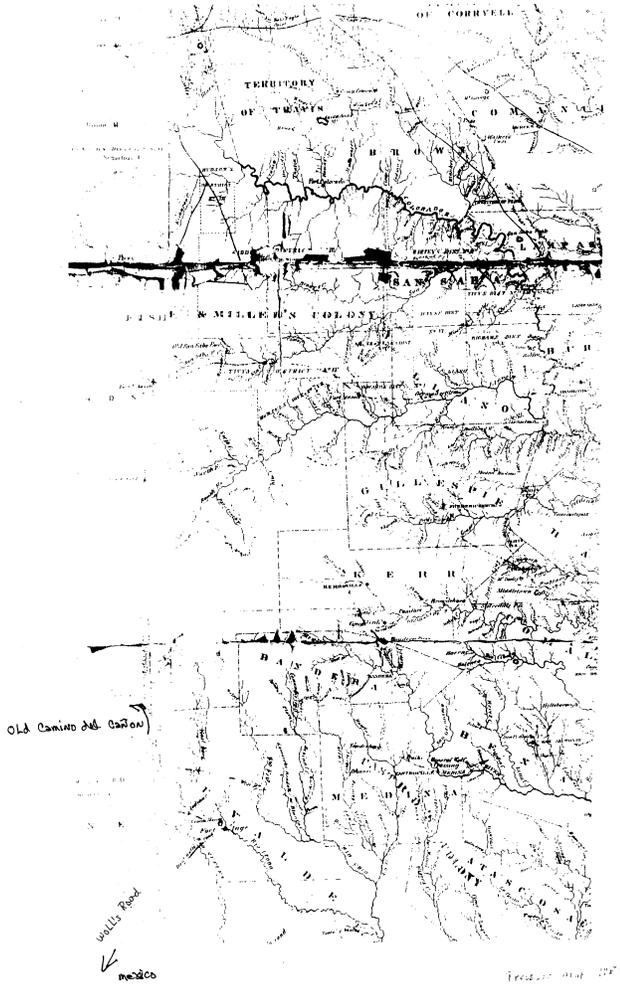
Domingo de Pasco, diez del dicho, salimos saliendo por diferentes rumbos...

Lunes de Pasco, once del dicho, salimos al rumbo del este entroncándose...

Index to the Maps in this Report

1. Platted on Map of Bexar ca. 1842 or 1845 on file in the General Land Office, Austin, Texas. 1 page
2. Map of former Rancho San Lucas between Bexar and Medina Counties ca. January 5, 1845, oversized page, GLO map. 1 page
3. General Land Office map entitled "Pressler Map" ca. 1858 shows Quihi, Texas, with Woll's road that ran through Quihi. 1 page
4. "The Archaeology and Early History of The Head of the San Antonio River" By Karen E Stothert I.W.U., 1989, together with a Spanish map ca. March 24, 1764, shows a map of the Camino del Can'on Road, which went via Quihi. 2 pages
5. "A Texas Legacy. The Old San Antonio Road-The Caminos Reales: A Tricentennial History, 1691-1991" by A.J. McGram, J. W. Clark, Jr., and E. A. Robbins, TEXDOT, January, 1991. 4 pages
6. "Coahuila Y Texas en La Epoca Colonial" by Vito Alessio Robles, showing the limits of the Provincias Internas de Oriente, which included Texas. 2 pages
7. Map of some of the tribes that lived in Texas during the early Spanish Colonial Era. This map is undated and its source is not found. It shows the terrain of the Coahuiltecan Tribes, including the Payaya Tribe. 1 page
8. "The Zacatecan Missionaries In Texas, 1716-1834." Excerpts from the Libros De los Decretos of the Missionary College of Zacatecas 1707-1828. Translated By Fray Benedict Leutenegger, O.F.M., and Fray Marion A. Habig, O.F.M., Texas Historical Survey Committee, Report No. 23 with 2 maps. 3 pages
9. Digging Into South Texas Prehistory-A Guide for the Amateur Archaeologist, By Thomas R. Hester, Ph. D. (c) 1980, with three photos, Figures 5.5, Figure 4.13, Figure 4.14. 3 pages
10. "The Supreme Court of the State of Texas" by Oliver C. Hartley, Vol. V, 1877, McMullen v. Hodge (Texas 1849) pp17-44. 16 pages
11. "Supplemental Draft Environmental Impact Statement" Finance Docket No 34284, Vol. II, Appendices C-F, by: (STB) December 8, 1006, Map Sheet 1, Site Numbers & Survey Area Boundaries, Quihi Vicinity, Medina County, Texas. 2 pages





MAPA DEL PRESIDIO DE SAN ANTONIO DE BEXAR, I DE LAS MISIONES DE LA PROVINCIA DE TEXAS EN EL MES DE MARZO DE 1764, POR EL CAPITAN DON LUIS ANTONIO MENCHACA Y VELOZ DE LOS DOS PRESIDIOS

Figure 25. Map of the Presidio de San Antonio de Bexar, I de las Misiones de la Provincia de Texas en el mes de marzo de 1764, por el capitán don Luis Antonio Menchaca y Veloz de los dos presidios. The map shows the layout of the presidio and the missions. The map was drawn by Francisco Meshillo.

A TEXAS LEGACY THE OLD SAN ANTONIO ROAD AND THE CAMINOS REALES A TRICENTENNIAL HISTORY, 1691-1991

EDITED BY
A. JOACHIM MCGRAW, JOHN W. CLARK, JR., AND ELIZABETH A. ROBBINS



TEXAS
STATE DEPARTMENT OF HIGHWAYS AND
PUBLIC TRANSPORTATION
AUSTIN, TEXAS
JANUARY 1991

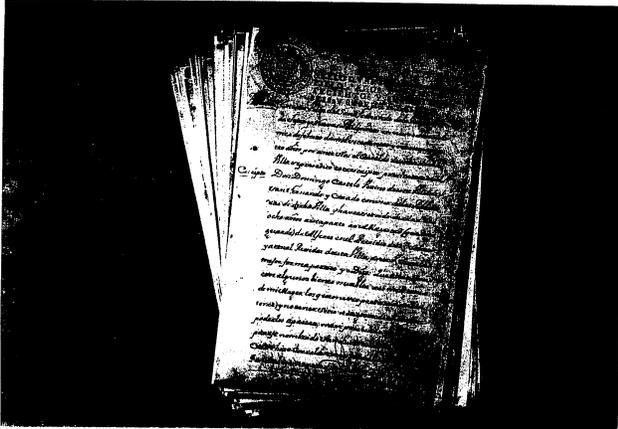


Figure 24. Testimony of a court case regarding property ownership of lands of Mission San José y San Miguel de Aguayo, 1776-1777. The Camino Pita acted as a boundary of the property, only a boundary to the S.E. part of this Rancho San Lucas.

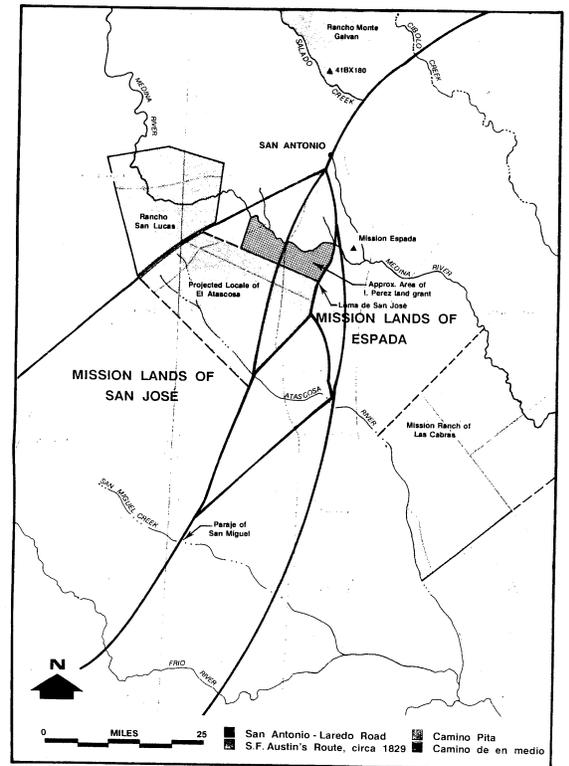


Figure 21. Projected boundaries, lands of the Missions San José and Espada, south of San Antonio.

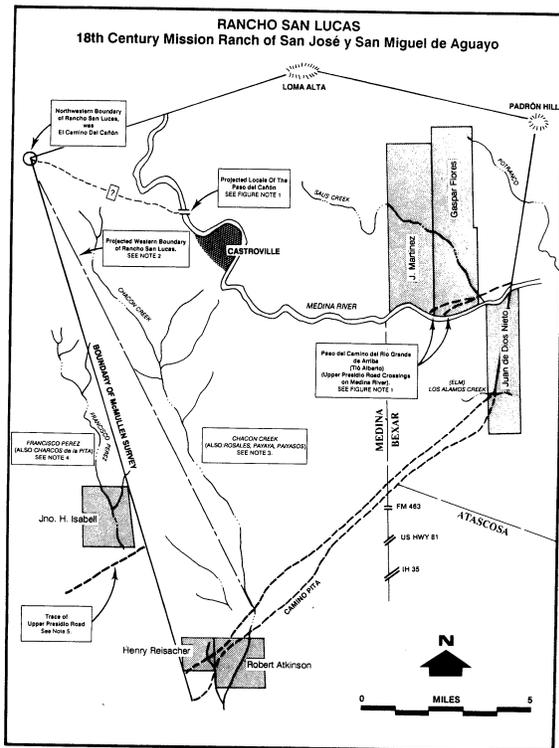
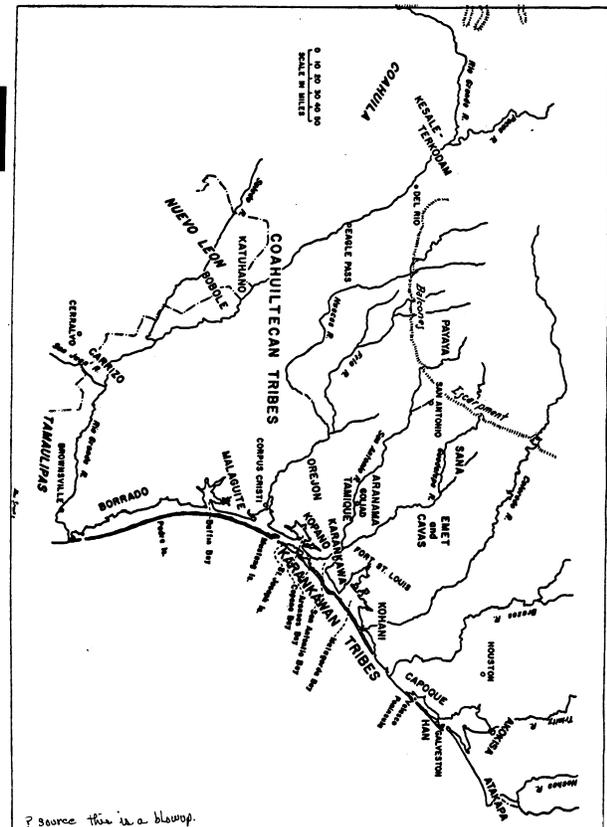


Figure 20. Projected boundary of Rancho San Lucas, land belonging to Mission San José y San Miguel de Aguayo in the 18th century.



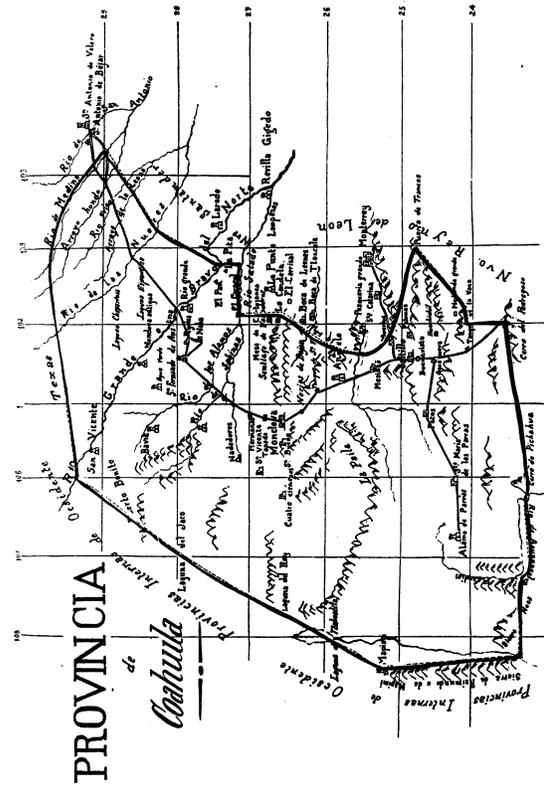
? source this is a blowup.

BIBLIOTECA PORRUA

VITO ALESSIO ROBLES

COAHUILA Y TEXAS EN LA EPOCA COLONIAL

EDITORIAL PORRUA, S. A.
AV. REPUBLICA ARGENTINA, 15 • MEXICO, D.F.



Mapa de la Provincia de Coahuila mandado levantar en 1815 por el Comandante General de las Provincias Internas de Occidente, Brigadier Joaquín de Arredondo, por el Ingeniero de Artillería, Sr. Vito Alessio Robles. (C) 1978 por Editorial Porrúa.

Office of the State Archaeologist
Library

THE ZACATECAN MISSIONARIES IN TEXAS, 1716-1834

Excerpts from the *Libros de los Decretos*
of the Missionary College of Zacatecas
1707-1828

Translated by Fr. Benedict Leutenegger

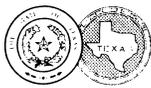
and

A Biographical Dictionary

by

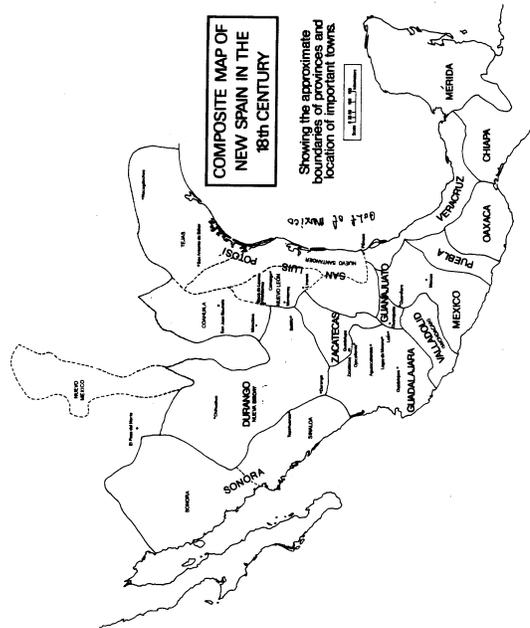
Fr. Marion A. Habig

TEXAS HISTORICAL SURVEY COMMITTEE
OFFICE OF THE STATE ARCHEOLOGIST REPORTS, NUMBER 23



COMPOSITE MAP OF NEW SPAIN IN THE 18th CENTURY

Showing the approximate
location of important towns



PROJECTILE POINTS

Among the most distinctive artifacts—and certainly the one that first catches the attention of the person who is becoming interested in archaeology—is the projectile point or “arrowhead.”

Projectile points are frequent on south Texas sites and are avidly collected by archaeologists alike. Unfortunately, the self-collector usually wants the arrowhead in a cigar box or dumps them in a cigar box (or puts them in a frame on the wall) and forgets where they were found. This process destroys all scientific value of the specimens, and their removal from the place of discovery damages the potential for future research in an area. For example, when Texas A&M University carried out a major site location study in McMullen and Atascosa Counties in 1975, their archaeologists could do little more than strip the sites of their artifacts and remove them to museums for safekeeping because of the bias introduced by relic-collecting activities.

In south Texas (and in most of the New World, for that matter), projectile points fall into two groups: *dart points* and *arrow points*. Dart points are fairly large, heavy points (the “arrowheads” of the collector), used as tips for short spears thrown with an atlatl (Fig. 3.5). They were the only weapon tips in use in south Texas for most of the prehistoric period.

Most of the major types that are found in south Texas are briefly discussed here, and some illustrations are provided. However, amateur archaeologists wishing to identify their finds should consult the following references: *An Introductory Handbook of Projectile Points* by J. H. Starna, Jr. (University of Texas Press, 1974); *Handbook of Texas Archaeology* by J. H. Starna, Jr. and E. B. Jelks (Bureau of Texas Archaeological Society, Vol. 25, 1974); *Handbook of Texas Archaeology* by Starna and Jelks; *Texas Memorial Museum*; and *Texas Archaeology* by Starna and Jelks. Texas Memorial Museum publications are available for purchase through the University of Texas Press. The University of Texas Press has also published a large wall poster which illustrates the major types of projectile points. This poster is available in the special volumes of *A Guide to Certain American Indian Projectile Points*, published by the Oklahoma Anthropological Society.

Right, Figure 3.5. Using a Spearthrower. This artist's reconstruction shows the use of the spear and spearthrower or atlatl, the main weapons of the Archaic and Paleo-Indian periods in south Texas.

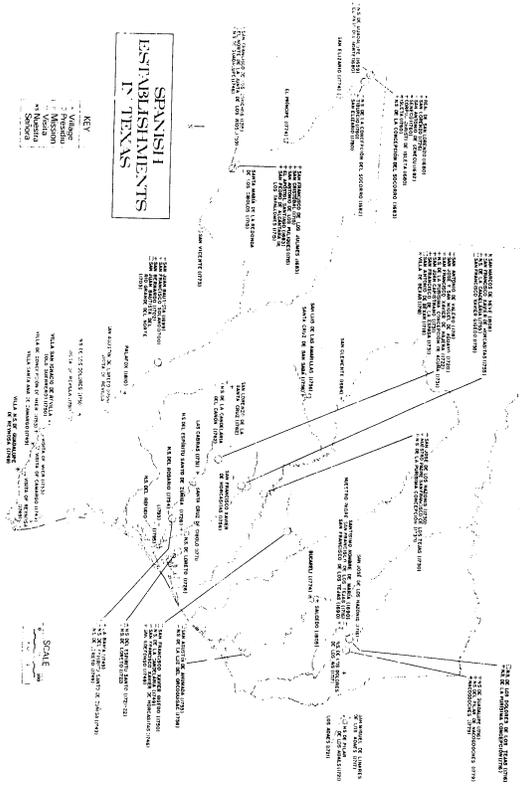
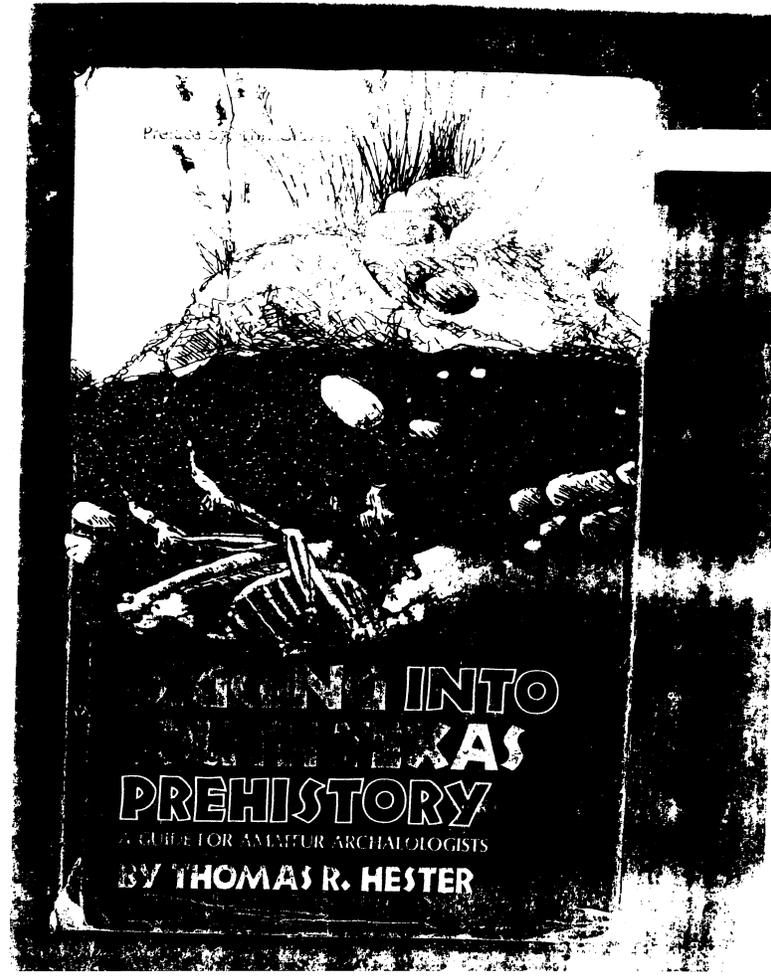


Figure 4.13. The Oso Cemetery Site (41NU2), Nueces County. Photograph courtesy of the Texas Archeological Research Laboratory, The University of Texas at Austin.



Government of Mexico, proceeded to make an inventory of the undivided...

In the year 1839 some twelve or fourteen persons petitioned the public...

It seems to be admitted on the part of the plaintiff that the land...

We have argued this question as if we considered the disposition of...

Such, however, is not the case. The present is a case of a grant...

It is not to be inferred from the fact that the land was...

It will be observed, as we have seen, that the grant was...

By a royal decree issued 23d of February, 1781, (see Ordinances of...

By a royal decree issued 23d of February, 1781, (see Ordinances of...

grant shall and the plaintiff cannot recover. Let the writ of certiorari...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

The plaintiff, this clearly does not seem to be the designation of the...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It may, however, be permitted to remark that the concession of a...

The disposition of the land, by the assignment of the property in...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

of the political authorities of the new Government. That this doctrine...

The language of Mr. Justice Black is, "That the inhabitants of Texas...

It would seem that, as far as the express language of Government...

It would seem that, as far as the express language of Government...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

them for the purpose of their installation, benefit, and comfort...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

It is to be observed that the petitioners in this case were not...

McMillen v. Hojler.

... It is that the attorney at law presenting himself as the attorney ...

McMillen v. Hojler.

... These are matters which the law will not permit to be presented ...

McMillen v. Hojler.

... It is the duty of the court to see that the law is administered ...

McMillen v. Hojler.

... The change of the Government and owned by a citizen of the Republic ...

McMillen v. Hojler.

... We will now turn our attention to the grant which was made ...

McMillen v. Hojler.

... It is the duty of the court to see that the law is administered ...

McMillen v. Hojler.

... It is that the attorney at law presenting himself as the attorney ...

McMillen v. Hojler.

... These are matters which the law will not permit to be presented ...

McMillen v. Hojler.

... It is the duty of the court to see that the law is administered ...

McMillen v. Hojler.

... It is the duty of the court to see that the law is administered ...

Decision ID:

Supplemental Draft Environmental Impact Statement

Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

Volume II - Appendices C - F

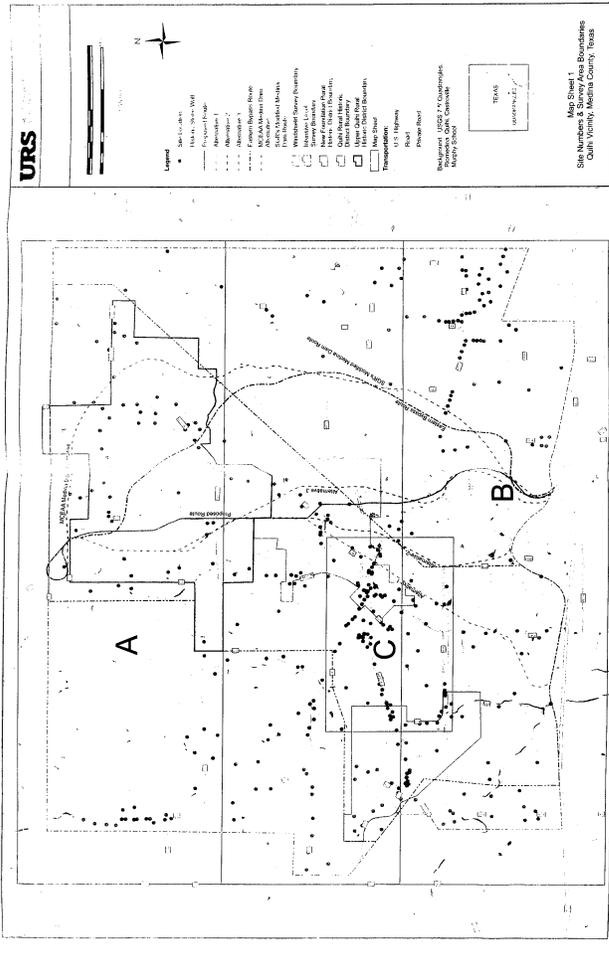
Prepared by:
Surface Transportation Board



Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Information Contacts:
Victoria Rutson, Chief
Rini Ghosh, Attorney-Adviser

Serves on Permitting
Comment Due Date: January 2007



#E1-2798
RG

January 26, 2007

Surface Transportation Board
Attention: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-001

*waived
2/26/07*

Re: Finance Docket #34284
Vulcan Materials Co. / Southwest Gulf Railroad

Hello and good afternoon Ms.Ghosh I would like to comment on the upcoming decision that is going to be made on whether to grant the permission for a rail to the proposed quarry site in Medina County . I live approximately 4000 feet from the quarry site and the proposed rail line that is in discussion. We have been against this quarry and rail line since we moved out here in February 2000. The thought of a rail line and quarry running 24 hours a day 365 days a year is not our idea of a good thing. The Vulcan Corporation has shown its willingness and ability to give inaccurate data to you and all the other governmental agencies that it is working through to get this quarry. I have stated in the beginning that if you must put a quarry in this area COMPENSATE the property owners that do not want you there by creating a buffer of at least a 1 1/2 miles from the rail and quarry area so that noise and dust will not be an issue for anyone that is in that buffer area. The wells that are in this area are as shallow as 250 feet in the EDWARDS AQUIFER. The **silica quartz** alone is more than I want to risk for my family which we will have to breathe on a daily basis till we die. The fact that you will allow them to operate during a 24 hour period means that not only will the fear of **silica quartz dust, contaminated water from fuel and nitrates in the well water and dust in the filtration system in the house, we will have to deal with a train pulling and pushing box cars for loading all hours of the night.** When do you expect the rest of us to sleep? They say that this rail will not bother the environment or the quality of life and I beg to differ. The routes that are in question are all going to change this area forever when it comes to the environmental change that will occur when this quarry starts to crush the amount of limestone that will be required for this quarry to be **profitable**. The fact that Vulcan says that they will only run around 150 trucks on the county road along with the rail cars is also a lie. The quarries in our area that are owned by Vulcan on an average have over 300 loads of aggregate base loaded and hauled by other carriers besides their own loads on a daily basis. **THERE WILL BE OVER 400 LOADS MINIMUM GOING THROUGH THE COUNTY ROADS** even if there is a rail line from this quarry to support the south west corridor area. It will be the closest quarry for base for any **private carrier south and west of this area.** That is why they are working with Judge Barden to make County roads leading into and out of the area one way so that the quarry can be more efficient. The fact that they will alter the life of all the residents in

that area is not a factor that they are considering. The fact is this is a win win for **VULCAN** and there is nothing in this that will better the **environment, our tax base or the lives of our community. I am asking that you deny them their rail route. Everyone to include Medina County will be better off if they do not put a rail and quarry in this area. There are other industries that are cleaner, environmentally safer, and economically better for this area.**

In closing I just ask that if you must agree to give a rail to SGR then make them be the good neighbor that they pride themselves on being and have them create the 1 1/2 radius buffer so that the impact around the quarry and rail area will not bother anyone but the 20-35 workers that Vulcan will hire to run this quarry. Thank you for your time and effort in allowing us to voice our concerns to you

Sincerely,
Joseph Salomon

#E1-2799
RSJ

#E1-2800
RSJ

January 26, 2007

Surface Transportation Board
Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket #34284
Vulcan Materials Co./Southwest Gulf Railroad

Dear Ms Ghosh:

This letter is a plea asking you to deny the Southwest Gulf Railroad and Vulcan Materials Co from developing in the Quhi (Medina County) area. This has been a very devastating issue to deal with for the past seven years since it will have a severe and significant impact on my family's life and the rural community that I love.

It took my husband and me several years to find the "perfect property." We have everything we were looking for; raising cattle, farming the land, gardening, enjoying the wildlife and the peace and quiet of the country environment. This is also the best place for us to raise a family and eventually retire. The proposed railroad and quarry would be approximately 4000 feet from our property and would jeopardize all of our dreams we have worked so hard to have.

The Quhi area must be preserved! We must protect the historical and archeological sites, wildlife, environment, and maintain the air and water quality. The proposed site of the quarry, maintenance area and railroad are on or around floodplains and would increase flooding; thus endangering the wildlife and farmsteads in the area. The increased noise from the railroad and blasting at the quarry would be heard throughout the day and night and would disrupt the quiet, tranquil countryside. The wells would be in jeopardy of cracking due to the blasting at the quarry and vibrations from the railroad. The country roads were not designed to handle the increased traffic and large trucks that would be traveling them. I now cannot comfortably pass another vehicle in some areas of our county road (CR353); one vehicle has to stop to let the other pass. Will the truck drivers stop to let me pass? There will also be numerous railroad crossings we will have to contend with. How long will it take to get out of our property to the main road? The trains will be slowing down and or stopped the majority of the time. This will greatly affect our commute to and from town. How are emergency vehicles to get through? We cannot be road and land blocked!

It would be detrimental to Medina County and its citizens for numerous reasons if the railroad and quarry are allowed to develop in the area. We must preserve the beautiful country for generations to come; as our forefathers wanted. NO railroad! NO quarry!

Sincerely,

Vicki Salomon

Vicki L. Salomon

received
2/2/07

Velda J. Jarrell
651 County Road 354
Hondo, Texas 78861

January 23, 2007

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

RE: FINANCE DOCKET #34284

Dear Sirs/Madam,

With regards to the above, I am a resident of the area where the proposed Railroad will be built. In fact one of the proposed routes would go right through my property, which I think is not only unfair but also another "big business" taking precedence over the property owners...

I realize that you must get hundreds of letters like this every day, but I can only hope that you will take into consideration the effect this railroad will have on this area..... We have so much wildlife and the air we breathe, at present, is clean and not yet polluted..... I have lung and breathing problems, and no, I have never smoked, and I want to stay out here and continue to enjoy my life as much as possible.... I am also an artist and to think that this area is to be torn apart and replaced with the pollution of a railroad to carry limestone, with all the dust particles blowing in the area is heartbreaking. I wish you could see this area and understand why so many of the residents are against this project.

The residents of the whole west side of San Antonio are at present suffering from the burning of a mulch pile, next to a Vulcan project. This fire has been burning for several weeks and it is doubtful if it can be brought under control before March.....

I ask you to take into consideration the end results of putting a railroad in and the ensuing problems that putting a quarry in this area would have on both humans and all wild life.

PLEASE SAVE OUR LAND, NOT ONLY FOR US BUT FOR FUTURE GENERATIONS SO THAT THEY TOO CAN ENJOY THEIR TEXAS AND AMERICAN HERITAGE.....

Thank you.

Sincerely,

Velda J. Jarrell
Velda J Jarrell
Widow, and small Rancher

received
2/2/07

vjarrell@sbcglobal.net

830 741-4483

FD 34284

#E1-2801
RSJ

January 27, 2007

Section of Environmental Analysis
1925 K Street NW
Washington, DC. 20423-001
Attention: Rini Ghosh
Dear Ms. Ghosh:

received
2/2/07

I am submitting a newspaper article dated Jan. 26, 2007 from the San Antonio Express News. This article concerns the burning mulch pile in Helotes, TX. The efforts to put out this fire are causing well contamination in the area.

This contamination is caused because this mulch pile is on or very near the Edwards Aquifer recharge zone.

I am sending this article as a follow-up to my letter of Nov. 15th, where we ask that the fuel storage and maintenance area be moved south out of the recharge zone.

This mulch pile was not supposed to burn, however we know that accidents do occur in spite of expert testimony to the contrary.

Please respond to this in your final EIS. The Edwards aquifer is vital to South Texas.

Sincerely,

Mary F. Walpole
Mary F. Walpole
5201 FM 2676
Hondo TX 78861

Today in...
Duncan is All-Star starter
PINK MARTINI/S.A. POPS READY TO SWIM
SPORTS
Win tickets to Spurs vs. Grizzlies!
PAGE 3D

FRIDAY, JANUARY 26, 2007

San Antonio Express-News

www.MySanAntonio.com

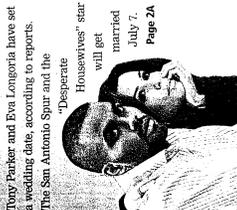
THE VOICE OF SOUTH TEXAS SINCE 1865

Mulch may burn till March

They piled with the massive size of the pits and a water treatment system will do the trick. "I think we have a big problem here," said a local landowner. "We're going to do everything possible to get the aquifer and to put the fire out." That has proved tricky because the mulch pile is on a 30-foot-wide, shallow aquifer recharge zone. The mulch pile is on a 30-foot-wide, shallow aquifer recharge zone. The mulch pile is on a 30-foot-wide, shallow aquifer recharge zone.

Proposals to protect the aquifer would involve digging, lining trench to carry water. Board plan today, which would be to dig the trench and to line it with a material that would prevent water from seeping into the aquifer. The plan is to dig the trench and to line it with a material that would prevent water from seeping into the aquifer.

Parker and Longoria set a date: 7-7-07
They Parker and Eva Longoria have set a wedding date, according to reports. The San Antonio Star and the "Desperate Housewives" star will get married July 7. Page 2A



Mulch fire plan being readied is aimed at protecting aquifer

CONTINUED FROM 1A.

The sludge will connect to a massive pit — about 250 feet by 175 feet — that's already on site. The sludge will be pumped into a treatment plant, which will purify the water so it can be re-used for the firefighting effort camped into nearby Helotes Creek.

Crews will use at least 300,000 gallons of water a day, according to estimates. In the meantime, the sludge pit would be ready by Feb. 7, and the firefighting would take another three to five weeks. That means the water would be used at least the end of February and maybe even until mid-March. Despite the ambitious strate-

Henry Zumwalt owns the pile and has been running a recycling operation on the site since 1981.

It has been a month since the fire started pouring some of the most dangerous levels of smoke into the air around Helotes.

Bexar County's lawmakers in Helotes are looking for a way to get the fire out of the area.

County firefighters are making efforts to contain the fire and asking him to "direct the Division of Emergency Management to extinguish the mulch fire."

"The bottom line is we don't have the resources allocated," said County Commissioner Bob Witt Lehowitz, D-San Antonio.

acpputo@expressnews.net

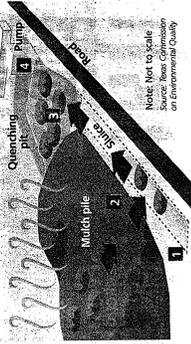
Details of draft proposal

1 A 600-foot long, 30-foot wide sludge must be dug. Surface of sludge is to be covered with a 6-inch thick layer of other material to create an impermeable membrane. Preparation of sludge should take 2 weeks.

2 Burning mulch is placed in sludge, which contains water to extinguish the fire. The water flows to the quenching pit.

3 Quenched mulch is moved to the pit for additional cooling.

4 Water recovery pump installed.



Henry Zumwalt owns the pile and has been running a recycling operation on the site since 1981. It has been a month since the fire started pouring some of the most dangerous levels of smoke into the air around Helotes. Bexar County's lawmakers in Helotes are looking for a way to get the fire out of the area. County firefighters are making efforts to contain the fire and asking him to "direct the Division of Emergency Management to extinguish the mulch fire." "The bottom line is we don't have the resources allocated," said County Commissioner Bob Witt Lehowitz, D-San Antonio.

Form letter submitted by #E1-2802
12 individuals. *RRJ*

received
2/2/07

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

Re: Railroad Concerns
STB Finance Docket No. 24824

Gentlemen:

I live where the railroad loop may be located.

I am NOT in favor of any quarry of rail route, but if one is built it should be built in the most easterly loop as possible to avoid destruction of the historical assets of our community and the very serious flood plains of Elm Creek.

I have both elderly people and small children in my household and the noise, dirt and traffic issues concern me deeply.

I hope that you will strive to protect the Edwards Aquifer Hills and our quiet little Alsace-Lorraine community when you make your decisions

Thank you,

Cynthia Sliva

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

Re: Railroad Concerns
STB Finance Docket No. 24824

Gentlemen:

I live where the railroad loop may be located.

I am NOT in favor of any quarry of rail route, but if one is built it should be built in the most easterly loop as possible to avoid destruction of the historical assets of our community and the very serious flood plains of Elm Creek.

I have both elderly people and small children in my household and the noise, dirt and traffic issues concern me deeply.

I hope that you will strive to protect the Edwards Aquifer Hills and our quiet little Alsace-Lorraine community when you make your decisions

Thank you,

Harry Sealtoff

January 19, 2007

Surface Transportation Board
Case Control Unit
Washington, D.C. 20423
Attn: Rini Ghosh

Re: Railroad Concerns
STB Finance Docket No. 24824

Gentlemen:

I live where the railroad loop may be located.

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Joseph B. Stenger

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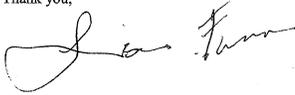
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Thank you,

Rini Ghosh

proposes to bisect the county.....I was the only one at the courthouse meeting from Fire or EMS.....I spoke and said....."I want to put the Aquifer aside" MY CONCERN IS HOW ARE WE GOING TO GET EMERGENCY SERVICES FROM ONE SIDE OF THIS MILE LONG TRAIN TO THE OTHER SIDE? It's a valid concern...by emergency services.....I mean FIRE-EMS-LAW ENFORCEMENT..... No one had the meeting responded..... Except one man with a hat on that said VULCAN EQUALS JOBS and he said it won't take much time for train to pass..... and went on to show just how intelligent he was..... he had worked around asbestos all his life and it had never hurt him and did not believe it would hurt people...how ridiculous! Not long ago Cigarettes were not linked to CANCER and other medical problems..... He also said "there would be no train derailments on that seven mile spur" I said "we had a 22 car derailment not too many years ago at Dunlay leaking Hydrochloric Acid.....Fire Depts stayed back a mile..... Medina county deputies came from other side and climbed around on the train.....Medina County Judge David Montgomery drove up with his secretary who was the County Emergency Coordinator (With out one hour of Haz Mat training and they also drove past fire depts. Right up to the leaking tanks) so there's one derailment and then I mentioned the head on train derailment on 132 in Natalia.....so I said trains do and will derail..... Vulcan's attorney said "We have nine rail road crossings in Hondo and we don't have any problems." Medina County judge Jim Bardeen corrected him (and he was Mayor of Hondo) and said "We have EIGHT and we have a OVERHEAD crossing at sh 173 and highway 90..... Vulcan proposes no overhead crossings...Just a grade level..... Without crossings we can NOT GET MUTUAL AID FROM ONE SIDE OF THE TRAIN TO THE OTHER.....AND PEOPLE WILL DIE AND PROPERTY WILL BE LOST. Vulcan may very well need Emergency Services themselves.....San Marcos Texas has been bisected by rail road track since I was a child at my grandfather's ranch... sixty years ago...just last month they finally got a OVER PASS.....and state officials including Senator Jeff Wentworth and others were there for this big change.....SOME ONE NEEDS TO COME UP WITH A PLAN FOR EMERGENCY SERVICES IF THIS TRAIN IS ALLOWED TO HAPPEN. I am a real estate broker.....I was the only one at first Quarry meeting from the real estate industry that spoke.....others involved with real estate did not show nor speak.....THEY WERE ALREADY BUYING EASEMENTS AND LAND FOR VULCANas licensed real estate broker I feel besides all the safety and environmental issues I have brought up in this letter..... that the VULCAN Quarry will tear the Heart out of Medina County.....I always disclose the Quarry potential when talking to buyers..... and they often tell me "the realtors never mentioned it to us!" I do.... I disclose it all.... I send them to the website DON'T MESS WITH QUIHI. COM.....Too many have bought property only after closing to find out the Quarry is on the other side of their fence or nearby by.....and most would not have purchased their property had they had knowledge of the potential. Of The largest Quarry in Texas to be near them...& THE TRUCKS AND TRAINS.....I have a dirt pit next to land I own on fm 1283 near Rio Medina where I have my cows.....Had they left a buffer of just some trees on the fence line it would have been better but I had to get a lawyer to contact them as they were digging right up to my fence and of course they cut every tree down they could.....They had not been good neighbors.....so I own two tracts of land next to quarries.....It has destroyed my property values.....DESTROYED IT! NO ONE wants land next to a QUARRY I have no one YET call me and say we want to be near a QUARRY.....I'm sure a affected Party..... I did not speak at the meeting in Hondo at the Fair grounds... The acoustics were not audible... I mentioned that after the meeting and TCEQ representative agreed and said the Applicant chose the site... Now that's par for the course... a public important meeting and the Microphone was not audible and useless..... and yes Vulcan chose the site so they could have a barbeque for those they wanted to support them.....I nearly thought the barbeque was the meeting.....but those that went to be fed.....were easy to identify.....they had VULCAN EQUALS JOBS caps and a TOOTHPICK IN THEIR MOUTHS... and were fat and full.....as far as jobs.....the prison that came to Hondo was supposed to bring jobs.....but all I see is three shift changes a day and everyone commuting back to San Antonio...every eight hours.....In closing YOU MUST ADDRESS GETTING EMERGENCY SERVICES FROM ONE SIDE OF THIS PROPOSED TRAIN TO THE OTHER..... If you don't... people are going to die (and I see death & injured all too often)...It's nothing new to me to step out in a highway and put down

SURFACE TRANSPORTATION BOARD received 2/2/07
CASE CONTROL UNIT
WASHINGTON, DC 20423 Rini Ghosh

STB Docket #34284

January 11th 2007 My name is Jack Love I am Mico Fire Chief at Medina Lake Dam...In Medina County...I am concerned with the Vulcan proposed Quarry in Quihi.....I have enclosed pictures of a fire we had in my fire district on November 11th 2006 at Medina Crushed Stone Quarry located at 16385 Fm 1283..... I was Incident Command.....it was my scene.....If we were not so good this would have been a very bad incident.....Nearby in Bexar Spring Ranch Subdivision when landowners drill their wells... they are required to CASE thru the Edwards formation to get their water.....So I assume this Quarry and Vulcan's fm 1283 plant (which I prefer to call San Geronimo Creek Plant).....and Deep Creek Quarry and new quarry which abuts to land I own on fm 1283.....Now I have DANGER BLASTING SIGNS NEXT TO MY PROPERTY and they bulldozed the fence line.....THEY KEEP NO BUFFER, and others are located over the Aquifer...Of all the fire chiefs and Depts. in Medina County Mico Fire Dept has the most quarries.....they are located just outside Bexar county.....these pictures show the scene.....I thought I was going to a car fire.....when I got to the scene.....gravel trucks were backed up and the black smoke could be seen from the lake ten miles away & from Castroville 18 miles away.....and it was just starting.....when I actually got to the scene and saw where it was..... I was on the radio to Medina County Dispatcher.....I said....."OH HONDO" I've never done that in over twenty years and everyone in the county knew we were in trouble.....I asked for mutual aid from Castroville Fire Dept and also Geronimo Village Fire Dept in Bexar County.....TCEQ report says "San Antonio Fire Dept also responded" that is untrue COSA FIRE DEPT never made scene. The City of San Antonio does not respond with emergency services to areas they have annexed...& they have annexed into Medina county with the Mayberry Tract next to EX Senator Phil Graham's 1,000 ranch in my ESD and Fire district..... I had no idea there was a 10,000 diesel & butter fuel tank..... along with a 1,000 tank of regular diesel and also a 1,000 gallon tank of propane in danger along with the many other Hazmat fuel tanks in the pictures.....and the huge Asphalt tank which keeps asphalt at 325 degrees to be mixed with the crushed lime stone... The fire was located in the middle of all this fuel.....the tanks were stretching and making noise.....It the beginning it was just me and one other firefighter.....and all we had was my Rescue Truck which has all our Jaws of Life equipment and only 300 gallons of water and luckily foam..... We attacked the fire.....when I first saw it.....I had some doubts that we were going to make it out alive..... If we were not so good this could have been a major environmental disaster.....all the fuel, asphalt, and who know what else would have leaked out caught fire and residue drained into the Aquifer and the Quarry's lake (used to wash the Lime Stone).....Our Hazmat Book said to back off 1/2 mile based on the placard on some of the tanks..... I also got Medina Valley EMS to make scene in case the fumes and smoke and what ever else would not hurt my firemen.....Every bit of the mutual aid I requested came with out question.....I went back five hours later and took these pictures.....I asked Dispatch to contact and advise TCEQ of the fire.....and they called me on my cell phone and said "WHO?" To sum it up no one expected this to happen but it did.....TCEQ report said that 10,000 diesel tank was not registered.....Maybe it was! but they said they could find no record... This shows how much goes on that TCEQ does not keep up on or is even aware of.....and EVERYTHING THAT HAPPENED AT THE FIRE COULD VERY WELL HAPPEN AT VULCAN'S QUIHI PLANT. Which is going to be huge and they propose to quarry to within fifty feet of the top of the Edwards Aquifer..... People say I know what you mean about that fire..... NO THEY DON'T UNLESS THEY WERE ME AND IN MY BOOTS and Incident Command fighting to control that monster they DO NOT KNOW. I am skeptical that something like this won't happen in the Quihi area which is pristine... I doubt if this would have even been reported if I had not requested TCEQ to be notified.....Vulcan bought the old Fuller Quarry Plant and ten years ago We went to that quarry for a conveyor belt fire.....and worker told me at the fire that it had been leaking diesel for a long time..... (Just dripping on the ground) & into it..... I've seen Vulcan on a Sunday have a vacuum truck reversed and just blowing material and dust off their entrance.....It was so dusty it was like a fire and cars could not pass on fm 1283.....I had no camera but it was awful and illegal... & a week later they did it again.....a year ago a Lake Hills Fireman Gary Cook who has now died called us about a fire in Vulcan.....We could not locate it.....It turned out to be equipment working at night and the dust was S like a fire.....SO I've done my time near the Quarries..... In fact I've risked my life..... Now I want to turn my report to the TRAIN VULCAN

AIRLIFE... Too many people are dying from gravel truck wrecks....I had graphic photos.....I think I will enclose.....and one DPS TROOPER had me under the STB truck taking photos of defective (Missing brake pads) at the Fatality at Laurel Canyon Ranch Entrance on FM 1283, and I have movies of that STB truck limping back to Vulcan Quarry with tire missing... & bet rims..... even with the train there will be gravel trucks and on fm 1283 & FM 471 the trucks out number the cars.....and 950 trucks cross the intersection at fm 471 & SH 211... six weeks ago at Galm road two people died from a horrible gravel truck accident leaving three children without parents.....right at Galm road & FM 471 where COSA made contiguous all of Prop 3 land to protect the Aquifer.....and it was made contiguous with a mere 25 foot strip on the outside of GALM road to Government Canyon..... and COSA does not provide Emergency Services to what they annexed.....I can get nothing done with COSA.....I was told "we annexed that over four years ago" and I said "then don't you think it's time you started providing Emergency Services?" COSA's own Fire Dept urged them to not annex all of this land as Fire Dept can not handle it all" And the flooding the train will create.....there are so many issues.....I flat out asked Susan Crane that was in charge of buying PROP 3 lands to protect the Aquifer.....if she thought Quarries were good for the Aquifer? And she said "NO I DO NOT" she didn't care about fire etc. five years ago.....she told me "This is not about mother, apple pie etc....It's about buying land and buying it quick" Since July Mico Fire Dept has responded to 42 calls.....I made 40 of them..... Jack Love Mico Fire Chief Post Office box 6301 Mico Texas.....78856 tel 830 612 2245 cell phone 210 415 4081.....I want a reply.....and I want the right thing to be done. Give me a little warning and I can show you what Quarries have done to Eastern Medina county.....I doubt if those reading this have ever even looked.....We can good look at the Fire at the Medina Crushed Stone Plant.....and I will show and tell you about the crosses on the road.....

There must be crossings overhead for emergency services to provide from one side of the train to the other before permits are approved

It 1993 Bexar Met Water sought to change BMA adjudicated water rights from irrigation to Municipal & industrial.....Medina Lake People formed Lake Medina Conservation Society.....and went to TNRCC. For six days hearing.....BMA had 66,000 af Bexar met sought to convert all of it "so they could be more flexible" We were not listened to by Mike Rogan Hearing Examiner.....He approved it.....We appealed to TNRCC.....which approved it in total once again.....after exhausting avenues with TNRCC.....We sued in Judge Paul Davis Court.....AND HE OVERTURNED TNRCC.....AND THEY WERE ONLY ABLE TO CONVERT 19,974 acre feet instead of 66,000 per year.....You have to go to District Court to make TNRCC/TCEQ do their job.....We did it.....I'm very afraid TCEQ has not done a good job on the Vulcan Quarry issue.....they never do.....look at the now Famous Helotes Mulch Fire.....Sincerely Jack Love.....

*Jack L
JAN 25, 2007*



*TCEQ & STATE
Have NOW LET AQUIFER
Be POLLUTED &
FIRE IS FAR FROM
OUT. CAN I EXPECT
TCEQ TO PROTECT AQUIFER
WITH VULCAN??*

Agency cites owner of mulch pile

Web Posted: 01/26/2007 09:49 PM CST

Jerry Needham
Express-News

The state's environmental agency has cited the owner of the burning mulch pile in Helotes with 13 alleged violations related to the heap, the subsequent fire and efforts to fight it, and at the same time officials have agreed on a plan to deal with it.

Among the claims that the Texas Commission on Environmental Quality made against Henry Zumwalt Recycling were: creating a nuisance condition; storing too much material; not having permits to operate a composting operation or to store compost; unauthorized burning of waste; three counts of air pollution; and no permit to discharge wastewater that subsequently contaminated two Edwards Aquifer wells.

A certified letter detailing the allegations was mailed to the recycling company's owner, Henry Zumwalt, on Tuesday, and officials released it Friday after confirming that he had received it.

Agency officials would not elaborate on matters under enforcement, but spokesman Terry Clawson said each of the violations is punishable by a penalty of up to \$10,000 per day.

The allegations apparently stemmed from an investigation that started early last year. The letter to Zumwalt said the agency never received adequate responses to a May 2006 letter about the amount of material the facility was recycling.

One of the allegations says the facility was not supposed to have more than 75,000 cubic yards of material on site but that Zumwalt estimated there was 171,000 cubic yards. That would be an alleged violation of the facility's bond posted with the agency to ensure proper closure of the facility in case of bankruptcy.

Another claim states that Zumwalt failed to ensure that all recyclable materials were properly covered, contained or managed to protect them from degradation, contamination or loss of value.

David Barton, attorney for Zumwalt, called the list of allegations "an outrage."

"It's purely retribution against him for filing a temporary restraining order and for being vocal about how bad this whole thing is being run," he said. "They know they aren't going to collect on this because of the things that have gone wrong. They know that these allegations are not going to get them any closer to that. It's just retribution."

When the state agency on Jan. 9 halted Zumwalt's 10-day effort to put out the fire with his own crews and equipment and brought in its own contractor for \$1.75 million, Zumwalt filed a lawsuit. His aim was to gain access to the remainder of the property, to keep the state from using chemicals on the fire without the approval of the Edwards Aquifer Authority and to try to keep the agency from charging him

<http://www.mysanantonio.com/global-includes/printstory.jsp?path=/news/metro/stories/M...> 1/29/2007

for the state's efforts, Barton said.

In contrast to Zumwalt's use of minimal water, the state contractor began dousing the fire with massive amounts of water and, less than a week later, two Edwards Aquifer wells began to show contamination with fire residues, prompting a halt to firefighting efforts on Jan. 18.

Officials with the state environmental agency say they commonly seek reimbursement from the property owner for taking care of environmental problems on their land. But Zumwalt's attorneys say the fire apparently was started by an arsonist and that, when no public agencies would assist, he was attempting to extinguish it with his own resources when the state forcibly intervened.

Meanwhile, officials late Friday agreed on a plan to tackle the smoldering pile, estimated at 700 feet long, 250 feet wide and 80 feet tall, Clawson said. The contractor will begin soon to construct a clay-lined quench pit and sluice, he said. The burning material will be pulled into the pit where it will be doused and the firefighting water captured, he said, adding that plans call for the fire to be out by the end of February.

Although the facility is registered with the state agency as a recycling facility, the agency alleged that it violated elements of the state's landfill rules and that it also should have registered as a composting facility.

"He used the word compost in a conversation probably," Barton said. "But they know, or should know if they'd read their own rules, that this does not qualify as a composting operation."

"The 13th charge they've got in there is that he failed to prevent the unauthorized discharge of wastewater from his property," Barton said. "They won't even let him on the site. The wells that were fouled were fouled because of the water being put on there by Oil Mop (the contractor)."

jneedham@express-news.net

Online at: http://www.mysanantonio.com/news/metro/stories/MYSA012707_01A.helotes.22178b1d.html

*13 Violations
TCEQ NOW
Files AS THE
AQUIFER IS BEING
POLLUTED*

Jack Love

From: Cameron Lopez [CLOPEZ@tceq.state.tx.us]
Sent: Monday, November 13, 2006 4:32 PM
To: Alan Jones
Cc: Abigail Power; Cameron Lopez; Craig Meppen; Henry Karnei; James Bard; Jozaier DuGlas; Jorge Salazar; Leo Butler; Melissa Story
Subject: Spill Notification- Fire, Asphalt Plant, 16385 FM 1283, Mico, 11/11/2006

TCEQ Report

* Thanks for the report Alan. I couldn't find any registration for a 10K gallon AST of diesel at that location. Might be something to look at. No release of regulated materials appears to have occurred during the incident. No further action by the TCEQ is warranted at this time.

>>> Alan Jones 11/13/2006 11:08 AM >>>

Hastings #543 - 11/11/06 at about 10:15. Sue Mateljan, 830-741-6153, Medina County Sheriff's Office, reported am fire at asphalt plant, 16385 FM 1283, Mico. Foam and water used on fire. ASTs had been endangered. San Antonio Fire Department also responded. No release to land or water. AGJ called Ms. Mateljan at about 10:20. Fire this am extinguished. Tanks not affected.

*TCEQ Had NO
Registration
of
10K Diesel
TANK*

Texas Oil or Hazardous Substances Discharge or Spill Report

Report Number: 20063857

Is this a Drill? **NO** Report Taken By: JSAEZ Date: 11/11/2006 Time: 0951
 Agency(s) to be Notified: NONE

Reporting Party Information:		Incident Date	Incident Time
Reported By's Name	Reporting Party Affiliation	11/11/06	0943
SUE MATELIAN	MEDINA COUNTY SHERIFF DEPT		
Contact Number	Other Phone Number(s)		
(830) 741-6153	8307416150		

Material(s) Discharged or Spilled:	CASUN Number	Amnt Spilled	Unit
OTHER-FIRE		0.00	unk
		0.00	
		0.00	
		0.00	

Discharge or Spill Location:

NON COASTAL:
 Land Release Only?
 Threatens or Entered water:
 COASTAL: Threatens or Entered water:
 Air Release, no impact to water

County: Medina
 Origin: Fixed Non E & P Facility
 Receiving Water: NONE
 Amount In Water: 0
 Units:

Incident Location / Driving Directions:

16385 FM 1283, MICO TX 78056

RRC Lease Number:
 RRC Lease Name:
 RRC Field Name:
 RRC Land Owner:

Description of Incident, Cause, Impact, and Response:

CAUSE IS FIRE CALLED IN AT THE ASPHALT PLANT AND THEY ADVISED THAT THERE IS A 10,000 GALLON TANK OF DIESEL, 10,000 GALLON TANK BUTTERFUEL, 1,000 GALLON TANK OF REGULAR DIESEL AND 1000 GALLON TANK OF PROPANE WAS IN DANGER. THE FIRE WAS OUT AT ABOUT 09:24. ON OF THE ASPHALT TANKS IS AT 325 DEGREES AT TIME OF THIS REPORT. THEY ARE TRYING TO MOVE THE ASPHALT TO ANOTHER TANK. IMPACT IS LAND. FOAM AND WATER WAS USED TO DISTINGUISH FIRE TWO MEDINA COUNTY FD ARE ON SCENE AND A SAN ANTONIO FD IS ON SCENE.

Other Reporting Party Notified:

Agency	Who	Where	Date	Time	NRC Number: N/A
N/A					0000
					0000
					0000

*** Party Responsible for Discharge / Spill:**

Firm or Municipality: UNDER INVESTIGATION

Street or P.O. Box:

City:

State:

Zip Code:

Contact Person:

Phone:

Comments:

Emergency Hotline Phone Notifications:

Agency	Who	Where	Date	Time
TCEQ	OPERATOR LASH	REGION 13 SAN ANTONIO	11/11/2006	1001
				0000
				0000

*SA Fire Did NOT Respond
 MICO Fire, Castroville PD
 Gaminovilla FD*

TCEQ Incident Report
 OTHR Fire Medina 13 11/11/2006 8:40:00 AM

IncidentNum	ReportTakenBy	ReportDateTime	Drill Training	IncidentDateTime
543.LBROWN		Saturday, 11/11/2006 10:03		Saturday, 11/11/2006 08:40
IncidentType	IncidentTypeOther	Emerg	Call Back	ReportedBy
OTHR	FIRE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	SUE MATELIAN
ReportingPartyAffiliation	ReportingPartyPhone	ReportingPartyPhoneType	ReportingPartyOtherPhone	
MEDINA COUNTY SHERIFFS	8307416153	WORK	8307416150	
ReportingPartyOtherPhoneTy	SpillEnvironment			
WORK	LAND			
IncidentCause	FIRE WAS CALLED IN AT THE ASPHALT PLANT. THEY ADVISED THAT THERE IS A 10,000 GALLON TANK OF DIESEL AND BUTTER FUEL, 1,000 TANK OF REGULAR DIESEL AND 1,000 GAL TANK OF PROPANE IS IN DANGER. CAUSE IS UNDER INVESTIGATION			
IncidentLocatio	16385 FM 1283			
IncidentCity	IncidentZIP	IncidentCounty	IncidentRegion	
MICO	78056	Medina	13	
Material Spilled	NONE			
MaterialQuantity	WaterBodyName	OffSiteImpacts		
N/A	N/A	NONE		
InjuriesOrFatalities	NONE			
AuthoritiesOnSite	FIRE DEPARTMENT			
CleanUpMeasuresTaken	FIRE WAS OUT AT 9:24. ONE OF THE ASPHALT TANKS IS AT 325 DEGREES. THEY ARE TRYING TO MOVE THE ASPHALT TO ANOTHER TANK. USED FOAM AND WATER TO DISTINGUISH FIRE.			
ResponsiblePartyFirm	ResponsiblePartyAddress	ResponsiblePartyCity	ResponsiblePartyState	
UNKNOWN	UNKNOWN	UNKNOWN	UNKNOWN	
ResponsiblePartyZIP	ResponsiblePartyContact	ResponsiblePartyPhone	ResponsiblePartyPhoneTy	
UNKNOWN				
Comments				
HSKeywords	Fire			
ClearedByResponder	ClearedDateTime			
ALLEN JONES	11/11/2006 10:19:46 AM			

Saturday, November 11, 2006

Page 1 of 1



Carlos Guerra: With San Antonio's rapid growth, environmental safeguards critical

Web Posted: 01/22/2007 11:03 PM CST

San Antonio Express-News

One month later, the Great Helotes Mulch Fire is still a dangerous health hazard to some while making the lives of many others absolutely miserable.

And many now see that this is about more than smoke, like those who wrote to agree with Helotes Mayor Jon Allan's observation that the fire isn't "an isolated case; it's just a very big one."

Initially, I thought we were lucky it was only wood burning — and not a big-box home-improvement store packed to the gills with a cornucopia of hazardous materials.

But after seeing its size, I realized that suffocating it with dirt is impossible, and pouring water — and chemicals — could further pollute the aquifer.

"I hope someone is checking pH levels," a reader wrote, because lye is made from water and wood ash.

Others pointed out that possible arson aside, composting often produces spontaneous combustion, which is why piles should be kept small and easy to isolate.

But many readers also blamed misguided notions about property rights for keeping Texas' environmental protections very weak.

"There must be a balance between (Texas) laissez-faire regulatory approach and the extreme environmental red tape," one reader said. And property rights, wrote another, can't trump public health.

Asked if it is time to regulate activities that might endanger San Antonio's principal water source more effectively, Edwards Aquifer Authority head Robert J. Potts said stronger rules are coming.

Until now, EAA has focused on water quantity regulation, he said, but now, water quality regulation is being developed.

"We have been gradually developing our oversight and our regulations," Potts continued. "We're first making sure that wells are properly constructed and maintained because they're direct conduits into the aquifer," and regulations on underground storage tanks are already in place.

Also in the works are rules governing "hazardous materials that are stored over the aquifer, and making (their owners) have emergency plans so you don't have people trying to figure out what to do" after accidents happen.

But the EAA must also define its "role vis-à-vis (Texas Commission on Environmental Quality); whether to partner more with them or just be in a support role," he said. "They have extensive rules but they don't have the staff to really enforce them, or even monitor them over the recharge zone." But TCEQ turned down the EAA's offer to monitor state regulations in the Edwards region.

San Antonio's rapid growth is now making the security of the Edwards much more critical.

"It's the goose that lays the golden eggs, and its our job to make sure we don't try to get more gold than it can produce and that we also don't poison that goose," Potts said. "That is why we have these rules in development now to require (potential polluters) to register with us, and have a plan for fighting these kind of fires."

But regulation can't stop with composters; it must also address many other potential hazards.

When asked if big-box home improvement stores can be kept out of the recharge zone, Potts said plainly: "No. It would be best if they weren't there at all, but we can't stop them now, so we want to be darned sure that they are prepared for a catastrophe."

And storage tanks over recharge areas weren't entirely banned, he explained. It is only new tanks over the aquifer that are banned.

"The ones already there only have to be upgraded," he said, "but they are allowed."

And if you still don't believe it is time to stiffen protections of San Antonio's principal water source, consider something else Potts said: "Even under the most aggressive plans to diversify (water sources), the Edwards will always be (San Antonio's) major source of water."

To contact Carlos Guerra,

call (210) 250-3545 or e-mail cguerra@express-news.net. His column appears on Tuesdays, Thursdays and Saturdays.

Online at:

http://www.mysanantonio.com/news/columnists/cguerra/stories/MYSA012307.01B.Guerra.1aba768.html



Ken Rodriguez: County fire marshal's office said Helotes compost couldn't burn

Web Posted: 01/20/2007 10:19 PM CST

San Antonio Express-News

In the haze of rising smoke and falling ash near Helotes, one lesson has become clear: State and county authorities flunked Fire Prevention 101.

Nineteen months before a mountainous heap of compost began burning, an inspector from the county Fire Marshal's office said the 60-foot high pile could not burst into flames.

"There is a recurring complaint about that place (on Henry Zumwalt's property), but it is not a fire hazard at all," inspector Kevin Walton told Express-News reporter Amanda Reimherr on June 22, 2005. "The pile is about 75 percent dirt, so that prevents any fires."

The heap that couldn't catch fire has been burning since Christmas, 28 days ago.

The heap that posed no hazard has water experts fearing soot contamination in the Edwards Aquifer.

The heap that threatened no one has shut down schools and sent choking residents to doctors' offices and hotels.

That a fire inspector did not see this coming appalls. That the Texas Commission on Environmental Quality missed a warning sign six stories high astounds.

On repeated visits to the compost heap over nine years, TCEQ investigators saw no danger, found no violations.

Here's one reason why: The agency charged with regulating compost heaps has no restrictions limiting the size of those heaps, according to TCEQ San Antonio area director Richard Garcia.

Amazing. Some experts on compost fires say piles should be restricted to 12 feet in height. At the very least, all say piles must be small enough to be turned over regularly. Otherwise, spontaneous combustion can occur.

The mountain near Helotes — 60 feet high, more than 400 feet long — cannot be turned. It couldn't be turned 19 months ago when it was bigger.

Those who have fought compost blazes cite another problem. The slope of the pile is too steep and flat, like that of a sail. That's another factor that made it likely to catch fire.

"This would be a good example of what not to do as far as a pile goes," one firefighter says. "It's super

<http://www.mysanantonio.com/global-includes/printstory.jsp?path=/news/columnists/krodr...> 1/21/2007

high with almost vertical sides. It was a fire waiting to happen. ↙

"The height of a pile like this should be regulated by a state agency. Then it's all about sloping. This pile appeared to be out of sync with most piles we've worked. It's the highest in elevation."

Henry Zumwalt contends an arsonist ignited the mountain-like pile that sits on his property. Fire investigators haven't determined the cause.

However it started, area residents are hot. They've pleaded for years with authorities to recognize the Zumwalt pile as a fire hazard.

* Walton, the fire inspector, dismissed the warnings. No fire is possible, he concluded. Asked to explain that assessment on Thursday, Walton referred me to his boss, County Fire Marshal Orlando Hernandez. Hernandez did not return messages.

As for TCEQ, the agency says Zumwalt claimed to run a recycling operation, not a composting operation. On multiple visits, investigators checked the recycling business for possible violations of TCEQ codes. In searching for dotted i's and crossed t's, investigators missed a 60-foot fire hazard staring them in the face.

How was that possible?

Garcia, the San Antonio area TCEQ director, says that's a good question, but he doesn't offer an answer. The agency, he says, has reviewed every visit it made to the Zumwalt property. TCEQ has investigated itself.

And guess what? Garcia says as far as he can tell, TCEQ followed the letter of its law. The agency's reputation may be scorched, but hey, its hands are clean.

Call Ken Rodriguez at (210) 250-3369 or e-mail krodriguez@express-news.net. His column appears on Sunday, Wednesday and Friday.

Online at: http://www.mysanantonio.com/news/columnists/krodriguez/stories/MYS012107_01B.Rodriguez_1a628da.html

<http://www.mysanantonio.com/global-includes/printstory.jsp?path=/news/columnists/krodr...> 1/21/2007

American society is obese enough and that includes all the fatheads.

The latest announcement that the fire may not be out until the end of February bodes ill for we residents. I guess we'll continue to be blamed for gross, bad business practices and glaring mistakes by government to protect citizens in more areas than national security.

Ah, politics, we can't live with it or without it. Nowadays, I wish we could!

Posted by: Greg Melikov at January 28, 2007 04:56 PM

At least 5 of the 13 allegations in the letter are after-the-fact attempts to get cost recovery for the state's fire response through an enforcement action, rather than an order with notice and time to cure to Mr. Zumwalt that he would have then been found in violation of. Note that the latter situation never happened in this case. The problem with trying to do it now through an enforcement action is that the state has already taken over the property, and there is still no opportunity for Mr. Zumwalt to cure the purported "violations" from the fire itself. Thus, TCEQ still has no authority to collect anything from him, in terms of response costs for the fire, through this after-the-fact enforcement action.

The enforcement action is just theater by TCEQ and its lawyers which the Express-News is lapping up. TCEQ knows it will not be able to bring a cost recovery action in court, which would be their normal remedy had they followed their procedures, come in early on, issued the order to Mr. Zumwalt, and then made a real assessment of how this fire should be fought instead of cowboying-up, stomping in, and doing exactly what they alleged Mr. Zumwalt would do, which is pollute the groundwater. Because they know they will not be able to bring a cost recovery action in court, the enforcement action is another c.y.a. action by the state and its attorneys who counseled this whole ridiculous sequence of events, to try to look like they are pursuing cost recovery and to try to wring some lesser amount of money out of Mr. Zumwalt through a settlement.

I predict it is not going to happen, because TCEQ now has zero credibility and continues to misrepresent the scope of their authority, which is what caused this whole mess in the first place: 1. They didn't follow the law and take the steps they could have taken up front to more closely monitor this operation and alleviate any size concerns; 2. They didn't follow the law in responding to the fire, and in the process screwed the pooch on the aquifer; 3. Now they are trying to act beyond the law in order to cover themselves for failing on 1 & 2. They are trying to spin it as "justice" by misrepresenting their cost recovery authority to satisfy some vengeful people, and in the process shift the blame for and cost of their failures on 1 & 2 to a private citizen. When the state doesn't follow the law on cost recovery, the state pays, end of story.

Posted by: "Starcosmosh@earthlink.net" at January 28, 2007 03:43 PM

http://blogs.mysanantonio.com/weblogs/feedback/archives/2007/01/11058_print.html 1/28/2007

Posted by: Ruben Ramirez at January 28, 2007 07:51 PM

Why did the state (TCEQ) wait until after the fire started to cite the property owner for the 13 citations? If the state would have acted sooner, this mess could have been avoided. Now the tax payers will not only have to pay the bill to put the fire out, but those of us who live nearby have to deal with the effects of the fire. Why don't you elected officials do what you're supposed to do and quick turning away from the situation? Why is no one held accountable for this? MESSAGE TO THE TCEQ: THE QUALITY OF MY ENVIRONMENT STINKS!

Randy Mangum
Helotes, Texas

Posted by: Randy Mangum at January 28, 2007 07:02 PM

I'm a bit upset reading all the negative comments about residents of Helotes in relation to Mulch Mountain and the fire that wouldn't go out.

The fault lies with state and county officials for letting the property owners do as they desire for so long. It's up to government to enforce regulations -- not private citizens like myself who has lived here nearly six years. I dare say there isn't a hill as high south of Bandera.

The printed letters to the editor of late have bashed us for allowing Mulch Mountain. One of the letters was downright off base.

William Shakespeare must have had the author of ?Now Helotes gripes?? in mind when he wrote: ?Lord, what fools these mortals be.?

The woman complained she was tired of hearing ?about the Helotes fire every morning, afternoon and night on the news.?

Well, news can be tiresome, but some news, mostly bad, lingers on like the Iraq war. But it is important to be informed than remain in the dark.

And Mulch Mountain is news, mainly because the fumes are dangerous to the health of many children -- so much so that Helotes schools were forced to close to a bit and transfer students to other facilities out of harm's way.

Martin Luther King Jr. surely had this griper in mind when he wrote: ? Nothing in all the world is more dangerous than sincere ignorance and conscientious stupidity.?

? . . . parents are concerned because their children are missing recess,? she continued. ?(When did recess become an academically necessary course?)?

Lunch isn't either nor study hall. I'm sure parents would love to have their siblings return home after a hearty meal, and sit in front of the TV or computer without burning off some steam.

http://blogs.mysanantonio.com/weblogs/feedback/archives/2007/01/11058_print.html 1/28/2007

January 27, 2007

Mulch pile citations

What's your opinion on the citations issued to the owner of the burning mulch pile in Helotes? Did the state do enough or too little?

Story: Mulch-pile owner faces 13 counts

Editor's Note: MySanAntonio.com reserves the right to reject or edit content deemed inappropriate. This forum is for civilized discussion.

I have lived in Helotes for over 42 years and use the farm road 1560 quite frequently and have watched that mulch pile grow and wondered what the heck any one could do with that. I am willing to bet that more than most people around Helotes didn't even know it was there, let alone consider it a danger to any one. If there were laws, rules, regulations etc, against such a pile, why haven't they been enforced before? I don't know the owner of that small mountain but I think he is being persecuted. Well, any way, getting a raw deal.

Posted by: Don at January 28, 2007 07:56 PM

I've been a Helotes resident for the past decade. I too have seen the pile (call it what you'd like) grow over the years. I will not get into the "Monday Morning Quarterback Mode" - - we (all citizens of Bexar County, not just Helotes or San Antonio) have a problem that must be resolved and must take action to avoid a repeat in the future. But, to allege the fire was started by "...students at O'Connor High School...", it an outright injustice to a Campus that has quickly (less than 7-years) set some pretty lofty standards in FFA, Drama, Debate Team, Academics, Athletics, and has both a student body and faculty that any community would be proud to call their own. Let me qualify this statement, we have a son the graduated in 2005. What we experienced during the four years at O'Connor was an absolute joy; parental support, teachers and administrators that were genuine in their chosen fields, coaches that weren't just about the score, and students that are proud of their school and what they - the students - represent to their community. So why print or be quick to "allege" - - kids from O'Connor High School? Any one of "those" kids are smart enough to have crawled through the barb wire fence, rather than cut the lock (the same lock that later was deemed cut by responding emergency crews). There are approximately five middle schools and one other high school within a three mile radius of the fire. What is the possibility of a disgruntled employee, having set the fire? And, I may stand corrected (I am not a fire expert) but even the most sinister group (kids or adults) would have had a very difficult time setting fire to the pile (consideration of it's description, 50% dirt, etc.), regardless of ignition source. That said, let focus on the issue at hand - putting out the fire, while maintaining a vigilance on our water source, and enforcing rules that will avoid another such disaster in the future.

http://blogs.mysanantonio.com/weblogs/feedback/archives/2007/01/11058 print.html 1/28/2007

It's his property he should be held responsible. Every one is.

Posted by: June at January 28, 2007 02:30 PM

I have been watching your reports of the mulch fire in Helotes. I have two major concerns. First, why is it not publish or announced the \$25,000 reward being offered by Mr. Zumwalt for information leading to the arrest and prosecution of the arsonist(s) who started the fire? Second, people are ready to point fingers, however, they are not allowing Mr. Zumwalt to do his part to put the fire out. When the fire was first set, Mr. Zumwalt felt that it would take 45 days to extinguish. Last week, after Oil Mop failed in their efforts and caused contamination to nearby wells, Mr. Zumwalt offered TCEQ that he would put the fire out in 10 days for \$200,000 plus a \$5,000 bonus if he put the fire out on time or before or he would pay \$5,000 to TCEQ if he didn't put the fire out within 10 days. They turned him down. Now, he is not allowed on the property nor allowed to participate in extinguishing the fire while others are tearing up his land and not accomplishing the mission. The TCEQ at first stated that Mr. Zumwalt was in complete compliance with all licensing and regulations. Now that they are being pressure for their miserable failure they have trumped up 13 counts of violations. Since Helotes Volunteer Fire Department was not capable to deal with the magnitude of the fire I feel Mr. Zumwalt should be given every opportunity to extinguish the fire himself since he apparently is going to be the person the public wants to hold accountable. Gary W. Cox

Posted by: Gary Cox at January 27, 2007 11:08 PM

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#E1-2809
RJ

January 13, 2007

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 34284
1925 K Street, NW
Washington, DC 20423-0001

Ref: Proposed Vulcan Materials/Southwest Gulf Railroad Rail Line in Medina County, Texas

Dear Ms. Ghosh:

I am a landowner in the Quihi, Texas area. My family purchased land here just two years ago. The community welcomed us immediately and we instantly fell in love with this quiet, clean, historic place that is filled with courteous and honest people. We seem to all work hard for what we have and we take care of what we have. The notion of some aggregate company trying to come in and build a quarry over our aquifer; polluting our air; blasting near our home sites; and wanting to put a rail line thru our properties is preposterous to say the least.

There seems to be too many questions about the proposed railroad routes Vulcan has presented.

- What kind of impact will it have on the environment?
 - How will it affect the floodplains?
 - How will the flooding affect the farms downstream?
 - How will the flooding affect the Quihi Lake?
 - How will this affect the aquifers and water wells?

- What about railroad safety?
 - How many streams, roads, and driveways will the line cross?
 - How close are the lines to historic sites?
 - How many families will lose property to the rail line?

Please review the proposed routes carefully. My community may be permanently damaged by the railroad and most certainly will be damaged by the quarry. The people here will remain to be courteous and friendly, but this wonderful little piece of Texas may be changed forever. Please help us preserve this historic land and help us keep the land safe and clean for future generations.

Sincerely,

Aliska Jakob

#E1-2810
RJ

January 13, 2007

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
ATTN: STB Finance Docket No. 34284
1925 K Street, NW
Washington, DC 20423-0001

Ref: Proposed Vulcan Materials/Southwest Gulf Railroad Rail Line in Medina County, Texas

Dear Ms. Ghosh:

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There seems to be too many questions about the proposed railroad routes Vulcan has presented.

- What kind of impact will it have on the environment?
 - How will it affect the floodplains?
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 - How will the flooding affect the Quihi Lake?
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- What about railroad safety?
 - How many streams, roads, and driveways will the line cross?
 - How close are the lines to historic sites?
 - How many families will lose property to the rail line?

Please review the proposed routes carefully. My community may be permanently damaged by the railroad and most certainly will be damaged by the quarry. The people here will remain to be courteous and friendly, but this wonderful little piece of Texas may be changed forever. Please help us preserve this historic land and help us keep the land safe and clean for future generations.

Sincerely,

Robert Jakob

#E1-2811
RH

Date: January 24, 2007
To: Surface Transportation Board
Case Control Unit
Washington DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Received
2/5/07

References:

- A. Supplemental Draft Environment Impact Statement
Finance Document No 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas
 - 1. Volume I - Executive Summary - Chapter 6 and appendices A & B
 - 2. Volume II - Appendices C - F
- B. Figure 5.1 Resource numbers & Survey Area Boundaries
Quihi Vicinity, Medina, Texas

My name is Vicki Lynn Balzen- Jeter, my husband is Jeff Jeter. We are very concerned about the Vulcan Quarry and the proposed and alternate railroad routes; as defined, in references A1 & A2. We live in upper Quihi on family land. My parents' residence is identified as #340 of reference B. The other house we own is my grandparents' homestead, which is identified as #75 of Reference B. As shown in figure 10 page 14 of Appendix F-1 of Reference A2.

I wanted to stress to you impact that the purposed railroad will have on our family land. This land was bought by my Great Grandfather in 1937. My grandparents, Earl & Irene Balzen lived there all their married life. My dad, Henry Earl Balzen grew up here and now my son Zachary Earl is growing up here. We have three generations living here. My grandparents worked hard to keep this land through everything the life sent their way. My son is the fourth generation to live here and take pride in this land. Now, we are fighting to keep this railroad from destroying it. I have enclosed a map to show you our houses. My parents' home is #1, the homestead is #2 and my home is #3. As you can see by the map, the particular route identified as the MCEAA Medina Dam Alternative Proposed Route in references A1 & A2 passes almost directly over my parents' house, which is located on County Road 265 just north of FM 2676 (#340 of ref. B). The proposed route passes completely through all of our property (see Attachment A). The shaded area shows the location of our property. The route passes between my parents' house and the homestead.

In addition to a very high impact on my parents' residence and property the MCEAA proposed route has several more negative aspects.

- 1. The route crosses two major roadways within approximately one half mile of each other (FM2676 & CR 265). Although CR 265 is a gravel country road it

- 2. The route runs between houses #1 & #2, which are only 300 yards apart.
- 3. County Road 265 is an "open range" road which means our cattle roam free across and on the road. Our cattle pens and barn are all at house #2 of Attachment A.
- 4. The route crosses the creek at the point of greatest elevation change from the creek to the adjacent hill.
- 5. Another creek (as shown on Attachment A) west of CR265 on my property, not shown on your maps, will also have to be crossed.

I request that you consider the following comments and /or suggestions for a combination MCEAA Medina Dam Alternative and SGR's Modified Medina Dam Route. The MCEAA route to be used until it intersects SGR's Modified Dam Route just south of FM 2676. This proposal offers several advantages.

- 1. There are not any residences in the direct path of the rail route as with the Proposed MCEAA route and the Eastern Bypass Route where it crosses FM 2676.
- 2. CR 265 does not have to be crossed.
- 3. The creek west of CR 265 noted on Attachment A does not have to be crossed because it merges with the other creek at house #75.
- 4. SGR's Modified Route passes through property owned by Mr. Wurzbach and Mr. Schweers (see noted area of Attachment A) who will financially benefit from the quarry because they both own property at the quarry site. The rail right-of-way should be a way for them to demonstrate support for their financial benefit of the quarry operation and to avoid major impact on their neighbors.

After review of the documents (ref. A1& A2), I understand Vulcan's pursuit of their preferred route and I am in concurrence because it affects fewer landowners and agricultural property. It also provides the shortest route which would have the least contribution of train exhaust and dust pollution. Vulcan and SGR should continue to work in good faith as a "good neighbor" to minimize the impact on the existing residences, property and environment.

I am begging you to please look at this proposal. Why can't we just find a path that does not go right through someone's home? Your careful consideration of the above comments and proposal before your final route selection is appreciated. I am looking forward to hearing from you.

Respectfully,
Vicki Lynn Balzen - Jeter
Vicki Lynn Balzen - Jeter
260 CR 354
Hondo, TX 78861
Ph (830) 741-8211

#E1-2812
RH

Rini Ghosh
Surface Transportation Board
Case Control Unit
Washington, D.C. 20423

Received
2/5/07

Dear Ms. Ghosh:

As a resident of Medina County, I recognize the financial needs of our schools and county. I also recognize that Vulcan Materials will be paying a significant amount new taxes to our schools and to our county when its rock quarry and rail line are operating. With that in mind, I ask the Surface Transportation Board to approve most direct rail route as a means of allowing tax generation to start as soon as possible. If not the most direct route, please allow one of the alternative routes.

Sincerely,

[Signature]
Art De Cook *Mark Johnson*
Norma J. Jumper *Scott N. Hagg*
Michael T. Jansz *Lynda Z. Boehme*
[Signature] *Clair M. Boehme*
[Signature] *Chute [Signature]*
Rita J. Maul
John Boehme

To: Members of the Surface Transportation Board
of the U. S. Department of Transportation
Case Control Unit
Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

#E1-2813

Received
2/1/07

January 24, 2007

Members of the Surface Transportation Board:

I wish to state once more that I support Vulcan Mining and Materials Company and their plans to develop an aggregate quarry in the northeast section of Medina County, Texas. To move their product from the proposed site to an established rail line, they need the Southwest Gulf Railroad (SGR) to build a new line through a rural area. You are being asked to approve a location for safe transportation of any future products as well as limestone.

Your two-volume Supplemental Draft Environmental Impact Statement, Finance Docket No. 34284, for Southwest Gulf Railroad Company is evidence of your thorough study of various routes proposed for such a rail line. After reading much of the material, I feel it is of utmost importance that your board do grant SGR the ability to build a rail line versus hauling the material by truck.

Some of these routes have more positive aspects than others. The direct route proposed by Vulcan Materials would be the best choice for most persons concerned with this project for the following reasons:

- 1. This route will affect crossing fewer roadways, providing a higher level of safety for persons travelling FM 2676 and other nearby rural roads.
- 2. The shortest route will also pass through limited drainage areas, resulting in fewer concerns about flooding.
- 3. This route would be preferred by many more residents, as fewer people live or have farming and ranching interests in the area of the shortest route. (Many who state they oppose this route do not live or work near there.)
- 4. Vulcan Materials currently owns a number of properties which lie in the path of their proposed route.

My family has owned property north and northeast of Quihi since the late 1800's, and I plan to make my home there when I retire. I do believe the shortest, most direct route would result in the best choice for the greatest number of persons. Thank you for your consideration of these points of view.

Sincerely,
Lisa J. Schweers
Lisa J. Schweers
8627 Berrywest Court
San Antonio, Texas 78240

#E1-2814
RJR

#E1-2815
RJR

January 27, 2007

January 29, 2007

Dear Ms. Ghosh,

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

Received
2/15/07

Received
2/18/07

We are writing you today about our concerns related to the operations of Vulcan Materials Co./Southwest Gulf Railroad. We believe there are serious issues that can be averted if good choices are made.

This past year we had very little rain; however, my husband and I have lived in Quihi during times of flooding also. We believe it is imperative that the proposed rail line stay away from the natural drainage areas of Quihi, which are significant (please refer to the maps included in the Surface Transportation Board's report for the many creeks and rivers along or near the proposed area). Any construction of a rail line will adversely affect the natural drainage of the area and the local residents of that area. Another related matter of concern is the fuel storage and maintenance area. It should be moved out of the Elm Creek flood plain; we believe a more southerly location is better.

We have lived in Medina County for almost 20 years and enjoyed the peaceful rural community. The home we own was built circa 1850 and we are in the process of obtaining historical designation. We believe our home, as well as other historical buildings, will be damaged directly and indirectly by the introduction of a rail system near these structures. Also, our home is the site of the Trinity University star gazing field trips every semester for their Astronomy classes. The traffic generated by Vulcan's proposed project would significantly impede the ability to see dark sky objects by these classes. The damage to visibility would increase over time as well.

There is significant development from western San Antonio towards Medina County. We believe the residential development in Medina County will also increase tremendously. Any plans for Medina County should take this into account. With the increased population coming, Vulcan should help the residents by funding the construction of overpasses over any road their rail line may cross. This must be done as construction occurs, not after.

We would prefer that Vulcan did not pursue their project in this location. We purchased our home here to enjoy the peace and quiet of the area. But if it must happen, it should be done responsibly with respect to the future as well as current residents.

Dear Ms. Rini Ghosh,

I would like to thank the STB for preparing and distributing the S.D.E.I.S. It has a wealth of information and resources that we can all benefit from.

This letter is to inform you that I am completely opposed to the construction and operation of any rail lines and quarry. The intentions of these two endeavors seem strictly monetary and selfish.

The picture that was chosen for the front cover of each book was a great selection. The gray railroad tracks with nothing on them, going nowhere, with no life around it, is a perfect illustration of what is to come if the railroads and the quarry become a reality. The gray lifeless town of Knippa, Texas is an excellent example of how a rail line and quarry will not bring prosperity to an area.

I am sure you are well aware, the implementation of the plans submitted by Vulcan Construction Materials and Southwest Gulf Railroad Company will not enhance, or prove to be beneficial to the air and water quality, the land value, or the economic status of the local and state environment.

I appreciate you taking the time to read and acknowledge my comments and look forward to not having a rail line and quarry in my neighborhood.

Thank you for your immediate attention to this extremely important matter.

Sincerely,

N. Portenier
N. Portenier

Sincerely,

Lois Hoesley David J. Hoesley

Lois and Dave Hoesley
250 CR 365
Hondo, Tx 78861

#E1-2816
RJR

#E1-2817
RJR

Re: STB Finance Docket No. 34284
Attn: Rini Ghosh

January 27, 2007

The Edwards Aquifer in Texas is one of the largest, purest aquifers in the world. This Karst region also supports habitat for one of the most ecologically diverse areas in the world supporting habitat for more than a dozen endangered species. San Antonio is the largest city in the world that depends on a single ground water supply for its sole supply of drinking water. It is becoming increasingly obvious that these local governments are not capable of protecting the quality of these natural resources. So far the largest obstacle encountered in protecting these resources has been SAWS, Tx Dot, CPSE and TCEQ, by providing all the necessary infrastructure and permits necessary for allowing high density development to occur within environmentally sensitive areas against the will of the private property owners and the popular vote. The Quihi situation will add to the wide spread degradation of this Karst aquifer and will increase the possibilities for catastrophic contamination of this aquifer. Please address this situation for this is not a priority of our local government

Thank you; Neil Hernandez

Surface Transportation Board
Attn: Rini Ghosh
Section of Environmental Analysis
1925 K St Nw
Washington, DC 20423-0001

Ref: Finance Docket #34284

Dear Ms. Ghosh:

The proposed railroad is only going to be a carrier of one product- limestone gravel. By no stretch of the imagination will it carry other commodities such as cattle, coal, consumer goods, automobiles, military equipment, and petroleum products, to name a few. It will not even carry passengers. Therefore, if this railroad is approved, it will be an illegitimate railroad. If land is condemned to build the railroad, then the courts will have to decide whether it is a common carrier or not. I don't think higher courts will decide in Vulcan's favor.

One item I noticed in the Supplemental Draft was the traffic count performed on FM2676. This count was done in 2003. It needs to be updated as traffic on FM2676 has increased tremendously in the past three years or so. The count should be done at rush hour times such as 0630-0830 and 1600-1800 and again during the afternoon from 1300-1400. This current traffic will be impacted by the quarry, with or without the railroad. The road will be filled with commuters, school busses, service providers, gravel trucks, and often emergency vehicles.

Thank you for your interest regarding this proposed project.

Sincerely,

Morris Baxter
Morris Baxter
222 CR 363
Hondo, Texas 78861

cc: MCEAA

Received
2/18/07

Received
2/18/07



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

#E1-2818
RJR

January 29, 2007

Rini Ghosh
Case Control Unit
Surface Transportation Board
Washington, D.C. 20423

Dear Ms. Ghosh

In accordance with our responsibilities under Section 309 of the Clean Air Act, the National Environmental Policy Act (NEPA), and the Council on Environmental Quality Regulations (CEQ) for implementing NEPA, the U.S. Environmental Protection Agency (EPA) Region 6 office in Dallas, Texas, has completed its review of the Draft Supplemental Environmental Impact Statement (DSEIS) for the proposed construction and operation exemption of Southwest Gulf Railroad Company. The proposed rail line would extend approximately seven miles from a proposed Vulcan Construction Material's LP limestone quarry to the Del Rio subdivision on the Union Pacific Railroad Company, near Dunlay Texas.

EPA classified your DSEIS and proposed action as "L.O," i.e., EPA has "Lack of Objectives" to the proposed alternative. Our classification will be published in the Federal Register according to our responsibility under Section 309 of the Clean Air Act, to inform the public of our views on proposed Federal actions.

EPA appreciates the opportunity to review the DSEIS. We request that you send our office one (1) copy of the Final SEIS at the same time that it is sent to the Office of Federal Activities (2251A), EPA, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044.

Sincerely yours,

Michael P. Jansky, RE
Regional EIS Coordinator

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Washington, DC 20240

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ER 06/1218

Ms. Victoria Rutson
Surface Transportation Board
Case Control Unit, STB Finance Docket No. 34284
1925 K Street, NW
Washington, DC 20423-0001
ATTN: Rini Ghosh, Attorney-Adviser

Dear Ms. Rutson:

Thank you for the opportunity to comment on the Supplemental Draft Environmental Impact Statement for the **Southwest Gulf Railroad Company's (SGR) New Rail Line Construction, Medina County, Texas**. The Department of the Interior (Department) has reviewed the document, and offers no comments on the Supplemental Draft Environmental Impact Statement. Following are our comments regarding Section 4(f) of the Department of Transportation Act.

SECTION 4(f) COMMENTS

The document does not contain a Section 4(f) Evaluation, nor does it mention whether or not one may be needed for this project. While the Department recognizes and appreciates that you are planning to prepare a Programmatic Agreement to minimize harm to cultural resources in coordination with the State Historic Preservation Officer and other agencies, we are concerned that you do not address Section 4(f) resources. Without a Section 4(f) Evaluation, or a clear reason Section 4(f) is not presented in the document, we cannot concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to these resources.

We appreciate the opportunity to comment on this document.

Sincerely,
 Willie R. Taylor
Director, Office of Environmental Policy and Compliance



January 29, 2007

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

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

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.

Ms. Ghosh
Page 2
January 29, 2007

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 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

#E1-2820
RJR



Take a kid hunting or fishing
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Ms. Ghosh
Page 3
January 29, 2007

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,

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh

Attachment



October 28, 2005

Phil Ponebshek
Senior Project Manager
URS Corporation
9400 Amberglen 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*) 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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To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

Mr. Ponebshek
Page 2
October 28, 2005

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

/rh

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-2827

Correspondence Information

Docket #:	FD 34284 0	Date Received:	02/12/2007
Name of Sender:	David Barton	Date of Letter:	02/12/2007
Group:			

Submitter's Comments

This message is to inform you that the Executive Director of TCEQ signed, and the agency in turn issued, the air permit for the quarry to Vulcan on February 2, 2007. The clock continues to run.

Surface Transportation Board

Incoming Correspondence Record

#EI-2845

Correspondence Information

Docket #:	FD 34284 0	Date Received:	02/26/2007
Name of Sender:	Dr. Bob Fitzgerald	Date of Letter:	02/22/2007
Group:	MCEAA		

Submitter's Comments

The Board of Directors of Medina County Environmental Action Association wish to submit the following comments relating to the Steptoe and Johnson LLP letter of January 29, 2007.

file:///P:/Southwest Gulf Railroad Company (SGR)/FINAL EIS/Final EIS Document/17 Appendix C/Individual Letters/EI-2845.htm3/13/2007 2:18:02 PM

Surface Transportation Board

Incoming Correspondence Record

#EI-2846

Correspondence Information

Docket #:	FD 34284 0	Date Received:	02/26/2007
Name of Sender:	Dr Robert Fitzgerald	Date of Letter:	02/26/2007
Group:	MCEAA		

Submitter's Comments

Please see letter attached.

Image Attachment(s)

[2007 02 22 MCEAA letter to STB.doc](#)

file:///P:/Southwest Gulf Railroad Company (SGR)/FINAL EIS/Final EIS Document/17 Appendix C/Individual Letters/EI-2846.htm3/13/2007 2:17:37 PM

The Medina County Environmental Action Association, Inc.

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February 22, 2007

Surface Transportation Board
 Attn: Victoria Rutson
 Section of Environmental Analysis
 1925 K Street NW
 Washington, D.C. 20423-0001

Re: Finance Docket #34284

Dear Ms. Rutson:

The Board of Directors of Medina County Environmental Action Association wish to submit the following comments relating to the Steptoe and Johnson LLP letter of January 29, 2007. As you are aware, this letter relates Vulcan Materials/SGR comments on the SDEIS urging the STB to reinstate the SGR original proposed rail route and also asking for modification of certain mitigation measures previously contained in the DEIS and additional measures and modification of mitigation measures in the SDEIS.

STB should note that the Vulcan/SGR requested changes in these mitigation measures would make them ineffective in protecting the environment that they were originally designed to protect and again points out the fact that these projects were conceived without proper environmental research. What is being asked of the STB is to lower their standards, for example, of adding phrases to "the extent feasible" after the word "ensure" in mitigative measure 5A.

In measure 15A, SGR is concerned that the use of lubricants "in the vicinity of the Edwards Recharge Zone may raise its own set of potential adverse impacts of such lubricants on the Recharge Zone." However, SGR is not at all concerned about placing ten one-thousand gallon fuel storage tanks on the very border of the Recharge Zone. This again, shows Vulcan's callous disregard, ignorance and lack of planning for the environmental safety of the Recharge Zone. If Vulcan wishes to truly protect the Edwards Aquifer Recharge Zone, it should locate the fuel storage and maintenance area at the southern terminus where it would not be environmentally hazardous to the Edwards Aquifer. Hopefully, this issue will be resolved in the FEIS, should a permit be granted.

Voluntary Mitigation Measure #3 deals with welded rail. Some seven years after this project was began, Vulcan now submits information from HDR Engineering firm that is "may not be practical or economical to use welded rail in the quarry loading area. SGR is asking that this noise controlling measure (welded rail) as well as track lubricants now be omitted, inferring that there will not be much noise created by slow moving trains. We object to these callous assertions. Are the inhabitants living near the quarry being told that their peaceful environment that they sought is no longer possible so that Vulcan's "economical and practical way of doing things" takes precedence over their peace and quiet?

In Mitigation Measure #6, we strongly object to any changes in dealing with highway crossing. What Vulcan seeks here is gaining the approval of STB that grade separations over FM2676 and CR 4516 can be omitted. The assumption in the DEIS being that there will be at-grade crossing with appropriate warning devices. Inserting words and phrases such as "consistent with recognized highway safety standards taking into account the level of highway traffic at that crossing", and the term "where appropriate", would allow Vulcan to never build grade separations. This can not be allowed by STB. MCEAA firmly believes that grade separation crossings are the only acceptable type of crossing for the above roads.

Vulcan has agreed to provide grade separation crossing at their expense when required to so. It is up to STB to make this requirement now for the safety of the traveling public and to prevent loss of life and property. We have reviewed your data concerning the probability of accidents and/or deaths. But what is not taken into account are the local conditions and the type of traffic that would utilize these roads (which has been previously related to STB), and the fact that this area is growing rapidly as San Antonio expands westward into Medina County, less than twenty-five miles away. Medina County Commissioners Court has previously stated that it wants the safest type of crossings for its' county roads crossed by the railroad. Since CR4516 is the main road from Quihi to Castroville and Highway 90, a grade separation should be required by STB. Do not allow Vulcan to escape its' rightful duty by changing Mitigation #6.

Mitigation #24—SGR wishes to change the STB directive concerning obtaining flood plain crossing permits from FEMA so as to make mitigation #24 meaningless and/or unenforceable. MCEAA strongly objects to allowing this change. SGR wants to cross flood plains (particularly the Quihi Creek at CR365 location), utilizing trestle type bridges (as is their intention for the proposed route and alternatives 1,2 and 3). This is certain to cause more than a 12" rise in the flood plain when debris is impounded by the trestle type bridges during heavy rainfall. MCEAA has previously proven to STB in the publication concerning flooding caused by trestle type bridges in Los Angeles County California, and in the documentary "Texas Flash Flood Alley", that debris in trestle bridges causes flooding. As STB is aware, its selection of one of two eastern routes was made to prevent flooding, coupled with the fact that the Historic landscape of the Quihi area would be bypassed. Now SGR is again struggling to get the proposed route, with all its severe environmental impacts, reinstated. SGR even threatens that it will seek to use its right of preemption, if mitigation measure #24 is not altered. MCEAA is adamant that this Vulcan measure must not be altered or weakened. Vulcan's planned use of trestle type bridges, which they claim are adequate, to ford streams and floodplains, are based on annual and average rainfall calculations. However, ten inch, or even six inch rainfalls are common in this area. We have even had a 22 in rainfall event in 24 hours in recent years. Thus calculations by a licensed engineer, based on annual or average rainfalls, will mislead FEMA, STB, and the Corp of Engineers. To be more accurate, calculations based on a ten-inch rainfall would be more accurate in predicting a worst-case scenario. It must be remembered that this rainfall amount would fall on an 18,301-acre watershed above the quarry's plant site and rail loop within the quarry should be required by STB.

Mitigation #30—MCEAA understands SGR's concerns on this measure which STB mitigation states that there should be avoidance of placing fill or structures in the creek channel that would be crossed. This is particularly true because the rail loop within the quarry lies between two branches of the Polecat Creek and cannot be constructed in this location without being in the creek channels. This means trestle type bridges would be in some portions of the Polecat Creek. This sets the stage for flooding into the quarry's plant site when debris from the upland watershed clogs the trestle bridges. Vulcan's permanent berm along the northern plant site will not be able to withstand floodwaters. This is yet another example of poor planning and lack of research of the area. Has the Corp. of Engineers approved this plan and reviewed the placement of the rail line loop on trestle bridges in the Polecat Creek? This must be done prior to FEIS so that this data can be reviewed and challenged if necessary.

Mitigation #32—MCEAA would like to comment on the proposed change by SGR from a 4:1 berm to a 2:1 berm. Since SGR has all but conceded that it will not manage the rail line if it is even built, and instead will seek another rail line to operate and manage the line. The new operator should comment on this suggested change in berm ratios. MCEAA believes that SGR's desire to "pinch pennies" in building a rail line and then disappearing from the responsibility of managing what it has created is unwise at best. We would like reassurance that a rail line, if permitted, would be safe and not one subject to derailments. We, in the San Antonio area, have experienced enough of these in the recent past. Please respond to this comment in the FEIS.

Mitigation #33—SGR requests to change this measure again demonstrating its desire to circumvent environmental protection by clinging to "let us do it our way" not STB's recommended way. Unless STB's recommendations for preserving natural buffers contiguous to flood plains are honored, Vulcan will destroy them with their version of "Best Management Practices". MCEAA's recommendation is to leave #33 as written.

Mitigation #31—We strongly disagree with SGR's request to remove the words "to the design of the rail line" from this mitigation measure. Without it, well structures such as windmills, electric lines, above ground water storage tanks and troughs and other structures could be torn down or damaged by the rail line construction and for operation.

Mitigation #45—We agree with SGR in its opinion that much of the work for the programmatic agreement has been done on the cultural resources. STB's choice of an eastern route, such as the MCEAA variation of the Medina Dam route, with only minor rail alignment change such as avoidance of crossing CR 461, could be achieved by moving the rail line 50 feet to the west. This route change would bypass almost all of the three historic areas noted in the DEIS and also would also eliminate the increased flooding potential by crossing less flood plain distance than any other eastern proposed route. We would like to comment on the programmatic agreement once it is completed. Or better still, prior to its completion as we have been informed by our telephone conversation on February 22, 2007.

In closing, MCEAA wishes to thank STB for its time and patience in considering the above responses to SGR comments. We believe that after due consideration STB should maintain its opinion that an eastern route is the least environmentally disruptive route, coupled with the mitigation clauses that will best protect the adjacent environment and issue the permit accordingly. If Vulcan is serious about building this railroad and quarry, it will accept the permit and abide by the imposed mitigations. If not, they can withdraw the permit application and start trucking. We can live with that if they can.

Sincerely,

Dr. Bob Fitzgerald, President
Medina County Environmental Action Association

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

STB Incoming Correspondence Record

Surface Transportation Board
Incoming Correspondence Record

#EI-2848

Correspondence Information

Docket #:	FD 34284 0	Date Received:	03/06/2007
Name of Sender:	F. Lawrence Oaks, SHPO	Date of Letter:	02/28/2007
Group:	Texas Historic Commission		

Submitter's Comments

We are in receipt of your January 16, 2007 letter that offers specific mitigation measures should the railroad's original proposed route be utilized....

The Senate of The State of Texas

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FAX: (210) 932-2572

Senator Carlos Hresti
District 19

#EI-2849
BAW

February 13, 2007

Ms. Rini Ghosh
Surface Transportation Board
Case Control Unit
Washington, DC 20403
STB Finance Docket No. 34284

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Review of Supplemental Draft Environmental Impact Statement (SDEIS), Southwest Gulf Railroad, STB Docket No. 34284, Construction and Operation Exemption, Medina County, Texas (STB)

Dear Ms. Ghosh:

Maintaining the integrity of our local farming and ranching communities is a vital issue to Texas; and it is a mission of particular significance to me, and to the 23 counties I am privileged to serve in my State Senate District (SD19). This letter serves to endorse the recommendations on the proposed rail project submitted to the Surface Transportation Board (Board), by Texas State Historic Preservation Officer, Lawrence Oaks. I particularly support Mr. Oaks' emphasis on urging the Board to select whichever route will result in the least division of current agricultural lands, and to realign that route wherever possible to further reduce the impacts on my constituents' farmland operations.

I applaud the Board's cooperation with Texas state agencies, throughout the process of conducting the rural historic landscape study, to minimize the proposed project's impact on Texas' historic resources. I will continue to monitor the efforts to develop a route as functional as possible for the railroad while ensuring the least possible disruption of local farming and ranching communities.

Again, I appreciate your agency's participation in helping forge a win-win solution in Medina County, which may well serve as a template to guide other rural communities. I welcome ongoing communication regarding the rail routing and permitting process. If I can be of further assistance, please do not hesitate to contact me, or my natural resources policy analyst Dr. J.A. Lazarus, at (512) 463-0119.

Sincerely,

Carlos I. Uresti

CIU/jal

cc: Mr. Jim Barden, Medina County Judge

ADMINISTRATION, VICE-CHAIR; HEALTH AND HUMAN SERVICES; INTERNATIONAL RELATIONS AND TRADE; NATURAL RESOURCES
SUBCOMMITTEE ON AGRICULTURE, AND RURAL AFFAIRS AND COASTAL RESOURCES

Governor Rick Perry
State of Texas
P.O.Box 12428
Austin, Texas 78711
FAX (512) 463-5571

#EI-2850
DHW
FD 34284

Raymond Hernandez
Tap Pilam Coahuiltecan Nation
273 Nicks Rd.
Comfort, Texas 78013
(830) 995-3356, (210) 724-3356 cell.coahhtex@hctc.net

March 11, 2007

RE: Condemnation of the Governor's "support letter" to the federal STB on behalf of Vulcan Materials Company, letter of Feb. 07-07.

Dear Governor of Texas,

The Tap Pilam Nation submits this protest letter to the Governor and to his administrators on the record, to the federal Surface Transportation Board. On February 07, 2007 Governor Rick Perry signed a letter of support addressed to the federal STB in Washington DC. This endorsement letter will push forward the application now before the STB to give Vulcan Materials Company (VMC) a permit to proceed with a monstrous mine in Medina County, Texas.

Our nation wishes to be on record in the strongest of terms against this "support Letter" by the Governor. It is ill advised for multiple reasons, here are only a few of the worst reasons why we are against this mine.

(1) The Coahuiltecan Nation is listed as a consulting party under the relevant federal Acts, which govern the issuance of the exemption to (VMC) from certain requirements of 49 U.S.C. 10901 et. Our tribe of native Americans is utterly opposed to the issuance of any such exemptions, to (VMC) or to any of its associates.

(2) The exemptions will only lead to a faster demise of a very fragile eco-system in and around Quihi, Texas.

(3) The exemptions will only produce adverse effects to the fauna already identified by the documents submitted by The Texas Parks & Wildlife Dept. See STB file no. #EI-286 dated May 28, 2003. The (TPWD) gave Vulcan, a long list of sensitive plants, trees, and wildlife that will probably become threatened. As native Americans we

view all the natural world as part of us. Anything which threatens the natural creatures of our earth, we view these acts as a direct threat to our ourselves. We are the People of The Earth.

(4) The people of our tribe wish to also place into the record our concern for the proposed route to the planned limestone quarry. Reference is made to what is already in the STB files, listed as #EI-63. The Texas Dept. of Transportation in April 2003, made comments into the record that read thus: "The preferred route would cross a state roadway, FM 2676, as well as several county and local roads. TxDOT is concerned about the impact that an estimated four, one-hundred car trains crossing FM 2676 would have upon the safety of the local community and traveling public. Hondo Independent School District has three bus routes and Medina Valley Independent School District has one bus route that travels along FM 2676 and cross the preferred route twice daily..."

The Tap Pilam Coahuiltecan Nation has other concerns about the permitting process now under consideration by the STB. We have already submitted our objections to the creation of this limestone quarry. See our very lengthy objections set down in our January 27, 2007. It has already been made part of the official record of these proceedings.

In conclusion, we want to be contacted by some one in the Governor's Office at a latter date. This way better lines of communication will be established, between the Governor's Office and our Native American Nation. We await your kindly reply to these items of concern with how this quarry is being forced upon the peaceful folks of Quihi, Texas. The impact to them will be severe. The impacts to our Coahuiltecan people will be long lasting, and irreparable. Don't let this permit be issued to Vulcan Materials Co!

Thanking you in advance for your special attention to our acute concerns regarding the making of this 17,000 acre mine upon our ancestral lands.

Very truly yours,

Raymond Hernandez
Raymond Hernandez

cc. Records Dept.
cc. Research Director
cc. Diana F. Wood (STB)



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
JOHN L. NAU, III, CHAIRMAN
F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

#EI-2853
DHW

March 15, 2007

Ms. Diana Wood
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001
STB Finance Docket No. 34284

Re: Project review under Section 106 of the National Historic Preservation Act of 1966. Follow up to Supplemental Draft Environmental Impact Statement, Southwest Gulf Railroad, STB Finance Docket No. 34284, Construction and Operation Exemption, Medina County, Texas (STB)

Dear Ms Wood:

This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

We wish to reiterate our comments offered in response to the Supplemental Draft Environmental Impact Statement (SDEIS). We strongly support the utilization of either of the environmentally preferred eastern routes. Both the Eastern Bypass Route and the MCEAA Medina Dam Alternative significantly lessen the impact of this project on critical historic resources. Both alternatives appear to meet the requirements of the National Historic Preservation Act to avoid or minimize adverse effects to historic properties.

A large component of historic and cultural significance of the area is its rural and agricultural character. Our agency's role throughout this process has been to protect this important rural landscape from the immediate and future impacts of the proposed railroad. All of the proposed routes impact agricultural lands both inside and outside the eligible historic district boundaries. These agricultural lands and operations are critical to the preservation of the regions rural character.

We have been in consultation with members of the Weiblen family, who operate approximately 1500 acres of irrigated agricultural lands along with additional ranchland acreage that will be directly impacted by any of the eastern alignments. While it is critical to avoid the historic resources to the west, we believe it is also imperative to minimize the impacts on agricultural operations of this and other families. Please refer to our initial, January response to the SDEIS in which we urged the avoidance of major agricultural lands.

Based on our consultations with the Weiblen family members and the information found in the SDEIS, it is our understanding that they have offered to work with STB and the railroad to negotiate the use of some of the family's land along their western property boundary. This offer would avoid the railroad bisecting their irrigated land, rendering their irrigation equipment useless, and literally destroying their home and farmstead. Our earlier statement of January 19th

was offered with precisely this kind of situation in mind and we endorse their proposal for this unique property.

Given the magnitude of their operations along with their investment in land and equipment, we urge the Surface Transportation Board to condition the use of eastern alignments upon routing tracks along property boundaries and the avoidance of irrigated lands and equipment. We do not believe that the exact routes requested by the railroad are necessarily the only feasible options. We are not suggesting exploration of further alternatives, only the close examination of details and routing within the environmentally preferred alternatives that would lessen the impact on agricultural lands while still protecting the historic and cultural resources.

Considering the size of their landholdings and operations along with the potential direct impacts of the environmentally preferred routes to their property, we would support STB including the Weiblen family as a consulting party. We appreciate your agency's diligence in this matter and look forward to discussing this issue further during our March 26th meeting.

Sincerely,

F. Lawrence Oaks

F. Lawrence Oaks, State Historic Preservation Officer

cc: John Nau, III, Chair, Texas Historical Commission
John Fowler, Advisory Council on Historic Preservation
Albert Hausser, Texas Historical Commission
David H. Coburn, Steptoe & Johnson, LLP.
Michael Weiblen

#E1-2855
Dfw
FD 34284

March 17, 2007

Anthony Weiblen
2918 Darlington Drive
Highland Village, TX 75077

Rick Perry
Office of the Governor
P.O. Box 12428
Austin, Texas 78711-2428
Fax Number: 512-480-0158

Re: Southwest Gulf Railroad Company's proposal to construct and operate a rail line in Medina County, Texas.

Dear Mr. Perry:

The Weiblen Family requests the help of the Governor's Office in preventing the destruction of farm and ranches due to Southwest Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The Governor's Office can accomplish this by:

- Ensuring the Surface Transportation Board (STB) incorporates modification, such as the Weiblen Modification, to the three eastern routes that minimize the division of farms and ranches, especially those that have pivot or linear irrigation sprinkler systems.
- Ensuring that all interested parties, including the STB, understand that the eastern routes divide more farms and ranches when compared to the Original Proposed Route.
- Informing all interested parties, including the STB, that the Texas Historical Commission (THC) would support the Original Proposed Route if the railroad grants a one foot conservation easement for the entire length of the route.

The Weiblen Family met with Mr. Larry Oaks, Texas Historical Commission Deputy Director, on March 14, 2007 to discuss the different routes under consideration for SGR's proposal. The four routes specifically discussed were the Original Proposed Route and the three eastern routes (Eastern Bypass Route, SGR Modified Medina Dam Route, and MCEAA Medina Dam Route). These routes are identified in aerial map in the appendix.

Through the Weiblen Family's discussions with Mr. Larry Oaks, he now understands that any intrusion on a pivot or linear irrigation sprinkler system, even minor, renders that sprinkler useless. This affects the total acreage under that sprinkler, not just the portion where the railroad passes. All of the eastern routes have this affect on some of the five sprinklers on the Weiblen Family's farm, which puts the Weiblen Family's operation out of business and destroys the livelihood of two families. (The Weiblen Family's sprinkler systems are identified as pivot, linear, and half circle on the aerial map in the appendix.) As a result, Mr. Larry Oaks has agreed to a stronger recommendation to avoid irrigated farmland and request the STB to consider the Weiblen Modification to the eastern routes.

This puts the right-of-way on the edge of Weiblen Family property, rather than dividing it.

The Weiblen Family appreciates THC's effort to protect the Weiblen farm, but this does not guarantee that the recommendation would be followed. The Weiblen Family requests that the Governor's Office join in Mr. Larry Oaks' support of modifications, such as the Weiblen Modification, to the three eastern routes that minimize the division of farms and ranches, especially those that have pivot or linear irrigation sprinkler systems.

The Weiblen Family respects the THC's position of recommending one of the three eastern routes due to the fewer number of historical sites located along these routes. However, the three eastern routes cause the most destruction to Texas farm and ranch properties. The following table shows the number of properties that are divided, partially divided, or on the boundary. The three eastern routes divide more than double the number of farms and ranches when compared to the Original Proposed Route.

Route	Divided	Partially Divided	On Boundary
Original Proposed	9	2	5
Eastern Routes			
Eastern Bypass	20	8	0
SGR Modified Medina Dam	20	8	2
MCEAA Medina Dam	21	0	0

The THC has done a good job in presenting their case to the STB. The Weiblen Family requests the Governor's Office become more involved and ensure that Texas farms and ranches are equally represented on this issue to the STB.

The Weiblen Family learned, through their meeting with Mr. Larry Oaks, that the THC is willing to support the Original Proposed Route if SGR would grant a one foot conservation easement on both sides of the rail for the entire route. Mr. Larry Oaks explained that this easement would protect the Quihi area from becoming overrun with industrial businesses. The Weiblen Family requests that the Governor's Office make this information known to all interested parties, including the STB, and negotiate a solution that uses the Original Proposed Route.

In closing, the Weiblen Family appreciates the involvement of the Governor's Office in making these three points known to all parties. If you have any questions, please contact me at 972-897-8640.

Sincerely,

Anthony Weiblen

Cc: Diana Wood, Surface Transportation Board
Todd Staples, Secretary of Agriculture

Appendix



STB Incoming Correspondence Record

Surface Transportation Board
Incoming Correspondence Record

#E1-2859

Correspondence Information

Docket #: FD 34284 0
Name of Sender: David Barton
Group: The Gardner Law Firm
Date Received: 03/20/2007
Date of Letter: 03/20/2007

Submitter's Comments

Attached please find a copy of recent correspondence to EPA Region 6.

Image Attachment(s)

[I-Jansky EPA R6 031507.pdf](#) [EI-1313 EPA DEIS comments.pdf](#) [EI-2818 EPA SDEIS comments.pdf](#)

March 15, 2007

Michael P. Jansky, PE
Regional EIS Coordinator
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

VIA CERTIFIED MAIL
RRR #7006 0810 0003 8431 2920

Dear Mr. Jansky:

Re: U.S. Surface Transportation Board Finance Docket No. 34384
Southwest Gulf Railroad – Construction and Operation – Medina County, TX
Comments on the Supplemental Draft Environmental Impact Statement

We noticed the letter from you (EI-2818.pdf) commenting on the recent Supplemental Draft Environmental Impact Statement (SDEIS) in this proceeding on behalf of EPA Region 6. That letter states a “lack of objection to the proposed alternative.” The SDEIS, however, did not reanalyze the proposed alternative but analyzed various eastern alternatives, two of which it then deemed “environmentally preferable.”

EPA’s comments as to “the proposed alternative” require clarification as to whether you were referring to those routes deemed “environmentally preferable” in the SDEIS or some other route that was not analyzed in the SDEIS and which it would not have been appropriate to comment on at that time.

We believe your lack of objection was with respect to the two eastern routes deemed “environmentally preferable.” Our clients, the Medina County Environmental Action Association, concur with the Surface Transportation Board’s finding in the SDEIS that of the routes proposed and analyzed to date, those two are the most “environmentally preferable” alternatives.

745 East Mulberry Avenue • Suite 100 • San Antonio, Texas • 78212-3167
Telephones: (210) 733-6191 • Telecopier: (210) 733-5538 • E-Mail Address: gardner@tjgf.com

We do not believe that you intended to comment on other routes that were not analyzed in the SDEIS or intended to contradict the SDEIS by not discussing the environmentally preferable alternatives but instead discussing another alternative in isolation. This is particularly true given the fact that Bonnie Braganza, the acting chief of your office, submitted detailed comments (EI-1313.pdf, attached) on the original routes analyzed in the DEIS describing numerous issues that should be addressed in the Final EIS. It is unclear how, after the SDEIS analyzed new routes and deemed two of them environmentally preferred, you could then state a lack of objection to one of the original routes analyzed in the DEIS when this information requested by your agency had not yet been provided in the Final EIS.

To be clear: the “proposed route” is a term of art describing the applicant’s proposed route which was only analyzed in the DEIS. New eastern routes were analyzed in the SDEIS, which you commented on. Two of those eastern routes were selected as environmentally preferred relative to the DEIS, but with the exception of a noise analysis, no new analysis was undertaken for the original DEIS routes in the SDEIS. The SDEIS contained no new information responsive to Ms. Braganza’s comments on the DEIS.

We apologize for being blunt, but if there is a time to state a lack of objection to the “proposed route” in this proceeding it is after all the information has come out in the Final EIS, not before, and not in response to a document (the SDEIS) which provided no new analysis for the proposed route. We believe you intended to state a lack of objection to the routes the SDEIS analyzed and deemed environmentally preferable. Otherwise, either your agency’s DEIS comments were meaningless or the SDEIS comment reflects a blatant political statement unsupported by the document itself, which casts doubt on your agency’s process and on whether the document was even read. We do not allege the EPA’s EIS review process or your review in particular to have such flaws and are more inclined to believe that you meant to state a lack of objection to only the two environmentally preferred routes in the SDEIS at this time.

The opportunity to comment on other routes will arise after the publication of the Final EIS in this proceeding. Please in the interim clarify or correct your agency’s comments on the SDEIS, or else they will be of little value to the parties.

Very Truly Yours,

THE GARDNER LAW FIRM
A Professional Corporation



David F. Barton

COUNSEL FOR PARTY
MEDINA COUNTY ENVIRONMENTAL
ACTION ASSOCIATION

I-Jansky EPA R6 031507 doc

cc: Rhonda Smith, Chief
Office of Planning and Coordination (6EN-XP)
U.S. Environmental Protection Agency Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

VIA CERTIFIED MAIL
RRR # 7006 0810 0003 8431 2913

Aimee Norton Miller
Director, Office of Federal Activities
U.S. Environmental Protection Agency
Mailcode: 2201A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

VIA CERTIFIED MAIL
RRR # 7006 2260 0001 4316 0227

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

VIA ELECTRONIC FILING

Dr. Robert T. Fitzgerald
Medina County Environmental Action Association
202 CR 450
Hondo, Texas 78861

VIA ELECTRONIC MAIL



Dean McNew
<deanmcnew@yahoo.com>
03/31/2007 05:54 PM

To: Diana.Wood@stb.dot.gov
cc:
bcc:
Subject: Historical Land - Medina County Texas

#EI-2861
DFW
FD 34284

Dear Ms. Wood:

The purpose of this letter is to request that the Surface Transportation Board, in conjunction with the Texas Historical Commission, consider the value of historical land while making decisions regarding the placement of the Southwest Gulf Railroad Company rail line from a Vulcan Construction Materials, LP limestone quarry to the Union Pacific Railroad Company rail line near Dunlay, Texas.

My family [Nelson and Paulette Martin, Jerry and Jeanne Martin, Dean and Ronda McNew] live on a historical property that is in the path of the proposed eastern routes. This land has been in our family for over 100 years, qualifying it for Texas Department of Agriculture Family Land Heritage Program recognition. We are completing the required documentation for recognition as a historic property in 2008.

We understand and are a part of the multi-faceted tapestry of the community of Quihi. We also own land in the town of Quihi, which has been in our family since 1855. This land was part of an original Texas land grant and received a Texas Department of Agriculture Family Land Heritage award in 1975. We have an ancestral home on the land and appreciate the value of ancestral Quihi homes, especially since we are direct descendants of the Schweers, Saathoff, Lindeburg, and Balzen families. However, the land grants in Texas were issued to our ancestors for the purpose of farming and ranching. Henri Castro founded Quihi to serve as a farming community for immigrants from Alsace and nearby German states. An ancestral house is important, but the importance pales in light of ancestral land. Our ancestral land is the true heritage of Texas, the true heritage of our community, and the true heritage of our family.

Before we worked and utilized our land over the past century, Native Americans worked and utilized the land. While helping work the land as children, we found arrowheads, tomahawk heads, and various scraping and cutting rocks located in our fields and pastures and continue to find these artifacts today. In addition, there is evidence of a Native American campground on our land substantiated by the piles of flint rock chips and burnt rocks, near a natural alkaline high sodium soil lick.

Growing up, our family stressed the appreciation for the wildlife that lived around us. Everything, including tarantula spiders, horned lizards, whitetail deer, bobcats, cougars, dove, quail, turkeys, owls, and blue darter hawks, had a purpose on our land. We learned to identify and, more importantly, respect all wildlife and the importance each played in our life – a practice that we continue today.

We have witnessed many times that our land serves as the headwater of several different creeks, which flow both to the east and to the west. Topology maps show the upper portion of our land has an elevation of 1,039 feet above sea level and rises up to 1,050 feet. This watershed is the main headwater of one of the branches of the Quihi Creek, a tributary to the Frio River via the Verde and Hondo Creeks. The southern portion of our property has an elevation of 1,038 feet above sea level, tapering down to 900 feet. The watershed is part of the Opossum Creek, which is also a tributary to the San Antonio River via the Medina River.

Please consider the bigger picture, the greater good, the better value, and the larger significance of the heritage family land when making the decision for location of the rail line and elect not to cross these historic parcels of land. We request that the Surface Transportation Board, in conjunction with the Texas Historical Commission, decide to leave this historic land intact by choosing the Original Proposed Route through Quihi, a decision that will not be regretted.

Surface Transportation Board

Incoming Correspondence Record

#EI-2862

Sincerely,

Dean and Ronda McNew
1590 County Road 366
Hondo, Texas 78861-6431

Looking for earth-friendly autos?
Browse Top Cars by "Green Rating" at Yahoo! Autos' Green Center.

Correspondence Information

Docket #:	FD 34284 0	Date Received:	03/28/2007
Name of Sender:	David F. Barton	Date of Letter:	03/28/2007
Group:	The Gardner Law Firm		

Submitter's Comments

Enclosed please find our follow up on behalf of MCEAA to Monday's NHPA consultation meeting regarding the Proposed Route.

In addition, we note here for the record our comments at that meeting with respect to 44 C.F.R. 60.3 and specifically 60.3(d), which is the applicable federal requirement for NFIP-participant communities such as Medina County to abide by with respect to development of structures within floodplains. This requirement is federal law, is not discretionary for NFIP-participant communities and cannot be preempted. MCEAA reiterates that the applicant's suggestion on this point-- to modify mitigation conditions to make obtaining a permit from the floodplain administrator optional-- should be rejected.

Image Attachment(s)

[Agency Consulting Parties 032807.pdf](#)

file:///W:/Final%20EIS%20Document/17%20Appendix%20C/Individual%20letters/EI-2862a.htm#2/2007 1:57:10 PM



David F. Barton
Wm. Richard Davis (Retired)
Jay K. Farwell
Dawn B. Finlayson
Gregory M. Hulce
R. Wes Johnson
Mary Q. Kelly
William W. Sommers
J.P. Vogel
Thomas J. Walthall, Jr.
*†Board Certified-Consumer & Commercial Law
Texas Board of Legal Specialization*

March 28, 2007

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

Charlene Dwin Vaughn
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

F. Lawrence Oaks
Executive Director
Texas Historic Commission
P.O. Box 12276
Austin, TX 78711-2276

Dear Agency Consulting Parties:

Re: U.S. Surface Transportation Board Finance Docket No. 34384
Southwest Gulf Railroad - Construction and Operation - Medina County, TX
NHPA Section 106 Consultation

Thank you all for your participation in and contribution to the consultation meeting this past Monday in San Antonio.

This letter will serve to restate and amplify the position of our client, the Medina County Environmental Action Association (MCEAA), with respect to the applicant's mitigation proposal for the proposed route, which is the subject of the ongoing consultation.

745 East Mulberry Avenue • Suite 100 • San Antonio, Texas • 78212-3167
Telephone: (210) 733-8191 • Telecopier: (210) 733-5538 • E-Mail Address: gardner@tjgf.com



Page 2 of 5

I. Delay and "Support"

At the outset, MCEAA must address the baseless charge of intent to delay that was leveled against it at the meeting.

It should be very clear to each of you that a situation that is least objectionable to all of the non-agency consulting parties except the applicant and perhaps the Weiblen's already exists, outside of this reinitiated consultation process. That situation, of course, is the fact that Vulcan/SGR already has all of the state permits to open its quarry and has two eastern rail routes, one of which it proposed itself, that are deemed environmentally preferable in the Supplemental Draft Environmental Impact Statement (SDEIS) and are likely to be licensed by the STB. Vulcan/SGR could open a rail served quarry in a matter of months under that scenario, yet it refuses.

Further, since the quarry was proposed in 1999, Vulcan has had over seven years to obtain the state permits for that facility, and now, after applying in 2005, has them. It now also has a settlement agreement with MCEAA whereby MCEAA will not object to permitting actions necessary for the quarry to begin operations.² Yet the quarry has not begun operations, even though Vulcan argues that it could under the no action alternative.

So Vulcan clearly has no intention of opening the quarry without a rail license. Yet when confronted with the opportunity to proceed with an eastern route they suggested themselves, Vulcan/SGR instead chose this process, in order to push for, as they termed it at Monday's meeting, "their route."

All resulting delay is thus a consequence of Vulcan/SGR's selection to push for their Proposed Route, as it has been throughout the NEPA process (resulting in the SDEIS when Vulcan failed to present accurate information about eastern alternatives) and is now in the NHPA process.

The reason there is no intervening cause of delay—such as MCEAA's suggestions that more design information is necessary to enable full disclosure of impacts and a genuine comparison between alternatives—is that, from the perspective of the majority of the non-agency consulting parties, the facts on the ground are not going to change.

As my law clerk stated quite clearly when responding to Mr. Coburn, we are at a point in the process where, from our perspective, we are trying to bridge the gap between information and guarantee.

¹ Though, as made clear at the meeting, the Weiblen concerns can be resolved.

² The rail license is specifically excepted from the agreement, in part because Vulcan/SGR vigorously maintains that the quarry and rail line are not connected actions under the National Environmental Policy Act.

The issue is twofold: First, because the information is not adequate in its own right to result in a guarantee, MCEAA and the majority of non-agency consulting parties allied with it are going to apply the mitigation hierarchy of avoid, minimize, and mitigate and insist on avoidance given the existence of two eastern alternatives that have been deemed environmentally preferable in the SDEIS.³ MCEAA and the allied consulting parties will essentially apply the precautionary principle.

I brought this out in the meeting when I stated that MCEAA does not support any alternative for any rail line. The eastern alternatives are as good as it is going to get, and MCEAA recognizes that, which is why it concurred with the SDEIS finding that the two eastern routes were environmentally preferable. But it is a fact of life that residents opposed to the general idea of this project are not going to "support" any one route; rather, they will apply a precautionary principle and object least to the routes that are less impacting. In the end, there will never be "support," but both this firm and MCEAA recognize that there is a difference between political objection and grounds for litigation, and if the mitigation hierarchy is followed, the likelihood of the latter is significantly reduced if not eliminated.

Second, and closely related to this idea of "support," is the idea now being pushed by Vulcan/SGR in the reinitiated consultation that some guarantees can substitute for information and result in support. This is what Vulcan/SGR is selling the agencies, most specifically the Advisory Council (ACHP) and the Texas Historic Commission (THC). What MCEAA and the majority of non-agency consulting parties said at the meeting on Monday was first, "What standard are these tradeoffs being made under?" and second, "We aren't buying, because we've already got a better deal." Thus, while it may have been frustrating to THC and ACHP that MCEAA did not come out and express "support" for one route over another, even if it was not the Vulcan/SGR Proposed Route, from MCEAA's perspective there is no reason to try to reach consensus on the Proposed Route at all. The agencies could sign an agreement for one of the eastern routes tomorrow, but regardless of whether MCEAA would "support" that agreement, that's not what the purpose of the meeting Monday was. Monday's meeting was to determine whether the consulting parties could reach consensus on the Vulcan/SGR Proposed Route in such a way that any agreement could be negotiated specifically for that route, which, it would be understood, would ultimately be the route constructed. The bottom line is that the agency consulting parties should not be concerned with whether MCEAA will "support" a NHPA agreement for the eastern routes; rather, they should be paying attention to the fact that very few of the non-agency consulting parties seem to support doing anything more with the Vulcan/SGR Proposed Route at this time.

In light of these facts, the more Vulcan/SGR insists on the Proposed Route, the more process and more delay there will be, regardless of any action taken by MCEAA. That result is compelled by where the process stands at this point, and, as we noted earlier,

³ The record demonstrates that the two eastern alternatives are reasonable and feasible and the agency would easily be upheld in any challenge to the contrary.

the facts on the ground and the position of a majority of the non-agency consulting parties is not going to change.

II. The "cost" of overcoming avoidance in the mitigation hierarchy is a very high one.

To continue for a moment with the idea of bridging the gap between information and guarantee in the previous section: The agencies should consider that it may well be impossible to provide a sufficient guarantee to resolve adverse effect without the type of final design information that the applicant and the agencies deem so onerous. That is something that it may be difficult to see from the inside of the process, much like an observer affects their observation in physics. However, it is clear that if a process is set up that permits the applicant to proceed on the basis of less than final information, there is a corresponding introduction of uncertainty into other decisions and analyses contingent on that information. Thus it may well be that the price of overcoming the environmental and historic advantages of avoidance in the mitigation hierarchy is a price that the applicant is unwilling to pay. If I were making an economics of the law argument, I would further point out that this result is entirely rational, despite not being preferred by Vulcan/SGR, given the existence of two viable eastern alternatives likely to be licensed whose cost differential relative to the Proposed Route is less than the cost of final design on the Proposed Route.

Cost, as we pointed out, is not an appropriate consideration at this point in the process. If Vulcan/SGR wants to take it up at final argument before the Board, that is its prerogative, but it has no place in the NHPA consultation. What is significant, however, is that this threshold agreement by NEPA/NHPA agencies to allow applicants to save money and defer final design is now playing out its logical consequence, which is, the information cost of overcoming avoidance in the mitigation hierarchy is a very high one.

Further, this information burden is one that, given the record in this case and the conclusions of the SDEIS in particular, the ACHP, STB-SEA, and THC cannot suddenly lower at this stage by putting the blinders on and signing off on the Proposed Route if Vulcan/SGR makes enough promises and pays enough money. There must be a connection between the information on impacts and the mitigating promise; there must be a connection between the promise and an enforceable guarantee; and collectively these guarantees must overcome the adverse effects of the Proposed Route and the advantages of avoidance, which they will not.

III. Consultation on the Proposed Route should be terminated after Vulcan/SGR's follow up submission.

The situation that the consulting agencies, particularly THC and ACHP, face now with their information requests is an intractable one. The issue we believe was correctly stated by THC at the meeting is whether the design features can be mitigated. Yet the consulting parties do not have, and the applicant does not intend to provide, design detail that could overcome the preference for avoidance in the mitigation hierarchy. The result is

EL-2864
BHW
PO 34284

an endless spiral that ironically, Vulcan/SGR, the party that continues to push the Proposed Route, complained about. It seems to MCEAA that a guarantee of avoidance must be matched, as a practical matter, with a guarantee of similar certainty—not an estimate, not a back of the envelope, not a "trust us." The danger is that any decision to form an agreement regarding the Proposed Route, which will not be supported by MCEAA or a majority of the non-agency consulting parties, will be taken on a standardless basis, because guarantees of similar certainty cannot be provided due to the assumptions and state of the information in the record.

Vulcan/SGR of course, offers promises in lieu of additional information. But as a practical matter, the lens anyone reviewing this project will be looking at it through, if it is ever reviewed, is the lens of "Why was the Proposed Route chosen over the environmentally preferred eastern routes?" That seems to go directly to whether the licensing agency and consulting agencies have adequately dealt with uncertainty over adverse effects from the Proposed Route, which was (in part) the issue in a case remanded to the STB in 2003. What MCEAA is saying is, you all can start down that long, arduous road for the Proposed Route in another consultation process, but the facts of impact along the Proposed Route are not going to change and are not going to be resolvable through that process.

Because the facts on the ground and the position of a majority of the non-agency consulting parties is not going to change, termination of consultation on the Proposed Route is warranted per 36 C.F.R. 800.7(a). The adverse effects of the Proposed Route are largely unmitigable, and the mitigation hierarchy of avoid, minimize, and mitigate should be applied. Reasonable and feasible alternatives exist that satisfy the mitigation hierarchy and which the licensing agency has deemed environmentally preferable, with the SHPO's concurrence. The conclusions of the licensing agency's SDEIS on these points is supported by a rational basis and will likely be upheld.

Very Truly Yours,

THE GARDNER LAW FIRM
A Professional Corporation

David F. Barton

COUNSEL FOR PARTY
MEDINA COUNTY ENVIRONMENTAL
ACTION ASSOCIATION

April 3, 2007

Jared Boehme
1977 C.R. 4516
Castroville, TX 78009

Diana Wood
Surface Transportation Board
395 E. Street SW
Washington, D.C. 20423-0001
Fax Number: 202-245-0454

Re: Southwest Gulf Railroad Company's proposal to construct and operate a rail line in Medina County, Texas.

Dear Diana Wood,

My name is Jared Boehme, and I am requesting your help in preserving the historical farming and ranching culture in the Quidi and Bader Settlement area. Land which is adjacent to the eastern routes of the proposed railroad has been in our farming operation for more than fifty years. Dating all the way back to my Great-Great Grandfather receiving the first parcel as a land grant in the mid to late 1800's, we have strived to add to our farm throughout the years to keep this history alive. With the addition of a rail through the property this may no longer be possible.

In the information which I have gathered (maps, meeting, ect.), I understand the eastern routes would divide over double the number of farms and ranches compared to the original proposed routes. Many of these farms and ranches have been in families for well over 100 years, others 50 years plus. I also understand the Texas Historical Commission (THC) is recommending the three eastern routes due to the historical sites in the original path. Being our family is of the original descendants of this area, I appreciate the history in these sites. However, I do not support protecting them at the cost of destroying the historical farming and ranching culture by dividing up much more property than necessary. Farming and ranching land in America is already headed for extinction.

I would like to request that THC change their position to not support the eastern routes over the original routes, and to support the shortest, most direct route possible. I would also request that THC require the Surface Transportation Board, Southern Gulf Railroad, and Vulcan Materials to keep the rail on property lines when at all possible avoiding and preserving as much history as possible.

Thank you,

Jared Boehme

Cc: Rick Perry, Governor of Texas
Larry Oaks, Texas Historical Commission



Dean McNew
 <deanmcnew@yahoo.com>
 04/03/2007 03:11 PM

To Diana.Wood@stb.dot.gov
 cc
 bcc
 Subject Re: Historical Land - Medina County Texas

#E1-2865
 DFW
 PD 34284

Surface Transportation Board
 395 E Street S.W. Room 1110
 Washington, DC 20423
 202-245-0302 (phone)
 202-245-0454 (fax)

Dear Ms. Wood:

Thank you for your prompt response and for incorporating our letter into the record. We appreciate all of the efforts of the Surface Transportation Board, as well as, all other commissions and agencies involved in the process of selecting the most reasonable and feasible location for the Southwest Gulf Railroad Company's rail line from Dunlay, Texas, to Vulcan Construction Materials, LP's quarry.

In response to your questions below, the SGR's Modified Medina Dam Route and the Old Medina Dam Route directly affect our property. The Original Proposed Route is our primary choice. However, the Eastern Bypass Route with the Weiblen Modifications is the only eastern route that we support. All of the eastern routes suggested will be detrimental to hundreds of acres of irrigated farmland; although, if the Eastern Bypass Route with the Weiblen Modifications is selected, the rail line will miss a major portion of this irrigated land.

It has been brought to our attention that a meeting of the Surface Transportation Board and the Texas Historical Commission is scheduled on or about April 20, 2007. We would like to request an invitation to attend this meeting.

Thank you, again, for considering the contents of our letter in the process of locating the most feasible and reasonable rail line route. We request that the Surface Transportation Board select the Original Proposed Route leaving Medina County's historic land and irrigated farmland intact.

Sincerely,

Dean and Ronda McNew

Diana.Wood@stb.dot.gov wrote:

Dear Mr. McNew:

Thank you for your thought-provoking letter regarding the alternative alignments for Southwest Gulf Railroad's proposed construction and operation of rail line in Medina County, TX. Your property sounds like a very special place. Will all of the Eastern Routes impact your property? Are there any routes along the east that are preferable?

Our comment period officially ended January 29th, but I discussed your concerns with my boss, Victoria Rutson, and she is willing to allow your comments to be incorporated into the record. I will forward them to our consultant, who is sorting and preparing responses to the comments for the Final EIS, which will weigh all the issues in terms of what is reasonable and feasible.

Thank you,

Diana F. Wood
 Section of Environmental Analysis

Dean McNew <deanmcnew@yahoo.com>
 03/31/2007 05:54 PM

To Diana.Wood@stb.dot.gov
 cc
 Subject Historical Land - Medina County Texas

Dear Ms. Wood:

The purpose of this letter is to request that the Surface Transportation Board, in conjunction with the Texas Historical Commission, consider the value of historical land while making decisions regarding the placement of the Southwest Gulf Railroad Company rail line from a Vulcan Construction Materials, LP limestone quarry to the Union Pacific Railroad Company rail line near Dunlay, Texas.

My family [Nelson and Paulette Martin, Jerry and Jeanne Martin, Dean and Ronda McNew] live on a historical property that is in the path of the proposed eastern routes. This land has been in our family for over 100 years, qualifying it for Texas Department of Agriculture Family Land Heritage Program recognition. We are completing the required documentation for recognition as a historic property in 2008.

We understand and are a part of the multi-faceted tapestry of the community of Quihi. We also own land in the town of Quihi, which has been in our family since 1855. This land was part of an original Texas land grant and received a Texas Department of Agriculture Family Land Heritage award in 1975. We have an ancestral home on the land and appreciate the value of ancestral Quihi homes, especially since we are direct descendants of the Schweers, Saathoff, Lindeburg, and Balzen families. However, the land grants in Texas were issued to our ancestors for the purpose of farming and ranching. Henri Castro founded Quihi to serve as a farming community for immigrants from Alsace and nearby German states. An ancestral house is important, but the importance pales in light of ancestral land. Our ancestral land is the true heritage of Texas, the true heritage of our community, and the true heritage of our family.

Before we worked and utilized our land over the past century, Native Americans worked and utilized the land. While helping work the land as children, we found arrowheads, tomahawk heads, and various scraping and cutting rocks located in our fields and pastures and continue to find these artifacts today. In addition, there is evidence of a Native American campground on our land substantiated by the piles of flint rock chips and burnt rocks, near a natural alkaline high sodium soil lick.

Growing up, our family stressed the appreciation for the wildlife that lived around us. Everything, including tarantula spiders, horned lizards, whitetail deer, bobcats, cougars, dove, quail, turkeys, owls, and blue darter hawks, had a purpose on our land. We learned to identify and, more importantly, respect all wildlife and the importance each played in our life - a practice that we continue today.

We have witnessed many times that our land serves as the headwater of several different creeks, which flow both to the east and to the west. Topology maps show the upper portion of our land has an elevation of 1,039 feet above sea level and rises up to 1,050 feet. This watershed is the main headwater of one of the branches of the Quihi Creek, a tributary to the Frio River via the Verde and Hondo Creeks. The southern portion of our property has an elevation of 1,038 feet above sea level, tapering down to 900 feet. The watershed is part of the Opossum

Creek, which is also a tributary to the San Antonio River via the Medina River.

Please consider the bigger picture, the greater good, the better value, and the larger significance of the heritage family land when making the decision for location of the rail line and elect not to cross these historic parcels of land. We request that the Surface Transportation Board, in conjunction with the Texas Historical Commission, decide to leave this historic land intact by choosing the Original Proposed Route through Quihi, a decision that will not be regretted.

Sincerely,

Dean and Ronda McNew
 1590 County Road 366
 Hondo, Texas 78861-6431

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#E1-2867
 DFW
 PD 34284

Kenneth Persyn
 510 CR 4643
 Hondo, Texas 78861

04-04-07

Diana F. Wood
 Section of Environmental Analysis
 Surface Transportation Board
 395 E. St. S.W. Room 1110
 Washington, DC 20423

Ms. Wood,

By means of this letter I would like to object to the consideration and possible development of the Southwest Gulf Railroad Company's railway being located on either of the proposed Eastern routes.

We have been told time and again that the preferred route would be pursued.

I am in the Real Estate business, co-owner of Ranchette Developers LLC, and owner of Ranchito Realty. Our intentions and development plans are to develop the 90 acres on CR 4643. In addition we have plans to develop the adjoining 180+ acres that belongs to Dr. Chas. Mims. This Rail line would greatly decrease the value and also the possibility to market this property! This rail development would result in great damages, basically a "taking" of quality of life.

The total effects of this development are going to change our area and the quality of our lives forever. The damages caused by this development are great and such a taking should be given great consideration. Those responsible should also be financially responsible.

Sincerely,

 Ken Persyn

cc. Larry Oaks, THC, 512-463-8222

Surface Transportation Board
Incoming Correspondence Record

#EI-2868

Correspondence Information

Docket #:	FD 34284 0	Date Received:	04/05/2007
Name of Sender:	David H. Coburn	Date of Letter:	04/05/2007
Group:	Steptoe & Johnson		

Submitter's Comments

This letter follows up on the March 26, 2007 consultation in San Antonio, TX concerning the line construction proposed by Southwest Gulf Railroad (SGR) Company in Medina County. At that meeting, it was agreed that SGR would present revisions to its proposed January 16, 2007 voluntary mitigation measures for the proposed route, as well as information about the bridge that will be used to cross Quihi Creek on that route.

STEPTOE & JOHNSON LLP
 ATTORNEYS AT LAW

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 Tel 202.429.3000
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 steptoe.com

April 5, 2007

VIA FACSIMILE AND COURIER

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

 Mr. F. Lawrence Oaks
 Executive Director
 Texas Historical Commission
 P.O. Box 12276
 Austin, TX 78711-2276

 Ms. Charlene Dwin-Vaughn
 Ms. Katry Harris
 Advisory Council on Historic Preservation
 1100 Pennsylvania Ave.
 Washington, DC 20004

Re: STB Finance Docket 34284, Southwest Gulf Railroad Company Construction and Operation Exemption – Medina County, TX

Dear Ms. Rutson, Mr. Oaks, Ms. Dwin-Vaughn and Ms. Harris:

This letter follows up on the March 26, 2007 consultation in San Antonio, TX concerning the line construction proposed by Southwest Gulf Railroad (SGR) Company in Medina County. At that meeting, it was agreed that SGR would present revisions to its proposed January 16, 2007 voluntary mitigation measures for the Proposed Route, as well as information about the bridge that will be used to cross Quihi Creek on that Route. Based on views expressed at the meeting, SGR here offers certain revised mitigation measures that it believes more appropriately address the historic preservation concerns expressed at that meeting. We understand that SEA will forward a copy of this letter to each of the non-government Section 106 consulting parties.

<http://stb.dot.gov/ect1/ecorrespondence.nsf/PublicIncomingByDocketNumber/1A13FE1FC...> 4/9/2007

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 Ms. Victoria Rutson
 Mr. F. Lawrence Oaks
 Ms. Charlene Dwin-Vaughn
 April 5, 2007
 Page 2

 Ms. Victoria Rutson
 Mr. F. Lawrence Oaks
 Ms. Charlene Dwin-Vaughn
 April 5, 2007
 Page 3

Specifically, SGR proposes the following revised voluntary mitigation for the Proposed Route to address the concerns that have been raised about the impacts of that route on the Quihi Rural Historic District and to minimize those impacts:

1. SGR will fund the preparation by a competent historic resources consultant of an Historic Preservation Plan ("HPP") for the Quihi Rural Historic District ("QRHD"). The purpose of the HPP will be to establish a plan for the current and long-range preservation, maintenance and use of the QRHD. The HPP will be developed in consultation with the Medina County Historical Commission and subject to review by the Texas Historical Commission ("THC") and the Advisory Council. The HPP would be designed to meet all appropriate State and Federal standards and guidelines for preservation planning. The consultant retained to prepare the HPP will meet, at a minimum, the "Professional Qualification Standards" detailed in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9). The HPP will include the identification and evaluation materials that were utilized to determine that the QRHD met the criteria for inclusion in the National Register of Historic Places. It would also include a discussion of the available resources -- both existing and proposed -- that might be used to help achieve the recommendations of the HPP. In the event the HPP recommends the adoption of a local historic district ordinance to preserve the historic integrity of the QRHD and completion of a National Register nomination for the QRHD, SGR further agrees to support such an ordinance and nomination.

SGR is offering the above mitigation in recognition of the fact, made clear at the meeting, that there is at present no mechanism for protecting the QRHD from development. In other words, there is no means of preventing the suburban sprawl, evident in eastern portions of Medina County since this project was first proposed, from spreading into the Quihi area. Absent a means of controlling growth in the area, talk about the historic resources will not protect them. SGR is prepared to work with the local community to change this situation. The development of an Historic Preservation Plan is an essential step in the process. SGR will support and fund this effort.¹

2. SGR agrees to implement a conservation easement program in consultation with the Medina County Historical Commission and the THC on those properties that it or its affiliates own in the QRHD. Those properties constitute about one half of the length of the Proposed Route in the QRHD. The purpose of this program would be to control development within the QRHD. The easement would work hand in hand with the preservation plans put forward in the HPP. Further, SGR will use its best efforts to encourage other landowners within the boundaries of the QRHD from which it would need to acquire its right of way to establish a similar conservation easement. If those landowners

¹ It should be noted that SGR's original offer of a \$500,000 contribution to a state historic preservation fund did not appear to be embraced by the THC (or other consulting parties). SGR has thus restructured that contribution as set forth in this letter, but is prepared to restore a contribution to the fund if that is preferred by the THC.

concur, the entire length of the line within the QRHD would be protected by an easement. As a result, no rail-served businesses could locate along the SGR line within the QRHD.

3. Should the Proposed Route be constructed, SGR would take steps (through rate incentives and other means) to incentivize any businesses desiring to locate on its line to do so outside of the QRHD and, instead, in the area near the southern terminus of its line, well outside the QRHD and near the UP line and U.S. 90. As stated previously, SGR believes that this is the area in which businesses are most likely to locate due to its proximity to the highway and the existing rail line. However, to the extent that any business did choose to locate in the QRHD along a portion of the line, if any, that might be not be protected through an easement, SGR would contribute a fixed sum to either the Medina County Historical Commission or the THC to fund historic preservation within the QRHD. The size of the contribution would be commensurate with size of the area consumed by the rail-served business that locates in the QRHD under a formula that SGR would discuss with the relevant preservation agencies, but would not be less than \$75,000. Of course, to the extent that the entire line within the QRHD were to be protected by an easement, or to the extent that Medina County were to enact a preservation ordinance protecting the QRHD from development, this measure would be unneeded.

4. SGR will ensure that the Proposed Route avoids the historic stone wall as well as any other structures that are contributing elements to the QRHD. This re-routing is reflected on the attached map of the Proposed Route. In addition, natural vegetation in the area of the Proposed route will be maintained to screen the rail line as much as possible.

5. SGR will avoid bisecting the Gerdes farm, designated as a heritage property, by re-routing the Proposed Route along the edge of that property, adjacent to County Road 353 currently marks the edge of the property. This re-routing is also reflected on the attached map of the Proposed Route. The Proposed Route otherwise runs as close as possible to property boundaries and traverses fewer properties than any other route.

6. SGR will consult with the Tap-Pilam Tribal Council to develop a plan to ensure that any Tap-Pilam human remains and grave associated artifacts encountered during the construction phase of the project are reburied within 30 days and in a location where their subsequent disturbance is unlikely and in a manner consistent with Tap-Pilam Tribal custom and tradition. In addition, the SGR and the Texas SHPO will consult with the Tap-Pilam Tribal Council prior to completion of the SGR undertaking and afford them the opportunity to conduct a ceremony of their own design recognizing the significance of the project area to the Tribe.

7. To the extent that the STB approves the Proposed Route, SGR will submit final engineering plans and specifications for that Route to the Medina County Historical Commission and the THC for advance review and comment. SGR stands prepared to satisfy reasonable concerns based on historic preservation that are raised about the location of its line and the design of bridges.

8. SGR will take steps to use natural vegetation and other available means to make the rail line, including stream crossings, as unobtrusive as possible.

9. SGR commits to adhering to the terms of the Programmatic Agreement as a means of addressing any archeological resources that may be located along the Proposed Route.

SGR has attached to this letter a not-to-scale artist rendering of the crossing of Quihi Creek as requested at the meeting. The rendering reflects neither final engineering work, which has not yet been undertaken, nor the hydrological modeling that SGR has committed to employ in connection with all stream crossings as part of its voluntary mitigation. The sketch shows one scenario for crossing the Creek and CR 353. Under this scenario, the visual impacts of the stream crossing have been minimized by moving the road away from the Creek, to the west side of the Schweers House. SGR has advised the County Commissioner for the area of the possibility that it could seek permission to move CR 353. Other scenarios are also possible, including crossing the Creek at a point north of the current crossing point, where there is more land between the Creek and the road.

SGR looks forward to discussing these revised mitigation proposals and the attachments with you. To the extent that a determination is made to consult further with the non-government agency consulting parties, SGR wishes to note for the record that two of the consulting parties, the Schweers Foundation and the Weiblen family, favor the Proposed Route, as mitigated in the manner initially proposed by SGR. MCEAA, it bears noting, has expressly stated that it does not want any rail route in the area. Thus, the views of Dr. Fitzgerald on behalf of MCEAA should be understood in that context -- there is nothing that SGR could offer in terms of proposed mitigation for the Proposed Route to satisfy that party. SGR assumes that the same is true for the organization headed by Dr. Fitzgerald's wife, the Quihi and New Fountain Historical Society, an organization whose membership appears to overlap significantly, if not entirely, with MCEAA's. As to Section 106 consultant Mr. Archie Gerdes, SGR believes that it has fully satisfied his concerns with the suggested re-routing of the Proposed Route to the edge of his property. It also bears note that Mr. Gerdes was advised of this proposed re-routing at the meeting and he has advised SGR that he is comfortable with the re-routing.

SGR of course appreciates that the Eastern Routes, two of which have been tentatively determined to be environmentally preferable, bypass the QRHD. While SGR recognizes that the "path of least resistance" here relative to the concerns expressed about historic resources in the Quihi area would be to build along one of those routes, it should be recognized that doing so is not without its own costs. As SGR has stated, the cost of such construction is considerably higher, as would be the operational and maintenance costs. In addition, SGR has previously identified other issues with the Eastern Routes that, in its view, render the Proposed Route preferable, including intrusion onto the properties of fewer private landowners and less impacts to irrigated fields. Moreover, a review of the comments filed in this proceeding reveals, predictably, that numerous landowners (not only the Weiblens, but several others) who live in the area impacted directly by the Eastern Routes oppose the line running through their property for one reason or another. SGR notes this fact not because it

believes that any of the commenters have raised disqualifying issues or issues that cannot be addressed, but merely to note that satisfying one group of landowners in the Quihi area, such as Dr. Fitzgerald and his wife, by routing the line away from their properties will inevitably lead to the dissatisfaction of others landowners. Thus, no option is available that does not create some issues for some persons, as is typical in any rail construction proceeding.

As noted, the cost to SGR of constructing and operating the longer Eastern Routes is much higher than the Proposed Route. Nothing in the Section 106 process, or the NEPA process, suggests that this fact should be ignored in assessing alternatives or that avoidance is necessarily mandated when mitigation can address the issues at hand.

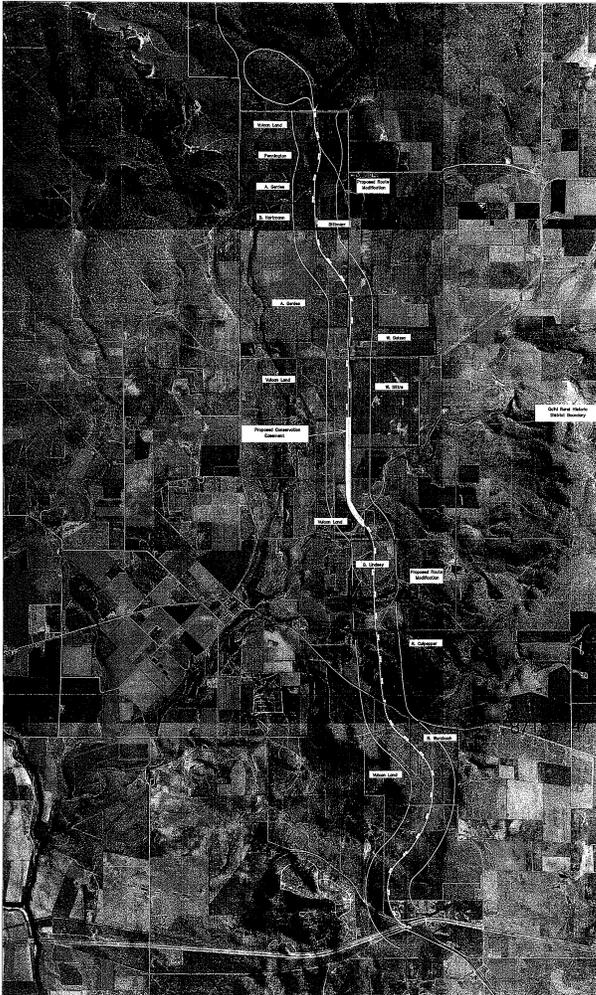
Finally, SGR urges the parties to consider that its offer constitutes the best opportunity to protect the Quihi area against future intrusions and suburban growth, which is otherwise inevitable and not subject to any controls. The funding of the historic preservation plan, coupled with the easement, the incentives for businesses to locate away from the QRHD, the re-routings and other mitigation measures offered above, will go far toward preserving the area and thus fulfilling the letter and spirit of the National Historic Preservation Act.

We look forward to your views and to reaching a memorandum of understanding on the above points.

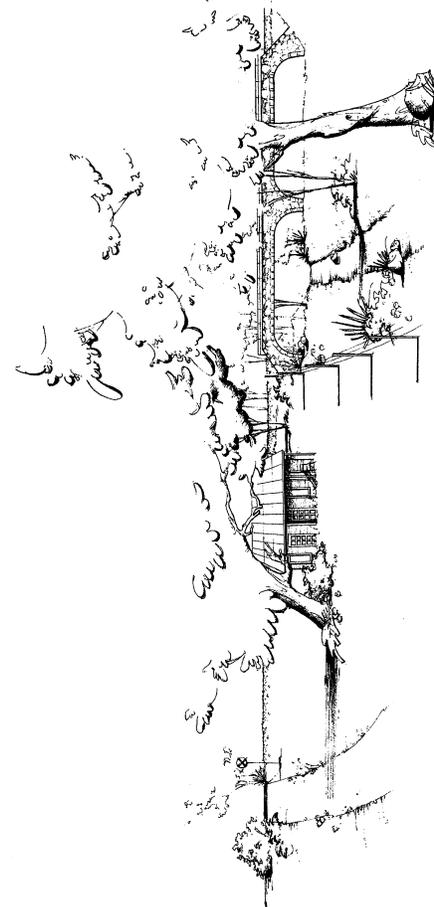
Sincerely,


David H. Coburn
Attorney for Southwest Gulf Railroad

cc: Ms. Diana Wood, SEA
Ms. Jaya Zyman Ponebshek, URS



Artist's Rendering of Quihi Creek Crossing



Surface Transportation Board Incoming Correspondence Record

#EI-2871

Correspondence Information

Docket #:	FD 34284 0		
Name of Sender:	David F. Barton	Date Received:	04/05/2007
Group:	The Gardner Law Firm	Date of Letter:	04/05/2007

Submitter's Comments

There has been an important and urgent development regarding the NHPA consultation for the applicant's proposed route that is described in the attached letter.

Image Attachment(s)

[Agency Consulting Parties 040507.pdf](#)



David F. Barton
Wm. Richard Davis (Retired)
Jay K. Fairwell
Dawn B. Finlayson
Gregory M. Huber
R. Wes Johnson
Mary Q. Kelly
William W. Sommers
J.P. Vogel
Thomas J. Walshaw, Jr.
*†Board Certified - Consumer & Commercial Law
Texas Board of Legal Specialization*

April 5, 2007

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

VIA E- FILING

Charlene Dwin Vaughn
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 803
Washington, DC 20004

VIA FAX (202) 606-8647
AND REGULAR MAIL

F. Lawrence Oaks
Executive Director
Texas Historic Commission
P.O. Box 12276
Austin, TX 78711-2276

VIA FAX (512) 475-4872
AND REGULAR MAIL

Dear Agency Consulting Parties:

Re: U.S. Surface Transportation Board Finance Docket No. 34384
Southwest Gulf Railroad – Construction and Operation – Medina County, TX
NHPA Section 106 Consultation

A matter has come up that demands your immediate attention with respect to the above-captioned consultation.

You may recall at the conference call on March 26th that one of our client's members, Medina County Environmental Action Association President Dr. Bob Fitzgerald, raised the issue of a proposed power line that would be constructed within the rail easement to provide electricity to the Vulcan Quarry.

745 East Mulberry Avenue • Suite 100 • San Antonio, Texas • 78213-3167
Telephone: (210) 733-8191 • Telecopier: (210) 733-5538 • E-Mail Address: gardner@glf.com

file:///P:/Southwest Gulf Railroad Company (SGR)/FINAL EIS/... EIS Document/17 Appendix C/Individual Letters/EI-2871.a.htm#19/2007 10:27:45 AM

Page 2 of 2



Upon raising the issue, Dr. Fitzgerald received in response the now-familiar contempt and character attack stereotypical of initiatives that have entered the "bunker mentality" death spiral. Counsel for the applicant all but referred to the man as a complete nutcase for suggesting that a power line to the quarry would be built within the rail easement.

Come to find out, the Medina Electric Co-Operative (MECO) has been in talks with Vulcan since December of 2006 for just such a power line. Vulcan and MECO have met three times, this past December, January, and February to plan for the line. A fourth meeting was to occur this past Wednesday, April 4, but was cancelled.

During these meetings, running the power line to the quarry through the rail easement has been the focus. Indeed, where else would it be built? MECO has told Vulcan that the final rail alignment would need to be known because the plan was to run the power line through the rail easement. In addition, MECO would need to locate a substation along CR 4516, and the location of this substation would vary depending on which rail alignment was chosen.

The lines would be built above ground, on utility poles of unknown height. Clearly the line and the substation would have an additional aesthetic effect on the historic district which has not been taken into account. In addition to further evidence of bad faith on the part of the applicant, this new information is additional justification for declaring the quarry and railroad connected actions.

The above information was provided by Mike Wade, Project Engineer, MECO (800-381-3334) in response to queries from our client, MCEAA. We would encourage the lead agency to contact him directly. Mr. Wade has no interest in Vulcan's rail line or quarry project or in the MCEAA and was merely responding to the questions he was asked, which were whether any quarry power line proposal in fact existed and if so, what work had been done to date and what its status was.

Very Truly Yours,

THE GARDNER LAW FIRM
A Professional Corporation

David F. Barton

COUNSEL FOR PARTY
MEDINA COUNTY ENVIRONMENTAL
ACTION ASSOCIATION

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-2873

Correspondence Information

Docket #:	FD 34284 0		
Name of Sender:	David H. Coburn	Date Received:	04/10/2007
Group:	Steptoe & Johnson	Date of Letter:	04/10/2007

Submitter's Comments

This letter will reply on behalf of Southwest Gulf Railroad (SGR) to the January 21, January 29 and February 22, 2007 comments submitted by the Medina County Environmental Action Association in response to the Supplemental Draft Environmental Impact Statement issued in this proceeding.

STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

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FROM

Name: **David H. Coburn**

Request Made On Date: **4/10/07** Time: **2:12 PM**

DELIVER TO

Name: **Jaya Zyman-Ponebshek** Telecopy Phone Number: **512.454.8807**

Company: **URS Corporation** Verification Number: **512.419.5316**

Comments:

Total Pages: 9 Client/Case Number: **14339.0001**

STEPTOE & JOHNSON LLP

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April 10, 2007

VIA HAND DELIVERY

Ms. Victoria Rutson
Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: STB Finance Docket No. 34284, Southwest Gulf Railroad Company – Construction and Operation Exemption – Medina County, TX

Dear Ms. Rutson:

This letter will reply on behalf of Southwest Gulf Railroad (SGR) to the January 21, January 29 and February 22, 2007 comments submitted by the Medina County Environmental Action Association in response to the Supplemental Draft Environmental Impact Statement (SDEIS) issued in this proceeding. Before turning to those comments, however, SGR notes that several dozen comments have been filed in response to Draft Supplemental EIS. These include two separate petitions signed by over 490 persons expressing support for Vulcan's project. (see EI-2772 and EI 2773). While SGR recognizes and agrees that this proceeding is not a "popularity contest", the views of this large number of persons should not be overlooked by SEA or the Board.

While a great number of persons support the SGR project, which will bring jobs and tax revenues to an area where there are currently few economic opportunities, SGR also recognizes that a number of landowners in the area are opposed. SGR appreciates the views of those who oppose its proposal and understands their concerns. At the same time, some of the opposition stems from perceptions about the impact of the railroad on the immediate area that are overblown and/or not accurate. SGR intends to be a good neighbor and to make its rail line as unobtrusive as possible. In that regard, SGR notes that it will be subject to dozens of mitigation measures, including voluntary measures, which will address many of the concerns that have been raised. SGR also believes that the environmental work done to date does a good job in

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Ms. Victoria Rutson
April 10, 2007
Page 2

STEPTOE & JOHNSON LLP

identifying and addressing the concerns that have been raised. SGR will of course be pleased to respond to any specific questions that SEA may have as the process moves toward a Final EIS.

It also merits note that there are numerous landowners who have submitted comments in opposition to the Eastern Routes that are the focus of the Supplemental EIS. This is not surprising as the Eastern Routes have spawned the same type of "put the railroad somewhere else" opposition that was evident in the comments of those whose homes are located near the SGR-favored Proposed Route. As with the Proposed Route, SGR does not believe that any of these comments of Eastern Route landowners disqualify the Eastern Routes, or that the concerns raised by these commenters cannot be addressed through the proposed mitigation measures. But it should not be overlooked that the Eastern Routes predictably have bred their own opposition, just as the Proposed Route has done. In assessing which routes are environmentally preferable, SGR submits that SEA should not dismiss the Proposed Route, particularly in light of the additional voluntary mitigation that has been offered to address the cultural resources concerns relative to that Route.

We now turn to the MCEAA Comments, which SGR will address in chronological order of their submission.

MCEAA January 21 Comments

Road improvement issues – MCEAA claims that Vulcan will use more trucks for local service than has been acknowledged to date. The number of trucks that will be utilized for local service will ultimately be driven by local demand, which could grow over time. Vulcan's estimate of 100,000 tons per year is within the range of what is reasonable and possible for the reasonably foreseeable early years of quarry operations.

Whatever the actual volume of local shipments, Vulcan has consistently expressed its willingness to work with County officials to upgrade county roads necessary for accessing the quarry from FM 2676, and has in fact engaged in such discussions toward that end. The degree of such upgrading will not necessarily vary in any significant way based on the precise number of trucks that will be used as the roads will need to be widened and repaved regardless of the exact number of trucks. Vulcan intends to move forward with its discussions with the County and is confident that it will come to terms. In any event, MCEAA's concern about road improvements has nothing to do with the issue before SEA, which is the rail line. To the extent that MCEAA appears to favor the no build option, its policy would result in the operation of many more trucks over local roads than MCEAA assumes in its January 21 letter.

Plans for UP to operate over SGR Line – MCEAA raises issues and questions that turn on its assumption that Union Pacific will operate trains on the SGR line. SGR currently has no agreement in place with UP to operate over the line. Whether UP operates the line in the future or not is not at issue in this proceeding, which involves SGR's petition to build and operate the line. Further, SGR knows nothing about any refusal of UP to build the line at issue.

Ms. Victoria Rutson
April 10, 2007
Page 3

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Location of Fuel Storage and Maintenance Facility – MCEAA claims that the fuel storage and maintenance facility should be moved to the southern terminus of the line, claiming that the planned location near the quarry threatens the Edwards Aquifer. Vulcan and SGR have opted to have one central facility near the quarry site for the storage of fuel and for maintenance since a centralized facility could serve both the quarry and the railroad. Moving this facility to the south terminus of the rail line makes it totally impractical to serve the quarry from that point, and would mean having two facilities (one for the railroad and one for the quarry), which would only increase whatever minimal security and safety risks are posed by such a facility, not to mention the additional unnecessary economic cost of duplicate facilities.

The location of the fuel and maintenance facility has been approved by the TCEQ. The fuel/maintenance facility will not be located over the Edwards Aquifer Recharge Zone. Neither will the facility be located over the transition zone. Further, the facility also will not be located in the floodplains of either Elm or Pole Cat creek. In addition, there will be measures taken to prevent spills as per the Spill Prevention, Containment and Countermeasures Control Plan that SGR is required to develop under proposed Mitigation Measure 16 and EPA rules. SGR is also obligated by the proposed mitigation to "monitor stream beds, land and water quality in the vicinity of the rail line for indications of diesel and gasoline releases, . . . take appropriate action to prevent diesel or gasoline releases and . . . remediate any contaminated soils as soon as practicable." See Mitigation Measure 18. Further, the fuel tanks will be double walled and, in addition, reside within a concrete containment structure. Thus, the risks of a spill will be greatly reduced. Workers at the quarry plant, including those who will work at the fuel/maintenance facility, will receive training in the handling of fuel and in spill prevention as required by federal rules.

Ground Water Issues – MCEAA once again raises the issue of vibration from quarry blasting damaging wells. However, the Draft Supplemental EIS determined that "damaging or perceptible quarry-activity-related ground vibration, including blasting vibration, would not propagate outside the quarry boundary." DSEIS at 4-26.

As to the availability of water, SGR has consistently advised SEA that it may acquire water from sources other than the Edwards Aquifer. At this stage, it is not certain that SGR will need to do so and thus the location of where this water might be obtained cannot be identified at this time. In any event, MCEAA has no grounds to complain if SGR obtains water from sources other than the Edwards Aquifer.

As to water that Vulcan might need for quarry operations, that issue is beyond the scope of this proceeding. Nonetheless, SGR notes that MCEAA has misread the October 12, 2006 letter to SEA. That letter states that Vulcan may opt to purchase Edwards Aquifer water rights from others to supplement its own, existing water rights. The potential acquisition of such supplemental water rights is not unusual and has been contemplated all along. SGR's October 12 letter was prompted by a potential (but not adopted) mitigation measure that would limit SGR to using Vulcan's existing Edwards Aquifer rights. It bears note that the total amount of water that can be drawn from the Edwards Aquifer is capped by law, so even if Vulcan were to

STEPTOE & JOHNSON

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April 10, 2007
Page 4

purchase additional usage rights it would not result in any net increase in water drawn from the Edwards Aquifer.

Finally, Vulcan's possible use of well water in the surrounding area and the means for the transportation of such water to the quarry site has nothing to do with the SGR rail line, MCEAA's inquiries notwithstanding. Should Vulcan decide to drill a well into the Trinity Aquifer, it will seek an appropriate permit to do so.

MCEAA January 29 Comments

Much of MCEAA's January 29 Comments consists of misinformed rhetoric critical of SEA's processes and threats of a lawsuit if SEA were to recommend the Proposed Route among others. Neither the rhetoric nor the threats warrant a reply; SEA is well-informed regarding the licensing process for new railroads. It is also well-informed about its considerable body of precedent in which it has recommended more than a single environmentally acceptable route over which an applicant can choose to build its railroad. As long as SEA adheres to the requirements of NEPA and the National Historic Preservation Act, it should not be concerned with threats of lawsuits.

Programmatic Agreement -- MCEAA claims that the Programmatic Agreement needs to be re-written, and claims that SEA has so stated in the SDEIS. The document speaks for itself in that regard, and does not recommend that a new PA be written. Regardless of which alignment SGR eventually uses to build its railroad (if any), SGR believes that the same PA terms now in place will be sufficient to ensure appropriate mitigation of currently unknown resources. If any change is needed to the PA, it is to take into account the landscape work that has already been done and ensure that it is not redone. SGR looks forward to the views of the other planned signatories to the PA -- THC, the Advisory Council and SEA -- about any such changes that they believe may be warranted. To the extent that other parties have constructive comments to offer about specific edits, they are free to offer them.

Gerdes Ranch -- MCEAA notes that the Proposed Route would bisect the Gerdes Family Land Heritage Ranch, whereas the Eastern Routes will not. SGR has offered to modify the Proposed Route to avoid bisecting this property, and traverse along the eastern edge of County Road 353, which is currently the eastern boundary of that property. This proposed voluntary mitigation is depicted on one of the maps submitted to SEA under cover of a letter from undersigned counsel to SEA dated March 29, 2007. Further, this voluntary mitigation is also described in the April 5 letter from MCEAA to SEA, THC and the Advisory Council.

Gas Pipeline -- MCEAA claims that there are dangers in locating a railroad in a pipeline right of way. MCEAA cites a document submitted by Union Pacific in response to a discovery response in another Texas rail construction case (Bayport Loop) in an effort to show the dangers of pipeline/rail crossings.

STEPTOE & JOHNSON

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Page 5

UP, which is party to over 100,000 pipeline crossing agreements, in fact expressly agreed with SEA's Draft EIS in that proceeding "that railroads and pipelines can safely co-exist." See February 21, 2003 Comments of Union Pacific Railroad Company at page 1, submitted in Finance Docket No. 34079, *San Jacinto Rail Limited - Authority to Construct, etc.* UP proceeded to state at pages 1-2 of those Comments as follows:

When appropriate care is taken in the construction, operation and maintenance of pipelines that cross or are near rail lines -- as well as rail lines that cross or are near pipelines -- damage to pipelines can be prevented and safety can be assured. When adequate safeguards are employed pipelines can be protected from damage due to derailments and the many other activities essential to the operation of railroads, such as use of excavating equipment to build and maintain railroad lines, the loadings associated with passing trains, and operation of vehicles by railroad employees who operate and maintain the railroad.

Here, SEA has proposed that SGR be subject to a mitigation measure requiring that it consult with the owner of the only active pipeline in the area prior to beginning construction and to modify the design of the railroad so as to make sure that it will not adversely affect the pipeline's integrity at the point where the railroad crosses the pipeline. (Mitigation Measure No. 2). SGR would also be subject to a requirement that it consult with the pipeline owner to ensure that the integrity of the pipeline is not adversely affected by vibration. (Mitigation Measure 41). In addition, SGR intends to engineer its railroad in conformity with recognized rail industry engineering standards that are geared to address the safety pipeline/rail crossings and of pipelines and railroads that run parallel to one another. In short, MCEAA has offered no basis for SEA to reconsider its determination that the pipeline can be safely crossed by the SGR line, as is the case with tens of thousands of such crossings that exist throughout the United States.

Cumulative Impacts of Vibration and Noise -- MCEAA repeats the same arguments it has made to date about cumulative quarry and rail vibration and noise impacts. The SDEIS found that none of these impacts would lead to a significant adverse impact. The mitigation proposed in the SDEIS, which SGR is prepared to implement on any of the routes, adequately addresses these issues.

Flooding -- MCEAA remains dissatisfied because it wants SEA to conclude that the construction of SGR's rail bridges will result in flooding. SGR will engineer the bridges to ensure that this does not happen -- for its own benefit and for that of the surrounding community. SGR also stands by its voluntary mitigation to do sophisticated hydrological studies to ensure the proper design of its bridges. SGR will work closely with the County Floodplain Administrator and, as warranted, the Corps of Engineers to ensure that its stream crossings do not result in flooding.

San Antonio Rail Issues -- MCEAA apparently asks SEA to acknowledge that there is congestion on the UP line in the San Antonio area and that the addition of SGR's traffic could

STEPTOE & JOHNSON

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Page 6

add to that congestion. While SGR does not agree that the impact of SGR's traffic on the UP line is a matter within the proper scope of this proceeding (to which UP is not even a party), MCEAA appears to acknowledge that improvements to the rail system in the San Antonio area make "further cumulative analysis of this issue unnecessary in this EIS." SGR does not disagree with MCEAA's contention.

No action alternative -- MCEAA seems to argue that because Vulcan has not yet begun quarry operations and not yet used trucking to support those operations, this proves that the quarry is a connected action relative to the rail line. SEA has already laid this issue to rest, and properly so. The quarry can be served by truck or it could be served by rail, and both options remain on the table. Vulcan will of necessity consider the trucking (no action) alternative since that alternative may end up being considerably more economical than building any of the Eastern Routes, at least for a period of years until the quarry ramps up to full production. That analysis will come at a later point. At the same time, SGR has consistently stated that it prefers the rail option and the Draft SEIS underscores that this is a more environmentally friendly option for the community as well.

MCEAA February 22 Letter

In this letter, MCEAA comments on SGR's proposals on certain of the mitigation measures. SGR will respond here.

Measure 15A -- SGR proposed that it implement SEA's proposed track lubricant program for the loading loop only if the Edwards Aquifer Authority does not object. MCEAA does not seem to object to this modification, but raises the same issue noted above regarding the location of the fuel/maintenance facility. Such a relocation, and resulting duplication of facilities, was rejected by SGR and Vulcan for the reasons stated above.

Measure 3 -- SGR has volunteered to use continuously welded rail for its rail line as a means of mitigating noise. As SGR advised SEA in its January 10, 2005 comments, it has been informed by a rail engineering firm that the use of such rail on the loading loop may not be possible and thus SGR has clarified that its willingness to voluntarily use welded rail extends to all of the line except the loading area. Any noise will be minimized since the trains in the area will be moving very slowly, and SGR will use track lubricants if permitted to do so.

Measure 6 -- SGR has proposed that this mitigation measure, which currently requires "appropriate" grade crossing warning devices at at-grade crossings, be revised to clarify that what is appropriate will be that type of warning device that is "consistent with recognized highway safety standards taking into account the level of highway traffic at the crossing." SGR's proposed language is not designed to reduce the level of protection, but simply to make note of the recognized standards that govern the determination of the nature of the crossing. Further, as this measure provides, SGR will consult with TxDOT and the County on protective measures. SGR is fully committed to safe grade crossings. Grade crossing safety is as much in SGR's interest as that of County residents.

STEPTOE & JOHNSON

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April 10, 2007
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Measure 24 -- MCEAA claims that SGR's proposed modification of this mitigation measure regarding conducting studies for the County Flood Plain Administration and obtaining a permit from the County would render the mitigation meaningless or unenforceable. That is not true. SGR simply asks that the measure be re-worded to require that it conduct floodplain studies for the County Floodplain Administrator and consult with the Administrator to ensure that permitting standards are met with respect to the crossing of the floodplain. MCEAA simply doesn't believe that the floodplain can be crossed in a way that is consistent with those standards and that will not result in flooding. It believes too that the Administrator is likely to be misled by SGR's engineers, as will FEMA and the STB. MCEAA does not explain why SGR would wish to even attempt to mislead all of these agencies if the end result would be the flooding of its own rail line.

Measure 30 -- This proposed mitigation measure would require SGR to avoid placing fill material or other structures in the ordinary high water mark of a creek channel. SGR has asked that SEA consider revising the mitigation measure to provide that SGR comply with any Corps requirement relative to placing fill materials in the ordinary high water mark of any stream crossings. MCEAA's comments in response to SGR are merely to repeat its assertion that SGR cannot build bridges across the creeks without causing flooding. The assertion has been answered previously. Further, to the extent that a Corps of Engineers permit will be required for any stream crossing, SGR will be obligated to obtain such a permit prior to construction. Any such Corps permit will address the use of fill materials.

Measure 32 -- MCEAA expresses concern that changing the slope ratio from 4:1 to 2:1 for graded embankments will heighten the risk of derailments or degrade safety. There is no evidence that this is the case. Graded embankments using a 2:1 ratio are common practice in the rail industry.

Measure 33 -- MCEAA criticizes SGR's proposal that it use best management practices to avoid or minimize disturbing natural buffers in the area during construction. MCEAA's criticism is without foundation.

Measure 41 -- MCEAA's comment on this mitigation measure, which SEA has recommended be replaced with measure 17A, finds no basis in the record of this proceeding. SGR concurs in SEA's recommendation that it conduct a pre-construction survey to locate wells and to monitor vibration levels at the wells during construction.

Measure 45 -- We have previously commented on the PA. SGR looks forward to any constructive comments that MCEAA or others may have on the PA.

STEPTOE & JOHNSON LLP

Ms. Victoria Rutson
April 10, 2007
Page 8

We look forward to any questions that SEA may have on the above.

Respectfully,



David H. Coburn
Attorney for Southwest Gulf Railroad

cc: Ms. Diana Wood
Ms. Jaya Zyman-Ponebshek

Ms Diana Wood
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423-0001

Received 4/10/07
E1-2874
FD-34284
DHW

Dr. James M. Bower
Dr. Carolina Livi
325 Private Road 3660
Hondo Texas 78861

April 8, 2007

Dear Ms. Wood:

For several years we have been following the debate regarding the location of a new railroad spur in Medina County, Texas, to service a new quarry north of Quihi, Texas. We have been concerned because it was suggested that, as a last resort, the railroad would be placed along an old right-of-way established in the early 1900's to build the Medina River Dam. It is our understanding that resistance to the original, and more direct route to the west has now raised the eastern routes as serious possibilities.

We are deeply concerned about this development. As you are probably aware, many of our effected neighbors are families that have lived on their farms for generations. The proposed routes would bisect many of these historic farms. In our case, we moved our family to this property 5 years ago. While our rights to this culture and lifestyle are not historical, we have invested considerable time and money in developing our 75 acres. The old medina dam route basically runs straight through our house and our new horse barn and almost completely bisects our property. This is obviously completely unacceptable. It is my understanding that the proposed eastern routes bisect many more farms than the original western routes.

The only reason to put in a new railroad spur is to reduce shipping costs for the company. There are more than adequate public roads to truck products and this is how most existing quarries operate in this area. If a new spur line is going to be established, it should run along roads in public right of way, and not bisect farms, or in this case, run through our living room.

While the farmers in this area may not have the resources to protect themselves, there are a growing numbers of families, like ourselves, in eastern Medina County who do have the means to protect the investments we have made in our property and, at the same time, protect the cultural history of our less well-to-do neighbors.

I would urge you and the Federal Surface Transportation Board to find alternatives to the eastern routes now being considered, and to seriously consider whether it makes any real sense to build a new railroad spur at all.

Thank you for your consideration,



Dr. James M. Bower

Dr Carolina Livi

#E1-2874
DHW



C Eisenhauer
<ceisenhauer@peoplepc.com>

To diana.wood@stb.dot.gov

cc

bcc

04/09/2007 02:21 PM

Please respond to
C Eisenhauer
<ceisenhauer@peoplepc.com>

Subject STB Finance Docket No. 34284 - Quihi

History: This message has been replied to.

Good Afternoon Diana,

Please take my letter into consideration when making decisions about the proposed rail line in/around Quihi. I am a homeowner that will be directly affected by the eastern routes.

Also, please send a short reply email to let me know my letter was received.

Thanks in advance for your time in reading and considering my letter.

Courtney Eisenhauer

PeoplePC Online
A better way to Internet



http://www.peoplepc.com Letter Courtney-Diana Woods.doc

April 4, 2007

Ms. Diana Wood
Surface Transportation Board
395 E. Street, SW
Washington, D.C. 20423-0001

Re: STB Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

Dear Ms. Wood,

I AM A HOMEOWNER THAT WILL BE DIRECTLY AFFECTED IF AN EASTERN ROUTE IS CHOSEN. I, ALONG WITH MY HUSBAND SHOULD BE INVITED TO ATTEND THE MEETING ON APRIL 20, 2007. AFTER REVIEWING THE INFORMATION PROVIDED FROM THE STB, I DO NOT FEEL THAT MY HOUSE WAS CONSIDERED IN THE STUDY.

Just as concluded in the Supplemental Draft Environmental Impact Statement, I feel that the most feasible route would be the original Proposed Route that crosses the fewest roadways and private property. Please consider this question when making your final decision; "Why are falling down 'historical' structures (which were not previously considered 'historic' until the railroad was proposed) more valuable than my home that I have maintained and lived in for nine years?"

I am a direct descent of Bernard Bruks, one of the original settlers of Quihi. The historical value of the area is the land which the settlers depended on for their livelihood. It was not their homes or rock fences as some historical people may want to conclude to. I choose to live in this area to be close to my family, stay close to my original roots and enjoy the culture of the farming and ranching atmosphere. My family continues to farm in this area and they would rather preserve the land they have worked for many, many years than falling down rock houses.

My husband and I drove the original proposed route to photograph the so called 'historic' structures that need to be preserved. Please take a second to view these photos at the end of this letter and honestly consider the previously stated question: Why are falling down historical structures more valuable than my home? And why did the Texas Historical Commission (THC) not work to preserve these structures or bring attention to them before the railroad proposed that route? I strongly feel that the MCEAA is only using the 'historical' feature as a crutch to push the railroad onto their neighbors.

I strongly request that the THC change their position to not support the eastern routes.

Below are excerpts from a letter that I sent in dated January 9, 2007:

I reside in the Castroville West Subdivision, which is located at the southeast corner of County Road 4516 and County Road 4643. This subdivision is in very close proximity to the SGR's Modified Medina Dam Route, the Eastern Bypass Route and the MCEAA Medina Dam Alternative Route.

The Castroville West Subdivision is a deed restricted subdivision in which the people that reside here have taken pride in their properties and conformed to the restrictions since the subdivision was formed. This subdivision has a Declaration of Restrictions that are filed in the Medina County Records Volume 219, Page 839. The houses located in this subdivision were not considered when the eastern routes were studied. In addition, there are school bus stops along the stretch of County Road 4516 close to the proposed rail crossings for the kids whose parents reside in the subdivision. This creates a very unsafe situation to have children, who are often times unsupervised, waiting for or being dropped off within walking distance to the proposed tracks.

The above stated routes traverse both County Roads 4516 and 4643. These two crossings are in very close propinquity to each other and the probability that both roads could be blocked at any one given time is almost a certainty. If there were to be an emergency situation such as the need for medical services or the fire department, my home could not be reached in a reasonable amount of time. My home could burn to the ground before the fire department could arrive or a member of my family could die due to the delay in the response time of the medical service units.

Another major concern not addressed is that County Road 4516 has grown to be a very heavily traveled thoroughfare for a barely two lane, pot hole ridden, county road. The idea that the proposed train would cross at an unlighted area of the road where there is an abrupt left curve, while simultaneously dropping 50-75 feet in elevation and completely blocking the driver's visibility scares me. I drive this road on a daily basis and have seen and heard of many horrible wrecks, some that have resulted in deaths. This proposed crossing would make conditions on this road even worse and the number of reported wrecks is sure to increase.

In the Supplemental Draft Environmental Impact Statement, it states that my home will not be impacted by the 'noise and vibration' emitted from the train. I strongly disagree with the stated findings. I can clearly hear the existing train that follows the Highway 90 rails, which are approximately 1.5 miles from my home. By stating this fact, how can you stand behind the findings in your report? In addition, was it considered that my home fronts County Road 4516, the point at where the proposed trains will cross and therefore will blow their horn with greater intensity and for longer periods of time to warn the crossing traffic?

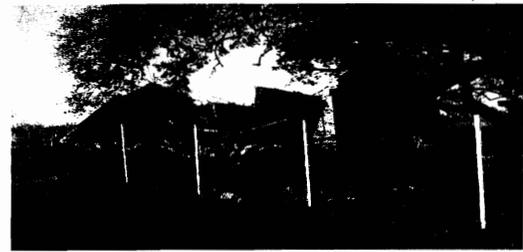
Thanks you for taking the time to read this letter and considering some of the very serious concerns that I have for my property and my family.

Sincerely,

Courtney M. Eisenhauer

CC: Mr. Rick Perry, Governor of Texas

The following photos are of 'historic', unpreserved, falling down homes along the proposed route:



#E1-2876
DFW



C Eisenhauer
<cseisenhauer@peoplepc.com>

To diana.wood@stb.dot.gov

cc

bcc

04/09/2007 02:25 PM

Please respond to
C Eisenhauer
<cseisenhauer@peoplepc.com>

Subject STB Finance Docket No. 34284

History: This message has been replied to.

Hello Diana,

I have attached a letter regarding the proposed rail line in the Quihi area. Please review this letter and consider my points when making the final decision. In addition, I feel my wife and I should be invited to the April 20th meeting as our home will be directly affected if an eastern route is chosen. To this date, we have not been contacted at all regarding the rail line.

Thank you,
Carl Eisenhauer

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http://www.peoplepc.com Letter Carl - Diana Woods.doc

April 5, 2007

Diana F. Woods
Section of Environmental Analysis
Surface Transportation Board
395 E. Street S.W. Room 1110
Washington, DC 20423

Re: STB Finance Docket No. 34284
Southwest Gulf Railroad Company
Construction and Operation Exemption
Medina County, Texas

Dear Ms. Woods,

I AM A HOMEOWNER THAT WILL BE DIRECTLY AFFECTED IF AN EASTERN ROUTE IS CHOSEN. I, ALONG WITH MY HUSBAND SHOULD BE INVITED TO ATTEND THE MEETING ON APRIL 20, 2007. AFTER REVIEWING THE INFORMATION PROVIDED FROM THE STB, I DO NOT FEEL THAT MY HOUSE WAS CONSIDERED IN THE STUDY.

Just as concluded in the Supplemental Draft Environmental Impact Statement, I feel that the most feasible route would be the original Proposed Route that crosses the fewest roadways and private property. Please consider this question when making your final decision; "Why are falling down 'historical' structures (which were not previously considered 'historic' until the railroad was proposed) more valuable than my home that I have maintained and lived in for nine years?" The MCEAA is only using the term 'historic' as a crutch to push the railroad onto their landowning neighbors. They are playing a 'smoke and mirrors' game to push the railroad east.

The following chart clearly shows that the number of families affected by the eastern route highly outnumbers the original proposed route.

Route	Divided	Partially Divided	On Boundary
Original Proposed	9	2	5
Eastern Routes			
Eastern Bypass	20	8	0
SGR Modified Medina Dam	20	8	2
MCEAA Medina Dam	21	0	0

The below are excerpts from a letter I previously sent in on January 9, 2007.

I reside in the Castroville West Subdivision, which is located at the southeast corner of County Road 4516 and County Road 4643. This subdivision is in very close proximity to the

SGR's Modified Medina Dam Route, the Eastern Bypass Route and the MCEAA Medina Dam Alternative Route.

The Castroville West Subdivision is a deed restricted subdivision in which the people that reside here have taken pride in their properties and conformed to the restrictions since the subdivision was formed. This subdivision has a Declaration of Restrictions that are filed in the Medina County Records Volume 219, Page 839. The houses located in this subdivision were not considered when the eastern routes were studied. In addition, there are school bus stops along the stretch of County Road 4516 close to the proposed rail crossings for the kids whose parents reside in the subdivision. This creates a very unsafe situation to have children, who are often times unsupervised, waiting for or being dropped off within walking distance to the proposed tracks.

The above stated routes traverse both County Roads 4516 and 4643. These two crossings are in very close propinquity to each other and the probability that both roads could be blocked at any one given time is almost a certainty. If there were to be an emergency situation such as the need for medical services or the fire department, my home could not be reached in a reasonable amount of time. My home could burn to the ground before the fire department could arrive or a member of my family could die due to the delay in the response time of the medical service units.

Another major concern not addressed is that County Road 4516 has grown to be a very heavily traveled thoroughfare for a barely two lane, pot hole ridden, county road. The idea that the proposed train would cross at an unlighted area of the road where there is an abrupt left curve, while simultaneously dropping 50-75 feet in elevation and completely blocking the driver's visibility scares me. I drive this road on a daily basis and have seen and heard of many horrible wrecks, some that have resulted in deaths.

In the Supplemental Draft Environmental Impact Statement, it states that my home will not be impacted by the 'noise and vibration' emitted from the train. I strongly disagree with the stated findings. I can clearly hear the existing train that follows the Highway 90 rails, which are approximately 1.5 miles from my home. By stating this fact, how can you stand behind the findings in your report? In addition, was it considered that my home fronts County Road 4516, the point at where the proposed trains will cross and therefore will blow their horn with greater intensity and for longer periods of time to warn the crossing traffic? Again, I do not feel that my home was considered on the studies performed on the Eastern Routes.

As a child, my parent's home was located across from a rail line. The noise from the train was loud and disruptive both during the day and especially at night. I am a hard working professional that needs sufficient sleep to ensure a productive day. The above noted proposed train routes will cause sleepless periods during the night and as a result hinder my productivity during the day. In addition, we like to entertain family and friends at our house. Having a train interrupt our gatherings will be disruptive, annoying, embarrassing and destroy the atmosphere that we value as part of living in the country.

There are many other concerns that have already been brought to your attention by other concerned property owners. These include, but are not limited to, dust and train emissions, the destruction of the economic livelihood of the area farmers and the devaluation of property. In conclusion, as the Supplemental Draft Environmental Impact Statement suggests, the most feasible route would be the original Proposed Route that crosses the fewest roadways and private property.

Thanks you for taking the time to read this letter and considering some of the very serious concerns that I have for my property and my family.

Sincerely,

Carl K. Eisenhauer

CC: Mr. Rick Perry, Governor of Texas

STB Incoming Correspondence Record

Surface Transportation Board Incoming Correspondence Record

#EI-2878

Correspondence Information

Docket #:	FD 34284 0	Date Received:	04/10/2007
Name of Sender:	Matthew J. Windrow	Date of Letter:	04/10/2007
Group:			

Submitter's Comments

See Attachment(s) below.

Image Attachment(s)

[EI-2878.pdf](#) [Untitled.pdf](#)

Received 4/10/07
#EI-2878
FD 34284
DW

Shannon Windrow
306 Avenue M
Hondo, Texas 78861

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. Street S.W. Room 1110
Washington, DC 20423

Dear Ms. Woods:

I am opposed to Southwest Gulf Railroad Company's eastern routes from the Vulcan Quarry to the Dunlay rail head. Two of these routes will divide my three hundred sixty-five acre irrigated farm. In addition there would be twenty to twenty-one other properties divided and as many as eight others partially divided. The original proposed route will divide only nine properties and partially divide two more.

Medina county history is not just in Quhí and New Fountain, rather it extends east past Rio Medina and west past D'Hania. Therefore, I think that the fewest properties involved in being divided would be the best route.

In this day of energy conservation and efficiency it seems prudent to choose the shortest and most direct route that affects the lowest number of properties.

Sincerely,
Shannon Windrow

Shannon Windrow

Received 4/10/67
#E1-2878
FD-34284
JTW

Matthew J. Windrow
306 Avenue M
Hondo, Texas 78861

John R. Windrow
1207 Acorn Road
Hondo, Texas 78861

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. Street S.W. Room 1110
Washington, DC 20423

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. Street S.W. Room 1110
Washington, DC 20423

Dear Ms. Woods:

Dear Ms. Woods:

I am opposed to Southwest Gulf Railroad Company's eastern routes from the Vulcan Quarry to the Dunley rail head. Two of these routes will divide my three hundred sixty-five acre irrigated farm. In addition there would be twenty to twenty-one other properties divided and as many as eight others partially divided. The original proposed route will divide only nine properties and partially divide two more.

I am opposed to Southwest Gulf Railroad Company's eastern routes from the Vulcan Quarry to the Dunley rail head. Two of these routes will divide my three hundred sixty-five acre irrigated farm. In addition there would be twenty to twenty-one other properties divided and as many as eight others partially divided. The original proposed route will divide only nine properties and partially divide two more.

Medina county history is not just in Quilhi and New Fountain, rather it extends east past Rio Medina and west past D'Hanis. Therefore, I think that the fewest properties involved in being divided would be the best route.

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In this day of energy conservation and efficiency it seems prudent to choose the shortest and most direct route that affects the lowest number of properties.

In this day of energy conservation and efficiency it seems prudent to choose the shortest and most direct route that affects the lowest number of properties.

Sincerely,

Matthew J. Windrow

Sincerely,

John R. Windrow

Received 4/10/67
#E1-2879
FD-34284
JTW

Received 4/10/67
#E1-2880
FD 34284
JTW

Vivian W. Windrow
1207 Acorn Road
Hondo, Texas 78861

Zachary R. Windrow
1204 Oak Lane
Hondo, Texas 78861

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. Street S.W. Room 1110
Washington, DC 20423

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. Street S.W. Room 1110
Washington, DC 20423

Dear Ms. Woods:

Dear Ms. Woods:

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In this day of energy conservation and efficiency it seems prudent to choose the shortest and most direct route that affects the lowest number of properties.

In this day of energy conservation and efficiency it seems prudent to choose the shortest and most direct route that affects the lowest number of properties.

Sincerely,

Vivian W. Windrow

Sincerely,

Zachary R. Windrow

Received 4/10/67
#E1-2881
FD-34284
JTW

Received 4/10/07
#E1-2882
FD-34284
JAW

Malissa Windrow
1204 Oak Lane
Hondo, Texas 78861

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. Street S.W. Room 1110
Washington, DC 20423

Dear Ms. Woods:

I am opposed to Southwest Gulf Railroad Company's eastern routes from the Vulcan Quarry to the Dunlay rail head. Two of these routes will divide my three hundred sixty-five acre irrigated farm. In addition there would be twenty to twenty-one other properties divided and as many as eight others partially divided. The original proposed route will divide only nine properties and partially divide two more.

Medina county history is not just in Quilhi and New Fountain, rather it extends east past Rio Medina and west past D'Hania. Therefore, I think that the fewest properties involved in being divided would be the best route.

In this day of energy conservation and efficiency it seems prudent to choose the shortest and most direct route that affects the lowest number of properties.

Sincerely,
Malissa Windrow
Malissa Windrow

Received 4/9/07
#E1-2883
FD-34284
JAW

April 3, 2007

Carolyn Jagge Boehme
1642 U. S. Hwy 90 West
Castroville, Texas 78009

Mr. Larry Oaks
Texas Historical Commission (THC)
Austin, Texas 78711

Re: Southwest Gulf Railroad Company's proposal to construct and operate a rail line in Medina County, Texas

Dear Mr. Oaks,

Your help in preserving the historical farming and ranching culture in the Quilhi area is respectfully requested. Our property, which is adjacent to the proposed eastern route of the railroad, has been in our farming operation for more than 50 years. My great grandfather, Joseph Mehr, purchased one of the first parcels of land in 1884. My grandfather, my father, and now my husband and my son have actively farmed this original parcel of land, while adding to our farm and preserving the historical state of agriculture in this area.

From information received (maps, meetings, etc.) I understand the eastern routes would divide over double the number of farms and ranches compared to the original proposed route. I also understand the THC is recommending the three eastern routes over the original proposed routes due to historical buildings. My family is descended from the original settlers in this area, and while I certainly appreciate the value of these historical buildings, I feel that it is of equal or greater importance to preserve the heritage of farming and ranching by keeping these agricultural properties intact. It is also my understanding that Southern Gulf Railroad and Vulcan Materials are willing to work to preserve the historical buildings if the original proposed site is selected.

I respectfully request that the THC support the initial proposed route, which is the shortest, most direct route possible.

Thank you so much for your careful consideration in this matter.

Sincerely,
Carolyn Jagge Boehme

Cc: Rick Perry, Honorable Governor of Texas
Diana Wood, Surface Transportation

Received 4/9/07
#E1-2884
FD-34284
JAW

1596 County Road 3
Hondo, TX 788
(830)538-39

April 2, 2007

Diana Wood
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

RE: Southwest Gulf Railroad Co.-Construction & Operation Exemption-Medina Co., TX(alternate rail routes for Vulcan Construction Materials, LP proposed quarry to Union Pacific RR Co. rail line near Dunlay, TX)

Dear Ms. Wood and Board Members,

We plead that you do not consider the old Medina Dam railway route as a possible route. The land where we live has been in our family for at least five generations. For well over 100 years the Balzen/Martin family has nurtured this historical land. We have cultivated this land starting with the horse drawn plow to now more modernized farm machinery. We only hunt and fish to feed our family. We keep pasture land for the native wildlife. We do not divert water from its natural flow on this land. We do not have machinery running continuously so we can hear the wind blow and the wildlife communicate. My family met many hardships to be able to keep this land for generations to come. Please save our historical land and our historical way of life. DO NOT LET US BECOME EXTINCT which has happened to too many of the smaller farms and ranches.

My brother, Jerry Martin is the caregiver of the collection of artifacts that consist of arrowheads and tomahawk heads which were found on this piece of property over generations which provide evidence that Native Americans were very much a part of this historical land. Grandpa Martin would show the grandchildren where there was evidence of a Native American campground where there was an enormous amount of flint rock chips and burnt rocks near a natural alkaline salt lick. This site is still as it has been on the family property for generations. The natural wear of this area is the ongoing instinctive attraction it brings to the cattle and wildlife to add nutrients to their diet by licking the alkaline high sodium soil.

As my sister, Ronda McNew has stated in her letter, we have started the process to complete the application for recognition under the Texas Department of Agriculture Family Land Heritage Program for our property which is involved in the proposed railway route. We have previously received this award for family land in Quilhi, Texas. So as you can see, we have inherited historical land from both our paternal and maternal lineage and we are still the stewards of these two priceless historical plots.

Having a railway run through this area would cause the natural water runoff to be altered to down stream stock ponds needed for livestock and wildlife. The old dam railway did not affect any stock ponds because these ponds were constructed after the completion of the dam when the railway had already been discontinued and dismantled. Property was still in the hands of the first and/or second generation and the settlers who were still living in their original homestead homes during that period.

At the time the dam railway was put in, the land affected was ranchland and not the farmland which it has become. The construction of the dam railway required an enormous amount of fill to raise the tracks above the boggy ground during rainy periods. The fill used from the old dam railway still can be found on our property scarring the landscape and damaging farm equipment while working near and among the remaining residue.

Early farming by my grandfather was difficult especially during rainy seasons. Water would back up across the open field drowning the crop due to abandon track bed damming rainfall. As landowners, we had to bear the burden of expense to remove old fill. This had to be removed to allow water drainage across the field (from east to west). The track crossed our property from southwest to northeast. Returning the railway will cause water backup and the elimination of our farming operation.

We would also like to include a statement from Supplemental Draft Environmental Impact Statement, Finance Docket No. 34284 Southwest Gulf Railroad Company, Construction and Operation Exemption, Medina County, Texas, Volume II, prepared by: Surface Transportation Board dated 12-8-2006, Appendix F-1, section 4.3, page 23.

Higher spots on the alluvial soils along the floodplain and adjacent stream terraces are likely to contain buried prehistoric sites. In addition, level landforms adjacent to the base of the valley side slopes may have colluvial soil deposits where archaeological sites have been buried by slope wash. Additional high-probability areas for prehistoric sites would include the margins of upland areas located near springs and the heads of creeks (Figure 19)

Figure 19. View from the SGR's Modified Medina Dam Route crossing of CR366 looking south across the head of creek drainage. 2006 Photo by URS
The picture includes our family land and our neighbor's (Doris Elaine Jungman) land.

We are not opposed to Vulcan or the construction of the railway to Vulcan. Please consider one of the other routes which would not affect valuable historical land.

Sincerely,
Nelson Martin Paulette Martin
Nelson and Paulette Martin

Received 4/9/07
#E1-2885
FD-34284
JAW

March 30, 2007

1590 County Road 366
Hondo, Texas 78861-6431

Mr. F. Lawrence Oaks
Executive Director
Texas Historical Commission
1511 Colorado Street
Austin, Texas 78711-2276

Dear Mr. Oaks:

The purpose of this letter is to request that the Texas Historical Commission consider the value of historical land while making decisions regarding the placement of the Southwest Gulf Railroad Company rail line from a Vulcan Construction Materials, LP limestone quarry to the Union Pacific Railroad Company rail line near Dunlay, Texas.

My family [Nelson and Paulette Martin, Jerry and Jeanne Martin, Dean and Ronda McNew] live on a historical property that is in the path of the proposed eastern routes. This land has been in our family for over 100 years, qualifying it for Texas Department of Agriculture Family Land Heritage Program recognition. We are completing the required documentation for recognition as a historic property in 2008.

We understand and are a part of the multi-faceted tapestry of the community of Quilhi. We also own land in the town of Quilhi, which has been in our family since 1855. This land was part of an original Texas land grant and received a Texas Department of Agriculture Family Land Heritage award in 1975. We have an ancestral home on the land and appreciate the value of ancestral Quilhi homes, especially since we are direct descendants of the Schweers, Saathoff, Lindeburg, and Balzen families. However, the land grants in Texas were issued to our ancestors for the purpose of farming and ranching. Henri Castro founded Quilhi to serve as a farming community for immigrants from Alsace and nearby German states. An ancestral house is important, but the importance pales in light of ancestral land. Our ancestral land is the true heritage of Texas, the true heritage of our community, and the true heritage of our family.

Before we worked and utilized our land over the past century, Native Americans worked and utilized the land. While helping work the land as children, we found arrowheads, tomahawk heads, and various scraping and cutting rocks located in our fields and pastures and continue to find these artifacts today. In addition, there is evidence of a Native American campground on our land substantiated by the piles of flint rock chips and burnt rocks, near a natural alkaline high sodium soil lick.

Growing up, our family stressed the appreciation for the wildlife that lived around us. Everything, including tarantula spiders, horned lizards, whitetail deer, bobcats, cougars, dove, quail, turkeys, owls, and blue darter hawks, had a purpose on our land. We learned to identify and, more importantly, respect all wildlife and the importance each played in our life - a practice that we continue today.

We have witnessed many times that our land serves as the headwater of several different creeks, which flow both to the east and to the west. Topology maps show the upper portion of our land has an elevation of 1,039 feet above sea level and rises up to 1,050 feet. This watershed is the main headwater of one of the branches of the Quilhi Creek, a tributary to the Frio River via the Verde and Hondo Creeks. The southern portion of our property has an elevation of 1,038 feet above sea level, tapering down to 900 feet. The watershed is part of the Opossum Creek, which is also a tributary to the San Antonio River via the Medina River.

Please consider the bigger picture, the greater good, the better value, and the larger significance of the heritage family land when making the decision for location of the rail line and elect not to cross these historic partials of land. We request that the THC elect to leave this historic land intact by choosing the Original Proposed Route through Quilhi, a decision that will not be regretted.

Sincerely,
Dean McNew Ronda McNew
Dean McNew
Ronda (Martin) McNew

Cc: Rick Perry, Governor of Texas
Diana Wood, Surface Transportation Board
Todd Staples, Secretary of Agriculture

1450 County Road 366
Hondo, Texas 78861-6431

Received 4/9/07
#E1-2886
FD-34284
JAW

Diana Wood
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Dear Ms. Diana Wood:

The purpose of this letter is to request that the Texas Historical Commission consider the value of historical land while making decisions regarding the placement of the Southwest Gulf Railroad Company rail line from a Vulcan Construction Materials, LP limestone quarry to the Union Pacific Railroad Company rail line near Dunlay, Texas.

My family lives on a historical property that is in the path of the proposed eastern routes. This land has been in our family for over 100 years, qualifying it for Texas Department of Agriculture Family Land Heritage Program recognition. We are completing the required documentation for recognition as a historic property in 2008. This route will cross not only properties, but also many different roadways. It would cross more roadways than the original plan route.

We understand the multi-faceted tapestry of the community of Quihi. We also own land in the town of Quihi, which has been in our family since 1855. This land was part of an original Texas land grant and received the Texas Department of Agriculture Family Land Heritage award in 1975. We have an ancestral home on the land and appreciate the value of ancestral Quihi homes, especially since we are direct descendants of the Schweers, Saathoff, Lindeburg, and Balzen families. However, the land grants in Texas were issued to our ancestors for the purpose of farming and ranching. Henri Castro founded Quihi to serve as a farming community for immigrants from Alsace and nearby German states. An ancestral house is important, but the importance pales in light of ancestral land. Our ancestral land is the true heritage of Texas, the true heritage of our community, and the true heritage of our family.

Before we worked and utilized our land over the past century, Native Americans worked and utilized the land. While helping work the land as children, we found arrowheads, tomahawk heads, and various scraping and cutting rocks located in our fields and pastures and continue to find these artifacts today. In addition, there is evidence of a Native American campground on our land substantiated by the piles of flint rock chips and burnt rocks, near a natural alkaline high sodium soil lick.

Growing up, our family stressed the appreciation for the wildlife that lived around us. Everything, including tarantula spiders, horned lizards, whitetail deer, bobcats, cougars, dove, quail, turkeys, owls, and blue darter hawks, had a purpose on our land. We learned to identify and, more importantly, respect all wildlife and the importance each played in our life - a practice that we continue today.

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Please consider the bigger picture, the greater good, and the better value of the heritage family land when making the decision for location of the rail line and elect not to cross these historic parcels of land. We request that the THC elect to leave this historic land intact by choosing the Original Proposed Route through Quihi, a decision that will not be regretted.

Sincerely,

Jerry A. Martin
CC: Mr. F. Lawrence Oaks Executive Director,
Rick Perry, Governor of Texas
Todd Staples, Secretary of Agriculture

Kenneth Persyn
510 CR 4643
Hondo, Texas 78861

Received 4/11/07
#E1-2887
FD-34284
JAW

04-04-07

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E. St. S.W. Room 1110
Washington, DC 20423

Ms. Wood,

By means of this letter I would like to object to the consideration and possible development of the Southwest Gulf Railroad Company's railway being located on either of the proposed Eastern routes.

We have been told time and again that the preferred route would be pursued.

I am in the Real Estate business, co-owner of Ranchette Developers LLC, and owner of Ranchito Realty. Our intentions and development plans are to develop the 90 acres on CR 4643. In addition we have plans to develop the adjoining 180+ acres that belongs to Dr. Chas. Mims.

This Rail line would greatly decrease the value and also the possibility to market this property! This rail development would result in great damages, basically a "taking" of quality of life.

The total effects of this development are going to change our area and the quality of our lives forever. The damages caused by this development are great and such a taking should be given great consideration. Those responsible should also be financially responsible.

Sincerely,

Ken Persyn

cc. Larry Oaks, THC, 512-463-8222



April 5, 2007

Diana Wood
Surface Transportation Board
Case Control Unit
Washington, DC 20423

RE: Southwest Gulf Railroad Company rail construction and operation,
Medina County, Texas

Dear Ms. Wood:

I was contacted by Thomas Ransdell, Vulcan Materials Company, on March 06, 2007 regarding the Surface Transportation Board's Section of Environmental Analysis' (SEA) recommended mitigation based on preliminary comments Texas Parks and Wildlife Department (TPWD) provided to URS Corporation in a letter dated May 28, 2003. The letter provided by TPWD included recommendations that graded embankments should not exceed a slope of 4:1. While the recommended slope is preferred to minimize erosion problems in many situations, it is not applicable in all situations and is provided as a general guideline in preliminary correspondence such as the May 28, 2003 letter from TPWD.

While a 4:1 slope for graded embankments is preferred in many situations, numerous variables (e.g., substrate type, depth of cut or height of fill) must be considered before it can be concluded to be the appropriate slope for all sites within the proposed railroad track corridor. Based on information provided by Mr. Ransdell, in the current project, requiring a 4:1 slope for some cuts and fills could increase the footprint of the project beyond the limits of the proposed right-of-way (ROW), thus significantly increasing the area of disturbance.

TPWD has agreed that 4:1 slopes for graded embankments will most likely be appropriate in some areas along the proposed railroad track; however, TPWD recommends SEA be flexible in administering the recommendation requiring all slopes be 4:1 or flatter. Furthermore, TPWD will continue to coordinate with Southwest Gulf Railroad regarding the final slope of embankments, including cut and fill areas, and will work to achieve a solution that avoids or minimizes erosion in the project area while also minimizing the footprint of the project.

Since a final preferred route has not been selected, it is not possible to provide site specific recommendations regarding slopes. However, in addition to incorporating moderate (4:1) slopes in project corridors, other alternatives exist to minimize potential erosion resulting from both temporary (construction) and permanent (operation) impacts. Where applicable, utilizing deep rooted, erosion



Take a kid
hunting or fishing
- - -
Visit a state park
or historic site

To manage and conserve the natural and cultural resources of Texas and to provide hunting, fishing and outdoor recreation opportunities for the use and enjoyment of present and future generations.

Received 4/11/07
#E1-2888
FD-34284
JAW

Ms. Wood
Page 2
April 5, 2007

tolerant, native vegetation or other bioengineered embankment slope protection methods to stabilize topsoil in addition to standard best management practices could be as effective as requiring 4:1 slopes.

I appreciate your coordination on this project. If you have any questions regarding our comments, please contact me at (361) 825-3240.

Sincerely,

Russell Hooten
Wildlife Habitat Assessment Program
Wildlife Division

/rh

cc: Thomas Ransdell, Vulcan Materials Company

April 6, 2007

Jean Marty
891 CR354
Hondo, Texas 78861

To: Mr. Larry Oaks
Texas Historical Commission
P O Box 12276
Austin, Texas 78711-2276

In Re: Vulcan Material Plant
Rio Medina/ Quihi Area

Dear Mr. Oaks:

I am 62 years old and a life long resident of this area. I am a direct descendant of Paul Oefinger who helped settle this area. The property that my husband, daughter, son-in-law and grandchildren live on has been in our family for over one hundred years.

I am in favor of the most direct route for the railroad proposed by Vulcan. It is most troubling to me that any route other than the direct route would be even considered. Any other route would cross more roads and highways, more different properties, more streams, upset more wildlife, more farmland and farm animals. We will have to cross the railroad no matter which direction we take from our home, however, we will have fewer crossings with the most direct route. As far as structures that would be considered antiquities, the direct route is still the best route.

Thank you for your consideration of the most direct route for the railroad.

Sincerely

JS
(Mrs.) Jean Marty
830-426-3565

cc: Hon. Rick Perry
Office of the Governor
P. O. Box 12428
Austin, Texas 78711-2428

cc: Diana Wood
Surface Transportation Board
395 E. Street SW
Washington, D.C. 20423-0001

Received 4/11/07
E1-2889
FD-34284
JTW

April 6, 2007

Wayne L. Marty
891 CR354
Hondo, Texas 78861

To: Mr. Larry Oaks
Texas Historical Commission
P O Box 12276
Austin, Texas 78711-2276

In Re: Vulcan Material Plant
Rio Medina/ Quihi Area

Dear Mr. Oaks:

I have been a resident of this area since my marriage 45 years ago. My wife and I live near the proposed Vulcan Quarry.

I am opposed to any railroad route other than the most direct route proposed by Vulcan. Any other route would cross more roads and highways, more different properties, more streams, upset more wildlife, more farmland and farm animals. We will have to cross the railroad no matter which direction we take from our home, however, we will have fewer crossings with the most direct route.

Thank you for your consideration of the most direct route for the railroad.

Sincerely

JS
Wayne L. Marty
830-426-3565

cc: Hon. Rick Perry
Office of the Governor
P. O. Box 12428
Austin, Texas 78711-2428

cc: Diana Wood
Surface Transportation Board
395 E. Street SW
Washington, D.C. 20423-0001

Received 4/11/07
E1-2890
FD-34284
JTW



rj de jungman
<ranch1899@yahoo.com>
04/12/2007 12:01 PM

To: Diana.Wood@stb.dot.gov
cc
bcc
Subject: SGR's Rail Line in Medina County

Diana Wood
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Re: Southwest Gulf Railroad Co.
Construction & Operation Exemption - Medina
County, Texas
(Alternate rail routes for Vulcan Construction
Materials, LP proposed quarry
to Union Pacific RR Co. rail line near
Dunlay, Texas)

In regards to SGR's Modified Dam Route as possible route.

My family's property would be severely affected. Our land has been honored for a century or more of continuous ownership and operation as a family agriculture enterprise, through generations of dedication and perseverance of the founders and heirs. Our property having been founded in 1890 has been awarded the Texas Family Land Heritage Award. It now provides homesteads for two families.

Physically, the route would cut through two (2) parcels which produce vital family income and major ongoing improvements. One tract is being improved in cooperation through the Environmental Quality Incentives Program through the United States Department of Agriculture which provides assistance to help conserve and efficiently use natural resources that will benefit the environment, use of land, and everyone. The other tract would suffer severely, as the route would impact a major sprinkler irrigated row crop farming operation. This operation has proved to be extremely efficient and successful at soil, water, and environmental conservation while still producing income which is very important to those involved.

This route would also severely impact the flow of rain water runoff. This is the primary flow to fill stock tanks. These stock tanks are the main source of water for our and neighbor's livestock operations, which is vital to our income.

Please consider a route that has the least impact on the environment, history, and livelihood of my family, my neighbors and my community.

Sincerely,
Doris Elaine Saathoff-Jungman

E1-2893
FD-34284
JTW



"Yvonne Stein"
ystein@mecwb.com
04/12/2007 07:17 PM

To <Diana.Wood@stb.dot.gov>
cc
bcc
Subject Southwest Gulf Railroad Company's proposal to construct and operate a rail line in Medina County, Texas

FD #1104
#E1-2894
DW

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April 12, 2007

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423

Dear Ms. Wood,

I was born and raised northeast of Quihi, Texas and currently own property in that area. I am writing this letter to voice my opinion against the Eastern Routes that are being considered for a rail line. The Eastern Routes more than double the number of farms and ranches that will be divided when compared to the original route. I am concerned that a division will separate and disturb our domestic animals and our wildlife. This rail line has the potential of destroying the farming and ranching culture in this area.

I know that progress is important and must go on, but the fewer people this progress harms, the better. Thank you for your consideration.

Yvonne Stein
1889 CR 445
Hondo, Tx. 78861

APR 13 2007 10:19 AM

No. 1104 P. 1

Received 4/13/07
FD-347234
#E1-2895
DW

April 13, 2007

Surface Transportation Board
Diana F. Wood,
Section of Environmental Analysis
395 E Street S.W. Room 1110
Washington, DC 20423

Fax: 202-245-0454
e-mail: Diana.Wood@stb.dot.gov

Re: Southwest Gulf Railroad Company's proposal to construct and operate a rail line in Medina County, Texas

Dear Ms. Wood:

I own property that will be affected by the proposed eastern railroad track routes and subsequent train. This route will divide our family property. A train traveling through the area will create a bunch of noise, dust, and organic fumes. San Antonio is already a non-attainment area for air quality and this will only increase the amount of emissions. I was raised on the farm and want to retire to peaceful retirement on that property.

I believe selecting the eastern routes will more than double the number of farms and ranches that will be affected compared to the Original Proposed Route. This has the potential of destroying the farming and ranching in the Quihi area.

I do not want the historical and archeological sites in the area harmed by the construction of the rail and the movement of heavily loaded trains.

This rail route will also cross many drainage creeks and block them off. Bridges will need to be constructed over all drainage creeks. This requirement should be part of the conditions on the issuing of a permit. I do not want to see flooding in the area.

I want highway overpasses constructed wherever the railroad crosses roads. This requirement should be part of the conditions on the issuing of a permit.

The fuel storage and maintenance area should be moved out of the Elm Creek flood plain. I do not want to see fuels and oil spilled into the flood plain.

Respectfully,

Alvin Saathoff

APR 13 2007 10:22 AM

REC

PAGE 01

Received 4/13/07
FD-347234
#E1-2896
DW

8523 Braun Knoll
San Antonio, TX 78254

In regards to: Southwest Gulf Railroad Co.
Construction & Operation Exemption - Medina County, Texas
(Alternate rail routes for Vulcan Construction Materials, LP proposed quarry to Union Pacific RR Co. rail line near Dunley, Texas)

Ms. Diana Wood
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

Dear Ms. Wood,

My family's property would be severely affected by using the eastern route (SGR's Modified Medina Dam Route) proposed for the new rail line. Our land was honored with the Texas Family Land Heritage Award in 1993. This means that our family has continuously owned and operated it as a family agricultural enterprise for over 100 years. Our family has taken great pride in this historical award.

One of the eastern routes cuts our land twice—on the north side and the south side. Both of these areas are farm lands which are major feed sources for the cattle on the ranch. The ranch is a major source of income for our family. In addition, the portion on the north side that would be cut is involved in a USDA soil conservation project agreement which my brother and recently deceased father spent much time and effort meeting the strict criteria for.

After reviewing maps of the area, I realized that using the eastern routes would affect significantly more families and their farm and ranch operations. For most of them, this is their livelihood. Some of the neighboring properties that would be affected are also essential to the success of my family's farm and livestock operations through irrigation and flow of rainwater.

My family is committed to continuing the farm and ranch culture we have grown up with and would like your help in keeping it successful. I ask that you please heavily consider using the original proposed route to the west. It would impact less families and properties.

Respectfully,

Martha Jungman-Otake

Martha Jungman-Otake

HEI-2897
DHW

David H. Coburn
202.429.8063
dcoburn@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com

April 16, 2007

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

Mr. F. Lawrence Oaks
Executive Director
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276

Ms. Charlene Dwin-Vaughn
Ms. Katry Harris
Advisory Council on Historic Preservation
1100 Pennsylvania Ave.
Washington, DC 20004

Re: **STB Finance Docket 34284, Southwest Gulf Railroad Company Construction and Operation Exemption - Medina County, TX**

Dear Ms. Rutson, Mr. Oaks, Ms. Dwin-Vaughn and Ms. Harris:

We are in receipt of an April 5 letter from MCEAA's counsel concerning the construction of power lines along the rail right of way for the SGR line. The letter claims that Vulcan has not been forthcoming in connection with plans to construct power lines in that right of way in order to provide power that the quarry will need to operate. This is not true.

As SGR recently advised SEA's contractor in connection with its work in preparing the Final EIS in this proceeding, Vulcan has had discussions with the Medina Electric Co-Operative ("MECO") relative to providing power to the quarry. The most recent substantive discussions took place in December 2006. All of the discussions have been preliminary. No agreement has been reached as to

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Ms. Victoria Rutson
Mr. F. Lawrence Oaks
Ms. Charlene Dwin-Vaughn
April 16, 2007
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how the quarry would receive power were MECO to be the supplier of such power. Specifically, there is no agreement to allow any SGR rail right of way to be used by MECO in the event that a rail option is chosen for the quarry's transportation needs. There is also no agreement as to whether electric power would be brought to the site from the south or from the east, which is another possibility. More specifically, there has been no decision made to run any power lines through the Quihi Rural Historic District, either along any SGR right of way, along roads or otherwise. Nor has any final decision been made concerning the location of any MECO substation.

In fact, no agreement has been reached on any of these issues in large measure because the level of power needed at the quarry has not yet been determined. Only once that is done can a decision be made as to (a) whether power lines will approach the quarry from the south or from the east and (b) whether existing power poles would be used for the lines serving the quarry or whether new poles would be needed. Under no circumstances, however, would large transmission lines be required.

As stated, there is no agreement between SGR and MECO, or any other type of understanding, that would allow MECO an easement to use the rail right of way in the Quihi Rural Historic District. Should the Proposed Line be approved, should MECO determine that it needs to bring power in from the south and should MECO seek SGR's permission to use the rail right of way as opposed to existing lines in that Historic District -- all of which possibilities are speculative at this point -- SGR would be prepared to review alternatives to avoid the power lines following the rail right of way within that District, including working with MECO to use existing power rights of way in or near the District.

In short, MCEAA's contention that SGR intends to run power lines over the rail right of way through the Quihi Rural Historic District, and that SGR has hidden the ball on this point, is false. It has been and remains the case that (as SGR stated at the March 26 meeting) the SGR rail line proposal is no more and no less a proposal to build and operate a railroad. It is not a proposal to build power lines or allow power lines to use the rail right of way. Where power lines needed for the quarry may or may not be located remains to be determined by MECO, but SGR can commit -- as it has at every stage -- that it will work to minimize visual and other impacts should its Proposed Route be approved.

Please let me know if you have any questions on this matter.

Sincerely,

David H. Coburn
Attorney for Southwest Gulf Railroad

cc: Ms. Diana Wood, SEA
Ms. Jaya Zyman Ponebshek, URS

FROM : JETER

FAK NO. : 8307418020

Apr. 16 2007 06:32AM P1

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PAGE2
HEI-2899
DHW

April 13, 2007

Section of Environmental Analysis
Surface Transportation Board
395 E. Street S.W. Room 1110
Washington, DC 20423

Dear Mrs. Diana F. Woods

My name is Henry Balzen, my wife is Arleen Balzen. We are very concerned about the Vulcan Quarry and the proposed railroad routes, particularly the MCEAA Medina Dam Route. This route passes almost directly through our house which is located in upper Quihi on County Road 265, just north of FM2676. This route divides my field adjacent to FM2676 and my range land which is west of CR 265. This route, the Eastern Bypass and SGR's Modified Medina Dam route each divide more than two times the properties than the original proposed route.

The part of Medina County east and north of Quihi is a highly productive farm area which is a major factor in the culture of the area. Although the area is not included in the historical boundaries does not mean that it does not have historical significance to the generations of the farm families in this area.

The original Vulcan route also is several miles shorter than any of the three stated above. The shorter route should have less impact on the environment and less pollution due to train exhaust and dust.

We have written this letter to voice our opposition to the routes stated and we would ask your careful consideration of all the options before your final recommendation of final route selection.

Thank you for your time and consideration,

Henry Balzen and Arleen Balzen
260 CR 354
Hondo, TX 78861
Ph: 830-426-8009
Email: downhome@wildblue.net

Received 4/16/07
FD-34284
HEI-2898

The Medina County Environmental Action Association, Inc.

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April 13, 2007

Ms Victoria Rutson, Chief
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Re: STB Finance Docket 34284 Medina County TX
Proposed Rail Line

Dear Ms. Rutson, Mr Oaks, Ms Dwin-Vaughn, and Ms. Harris:

I would like to begin this letter with some background information for the benefit of all the consulting parties. MCEAA was founded in January 2000, approximately 6 weeks after rumors of Vulcan's proposed quarry and railroad were disclosed to me by County Commissioner Royce Hartmann. MCEAA was formed so that the area's citizens could become educated and aware of the impacts these projects would have on our environment. We had meetings with Vulcan and with the local public. We were overwhelmed when we learned of the enormity of this project, and we were fearful that the railroad and the truck traffic the quarry would spawn would change our lives forever.

We were especially concerned about the railroad's location, because Vulcan declined to tell us where it was to be located. We have lived in the Quihi Valley for over three decades, and we have seen many flooding events. MCEAA members were justly fearful that flooding potential would be greatly increased by the trestle-type bridges, culverts, and culverts that would be needed if the railroad coursed through the Quihi Valley. We know that our homes as well as the areas' treasured historical homes and other historical features would be in jeopardy.

It was some three and one-half years later that we learned, not from Vulcan, but through the Freedom Of Information Act requests we submitted to the Surface Transportation Board, of the location of Vulcan's Proposed route.

Our worst fears were realized because this Proposed route threatened not only the people in this valley but its' priceless irreplaceable heritage. We were encouraged by the SEA Division of the Surface Transportation Board to make comments and ask questions. These were subsequently initiated in June 2003 at a public meeting sponsored by the Surface Transportation Board. As a result of the meeting, even though Vulcan/SGR fought furiously to prevent it, Vulcan/SGR was required by STB to conduct an EIS. After reviewing the Draft EIS, MCEAA considered it inadequate, and put forth more questions and comments to the Surface Transportation Board including the question why SGR would want to cut through the historic Quihi Valley, through three floodplains, cross more county roads, jeopardizing Quihi's rural landscape when a slightly longer route, varying somewhat from the route used to build the Medina Dam, existed on a safer, level location, and could be utilized. Hence the name MCEAA's Medina Dam Alternative Route came into being.

STB agreed with our requests for more information, with our questions and comments, and thus, without litigation, our request for a Supplemental Draft EIS was granted. The results of this much more detailed study, concluded that either MCEAA's MDA route or another eastern bypass route were less environmentally disruptive. It also noted that MCEAA's MDA route would almost entirely avoid the Quihi Rural Landscape, thus preserving it from destruction by flooding and loss of its aesthetic value.

Vulcan/SGR, for whatever reasons, have continued to press STB to reconsider the Proposed route with re-revisions that have included mitigation measures, financial incentives and minimization in an attempt to resurrect the Proposed route and make it palatable. The undeniable fact remains the proposed route, which would divide the rural landscape in half, cannot compete with a route that avoids the area.

During the Section 106 consulting parties meeting on March 26, 2007, I stated that a bridge necessary to cross the Quihi Creek and its 1200 foot wide floodplain, and CR 365 which is located only a few yards west of the Quihi Creek, would have to be elevated at least 15 feet above the roadway to allow large farm equipment and county road maintenance machines to pass underneath. I also stated that electric power lines would likely be placed on poles along the railroad right-of-way. I was challenged by Vulcan/SGR's representative, who stated my statements were exaggerated. However, they had no data to support their claim. This discussion, which THC deemed to be very important because it reflected on the aesthetic value of the Quihi Rural Landscape, was settled when Vulcan's Tom Ransdell was requested to furnish data on the bridge crossings specifications within a 10 day period. This information could be presented and discussed at a subsequent meeting of the Section 106 parties.

On April 5, 2007, a letter from SGR's counsel was submitted to STB for distribution. What it contained was not what was requested. Instead, an artists conceptual drawing, not done to scale, of a bridge crossing only the Quihi Creek and a small portion of the adjacent flood plain to the East. County Road 365 (Coburn's CR 353) was relocated some distance to the west and appears to be ascending a berm in the flood plain as it is crossed by the Proposed route. This sort of response is typical of Vulcan/SGR. It is done to mislead, not only STB but also THC and ACHP. It contains no data. It admits no hydrologic data is considered. It satisfies nothing, yet it is submitted with the hope and expectation that some way, somehow, it will gain favor for the Proposed route. What SGR has done with this picture is to show its utter disregard for part of the Quihi Rural Landscape as well as FEMA regulation forbidding placement of fill in a flood plain without proof that it will not cause more than a 12 inch rise in that flood plain.

Also, by relocating CR 365, Vulcan/SGR either did not care to appreciate, or chose to ignore, a fact that, in preserving historic landscapes, it is important to maintain not only the original location of homes but also roads, fences, wells, cemeteries, barns, and other out-buildings in their original locations, as noted by Terri Myers of Preservation Central, Inc.

CR 365, for everyone's benefit, is the historical road laid out in the late 1850's or early 1860's. This road connected the main portion of Quihi to Upper Quihi as it expanded. It is an integral part of Quihi's development, (just as is General Wall's Road -CR 4516- where the SGR's Proposed route would cross at the Cherry Creek and its' flood plain). Perhaps the consultants can also be enlightened by Vulcan/SGR on how this crossing will be achieved when it finally discloses the specifications needed for the CR 365 crossing.

SGR counsel's letter of April 5, 2007 is a last-ditch effort to gain support for the Proposed route. SGR submits more mitigation measures, measures that address impacts on the future development, but do not address the present impacts of the Proposed route. Future impacts are not subject to mitigation, Mitigating future developments is not an adequate resolution to the adverse effects of the Proposed route.

MCEAA was actually flattered when Mr. Coburn stated that in the thousands of cases he had handled, he had never been asked to supply so much information. This is information that should have been supplied from the outset, and would never have been gathered if MCEAA had not insisted on getting it. With the information gathered through this process, this project will be much safer if the recommendations are followed. This is the reason for gathering information, not to just torment Mr. Coburn.

We also agree with Mr. Coburn's assertion that no matter what mitigation measures and incentives are tacked on to the Proposed route, MCEAA will not accept this route. It should be obvious to Mr. Coburn that it does not make sense to support the Proposed route when another route such as the MCEAA MDA route is less environmentally disruptive from many standpoints.

In closing, We look forward to the teleconference meeting on April 20th to further discuss these issues.

Sincerely,
Robert Fitzgerald
Robert Fitzgerald

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

#E1-2900
VJW
PD-34284
Received 4/16/07

#E1-2901
RHW
Received 4/16/07
PD-34284

April 3, 2007
Sterley Jagge
635 C.R. 464
Hondo, TX 78861

Diana Wood
Surface Transportation Board
395 E. Street, SW
Washington, D.C. 20423-0001
Fax Number: 202-245-0454

Re: Southwest Gulf Railroad Company's proposal to construct and operate a rail line in Medina County, Texas.

Dear, Diana Wood

My name is Sterley Jagge, and I would like your help in the preservation of the farming and ranching heritage in the Quihi and Bader Settlement area. My father first purchased land in this area in 1938 and I have lived on this property since then making my living and raising a family farming and ranching. I am now retired; my son-in-law and grandson have taken over trying to carry on this tradition. Land which is adjacent to the eastern routes we have farmed for many years. If the rail divides this land it may no longer be feasible to farm.

I understand the eastern routes would dissect over double the farms and ranches, taking much more land than needed compared to the original proposed routes. I also understand the Texas Historical Commission (THC) is recommending the eastern routes over the original proposed route, due to historical sites. Being a descendant to the original settlers to this area I appreciate the history and its value. However, I do not support protecting one to destroy another. The history of farming and ranching in this area goes a long way back. In my opinion, I believe the most direct route, affecting the least amount of land, and using the least amount of energy to move this product would be the most common sense approach. All of our resources need conserving history, fuel, and land. Southern Gulf Railroad should be able to follow property lines and avoid historical sites and still remain on the original route.

Therefore, I request that the THC change their position to not support the eastern routes and work with the most direct original route.

Sincerely,
Sterley Jagge

Sterley Jagge

Cc: Rick Perry, Governor of Texas
Larry Oaks, Texas Historical Commission

April 3, 2007
Mildred Jagge
635 C.R. 464
Hondo, Texas 78861

Diana Wood
Surface Transportation Board
395 E. Street SW
Washington, D.C. 20423-0001
Fax Number: 202-245-0454

Dear Diana Wood,

My name is Mildred Jagge and I request your help in preserving the farming and ranching history in our area. My Grandfather Joseph Mehr received an original land grant in this area in about 1860. Since then many generations have raised families on this land including my husband and I, now my son-in-law and grandson. They continue to farm land which is adjacent to and possibly in the path of the eastern routes of the proposed railroad. This could likely alter their farm very much.

I have come to understand that the eastern routes would intersect double the amount of farms and ranches when compared to the original proposed route. In my opinion the route with the least affected property and property owners would be the best route. Living in this area my entire life and having family settle here gives me great appreciation for history, we have historical buildings of our own. However, I do not support protecting them at the cost of losing our farming and ranching culture. I believe the Texas Historical Commission (THC) can request that the State Board of Transportation, Southern Gulf Railroad, and Vulcan Materials preserve these historical homes and sites the best way possible while still remaining on the original proposed route. I understand the people which the rail may come close to do not want it in their back yard on the other hand neither do we.

Therefore, I would like to request the THC change their position and not support the eastern routes.

Thank you,
Mildred Mehr Jagge
Mildred Mehr Jagge

Cc: Rick Perry, Governor of Texas
Larry Oaks, Texas Historical Commission

April 9, 2007

Jared Boehme and Janet Boehme
1977 C.R. 4516
Castroville, TX 78009

Diana Wood
Surface Transportation Board
395 E. Street, SW
Washington, D.C. 20423-0001

Re: Southwest Gulf Railroad Company's proposal to construct and operate a rail line in Medina County.

As concerned residents of the area affected by the proposed rail routes, we would like to share some of our views on this project. We are both life long residents of the Quihi and Bader Settlement area. Our families are direct descendants of the original settlers of Medina County and we continue to live, farm, and ranch here. We are very aware of the history that lies in our county.

While the original proposed route will affect my wife's families land, this is the best route in our opinion. This is the shortest route affecting the least amount of land. We believe that the facts are exaggerated to ultimately get what some people want. Vulcan and Southern Gulf Railroad (SGR) have expressed their willingness to preserve as much as possible any authentic historical sites that may exist in our area. Land is a non-renewable resource that is in very short supply, in our area especially, and must also be protected. The original route will affect half as many landowners as the eastern routes. The eastern routes were drawn by anti-quarry, anti-rail groups over certain landowners homes and land, who did not support their numerous attempts to stop the quarry and rail.

Originally these groups goal was to stop the quarry and this is still their main goal by making these eastern routes not feasible. The eastern routes will be, at the least, two miles further in distance. This amounts to approximately fifteen acres more land and about thirteen more divisions of land when compared to the original route. These divisions would most likely result in the owners having to sell because retaining this land for agriculture purposes would not be profitable. Also, two more miles of track at six trains a day for fifty years would be an additional 438,000 miles of freight hauling. This is a tremendous amount of fuel being burned and exhaust polluting our atmosphere that is unnecessary. This is an unconscious use of natural resources in a time when the government is suggesting conservation in fuel and pollution.

Taking all this into consideration, we believe the best route would be the original proposed route. Please help up preserve the farming and ranching heritage in our area by supporting the original preferred route.

Sincerely,
Jared Boehme
Jared Boehme

Janet Boehme
Janet Boehme

Cc: Rick Perry, Governor of Texas

#E1-2902
FD-34724
DRC
L. Hernandez

Panama Payaya
Raymond Hernandez
Parrise
Mick Kilian
Yemadis
Tudoso Herrera
Autson Palmaro
Ramon Vasquez
Y Sanchez
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Steven Cassova

Tap Pilam – Coahuiltecan Nation

Tribe: Panam-a Payaya

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April 17, 2007



Victoria Rutson
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U.S. Surface Transportation Board
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Charlene Dwin Vaughn
Assistant Director
Federal Permitting, Licensing, & Assistance Section
Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Ave., NW, Ste. 803
Washington, DC 20004

F. Lawrence Oaks
Executive Director
Texas Historic Commission
P.O. Box 12276
Austin, Texas 78711-2276

RE: U.S. STB Finance Docket No. 34284
Southwest Gulf Railroad-Construction & Operation-Medina County, Texas
NHPA Section 106 Consultation

Dear Consulting Parties

After reviewing Southwest Gulf Railroad attorneys April 5, 2007 letter, the Tap Pilam Nation Tribal Council (pronounce, Tsap Pilamm) submits the following statements for consideration.

For the Record, Tap Pilam Coahuiltecan Nation is opposed to the SGR "Proposed route", and prefer the MCEAA Medina Dam Alternative route. This decision was made after much deliberation and discussion within our Tribal Council & Communities. The Proposed Route by Southwest Gulf Railroad including all it's mitigation measures is certain to be more disruptive and likely to destroy much of our ancestral cultural & history deposits. This Proposed route courses through the Quihi valley, and area known to us to have been inhabited by our Tribal ancestors. On January 27, 2007 our Historical researchers provided a small amount yet significant & conclusive historical documentation of our Historical, Cultural & Spiritual (Religious with regards to the "ceremonies") evidence that clearly establishes our Tribal affiliation to this project area.

European Spanish Archival records along with past archeological excavations provide a clear pattern of how our ancestors inhabited much of the Hill County, from parts of East Texas into West Texas, Gulf, and South Texas. Our Ancestors may have been driven and displace from much of our homelands, but many of our Ancestors cultural & historical presence remains and they are buried near the very waters that their livelihood depended on for survival.

Honoring and Respecting the Past
Working for Equality and Justice Today
Committed to the Future Generations



My experiences in the past 18 years in Texas with Federal, State Governmental agencies & Private industries have been disappointing to say the least. No matter how well intended this process is meant to be by well meaning people, the actions of those after they have obtain their permits usually fall way short of their responsibilities that they are bound to. We respectfully offer the following reasons for our objections to this propose route.

- (1) This proposed route with it's necessary excavations, cuts, fills and alteration of the terrains will surely destroy much those historical deposits.
- (2) State and Federal permitting processes in the past have been only pro-forma: no meaningful or with very little input and participation with Tribal communities that are most affected from this process.
- (3) Deadlines, cost factor, Political pressure & interference become the sole basis for disregarding & ignoring Federal, State Laws compliance at the expenses of Tribal communities.
- (4) Past excavations under these conditions have demonstrated it's of no or little benefit to our Communities.
- (5) Tribal communities in Texas have historically been omitted in the "scoping" and "monitoring" of the permitting process, with regards on projects that involve Indian cultural deposits, burials, etc...
- (6) It is clear to us who have had the difficult & burdensome experiences of having to rebury many of our ancestors in the past that the offer in allowing us that privilege is somewhat disingenuous and offensive. We do so only because we know the alternative of past abusive, and it is the only alternative that we have if we wish to protect our culture & historical past. We have a clear understanding between ignorance and stupidity. We would like to avoid that possibility or certainly minimize that possibility.
- (7) Our traditions, culture, & spirituality requires relevance to the sacredness of our past along with our responsibility to those ancestors whose sacrifices provided us with our very existence and hope for our future.



At the public hearing on 3-26-07 I commented on the high probability of encountering cultural deposits, and ancestral remains, these remarks were then supported by the Texas SHPO Mr. Larry Oaks. Therefore, the alternate routes proposed by the MCEAA would present the less likelihood of encountering ancestral remains & deposits.

In conclusion the Tap Pilam Coahuiltecan Nation respectfully requests that the STB, THC, and ACHP not approve the "Propose route" as made by Southwest Gulf Railroad Co.

Respectfully,
[Signature]
Tap Pilam Nation
Tribal Council Representative
Historic & Cultural Preservationist
Raymond Hernandez

C.C. AITSCM

Honoring and Respecting the Past
Working for Equality and Justice Today
Committed to the Future Generations

STEPTOE & JOHNSON LLP

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April 18, 2007

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Ms. Charlene Dwin-Vaughn
Ms. Katy Harris
Advisory Council on Historic Preservation
1100 Pennsylvania Ave.
Washington, DC 20004

Re: STB Finance Docket 34284, Southwest Gulf Railroad Company Construction and Operation Exemption – Medina County, TX

Dear Ms. Rutson, Mr. Oaks, Ms. Dwin-Vaughn and Ms. Harris:

This letter offers the views of the Southwest Gulf Railroad ("SGR") in response to an April 13, 2007 letter from Dr. Robert Fitzgerald on behalf of MCEAA and an April 17 letter from Raymond Hernandez on behalf of the Tap Pilam-Coahuiltecan Nation ("Tap Pilam"). At the outset, it is important to reiterate that SGR favors the Proposed Route because it is the best transportation option and because it is substantially less costly to build and maintain than the alternatives favored by these parties. It also merits note that landowners along each of the routes under consideration have expressed concern about the rail line – not just who live near the Proposed Route. SGR believes that these concerns can in all cases be addressed, but wishes to dispel the inaccurate notion that only the Proposed Route has drawn local opposition. Moreover, over 490 persons have signed petitions favoring the rail line and quarry projects proposed for Medina County.

Ms. Victoria Rutson
Mr. F. Lawrence Oaks
Ms. Charlene Dwin-Vaughn
April 18, 2007
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MCEAA's letter questions why SGR would want to traverse through the Quihi Rural Historic District "when a somewhat longer route, varying somewhat from the route used to build the Medina Dam, existed on a safer, level location, and could be utilized." MCEAA's characterization of the MCEAA Medina Dam Alternative is not accurate, except for the fact that it is longer - in fact it is over 30% longer or an extra 2.5 miles longer than the Proposed Route. MCEAA's favored route is not, as it claims, meaningfully "safer" than the Proposed Route - the Draft Supplemental EIS concludes that, "construction and operation of any of the rail line alternatives would not cause significant transportation and traffic safety impacts." DSEIS at 6-14. Second, the longer route MCEAA favors is not on a "level location" - the MCEAA Medina Dam route and any of the Eastern Alternatives would require not only that SGR build a longer rail line, but would require that the line traverse up and down an escarpment, resulting in greater cut and fill volumes than the Proposed Route, which would be located on flatter land. As MCEAA is also aware, the Eastern Routes will disrupt more landowners, crossing more than twice as many properties owned by landowners other than companies affiliated with SGR and many more private roads.

MCEAA is critical of the artist's rendering of the crossing of Quihi Creek by the Proposed Route, claiming that the sketch is somehow misleading and that SGR failed to present any data. As SGR has explained, hydrological studies have not yet been undertaken as these will need to await final engineering. The sketch was provided in response to Mr. Oaks' reasonable request at the March 26 meeting for "a sketch of the design of the bridge crossing Quihi Creek", a request reflected in the meeting minutes posted by SEA. The relocation of the road CR 365, as depicted in the sketch, does not contemplate the construction of any kind of berm, as MCEAA alleges. Nor does it contemplate the placement of fill in the floodplain, again contrary to MCEAA's unfounded allegation.

As to MCEAA's assertion about the cultural resources impacts of moving CR 365 for a short distance away from the creek, SGR submits that this relocation would only be done with the approval of the County, which has been preliminarily consulted and which has voiced no objection. To the extent that the Medina County Historical Commission or the THC have any issues with the proposed relocation, there will be ample opportunity to address these. Further, as SGR indicates in its letter, it could move the location of the stream crossing to a point where no road relocation would be required. The rendering of the bridge over Quihi Creek would look essentially the same as it does in the previously submitted sketch regardless of whether the crossing is moved or not.

Concerning the views expressed by Tap Pilam, SGR notes that the degree of difference between the various routes in terms of potential archeological site impacts is at best modest. On SEA's scale of 1 (highest potential) through 7, the Proposed Route was ranked as a 3 and the route favored by Tap Pilam as a 5. In other words, both rank in the middle. However, these rankings are hardly precise and not intended, according to the Draft Supplemental EIS "to depict the specific location of all archeological sensitive landforms." See Supplemental Draft EIS at 5-19. According to SEA, the more detailed geological studies needed to do that have not been done at this stage of the process. DSEIS at 5-19. Thus, SGR submits that no party should rely too heavily on archeological sensitivity as a basis for

Ms. Victoria Rutson
Mr. F. Lawrence Oaks
Ms. Charlene Dwin-Vaughn
April 18, 2007
Page 3

favoring one route or another. SEA, in fact, did not do so - it did not favor one route over another on the basis of potential archeological impacts.

It also bears note that, according to SEA's review, the route favored by Tap Pilam will in fact cross more miles of archeologically sensitive terrain than would the Proposed Route. The MCEAA Medina Dam Route that Tap Pilam favors will cross 5.8 miles of terrain classified as "archeologically sensitive" versus only 3.15 miles of such terrain that would be crossed by the Proposed Route. See Draft SEIS at pp. 5-19 and Draft EIS, Vol. III, App. I-4 at 31. Further, the route Tap Pilam prefers would traverse near a known archeological site, the Proposed Route would not. See table on p. 6-39 of the Draft SEIS.

The cultural resources mitigation that SEA has recommended, regardless of which route is ultimately constructed, is the implementation of the Programmatic Agreement. That Agreement, according to SEA, includes, as appropriate, "avoidance, archaeological data recovery, monitoring, landscaping, documentation, salvage and relocation of historic properties that would suffer direct impacts." The PA also "includes provisions for consultation, tribal input, treatment of human remains, repatriation, curation of artifacts and records, dispute resolution, amendment and termination." See Draft EIS at 4-98 through 4-99. SGR stands ready to implement the provisions of the Agreement regardless of which route is ultimately chosen for construction and, of course, it also stands ready to implement the additional voluntary mitigation it has offered relative to the Proposed Route.

Finally, the fact that the Proposed Route is the shortest and the lowest in cost to build (by at least \$3 million) and to operate and maintain (by \$1.2 to \$1.7 million over a ten year period), should not be overlooked. A shorter route is almost always favored in rail line construction. It will not only offer the lowest cost and most efficient transportation option, but will have lesser land use impacts than will a longer one. It will also impact many fewer landowners. The mitigation that SGR has proposed offers a balance of these benefits of the Proposed Route against the legitimate interest expressed in protecting the Quihi Rural Historic District. Indeed, that District will have no protection absent the proposed mitigation and all of the talk about protecting its integrity will not serve to protect it from future development absent special efforts such as those SGR has proposed as part of its voluntary mitigation. Further, SGR has taken reasonable steps to prevent or dissuade businesses from locating on its line in the Quihi Rural Historic District, and with the assistance of local landowners will be able to prevent that from happening.

Ms. Victoria Rutson
Mr. F. Lawrence Oaks
Ms. Charlene Dwin-Vaughn
April 18, 2007
Page 4

We look forward to the forthcoming discussion on Friday, April 20 and to responding to any questions you might have.

Sincerely,


David H. Coburn
Attorney for Southwest Gulf Railroad

cc: Ms. Diana Wood, SEA
Ms. Jaya Zyman Ponebshek, URS

E1-2908
DW

April 17, 2007

Surface Transportation Board
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Attention: Ms. Diana F. Wood, Project Manager
RE: Finance Docket No. 34284

Ms. Wood,

I would like to comment, in writing, to your letter of April 9, 2007 and the attached letter from Steptoe & Johnson, dated April 5, 2007, regarding the mitigation proposals made by the representatives of Southwest Gulf Railroad (SGR) at the meeting on March 26, 2007. It is my understanding that Vulcan Construction Materials and their subsidiary SGR are continuing to pursue the original proposed route through the Quihi Rural Historic District (QRHD). And, in spite of the conclusions and recommendations made by the Surface Transportation Board (STB) and the Board's Section of Environmental Analysis (SEA) in their Supplemental Draft Environmental Impact Statement (SDEIS) issued in December 8, 2006, Vulcan and the SGR continue to insist that the original Proposed Route should be approved, apparently only because of the additional cost. From my reading it appears the SEA has concluded in its report "that the Eastern Alternatives are environmentally preferable to the Proposed Route or any of the alternatives."¹ Therefore, I cannot understand why these meeting and any negotiations or mitigations are necessary; the original Proposed Route is definitely unacceptable.

The representatives of the SGR makes several offers of mitigation in their letter and I have to question several of their offers. They offer to procure the services of consultants to assist in the preservation of the QRHD, but it must be understood that these services would not be necessary if there were there was no railroad in the QRHD. The SGR also emphasizes the importance of cost in the construction of one route versus another, but they do not stress the "cost" of the permanent loss or destruction of a historic heritage and culture which cannot be replaced, and the "cost" to hundreds of families whose lives will be adversely impacted by their project. No amount of money or mitigation can recoup that "cost."

Then SGR offers to establish a conservation easement along the portion of property that it or its affiliates own and encourages the other landowners to do the same, thereby preventing any further commercial development along the rail route. This presents a major quandary, the SGR has applied for a permit from the government to operate a "public railroad" for the "public benefit," and they have indicated that they will use the power of land condemnation provided to public railroads to acquire land for the "public benefit." But, then they propose to establish a conservation easement along the

¹ SDEIS, Dec. 8, 2006, Page ES-12

route, which, according to their letter would result in "no rail-served business could locate along the SGR line within the QRHD."² This is NOT a "public railroad" and it definitely will not service the "public benefit." They should NOT be allowed to acquire private land using eminent domain when there is NO "public benefit." Vulcan never intended to have a "public railroad", it is for their own private use and will profit only them. They are therefore making a mockery of our laws and the regulatory process of the STB and the SEA.

They also state that they will avoid the historic stone wall as well as any other elements contributing to the QRHD. Well it is apparent that SGR and Vulcan were oblivious to the majority of the historic sites in Quihi when they produced the original Draft Environmental Impact Statement (DEIS) in November 2004, and that was one of the reasons that the additional SDEIS was necessary. Why should we believe that the SGR and Vulcan have identified all historic sites at this point? Quihi is peppered with historic and multiple pre-historic sites which are still being identified. In my opinion, avoiding specific sites is not enough, they should avoid the entire area, and they need to stay far away from Quihi and from the QRHD.

The SGR also offers to move the Proposed Route and not bisect the Gerdes farm, a heritage property. They state the rail line will now be routed along the nearest fence line; this should really improve the quality of life for a farm family that has held the same property in the same family for over one hundred years. Having a garish train run along the edge instead of through the middle will NOT make the Gerdes family more comfortable, it is still intrusive and degrades the quality of their lives and their farm. SGR then offers to screen the rail line with natural vegetation and make it, the rail line, as unobtrusive as possible. It appears that they have now admitted that the railroad is invasive, obtrusive, and unsightly and requires screening to make it more palatable to the community. There is natural vegetation there now and a railroad will be obtrusive no matter what they used to try to hide it.

Finally, on a personal note, the letter writer states that "... the Proposed Route [is] preferable, including intrusions onto the properties of fewer private landowners and less impact to irrigated fields."³ Well, they apparently don't have any problems impacting my irrigated fields. I have an Edwards Well and an extensive irrigation system and I irrigate my hay fields and pecan orchards. My hay fields are cut and baled sometimes as many as three times per year. The hay fields are the sole support of my farming operation; I use the hay to feed my cattle. I find it hard to understand why someone's irrigated fields are more important than mine, and why the SGR uses the avoidance of one irrigated field as justification for their Proposed Route, but considers it okay to destroy my irrigation system and fields.

In summary, I object strongly to the Proposed Route or any other route that bisects the QRHD because it will have a definite negative impact on the Quihi Rural Historic District. The SEA should NOT designate the Proposed Route as a preferable

² Stepcoe & Johnson letter, April 5, 2007, Page 3

³ Stepcoe & Johnson letter, April 5, 2007, Page 4

alternative, and if a rail line is to be constructed anywhere near Quihi it should be as far away from any historic sites as possible. I cannot in good faith endorse or support any of the Eastern Alternatives, as I am personally against any commercial development within, over, or through the Edwards Aquifer Recharge Zone. In addition, I restate my opposition to Vulcan's proposed route which is within, over, and through this very special, historic, and unique rural community of Quihi. The mission statement or motto adopted by the Quihi and New Fountain Historical Association is "We have no future without a past." Please help us preserve our past for the sake of all those who will come after us and need it for their future. Thank you for giving me the opportunity to express my concerns and submit my comments.

Sincerely,

Cynthia Lindsey, Section 106 Consulting Party
P.O. Box 93
Hondo, Texas 78861

EI - 2912
CG

Diana Wood
Section of Environmental Analysis
Surface Transportation Board
FAX: 202-245-0454

Re: STB Docket #FD-34284

Map with Martin/McNew (Balzen/Martin Homestead) noted per request.

Thanks,
Dean and Ronda McNew
1590 County Road 366
Hondo, Texas 78861
deanmcnew@yahoo.com





Paulette Martin
 <pmartin@hondo.net>
 04/23/2007 11:16 PM

To Catherine.Glidden@stb.dot.gov, Diana.Wood@stb.dot.gov
 cc
 bcc
 Subject Re: Historic Land Holdings near Eastern Alternat

History: This message has been replied to.

Thank you for the great news.

Paulette and Nelson Martin

Catherine.Glidden@stb.dot.gov wrote:

>
 > Dear Dean and Ronda McNew:
 >
 > I am writing you on behalf of Diana Wood at the
 Surface Transportation
 > Board (Board) who asked me to follow up with you
 regarding your historic
 > land holdings within the project area for the
 Southwest Gulf Railroad
 > (SGR) Construction and Operation Exemption in Medina
 County, TX. We are
 > in receipt today of your Fax that shows the location
 of the property in
 > question along County Road 366. We understand that
 you are concerned
 > that the Eastern Routes would impact your farmlands.
 I have analyzed
 > the map and our route maps with your Fax in hand in
 order to determine
 > the nature and extent of any potential impacts to
 your land.
 >
 > Upon reviewing your map it appears that your
 property along County Road
 > 366 lies outside any of the alternatives that have
 been identified by
 > the Board as Environmentally Preferable. The route
 that is closest to
 > your property and would cross your holdings on the
 western end is SGR's
 > Modified Medina Dam Route. This route was dropped
 from consideration by
 > the Board in the Supplemental Draft Environmental
 Impact Statement
 > (SDEIS) that was served on January 29, 2007. The
 two environmentally
 > preferable routes that the Board' Section of
 Environmental Analysis
 > (SEA) proposed be carried forward in the SDEIS are
 the MCEEA Medina Dam
 > Alternative and the Eastern Bypass Route. Both of
 these environmentally
 > preferable routes appear to be located well west of
 your property
 > boundaries.

>
 > The only other route the we are currently
 considering is the Proposed
 > Route with the additional mitigation proposed by
 SGR. However, SEA has
 > yet to decide whether to carry this route forward in
 the Final
 > Environmental Impact Statement. Either way, SGR's
 Modified Medina Dam
 > Route is no longer a route that is under
 consideration by SEA.
 >
 > Please feel free to contact me regarding any further
 clarification that
 > you may need regarding your concerns. However, it
 appear that your
 > property (farm holdings) would be avoided by any
 other current
 > alternatives under consideration.
 >
 > Best Regards,
 >
 > -Catherine Glidden
 > Environmental Protection Specialist
 > Surface Transportation Board
 > Section of Environmental Analysis
 > Washington, DC 20423-0001
 > Phone: (202) 245-0293
 > Fax: (202) 245-0454

202-245-0302 (phone)
 202-245-0454 (fax)

— Forwarded by Diana Wood/STB on 04/23/2007 10:48 AM —



Nelson
 Martin
 <nmartin@hondo.net>
 04/21/2007 07:07:47 PM

To Diana.Wood@stb.dot.gov
 cc Paulette Martin <pmartin@hondo.net>
 Subject Southwest Gulf Railroad's Proposed Construction in Medina County, TX

We listened in part to the conference call on Friday, April 20, 2007 regarding the *STB Finance Docket No. 34284 - Southwest Gulf Railroad Company -Construction and Operation Exemption - Medina County, TX* and would like to clarify statements made by Ronda McNew (sister) regarding the section of our family land, the Martin land which pertains to me, Nelson Martin. When she stated that we have a historical house, we believe the majority participating in the conversation were not sure of the location of this house. This house is on the land we own in Quihi off of FM 2676 west of the Quihi Lutheran church and not on the family land off of County Road 366.

Secondly the farmland that we inherited is not leased/rented. We share crop the land and are active in the day to day maintenance and expenses of the farm. We in turn then receive a percent of the profit or loss after harvest as does the farming operation that assists us with our farmland.

We do have our permanent residence on the family land off of County Road 366. We do not want to imply anything other than what it is. Please pass this on to all who need this information so there is no confusion or misunderstanding.

Thank you for your time and all your work to assure everyone is heard.

Nelson and Paulette Martin

1596 County Road 366
 Hondo, TX 78861

misunderstanding.

Thank you for your time and all your work to assure everyone is heard.

Nelson and Paulette Martin

1596 County Road 366
 Hondo, TX 78861
 830-538-3931
 Fax 830-538-3933



Catherine Glidden/STB
 04/23/2007 11:21 AM
 To pmartin@hondo.net
 cc Diana Wood/STB@STB
 bcc
 Subject Fw: McNew Email - Southwest Gulf Railroad's Pr
 Construction in Medina County, TX

Dear Nelson and Paulette Martin:

Diana Wood has requested that I contact you regarding your email.
 Thanks so much for providing this information regarding the locations of
 your property holdings. I have been working with Diana on the historic
 preservation issues associated with the project and would like to pin
 down the location of the "historic home" that you sister was referring to
 during the conference call. We need to have some certainty that the
 historic home is not located in the area of the Eastern Alternatives as Ms.
 McNew seemed to imply on the phone. Would it be possible for you to
 send us a map with the location of the historic house marked in some
 fashion? That way, we can have a record of the house location and
 eliminate any uncertainty that we may have missed something when
 doing our surveys of the Eastern Alternatives. Perhaps, you could also
 outline the location of the farmland that you mentioned as well (to the
 east?) including a description of the house associated with that land (I'm
 assuming, based on your email, that the other home is modern).

Would you suggest that we contact Ms. McNew regarding the information
 you provided, or would she agree with the content of your email?

Thanks again for providing this information.

-Cathy

Catherine Glidden
 Environmental Protection Specialist
 Surface Transportation Board
 Section of Environmental Analysis
 Washington, DC 20423-0001
 Phone: (202) 245-0293
 Fax: (202) 245-0454

--- Forwarded by Catherine Glidden/STB on 04/23/2007 10:54 AM ---



Diana
 Wood/STB
 04/23/2007
 10:48 AM
 To Catherine Glidden/STB@STB
 cc
 Subject Fw: McNew Email - Southwest Gulf Railroad's Proposed
 Construction in Medina County, TX

Diana F. Wood
 Section of Environmental Analysis
 Surface Transportation Board
 395 E Street S.W. Room 1110
 Washington, DC 20423

of our family."

To continue Ronda stated to get her point across in
 reference to
 historical land vs. historical house.

"In summary, my family sees both sides of the rail
 line location-problem
 because we are a part of both sides. However, when
 having to choose
 between an ancestral house and ancestral land, we
 choose the land - the
 real reason our ancestors came to Quihi."

We have attached the maps showing you where our land
 is located.

The house we live in is a home we built off of County
 Road 366. It is
 here that our farmland dates back to our family, the
 Martin/Balzen
 family to 1890. (This land is involved with the
 eastern routes.)

The historical house is on our land in Quihi along
 with our farmland
 which has been in our family, the Martin/Lindeburg
 family since 1855.
 (This land is located in the community of Quihi)

Now, with all this said, please remember Ronda's
 statement regarding our
 stand on the issue.

"Please consider the bigger picture, the greater good,
 the better value,
 and the larger significance of heritage family land
 when making the
 decision for location of the rail line and elect not
 to cross the
 historic partials of land that are along the proposed
 eastern routes.
 The Martin Family requests that the Surface
 Transportation Board and
 Texas Historical Commission decide to leave this
 historic land intact by
 choosing the Original Proposed Route through Quihi, a
 decision that will
 not be regretted."

You may send all related emails to Ronda McNew if you
 feel it is
 necessary to help clarify any issues.

Thank you.

Sincerely,

Nelson and Paulette Martin



Paulette Martin
 <pmartin@hondo.net>
 04/23/2007 03:53 PM

To Catherine.Glidden@stb.dot.gov, Nelson Martin -
 <pmartin@hondo.net>
 cc Diana.Wood@stb.dot.gov
 bcc

Subject Re: Fw: McNew Email - Southwest Gulf Railroad'
 Construction in Medina County, TX

Dear Ms. Glidden,

First, we would like to say that we stand by the
 validity of Ronda's
 read statements. It was not until questions were being
 addressed that we
 believe the confusion started and by being an outside
 listener, we
 thought we could clarify any issues that we overheard.
 We were hoping to
 save you and others working on this project valuable
 time. The following
 is directly taken from Ronda's statement that she read
 on behalf of the
 Martin family. Please note that her statements were
 forwarded to Ms.
 Wood so it could be recorded on the day of the
 conference call.

"We understand and are a part of the multi-faceted
 tapestry of the
 community of Quihi. We also own land in the town of
 Quihi, which has
 been in our family since 1855. This land was part of
 an original Texas
 land grant and received a Texas Department of
 Agriculture Family Land
 Heritage award in 1975. We have an ancestral home on
 the land and
 appreciate the value of ancestral Quihi homes,
 especially since we are
 direct descendants of the Schweers, Breiten, Saathoff,
 Lindeburg, and
 Balzen families."

As you can see from the above, Ronda refers to the
 ancestral home in
 Quihi. Her point to be made was in the following
 statement.

"However, the land grants in Texas were issued to our
 ancestors for the
 purpose of farming and ranching. Henri Castro founded
 Quihi to serve as
 a farming community for immigrants from Alsace and
 nearby German states.

An ancestral house is important, but the importance
 pales in light of
 ancestral land. Our ancestral land is the true
 heritage of Texas, the
 true heritage of our community, and the true heritage

Catherine.Glidden@stb.dot.gov wrote:

>
 > Dear Nelson and Paulette Martin:
 >
 > Diana Wood has requested that I contact you
 regarding your email.
 > Thanks so much for providing this information
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 > Would you suggest that we contact Ms. McNew
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 > you provided, or would she agree with the content of
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 >

> Thanks again for providing this information.

>
 > -Cathy

> Catherine Glidden
 > Environmental Protection Specialist
 > Surface Transportation Board
 > Section of Environmental Analysis
 > Washington, DC 20423-0001
 > Phone: (202) 245-0293
 > Fax: (202) 245-0454

> ----- Forwarded by Catherine Glidden/STB on

04/23/2007 10:54 AM -----

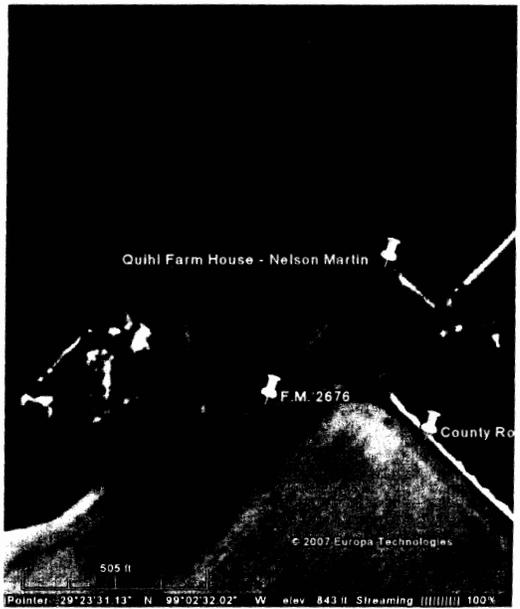
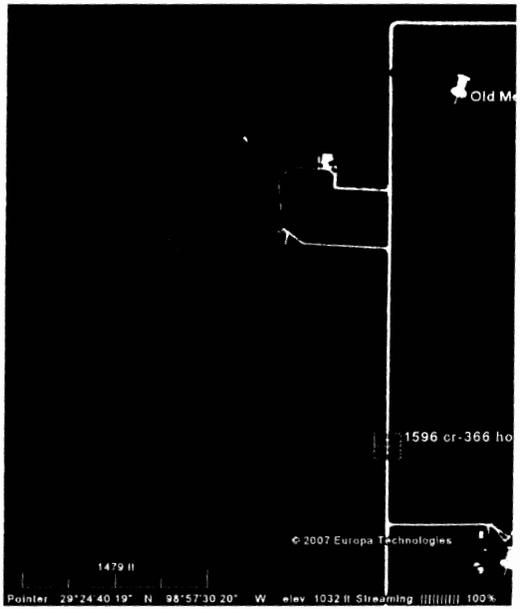
> *Diana Wood/STB*

>
 > 04/23/2007 10:48 AM

>
 > To

> Catherine Glidden/STB@STB
 > cc
 >
 > Subject
 > Fw: McNew Email - Southwest Gulf
 Railroad's Proposed Construction in
 > Medina County, TX
 >
 >
 >
 >
 >
 > Diana F. Wood
 > Section of Environmental Analysis
 > Surface Transportation Board
 > 395 E Street S.W. Room 1110
 > Washington, DC 20423
 > 202-245-0302 (phone)
 > 202-245-0454 (fax)
 >
 > ----- Forwarded by Diana Wood/STB on 04/23/2007
 10:48 AM -----
 > *Nelson Martin <nmartin@hondo.net>
 >
 > 04/21/2007 07:47 PM
 >
 >
 > To
 > Diana.Wood@stb.dot.gov
 > cc
 > Paulette Martin <pmartin@hondo.net>
 > Subject
 > Southwest Gulf Railroad's Proposed
 Construction in Medina County, TX
 >
 >
 >
 >
 >
 >
 > We listened in part to the conference call on
 Friday, April 20, 2007
 > regarding the *STB Finance Docket No. 34294 -
 Southwest Gulf Railroad
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 Medina County, TX* and
 > would like to clarify statements made by Ronda McNew
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 > the section of our family land, the Martin land
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 > the location of this house. This house is on the
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 >
 > Secondly the farmland that we inherited is not
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 > We do have our permanent residence on the family
 land off of County Road
 > 366. We do not want to imply anything other than
 what it is. Please pass
 > this on to all who need this information so there is
 no confusion or
 > misunderstanding.
 >
 > Thank you for your time and all your work to assure
 everyone is heard.
 >
 > Nelson and Paulette Martin
 >
 > 1596 County Road 366
 > Hondo, TX 78861
 > 830-538-1931
 > Fax 830-538-3933
 >



Dr. Robert T. and Alyne Fitzgerald
202 CR 450, Hondo, TX 78861
Ph. (830) 741-5040 (830) 426-3649 Fax (830) 426-2060

#E1-2923
FD 34284

FAX MESSAGE

Date: 3 May 07

To: Victoria Rutson

Attention: Diana Wood

From: Dr. Bob Fitzgerald In ref. FD 34284

Message: Recent editorial article in the *Conrad Herald Newspaper* concerning STB's recent change into Proposed Route, & the effect it will have as a result of the relocation of the route to the eastern side of CR 353. If this route is chosen:

cc Larry Oaks THC
cc Charlene Dwin-Vaughn ACHP

This is page 1 of _____ pages.

14A • May 3, 2007 • Hondo Anvil Herald

LETTERS TO THE EDITOR
YOUR TURN

Proposed rail route a nightmare

Dear Editor:

For the past seven years residents in the Quihi area have been keenly interested in Vulcan Materials' plans to ship 200 million tons of limestone from a proposed 1,760 acre quarry on a proposed railroad to the Gulf Coast.

Vulcan created the Southwest Gulf Railroad (SGR) and sought to obtain a permit, which would give SGR eminent domain power from the Surface Transportation Board (STB) for a proposed route.

This route was disfavored by STB, who after extensive study favored an "Eastern Route" which bypassed the Quihi Rural Historic District (QRHD) and three flood plains.

In an effort to reinstate and gain STB approval, SGR proposes to relocate portions of CR 365 to accommodate a railroad bridge crossing Quihi Creek. It also proposes to relocate portions of the proposed route to the eastern side of CR 353. This new location now blocks the only readily available access to the property where I reside with my expectant wife and 2 young children. It also blocks access to rental properties, a

hunting lease and a large workshop. This route will deny access to a minimum of eight people while 100 train cars pass day or night.

The above relocation was done to avoid bisecting the Gerdes Family Heritage Ranch, also part of the QRHD.

To make matters worse, the new proposal route, as it courses northward, crosses CR 353 near its intersection with CR 354. This new location passes dangerously near our residence, already recognized as a part of the QRHD. A railroad being in such close proximity that children could be injured, maimed or even worse, playing on a nearby railroad. The entire family could become fatalities should a nocturnal derailment occur.

All of the above dangers and inconveniences would be avoided by following the STB advice and utilizing an eastern route. Better still, STB should deny SGR application for a permit which would grant Vulcan eminent domain power to condemn land. SGR will never be a common carrier.

Corey Burke
Quihi

Surface Transportation Board
Incoming Correspondence Record

#E1-2924

Correspondence Information

Docket #:	FD 34284 0	Date Received:	05/07/2007
Name of Sender:	Dr. Bob Fitzgerald	Date of Letter:	05/06/2007
Group:	MCEAA		

Submitter's Comments

MCEAA Comments on Teleconference Meeting April 20, 2007.

#E1-2924
DW

To: Medina County Environmental Action Association, Inc.

202 CR 450, Hondo, TX 78861
www.dontmesswithquihi.com

2060
Dr. Robert T. Fitzgerald, President
Lester Landrum, Vice-President
Arlene Gerdes, Director
Joe Balzen, Director

Phone 830-741-5040
Fax 830-426-

Jacque Conrad, Secretary
Mary Walpole, Treasurer
Ted Porterier, Director
Alyne Fitzgerald, Communications
Erna Balzen, Membership

May 6, 2007

Ms Victoria Rutson, Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001
FAX 202-245-0454

Mr. F. Lawrence Oaks
Executive Director
Texas Historical Commission
P.O. Box 12276
Austin, TX 78711-2276
FAX 512-475-4872

Ms. Charlene Dwin-Vaughn
Ms. Katry Harris
Advisory Council on Historic Preservation
1100 Pennsylvania Ave.
Washington, DC 20004
FAX 202-606-8647

Re: MCEAA Comments on Teleconference Meeting April 20, 2007
STB Finance Docket 34284 Medina County TX
Proposed Rail Line

Dear Ms. Rutson, Mr. Oaks, Ms. Dwin-Vaughn, and Ms. Harris:

Thank you all for your continued efforts and patience in this complex case. Although many comments, questions, and discussions have been submitted for consideration, there are other pertinent comments we would like to submit in the Section 106 process.

It is MCEAA's opinion that the Southwest Gulf Railroad's new relocation and mitigation measures for the Proposed Route (PR) still cannot compare with an eastern route because of the overall detrimental effects the very presence of this route has on the Quihi Rural Historic Landscape (QRHL). No matter how hard SGR tries to convince the Surface Transportation Board (STB), the fact remains that a railroad does not fit into Quihi's rural landscape. It is important to remember that this landscape must be preserved as much as possible in its original authentic condition. It must not be altered by the addition of SGR's proposed bridge needed for the crossing of the Quihi Creek, its flood plain and CR 365, regardless of the bridges length, height, and other trappings. All of the above detract from the aesthetic value and feeling of the rural landscape. None of the above belongs in this priceless, irreplaceable, one of a kind part of Texas and American History.

It must be noted that SGR's desire to relocate CR 365 to 'higher ground' is not done because it would be a better location for the road, but because SGR knows the road's original location adjacent to the Quihi Creek could not be utilized, nor could it be maintained, due to the lack of adequate clearance by the proposed bridge. More importantly, this re-location of CR 365 destroys the its authenticity, and CR 365's intended purpose and design by the early settlers to connect Quihi with Upper Quihi, as the area's population increased. Early settler's wagons were purposely driven through the creeks so that water would swell the wooden wheels and keep the iron rims tightly adherent to the wheels. This is yet another reason the historic location of this road should not be relocated.

SGR's counsel's April 18, 2007 letter inferring that the county would allow a portion of CR 365 to be relocated is a statement made in an attempt to mislead the STB, THC, and ACHP. The fact is that any county road alterations (except for shortening the road) can only be done with the entire Commissioner's Court approval. Road alterations must be discussed as an agenda item in a Commissioner's Court Meeting. Alterations of roads are not approved against opposition by the affected public, which is sure to be present in this instance.

SGR's relocation of the proposed route in the Lindsey property to spare the division of a prehistoric rock wall is a proposal that goes from bad to worse. This new location infringes on another prehistoric site. It is 41ME132, registered by T. Hester and B. Mangold. This site's location had erroneously been listed in the SDEIS as being within 1000 ft. of the MCFEA's MDA route. (Vol. I, page 5-44, Table 5.9-3). This site is actually closer to the proposed route, and the new proposed relocation of the PR (around the east end of the rock wall) brings it even closer.

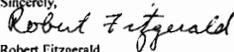
SGR's new proposed relocation of the PR to the eastern side of CR 353 to avoid bisecting the Gerdes Family Heritage Ranch also causes other problems. This location now crosses the driveway access to property where eight individuals live, including 2 small children, soon to be three. Another home and a machine-shop-office complex access is also cut off. As the PR courses further northward and crosses CR 353 near its intersection with CR 354, it now crosses dangerously close to the Diltmar family home. This is a home which is eligible for listing in the National Register of Historic homes, Resource 333, Vol II, page 54 of the SDEIS. Here a nocturnal derailment would not only destroy the home but would result in 4 fatalities.

After evaluating all the data, it should be clear to all of the parties participating in the Section 106 process that the proposed route PR does not belong in the Quihi Rural Historic Landscape. An eastern route which avoids the area and which has already been recognized by SEA as being less environmentally disruptive in many aspects should be chosen.

If Vulcan Materials/SGR does not choose to utilize an eastern route for the rail lines construction, that will be their decision. The threat of an all truck route, with its known increased costs, is one likely not to materialize when all factors are considered.

The Proposed Route as well the eastern routes have been studied extensively and comments from consultants have been submitted. The fate of Quihi's Rural Historic Landscape is now in SEA, THC, and ACHP's hands. This fragile, rare, irreplaceable bit of Early American and Texas History must be preserved.

In closing, MCFEA members wish to extend our thanks to the STB, THC, ACHP, and their staffs for their patience and hard work devoted to this matter.

Sincerely,

 Robert Fitzgerald

cc: Medina County Judge Jim Barden
 cc: County Commissioner Pat I Ronnie Ulbrich

Thank you for your Home, Health, and Heritage

Surface Transportation Board
Incoming Correspondence Record

#EI-2925

Correspondence Information

Docket #:	FD 34284 0	Date Received:	04/30/2007
Name of Sender:	Julianne Fletcher	Date of Letter:	04/17/2007
Group:	Preservation Texas		

Submitter's Comments

Comments from the March 26, 2007 Section 106 meeting and the April 5, 2007 Steptoe & Johnson letter.

Surface Transportation Board
Incoming Correspondence Record

#EI-2926

Received 4/30/07
 PAW
 FD 34284
 #EI-2925



April 17, 2007

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Julianne Fletcher

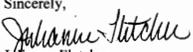
Ms. Victoria Rutson, Chief
 Section of Environmental Analysis
 Surface Transportation Board
 395 E. Street SW
 Washington, DC 20423-0001
 FAX: 202-245-0454

Dear Ms. Rutson::

This letter is presented to offer comment on the Section 106 meeting via conference call March 26, 2007, and the letter from Steptoe & Johnson, Attorneys on April 5, 2007. Preservation Texas is the statewide nonprofit preservation organization that named Quihi to its Most Endangered List.

The mitigation proposal of the Southwest Gulf Railroad (SGR) Company is not a reasonable method to counter the adverse effect to the Quihi Rural Historic District (QRHD). The four eastern routes proposed provide the best and feasible alternative and we believe should be pursued. Therefore, we feel that no additional work would be required to address the adverse effects on Indian burial remains or negative visual effects that a large bridge would present.

SGR should use one of the eastern alternative routes for the rail line. It is important to protect the significant historic resources of Texas for our descendants and ourselves.

Sincerely,

 Julianne Fletcher
 Executive Director

Cc: Mr. F. Lawrence Oaks
 Ms. Charlene Dwin-Vaughn
 Ms. Katy Harris
 Quihi & New Fountain Historical Society
 Dr. Robert T. Fitzgerald

Correspondence Information

Docket #:	FD 34284 0	Date Received:	04/30/2007
Name of Sender:	Anthony Weiblen	Date of Letter:	04/29/2007
Group:	Weiblen Farms		

Submitter's Comments

Weiblen Farms is eligible to apply for the Texas Family Land Heritage Program.

Received April 19, 2007
 JFW
 PD 34284
 #E1-2931

April 29, 2007

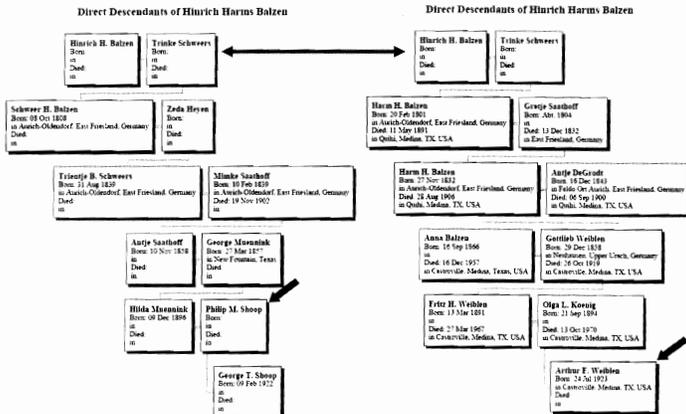
Attachment

Dear Mr. Oaks and Ms. Wood:

Through the help of our neighbors and friends, we discovered that the Weiblen Farm is eligible to apply for the Texas Family Land Heritage Program. We have accumulated the necessary documentation for two pieces of property, which are identified below.

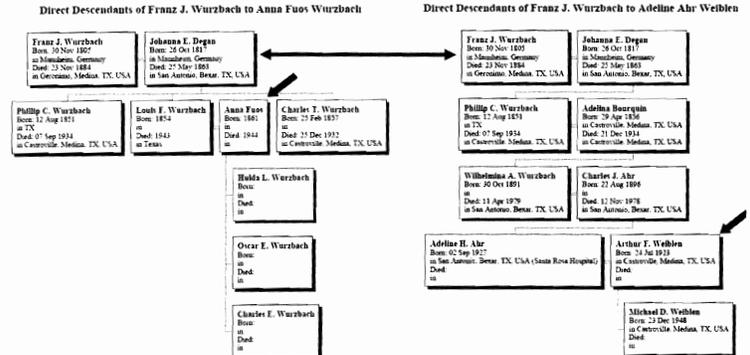
Shoop Land

The Weiblen land that is directly north of FM 4516 and east of CR 461 (approximately 300 acres) was purchased by Arthur F. Weiblen in 1963 from Philip M. Shoop, which is a third cousin to Arthur Weiblen once removed through the descendants of Hinrich H. Balzen and Trinke Schwers (below are the family trees showing the lineage). Philip M. Shoop inherited the land from George Muennink in 1931. George Muennink and John Muennink purchased the land in October 1883 from Peter Eichorn. With over 100 years of ownership and operation by one family for the purpose of farming and ranching, it qualifies for the Texas Family Land Heritage Award. This land was part of the Peter Eichorn land grant.



Fuos Land

The Weiblen land that is directly east of CR 366 and approximately 1/8 mile north of Fred Weiblen's house (directly north of east/west power lines), which is approximately 107 acres, was purchased by Arthur Weiblen from Fritz Fuos in 1950. Fritz Fuos and brother Emil Fuos purchased the land from their siblings in 1915, which included Anna Fuos who is a great aunt to Adeline H. Ahr. Adeline H. Ahr is married to Arthur Weiblen. The kinship is established through the Franz J. Wurzbach and Johanna E. Degan. Degan descendants (below are the family trees showing the lineage). Anna Fuos inherited this land from her father Jacob Fuos Sr. Jacob Fuos Sr. and Christian Offinger purchased this land from Jacob Fritz in May 1883. Again, with over 100 years of ownership and operation by one family for the purpose of farming and ranching, it qualifies for the Texas Family Land Heritage Award. This land was part of Survey 341 William Teer and 318 A. Bishop.



Summary

The Weiblen Family is completing the required documentation for recognition on these properties as historic in 2008. We are performing additional research and believe we can prove that all the Weiblen Farm is eligible for this award.

The Weiblen Family also believes that several neighbors who are in the paths of the eastern routes are also eligible for this prestigious award. Some of these neighbors are: Wayne Balzen, Jean Balzen, Henry Balzen, Glenn Schwers, Hugo Wurzbach, Wallace Haby, Bruce Saathoff, Elmer Saathoff, Fred Weiblen, and Herbert Weiblen. We will

continue our research and encourage these families to file for Texas Family Land Heritage Awards to protect our farming and ranching culture.

All of these families are continuing to build on this heritage by their enduring commitment to farming and ranching these properties, unlike the opponents of the Original Proposed Route who recently moved to the area. If the eastern routes are chosen, which divide more than double the number of farms and ranches, they could destroy the productivity of this land and devastate this rich heritage.

When comparing all of the possible routes, it cannot be said that one contains more historical significance than another. Thus, the final selection of the route should be based on the minimum affect on all properties, which is the most direct route and follows existing rights of ways and property lines.

Please take all this information into consideration when comparing the eastern routes to the Original Proposed Route and protect our farming and ranching community. If you have any questions, please contact Harold Weiblen at 210-827-7128.

Sincerely,

Anthony Weiblen

Received 4/17/07
 JFW
 #E1-2932

Lester R. Landrum
 776 CR 354
 Quihi, Texas 78861

April 26, 2007

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

Charlene Dwin Vaughn
 Assistant Director
 Federal Permitting, Licensing, and Assistance Section
 Advisory Council on Historic Preservation
 Old Post Office Building
 1100 Pennsylvania Avenue, NW, Suite 803
 Washington, DC 20004

F. Lawrence Oaks
 Executive Director
 Texas Historic Commission
 P.O. Box 12276
 Austin, TX 78711-2276

Re: U.S. Surface Transportation Board Finance Docket No. 34284
 Southwest Gulf Railroad-Construction and Operation-Medina County, TX
 NHPA Section 106 Consultation, April 20, 2007 conference call

Dear Agency Consulting Parties:

My wife and I reside at 776 CR 354, Quihi, Texas which is about one mile from a proposed quarry and about one-half mile from any of the seven proposed railroad routes for this quarry. Our home is located on property that has been in her family since 1881, is recognized by Texas Family Land Heritage, and her lineage is tied to the original area settlers. Our family is blessed with long lasting and enduring interest in Quihi area activities.

The overall modified proposal was not clear or complete. The map and the bridge sketch were presented in the light to mislead and hide. We all know that railroad bridges, berms, power lines, culverts, fences and maintenance roads would be necessary, and then detract from aesthetic values.

SGR's modified proposal often presents issues with partial and skewed data and the exact total compiled data in EIS and SDEIS is not properly addressed. Often pieces of the data in SDEIS is quoted, but the summary of the conclusion of this data is avoided.

This mitigation falls short as it is nebulous and does not focus on the subject at hand. Very little data is presented on the Gerdes and the Lindsey proposed modifications. Opinions and conclusions could have been better arranged and presented by SGR. The economics would show that it is less expensive to build and maintain a railroad on flat solid ground than to build a railroad on berms and bridges over the flood plains. The proposed conservation easement was not fully explained, no legal binding agreements were put forth, and no authority divisions were defined. It appears that this proposed easement could be legally voided by other common carriers, and other land owners.

It would be necessary for the proposed route to be rerouted to be acceptable with the mitigation presented and its deviation from prior EIS and SDEIS studies. SGR presents mitigation measures that address impacts on the future developments, but shun the present impacts on the proposed modified route. A 15-20 foot tall bridge, some 600-800 feet long, plus 600-800 feet of berms with culverts would be required for the flood plain crossing. Avoidance of the Quihi historical area is the only choice.

In our present technological and information age, surely the passage of ideas, data, and conclusions could have been better defined and better presented by SGR.

We continue to push for responsible sustainable development in Quihi area and we acknowledge that citizens must protect history and culture in order to leave the legacy that was presented to them.

Sincerely,

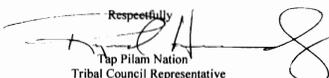
Lester R. Landrum

My experiences in the past 18 years in Texas with Federal, State Governmental agencies & Private industries have been disappointing to say the least. No matter how well intended this process is meant to be by well meaning people, the actions of those after they have obtain their permits usually fall way short of their responsibilities that they are bound to. We respectfully offer the following reasons for our objections to this propose route.

- (1) This proposed route with it's necessary excavations, cuts, fills and alteration of the terrains will surely destroy much those historical deposits.
- (2) State and Federal permitting processes in the past have been only pro-forma: no meaningful or with very little input and participation with Tribal communities that are most affected from this process.
- (3) Deadlines, cost factor, Political pressure & interference become the sole basis for disregarding & ignoring Federal, State Laws compliance at the expenses of Tribal communities.
- (4) Past excavations under these conditions have demonstrated it's of no or little benefit to our Communities.
- (5) Tribal communities in Texas have historically been omitted in the "scoping" and "monitoring" of the permitting process; with regards on projects that involve Indian cultural deposits, burials, ect...
- (6) It is clear to us who have had the difficult & burdensome experiences of having to rebury many of our ancestors in the past that the offer in allowing us that privilege is somewhat disingenuous and offensive. We do so only because we know the alternative of past abusive, and it is the only alternative that we have if we wish to protect our culture & historical past. We have a clear understanding between ignorance and stupidity. We would like to avoid that possibility or certainly minimize that possibility.
- (7) Our traditions, culture, & spirituality requires relevance to the sacredness of our past along with our responsibility to those ancestors whose sacrifices provided us with our very existence and hope for our future.

At the public hearing on 3-26-07 I commented on the high probability of encountering cultural deposits, and ancestral remains, these remarks were then supported by the Texas SHPO Mr. Larry Oaks. Therefore, the alternate routes proposed by the MCEAA would present the less likelihood of encountering ancestral remains & deposits.

In conclusion the Tap Pilam Coahuiltecan Nation respectfully requests that the STB, THC, and ACHP not approve the "Propose route" as made by Southwest Gulf Railroad Co.

Respectfully

 Tap Pilam Nation
 Tribal Council Representative
 Historic & Cultural Preservationist
 Raymond Hernandez

C.C. AITSCM

Honoring and Respecting the Past
Working for Equality and Justice Today
Committed to the Future Generations

Panama Payaya
 Raymond Hernandez
 Pampopa
 Mick Killian
 Venados
 Teodoso Herrera
 Autaca Pakame
 Ramon Vasquez
 Y Sanchez
 Pacoa
 Steven Casanova

Tap Pilam – Coahuiltecan Nation

Tribe: Panam-a Payaya

273 Nicks Rd.
Comfort, Texas 78013
(830) 995-3356

E-Mail: coahetex@htc.net

Received 4/25/07
DWN
E1-2933

April 17, 2007

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

Charlene Dwin Vaughn
 Assistant Director
 Federal Permitting, Licensing, & Assistance Section
 Advisory Council on Historic Preservation
 Old Post Office Building
 1100 Pennsylvania Ave., NW, Ste. 803
 Washington, DC 20004

F. Lawrence Oaks
 Executive Director
 Texas Historic Commission
 P.O. Box 12276
 Austin, Texas 78711-2276

RE: U.S. STB Finance Docket No. 34284
 Southwest Gulf Railroad-Construction & Operation-Medina County, Texas
 NHPA Section 106 Consultation

Dear Consulting Parties

After reviewing Southwest Gulf Railroad attorneys April 5, 2007 letter, the Tap Pilam Nation Tribal Council (pronounce, Taap Piiamm) submits the following statements for consideration.

For the Record, Tap Pilam Coahuiltecan Nation is opposed to the SGR "Proposed route", and prefer the MCEAA Medina Dam Alternative route. This decision was made after much deliberation and discussion within our Tribal Council & Communities. The Proposed Route by Southwest Gulf Railroad including all it's mitigation measures is certain to be more disruptive and likely to destroy much of our ancestral cultural & history deposits. This Proposed route courses through the Quihi valley, and area known to us to have been inhabited by our Tribal ancestors. On January 27, 2007 our Historical researchers provided a small amount yet significant & conclusive historical documentation of our Historical, Cultural & Spiritual (Religious with regards to the "cerenotes") evidence that clearly establishes our Tribal affiliation to this project area.

European Spanish Archival records along with past archeological excavations provide a clear pattern of how our ancestors inhabited much of the Hill County, from parts of East Texas into West Texas, Gulf, and South Texas. Our Ancestors may have been driven and displace from much of our homelands, but many of our Ancestors cultural & historical presence remains and they are buried near the very waters that their livelihood depended on for survival.

Honoring and Respecting the Past
Working for Equality and Justice Today
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Dean McNew
 <deanmcnew@yahoo.com>
 04/25/2007 05:40 PM

To: diana.wood@stb.dot.gov
 cc: Catherine.Glidden@stb.dot.gov
 bcc:

Subject: Re: Historic Land Holdings near Eastern Alternatives

FD 34284
E1-2934

Ms. Wood:

Thank you for directing Ms. Catherine Glidden to send a follow up email regarding my family's historic land holdings within the project area of the Southwest Gulf Railroad (SGR) Construction and Operation Exemption in Medina County, Texas, specifically the SGR's Modified Medina Dam Route. The statement that by appearances our property would be avoided by any other current rail line alternatives under consideration brought an overwhelming relief to my brothers and their families, my neighbors, my children, and me. Thank you. Thank you.

Thank you for always taking time to address my concerns and answer my questions so professionally. I appreciated all of your efforts.

As I follow all of the labors of the Surface Transportation Board, the Texas Historical Commission, and the Southwest Gulf Railroad, I know that the rail line placement-matter is not taken lightly. With all of hard work by all agencies, the ultimate location-selection will be the most feasible and most reasonable affecting the fewest number of landowners and least amount of archaeologically sensitive terrain while balancing the desires of the Quihi Historic District - an ultimate benefit to all involved parties. However, if the preferred Proposed Route with SGR's modified enhancements is not selected and one of the eastern routes is deemed more preferable, please proceed with the Weiblen modifications included.

Again, thank you for everything.

Sincerely,
 Dean and Ronda McNew
 1590 County Road 366
 Hondo, TX 78861

Catherine.Glidden@stb.dot.gov wrote:

Dear Dean and Ronda McNew:

I am writing you on behalf of Diana Wood at the Surface Transportation Board (Board) who asked me to follow up with you regarding your historic land holdings within the project area for the Southwest Gulf Railroad (SGR) Construction and Operation Exemption in Medina County, TX. We are in receipt today of your Fax that shows the location of the property in question along County Road 366. We understand that you are concerned that the Eastern Routes would impact your farmlands. I have analyzed the map and our route maps with your Fax in hand in order to determine the nature and extent of any potential impacts to your land.

Upon reviewing your map it appears that your property along County Road 366 lies outside any of the alternatives that have been identified by the Board as Environmentally Preferable. The route that is closest to your property and would cross your holdings on the western end is SGR's Modified Medina Dam Route. This route was dropped from consideration by the Board in the Supplemental Draft

Received 4/23/07
PD 34284
Dpw
#E1-2935

Environmental Impact Statement (SDEIS) that was served on January 29, 2007. The two environmentally preferable routes that the Board' Section of Environmental Analysis (SEA) proposed be carried forward in the SDEIS are the MCEAA Medina Dam Alternative and the Eastern Bypass Route. Both of these environmentally preferable routes appear to be located well west of your property boundaries.

April 17, 2007

The only other route the we are currently considering is the Proposed Route with the additional mitigation proposed by SGR. However, SEA has yet to decide whether to carry this route forward in the Final Environmental Impact Statement. Either way, SGR's Modified Medina Dam Route is no longer a route that is under consideration by SEA.

Mr. F. Lawrence Oaks
Executive Director
Texas Historical Commission
PO Box 12276
Austin, TX 78711-2276

Please feel free to contact me regarding any further clarification that you may need regarding your concerns. However, it appear that your property (farm holdings) would be avoided by any other current alternatives under consideration.

Dear Mr. Oaks:

Best Regards,

I am writing to offer some comments on the letter of April 5, 2007 submitted by Mr. David Coburn of Steptoe and Johnson, LLP, dealing with the proposed routes of the Vulcan/SGR railroad.

-Catherine Glidden
Environmental Protection Specialist
Surface Transportation Board
Section of Environmental Analysis
Washington, DC 20423-0001
Phone: (202) 245-0293
Fax: (202) 245-0454

Aside from the fanciful sketch of the rustic bridge over the Quihi Creek floodplain, there are other flights of fancy in this letter relating to historic preservation, archaeology, and the local Medina County Historical Commission (MCHC).

Ahhh...imagining that irresistible "new car" smell?
Check out new cars at Yahoo! Autos.

With regard to the Quihi Rural Historic District (QRHD), does not the detailed study provided by URS, and prepared with great diligence by Terri Myers, present all the data needed for such a designation (e.g., comparable to the detail in the SDEIS)? Will it require a half-million dollar "contribution" to wrap that up? Having worked with researchers who have submitted National Register nominations and the like, I am aware that this is time-consuming. But the process has already been started by the Quihi and New Fountain Historical Society (QNFHS), at no cost to anyone.

Contrary to Mr. Coburn's statement on p. 4, paragraph 3 of the April 5, 2007 letter, the QNFHS is not a creation of MCEAA. Indeed, it was organized in 2003 by Cynthia Lindsey and myself, after I had told Mrs. Lindsey of the THC's "HELP" program that was functional when the group was formed in 2004. The purpose of the QNFHS was to prepare HELP forms for endangered structures in the Quihi area. Numerous individuals joined together to assemble well over 60 of these forms, with photographs, all of which was provided to the files at THC. The Fitzgeralds had nothing to do with the formation or activities of the QNFHS, though the one fact that Mr. Coburn got straight was that Alyne Fitzgerald is currently the President.

Next, the Medina County Historical Commission is not designated to receive and expend funds that would benefit the QRHD at Quihi. It is inappropriate to even suggest that \$75,000 might be routed to the MCHC. My wife and I both served on the MCHC from 2000-2006 (we resigned in late 2006). Karen Muennink is the one member of the MCHC who has deep interests in the historical resources of Quihi. But, the activities of the MCHC in recent years have not included any activity at Quihi. Indeed, it was Mrs. Muennink who wrote the recent resolution opposing the "proposed route" through Quihi as posted on the STB incoming correspondence board.

2

I'm sure you know just how ineffective it has been in historic preservation to "incentivize" (p. 3, 3) businesses to locate outside of a historical district. Even government agencies and local police cannot protect National Register sites from destruction by vandals or by business development. And to think that if a business located on the Vulcan/SGR railroad within the QRHD, it is facile to think that "\$75,000" would somehow "mitigate" the loss of historic resources or the impact to those nearby. Again, as you know, \$75,000 will buy very little in cultural resource studies these days. Mr. Coburn has criticized me in the past for stating that archaeological mitigation can be extremely expensive, but having been involved in such work as an administrator for 30 years, I have plenty of evidence to support the increasingly high level of expenditures that are required!

April 13, 2007

Surface Transportation Board
Rini Ghosh,
Section of Environmental Analysis
1925 K Street NW
Washington, DC 20423-0001

Re: Finance Docket #34284
Vulcan Materials Co. / Southwest Gulf Railroad

Dear Ms. Ghosh:

I own property that will be affected by the railroad track and train. I was raised on the farm and want to retire to peaceful retirement on that property. A train traveling through the area will create a bunch of noise, dust, and organic fumes.

The proposed consultation with the Tap Pilam Tribal Council is to be commended. It is my distinct impression that Mr. Ray Hernandez, whom I have known for years, is greatly opposed to any excavation of Native American human remains and that a "reburial" program is not what he wants! He is especially concerned about the sinkholes in the proposed quarry locale. I pointed out in the first letter I sent to the STB, on November 6, 2003, that such sinkholes were the preferred spots for disposal of the dead by prehistoric peoples in Central Texas. Of course, the quarry is not tied to the railroad in some minds, but I can't see that stopping Mr. Hernandez, and other groups such as the Lipan Apache, from generating extreme adverse reactions to the project in the media and elsewhere (something for which he is well known - and in which he is very successful!) if the quarry is opened with the present absence of data on the sinkholes there.

I believe this is the wrong location for this project. Vulcan/SGR can go further west to less populated area that will affect fewer people and be cheaper to construct.

I do not want the historical and archeological sites in the area harmed by the construction of the rail and the movement of heavily loaded trains.

And while Mr. Gerdes is not accurately quoted in Mr. Coburn's letter (p. 4, para. 4), it is unclear to me where the newest of the new proposed route would be placed. members of the Southern Texas Archaeological Association have recorded important prehistoric sites in this area, many of them pointed out to them by Mr. Gerdes. Since there has never been a full-scale pedestrian archaeological survey of any of these routes, it could well be that large expenditures and a great deal of time will be needed to mitigate archaeological resources.

This rail will also cross many drainage creeks and block them off. Bridges will need to be constructed over all drainage creeks. This requirement should be part of the conditions on the issuing of a permit. I do not want to see flooding in the area.

I want highway overpasses constructed wherever the railroad crosses roads. This requirement should be part of the conditions on the issuing of a permit.

The fuel storage and maintenance area should be moved out of the Elm Creek flood plain. I do not want to see fuels and oil spilled into the flood plain.

In closing, let me offer my personal thanks to you for your hard work in dealing with this issue. The THC clearly opposes the "proposed route," and has ignored offers of huge sums of money from Vulcan/SGR that would no doubt benefit the work of the THC, given its meager State appropriations. I would assume that as Chair of the Advisory Council on Historic Preservation, Mr. John Nau III (chairman of the Texas Historical Commission) will also strongly oppose the destruction of this unique rural historic landscape at Quihi.

Respectfully,


Alvin Saathoff

Sincerely,

Thomas R. Hester, Ph.D.
Professor of Anthropology, emeritus
The University of Texas at Austin

Received 4/13/07
PD 34284
Dpw
#E1-2936

Diana Wood
Surface Transportation Board
395 E Street, SW
Washington, D.C. 20423-0001

FD 34284
Received 4/17/07
#E1-2937

Re: Southwest Gulf Railroad Co.
Construction & Operation Exemption - Medina County, Texas
(Alternate rail routes for Vulcan Construction Materials, LP proposed quarry
to Union Pacific RR Co. rail line near Dunlay, Texas)

This correspondence is in regards to Southwest Gulf Railroad Routes in Medina County,
Texas.

My family's property would be severely affected by these routes; the eastern routes
would divide more than twice the number of farms and ranches than the original
proposed Vulcan route to the west.

Our land has been honored for over a century of continuous ownership and operation as a
family agriculture enterprise. Through generations of dedication and perseverance of the
founders and their heirs, our property having been founded in 1890 has been awarded the
Texas Family Land Heritage Award in 1993 by Texas Land Commissioner Rick Perry to the
Elmer and Ida Balzen Saathoff Family. Dividing this land would destroy the value of
this prestigious award to my family and community.

Southwest Gulf Railroad Company's modified Medina Dam route would divide two
important portions of land that generate vital income. One tract was recently root plowed
and cleared of stumps and rocks to further enhance grazing land for livestock. A
considerable amount of time, money, and labor was invested into this renovation, which
would be wasted as a result of the proposed modified route. The second tract of land
utilizes an irrigation system which would be disrupted by the new route. Without the
irrigation system, it would be cost prohibitive to sustain current agricultural operations
and would further reduce family income.

Isn't the original Sunset Route of Southern Pacific Rail Line of historic value? It was
used to build the Medina Lake Dam around 1911, which predates many of the historic
buildings and homes established on the original Vulcan route.

I ask you to please consider all other proposed routes that do not have a negative impact
upon my family and neighbors. Please do not destroy or alter the original Sunset Route
used to construct the Medina Lake Dam in 1911-1912. This route is historic to my family
and people of this area.

Sincerely,

Duane Jungman
1899 Cr 366
Hondo, Texas 78861

April 18, 2007

Diana F. Wood
Section of Environmental Analysis
Surface of Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423

Re: Southwest Gulf Railroad Company's proposal
To construct and operate a rail line in Medina
County, Texas

Dear Ms. Wood,

Our families own property and have lived in this area on agricultural farms for over 100
years. Many of use are related to Joseph Riff, the Texas Ranger who worked in this area
and was killed here by Indians in December of 1870.

We are opposed to the eastern route as this route would split more than double the
number of farms and ranches when compared to the original proposed route. This has the
potential of destroying the farming and ranching culture in the Quihi area.

The farmers have spent large amounts of money to go to the overhead pivotal irrigation
systems to save water. The eastern route would split farms and make a portion of the
systems inoperable.

In the original proposed route, only 9 properties were divided, with 2 partially divided
and 5 on the boundary.

The eastern bypass that we are opposed to would divided 20 properties, with 8 partially
divided and 0 on the boundary.

We would appreciate your consideration of the above in your final decision.

We are listing the names of families in our area that are opposed to the eastern route.
There are many more families opposed to the eastern route and we can send you
additional names, if necessary.

Thank you for your consideration,

Christie McVay
Christie McVay
640 CR 366
Hondo, TX 78861
830 583 9225

FD 34284
#E1-2937

Fax: 830 538 9228

THOSE OPPOSED TO THE EASTERN ROUTE:

- Dora Horner, 590 CR 4617, Hondo, TX 78861
- Dorothy Masters, 650 CR 366, Hondo, TX 78861
- JoNell Tarvin, 530 CR 366, Hondo, TX 78861
- John & Betty Lawrence, 644 CR 366, Hondo, TX 78861
- Lee and Christie McVay 640 CR 366, Hondo, TX 78861
- Felix and Mistie Gonzalez, 646 CR 366, Hondo, TX 78861
- Ben Lawrence, 642 CR 366, Hondo, TX 78861
- Keith Lawrence, 644 CR 366, Hondo, TX 78861
- Roman and Nadine Calabrese, 250 CR 366, Hondo, TX 78861
- Kevin and Rhonda Gear, 330 CR 366, Hondo, TX 78861
- Ron and Wanda Bohmfalk, 350 CR 366, Hondo, TX 78861
- Calvin and Virginia Schott, 380 CR 366, Hondo, TX 78861
- Billy and Colleen Brieden, 940 CR 464, Hondo, TX 78861
- Kerwin and Nicole Muller, 449 CR 362, Hondo, TX 78861
- Coy and Billie Joe Ricord, 4310 FM 1343, Devine, TX 78016
- Jeff and Pat Prestridge CR 4617, Hondo, TX 78861
- Donna Burell, 3080 CR 4516, Castroville, TX 78009
- Alejandra Burell, 3080 CR 4516, Castroville, TX 78009

Surface Transportation Board
Section of Environmental Analysis
395 E Street S.W., Room 1110
Washington, DC 20423

Attn: Diana F. Wood;

Apr 10, 2007
Received 4/17/07
FD 34284
JW
#E1-2937

I live in San Antonio, Bexar County, Texas but I am a concerned landowner in
Upper Quihi, Medina County, Texas. I will be severely impacted by the Vulcan
quarry operation if the Eastern Bypass Route (EBR) or the MCEAA Medina
Dam Alternative (MMDA) is chosen for the SGR. Both of these routes pass
through my property. (Atch. 1 #1)

2) I understand Vulcan's pursuit of the proposed railroad route and am in
concurrence since it effects fewer landowners than the alternative routes. I feel
that Vulcan can and should continue to work to mitigate any problems or divert
the route where necessary to get through any sensitive areas.

3) The following comments, recommendations and/or suggestions apply to the
SEA's preferred routes. They are referred to in the SDEIS as the Eastern
Alternative known as:

- A. The SGR's Modified Medina Dam Route (SMMDR)
- B. The Eastern Bypass Route (EBR)
- C. The MCEAA Medina Dam Alternative (MMDA)

These comments are provided for your consideration prior to approval of a SGR
route to the Vulcan quarry in Medina County.

4) The EBR crosses my property immediately east of FM 2676 (Atch. 1.#1), in
the northeast section of Quihi's historic district (Atch.2). I have a circa 1860's
limestone house, with additions, in which my grandparents lived and which I
was planning to restore. (Atch. 1, #2 and the SDEIS appendix F1, pg 16, figure
14). This historic house is in the path of this EBR as are two other residences
(considered high impact areas by SDEIS) immediately west of FM 2676
(Atch. 1, #3&4). Additionally, this route would cut off a large portion of my
already limited frontage on FM 2676 (the only road frontage) thus significantly
reducing the value of my property. It would have the same effect on my
neighbors on the west side of FM 2676

Request this route not be selected for the above reasons.

5) Even though the MMDA also crosses my property on the east end (cutting off approximately 60 acres without any road frontage) and would also significantly reduce my property value, I request you allow me to propose an additional route using portions of the MMDA and the SMMDR (Atch. 1, highlighted)

*** Follow MMDA north to where it intersects SMMDR; then turn west and follow SMMDR as already proposed. ***
 This would not cause any additional study of new properties since these routes, separately, have already been considered.
 While I would rather not see either of these routes used for the SGR, this route would be less intrusive to me than the EBR as discussed in para. 4. I also believe this route would be better than the EBR or MMDA since it would effect fewer landowners (EBR has 32). It would avoid the eastern section of the Quihi historic district including a historic house (Atch. 1,#2). It would also avoid high impact residences on the EBR (Atch. 1,# 3&4) and on the northern portion of the MMDA(Atch. 1 # 5,6&7). Additionally, it would avoid crossing the high traffic unfenced CR 265 (Atch. 1).

This route would also allow two landowners who own property on the SMMDR immediately to the east and west of FM 2676(Atch. 1, # 8&9) and who also own land in the quarry site and will be receiving financial benefits from the quarry operation, to provide railroad right-of-way like all the neighbors would be required to do. This could help to appease those neighbors who will receive no benefits from the quarry.

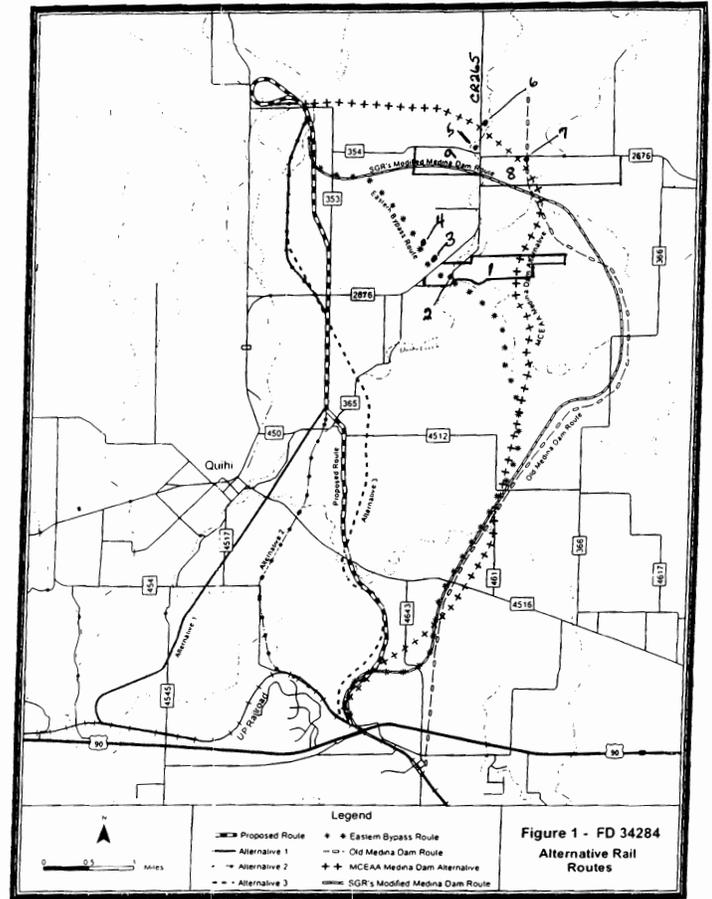
6) Your consideration of the above comments and proposal, prior to final selection of the SGR route, is appreciated. I am looking forward to hearing from you. Thanks.

Sincerely,

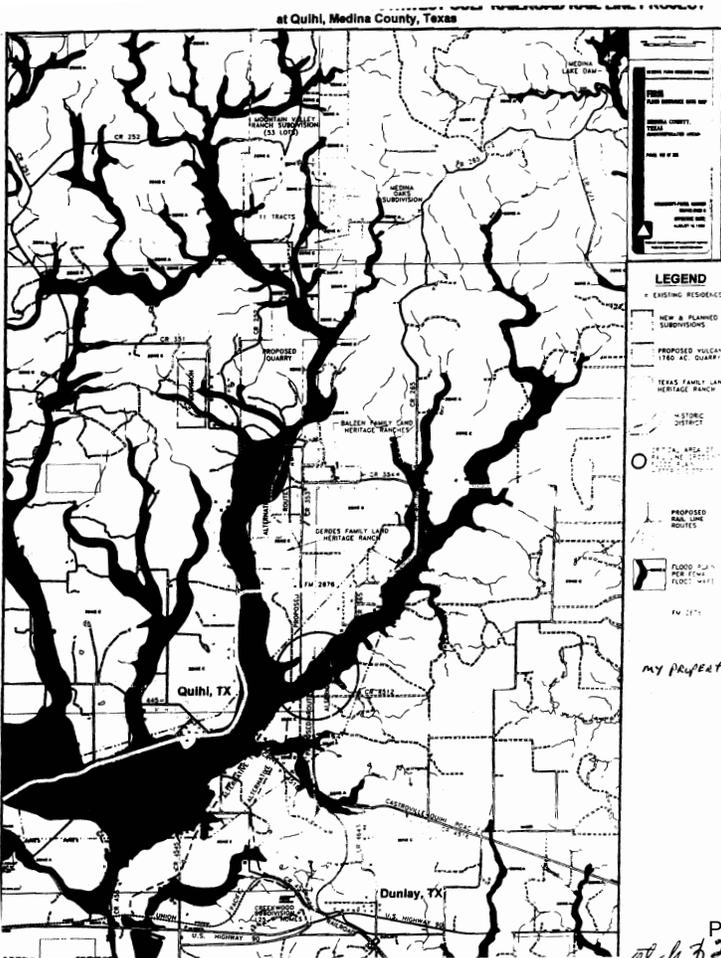
Gary E. Balzen

Gary E. Balzen
 5527 Timber Trace
 San Antonio, TX 78250-4208

phone: 210-681-2559
 fax: 210-523-9555
 Attachments 2



Atch 1



TEXAS
 HISTORICAL
 COMMISSION
 The State Agency for Historic Preservation

RICK PERRY, GOVERNOR
 JOHN L. NAU, III, CHAIRMAN
 F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

March 15, 2007

#E1-2940

Ms. Diana Wood
 Surface Transportation Board
 395 E Street, SW
 Washington DC 20423-0001
 STB Finance Docket No. 34284

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, Follow up to Supplemental Draft Environmental Impact Statement, Southwest Gulf Railroad, STB Finance Docket No. 34284, Construction and Operation Exemption, Medina County, Texas (STB)

Dear Ms Wood:

This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

We wish to reiterate our comments offered in response to the Supplemental Draft Environmental Impact Statement (SDEIS). We strongly support the utilization of either of the environmentally preferred eastern routes. Both the Eastern Bypass Route and the MCEEA Medina Dam Alternative significantly lessen the impact of this project on critical historic resources. Both alternatives appear to meet the requirements of the National Historic Preservation Act to avoid or minimize adverse effects to historic properties.

A large component of historic and cultural significance of the area is its rural and agricultural character. Our agency's role throughout this process has been to protect this important rural landscape from the immediate and future impacts of the proposed railroad. All of the proposed routes impact agricultural lands both inside and outside the eligible historic district boundaries. These agricultural lands and operations are critical to the preservation of the regions rural character.

We have been in consultation with members of the Weiblen family, who operate approximately 1500 acres of irrigated agricultural lands along with additional ranchland acreage that will be directly impacted by any of the eastern alignments. While it is critical to avoid the historic resources to the west, we believe it is also imperative to minimize the impacts on agricultural operations of this and other families. Please refer to our initial, January response to the SDEIS in which we urged the avoidance of major agricultural lands.

Based on our consultations with the Weiblen family members and the information found in the SDEIS, it is our understanding that they have offered to work with STB and the railroad to negotiate the use of some of the family's land along their western property boundary. This offer would avoid the railroad bisecting their irrigated land, rendering their irrigation equipment useless, and literally destroying their home and farmstead. Our earlier statement of January 19th

Atch 72

was offered with precisely this kind of situation in mind and we endorse their proposal for this unique property.

Given the magnitude of their operations along with their investment in land and equipment, we urge the Surface Transportation Board to condition the use of eastern alignments upon routing tracks along property boundaries and the avoidance of irrigated lands and equipment. We do not believe that the exact routes requested by the railroad are necessarily the only feasible options. We are not suggesting exploration of further alternatives, only the close examination of details and routing within the environmentally preferred alternatives that would lessen the impact on agricultural lands while still protecting the historic and cultural resources.

Considering the size of their landholdings and operations along with the potential direct impacts of the environmentally preferred routes to their property, we would support STB including the Weiblen family as a consulting party. We appreciate your agency's diligence in this matter and look forward to discussing this issue further during our March 26th meeting.

Sincerely,

F. Lawrence Oaks, State Historic Preservation Officer

cc: John Nau, III, Chair, Texas Historical Commission
John Fowler, Advisory Council on Historic Preservation
Albert Hausser, Texas Historical Commission
David H. Coburn, Steptoe & Johnson, LLP.
Michael Weiblen



Received May 14, 2007
DPO
#E1-2941

May 6, 2007

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

Re: STB Finance Docket No. 34284 – Southwest Gulf Railroad Company
Construction and Operation Exemption – Medina County, TX

Dear Ms. Rutson:

Thank you for your letter of April 9th regarding the voluntary mitigation plan intended to minimize impacts on rural historical landscapes caused by construction and operation of SGR's proposed rail route through Quihi, Texas.

We are sorry that the Comanche Nation could not participate in the conference call of April 20, 2007, but since the tribe did not receive the April 5th letter from your office, we were not aware that a conference call had been set-up. After reading the plan which was provided with the April 9th letter, the Comanche Nation still has no immediate concerns or issues regarding this project; however, please continue to keep us informed as your planning proceeds. We look forward to receiving any further project reports or other information that is derived from the planning, preparation, and construction work.

If in the process of the project human remains or archaeological items are discovered, we request that you immediately cease the project work and notify us so that we may discuss appropriate disposition with you and the other Tribal Nations that may be affected by such discoveries.

We look forward to your reports as activities proceed.

Sincerely,

Ruth Toahy, NAGPRA Coordinator

P.O. Box 908 • Lawton, Oklahoma 73502 • PHONE: (580) 355-2250 • FAX: (580) 355-2270

#E1-2959



Diana Wood/STB
06/07/2007 08:59 AM

To: C Eisenhauer <ceisenhauer@peoplepc.com>
cc
bcc
Subject: Re: STB Docket No. 34284 - Question on House Location

C Eisenhauer <ceisenhauer@peoplepc.com>



C Eisenhauer
<ceisenhauer@peoplepc.com>
>
06/06/2007 03:29 PM
Please respond to
C Eisenhauer
<ceisenhauer@peoplepc.com>

To: Diana.Wood@stb.dot.gov
cc
Subject: Re: STB Docket No. 34284 - Question on House Location

Good Afternoon Diana,

Yes, you can make the email public. Thank you for the great communication.. it is greatly appreciated.

Courtney

-----Original Message-----

From: Diana.Wood@stb.dot.gov
Sent: Jun 5, 2007 2:20 PM
To: C Eisenhauer
Subject: Re: STB Docket No. 34284 - Question on House Location

Courtney:

Thank you for clarifying the issue. I will make this email part of the public record (if that's OK with you - please let me know) so we can adequately respond to your concerns.
Diana

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

-----C Eisenhauer <ceisenhauer@peoplepc.com> wrote: -----

To: Diana.Wood@stb.dot.gov
From: C Eisenhauer <ceisenhauer@peoplepc.com>
Date: 06/05/2007 03:53PM
Subject: Re: STB Docket No. 34284 - Question on House Location

Thank you Diana. Please note that our concern with noise is not only the train in passing, but the noise

associated with the 'dings' from the warning signs and 'constant whistle from the train' as the train crosses County Road 4516... which is in very close proximity to our home since our property fronts County Road 4516.

Thanks you for the updates and feel free to contact me anytime.

courtney

-----Original Message-----

From: Diana.Wood@stb.dot.gov
Sent: Jun 5, 2007 11:01 AM
To: C Eisenhauer
Subject: Re: STB Docket No. 34284 - Question on House Location

Hi Courtney:

Thanks so much for the information on your lot. We will be addressing your comments and others in the final EIS, and determine appropriate mitigation where STB noise thresholds have been exceeded.

Please let me know if you have any other comments or need additional information.

Diana

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

C Eisenhauer <ceisenhauer@peoplepc.com>

06/04/2007 05:11 PM

To: Diana.Wood@stb.dot.gov

Please respond to
C Eisenhauer <ceisenhauer@peoplepc.com>

Subject: Re: STB Docket No. 34284 - Question on House Location

Hi Diana,

Our house is located on Lot 10 of the Castroville West Subdivision. Yes, we have the information regarding the noise, which says it is not going to be loud near our house. However, as stated in our letter... we don't understand how you can make that statement when we can hear the train that is about 3 miles away as it crosses the Highway 90 area.

If you have any other questions, please feel free to contact me anytime.

Thank you.
Courtney Eisenhauer

-----Original Message-----
From: Diana.Wood@stb.dot.gov
Sent: Jun 4, 2007 1:22 PM
To: c.eisenhauer@peoplepc.com
Subject: STB Docket No. 34284 - Question on House Location

Dear Mr. and Mrs. Eisenhauer:

As you might be aware, the STB is assessing the various comments received during the comment period (and beyond) for the Supplemental Draft EIS for the above referenced docket number. In your April 5, 2007 comments, you referenced a number of potential impacts associated with the proposed eastern alternatives. In order to respond to your comments, I need to know the precise location of your house. Can you take a look at the attached plat of the Castroville West subdivision and tell me which lot you reside in? Also, I don't know if you have the SDEIS, but the proposed noise contours are shown in Volume II, Appendix C, in the map on page 33. I have an electronic version (but it's a big file), that I could possibly send you. Let me know.

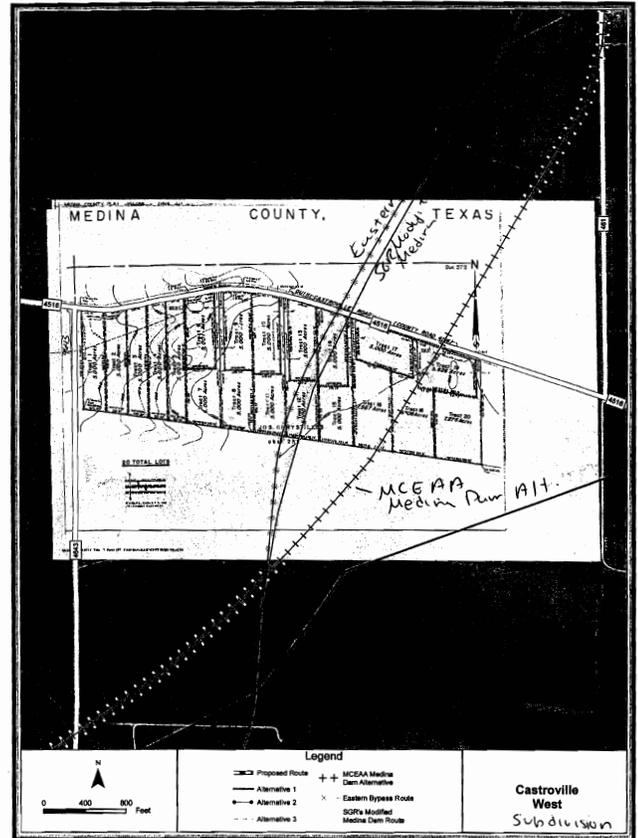
Thanks so much.

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

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SE 25, P1129
E13640 E10741

May 18 2007 3:31PM HP LASERJET FAX

P.1

E1 2960
b7w FD24184



Medina County Precinct 1
274 CR 341 Hondo, TX 78861
(830) 741-6016
Fax: (830) 741-6018

Fax

To: Ms. Victoria Rutson **From:** Commissioner Ulbrich
Fax: 202 245 0454 **Date:** 5-18-2007
Phone: **Pages:** 2 (including cover sheet)
Re: Letter to STB **CC:**

Urgent For Review Please Comment Please Reply

Comments:

Please review enclosed letter.

May 18 2007 3:31PM HP LASERJET FAX

p.2

May 18, 2007

Surface Transportation Board
Environmental Analysis Section
Attn: Victoria Rutson
395 E. Street SW
Washington, D.C. 20423-0001

Re: SGR/ Vulcan Materials FD 34284
Proposed Medina Rail Line and Quarry Project

Dear Ms. Rutson,

Dr. Robert Fitzgerald recently told me that SGR counsel David Coburn, in his letter dated April 18, 2007 to the STB implied that SGR had the County Government's approval that CR 365 could be moved, further stating that, "SGR submits this relocation would only be done with the approval of the county, which has been preliminary consulted and which has voiced no objection."

I would like to make it clear that I gave no approval to relocating CR 365. In a visitation with Clay Upchurch, he pointed out this possible relocation of CR 365, but I gave no opinion and even stated that any road alteration must be done with the approval of the Commissioners Court.

Please make this letter part of the official records of FD 34284 and the Section 106 process.

Respectfully,

Ronald J. Ulbrich
Medina County
PCT 1 Commissioner

CC: Mr. Larry Oaks
Texas Historical Commission
Executive Director
PO Box 12276
Austin, TX 78711-2276

Ms. Charlene Dwin-Vaughn
Ms. Kathy Harris
Advisory Council on Historic Preservation
1100 Pennsylvania, Ave
Washington, DC 20004

#E1-3040
DHW
Received 8/3/07

Ms. Victoria Rutson
August 3, 2007
Page 2

David H. Coburn
202-429-8063
dcoburn@septon.com

130 Connecticut Avenue, NW
Washington, DC 20016-1795
Tel 202-429-3000
Fax 202-429-3922
septon.com

August 3, 2007

Ms. Victoria Rutson
Chief
Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

Re: **STB Finance Docket No. 34284, Southwest Gulf Railroad Company – Construction and Operation Exemption – Medina County, TX**

Dear Ms. Rutson:

This will confirm my August 1, 2007, conversation with Ms. Diana Wood of your office, during which I advised that SGR has decided to support the Eastern Bypass alternative for the rail line it has proposed in Medina County. In connection with taking this decision, SGR notes continued uncertainty over the status of the Quihi area in terms of whether that area qualifies as an historic district eligible for listing on the National Register. The July 24, 2007, written report of the Keeper of the National Register, responding to the Board's June 8, 2007 request for a determination of eligibility for the claimed historic districts in the Quihi area, has failed to clarify the eligibility issue, expressly leaving a definitive finding of the historic significance of the Quihi area unresolved pending the Keeper's receipt of additional data and analysis.

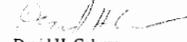
SGR recognizes that awaiting any future eligibility determination by the Keeper would result in potentially extensive further delay of the STB's environmental review of SGR's rail proposal. SGR has made its decision concerning the Eastern Bypass in anticipation that the consequence of that decision will be that SEA will now move forward toward completing and issuing a Final EIS that focuses on the Eastern Alternatives that were identified as the environmentally preferable routes in the Draft Supplemental EIS. SEA also will now be in a position to forego further analysis of the sufficiency of SGR's proposed voluntary mitigation for the Preferred Route since SGR's prior offer of voluntary mitigation (as set forth in SGR's April 5, 2007 letter to SEA and others) is no longer operative in light of SGR's decision reported here.

As it has stated in the past, and as the SHPO has favored, SGR is prepared to work with the Weiblen family to address its concerns about the Eastern Bypass route. SGR's preliminary review indicates that there are no serious obstacles to constructing its line along the alternative routing suggested by the Weiblen, although further engineering work would need to be done to confirm this preliminary view. SGR believes that SEA's recommended mitigation measure No. 5A is sufficient to address the concerns raised by the Weiblen and SGR will work in good faith with them in an effort to reach a satisfactory solution to their concerns.

With respect to cultural resources issues, SGR reiterates its support for the Draft Programmatic Agreement, which SEA has identified in the Draft Supplemental EA (at recommended mitigation measure No. 45) as the appropriate mitigation for any cultural resources impacts of the Eastern Alternative routes. SGR looks forward to working with SEA, the SHPO and the Advisory Council on promptly finalizing that PA.

We look forward to a prompt completion of the environmental process and to responding to any questions that SEA may have on the above.

Respectfully,


David H. Coburn
Attorney for Southwest Gulf Railroad

cc: Ms. Diana Wood
Ms. Catherine Glidden
Ms. Jaya Zynman-Ponchshuk
Mr. Larry Oaks
Ms. Charlene Dwin-Vaughn

**Surface Transportation Board
Incoming Correspondence Record**

#E1-3109

* Required Fields		Recorded by Diana Wood on 08/17/2007	
*Docket #:	FD 34284 0	Affiliation:	Environmental Organization
*Name of Sender:	Robert Fitzgerald	Letter Type:	Letter w/ Attachments
Group:	MCEAA	NEPA Type:	Draft EIS Comment
Attention Of:	Victoria Rutson	In Public Docket?	<input checked="" type="radio"/> Yes <input type="radio"/> No
*Date Received:	08/15/2007	Phone Number:	
Date of Letter:	07/21/2007	Email Address:	
Group's Address:		Group's Zip Code:	
Group's City:			
Group's State:			

The Medina County Environmental Action Association, Inc.

202 CR 450, Hondo, TX 78861
www.dontmesswithquih.com
Dr. Robert T. Fitzgerald, President
Lester Landrum, Vice-President
Archie Gerdes, Director
Randy Wood, Director
Alyne Fitzgerald, communications

Phone 830-741-5040
Fax 830-426-2060
Jacque Conrad, Secretary
Mary Walpole, Treasurer
Ted Portenier, Director
Erna Balze, Membership

Received
August 15, 2007
DHW
#E1-3109

July 21, 2007

Surface Transportation Board
Attn: Victoria Rutson
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

Re: Finance Docket #34284
Vulcan Materials/SGR Application
Medina County at Quihi, Texas

Dear Ms. Rutson:

Recent natural flooding events point out the fact that the location of Vulcan/SGR's proposed quarry and railroad is not a safe one, and thus far the engineering data provided by Vulcan/SGR shows they will not make it safe. The Medina County Environmental Action Association believes it is important to bring to SEA's attention these events. Recent precipitation in the Quihi area, although not as great as other areas in Texas, on June 28 and again on July 20 and 21, 2007 points out the need to report to the SEA Section the impact made by three to five inches of rainfalls in the area of the proposed quarry and rail loop, which bears the brunt of drainage of over 18,000 acres of upland water shed. Please see enclosed upgradient map of drainage through the proposed area..

As proof of the extreme flooding, we are enclosing newspaper reports, pictures and a map of the area affected, and articles from the July 5, 2007, Hondo Anvil-Herald concerning the June 28 flash-flooding events on roadways. A second article in July 5 Anvil Herald graphically depicts the dangerous effect of heavy rainfall on County Road 351, which Vulcan trucks would have to "navigate" to and from the proposed quarry and railroad loop. As you know, the proposed quarry plant and rail loop location on CR 353 is north of the lower 2.5 miles of CR 351. A letter to the editor on July 12, 2007 attests to the danger and certainty of flooding in this area.

MCEAA, Inc. and others are of the opinion that construction of the plant, fuel storage, and rail loop's strategic location in the path of the Polecat and Elm Creeks and their flood ways, will increase the flooding potential with loss of life, property and damage to the historic rural Quihi landscape. If Vulcan/SGR disagrees with this statement we challenge them to prove it. Graphic support for our assertions is presented with pictures, made after the 4" rainfall in the upland watershed. As MCEAA has previously pointed out, this amount of rainfall is not uncommon in this part of the "Texas' Flash Flood Alley." Enclosed is a copy of several newspapers' coverage of flooding of 1997. Similar flooding also occurred in 1998, 2002, 2003 and six times in 2004.

The berms and trestle bridges for the rail line will present additional flooding problems during times of heavy rainfall. Enclosed is an article about flooding in areas of the city of Hondo, with Mayor Jim Danner's statement that the railroad beds of the Union Pacific rail line act as a dam and cause this problem.

July 21, 2007

Surface Transportation Board
Attn: Victoria Rutson
Re: Finance Docket #34284

In the past, Vulcan has stated there will be "no problem" with storm water runoff from the quarry site, as upland drainage will be contained within the pit area. This may be true after fifty years of excavation, but not true in the early development phases of the quarry. Vulcan's logic should be studied by an Environmental Impact Study on the 1760 acre proposed quarry site. MCEAA again respectfully requests STB to require an Environmental Impact Study on the quarry and rail loop as a connected action to the SGR rail line application. We make this request for the sake of our lives, property and historic resources in the area. If STB decides not to require an EIS on the quarry site as a connected action, we ask you to consider consultations with agencies you feel would be appropriate, such as FEMA and Corps of Engineers, in making your decision concerning this application.

MCEAA, Inc. wishes to thank SEA for its patience, time, and effort thus far devoted to this project's application. Please include this letter in the records of FD 34284.

Sincerely,

Robert F. Fitzgerald

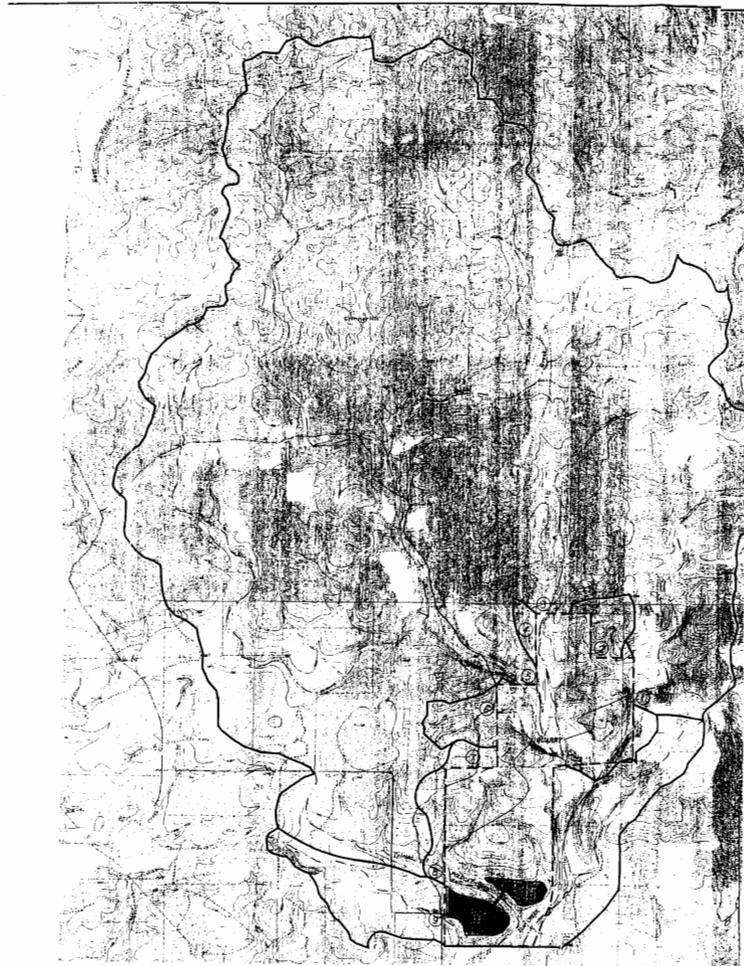
Robert Fitzgerald, President

Attachments:

- Map of 18,301.91 acre drainage map, by Overby and Descamps
- Flooding pictures and flooding map
- Newspaper: Hondo Anvil Herald, July 5, 2007, pages 1, 3, and 5
- Copies of newspapers of 1997
- Letter to editor of Hondo Anvil Herald, July 12, 2007, from Quihi resident
- Copy of article in Hondo Anvil Herald dated July 19, 2007, regarding City of Hondo flooding.

CC: U.S. Senator K. B. Hutchison
 U.S. Senator John Cornyn
 U.S. Representative Ciro Rodriguez
 Texas Representative Tracy King
 Lawrence Oaks, Executive Director, Texas Historical Commission
 Pat Brawner, Flood Plain Administrator for Medina County
 Medina County Judge Jim Barden
 Medina County Pct 1 Commissioner Ronnie Ulbrich
 MCEAA Attorney David Barton

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



Scale 1"=2000'
AT FULL SCALE

NO.	REVISIONS
1	APPROXIMATE DRAINAGE AREAS
2	APPROXIMATE DRAINAGE AREAS
3	APPROXIMATE DRAINAGE AREAS
4	APPROXIMATE DRAINAGE AREAS
5	APPROXIMATE DRAINAGE AREAS
6	APPROXIMATE DRAINAGE AREAS
7	APPROXIMATE DRAINAGE AREAS
8	APPROXIMATE DRAINAGE AREAS
9	APPROXIMATE DRAINAGE AREAS
10	APPROXIMATE DRAINAGE AREAS

LEGEND

- PROPERTY LINE
- DRAINAGE AREA BOUNDARY
- HOCE

WE WILL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

Sharon K. Hoyt

OVERBY & DESCAMPS
ENGINEERS
1000 WEST 10TH STREET
SUITE 100
SAN ANTONIO, TEXAS 78201
TEL: (214) 343-1111
WWW.OVERBYDESCAMPS.COM

Vulcan Materials, Medina Quarry
Attachment B: Upgradient Areas

PROJECT NO. 05872.00
DATE: 06/28/07
DRAWN BY: VJL/MLB
CHECKED BY: JLB

EXHIBIT 4

Page C-216

SAN ANTONIO EXPRESS-NEWS
SATURDAY
JULY 28, 2007
SECTION B

July 28, 2007



Some D'Hanis residents say a new railroad trestle restricted the flow of Seco Creek, worsening the flooding a week ago.

Flood victims want disaster assistance

Frustration mounts in D'Hanis as state, feds assess damage.

By ZERE MACCORMACK
EXPRESS-NEWS STAFF WRITER

D'HANIS Frustration among victims of last Saturday's flood grows each day that government aid doesn't arrive to help them rebuild, relocate or to prevent the Seco Creek from again washing over this small town.

"Do you need a couple of bottles of beer before you do a disaster?" (Gilbert Ortiz, 62, shouter flood cleanup.

at Medina County officials at a meeting Thursday. Inspectors toured the devastation this week, and Katherine Costinger, a spokeswoman for Gov. Rick Perry said, "They're in the process of evaluating the damage assessments to determine what level of state and federal aid they may qualify for."

Several speakers said flooding on the north side of town was aggravated by a railroad trestle that created a bottleneck on the flooded Seco Creek, and by railroad tracks that run east-west through downtown and held back the rising waters.

"It appears that is happening," agreed Medina County Judge Jim Barden, noting the tracks beside U.S. 30 have been elevated in recent years.

■ Donations of clothing, bedding, housewares and furniture are being accepted from 9 a.m. to 5 p.m. weekdays at the Holy Cross Catholic Church, 375 County Road 5214 in D'Hanis.

■ Financial contributions can be with checks payable to D'Hanis Disaster Account at the Hondo National Bank, P.O. 340, 1112 18th St., Hondo, 78861, or through the Salvation Army and the Red Cross.

D'Hanis residents demand remedies

CONTINUED FROM 1B

Although some locals say a new bridge built in 2006 worsened the problem, Union Pacific spokesman Mark Davis said before the meeting that there's 15 percent more space below the new bridge than the old one.

The bottom of the new overpass is 20 inches lower than the old one, he confirmed, but the length was increased to 240 feet from 180 feet, and the county's flood plain administrator approved the project.

Davis said railroad officials are willing to discuss possible improvements with local leaders, who were both criticized and praised by residents Thursday for their response to the worst flood here in 70 years.

Nearly 100 homes were damaged and scores of families were forced to seek food and a bed at a shelter in Hondo that will remain open for the near future.

Some residents on the hard-hit west side complained they had too little advance warning of the approaching torrents that reached 6 feet deep.

Barden said a siren should be installed by mid-August as part of a countywide storm alert system, but conceded it might not be heard everywhere in town.

Even before the muddy ride subsided late Saturday leaving much of the town strewn with debris and many of its 700 residents in shock at the devastation.

Barden said damage should qualify D'Hanis for the disaster designation that could provide federal money for emergency aid, loans and possibly relocate residents in flood-prone areas or alter local drainage to reduce the impact of future floods.

The Red Cross, Salvation Army church groups and local volunteers already are offering help and county road crews have hauled away 600 cubic yards of soggy debris and furnishings at Thursday.

Beyond losses to homes and personal property early estimates indicate more than \$1.2 million in damage was done to roads and bridges in the area.

Residents suggested the creek bed be deepened, realigned or otherwise contained to prevent flooding that's become all too familiar.

But Barden told the crowd of roughly 200 locals gathered at the school gym Thursday, "We can't control Mother Nature."

The overnight rains that exceeded 15 inches north of town caused the raging creek to diverge from its usual path and cut through farm fields and into the downtown area.

"The best remedy for all would be to relocate people who live in the flood plain," said Barden, pledging to see if federal "mitigation funds" are available to buy those homes.

There was clear resistance to the idea of vacating areas called home by generations of families.

"You're asking everybody to relocate and they've lived here all their lives," said Janet Asse.

Lisde Garcia, 79, said she lacks the resources to leave her home, which has flooded more times than she can remember in the past 50 years, but never as bad as this one.

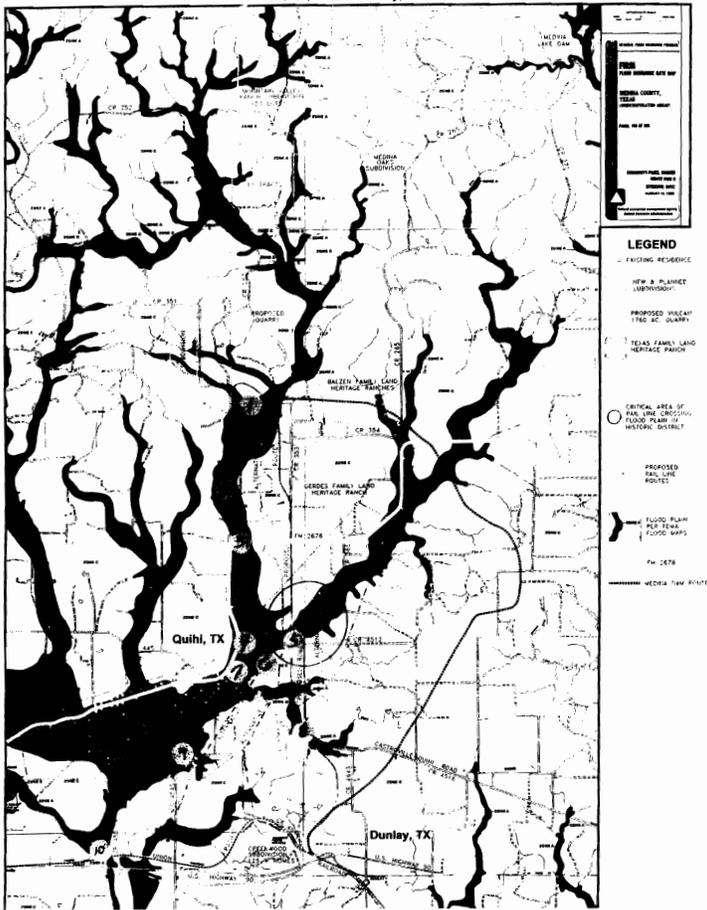
"We know there's floods, but they can't afford to move," said her daughter, Virginia Garcia Canestraro, 50, of San Antonio.

Barden urged residents to be patient as the disaster declaration request is reviewed in Austin and Washington, D.C., saying, "It will be a long process."

Mario Reyes was among those seemingly resigned to fend for himself, saying, "I've been here all my life and nobody's ever done anything."

See D'HANIS/5B

20070728EXPRESS-NEWS/PHOTO



The Medina County Environmental Action Association, Inc.

202 CR 450, Hondo, TX 78861
www.dontmesswithquihi.com
Dr. Robert T. Fitzgerald, President
Lester Landrum, Vice-President
Archie Gerdes, Director
Randy Wood, Director
Alyne Fitzgerald, communications

Phone 830-741-5040
Fax 830-426-2060
Jacque Conrad, Secretary
Mary Walpole, Treasurer
Ted Portenier, Director
Erna Balza, Membership

July 21, 2007

Surface Transportation Board
Attn: Victoria Rutson
Section of Environmental Analysis
1925 K Street NW
Washington, D.C. 20423-0001

Re: Finance Docket #34284

Flooding pictures: June 28, 2007
North to South, from proposed rail loop to Hwy 90
(Average rainfall received in area 4 inches)

Location

1. CR 353: East-West portion, Elm Creeks, 2 branches and Polecat Creeks, south of proposed rail loop
2. CR 351: North-South portion, Elm and Polecat Creeks combined, crosses CR 351 eight times in this section.
3. CR 351 and FM 2676 Junction, Elm Creek south of proposed rail loop
4. CR 450 and FM 2676 Elm Creek
5. CR 365 and CR 4512 junction, Quihi Creek, near Proposed Route crossing of CR 365.
Water was 3 feet higher later - unable to get to site to take picture.
6. CR 365 Quihi Creek
7. CR 4516 and FM 2676 Quihi and Elm Creeks junction (at Quihi)
8. CR 4516: Cherry Creek, crosses road 4 times.
9. CR 454: Quihi Creek and First Creek
10. Hwy 90: Hondo Creek, after Quihi Creek junction

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

Location 1 CR 353



CR 353 turning west. Elm Creek crosses this section 3 times. Facing west.



Aftermath of 6-28-2007 flooding on part of CR 353

Location 1 CR 353



CR 353 Elm Creek Crossing East-West Portion



CR 353 Flood Damage Aftermath

Location 2 CR 351

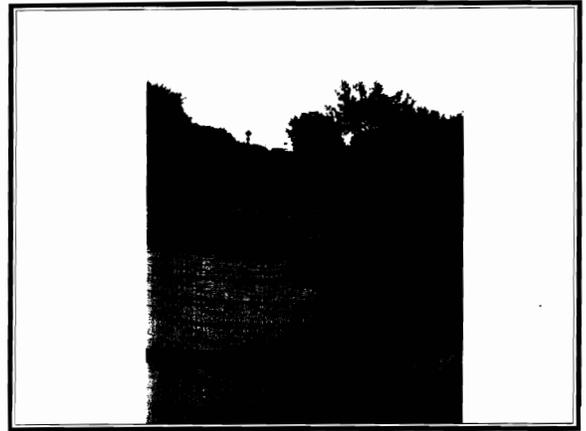


1 of 8 Crossing of the Elm and Polecat Creeks on CR 351



1 of 8 Crossing of the Elm and Polecat Creeks on CR 351

Location 3 CR 351 and FM 2676



CR 351 and FM 2676 Junction, Elm Creek south of proposed rail loop



CR 351 and FM 2676 Junction, Elm Creek south of proposed rail loop

Location 3 CR 351 and FM 2676



Elm Creek at FM 2676



Elm Creek at FM 2676

Location 3 CR 351 and FM 2676



Elm Creek at FM 2676 Flood Damage Aftermath



Elm Creek at FM 2676 Flood Damage Aftermath

Location 4 CR 450 and FM 2676 Elm Creek



CR 450 and FM 2676 Junction



CR 450 and FM 2676 Junction

Location 4 CR 450 and FM 2676



CR 450 and FM 2676 Elm Creek



CR 450 Elm Creek

Location 4 CR 450 and FM 2676



CR 450 Elm Creek



CR 450 Elm Creek

Location 4 CR 450 and FM 2676



CR 450 and FM 2676 Flood Damage Aftermath



CR 450 and FM 2676 Flood Damage Aftermath

Location 5 CR 365 and CR 4512



CR 365 and CR 4512 Quihi Creek. Water was 3 feet higher later-unable to get to site



CR 365 and CR 4512 Quihi Creek. Water was 3 feet higher later- unable to get to site

Location 5 CR 365 and CR 4512



7-21-07 CR 365 and CR 4512 Quihi Creek.



8-28-07 CR 365 and CR 4512 Quihi Creek. Water was 3 feet higher later

Location 6 CR 365 Quihi Creek



CR 365 Quihi Creek



CR 365 Quihi Creek

Location 7 CR 4516 and FM 2676 at Quihi



CR 4516 and FM 2676 Quihi Creek Crossing at Quihi.



CR 4516 and FM 2676 Quihi Creek Crossing at Quihi.



7.



7



7.

7/23/2007

Location 7 CR 4516 at Quihi



Elm and Quihi Creeks at Quihi on CR 4516 corner of CR 365 Aftermath.

Page 5 of 5



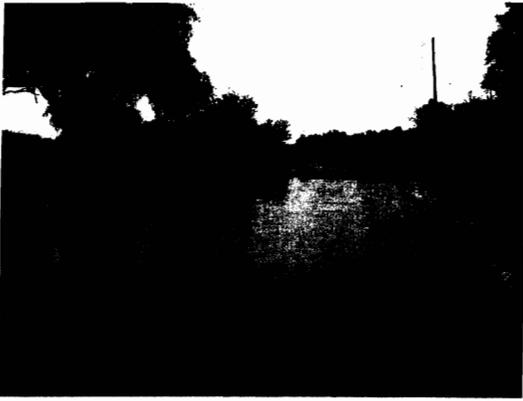
8.



Elm and Quihi Creeks at Quihi on CR 4516 corner of CR 365 Aftermath. Facing west.



8.



8.



8.

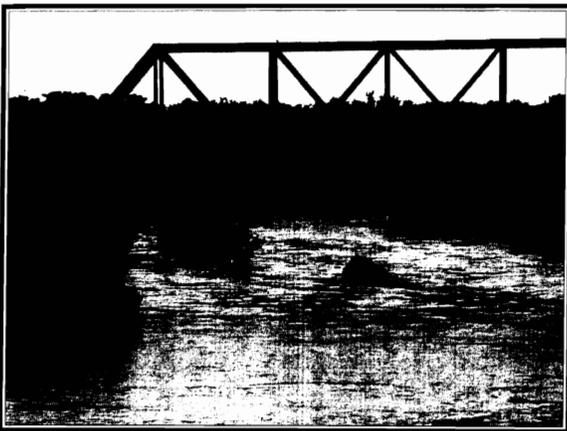


CR 454 Quihi Creek

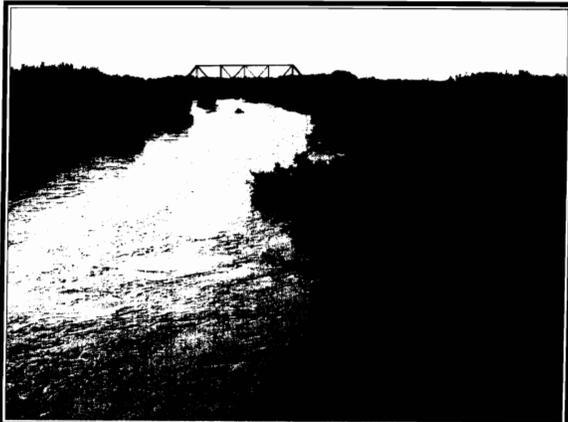


CR 454 Quihi Creek

Location 10: Hwy 90: Hondo Creek Rail Road Bridge



Hwy 90: Hondo Creek, after Quihi Creek junction (close up)



Hwy 90: Hondo Creek, after Quihi Creek junction



Your paper's here early...

We're a little early this week. With the July 4th holiday had to be altered in order to go. Our best solution was to go to Tuesday. Publication will return to the

From the Herald-Examiner July 5, 2004

Quarry site development to begin in coming

By William Hoover
ANNE HERALD CORRESPONDENT

In recent weeks, Vulcan Materials Company's new Project Manager for the 1,760-acre Medina Quarry, Eric Remmert, has spoken to the Hondo Area Chamber of Commerce, the Lions Club and the Rotary Club regarding his company's plans and progress toward opening their quarry north of Quihi. The Medina Quarry, as Vulcan calls it, is over the Edwards Aquifer Recharge Zone. It is scheduled to be mined for construction grade limestone for 50 years after it begins operation. If the quarry opens in 2010, as planned, it will continue to be mined until 2060.

Remmert, who possesses a degree in Building Construction from Texas A&M University, has the formal title of Manager of Engineering Projects at VMC. Below he explains his qualifications and what he told the members of the public attending the presentations he made in the Hondo area.

"I will be managing the overall project," he said. "As soon as we have all our internal plans in place, we will be starting portable crushing operations out at the site. All the permits for the site are actually in place, with the exception of a temporary storm water permit (which) we apply for two to three days before we start construction operations. We have already gone through the paperwork, we just have to apply and receive it."

The portable rock crusher is not what Vulcan will use for its long-term crushing operations. Rather, the portable crusher will be used to create aggregate to build the quarry's plant site and roads.

"This crusher will be towed in on a flat bed and it runs on a generator," said Remmert of the temporary rock crusher. "What (the portable crusher) is going to be used for is to base out, or prepare, the preliminary site work where the actual quarry processing plant (will be located). So everything will be internal to the site. In other words, you won't see any trucks. This is a small

crusher just for internal use at our site and it will produce 150 tons (of aggregate) a day, according to our permit."

Site plans must still be drawn up by the company Overby Descamps, now a part of Pape Dawson Engineers, which designed the Medina Quarry's Water Pollution and Abatement Plan (WPAP). "They will need to come up with a site bid package for the site work contractor who observes all the environmental regulations we have agreed to," Remmert said. "When we hire the person (or contractor) to do the job, I will coordinate (the hiring and environmental compliance) with our portable rock crushing crew and manager. At the same time they get the crusher to the site, we will have Medina Electric Coop power brought to the site. I have talked with (MEC's) Mark Howard and they will provide just temporary power for our construction trailer."

Pape Dawson is the company Vulcan worked with previously, along with TCEQ and the Medina County Environmental Action Association

(MCEAA), so Vulcan felt it best to continue with them. Pape Dawson will be assisting in developing the quarry's site work bid package.

"We have a six month portable crushing permit," said Remmert. "The first thing they do at any construction site is clear the land. In our case, we will clear the site in certain acre increments to comply with our WPAP. Then we will put down a white crushed gravel base."

Remmert said he expects to start preliminary quarry site development in 60 to 90 days, depending on how soon Vulcan obtains its bid package plans from Pape Dawson. "Power is not a problem as far as the supply out there for single phase power," said Remmert. "We will be clearing sections of the site and stabilizing sections by putting base down and installing all our silt fences. By early next year, we hope we will actually begin the real site work and the construction of the quarry plant."

Assuming everything goes as scheduled, the plant will start producing commercial grade

Your paper's here early...

We're a little early this week. With the July 4th holiday landing on a Wednesday this year, the publication schedule had to be altered in order to get the *San Antonio Herald* distributed in a timely fashion. Our best solution was to go to press on Monday evening and get the paper in the mail on Tuesday. Publication will return to the normal schedule for the July 12 issue.

development coming months

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limestone aggregate by the end of 2009 or the beginning of 2010, according to the project manager. "We have an 18 to 24 month construction window," said Remmert. "It takes a while to construct a large quarry and do it right within all the environmental guidelines. That is what some people were confused about. In the meeting they were saying, 'Oh you are going to have trucks coming in and out within months.' But that is not right. We are looking at two years from January 2008 before we will have the plant fully operational." Asked why Vulcan wanted to use its proposed route for its seven mile Southwest Gulf Railroad (SGR) when the Texas Historic Commission and the Surface Transportation Board's (STB) Section on Environmental Analysis (SEA) have identified the eastern route as the less disruptive route, Remmert said such was not necessarily the case. "Technically, that is not accurate because the eastern route has not been approved," said the engineer. "The SEA is the entity going through the whole

Environmental Impact Study (EIS) process. However, in that final EIS there are still three routes, (Vulcan's) preferred route, the eastern route and a route even further to the east. None of those are approved routes. They are still working to get a determination. Sometime in October we think the (SEA) will have reached conclusions and they will give their recommendation of a rail route. As far as why we are pursuing the preferred route versus the other, you will have to talk to somebody else." Vulcan will begin building its rail route, if approved, sometime next year. "Assuming we have a route recommended by the SEA by the end of December, and allowing another three months for the STB to approve that route, then we will have a route issued," said Remmert. "Say in January 2008, (if the STB designates a route for the SGR), we will know exactly where we have to go and then the rail construction process will start."

See QUARRY, Page 3A

QUARRY

CONTINUED FROM PAGE 1A

If the STB permits a route Vulcan does not like, Remmert confirmed the quarry would operate with trucks only. However, he could not say how many trucks a day would be entering and exiting the quarry site. "However, it has been estimated 850 trucks a day will be used if truck transportation only is used and up to 10%, or 85 trucks a day, will be needed even with a railroad.

"That is an operation issue," Remmert said. "My job is to design and construct the (limestone mining) plant and the railroad. I do not have the answer on those operational issues. All I can tell you is that using trucks only is an option. If the STB recommends a 'no route' alternative, which they could do, we will construct an unloading spur on property we own in Dunlap adjacent to the Union Pacific rail lines. It will be a place where the trucks from the quarry can go and load the trains."

Truck traffic, however, would not be limited to shutting aggregate between the quarry and the UP line. "If local builders or people need rock and they are coming in and out of the quarry, they would be going to different places," Remmert said. "We have no way to control that, nor do we know how much that volume would be because we don't know what the demand is."

Remmert said Vulcan would work with Medina County and the Texas Department of Transportation to maintain the roads, because they are concerned about safety. "We are aware there are roads that will need to be improved. What I told people at the meetings was we have to work with the county. It is not up to us. We will recommend and do stuff but these are county and state roads; therefore TxDOT and the (Medina) County Commissioners have to be involved in the process." Regarding how much

groundwater they will use, Remmert said Vulcan recognizes water is a precious commodity. "We are looking at all sources available to obtain that water," he said. "You have the Edwards Aquifer, but you also have the Trinity Aquifer and the Cow Creek Aquifer, which is below the Trinity (Aquifer). We are in the process of having hydrogeologists look at the site and recommend to us what they think is feasible."

Remmert said no test wells have yet been drilled but that will happen soon. "Depending on what the hydrologist tells us and what is found, Vulcan will then drill the appropriate wells to get appropriate permits," he noted.

The Medina Quarry will recycle 70% of the water it uses in the mining process, according to Remmert, as part of its WPAP through on site water recycling plants. "We will use some water in the neighborhood of 2,400 gallons of water per minute to operate the plant," he said. Remmert said the survey work currently being performed at the Wurzbach property was just part of the site preparation project and did not indicate any land was being purchased. "We have long term lease with the Wurzbachs, the Schweers and the Boehme/Balzen tracts," he said. "All the construction in the next two years will take place on the Wurzbach tract, the southernmost tract. There will also be some activity on the Saathoff property, which is right across the road from the Wurzbach property on the southern side of CR 353. Everything is being done with long term leases."

Vulcan does not anticipate needing to pipe any water in from off the quarry site, according to Remmert. However, it is possible they might pipe water from one part of the site to another. "There are wells on the property already but we are not going to use those in an industrial capacity," he said. "In fact, those will be used in accordance with the WPAP as monitoring wells. So we, using another com-

pany, can monitor the level in the existing wells that are out there so we can gauge usage." The project manager said the quarry operations will not affect the wells of area landowners or deplete the water table, regardless where the water is pumped from. "That will all be monitored," he said.

Regarding the provision of permanent electrical services, the Project Manager said he was still trying to broker a deal with a power company. "They are providing the temporary single phase power with the temporary single-phase 200-amp transformer close to the site already. We can be hooked up to that connection in three to four weeks. But, that is just to power the office and construction trailers at the entry to the site. Plant power is a whole other issue. Preliminary discussions with MEC have begun on that. We need to provide them with more data. A lot depends on how they have to supply it to us and how their power grid is situated. We need to know our rail route first to determine how they will route (power lines) to us. There are various ways they could do that and it is up to them to decide. We have no control over that because, in the end, they (MEC) will actually route the power and deal with the issues of utility right-of-way."

The power lines could follow the rail easement, if a route is approved by the STB or they could go a different way, according to Remmert. Asked if Vulcan or MEC would be responsible for obtaining permission from landowners to run above ground power lines across their property, Remmert was unsure. "That gets into the negotiations between Vulcan and the power company. Those negotiations will take place at the corporate level."

The Medina Quarry Project Manager said Vulcan would not use historic preservation donations as an incentive to persuade the STB or oth-

ers to support the rail route desired by Vulcan. The SEA alone will make the route decision, according to Remmert. Asked about the power of taking private property against landowner wishes, via eminent domain which the aggregate company will receive if a rail route is approved by the STB, Vulcan officials said their power of eminent domain would be given to landowners for any land the SGR rail line might need. However, Vulcan officials are hoping landowners sell their land to SGR, if a route is approved, so the railroad does not have to invoke its power of eminent domain.

"We really don't know the final details of that yet," said Vulcan's Clay Upchurch. "We are hopeful that eminent domain won't even come into play in this whole thing. We want to successfully work with all the landowners and keep everybody happy through the process, regardless of the route that is approved."

Upchurch said Vulcan will negotiate to buy private land for the SGR rail line at fair market value, whether or not the company has to invoke its powers of eminent domain. "We may buy entire properties. We may buy pieces of properties. We may just buy the easement the rail has to go through," he said. "All of that will be subject to negotiation. We will have negotiations with each individual landowner."

If a landowner does not wish to sell land to Vulcan for the SGR line, the company could file with the local government which would send the landowner a letter telling them that they have to sell their property or else their land will be taken from them. Any landowner subject to eminent domain would still receive fair market value for their property, even if they have to willingly turn over their land to Vulcan and its railroad, according to Upchurch.

Upchurch and Remmert said Vulcan was due to issue a press release soon, in the next of couple days, to keep the public informed of the status of the proposed quarry.

San Antonio Express-News

THURSDAY, JUNE 28, 2007

www.MySanAntonio.com

THE VOICE OF SOUTH TEXAS SINCE 186

CENTRAL TEXAS GETS DRENCHED

HILL COUNTRY
Three area tributaries at flood stage; one town hit with 19 inches in one night

IT'S NOT OVER
S.A. gets a flash flood watch while Austin-area residents are evacuated



The Third Street bridge was one of three bridges destroyed when Marble Falls was hit with 19 inches of rain. There were no injuries or fatalities reported.

Rescue workers stay busy as bridges, homes flood in Marble Falls.

LISA SANDBERG
FOR THE STAFF
MARBLE FALLS — Water-ary Central Texans, who sur-ved a deluge of intense sum-

mer storms early Wednesday, were bracing again for another round of flooding. Between 10 and 12 inches of rain was predicted to fall overnight on already-soaked Marble Falls, less than 24 hours after a storm a night earlier dumped 19 inches of rain, swelling rivers and creeks, destroying three bridges and flooding as many as 150 homes and businesses. Helicopters and boats plucked

dozens of people from trees, rooftops and vehicles as the water quickly rose with the torrent. Central Texas authorities said they were amazed to report no injuries or fatalities, though there were plenty of close calls: Officials in Williamson County said 45 emergency rescues, including one in a helicopter, took

INSIDE
The forecast: There's an 80 percent chance of rain today, dropping to 40 percent Friday. Check the seven-day forecast and more weather data. Page B5.
Go online for live radar images and insight from the Meteorologists.

See 5 TEXAS/6A

CONTINUED FROM 1A

place early Wednesday. Thirty-two high water rescues took place in Marble Falls in just six hours.

"It's the worst I've ever seen in my life," said Marble Falls Mayor Raymond Whitman, 47, whose own home took in some water Wednesday.

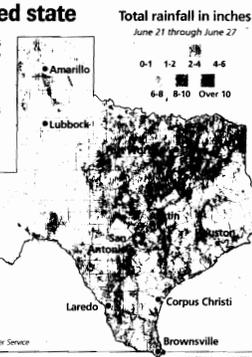
He said looters had been seen in town but there were no serious reports of thefts. No curfew has been set, he said.

At least 11 people have died in storms around the state over the past week and a half.

With more heavy rain forecast for Central Texas overnight, rescue teams on Wednesday afternoon began evacuating by air a dozen or so residents of Camp Creek, along Lake Travis in Burnet County, and strongly urged residents who live in the 200 homes below Lake Buchanan to seek higher ground. Three emergency shelters were up and running in Marble Falls; at least 30 people made use of them early Wednesday.

Saturated state

Nineteen inches of rain fell early Wednesday in Marble Falls, highlighting a wet week across much of Texas.



Source: National Weather Service

running straight into the rivers and lakes.

It's the wettest year on record in Austin, where more than 30 inches of rain has fallen since January and Dallas, Fort Worth, Waco and Wichita Falls also have received near-record amounts.

The rainfall has more than compensated for a drought that much of Texas had been experiencing since 2005, National Weather Service meteorologist Mark Lenz said.

Many of the nearly 7,000 residents of Marble Falls faced the peculiar problem Wednesday of being surrounded by floodwaters but having no drinking water.

The rains damaged the pipe connecting the city's water source with its water plant, Assistant City Manager Judy Miller said.

"It could be days before we get it working again," she said. "The city is pretty much shut down."

And so it seemed. Most businesses remained closed Wednesday. Tree branches and other debris littered streets, which attracted the curious; who snapped photos. Three area bridges were damaged. A smashed-up white limousine, presumably carried by floodwaters, came to rest alongside U.S. 183.

Nearby, Bill Wilcox was assisting the estimated \$300,000 in damages his funeral home sustained. Floodwaters burst through the north wall of Dignity Memorial early Wednesday, leaving a whole lot of mud, and a waterline in some parts of the building 3 1/2 feet high.

Luckily, he said, "there were no bodies inside at the time."

Local officials said they did not have damage estimates from the floodwaters Wednesday morning and were spending the day preparing for what would come when night fell.

Down the creek, at least four Frito-Lay trucks that had been loaded to make daily deliveries had washed away, spilling chips along the creek. One large truck emblazoned with the Doritos logo was stuck on its side in the running water.

Flooding washed out roads in Mason County and caused minor flooding across other parts of the Hill Country, where a heightened readiness was evident among officials who'd seen in Marble Falls just how bad things could get.

Mason County Judge Jerry Bearden reported one motorist was rescued, but no evacuations or deaths had been reported in the wake of the overnight storm that dumped up to 10 inches on already soggy soil.

"We don't usually get this much rain at one time," he said. "The ground is saturated, so it's not soaking in. It's just

percent Friday.

"This is going to be an ongoing flood event. This will not be over with today," warned Joe Beal, general manager of the Lower Colorado River Authority, which controls water levels at the Highland Lakes in the Hill Country west of Austin.

"It's going to take days, if not weeks, to let this water drain out of the lakes," he said.

Lake Travis "is continuing to climb, and it's climbing at a very rapid rate," Beal said.

Three Hill Country tributaries were at flood stage Wednesday — the Llano River at Llano, the Pedernales River at Johnson City, and Sandy Creek near Kingsland, he said.

The release of floodwaters will swell the Colorado River in communities downstream of Austin, Beal said, but remain below flood stage.

Whitman Branch creek in Marble Falls, typically 2-3 feet wide, stretched at least 100 feet across. Several nearby buildings were flooded, and vehicles swept down the creek were overturned. The smell of gas and diesel fuel were heavy in the air.

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Residents of Graveyard Point, along Lake Travis, near Austin, were self-evacuating — a familiar routine during times of high water, said Roger Wade, spokesman for the Travis County Sheriff's Department.

The Sheriff's Department closed the only road leading from the town of Lakeview to Graveyard Point and was not "letting anybody in that doesn't belong," he said.

Floodgates were opened at all five area lakes, Burnet County Judge Donna Klueger said.

No one was expecting the usually welcome rains to go away anytime soon.

A flash flood watch for South and Central Texas was expected to remain in effect until noon today, according to the National Weather Service.

A very moist tropical air mass is expected to persist across the area, including the Hill Country and San Antonio, through the end of the week and into early next week. There's an 80 percent chance of rain today, dropping to 40

percent Friday.

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Three Hill Country tributaries were at flood stage Wednesday — the Llano River at Llano, the Pedernales River at Johnson City, and Sandy Creek near Kingsland, he said.

The release of floodwaters will swell the Colorado River in communities downstream of Austin, Beal said, but remain below flood stage.

Whitman Branch creek in Marble Falls, typically 2-3 feet wide, stretched at least 100 feet across. Several nearby buildings were flooded, and vehicles swept down the creek were overturned. The smell of gas and diesel fuel were heavy in the air.

Down the creek, at least four Frito-Lay trucks that had been loaded to make daily deliveries had washed away, spilling chips along the creek. One large truck emblazoned with the Doritos logo was stuck on its side in the running water.

Flooding washed out roads in Mason County and caused minor flooding across other parts of the Hill Country, where a heightened readiness was evident among officials who'd seen in Marble Falls just how bad things could get.

Mason County Judge Jerry Bearden reported one motorist was rescued, but no evacuations or deaths had been reported in the wake of the overnight storm that dumped up to 10 inches on already soggy soil.

"We don't usually get this much rain at one time," he said. "The ground is saturated, so it's not soaking in. It's just

Residents of Graveyard Point, along Lake Travis, near Austin, were self-evacuating — a familiar routine during times of high water, said Roger Wade, spokesman for the Travis County Sheriff's Department.

The Sheriff's Department closed the only road leading from the town of Lakeview to Graveyard Point and was not "letting anybody in that doesn't belong," he said.

Floodgates were opened at all five area lakes, Burnet County Judge Donna Klueger said.

No one was expecting the usually welcome rains to go away anytime soon.

A flash flood watch for South and Central Texas was expected to remain in effect until noon today, according to the National Weather Service.

A very moist tropical air mass is expected to persist across the area, including the Hill Country and San Antonio, through the end of the week and into early next week. There's an 80 percent chance of rain today, dropping to 40

percent Friday.

"This is going to be an ongoing flood event. This will not be over with today," warned Joe Beal, general manager of the Lower Colorado River Authority, which controls water levels at the Highland Lakes in the Hill Country west of Austin.

"It's going to take days, if not weeks, to let this water drain out of the lakes," he said.

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IN AUSTIN
JUNE 27 | SOUTH SAN GABRIEL RIVER



IN SAN ANTONIO
JUNE 28 | BASSE AT U.S. 281



IN ARLINGTON
JULY 2 | RESCUED FROM FLOODS

ENOUGH IS ENOUGH: TEXAS HAS SEEN 40 DAYS OF RAIN

And with several rivers at flood stage, even more is expected.

BY MARYSA.COM
Key word: Weather
For the latest forecast, current radar and warnings.

Nearly 1,000 homes had been destroyed in some 11 counties surveyed so far out of 51 affected, officials said.

It's unprecedented in the scope of the size of the area affected and the time we've

THE FORECAST
Today: 50 percent to 80 percent chance of showers and thunderstorms. High 85 to 90.
Saturday: 20 percent to 50 percent chance of showers and thunderstorms. High 85 to 90.
Sunday: 30 percent chance of rain. High around 90.

days of storms affecting more than 50,000 square miles, disaster response officials said Thursday.

Thirteen lives had been lost to flooding and treacherous weather conditions as of

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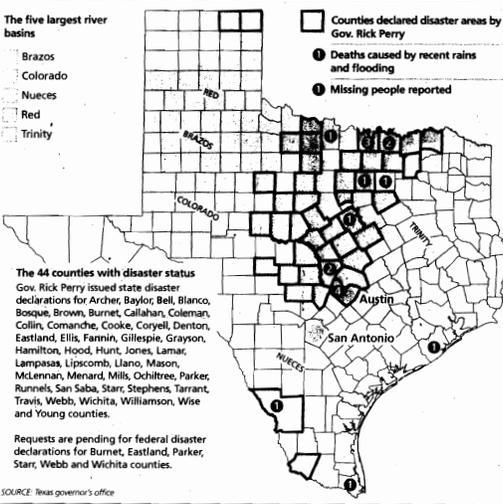
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Texas' rain takes on historic proportions

Fifty-year water mark

The weather that has hammered Texas is causing flooding in all five of the state's biggest river basins for the first time since 1957.



The 44 counties with disaster status
Gov. Rick Perry issued state disaster declarations for Archer, Baylor, Bell, Blanco, Bosque, Brown, Burnet, Callahan, Coleman, Collin, Comanche, Cooke, Coryell, Denton, Eastland, Ellis, Fannin, Gillespie, Grayson, Hamilton, Hood, Hunt, Jones, Lamar, Lampasas, Lipscomb, Llano, Mason, McLennan, Menard, Mills, Ochiltree, Parker, Runnels, San Saba, Starr, Stephens, Tarrant, Travis, Webb, Wichita, Williamson, Wise and Young counties.

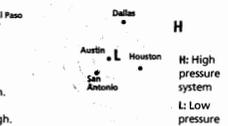
Requests are pending for federal disaster declarations for Burnet, Eastland, Parker, Starr, Webb and Wichita counties.

SOURCE: Texas governor's office

EXPRESS-NEWS GRAPHIC

Source of rain slowly moving on

A low pressure system, centered northeast of Austin is slowly moving northeast at five to ten miles per hour. Until the system moves on, some spots in the San Antonio area will get as much as 3 inches of rain. Most of the area will receive little rain, though.



"That's the problem with the weather. It just doesn't cooperate."

STEVE MCCRAW
director of the Governor's Division of Homeland Security

CONTINUED FROM 1A

under this," said Jack Perry, chief of the Governor's Division of Emergency Management, who has been dealing with flood operations since June 28.

"We're fighting fires, we're not fighting floods," he noted.

Perry has issued emergency declarations for counties, some of them also receiving federal disaster aid.

The major river basins in Texas — Brazos, Colorado, Brazos and Red — all at flood stage for the first time since 1957, even a little of the rain's expected to continue until the weekend, said Robert Colley said.

Having the river basins at flood stage means reservoirs must be managed with water releases and there is flooding associated with them, but not every waterway connected to them is flooding. Rains of 3 to 6 inches still were expected across Texas, with 4 to 6 inches possible in some locations.

"We reached the point now where these lakes and reservoirs are at their maximum capacity. When you hear '1- or 2-inch rain,' you that may not seem significant," Colley said. "But right now, those 1- or 2-inch rains are very significant because there's just simply no place for it to go."

Of particular concern Thursday were the Sabine, lower Trinity, Brazos and Nueces rivers, he said.

While affected counties stretching from the northern to the southern part of the state, Texas already has deployed its largest search-and-rescue effort, Colley said.

Perry has activated more than 250 Texas National Guard members and 71 high-profile military vehicles to assist with response to flooding and other emergencies, plus other vehicles and teams to help with logistical search-and-rescue missions.

Across the Rio Grande Valley, officials carefully watched the possibility of more rain, but also have begun clean-up

operations in flooded areas.

"Right now, we're monitoring a couple of neighborhoods that are at risk," said George Garret, emergency management coordinator for Westaco.

About 10 inches of rain has fallen in the Mid-Valley area since Tuesday, Garret said, adding that the water was receding steadily.

To the west, a mandatory evacuation for some neighborhoods in Rio Grande City expired Thursday. Some families stayed in a local Red Cross shelter.

The Rio Grande City area received up to 18 inches of rain Sunday before getting more heavy rain Tuesday, leading a tributary of the Rio Grande to flood, said Dennis Gonzalez, acting emergency coordinator for Starr County.

"We were expecting much worse, but thank God the rain stopped," he said. "Right now we're moving into a clean up stage."

Flooding this week damaged about 100 homes in the area, Gonzalez said.

Starr County has asked Perry for a disaster declaration, a request that was still awaiting an answer.

Hidalgo County has called an emergency meeting for today to begin repairs of flood-damaged areas.

Steve McCraw, director of the Governor's Division of Homeland Security noted that just the area affected by flooding is "bigger than a lot of states."

It's larger than Mississippi; at 48,494 square miles, the number of affected counties is more than twice the approximately 22 touched by Hurricane Rita, officials said.

Predictions are that the weather system should leave Texas by Saturday or perhaps Sunday, Colley said. As always with the weather, that's subject to an update.

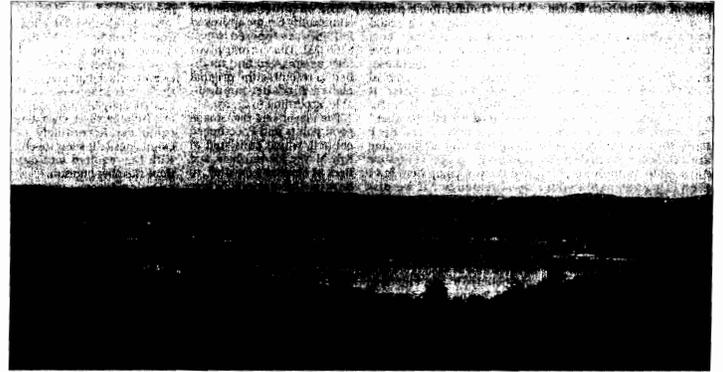
"That's the problem with the weather," McCraw said. "It just doesn't cooperate."

p/fkac@express-news.net
Staff Writer Mariano Castillo in Laredo contributed to this report.

THE CASTROVILLE ANVIL

Supplement to HONDO AN

Serving the People of Castroville, La Coste, Mico & Rio Medina



Medina Dam

Rain in the "Bucket" fills Medina Lake

By Sula Combs
CASTROVILLE ANVIL STAFF

As visual proof of the unusual amount of rainfall we had had this spring, Medina Lake rose almost 29 feet between March and June 25.

Last year's drought had a profound effect on the lake, which reached a low point of just about 38 feet below the spillway in March. Now it is only eight feet ten inches low.

According to BMA Business Manager Ed Berger, annual irrigation allotment of 46,000 acre feet was completely used up. There was not enough for corn and cotton, but the

grass and vegetable farmers got hit in September." He reported that they opened up the canal for 20 days in January to fill farmers' tanks and 13 days in early March and also again in early June, but so far this year, "We have used only about 2,000 acre feet."

The "Bucket" is north of Bandera, an area which can receive prodigious amounts of rainfall. The national record was set at the Manatt Ranch north of the little town of Medina in 1978, when it rained 48 inches in 52 hours.

Locals say there is a bad drought about every ten years and an unusually rainy year every five years. The last rainy year was 2002. Expect more rain.



GLORIA FERNANDEZ

LEFT: San Antonio firefighter Garrett Wurzler, left, and firefighter Arth Szazzer verify that no body is in a car that has been swept away by rising water. Wurzler and Szazzer were with the driver, Angela Garza (photo below) out of a water-filled car.



GLORIA FERNANDEZ

Angela Garza tells a San Antonio police officer how she became confused about the best way to get out of a harrowing situation as her car was swept up at Jones Matberger and Base. Garza, who had been in the car with the driver, Angela Garza, explained that the high water overtook her car as she turned onto Jones Matberger.

A 'weak' system is hammering us

And brace yourself: The pummeling could continue into next week.

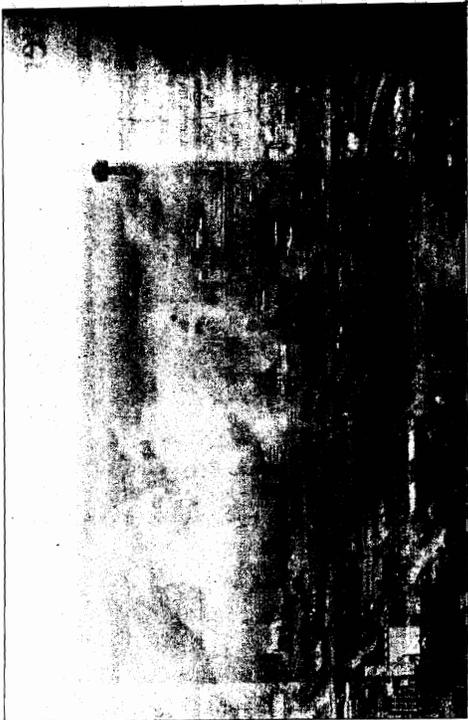
By DON FINLEY
FORNIA NEWS TEAM WRITER

The formula for rain around here generally isn't too complicated. Moist breezes blowing in from the Gulf of Mexico mix it up with a cold front or a low-pressure system high in the atmosphere to send a little badly needed rain our way.

So enough already. It's been raining for a week. Why isn't it going away? In this case, the other system is a fairly weak area of low pressure in the upper atmosphere, stuck over much of Texas and Oklahoma, and disconnected from the jet stream that normally pushes storms around.

"It's a pretty weak system, but it's been enough to cause all this rain because we've been so moist," said Bob Fogarty, a meteorologist with the National Weather Service forecast office in New Braunfels.

dfinley@express-news.net

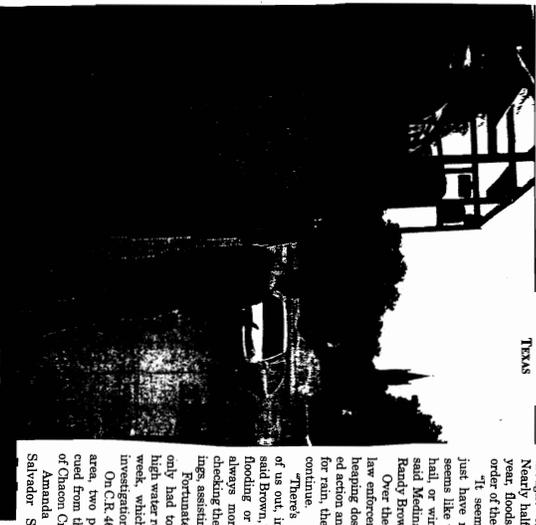


LISA BARRAZZANO

The problem is that we have so much moisture that even a weak disturbance can produce a lot of rain."

METEOROLOGIST BOB FOGARTY

RIGHT: Rain and clouds engulf the San Antonio skyline.



June 28, 2007
MEDINA COUNTY,
TEXAS

Castroville, Baines Strip, Medina County is no stranger to the extreme drought of the past few years. Nearly halfway through the year, floods seem to be the order of the day.

"It seems like we don't just have rain anymore, it seems like we have flood or hail or wind or tornadoes," said Medina County Sheriff Randy Brown.

Over the past week, area law enforcement have had a heaping dose of storm-related action and with a forecast for rain, the alert will likely continue.

"There's always a bunch of us out, including myself," said Brown, "any time there's flooding or storms, there's always more deputies out, checking the low water crossings assisting the public."

Fortunately, Brown's crew only had to engage in one high water rescue in the past week, which is still under investigation.

On Oct. 4, in the Nueces area, two people were rescued from the fringing waters of Charcoal Creek. Amanda Peters, 20 and Salvador Solis, 23 were

pulled from a tree by deputies and the fire department after grabbing it to avoid being swept away.

"We were able to enter the water and from there we pulled them to safety with a rope," said Brown.

BMA, trustee of the creek, just ended and it's not the first time it has happened.

"The spillway is made of clay and with so much turbulent water being down there, it eats a hole in the spillway," said Carter.

He said he does not know how much the project to repair the spillway will cost and will require a meeting of the BMA with the state.

"I don't think it will cost all that much. We'll probably do it with our own equipment. We've done it before, we just have to do it under state guidelines," said Carter.

Brown said the south end of the county was hit the worst with the most recent flooding, culminating in the cities of Devine and Nueces.

However, the city of LaCoste is always the recipient of high water in the event of a flood, due to its valley location.

"If people see water, they need to turn around, then think it looks ok to cross and the next thing you know you've gotten yourself in a predicament and plus you've got emergency services coming out and they're fishing them out and they're fishing them out and it just causes a big problem," said Brown.

Members of the La Coste, YPD and the La Coste police department came out to assist a stranded motorist, who attempted to pass through one of the many lower water crossings that engulfed the city. (Photo by Jeff Wilson)

THE MEDINA VALLEY TIMES

And the rains kept coming



ABOVE: Leon Creek, swollen by heavy rains, flows under barriers.

1997

Volume 111, Number 26
Thursday, June 26, 1997

Published In Hondo, Texas Medina County

More rain than we

County begins cleanup after Sunday flooding

By Jennifer Schifers
ANNE HERALD STAFF WRITER

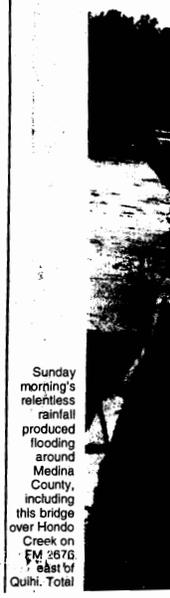
Heavy rains, flash flooding, high water rescues and evacuations kept emergency workers and law enforcement officials busy over the weekend. Residents of D'Hanis, Quihi and Medina County are struggling to recover from the massive damage sustained by the torrential rains. Storms that roared over south Texas humped between 15 to over 13 inches of rain. The aquifer received an eleven to boost as a result of the rainfall that was received. As a result of the flash flooding early 350 people were evacuated from their homes. Red Cross shelters were set up throughout the area to provide a safe place for the flood victims. Long time residents of D'Hanis said this was the worst flooding in recent memory. This flood is being compared to the devastation in 1935. Approximately 30 families in Hanis and 20 in the Quihi area were affected by the flood waters.

The evacuations began around 4 p.m. on Sunday morning. None of the agencies had time to get any of their longings out before flood waters began to inundate their homes. Nearly a dozen people stranded by the high

waters were rescued by helicopters. DPS, Texas Parks and Wildlife and Channel Four helicopter pilots performed the daring rescues. Emergency personnel were also faced with the potential of an explosion. Many propane tanks were swept away by the raging creeks and rivers. All of the trains were rerouted or detained until the high water had receded.

Most of the roads in the county were closed due to the high water. Highway 173 was closed until Tuesday to through traffic because of damaged bridges. Although the Hondo Volunteer Fire Company helped stop traffic from driving through the high water along the major roads, motorists still got stranded and had to be rescued. Several citations were issued to motorists who were caught driving around the barricades. Medina County Commissioners held an emergency meeting Tuesday to sign a resolution requesting that the governor declare the county a disaster area. Emergency Management Coordinator Elva Miranda said they hope to have a preliminary estimate on the damage by Friday. State Rep. Tracy King has surveyed some of the damaged areas in

his district. "I don't know yet whether we will be receiving any federal or state funds," King said. "But I have been looking into it. I am going to assist Medina County in every way I can to help them." County Judge David Montgomery has been on the phone with the governor's office to determine what the county needs to do to qualify for assistance. He said Governor George W. Bush had flown over the area to survey the damage. "I have been on the phone with Joe Albaugh, the governor's chief of staff, and he assured me the governor will be in contact with us and assess the area within the next few days," Montgomery said. Senator Phil Gramm's office has been in contact with the Texas Division of Emergency Management. Montgomery said Sen. Gramm has indicated his willingness to assist the state and local officials to pursue federal assistance. If Gov. Bush declares the county a disaster area, Montgomery commended everyone for all of their hard work. "This was one of the best organized efforts I've seen," he said. Sheriff's department also received reports that an unidentified person had been swept away by the currents before rescuers could get to him. Chief Deputy Gilbert Rodriguez said they searched for a body until Tuesday. "No body was found and everyone has been accounted for so far," Rodriguez said.



Sunday morning's relentless rainfall produced flooding around Medina County, including this bridge over Hondo Creek on FM 2676 east of Quihi. Total

More rain than we needed

County flooding

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Area flood damage extensive

Rain bad for some, good for others in the five county area



Medina, Bandera and Brio counties expect the largest loss of livestock from recent floods. Zarnora said the Department of Transportation and county officials worked together to prepare the areas that were hardest hit in Dimmit's October floods. "We went ahead and closed some roads that took the last flood the hardest," he said. "Since the river's been pretty full since October, we were worried that our crops are in the rich soil along the river, and it would make things really exciting. But we were expecting it, we pulled together and we got through." With the advanced warning, County residents in low areas by Nueces River, but we expected that. It's

With the advanced warning, County residents in low areas by Nueces River, but we expected that. It's

HARRIS Western Centers



QUIHI CREEK



RIVERCITY ... Ben Musquez took this picture of downtown D'Hanis just as the flood waters began to recede

Neighbors' aid brings joy to area woman after Hondo Creek rampage

By Mrs. Stanley (Ella) Mumme

Today, Monday, June 23, the Hondo Creek water is almost clear as it rushes past, on its hurried way to another road crossing. It is hard to believe that only yesterday it rose to the highest has ever been in the 56 years I have lived beside its banks. The flood it has caused in its short course through these acres is amazing... the giant piles of washed gravel, sand and sorted rock singly spread over a large area, some washed back into the creek sand pit (with machinery still on its floor) filled to overflowing road torn up and pea gravel too deep...

As I drove to check the other crossing, I made it just fine going back over the same area, I hit a buried rock in the pea-covered road. After some time of shoveling and trying, I knew the water was too stuck for me to get it out. Two young neighbor boys on their four-wheel all terrain vehicle, they were eager and helped me. I was impressed with their knowledge of how to go about this job. They were very respectful and courteous. After trying for some time, though, we decided to stop as it was noon time.

About 4 p.m., as I started off with the tractor and air tank to seal the pickup, I was met by three neighbor families who had frantically changed the flat tire, and were bringing the pickup home. Words can't express the joy I felt as the recipient of the gift and effort these neighbor families gave so freely to help me. Thank you, sincerely. And to the county employees who fixed the crossing, thank you, also.



PHOTO BY TINA CHRISTENSEN

One of the Hondo Creek bridges on Tarpley Road took the brunt of Sunday's floodwaters, cutting some of the county's northern residents off from the rest of the population.



PHOTO BY JEFF BERGER

Floodwaters were knee-deep on D'Hanis resident Alberto Fernandez's point, at 11 a.m. Sunday, the water was still a few inches deep into his home on FM 2200.



PHOTO BY JEFF BERGER

Floodwaters were knee-deep on D'Hanis resident Alberto Fernandez's point, at 11 a.m. Sunday, the water was still a few inches deep into his home on FM 2200.



This photo was taken from Hwy. 2676 looking west on CR 453. The backwater low area only carries water when the Quihi Creek overflows its banks.

Flood victims reminded to take safety precautions

Emergency Officials Remind Flood Victims About Safety Precautions

The Texas Department of Health (TDH) and the Texas Division of Emergency Management (DEM) have warned that flooded streams and rivers and rising lakes in South and Central Texas already pose an immediate threat to people in some areas. Heavy rains and thunderstorms have kept the ground saturated for days, allowing no time for normal run-off to occur.

Tom Millwee, Coordinator of the Texas Division of Emergency Management, said, "Violent flooding, lightning and the conditions that result from such weather are serious threats to health and safety. All people in the affected areas should use caution while evacuating flooded areas, and later, while returning home as the water subsides."

He added that his office and TDH have compiled the following list of precautions which can help save lives during flood emergencies.

- At every stage of the emergency, remember not to panic. Your calmness and ability to deal with the circumstances can save the lives of others.
- During flooding, do not attempt to drive through flood water of more than one foot deep. If your car stalls, abandon it and seek higher ground.
- When evacuating, comply with government directions and never drive around detour signs they are there for your protection.
- Take only essential items, such as prescribed medications, baby clothing and supplies, a supply of cash, traveler's checks or credit cards, flashlights, batteries and a battery-operated radio. Use the radio to stay tuned to the National Weather Service for weather changes.

- Store and carry valuables in water-tight containers.
- As you leave your home, and if you have time, turn off gas, electricity and water. Afterward, do not enter flooded buildings unless you know the electricity is turned off.
- Do not allow children to play near any flood water or storm drains.
- Take care while wading in flood water, since debris may hide nails, wires, broken glass and other hazards.
- Listen for public announcements about the safety of municipal drinking water, since flooding can contaminate treatment plants and wells. If testing indicates that your water supply is tainted, expect to hear a "boil water" order. If you have any doubts about the safety of your municipal or private well water, take no chances - drink only bottled, boiled or specially treated water. If you are unable to evacuate to higher ground, but have enough time, sterilize bathtubs, cooking utensils and other large containers with bleach and fill them with water before contamination can occur.
- If you use bottled water, know its source. If you use boiled water, be sure it boils for at least one minute to kill most organisms. To treat water using a kit, follow enclosed directions, or if you don't have a kit, add one-eighth teaspoon of household chlorine bleach to each gallon of water.
- Do not eat foods that have been in contact with flood water. For babies, use only canned baby formula, not powdered formula prepared with flood water.

- usually can be eaten if they are still "refrigerator cold," but discard previously refrigerated food after it has remained at room temperature for more than two hours, or if it has an unusual odor or color.
- Wash hands with soap and treated or disinfected water before eating or preparing foods, after toilet use, after helping in clean-up activities and after handling floodwater-contaminated items.
- Seek medical treatment, including tetanus vaccinations to prevent infection, for any wounds or injuries.
- After flooding some areas may become infested with mosquitoes, for which products containing DEET are effective. During cleanup operations, be sure to drain standing water where the insects can breed.
- Be aware that wildlife, including poisonous snakes, may also seek shelter from the flooding in debris and places where they are not often found - in trees, homes, even in cars which are left open.
- If you have had to evacuate, consult authorities about downed power lines, chemical contaminations, roadway damage and other flood-related hazards before returning home.
- Return home during the day, for better visibility and to avoid using electric lights. Do not use gas lanterns or torches.
- Do not re-enter your flooded home until the main electrical switch has been turned off. Leave your home immediately if you suspect a gas leak, and try to report any utility damage to authorities.
- Children should never be allowed to play around high water.



PHOTO BY BEN MUSQUEZ

Neighbors' aid brings joy to area woman after Hondo Creek rampage

By Mrs. Stanley (Ella) Mumme

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Quihi area



PHOTOS BY KATHY ADLON

The "downtown" area of Quihi sustained the highest water level mark recorded in more than 40 years. Water from the combined Quihi and Elm creeks brought some two feet of water up to FM 2676 south of Bethlehem Lutheran Church. Newer residents at the far end of the block of CR 4520, on the creek bank, had to be evacuated when the rising water forced them to climb onto rooftops and into trees. Al-



PHOTO BY CATHY DELK

The rescue squad talks strategy from their Hwy. 90 landing pad.



PHOTO BY CATHY DELK

The floodwaters were knee-deep on D'Hanis resident Alberto Fernandez's point, at 11 a.m. Sunday, the water was still a few inches deep into his home on FM 2200.

Flood victims

Emergency



PHOTO BY CATHY DELK

Young renouen took place after a helicopter rescue from the rain-swollen creeks near Quihi. Hope Palacios receives a hug from great niece Mirage Rodriguez, after she along with her cousin Elma Resendez (left) and granddaughter Jacqueline Alvarez rode to a safe landing on Highway 90. (We also received an almost

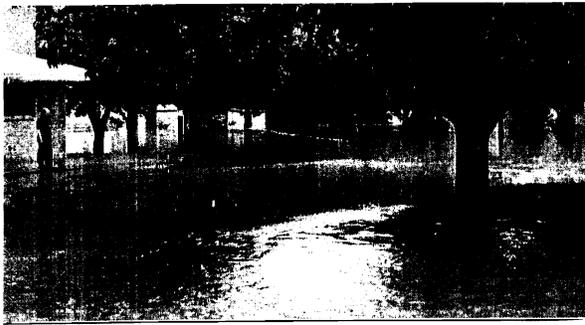


PHOTO BY JEFF BERGER
r. Wallis Stiles watches the water come through the yard of the rectory at Holy Cross Catholic Church in D'Hanis late Sunday morning. By that afternoon, all the water had receded.

Helpful neighbors
Numerous individuals including law enforcement officials, fire fighters, electric workers, highway crews, helicopter pilots, and a lot of folks who just simply went out of their way to help friends and neighbors in their time of need deserve a big THANKS for their tireless, around-the-clock efforts.

So, THANKS



clients from the Ney Unit work to load debris along the streets of D'Hanis.

TDCJ assists with recovery effort

Following the devastating floods last weekend, many people have begun the clean-up and are attempting to get their lives back together. The clean-up process will be much easier thanks to the efforts of the clients at the Texas Dept. of Corrections Ney Unit. Monday and Wednesday after the flood waters had receded, a crew of 45 men from the Ney Unit was transported to help the areas that sustained severe flood damage. Trucks drove along the streets as the clients loaded debris left by the flood-

and personal belongings piled on the street were also loaded up and hauled away. The clients also worked to clear the roads and repair culverts which were damaged by the flood waters. Ney Unit Clients have been working ten hours a day to get things cleaned up as quickly as possible. Residents forced to stay in the shelters received help from the Turres Unit. Numerous mattresses and blankets were taken to the Red Cross Shelter at McDowell to make their



hit by the floods, the clients helped get help volunteers transport supplies to the sewer station cleaned up. Trash from the shelter.



Trucks and trailers were emptied by the clients from the Ney Unit.



PHOTO BY JEFF BERGER
The Little Live Oak Creek wasn't so little Sunday morning. The creek made its way past the Encinito Apts., where it completely filled the trench, spilling over into Ave. U.



PHOTO BY CATHY DELK
A regular traffic jam formed on Highway 90 as the water from the Hondo Creek, plus all that from the Verde Creek which joins the flow just north of the highway, engulfed the roadway. Traffic wasn't cleared to cross the bridge until 3:30 Sunday afternoon.



PHOTO BY JEFF BERGER
The water was up all along 18th Street Sunday morning. As it looks at the intersection, this was the only 18th Street which wasn't barricaded immediately after the big rains.



If it had a name, it was creeks, taking a large

How much rain did you get?

Who rescued you? What kind of damage was sustained in your area?

How high did the water get at your house?

Call us and tell us about your experiences or share your pictures. We want to hear your story.
Hondo Anvil Herald
426-3346

The Hondo Anvil Herald, Thursday, June 26, 1997, Page 7

Helpful neighbors

Numerous individuals, including law enforcement officials, fire fighters, electric workers, highway crews, helicopter pilots, and a lot of folks who just simply went out of their way to help friends and neighbors in their time of need, deserve a big THANKS for their tireless, around-the-clock efforts.

So, THANKS!



Chamber of Commerce Director Elmo Pope and Salvation Army Representative Johnny Vega were on the phone trying to coordinate the relief effort following the flood.

Help for flood victims begins

The Salvation Army and Red Cross have been working closely with the county to provide the families that received damage as a result of the floods with food, clothing, supplies and other essential needs to help them recover.

Johnny Vega, a service rep for The Salvation Army is heading up the relief effort for the organization.

"We will try to take care of anything they need," Vega said. Approximately 50 clean-up kits were shipped to Medina County to help residents impacted by the flood recover.

"Anyone interested in making a contribution to help the flood victims can bring the goods to the Chamber office at 1802 Ave M," Chamber of Commerce director Elmo Pope said. "Monetary donations are also welcome."

A voucher system has been set up to help people get the things they need to return to their homes as quickly as possible.

The Salvation Army distributed clean-up kits earlier this week. Another truck of supplies is on the way.

Pope encourages everyone who suffered losses due to the flood to contact the Chamber office and let them know what their needs are.

The American Red Cross has established a telephone hotline to provide assistance to victims of the South and Central Texas flash flooding.

People with disaster-caused needs may call the Red Cross Hotline at 1-800-775-6803. Red Cross assistance may include providing the means to pay for what they need most from groceries, new clothing, and rent, to emergency home repairs, transportation, household items, and medicines.

An assessment team is looking over the damage in the D'Hanis and Quibi areas. A distribution center has been set up at McDowell.

A truck will be at the Holy Cross Parish Hall in D'Hanis from 9 a.m. until noon to distribute packaged clothing to families impacted by the flood.

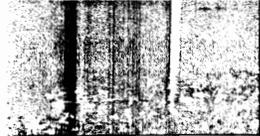


PHOTO BY JEFF BERGER
long 18th Street Sunday morning. But as deep section, this was the only 18th Street crossing that immediately after the big rains.



PHOTO BY JEFF BERGER
Keith's obviously been working overtime, constructing a really, really large pool at the intersection of Highway 90 and FM 2200 in D'Hanis.



PHOTO BY JEFF BERGER
If it had a name, it was over the banks. The normally placid Elm Creek east of Quibi ran wild, as did all area creeks, taking a large chunk of FM 2676 with it. *Waspole property*

PHOTO BY JEFF BERGER
enter. The to Ave. U.



How much rain did you get?

Who rescued you? What kind of damage was sustained in your area?

How high did the water get at your house?

Call us and tell us about your experiences or share your pictures. We want to hear your story.

Hondo Anvil Herald
426-3346



PHOTO BY SYLVIA LUTZ
Vehicles large and small were washed away by the high waters in D'Hanis Sunday morning.

Area flooding caused substantial damage in county



am and Sherry Jones has enjoyed heavy rains.

PHOTO BY JIM FERRO
This family had to be rescued by helicopter when the Hondo Creek and area sloughs merged out of banks and closed Hwy. 90 most of the day.

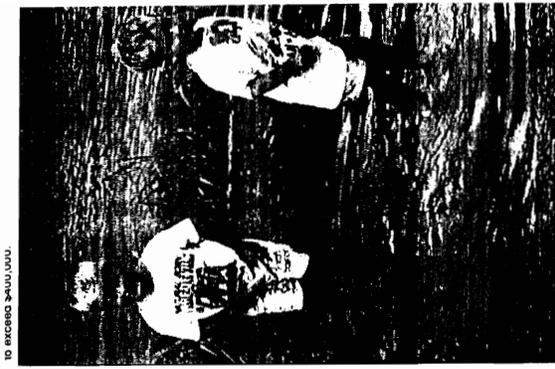


Many roads were damaged by the flooding. Damage estimate to roads and bridges, clean out culverts and remove debris is expected to exceed \$400,000.



The Hondo Volunteer Fire Company blocked Hwy 90 while the Hondo Creek was out of its banks. Hundreds of motorists were delayed or rerouted.

With approximately 90%



Cade Thigpen and Tyler O'Bryan made the best out of high water.

of the damage assessment complete, nearly 810 homes were damaged or destroyed by the floods in nine counties

County	Total
Bandera	190
Bexar	161
Comal	54
Guadalupe	161
Kendall	70
Medina	87
McMullen	20
Real	35
Uvalde	32



PHOTO BY JEFF BERGER
Janey Waynard, Shauna Riddell and Tim Carter watch in awe as the I-10 New Fourmain, leaving behind a mass of tangled wreckage which had submerged.



Ave. M and 18th street became a river following the heavy rains. Some businesses received minor water damage due to the high water.

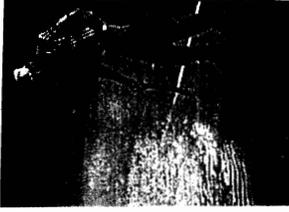


PHOTO BY KEITH O'BRYAN, HONDO
Chapman began to receive edge which is located to the northwest creek and highway, had three feet of it was the highest they can remember. Chapman lost all their cattle, with siding.

Below is a copy of a letter from a supporter of the quarry and rail line project, who is a lifelong resident of Quihi and member of a family with financial interests in the proposed Vulcan project. She attests to the long history of the danger, devastation and unpredictability of these flash floods through Quihi, via the Elm, Quihi, and Polecat Creeks. She urges those not familiar with, or unable to cope with, these floods to not locate here. Vulcan should heed her advice. Vulcan has yet to recognize, acknowledge or address these flooding issues, after 8 years of being asked to provide proof that their quarry and rail loop and rail line will not increase the flooding potential. Their only response is that 'flooding will happen'.

Hondo Anvil Herald • July 12, 2007 • 9A

Your Turn

Hondo Anvil Herald
P.O. Box 400, Hondo, TX 78861
anvil@hondo.net

Dear Editor,
I must reply to the articles in the paper last week regarding the concerns of some of the people north of Quihi about the flooding along the Elm Creek and other smaller creeks on CR 351 and 353. Those people involved in the rescue are lucky to have survived.
That land and those creeks have been there for over 100 years. It's part of nature. I have lived no more than 50 yards from the banks of the Elm Creek for 68 years, first growing up on my parents place and now since I'm married. I have seen the creeks a lot higher than this.
The flooding is nothing new. When we were growing up we knew to expect this ev-

ery time it rained a lot. We stayed home. Chickens, sheep and cattle were washed away. My Dad probably had to put back more "washed out" fences than anyone else. My husband is out there right now, as I'm writing this, trying to put back our fences that were washed away.
We don't like it, but anyone living next to these creeks has two choices. Either learn to live with it or move away. Simple as that.
Whatever you do, please don't expect any Medina County Commissioner, Sheriff or anyone else to come up with some kind of miracle to avoid the flooding. That is absolutely impossible. You are living with nature.
Leona Niebuhr
Hondo

HONDO
Thursday, July 19, 2007
Medina County
Volume 121, N
121st Year
Published in Hondo, Texas
HondoAnvilHerald.com • Two Sections, 26 Pages • 75 Cents

Lopez speaks out for northwest side residents

By William Hoover
ANVIL HERALD CORRESPONDENT

Former Mayor, city park namesake and community leader T.A. Lopez made an unsolicited speech to council regarding the construction of an elevated 16th Street bridge where 16th Street crosses Elm Slough.
With the region, Hondo and Elm Slough saturated from this year's record rains, Lopez informed council the water has been standing up to six inches deep on 16th Street at the slough. He said the water retention is a hazard for children, motorists and other northeast side residents.
Silt has also built up in front of the numerous drainage inlets at the base of the 16th Street bridge walkway. The inability of the water to flow south is forcing residents without cars in the city's oldest section of town to cross over on bicycles or walk through the storm water, which is of unknown quality. People who must drive through the standing water, which sometimes sits on the road for two weeks after a rain, can also damage their cars' brakes, alternators, and other parts, according to Lopez.
The 86-year-old community activist told council some 70 houses in the oldest section of the city are affected by the standing water on 16th Street and its hidden hazards. Many of the residents, such as Lopez himself, are United States war veterans. Lopez said the bridge across Elm Slough on 18th Street does little for the 70 families living north or east of the Elm Slough's intersection with 16th Street.
"We want a bridge on 16th Street because, when it rains, it floods the street," he said of his northeast side neighbors. "A lot of traffic has to go across there (the intersection of 16th Street and Elm Slough). The people who live on Avenues A and B, on 16th Street and to the north, drive through there and a lot of people walk through there because they don't have cars. I don't see why we have to go around to 18th Street to get to downtown or back to our homes. That's the reason people are asking for an elevated 16th Street bridge."
The northeast residents asked Lopez to speak for them before council because,

he said, a lot of them do not want to keep coming back to council to make their requests, just to be disappointed. "We have five WWII veterans, five Korean veterans, four Viet Nam veterans and we have two people serving in Iraq right now," said Lopez. "I, too, am a WWII veteran. We fight for this country but we don't get much."
Lopez said he and his fellow veterans felt like they were not receiving their fair share of city tax dollars when it came to infrastructure improvements. He implied an appeal to Austin was possible if the city failed to build an elevated bridge on 16th Street or if some other solution to the drainage problem was not found.
"I thought maybe you could give us an answer," Lopez told council. "If not, we will have to take other steps somewhere else."
The old, northeast side lots may be small and inexpensive, some were originally purchased for \$50, but they are home to the people who live there and nobody should be expected to give up their home, according to Lopez. The northeast community leader suggested widening 16th Street, building a four to five foot high bridge over the existing road or installing 60 inch box culverts beneath the road to carry the water out of town.
Mayor Jim Danner said he appreciated Lopez's comments and noted he was not aware water stood on 16th Street at Elm Slough for up to two weeks. Danner noted the Union Pacific railroad beds act as a dam, making water back up on the city's north side and preventing the flow of storm water south under Hwy 90.
City Manager Robert Herrera assured Lopez a way to address the problem would be forthcoming as the city engages in other street extensions and drainage improvement projects. When the city extends 22nd Street as planned, Herrera said the city might have the opportunity to also fix the drainage on 16th Street at Elm Slough.
"I was out there this afternoon looking from Hwy 90 to the north of the slough," said Herrera. "It is my understanding the city owns that (property to the north of Hwy 90). And it is also my understanding that the slough, from Hwy 90 to the south, is actually not under the control of the City of Hondo. It was a

See LOPEZ, Page 2A

SAVE \$8.00
102 PORTRAIT

Hondo Community Center at 10 a.m. New members are always welcome.

HHS band members

There will be a fitting for uniforms from 10 a.m. - 2 p.m. on July 16 to 20 for returning members. The fitting for all members is from July 23 - 27, also from 10 - 2.

Woolis PTO meeting

There will be an organizational meeting for Woolis Intermediate School on Monday, July 23 at 6 p.m. in the Woolis cafeteria. Everyone is welcome.

Red Hat Society

Red Hat Society will resume monthly schedule by meeting for lunch at 11:30 at Neal's Cafe in Concan on Tues., July 24. See article in this issue for directions.

LOPEZ

CONTINUED FROM PAGE 1A



Elm Slough

PHOTO BY DAWN HOOPER

concern I have raised in the past with some of our staff members because we do go out to the south to maintain the vegetation growth so the water can move out of town. We need some drainage improvements and, perhaps when we address the 22nd Street extension, we will get to that."

Herrera said Lopez's concerns had reinforced his desire to see a new UP railroad crossing for vehicles and pedestrians at Veterans Blvd. at Hwy 90, across from the Wal-Mart Supercenter. "A new railroad crossing at Veterans Blvd. would provide the residents of those 70 homes with an outlet and probably cost a third of the cost of a new bridge or walkway," said the City Manager.

Danner suggested keeping the slough well-mowed to facilitate the flow of water south of town until a better solution could be found. "The city manager will look into this and get back to you in three

to four weeks," Danner told Lopez.

The mayor promised Lopez some kind of action would be taken and council would consider addressing the problem at their upcoming budget workshops.

In comments made after the meeting, Lopez said the city had received various Community Development Block Grants intended for under-served, low-income areas of town, which could have been used to upgrade the 16th Street drainage problem. However, Lopez said the city's CDBG money was usually spread all over town and very little was spent entirely on low-income areas.

Lopez said he hoped the city could find funds to fix the 16th Street crossing, because providing safe streets is a basic city service. He noted the city was preparing to spend \$181,000 on a nature trail park, when making safe streets should be a higher priority because streets are ne-

cessities for all taxpayers, including northeastside residents who are proud of their history.

"They may be small but they are our homes and we are not going to move from them," Lopez said of his neighborhood.

In Other Business

City Manager Herrera told council a workshop would be held in city hall on July 2 from 8:30 a.m. to noon to discuss pending budget issues. The July 25 workshop will be one of four and will bring council up to date on issue in the Fiscal Year 2006-2007 budget.

Herrera said actual budget workshops, for FY 2007-2008 would be held Aug. 7, 8 and 9. On Aug. 7 and 8, council will review the proposed budgets for city departments. On Aug. 9, the council will set the budget for the nonprofit entities the city supports. The new fiscal year begins October 1, 2007, and the budget must be prepared at least two weeks in advance, according to the City Manager.

"With our new (Home Rule) Charter, the budget must be presented to council on or before August 15th," said Herrera. "And it must be adopted by Oct. 1."

Danner noted the annual Hondo City Staff Picnic would be held in City Park #1 at 6 p.m. on July 27. The mayor encouraged council members, most of whom he said were not present last year, to make an appearance to show city employees they appreciate what they do for the town's citizens.

"The next regularly scheduled meeting of the Hondo City Council will be Monday, Aug. 6, at 6 p.m. in city hall. The meeting is open to the public."

August 23, 2007

Chief
Section of Environmental Analysis
Surface Transportation Board
395 E. Street, S.W.
Washington, D.C. 20423

ATTN: Ms. Victoria Ruston

RE: STB Finance Docket No. 34284, Southwest Gulf Railroad Company
Medina County, TX

Dear Ms. Ruston:

I am writing this letter because I do not think it is right or justified that a railroad could be built on my property or anyone else's property in Medina County. Why or Why not?

1. Our family purchased this property in 1960. We have lived at this location and farmed this land for over 47 years. That is almost the 50 years that is required to be a historical site.
2. The recent flooding, without the railway, was horrendous. Roads were covered with water; creeks were on the rise. What if the railways would have been in place and routed the water into our homes and no telling where else?
3. Why does a private company have the right to take our land for their profit? Eminent domain should only involve public transportation not private business.

Please consider the damage a rail system would do to "Upper Quihi".

Request, if a rail system is necessary, run it along SH 471 and then Hwy 90 not through the middle of farms and ranches.

Thank you for taking your time to read and consider my request. Your reply to my questions would be appreciated.

Sincerely,

Madelyn Saathoff Schott

Madelyn Schott
19903BanderaRd
Helotes, TX 78023
210 695-3429
210 240-6422
mashelotes@aol.com

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Joan Seekatz
139 CR 2610
Mico, Texas 78056

August 23, 2007

Ms. Rini Ghosh
Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N. W.
Washington, DC 20423-001

Dear Ms. Rini and Board Members,

I do not want a quarry or a railway that would cross my family's farmland in upper Quihi. Two creeks run through our property and would be impacted by a railway.

My mother has lived and owned the same home and farm for over fifty years. The home is a Circa 1910 farmstead with a L-plan dwelling. A creek runs directly next to the home and the home would be damaged by the flooding caused by the Vulcan railway.

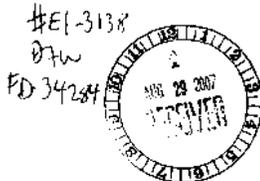
My home is on the same family property but near the Quihi Creek. It would also be flooded by the construction of a railway using the old Medina Dam route, referred to as the MCEAA Medina Dam Alternative.

A railway across our property would change the farmland as we know it today. The train would be hazardous to the members of my family driving farm equipment to the back fields and to the cattle who graze on the farm.

I am opposed to Vulcan's new quarry in Medina County and to Vulcan's railway to Dunlay.

Sincerely,

Joan Seekatz
Joan Seekatz
(Matt Saathoff Farm)



P.O. BOX 29928 • SAN ANTONIO, TEXAS 78229-0928 • (210) 615-1110
December 21, 2007

#E1-3445
DFH
PD 34284

Dr. Robert Fitzgerald
President, MCEAA
202 CR 450
Hondo, Texas 78861

RE: Public Meeting Request

Dear Dr. Fitzgerald:

Thank you for your letter dated December 10, 2007 in which you requested TxDOT conduct a public hearing in regards to the proposed Southwest Gulf Railroad (SGR).

As referenced in your letter, the Surface Transportation Board (STB) is currently assessing the impacts of the SGR.

I will be glad to hold a public meeting in the area concerning the highway interfaces and associated issues upon issuance of a finding by the STB. When the STB had made their determination, I will contact you to schedule a meeting in the area.

Sincerely,

Julie M. Brown, P.E.
David B. Casteel, P.E.
District Engineer

- cc: Hope Andrade, Commissioner, TxDOT
Carlos A. Lopez, P.E., TxDOT
Julie Brown, P.E., TxDOT
Clay R. Smith, P.E. TxDOT
Carl Friesenhahn, P.E., TxDOT
Victoria Ruston, Surface Transportation Board
Representative Tracy King
Representative David Liebowitz
Medina County Judge Jim Barden
Medina County Pet 1 Commissioner Ronnie Ulbrich

E1-3199

The Medina County Environmental Action Association, Inc.

202 CR 450, Hondo, TX 78861
 www.dontme88withquihi.com
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 Lester Landrum, Vice-President
 Archie Gerties, Director
 Randy Wood, Director
 Alyne Fitzgerald, Communications

☎ 830-741-5040
 ☎ 830-426-2060
 Jacque Conrad, Secretary
 Mary Walpole, Treasurer
 Ted Portenier, Director
 Em? Balzen Membership

Ms. Diana Wood
 Section of Environmental Analysis
 Surface Transportation Board
 395 E Street, S.W.
 Washington, D. C. 20423-0001

11 January 2008

Subject: STB Finance Docket #34284, Southwest Gulf Railroad Company -
 Construction and Operation Exemption - Medina County, TX.

Dear Ms. Wood:

After reviewing David Coburn's Dec. 13, 2007, emailed letter to you, Medina County Environmental Action Association (MCEAA) submits the following comments.

In his letter, Mr. Coburn, as he has repeatedly done in the past, states that MCEAA's concerns and comments are unjustified and bogus. Just as he has done in the past, he offers no proof that the SGR rail-loop and other quarry related features will not significantly affect floodways of the Polecat and Elm creeks. Instead, he places the responsibility on the Medina County Flood Plan Administrator, Mr. Pat Brawner, whom Mr. Coburn states would not permit, or allow, any railroad or railroad related structures to be built that would violate FEMA regulations.

The truth of the matter is that the County Floodplain Administrator here, as in many if not most counties in Texas, has no formal hydrological training or expertise. He is not an expert and cannot render an expert opinion. Deference to him, in the form of delegation of further analysis, is equivalent to a mere conclusory statement by STB that no impact will occur. Were MCEAA to present expert opinion to the contrary on any new discussion of flooding in the Final EIS that made such a delegation and/or conclusory statement, it would be uncontradicted in the record. For this reason, as MCEAA has urged previously, a hard look, including a quantitative look, must be taken at the bridges in this proposal at this time, not after the license is issued.

In addition, Mr. Brawner has repeatedly stated that he is forced to rely on FEMA guidelines; and the signatures of licensed engineers report that Vulcan/Southwest Gulf Railroad (SGR) will not appreciably affect flooding downstream of this rail-loop. Therefore, permitting of this rail-loop and its related fuel storage and maintenance area, and their related infrastructures, will be accomplished on data submitted by Vulcan/SGR. Mr. Brawner has also stated that FEMA, in its current state, does not have the resources to adequately review and/or challenge this data. Therefore, MCEAA and the public are unfairly subjected to bear flooding risks with 1980's maps done by extrapolation not by actual measurements. MCEAA believes this is a perfect example of "the fox guarding the henhouse", and it will have the foreseeable result of needless loss of life and property.

Surface Transportation Board, Diana Wood, 11 Jan 08, page 2

The STB must not issue a permit for this railroad based on the biased, unproven data of the applicant. Best Management Practices (BMP) and the "trust us" philosophy are not fail-proof.

Review of the latest map submitted with Mr. Coburn's Dec. 13, 2007 email shows that ** of the plant site and all of the fuel storage and maintenance areas are islands surrounded by floodways in the path of 18,391 acres of drainage. The entrance to the plant site by SGR has to cross over approximately 1,100 feet of this floodway on a bridge whose design is yet to be disclosed. (See accompanying attachments.) The height of this bridge will admittedly be at least 15 feet above this floodway at its highest point. MCEAA wants more details of this construction.

As the evidence shows, it is clear that Vulcan/SGR selected the quarry site prior to a full analysis of this truly unsuitable site. Now it is locked into trying to defend its flawed decisions. This letter points out once again why MCEAA has steadfastly urged STB to reconsider its decision to require an EIS on the entire quarry, considering it as a connected action to the railroad, rather than a cumulative impact. We again make this plea. Only a thorough EIS on the quarry will disclose the true environmental impacts of these projects,

Sincerely,

Robert Fitzgerald

Encl: Map: D. Coburn 13 Dec 07
 Points of Concern

cc: Senator Kay Bailey Hutchison
 284 Russell Senate Ofc. Bldg.
 Washington, D.C. 20510

Senator John Comyn
 517 Hart Senate Ofc. Bldg.
 Washington, D.C. 20515

US Representative Ciro Rodriguez
 Congressional District 23
 2458 Rayburn House Ofc. Bldg.
 Washington, D. C. 20515

State Senator Carlos Uresti
 P. O. Box 12068
 Austin, TX 78711-2068

State Representative Tracy King
 District 43
 P. O. Box 291
 Austin, TX 78768

State Representative David Liebowitz
 District 117
 P. O. Box 291
 Austin, TX 78768

Dr. Robert Fitzgerald
President, MCEAA

STB letter, Diana Wood, 11 Jan 08, page 3

FEMA Representative Glenn Beard
 800 N. Loop 288
 Denton, TX 76209

Pat Brawner
 Medina County Environmental Health
 Floodplain Administrator
 709 Avenue Y
 Hondo, TX 78861

County Judge Jim Barden
 Medina County Courthouse, Room 101
 Hondo, TX 78861

Ronnie Ulbrich
 County Commissioner, Precinct 1
 1100 16th St., Room 101
 Hondo, TX 78861

Ms. Java Zyman-Penobshok
 URS Corporation
 Surface Transportation Board
 395 E Street, S.W.
 Washington, D.C. 20423-001

Gardner Law Firm
 745 E. Mulberry Ave., Suite 100
 San Antonio, TX 78212

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

January 11, 2008

Atch MCEAA letter to STB
 Diana Woods, SEA

Points of Particular Concern for STB and FEMA to consider:

Please reference map accompanied by David Coburn's Dec. 13, 2007 email.

A train derailment in the quarry site could result in a diesel spill over the Edwards Aquifer Recharge Zone (EARZ). This scenario is foreseeable in at least 3 areas of the rail loop, designated as 1, 2, and 4 on the accompanying map. MCEAA notes that erosion of the rail loop could occur during periods of heavy rainfall in the upland watersheds of the Polecat and Elm Creeks. This erosion could result in train derailments at the 1, 2, and 4 designations, and could also result in alterations of the floodways, flooding of the plant site and contamination of the EARZ with diesel fuel. For example, the man-made permanent rock berm SGR proposes to construct at point 1 is not fail-proof. Vulcan's stormwater runoff plan submitted to and approved by Texas Commission on Environmental Quality (TCEQ) offers no proof that the rail loop infrastructure can withstand typical flooding conditions that are noted to occur in this area at frequent intervals. MCEAA has brought this to TCEQ's attention during their comment period to no avail. MCEAA's request to the TCEQ for a public meeting to discuss water pollution abatement and stormwater runoff plans was ignored. For the foregoing reasons, MCEAA urges more finite details concerning these points be obtained by STB and FEMA before a permit is granted.

Moreover, MCEAA urges the STB and FEMA to seek more information concerning the construction of the rail line as it enters the plant site. SGR acknowledges that the rail line will require a bridge at this location. See #4 on map. However, details of its construction have not been given, i.e. its type, length, and height above the floodplain. Will there be connecting berms placed in the floodplain? If so, what is their length? How will they be constructed and maintained? What will be the flooding effect by the placement of bridges and berms in the floodplain?

Lastly MCEAA questions the possible altering of the floodway with increased flooding potentials by the placement of the road connecting the plant site with the fuel storage and maintenance area. See point number 3. The length of this road has not been disclosed. It is located entirely in the floodway directly in the path of the drainage of 18,391 acres of watershed. If this road is going to be constructed at-grade, as information obtained from the Medina County floodplain administrator says it will be, MCEAA asks how this road will be constructed and maintained without increasing the flooding potential and altering the floodway.



#E1-3501
FD 34284
Dxw

J. THOMAS HILL
PRESIDENT
SOUTHWEST DIVISION

P.O. BOX 791050
SAN ANTONIO, TEXAS 78279-1050
TELEPHONE: (210) 524-3609
FAX: (210) 524-3653
E-MAIL: JTHILL@vulcan.com

January 3, 2008

David B. Casteel
San Antonio District Engineer
Texas Department of Transportation
P.O. Box 29928
San Antonio, TX 78229-0928

Re: Southwest Gulf Railroad

Dear Mr. Casteel:

We have recently obtained a copy of a December 10, 2007 letter addressed to you by Robert Fitzgerald of the Medina County Environmental Action Association, Inc. concerning his request for a public meeting to obtain citizen input on the crossing of FM 2676 by the rail line planned for construction by Southwest Gulf Railroad in Medina County. The MCEAA letter was sent to many officials, but not to us. We have also now seen your December 21 reply noting that the Surface Transportation Board is still assessing the SGR line and stating your intention to schedule a public meeting once that process is completed.

We understand that the environmental review process being conducted by the STB's environmental staff is nearing completion, which will result in the issuance of a Final EIS. That Final EIS may recommend that the rail line could be built along one or two different alternative alignments, both of which are further east than the line as originally proposed. That recommendation will then go to the Board itself for a final decision. The Board could approve one or more alignments for construction. SGR would then decide along which approved alignment to construct the rail line, if more than one is approved by the Board. For your information, I have enclosed a map that shows the alignments currently under active consideration at the STB and the point at which each would cross FM 2676.

We anticipate that the Final EIS and Board decision will adopt a recommendation from the Supplemental Draft EIS requiring that SGR consult with Texas DOT about the crossing of FM 2676 and adhere to reasonable conditions imposed by Texas DOT. Needless to say, it is our intention to consult with your agency about that crossing once the Board process has come to an end and before SGR makes any final decision about which alignment to construct, should the Board approve more than one alignment. We recognize that SGR will need to enter into a crossing agreement with the Texas Department of Transportation relative to FM 2676. We also are fully aware of the importance of providing for a safe crossing.

SOUTHWEST DIVISION, VULCAN CONSTRUCTION MATERIALS, LP

David B. Casteel, P.E.
January 3, 2008
Page 2

As you probably recall, SGR consulted at some length with Texas DOT officials in Austin in 2003 and 2004 concerning the crossing of FM 2676. While those consultations were fruitful, it was ultimately decided that the completion of those consultations and any crossing agreement should await the completion of the STB process so that the location of the crossing would be known. When that process is complete, we look forward to renewing those consultations. It seems to us that it is premature at this time to address the issue of public input and possibility of a public meeting on the matters on which we will consult with TxDOT.

Of course, should you have any questions or wish to discuss this matter, please let me know. Otherwise, we will advise you and your colleagues when the Final EIS is issued and when the Board has rendered a final decision, expected within the next several months.

Sincerely,


J. Thomas Hill
President
Southwest Division

- cc: Hope Andrade, Commissioner, TxDOT
Carlos A. Lopez, P.E., TxDOT
Julie Brown, P.E., TxDOT
Clay R Smith, P.E., TxDOT
Carl Friesenhahn, P.E., TxDOT
Victoria Ruston, Surface Transportation Board
Representative Tracy King
Representative David Liebowitz
Medina County Judge Jim Barden
Medina County Pct 1 Commissioner Ronnie Ulbrich

#E1-4456
Dxw
FD 34284

nancy saiers <saiersnancy@yahoo.com>

01/07/2008 03:40 PM

Please respond to
saiersnancy@yahoo.com

To woodd@stb.dot.gov
cc
Subject Finance docket 34284

Dear Ms. Wood. You can reach me at "saiersnancy@yahoo.com". The land that we and my siblings now own is about one mile south (I think that's the direction) of Rte 2676 on CR 365. It is just under 600 acres. My aunt and uncle, Betty and Fred Fuhrmann were the cognizant party before they both died in the last one and three years. They were in assisted living and nursing homes and even though I had their power of attorney, I never received any notification of the intent to build a railroad across our land. They may have but they were in no condition to respond.

We are starting the process to get the land registered as Texas Heritage Farm since our family has owned the land for well over 100 years and the old rock house on the property predates by several the birth of my grandmother there in 1898.

I was advised that I should seek to become a "consulting party" by one of the neighbors who talked to me last night and gave me your number.

Whatever you can tell me and whatever maps you can send would be most appreciated as well as becoming a consulting party.

My address is Larry Saiers [redacted] is [redacted]

Thanks for the quick response to my phone call and I look forward to receiving the materials you can send. Thanks, again.

Sincerely,

Larry Saiers

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Diana Wood/STB
01/09/2008 10:41 AM

To saiersnancy@yahoo.com
cc
bcc
Subject Re: Finance docket 34284

That sounds good - 10:30 on Friday January 18th at my office (address below). I'll have to meet you on the first floor upon your arrival (either you can call me five minutes before you arrive at the building and I'll be waiting in the lobby, or you can enter the lobby and have the guards call my office; tough make sure to bring my phone number in case they have a problem). Be prepared to temporarily surrender your drivers license to the guards during the visit (we have tight security, as the FBI has recently moved into the building).

Meanwhile, I will be working out the issues at hand with SGR. We do have mitigation language that specifically addresses this issue. I've got a meeting at 11:00 but will send it your way afterwards.

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

nancy saiers <saiersnancy@yahoo.com>



nancy saiers
<saiersnancy@yahoo.com>
01/09/2008 09:31 AM
Please respond to
saiersnancy@yahoo.com

To Diana.Wood@stb.dot.gov
cc
Subject Re: Finance docket 34284

How about 10:30 AM?

--- On Tue, 1/8/08, Diana.Wood@stb.dot.gov <Diana.Wood@stb.dot.gov> wrote:

From: Diana.Wood@stb.dot.gov <Diana.Wood@stb.dot.gov>

Subject: Re: Finance docket 34284

To: saiersnancy@yahoo.com

Date: Tuesday, January 8, 2008, 2:51 PM

I'm in meetings much of this week and am getting ready to publish an Environmental Assessment for another project, so hopefully Friday, January 18th is OK to meet. Let me know if that date is ok, and if so, the time you would like to meet. I'll need to arrange this with the guards.

Thanks
Diana F. Wood
Section of Environmental Analysis

Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

nancy saiers <saiersnancy@yahoo.com>

01/08/2008 01:57 PM

Please respond to
saiersnancy@yahoo.com

To Diana.Wood@stb.dot.gov
cc
Subject Re: Finance docket 34284

I would like to come by and have a chance to talk to you if possible after looking at the documents. Any time except Wednesdays is fine for me. When might it be convenient for you?

--- On Tue, 1/8/08, Diana.Wood@stb.dot.gov <Diana.Wood@stb.dot.gov> wrote:

From: Diana.Wood@stb.dot.gov <Diana.Wood@stb.dot.gov>

Subject: Re: Finance docket 34284

To: saiersnancy@yahoo.com

Date: Tuesday, January 8, 2008, 11:10 AM

Mr. Saiers:

I sent you four emails this morning, all of which contained really large files. Unfortunately, two emails came back, undelivered. So it appears that this is not such an easy task. You are more than welcome to come by my office and view the documents. My office is fairly close to Alexandria via Metro (we're near Federal Center and L'Enfant Plaza stations). Let me know if and when you want to stop by. You can view the documents in one of our conference rooms.

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)

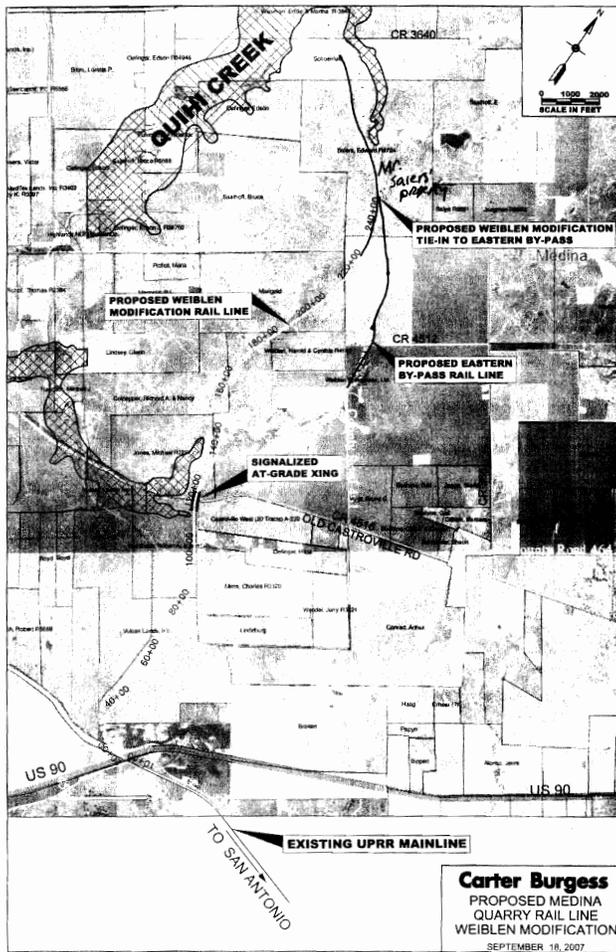


Diana Wood/STB
01/09/2008 02:56 PM

To saiersnancy@yahoo.com
cc
bcc
Subject Mitigation Language - FD 34284

Where construction of the rail line would cause unavoidable property severance, damage to a home or to an irrigation system, or property demolition and/or destruction, Southwest Gulf Railroad Company shall negotiate with the appropriate land owner(s) to ensure access to the severed property and/or replacement of the irrigation system, and, if appropriate, realign the track to avoid taking houses and/or to minimize the impacts. *Originally recommended in the DEIS as Mitigation Measure #39 and then modified in the SDEIS as Mitigation Measure #5A.*

Diana F. Wood
Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W. Room 1110
Washington, DC 20423
202-245-0302 (phone)
202-245-0454 (fax)



Other Submissions

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing:

Docket #: --
 Subject: * Vulcan Quarry Rail: Medina County, Texas
 First Name: * Mark
 Middle Name:
 Last Name: * Robertson
 Address: * P.O. Box 701328
 City: * San Antonio
 State: * tx
 Zip Code: * 78270-1328-
 Email Address: * mrobertson4@sabx.rr.com
 Group/Affiliation:
 Message:

This is a protest against a proposed railroad in Medina County, Texas away from the most direct (7 miles) and rational line from HWY 90 adjacent to Quihi to the Vulcan Quarry. Dr. Fitzgerald's self-serving Medina County "Environmental" Action Association, would divert a direct route of 7 miles to impact many others in a ludicrous, circuitous route of 12 miles. The rational approach would be one with the least impact on the community with the preservation of the greatest natural resources. I am not opposed to preserving historical landmarks if they are truly historical and not just old buildings used for personal gain. A diversion of a few hundred feet from the "historical" landmarks of Quihi appears much more logical and less damaging than a 42% longer rail affecting many more ranches, homes, livelihoods and families. Thank you for your attention.

Correspondence

Other Submissions

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing:

Docket #: FD -34284 -0-
 Subject: * Proposed Construction for Medina county
 First Name: * Zachariah
 Middle Name:
 Last Name: * Butler
 Address: * 6405 Tamarisk Ave.
 City: * Twentynine Palms
 State: * California
 Zip Code: * 92277-
 Email Address: * zachariah.butler@usmc.mil
 Group/Affiliation:
 Message:

My name is Zachariah Butler, and I am writing this on behalf of my family and friends who will be affected by the proposed plan. I grew up in Medina county but I am now stationed in Twentynine Palms, Ca. Growing up I enjoyed being in the beautiful outdoors of Texas. Hunting, fishing and walking around the woods were everyday activities for me. Being in the undisturbed country helped to mold me into the person I am today. I had the opportunity to enjoy this and I believe the younger generations should to. If the proposed plan is put into action many people will be denied the chance to see and be in this peaceful place. I am not one to oppose progression but I wish you would reconsider your plans for the industrialization of this area.

Other Submissions

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing:

Docket #: FD -34284 --
 Subject: * SDEIS Medina Co., TX
 First Name: * Thomas
 Middle Name: * Roy
 Last Name: * Hester
 Address: * PO Box 625
 City: * Utopia
 State: * Texas
 Zip Code: * 78884-
 Email Address: * secocreek@swtexas.net
 Group/Affiliation: * Professor of Anthropology, emeritus, The Univ. of Texas at Austin
 Message: I want to commend the SEA and STB for the major effort they have put into the SDEIS, FD 34284. My comments are specifically directed to the impact on historic and prehistoric cultural resources.

Though there are some errors in the SDEIS, such as the statement on p. 22 of F-1 to the effect that site 41ME132 is within "1200 feet" of the MCEAA Medina Dam Alternative Route (and it clearly is not), the work by URS and SEA have produced some very useful reviews of the cultural resources. Dr. Dan Cassidy, author of Appendix F-1, makes it clear that the Proposed Route is a non-starter, and that the eastern route alternatives are preferable.

The impressive Rural Historic Landscape Analysis, Quihi Vicinity, Medina County, Texas by Meyers and Butman (on behalf of STB and URS) has done a thorough and comprehensive review of the historical significance of the Quihi area. Their definition of three nationally significant Rural Historic Landscape Districts is a major step in the recognition of the cultural resources in the region.

Clearly, the initial Proposed Route cannot be built through the Quihi area. Recent SGR correspondence with the THC, detailing various easement considerations and a \$500,000 donation for studies in the area, if that agency would further consider the Proposed Route, has been clearly answered by THC Executive Director Larry Oakes. The THC is opposed, as one would expect after the Meyers and Butman Rural Historic Landscape study. And, the THC letter points to two eastern alternatives. This is a conclusion based on the Rural Historic Landscape situation, and the view reached by Meyers and Butman regarding the eastern alternative routes (they preferred the MCEAA Medina Dam Alternative Route.)

It should be clear to all parties that the re-consideration of the Proposed Route is moot.

Too much is at risk in terms of irreplaceable cultural resources in an area recently named as one of the 10 most endangered historic locales in Texas.

However, the other eastern routes have not been thoroughly studied in terms of prehistoric resource impacts. Sergio Inuegas and GTI have done a nice job in terms of a preliminary study.

If an eastern route is chosen, certain mitigation efforts need to be required (1) a pedestrian survey of the entire route; (2) evaluation of any prehistoric sites found by this survey; (3) meaningful test excavations to evaluate any sites with potential, and (4) full-scale mitigation excavations of any site to be impacted by clearing, construction, roadway access, etc.

Overall, I remain opposed to all of the proposed routes and to the quarry which they would serve.

Thank you for providing this opportunity to comment on the SDEIS.

Sincerely,

Thomas R. Hester