

6.0 COMMENT SUMMARY AND RESPONSE TO THE SDEIS

In this chapter, the Section of Environmental Analysis (SEA) responds to the comments on the Supplemental Draft Environmental Impact Statement (SDEIS).

6.1 Overview

SEA received approximately 237 comment letters on the SDEIS. These letters are included in Appendix C of this Final Environmental Impact Statement (FEIS) and are also available in the Environmental Correspondence section of the Surface Transportation Board's (Board) website at www.stb.dot.gov. The majority of these letters were postmarked on or before the comment deadline of January 29, 2007. However, SEA also accepted the few comment letters that were postmarked after this deadline. SEA has summarized and responded to as many of the comments on the SDEIS as appropriate.

Many comment letters expressed opposition to the proposed project, while others expressed support. The remaining letters were either procedural in nature (e.g., the submission of a map or the submission of a specific question) or were submitted by Federal, state, and local agencies or elected officials who expressed no position on the proposed project.

Below, SEA provides responses to the substantive comments. It should be noted however, that SEA has now studied Eastern Alternatives to avoid many of the concerns raised in response to the Draft Environmental Impact Statement (DEIS), and SEA is recommending two Eastern Alternatives (and a modification) as environmentally preferable. Therefore, the concerns raised in response to the DEIS and SDEIS, to the extent that they do not apply to the environmentally preferable Eastern Alternatives, are no longer relevant. Pursuant to Council on Environmental Quality (CEQ) guidance, SEA has summarized the substantive comments and grouped similar comments.¹ Each comment is preceded by an Environmental Correspondence Tracking (ECT) number or numbers. The numbers indicate the specific comment letters from which each comment originates.

In many instances, the comment summaries contain specific language that was provided in a comment letter. However, because SEA has edited the summaries to attain an overall consistent writing style, they are no longer direct quotes and therefore SEA has not used quotation marks. For example, most commenters used the term "Vulcan" to specify Southwest Gulf Railroad Company (SGR), Vulcan Construction Materials, LP (VCM), and Vulcan Materials Company (Vulcan). SEA has edited the comments so that the appropriate entity is specified, in keeping with the distinctions made among these entities through the environmental review process.

It should also be noted that SEA has developed and finalized a Programmatic Agreement (PA) with SGR, the Texas Historical Commission (THC), and the Advisory Council on Historic Preservation (ACHP), pursuant to 36 Code of Federal Regulations (CFR) 800.14(b) (see Appendix A-3 of this FEIS) to resolve all of the concerns involving historic preservation that have been raised by the parties in this case. The PA has measures for the resolution of adverse effects, the treatment of human remains, curation of artifacts and records, and monitoring and reporting. The PA includes provisions to allow minor route adjustments when needed to avoid

¹ See Forty Most Asked Questions Concerning CEQ's National Environmental Policy Act Regulations, 46 Fed. Reg. 18026 (1981), Question 29. ("If a number of comments are identical or very similar, agencies may group the comments and prepare a single answer for each group. Comments may be summarized if they are especially voluminous.")

and protect significant resources, as well as provisions to ensure implementation of appropriate alternative mitigation measures. The PA also includes a dispute resolution clause and measures for amendment, noncompliance, and termination. The term of the PA is five years from the date of its execution by the ACHP. SGR is obligated to comply with the PA pursuant to SEA's recommended Mitigation Measure #F-77.

Section 6.2 includes the comment summaries and responses for comments received on the SDEIS., which have been organized into the following categories:

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6.2.1

General Matters (GM)

Adequacy of the SDEIS

Comment GM-42: #EI-2613, #EI-2668, #EI-2708, #EI-2796, #EI-2719, #EI-2813, and #EI-2815, and #EI-2820: The SDEIS contains a thorough analysis and study of various routes. The SEA's analysis in the SDEIS represented a more detailed, accurate evaluation and comparison, and an increased level of discussion of all alternative routes and their cumulative impacts. The mapping and comparative presentation of alternatives has improved from the DEIS, and reflects a level of effort in those areas that deserves high praise and future emulation. The Natural Resources Conservation Service (NRCS) has reviewed the SDEIS, and has no additional comments. The THC agrees with the findings and conclusions of the SDEIS. The SDEIS has a wealth of information and resources that we can all benefit from. A commenter commends SEA and the Board for the major effort they have put into the SDEIS. Texas Parks and Wildlife Department (TPWD) again concurs with SEA's recommended mitigation measures, particularly those pertaining to biological resources (Section 6 - #33-36 of the SDEIS).

Response: Comment noted.

Comment GM-43, #EI-2678: Comment No. GM-62, #EI-2716, and #EI-2713: The SDEIS is improved with published data and quality of printing, but many subjects were often repeated while others were not presented. The data is skewed. Some conclusions are waiting for future data and analysis by the Federal Emergency Management Agency (FEMA) and U.S. Army Corps of Engineers (Corps). Conclusions glossed over terms like Best Management Practices (BMPs), and did not fully define these practices in detail. Some prior comments do need repeating as the comments on major controlling effects were ignored or omitted on the DEIS and SDEIS.

The environmental impact of the railroad would be much more significant than considered in the Board's Environmental Impact Statement (EIS).

Response: SEA believes that this environmental review contains a thorough analysis of the potential impacts from the proposed rail line construction and operation that fully supports SEA's conclusions.

Comment No. GM-44, #EI-2740: Please research any information that is being provided; do not base decisions solely on what Vulcan is saying. Vulcan, and the individuals who have been paid by Vulcan, are the only ones to gain financially from this railroad.

Response: See response to comment GM-04 in Chapter 5 of this FEIS. Pursuant to the Board's responsibilities under the National Environmental Policy Act (NEPA), SEA has conducted an independent environmental review of SGR's proposed rail line construction and operations, and presents its analysis and conclusions in the DEIS, SDEIS, and this FEIS. During the environmental review process, SEA requested and received from SGR specific information about SGR's proposal that SEA needed to conduct the environmental analysis (see Appendix G of the DEIS and Appendix B of the SDEIS). Because SGR is the project proponent, it is appropriate for SGR to provide details of its project plans to SEA and to keep SEA updated about any changes in project plans since SGR is the entity that is designing the project.

SGR also provided additional information that it believed could be useful for SEA's environmental review process. As stated throughout the DEIS, SDEIS, and FEIS, in cases where SEA has relied on environmental information provided by SGR, SEA has reviewed and independently verified this information, and has clearly indicated the source of the information. SEA's approach is consistent with CEQ regulations. See 40 CFR 1506.5(a).

Comment No. GM-45, #EI-2819: The document does not contain a Section 4(f) Evaluation, nor does it mention whether or not one may be needed for this project.

Response: Section 4(f) of the Department of Transportation (DOT) Act of 1966 does not apply to the Board's decision-making process. As stated at 49 U.S.C. 303, Section 4(f) directs the Secretary of Transportation to ensure that transportation plans and programs protect public parks, recreation areas, wildlife refuges, and historic sites. However, the Board is an independent regulatory agency with its own decision-making capability, organizationally housed within the DOT. Applications before the Board are not subject to the review or approval of the Secretary of Transportation. Therefore, the Board is not required to comply with Section 4(f). Although not bound by the mandate of Section 4(f), the Board strives to maintain the spirit of the statute by performing thorough environmental analyses of all proposed projects that could affect public land, wildlife refuges, and historic sites, and by imposing appropriate mitigation to minimize adverse environmental impacts. The Board's environmental review process complies with NEPA and related environmental laws, such as the National Historic Preservation Act (NHPA.)

Common Carrier Status

Comment No. GM-46, #EI-2716, and #EI-2713: Since the line would be a common carrier, and Vulcan has expressed ideas about other potential shippers in several letters, where are the environmental impacts of others that would be using the line? Existing impacts should be increased by a factor of 2-3. Disclose whether historical railroad data could be used.

Response: Yes, if the Board approves the proposed rail line, SGR would be required to hold itself out as a common carrier and provide service to other industries that might locate in the area in the future. However, as discussed in Section 4.18 of the DEIS, SEA has identified no current proposals for other projects in the area that would utilize the rail line. Based upon the information available to date, SEA cannot predict whether or when other shippers might locate along the rail line and cannot conduct an analysis of the impacts of others that may be using the line in the future. However, to the extent that such future shippers utilize Federal funding to construct and operate rail connections to SGR's rail line, they would be required to conduct their own environmental impact analyses.

Comment No. GM-47, #EI-2752, #EI-2798, #EI-2683, #EI-2675, #EI-2672, #EI-2742, #EI-2743, #EI-2817, #EI-2716, and #EI-2713: Vulcan has purchased a few properties for the preferred route, which should not be a factor in determining whether or not SGR is granted

common carrier status. The line would be a private carrier for areas immediately to the south and west. This rail line would only carry one product, limestone gravel, and not other commodities (e.g., cattle, coal, consumer goods, automobiles, military equipment, petroleum products, or passengers). The Board and SGR presented data for 40-50 years in the future (e.g., averages, projections, extrapolations, forecasts) but no data was presented for additional shippers. It would be an illegitimate railroad. Disclose how this rail line would be a common carrier, its benefits in the community, and who or what could be the added shippers on this rail line.

Response: See response to comment PM-24 in Chapter 5 of this FEIS. In its petition filed with the Board on February 27, 2003, SGR stated that it would hold itself out as a common carrier and provide service to other industries that might be located in the area in the future. Under court and agency precedent, “the important factor in determining common carrier status is the holding out to transport for hire the property or person of any member of the public.” (See Status of Bush Universal, Inc., ICC Finance Docket No. 27026 (ICC served March 5, 1973).) The Board has consistently held that it has jurisdiction over new rail line construction cases where the line would initially serve only one shipper (even when the shipper is the same entity as or is affiliated with the rail carrier) as long as the rail carrier intends to hold itself out to other shippers that may locate along the rail line in the future. As stated in the Section 4.18 of the DEIS, SEA has identified no current proposals for other projects in the area. Thus, there is no way for SEA to determine how SGR’s common carrier may benefit the community.

Comment No. GM-48, #EI-2783: The claim that the rail would be a common carrier is false.

Response: See response to comment PM-01 in Chapter 5 of this FEIS.

Comment No. Alt-90, #EI-2726: Protect the environment from the prostitution of those wanting to make a profit from nature's best.

Response: Comment noted.

FEIS

Comment No. GM-49, #EI-2712: In the SDEIS, SEA did not address a commenter’s January 10, 2005 comments on the DEIS, but commenter assumes that SEA will respond to them in the FEIS. Commenter reiterates its prior comments, while also updating those comments (see Comment #M-34 through #M-41 in the Mitigation Sections of this chapter). The updated comments are intended to clarify the terms of some measures in the DEIS and to propose modifications that would improve other measures in a manner consistent with SEA's stated intentions and the public interest.

Response: Comment noted. See responses to comments #M-34 through #M-41 in this chapter and Chapter 1 of this FEIS for SEA’s final recommended mitigation measures.

Maps and Figures

The following three comments address property locations on figures and maps in the SDEIS.

Comment No. GM-50, #EI-2649: My home (6744 FM 2676) is not on your map (Figure 2a); please include it in your figures and analysis (see the figure within the comment letter).

Comment No. GM-51, #EI-2732: Aerial photos were taken prior to building a 3,500-square-foot home in 2006. This home and other developments, as follows, are not shown on SEA's figures: home (29 degree, 25.895N, 098 degrees, 59.651 W), log cabin (29 degrees, 26.676N, 098 degrees, 59.618W), windmill (29 degrees, 25.784N, 098 degrees, 59.737W), and barn (29 degrees, 25.770N, 098 degrees, 59.745W). The homeowner's water supply is not shown on SEA's aerial map (Appendix E: Figure 10, Resource Area 202). The rail line would greatly impact commenter's property.

Comment No. GM-52, #EI-2884: Commenter's property can be seen in the figure referenced by the following quote from the SDEIS, Appendix F, 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 would include the margins of upland areas located near springs and the heads of creeks (see Figure 19 on page 24 of The technical Memorandum of the Eastern Alternatives included as Appendix F-1 of the SDEIS)."

Response: Due to the lengthy environmental review process, and the continued development within the area, it is not possible for SEA to keep a record of all structures (e.g., houses, log cabins, barns, windmills, etc.) built within the project vicinity. SEA used the most up-to-date data that is available to create figures presented in the SDEIS and FEIS. If a structure is within the rail alignment of the rail line that SGR actually builds, should the Board approve the proposed project, SEA is recommending mitigation to minimize its impact on land use interests. (See Mitigation Measure #F-62 in Chapter 1 of this FEIS).

Comment No. GM-53, #EI-2686 and #EI-2811: The Medina County Environmental Action Association (MCEAA) Medina Dam Alternative would cross a creek west of CR 265, which is not shown on the SDEIS maps (see map attached to #EI-2811).

Response: SEA agrees with the commenter that the MCEAA Medina Dam Alternative indeed crosses an unnamed intermittent stream west of CR 265 near the location shown in the figure attached to the commenter's letter (see #EI-2686). SEA did account for this crossing in its analysis of stream impacts.

The figure the commenter is referring to was included in Chapter 2 of the SDEIS as "Figure 2-1- Alternative Rail Routes." This figure was included to give the reader an overall sense of the location of each alternative, but was not intended for the detailed stream crossing analysis. The rivers shown on Figure 2-1 originated from the Census Bureau Tiger Line files, which are a less detailed data set than that used for the stream crossing analysis. Consequently, smaller streamlines are not reflected in Figure 2-1. In other words, Figure 2-1 shows less detail for stream crossings than is reflected in the evaluation of stream crossings and on the stream crossing figure (see Figure 3-5 Routes, Creek Crossings, and Watersheds in Chapter 3 of the SDEIS). For this analysis, SEA digitized from the USGS 1:24000 topographic quadrangles. Four quadrangles cover the area of interest in greater detail, and include the following: Quihi, Murphy School, Rio Medina, and Castroville. In these quadrangles, the stream in question is depicted.

Comment No. GM-54, #EI-2716, #EI-2713 and #EI-2708: Flood data maps were not up-to-date. 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.

Response: That is correct. SEA used the most recent FEMA floodplain maps available at the time the SDEIS was issued. These 100-year floodplain maps presented in the SDEIS were developed in 2006 but contained older mapping data. No new mapping elevations studies have been conducted since the early 1980s.

Comment No. GM-55, #EI-2708: Floodplains and streams are not aligned with the base map in Figure 3-4 of the SDEIS (i.e., they appear off-center). Which one of them (streams or floodplains) is properly aligned with the features on the base map, and which one is shifted?

Response: The map presented as Figure 3-4 of the SDEIS has been aligned as closely as possible based on geo-referenced landmarks.

Comment No. GM-56, #EI-2716 and #EI-2713: Distribute maps with locations, elevations, and dimensions of all bridges to be used for analysis.

Response: SGR has not designed any bridges to be used by a rail line because SGR is waiting for a final alternative to be chosen before planning a full-scale bridge design for the project. However, a bridge would be located at every creek crossing, and would vary depending upon stream width and topography of the crossing. The PA, negotiated and finalized pursuant to Section 106 of NHPA, requires that a profile, including the dimensions and details, of the proposed bridge be included within the report. SGR has provided a cross-section sketch of a sample bridge but no profiles.

Miscellaneous

Comment No. GM-57, #EI-2714 and #EI-2713: In December 2002, Vulcan representative, Tom Ransdell, had no idea of the historic things in this area, typifying the fact that Vulcan does not do its homework. Flooding and the project's proximity to the Edward's Aquifer are among other things that should have been known prior to site selection.

Response: The main purpose of NEPA is to assess and disclose environmental concerns to the public.

Comment No. GM-58, #EI-2708: The commenter is under no illusions regarding how the Board sees the balance of power between communities and paper railroads, such as Vulcan's. The Board has made a policy choice to grant construction and operation licenses to paper railroads without fully considering or acknowledging some of the ramifications (see extended discussion, MCEAA DEIS comments: pages 13-19). The result is an extension of corporate leverage over communities to achieve market benefits. A December 2004 news release from the Board states "Where shippers want rail competition, rail construction proposals continue to provide the opportunity both to construct and to negotiate based on the right to construct." There is no competitive service benefit with this project because there is only one market participant, which will likely remain the case in the foreseeable future.

Response: Under NEPA, the Board must consider the environmental impacts of actions requiring Board authorization and complete its environmental review before making a final decision on a proposed action. The issuance of this FEIS brings to a close the environmental review process for this proceeding. The Board will consider the DEIS, SDEIS, and FEIS, all comments received, and SEA's recommended mitigation conditions, in determining whether to approve SGR's petition, deny SGR's petition, or approve SGR's petition with conditions.

Comment No. GM-59, #EI-2874: While farmers in this area might not have the resources to protect themselves, there are a growing number of families in eastern Medina County

who do have the means to protect the investments they have made in their property and, at the same time, protect the cultural history of less well-to-do neighbors.

Response: Comment noted.

Comment No. GM-60, #EI-2875 and #EI-2876: Commenters should be invited to attend the meeting on April 20, 2007.

Response: The meeting was intended for Section 106 parties, but SEA extended the invitation to other parties as well.

Comment No. GM-61, #EI-2875 and #EI-2876: After reviewing information provided by the Board, commenter believes that his house was not considered in the study.

Response: Please provide an exact location of your property.

Comment No. GM-62, #EI-2899: MCEAA was 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.

Response: Comment noted.

Comment No. GM-63, #EI-2733: Commenter is a 45-year old Native American of the Comanche Nation who lives and works in Austin, Texas. However the Vulcan Quarry in Quihi, Texas, has become an interest of his for the following reasons. Commenter's Inter-Tribal Elders have been interested in performing a Ceremonial Pow Wow in the Quihi area, and a potential location was found in the northern Quihi area (for which the Tribe is conducting final negotiations). One of the possible routes would transverse the area under negotiation. Information would be helpful in order for the tribe to possibly relocate.

Response: SEA has designated, based on all information to date, the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally preferable alternatives out of all of the alternatives studied in the environmental review process for this proceeding.

Physical Setting: Soils and Land Use

Comment No. GM-64, #EI-2785, #EI-2735 and #EI-2743: We are concerned about the impact of the railroad on soils (e.g., prime farmland soils).

Response: Based upon the comments submitted by NRCS to the DEIS, as well as additional comments submitted by NRCS regarding the Eastern Alternatives (see Appendix B-2 of the SDEIS, #EI-1959), SEA concludes that the proposed rail line construction and operation under any of the alternatives studied in depth would not cause significant impacts to prime farmland soils in the area. However, SEA is recommending that the Board require SGR, during rail construction, to minimize disturbance of natural buffers contiguous to floodplains to prevent soil erosion and to preserve wildlife cover, food sources, and travel corridors. (See Mitigation Measure #F-50 in Chapter 1 in this FEIS.)

Proposed Rail Line General Opposition

Commenters expressed general opposition to the proposed rail line project for the following reasons.

Comment No. GM-65, #EI-2783, #EI-2750, #EI-2676: Decision-makers do not live here and would not be affected.

Comment No. GM-66, #EI-2717, #EI-2713: Decision-makers who would gain financially are given too much influence over private lands.

Comment No. GM-67, #EI-2746, #EI-2681 and #EI-2713: Adverse impacts would be everlasting. Many people would be adversely impacted, and very few people would benefit.

Comment No. GM-68, #EI-2737: Commenter recently purchased a home on CR 351 because of the natural surroundings and historical Quihi town. What a tragedy to build a railroad through this wonderful area.

Comment No. GM-69, #EI-2738: Commenter asks that the Board not allow this private company to proceed with their self-serving plans. Commenters privacy and health should not be impeded upon.

Comment No. GM-70, #EI-2742 and #EI-2735: These routes would mean irreplaceable harm to this fragile area of Texas. The negative impacts would outweigh the positive effects that Vulcan claims.

Comment No. GM-71, #EI-2739: Commenter formally opposes the Southwest Gulf Railroad.

Comment No. GM-72, #EI-2740: There is no amount of compensation that can “right the wrong” that would be done by allowing this railroad.

Comment No. GM-73, #EI-2740: The Board should consider the amount of damage it could cause the landowners and homeowners of the Quihi area, and consider how the Board members would feel if this were happening to their families.

Comment No. GM-74, #EI-2726 and #EI-2727: Vulcan is threatening all with the legal rape of commenters resources, and they are helpless.

Comment No. GM-75, #EI-2726: This is a disappointment, and commenter’s heart goes out to those that have property bordering and divided by the rail line or quarry. This does not seem fair. Disclose how anyone can place value on what commenter plans to do and what is taken away.

Comment No. GM-76, #EI-2707: Big corporations take advantage of small communities and destroy nature.

Comment No. GM-77, #EI-2746, #EI-2716, #EI-2754, and #EI-2713: The Proposed Route would be the most damaging to cultural resources, flooding potential, and traffic and it is in the wrong area (i.e., it should be placed in an area that is less populated and where it would have less harmful impacts).

Comment No. GM-78, #EI-2717, #EI-2713: Decision-makers who would gain financially are given too much influence over private lands.

Comment No. GM-79, #EI-2743: Most of the citizens in this project area are against a rail line, especially one that serves only one industry.

Comment No. GM-80, #EI-2746, #EI-2713: The SDEIS does not justify this private railroad.

Comment No. GM-81, #EI-2682: Local supporters should disclose to commenters if they would be in favor of the train if it intersected their front yard. Would they simply request that they move it to someone else's front yard?

Response: Comments noted.

Comment No. GM-82, #EI-2684: Commenter requests that the application for approval of a railroad be denied in the Quihi area. Commenter's family would be adversely impacted by the construction and operation of the railroad.

Response: Comment noted. SEA must weigh all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. As stated in chapter 2 of this FEIS, SEA believes that, based on all information to date, the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative are the most environmentally preferable alternatives. SEA is no longer considering any route through the Quihi area.

Comment No. GM-83, #EI-2798, #EI-2677, and #EI-2743: Commenter is concerned about impacts on the environment (e.g., pollution) by the rail line; a railroad does not lend itself to a natural setting.

Response: SEA has conducted a comprehensive assessment of the impacts of the proposed rail line on the existing environment. The results of this assessment are presented in the DEIS, the SDEIS, and this FEIS.

Comment No. GM-84-, #EI-2708, and #EI-2708: Vulcan has purchased significant property along its preferred route, thereby making a route in a different area more expensive. This is not the Board's problem, but rather Vulcan's problem for purchasing land along a specific route before consulting the Board and preparing an EIS. Vulcan only engaged the Board when several landowners banded together to prevent Vulcan from building a railroad. The Board was a tool to take what they otherwise could not buy fairly. Once the land covenant was created, Vulcan formed the Railroad Company and started the Board process expressly to obtain the land that they were otherwise unwilling to buy. Vulcan's premature investment in properties along the Proposed Route is irrelevant and completely recoverable.

Response: Comment noted.

Proposed Project General Support

There are several supporters of the proposed rail line as well. Commenters expressed support for the following reasons.

Comment No. GM-85, #EI-2873: Several dozen comments have been filed in response to the DSEIS. 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.

Comment No. GM-86, #EI-2873: A large number of persons support the SGR project, which would bring jobs and tax revenues to an area where there are currently few economic opportunities. A number of landowners in the area are opposed. SGR appreciates the views of those who oppose its proposal, and understands their concerns. Opposition stems from perceptions that are overblown and/or not accurate. SGR intends to be a good neighbor, and would make its rail line as unobtrusive as possible.

Comment No. GM-87, #EI-2873: Much of MCEAA's January 29 comments consist of misinformed rhetoric critical of SEA's processes, and threats of a lawsuit if SEA were to recommend the Proposed Route. 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 NHPA, it should not be concerned with threats of lawsuits.

Comment No. GM-88, #EI-2646, #EI-2647, #EI-2648, #EI-2661, #EI-2639, #EI-2640, #EI-2641, #EI-2786, #EI-2796, #EI-2686, #EI-2688, #EI-2685, #EI-2811, #EI-2813 and #EI-2787: Commenters prefer the Proposed Route above all else for the following reasons: it is shorter; it is the most direct route; it would impact fewer landowners (several of whom have indicated an interest in selling) and agricultural land; it would cross fewer streams; it would cross fewer roads (and provide more safety and minimal obstacles for emergency vehicles); fewer people live or work on properties along this route (e.g., on farms and ranches); it would pose fewer flooding concerns due to limited railroad tracks and crossings; historical structures were not an issue before the proposed project; it has the most public support; it would contribute the least amount of train exhaust and dust pollution; it would utilize more available existing rights-of-way than any other route; and it could achieve greater alignment with property lines (thereby minimizing the need to bisect productive agricultural land). One commenter wrote that "this route would be preferred by many more residents." In addition, the Proposed Route would use more existing rights-of-way, impact fewer landowners, and allow for greater alignment with property lines, thereby minimizing the need to bisect agricultural land.

Comment No. GM-89, #EI-2774, #EI-2790, #EI-2812 (#EI-2774 is a petition with 10 signatures, #EI-2790 is a petition with 3 signatures; #EI-2812 is a petition with 14 signatures): Commenter prefers the Proposed Route as a means of allowing prompt tax generation. Vulcan Materials would pay a significant amount of new taxes to community schools and the county.

Response: Comments noted. Following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR's legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. SGR has subsequently advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS) which SEA also recommends as environmentally preferable.

Quarry Connected Action

Comment No. GM-90, #EI-2873, #EI-2788, #EI-2721, #EI-2722, #EI-2742, #EI-2720 and #EI-2708: The quarry is a connected action and should be analyzed as such. One operation would not exist without the other. If the applicant protests the agency's refusal to license its Proposed Route at all, the immediate response should be an order designating the quarry and the rail line as connected actions under NEPA because time and the applicant's own conduct will have shown that the No-Action Alternative is invalid. It is doubtful that the relative increase in cost of an Eastern Alternative would exceed the cost of mobilizing for a trucking alternative. The applicant has stated publicly that it would not pursue the trucking option absent the licensing of its Proposed Route. That statement alone should trigger a connected action analysis; it indicates that the quarry is, in fact, dependent upon the rail line, and the quarry opening is controlled by developments in the rail process.

Because Vulcan has not yet begun quarry operations through trucking, this proves that the quarry is a connected action relative to the rail line. The quarry could be served by truck or rail, and both options remain on the table. Vulcan would consider trucking (i.e., the No-Action Alternative) since that it may end up being considerably more economical than building any of the Eastern Alternatives, at least for a period of years until the quarry ramps up to full production. SGR has consistently stated that it prefers the rail option and the SDEIS underscores that this is a more environmentally friendly option for the community.

Response: Please see Section 1.5 of the DEIS and Section 2.2 of this FEIS for a detailed explanation of the rationale for not including the quarry as a connected action to the proposed action.

Comment No. GM-91, #EI-2902: The facts are exaggerated to ultimately get what some people want. Vulcan and SGR are willing to preserve as many authentic historical sites as possible. The Eastern Alternatives were drawn by anti-quarry, anti-rail groups, and routed over property belonging to landowners who did not support their numerous attempts to stop the quarry and rail. Originally, these groups aimed to stop the quarry, and this is still their main objective by making the Eastern Alternatives not feasible. The Eastern Alternatives would be at least two more miles in length, cross 15 more acres of land, and divide 13 more properties.

Response: Comment noted. Making the Eastern Alternatives not feasible would not stop the quarry because the quarry and rail are not connected actions. Please see Section 1.5 of the DEIS, and Section 2.2 of this FEIS for SEA's thorough discussion of connected actions. SEA is recommending two of the Eastern Alternatives (including a modification) as the environmentally preferable route(s). See Chapter 2 of this FEIS.

Comment No. GM-92, #EI-2726, #EI-2727, #EI- 2719, #EI-2729, #EI-2714 and #EI-2713: At a public meeting, Vulcan stated that it was going to remove 200,000,000 tons of aggregate over 50 years, which equals 4,000,000 tons of aggregate annually. Vulcan also stated that 10-15 percent of this aggregate would be removed by trucks (400,000 to 600,000 tons) annually. Volume 1 of the DEIS (Section 4.17.1- Transportation to Local Markets: page 4-105) states that 100,000 tons would be transported by trucks annually. This underestimates truck loads by a factor of 4. Instead of 24 one-way trips or 48 round trips per day, with 10 percent quarry output there would be 96 one-way trips or 192 round trips daily, or with 15 percent quarry output there would be 144 one-way trips or 288 round trips daily. The underestimation of truck traffic affects the traffic count, thereby affecting projected road upgrades and injuries/fatalities. The number of daily truck trips would justify road improvements on other roads besides just CR 353,

which Vulcan is trying to evade by miscalculating the amount of material and number of trucks required. Vulcan is trying to mislead the Board.

Response: As stated in footnote 16 on page 4-105 of the DEIS, SGR provided information in writing estimating that between 20 to 30 loaded trucks per day would deliver limestone to local markets. The actual number of trucks would depend on the local demand for limestone and on the capacity of the trucks used for transport. Please see DEIS, Volume III, Appendix G, pages G-76 and G-161. SEA used an average of 24 trucks per day for purposes of the analysis conducted in the DEIS.

Comment No. GM-93, #EI-2897: Commenter received an April 5, 2007 letter from MCEAA's counsel that claims Vulcan has not been forthcoming with plans to construct power lines for the quarry in the rail right-of-way. This is not true.

SGR later stated that Vulcan has had discussions with Medina Electric Cooperative (MECO) relative to providing power to the quarry. The most substantive discussions took place in December of 2006, and were preliminary in nature. No agreement had been reached at that time to allow SGR's rail right-of-way to be used by MECO in the event that a rail option is chosen for the quarry. No agreement had been made as to whether power would come from the south or east, to run power lines through the Quihi Rural Historic District, or concerning the location of a MECO substation.

The level of power needed at the quarry has not yet been determined. Under no circumstances would large transmission lines be required.

Should the proposed project be approved, and MECO need to bring power in and request the use of the rail right-of-way, SGR would review alternatives to avoid power lines following the right-of-way, including MECO's use of existing power rights-of-way. SGR's rail line proposal is solely to build and operate a railroad.

Response: Comment noted.

6.2.2 Procedural Matters (PM)

Legal Issues; Condemnations

Comment No. PM-36, #EI-2762, #EI-2779, #EI-2783, #EI-2682, #EI-2683, #EI-2684, #EI-2675, #EI-2676, #EI-2672, #EI-2783, #EI-2723, #EI-2724, #EI-2742, #EI-2740, #EI-2736, #EI-2720, #EI-2738, #EI-2743, PM-42, #EI-2780, #EI-2742, #EI-2735, #EI-2720, and #EI-2908: Commenters are opposed to condemnation (i.e., eminent domain). The power that Vulcan (a private company) has obtained related to condemnation has violated property rights, and commenters object to land being taken for the private use and profit of Vulcan. Disclose why property owners who have purchased their land have to give it up so that Vulcan and its stockholders can gain financially. This is a violation of individual rights granted to U.S. citizens by the United States Constitution. Vulcan has said that many people buy homes and live next to their quarries and railways; those people made that choice, and it was not forced upon them by eminent domain. Descendants of early settlers still own great-great-grandparents' original grants, and would not sell or relinquish any parcel of their land for any price, especially to a private enterprise to profit its shareholders. Vulcan claims that it is servicing the good of all and therefore should have the powers of eminent domain. Farmers also provide for the good of all. Disclose why Vulcan should be allowed to cut through farmland and destroy farmers' ability to provide their products. SGR should successfully negotiate with landowners and acquire the necessary right-of-way without exercising eminent domain along these routes. The proposed

conservation easement would result in no rail-served businesses along the SGR line within the Quihi Rural Historic District. Acquiring private land using eminent domain when the public does not benefit should not be allowed.

Response: Regarding state law governing property acquisition through eminent domain, please see the responses to Comments PM-01 and LU-07 in Chapter 5 of this FEIS. SGR would be expected to negotiate with affected landowners before exercising eminent domain authority.

In the two environmentally preferable routes (and one modification), that SEA is recommending, SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to 1) avoid taking houses and 2) minimize other adverse impacts.

Comment No. PM-37, #EI-2779: Will additional land for additional spurs be taken by condemnation?

Response: SGR must to hold itself out as a “common carrier,” that is, a railroad that has an obligation to provide reasonable service upon reasonable request to all shippers tendering traffic, and to provide service to other industries that might locate in the area in the future. Should a future industry require an additional rail line to connect to SGR’s line, the applicant would need to seek separate Board authority to build that line.

Comment No. PM-38, #EI-2817: If land is condemned to build this railroad, the courts will have to decide whether this line is a common carrier. Commenter does not think the higher courts will decide in Vulcan's favor.

Response: Comment noted.

Legal Issues: Other

Comment No. PM-39, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2731, #EI-2711, #EI-2670, #EI-2669 and #EI-2710: The Weiblen family hopes that SEA gives their requests due consideration, and incorporates their requested changes into the FEIS. The family is committed to doing whatever it takes to maintain future farming productivity, including legal action. The family intends to take every means possible to reroute the proposed rail line in order to defend our home and livelihood.

Response: Comment noted. A modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) was evaluated in this FEIS and is included as part of the two environmentally preferable routes that SEA is recommending. This modification would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the new line as close as possible to property lines.

Comment No. PM-40, #EI-2708: The Board should reject any argument by Vulcan supporting the selection of Vulcan's original Proposed Route as one of the environmentally preferable routes. Commenter will litigate any licensing decision that approves the Proposed

Route because that alternative has significant adverse impacts that cannot be mitigated. Although NEPA does not guarantee a substantive outcome, SEA should recommend a decision without punting to the applicant.

Response: SEA is designating both the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally preferable alternatives out of the range of potential rail alternatives studied in the environmental review process for this proceeding. In addition, following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR's legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. SGR has subsequently advised SEA that it does not oppose the Modified Eastern Bypass Route described in this FEIS, which SEA also recommends as environmentally preferable.

Comment PM-41, #EI-2906 and #EI-2933: Deadlines, cost factors, political pressure, and interference become the sole basis for disregarding and ignoring Federal and state law compliance at the expense of tribal communities. The state and Federal permitting processes have been pro-forma, and lack meaningful input from affected tribal communities. Tribal communities have historically been omitted in the "scoping" and "monitoring" of the permitting processes when Indian cultural deposits and burials have been involved.

Response: Comment noted. Regarding input from affected tribal communities, please see the response to Comment CR-12 in Chapter 5 of this FEIS.

Quarry-Related Comments Outside Scope of Analysis

Comment No. PM-42, #EI-2850: Commenter submitted a protest letter to the Governor, and the Board in response to a letter of support from Governor Rick Perry for the proposed project dated February 07, 2007. This endorsement letter from Governor Perry would push forward Vulcan's application to proceed with a monstrous mine in Medina County, Texas. The Coahuiltecan Nation wishes to be on record in the strongest of terms against the Governor's support letter. It is ill advised for multiple reasons. Issuance of an exemption under 49 U.S.C. 10901 would lead to a faster demise of a very fragile ecosystem in and around Quihi, Texas, and would produce adverse effects on the fauna already identified by the documents submitted by TPWD (see the Board file number #EI-286, dated May 28, 2003). The TPWD gave Vulcan a long list of sensitive plants, trees, and wildlife that would probably become threatened. The Tribe views the entire natural world as part of them. Anything that threatens the natural creatures of our earth is a direct threat to them. Commenters are concerned that the Proposed Route to the planned limestone quarry (see TxDOT comments in April 2003, #EI-63), and the quarry itself, are being forced upon the peaceful folks of Quihi, Texas. The impact on them would be severe, long lasting and irreplaceable. Don't let this permit be issued to Vulcan.

Response: Comment noted.

Comment No. PM-43, #EI-2649, #EI-2659, #EI-2753, #EI-2760, #EI-2785, #EI-2799, #EI-2718, #EI-2745, #EI-2798, #EI-2682, #EI-2677, #EI-2678, #EI-2709, #EI-2674, #EI-2809, #EI-2810, #EI-2707, #EI-2713, #EI-2736, #EI-2764, #EI-2777, #EI-2798, #EI-2753, #EI-2771, #EI-2775, #EI-2798, #EI-2677, #EI-2751, #EI-2801, #EI-2800, #EI-2726, #EI-2679, #EI-2808, #EI-2721, #EI-2722, #EI-2798, #EI-2682, #EI-2726, #EI-2798, #EI-2808, #EI-2759, #EI-2808, #EI-2684, #EI-2686, #EI-2743, #EI-2726 and #EI-2727: This would be the largest quarry in Texas, and in operation for 50 years. Commenters are concerned and opposed to the quarry for

the following reasons: it would be harmful to their water supply (e.g., it would pollute the Edwards Aquifer); produce noise from blasting; endanger human health; cause concern for safety when driving; produce dust; increase flooding in the area or block drainages; and adversely impact the environment and the quality of life. There are also issues associated with fire hazards. At the Medina Crushed Stone Quarry, where a fire occurred, there were many HAZMAT fuel tanks (e.g., a 10,000-gallon diesel and fuel tank, 1,000-gallon regular diesel tank, 1,000-gallon propane tank, asphalt, etc.). The TCEQ did not have the 10,000 gallon above-ground storage tank (AST) of diesel registered at this location. Everything that happened at that other quarry could happen at the proposed quarry. In addition, the quarry will destroy property values within Medina County and the area surrounding the quarry. Most individuals looking to purchase a home do not want to live in the Quihi area when told of the proposed quarry. One commenter has two parcels next to a quarry and the property value for this land has been destroyed. As long as there are resources to be exploited and big profits to be made, the private landowner has no property rights.

Commenters note that the proposed quarry is located next to or near their properties. As shown in Appendix F-1, page 14, Figure 10 of the SDEIS, residence #217 would be highly impacted, and this property belongs to Hugo Wurzbach, a property owner at the quarry site. Another commenter is in favor of economic development and growth in Medina County, but still opposes the quarry. There are many places that would be better for a quarry and commenters have everything they own tied up in their land. There are other industries that are cleaner, environmentally safer, and economically better suited for this area. Vulcan has proved to be deceptive and uncooperative. Vulcan Corporation gives inaccurate data to you and other government agencies regarding the quarry. Vulcan is not a government agency acting for the overall general good. For example, Vulcan listed ventures as Rio Medina Quarry when it actually is located in the Quihi area. If we must have a quarry, create a 1.5-mile buffer around it in order to compensate landowners who do not want the line, and protect these landowners from dust and noise. Enclosed is a clipping of problems in Comal County quarries located near New Braunfels.

Response: SGR's current proposal is for the construction and operation of a rail line. Any comments regarding the quarry, unless presented in relation to cumulative impacts, are outside the scope of this project. Please see Section 2.2 of this FEIS for SEA's discussion of the appropriate scope of analysis for the quarry in the environmental review process.

Comment No. PM-44, #EI-2772 and #EI-2813 (#EI-2772 is a petition with 227 signatures): We support the quarry location, and ask that the state approve Vulcan's permit (once it has met the requirements set forth by the State of Texas).

Response: SGR's current proposal is for the construction and operation of a rail line. Any comments regarding the quarry, unless presented in relation to cumulative impacts, are outside the scope of this project. Please see Section 2.2 of this FEIS for SEA's discussion of the appropriate scope of analysis for the quarry in the environmental review process.

Comment No. PM-45, #EI-2686, #EI-2811 and #EI-267: Vulcan and SGR should continue to work in good faith to minimize impacts on existing residences, property, and the environment. If anyone gains from this quarry, it will be Quihi and Hondo.

Response: Comment noted.

Comment No. PM-46, #EI-2765, #EI-2715, #EI-2682, #EI-2709 and #EI-2753: The quarry has the potential to contaminate the Edwards Aquifer and surface water. The proposed

quarry site lies in the Edwards Aquifer Recharge Zone (EARZ), and the aquifer supplies water for residents of South Texas and San Antonio (one of the most rapidly growing cities in the United States).

Response: Although it is beyond the scope of this project to analyze direct impacts to the environment that could be caused by the quarry (please see Section 2.2 of this FEIS for SEA's discussion of the appropriate scope of analysis for the quarry in the environmental review process), it should be noted that Figure 2.5-1 of the DEIS illustrates the EARZ boundary and location of the quarry area. The quarry will be located at the edge of the EARZ. Regarding cumulative impacts on water resources, please see Chapter 3 of the FEIS.

Comment No. PM-47, #EI-2760, #EI-2760, #EI-2719, #EI-2808: Commenter is concerned about the amount of water available in wells in areas experiencing population growth. The quarry would use large amounts of water each day, and pull water from the aquifer. Planned subdivisions, such as the 3,500-unit subdivision in northeastern Medina County (The Hills of Castle Rock) may not be completed due to a lack of available water. This subdivision is dependent upon the Trinity Aquifer, which is already stressed. The Edwards Aquifer is where nearby Bexar Spring Ranch Subdivision residents drill their wells for drinking water.

Response: Analysis of population growth (and subsequent impacts, such as more limited water supply) is outside the scope of SEA's analysis of this project, except for assessing the cumulative impacts from quarry development combined with the rail line projects. Regarding water use depleting the Edwards Aquifer, please see the response to Comment WR-24 in Chapter 5 of this FEIS. SGR states that it would obtain water for construction, operation, and maintenance from the most economical and environmentally safe source, which could include local water authorities or private landowners. (See Appendix D of this FEIS, #EI-1664.) SGR also states that Vulcan owns Edwards Aquifer water rights and other water rights that could be transferred from Bexar County and other Vulcan operations in Medina County to adequately supply the needs for the rail line construction, operation, and maintenance. Therefore, there would be no net increase in water use from the Edwards Aquifer because the water rights would be shifted.

Comment No. PM-48, #EI-2799 and #EI-2760: The quarry is within or adjacent to a floodplain, which would result in increased flooding. As a result, wildlife and farmsteads in the area would be endangered. Commenter's family has lived in the area for over 30 years so they know what living in a floodplain is like. When it rains they have a river going down our road, and their home becomes an island. The house has been flooded twice.

Response: SEA did not perform an analysis of the impact of the quarry on flooding because the quarry is outside the scope of environmental analysis of the proposed rail line. However, in Section 4.5.3 of the DEIS, SEA discussed the potential impacts of SGR's proposed rail line construction and operation on existing flood conditions. SEA is recommending several mitigation conditions that would minimize the impacts to existing flood conditions under any of the potential rail route alternatives studied in depth (including the loading track). (See Mitigation Measures # F-36, #F-38, #F-44 and #F-45 in Chapter 1 of this FEIS). Furthermore, SGR has agreed to conduct appropriate hydrological modeling prior to beginning construction, and incorporate the resulting design criteria into the design of the loading track and rail line to avoid or minimize adverse impacts to existing floodplain and drainage conditions. See Mitigation Measure #F-VM2 in Chapter 1 of this FEIS.

Comment No. PM-49, #EI-2680: The Medina Dam will be in danger from quarry blasting, which will endanger all of Castroville.

Response: The impact of quarry blasting on the Medina Dam is considered negligible. Damaging blasting effects to infrastructure outside the geographic limits of the quarry is also considered negligible. Some effects such as minor audible or seismic indications of blasting operations may be measurable outside of the quarry property. See EUWD, 1992, Blasting Effects on Engineered Structures: Edwards Underground Water District, 3 Volumes [variously paged]. As stated in Section 4.5 of the SDEIS, damaging or perceptible quarry activity-related ground vibration, including blasting vibration, would not propagate outside the quarry boundary.

Comment No. PM-50, #EI-2816, #EI-2708, #EI-2808 and #EI-2808: San Antonio has been the focus of railroad disasters, including a spill into the San Antonio River and a chlorine release following a collision that killed four individuals. Historical records show that outrage is not new; it's just directed at a common target now that the industry has consolidated. The tracks in and approaching San Antonio have seen more accidents with Mexico trade ramped up. Furthermore, the City of San Antonio does not provide emergency services, and its fire department cannot handle all of the potential emergencies that could be associated with the quarry.

Furthermore, San Antonio is the largest city in the world depending upon a single groundwater source for drinking water (i.e., the Edwards Aquifer), and it is obvious that local governments are not capable of protecting the quality of natural resources. The largest obstacles in protecting these resources have been San Antonio Water System (SAWS), Texas Department of Transportation (TxDOT), the City of San Antonio Public Service and Energy, and TCEQ. High-density development is occurring within environmentally sensitive areas against the will of private property owners and popular vote.

San Antonio residents are currently suffering from the burning of a mulch pile near another Vulcan project (enclosed in #EI-2801 and #EI-2808 are article clippings). This fire could have impacts on the Edwards Aquifer, as far as contamination and pollution to the groundwater. This has impacted the wells in the area, as well.

Response: SGR's current proposal is for the construction and operation of a rail line. Any comments regarding the possible impact of the quarry development on unrelated cities and their water use; local government regulations for, and opposition to, protection of natural resources; and development occurring in undisclosed environmentally sensitive areas, are outside the scope of this project, as are comments regarding San Antonio railroad accidents. Please see Section 2.2 of this FEIS for SEA's discussion of the appropriate scope of analysis for the quarry in the environmental review process.

Comment No. PM-51, #EI-2808: In 1993, Bexar Met Water sought to convert 66,000 acre-feet of Bexar/Medina/Atascosa Water Improvement District (BMA) water rights from irrigation to municipal and industrial. The Lake Medina Conservation Society was formed, and a six day hearing occurred. The Texas Natural Resource Conservation Commission (TNRCC) (equivalent to today's TCEQ) approved the 66,000 acre-feet conversion. The Lake Medina Conservation Society tried to appeal this decision with the TNRCC, but nothing changed. The Lake Medina Conservation Society then sued in court. The judge overturned TCEQ's decision, and changed the conversion amount to 19,974 acre-feet. You have to go to district court to make TCEQ do its job; TCEQ has not done a good job on the Vulcan quarry issue.

Response: SGR's current proposal is for the construction and operation of a rail line. Any comments regarding the quarry or TCEQ's inability to do its job, unless presented in relation to cumulative impacts, is outside of the scope of this project. Please see Section 2.2 of this FEIS for SEA's discussion of the appropriate scope of analysis for the quarry in this environmental review process.

Comment No. PM-52, #EI-2708: The applicant informed SEA of the settlement of a contested case regarding the air permit for the quarry. This settlement demands the agency's attention. By signaling the resolution of the air permit, the applicant was signaling a completion of the state permitting process for the quarry. The applicant continues to maintain the right to open the quarry with a temporary permit. MCEAA would fight any effort to open the quarry with a temporary permit via a temporary restraining order and injunction, but that has not come to pass. A permanent permit is required under the Clean Air Act (CAA), resulting in the quarry having independent utility to proceed without the rail line, thus removing it from the scope of NEPA. The quarry has not opened since the settlement agreement, which is a strategic value as to the viability of the trucking option under the No-Action Alternative.

Response: Response: SGR's current proposal is for the construction and operation of a rail line. Any comments regarding the quarry, unless presented in relation to cumulative impacts, are out of the scope of this project. However, SEA has been informed that SGR has received all the permits needed to proceed with quarry development. Please see Section 2.2 of this FEIS for SEA's discussion of the appropriate scope of analysis for the quarry in the environmental review process.

Comment No. PM- 53, #EI-2753, #EI-2755, #EI-2676, #EI-2734, #EI-2743: Please move the project to an area where it would pose less of a danger (e.g., a less-populated area where farmland impacts would be less). There are many other places in Texas where they could mine limestone. Other locations in Texas would serve this operation cheaper and better.

Response: The Board does not have jurisdiction over the development and operation of Vulcan's quarry. Therefore, the Board does not have the legal authority to impose restrictions on the location of the quarry site.

Comment No. PM-54, #EI-2666, #EI-2714, #EI-2713: The Edwards geologic formation includes millions of acres of limestone west of the project area. Union Pacific (UP) runs through this area, which is enough to supply Vulcan for years.

Response: The Board does not have jurisdiction over the location, development, and operation of Vulcan's quarry. Therefore, the Board does not have the legal authority to impose restrictions on the location of the quarry site.

Process

Comment No. PM-55, #EI-2818: The U.S. Environmental Protection Agency (EPA) requests that one copy of the FEIS be sent to the Region 6 office at the same time it is sent to the EPA Office of Federal Activities in Washington D. C. (see address in letter).

Response: Comment noted.

Comment No. PM-56 #EI-2658: SGR offered \$500,000 for studies if the THC would consider agreeing to the Proposed Route. THC declined, and pointed to two of the Eastern Alternatives.

Response: Comment noted. Following the end of the comment period for SGR's new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR's legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. SGR has subsequently advised SEA that it does not oppose the Modified Eastern Bypass Route described in this FEIS, which SEA also recommends as environmentally preferable.

Comment No. PM-57, #EI-2848: The THC is in receipt of the January 16, 2007, letter that offers specific mitigation measures should the railroad's original Proposed Route be utilized.

Response: Comment noted.

Comment No. PM-58, #EI-2850: The Tap Pilam Coahuiltecan Nation wants to be contacted by someone in the Governor's Office at a later date. In this way, better lines of communication would be established between the Governor's Office and this Native American Nation.

Response: Comment noted.

Comment No. PM-59, #EI-2808: The meeting at the Hondo fairgrounds was insufficient. The applicants chose the site, and the acoustics were such that the speakers were not loud enough to be understood. The meeting was just a barbeque held by the applicants to gain support.

Response: Comment noted.

Purpose and Need

Comment No. PM-60, #EI-2763, #EI-2798 and #EI-2742: The railroad would be for Vulcan's good, not the public's good as claimed. It would create hardships for many people while five families and one corporation reap the fortune. There is nothing in this project that would be better for the environment, the community's tax base, or lives in the community.

Response: Comment noted.

Comment No. PM-61, #EI-2719 and #EI-2873: In the FEIS, the Board should investigate the following three questions: what prompted SGR to consider having UP or any other rail line manage the line; what reasons does SGR have for not wishing to operate its own railroad; and would SGR be unable to manage the line because of the lack of experienced and trained railroad workers? 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.

Response: SGR stated that it may enter into an agreement with an existing rail carrier, such as UP, to operate the line for SGR, should the Board issue final approval of SGR's petition. Any such carrier would need to seek separate Board authority to operate over the line. SEA's environmental review of SGR's petition has examined both the proposed rail construction and proposed rail operations, taking into consideration that SGR may not be the actual operator of the proposed rail line. The Board has no specific knowledge regarding the reasons why SGR may elect to use an existing carrier to operate the line for SGR. This decision would likely be made based on technical and economical feasibility analyses.

6.2.2 Alternatives (Alt)

General

Comment Alt-20, #EI-2931/#EI-2926: When comparing all of the possible routes, it cannot be said that one would contain more historical significance than another. Thus, the final route selection should have the least impact on all properties, which would be the most direct route and follow existing rights-of-way and property lines.

Response: Table 2-18 of this FEIS summarizes all of the information that SEA has gathered concerning historic and prehistoric cultural resources in the region that would be crossed by the rail alternatives and the No-Action Alternative. This table illustrates that some of the rail alternatives studied could impact historic resources more than others. Some alternatives are located near known and suspected historic structures; intersect larger acreage within two historic districts (including the core of original Quihi), and cross more terrain with high potential for containing archeological resources than others. SEA determined that the Eastern Alternatives would have significantly fewer cultural resources impacts than the original four rail routes studied in the DEIS.

The PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others, and specifies other requirements. The PA also specifies requirements associated with additional archeological and architectural surveys to be conducted to supplement the surveys undertaken in connection with the SDEIS. The purpose of these additional surveys is to locate archeological sites, buildings, and other structures, objects, districts, traditional cultural properties and cultural historic landscapes that may be eligible for listing in the National Register. (See Appendix A-3 of this FEIS.) SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment No. Alt-21, #EI-2732: Commenter requests that SGR plan its routes in such a way that property owners would not be adversely affected.

Response: Comment noted. SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to 1) avoid taking houses and 2) minimize other adverse impacts.

Comment No. Alt-22, #EI-2889: It is troubling to me that any route other than the direct route would be even considered.

Response: CEQ guidelines implementing for NEPA set forth an agency's responsibilities for analyzing alternatives to the proposed action in the environmental review process. An agency must evaluate all reasonable alternatives and the no-action alternative, and briefly discuss reasons for eliminating any unreasonable alternatives from further consideration. The reasonable alternatives considered in detail, including the proposed action, should be analyzed in enough depth for reviewers to evaluate their comparative merits. The goals of an action delimit the universe of the action's reasonable alternatives. The objectives must not be

defined so narrowly that all alternatives are effectively foreclosed, nor should they be defined so broadly that an “infinite number” of alternatives might further the goals and the project would “collapse under the weight” of the resulting EIS analysis.

Comment No. Alt-23, #EI-2712: The differences in the alignments are less of environmental impact, and more of economic impact.

Response: Comment noted.

Comment No. Alt- 24, #EI-2662, #EI-2936: Look at a new western route because there aren't any towns, and there are less people to disturb. Disclose information on the possibility of a western line. The western line would impact individuals, as well, but would affect fewer people and be easier to construct.

Response: SEA determined that any route to the west of the four routes studied in the DEIS would pass through more floodplain area, and impact a large number of historic resources (including historic resources in the New Fountain, Texas, area). Therefore, any such route would be less environmentally preferable than the four routes studied in depth in the DEIS, and SEA excluded any such route from further study. SEA believes that a full spectrum of reasonable and feasible alternative routes for this proceeding has now been assessed.

Comment No. Alt-25, #EI-2753, #EI-2741, #EI-2770, #EI-2785, #EI-2799, #EI-2686, and #EI-2811: Commenters are concerned about the railroad because of impacts on property, and its close proximity to homes (see Figure 5.1, residences #340 and #75 of the SDEIS). They request designation of a route not harmful to historic archaeological resources in local historic districts. In addition, the railroad should be located in an area where there would be less environmental impacts. MCEAA has proposed more environmentally friendly routes with fewer impacts on people, floodplains, and landscape.

Response: Comment noted. SEA has weighed all the factors in its determination of the most environmentally preferable routes, recognizing that each route would have some unavoidable impacts.

Comment No. Alt-26, #EI-2708, #EI-2708: The quarry, regardless of the railroad, would deliver rock by truck from the quarry to the main railroad line. Vulcan says the community has a choice - let them build the railroad or they will run hundreds of trucks every day. Vulcan claims that they could truck limestone (as opposed to transporting it via rail) and still make money, but the railroad could save money and transport limestone more safely, thereby decreasing the potential for damage. The dispute in the community now appears to center on which route the railroad should be built.

Response: Under the trucking No-Action Alternative, SGR would be able to transport the limestone by trucks to the UP Line. SEA is not however, recommending this alternative as environmentally preferable. In any event, SGR has stated that VCM would use from 20 to 30 loaded trucks per day to deliver limestone to local markets (see DEIS, Volume III, page G-76 and G-161).

Comment No. Alt-27, #EI-2782, #EI-2787, #EI-2750, #EI-2718, #EI-2675, #EI-2736, #EI-2720, and #EI-2713: Commenters prefer the route that would have the least impact on agricultural land, landowners, risk of flooding, traffic, traffic safety, livelihood of our community, the environment in general (e.g., wilderness), historical resources, and Quihi itself (because it

consists of the most environmentally sensitive areas, has cultural/historical significance, is heavily populated, and consists of jurisdictional waters). If the Board decides in favor of the railroad despite overwhelming opposition, Vulcan should be restricted to the route with the least environmental impacts.

Response: Under NEPA, the Board must consider environmental impacts of actions requiring Board authorization, and complete its environmental review before making a final decision on a proposed action. SEA is the office within the Board that carries out the Board's responsibilities under NEPA and related environmental laws and regulations, and prepares the environmental documentation. SEA then weighs all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts, and makes a recommendation to the Board. Then, in reaching its final decision in this case, the Board takes into account the DEIS, the SDEIS, the FEIS, and all environmental comments that are received, and selects the alternative with the least environmental impact.

Comment No. Alt-28, #EI-2779: The road that would parallel the rail should be available for landowner use.

Response: SEA is not clear above the road to which the commenter is referring. SGR would mostly utilize existing public roads. Upon exiting the quarry, the trucks that would serve the local market would travel about 2.5 miles on either CR 351 or CR 353, to CR 354 or CR 364, to FM 2676, west to Hondo or east to CR 471, and then travel south to Castroville. All of these upgraded public roads would be available to the public. However, in the event that SGR were to utilize an alternative route for its trucks that would involve 1.5 miles of new, privately-owned road constructed on property that VCM currently owns connecting CR 353 with CR 365, it may or may not be available for public use.

Response: Comment noted.

Comment No. Alt-29, #EI-2719: In the FEIS, the Board should investigate two concerns regarding management of the rail line: 1) Will UP agree to build the line if it refused to build the line years ago and now has issues regarding numerous accidents and shortages of personnel, engines, and train cars? 2) UP might not be willing or able to manage a new rail line that would add more traffic to its over-burdened route through San Antonio, especially with the liability presented by SGR's original Proposed Route and three alternatives.

Response: As stated on page 2-6 of the DEIS, SGR has stated that it anticipates entering into an agreement with UP regarding the connection with the UP rail line, and would coordinate regularly with UP personnel regarding the train interchange with respect to scheduling and other operational considerations. SGR has also stated that it might enter into an agreement with UP to operate the new rail line for SGR. UP would need to seek separate Board approval to operate over the line.

Comment No. Alt-30, #EI-2849: The representative of State Senate District 19 (SD19) endorses the recommendations on the proposed rail project submitted to the Board by THC. The senator particularly urges the Board to select whichever route would result in the least division of current agricultural lands, and to realign that route wherever possible to further reduce impacts on his constituents' farmland operations. Maintaining the integrity of local farming and ranching communities is a vital issue in Texas. The senator 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.

Response: Comment noted. SGR would align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure #F-62. This mitigation condition would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment Alt-31, #EI-2939: Commenter encourages SGR and VCM to continue to mitigate problems, or divert the route where necessary to get through sensitive areas.

Response: Comment noted. SGR would not take houses for the purpose of building the rail line. SGR would align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to 1) avoid taking houses and 2) minimize other adverse impacts.

Comment Alt-32, #EI-2936: Commenter believes that a route further to the west would affect fewer people and be cheaper to construct.

Response: SEA determined that a route located west of those routes studied in depth in the DEIS, essentially bypassing the Quihi area, would not be reasonable or feasible. SEA believes that, among other problems, a western bypass route would traverse areas containing a large number of historic resources (including resources in the New Fountain, Texas, area) and would also cross more floodplain than any of the routes studied in depth in this proceeding. Therefore, any such route would not be environmentally preferable, and SEA has excluded such a route from further consideration.

Comment Alt-33, #EI-2940: THC supports the environmentally preferred Eastern Alternatives (i.e., the Eastern Bypass Route and MCEAA Medina Dam Alternative) because they would meet the requirements of the NHPA to avoid or minimize adverse effects on historic properties, because THC urges the Board to condition the use of any Eastern Alternatives upon routing tracks along property boundaries, and avoidance of irrigated land and equipment. The environmentally preferable Eastern Alternatives could be routed in such a way to lessen the impact on agricultural lands, and still protect the historic and cultural resources.

Response: SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment No. Alt-34, #EI-2712: SGR asks SEA to consider the Proposed Route subject to mitigation as one of the environmentally preferable routes, in addition to the two newly proposed Eastern Alternatives (the Modified Medina Dam Route and the Eastern Bypass Route).

In the November 2004 DEIS, SEA assessed the Proposed Route and three other alternatives. SEA concluded that three of the alternatives (including the Proposed Route) were superior to Alternative 1, but none of the three was environmentally preferable to the others. SEA recommended a series of mitigation measures. In addition, SEA recommended that SGR enter into a PA that SGR had negotiated with the THC, concluding that "the extensive proposed mitigation measures in the PA would appropriately address adverse effects to cultural resources." Following comments received on the DEIS about impacts on historic resources in the Quihi area, SEA determined that further study of that area, together with an analysis of three additional alternative routes east of the Quihi area, was warranted. SGR designed two of these routes to facilitate comparative analysis and not because it favors either of these routes over its Proposed Route. SGR designed SGR's Modified Medina Dam Route to use as much as possible of the right-of-way that had been used by an early 20th century railroad (which no longer exists). SGR has demonstrated that SGR's Modified Medina Dam Route was too far east to offer a useful route for the quarry. Then SGR designed the Eastern Bypass Route to avoid the Quihi area while providing a connection between the UP line and the Vulcan quarry. However, Vulcan favors the Proposed Route.

Response: Comment noted. SGR has subsequently stated (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable

Comment No. Alt-35, #EI-2712: SGR entered into consultation with the State Historic Preservation Officer (SHPO), and developed a PA to address cultural resource issues. SEA found that the PA was satisfactory in the DEIS, and concluded that this would adequately address the cultural resource impacts to the Quihi area (see DEIS, page 4-90). In the DEIS, it was recognized that a rail route could be approved for construction through a culturally sensitive area, even one eligible for listing on the National Register. SEA's currently proposed mitigation for impacts on cultural and historic resources remains in the PA (DEIS, page 6-10, proposed measure 45). SEA now further recommends avoidance (i.e., via the Eastern Alternatives) of the Quihi District. SGR recognizes that avoidance is one means of addressing the concerns. However, 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" - NHPA, 36 CFR Section 800.6(a)). SGR believes that historic properties can be protected with proper mitigation under the Proposed Route.

Response: Comment noted. SGR has subsequently stated that it no longer seeks approval of the Proposed Route, that it favors the Eastern Bypass Route and it does not oppose the Modified Eastern Bypass Route.

Comment No. Alt-36, #EI-2865, #EI-2912, and #EI-2934: These three comment letters consist of a series of email communications from extended family members to the Board, including property figures. The emails clarified the exact location of the family holdings, including residential, farming, and historical property. Commenters also expressed overall preference for the Proposed Route, and indicated that the only Eastern Alternative acceptable to

them would be the Eastern Bypass Route with the Weiblen Modification. They were particularly concerned about the Eastern Alternatives impacting their holdings.

Response: Upon reviewing the map submitted by commenters, SEA concludes that commenters' property along CR 366 lies outside the path of all alternatives that have been identified by SEA as environmentally preferable, although the closest route is the SGR's Modified Medina Dam Route. SEA no longer recommends consideration of this route as stated in the SDEIS. The two environmentally preferable routes that SEA is recommending are the MCEAA Medina Dam Alternative and the Eastern Bypass Route, both of which would be located well west of commenter's property boundaries. In addition, SEA is recommending a modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) which it evaluated in this FEIS. This modification would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing as close as possible to property lines. This route would also be located well west of commenter's property boundaries and Alternatives 1-3.

Proposed Route and Alternatives 1-3

Comment No. Alt-37, GC-03: Re-consideration of the Proposed Route is moot.

Response: Following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR stated (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable.

Comment No. Alt-38, #EI-2712: SGR's favored alignment is the Proposed Route. The Proposed Route retains distinct environmental and significant cost advantages over the Eastern Alternatives because it is shorter in length. When the distinct advantages of the Proposed Route are balanced against the cultural resource disadvantages identified in the SDEIS, and after mitigation that SGR has proposed, SGR submits that the Proposed Route should be environmentally preferable in the FEIS. The Eastern Alternatives would not be preferable to the Proposed Route once the cultural resource mitigation is taken into account. SGR believes that with appropriate voluntary mitigation of the type that it is prepared to implement, the SGR rail line and very low level of rail traffic (two trains/day in each direction) could 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 within these areas.

Response: Comment noted. SEA must weigh all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. As stated in Chapter 2 of this FEIS, SEA believes that based on all information to date, the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative are the most environmentally preferable alternatives.

Comment Alt-39, #EI-2907: The Proposed Route is not the only route drawing local opposition. Moreover, a petition with 490 signatures favors the rail line and quarry projects proposed for Medina County.

Response: Comment noted.

Comment No. Alt-40, #EI-2875, #EI-2876, #EI-2902, #EI-2896, #EI-2939, #EI-2898, and #EI-2939: Just as is concluded in the SDEIS, the Proposed Route would be the best route. It is several miles shorter than the Eastern Alternatives and should have less of impact on the environment, and cause less pollution due to train exhaust and dust. It would also affect half as many landowners as the Eastern Alternatives, and less property. The Proposed Route also would cross the fewest number of roadways and private driveways.

Response: SEA must weigh all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. As stated in Chapter 2 of this FEIS, SEA believes that, based on all information to date, the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative are the most environmentally preferable alternatives.

Comment No. Alt-41, #EI-2873, #EI-2887, and #EI-2907: Numerous landowners have submitted comments in opposition to the Eastern Alternatives. This is not surprising. As with the Proposed Route, none of these comments by landowners near the Eastern Alternatives disqualifies the Eastern Alternatives. The concerns raised by these commenters can be addressed through the proposed mitigation measures. It should be noted that the Eastern Alternatives have bred their own opposition, just as the Proposed Route has done. In assessing which routes are environmentally preferable, 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. SGR favors the Proposed Route because it is less costly to build and maintain than the other alternatives. Commenters have been told time and time again that the Proposed Route would be pursued.

Response: Comment noted. SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable. SEA believes that based on all information to date, the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative are the most environmentally preferable alternatives.

Comment No. Alt-42, #EI-2712, #EI-2883, #EI-2889, #EI-2890, #EI-2877, and #EI-2907: Commenter is in favor of the most direct route, as any other route would cross more roads and highways, unique properties, streams, wildlife habitat, and farmland. Commenters would have to cross the railroad no matter which route they take from their home, but they would have fewer crossings with the most direct route. As far as structures that are considered antiquities, the direct route would still be the best route. The Proposed Route offers distinct advantages. These advantages include the following: (1) the route is essentially a straight line, which would result in it being shorter than the other alternatives (approximately 7.5 miles versus 9.2 miles for the Eastern Bypass Route, 9.9 miles for the MCEAA Medina Dam Alternative, and 10.9 miles for SGR's Modified Medina Dam Route); (2) lower construction costs (the Eastern Alternatives would cost approximately \$3 million more than Proposed Route); (3) operational and maintenance savings (approximately \$1.2 to \$1.7 million in savings over a ten-year period); (4) it would impact fewer numbers of properties, and cause less disruption to agricultural activities; and

(5) it would have less air quality impacts. 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 would offer a distinctly advantageous solution to the transportation needs of the quarry.

Response: Comment noted. SEA has conducted a thorough environmental review of several rail line alternatives, as well as the No-Action Alternative. SEA's analysis indicates that the No-Action Alternative would have the potential to cause much greater environmental impacts than any of the rail route alternatives studied. Of the rail line alternatives that SEA has studied, it appears that Alternative 1 has the potential to cause the greatest environmental impacts. The Proposed Route, Alternative 2, Alternative 3, and the Eastern Alternatives (the Eastern Bypass Route, (including the Modified Eastern Bypass Route), the MCEAA Medina Dam Alternative, and SGR's Modified Medina Dam Route) would each have certain advantages and disadvantages over the other rail routes studied. All Eastern Alternatives, including the Modified Eastern Bypass Route, would cause significantly fewer impacts to cultural resources and would also have fewer impacts on the 100-year floodplain than the routes studied in the DEIS. Therefore, SEA believes that these routes are environmentally preferable to all of the routes originally studied in the DEIS. From all the Eastern Alternatives, SEA believes that SGR's Modified Medina Dam Route is the least environmentally preferable of the three Eastern Alternatives. Thus, SEA concludes that, based on all the information to date, the Eastern Bypass route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative are the most environmentally preferable alternatives.

Furthermore, SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval of the Proposed Route, that it favors the Eastern Bypass Route, and it does not oppose the Modified Eastern Bypass Route.

Comment No. Alt-43, #EI-2885, #EI-2886, and #EI-2861: Leave this historic land intact by choosing the original Proposed Route through Quihi.

Response: Comment noted. SEA must weigh all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts.

Comment No. Alt-44, #EI-2873, #EI-2908, #EI-2908, and #EI-2932: The Proposed Route would bisect the Gerdes Family Land Heritage Ranch, whereas the Eastern Alternatives would not. However, SGR offered to modify the Proposed Route to avoid bisecting this property. This proposed voluntary mitigation is depicted on one of the maps submitted to SEA in a letter dated March 29, 2007, and described in an April 5 letter from MCEAA to SEA, THC, and the Advisory Counsel. Another commenter questions the mitigation proposals made by SGR at the meeting on March 26, 2007. These mitigation proposals show that SGR and VCM continue to pursue the Proposed Route despite SEA's conclusion in the SDEIS that the Eastern Alternatives are environmentally preferable to the Proposed Route. Commenter believes that the original Proposed Route is unacceptable.

Response: Comment noted. SEA agrees that none of the Eastern Alternatives would traverse the Gerdes Family Ranch or Lindsey's property. Following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR's legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. SGR has subsequently advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the

Modified Eastern Bypass Route in this FEIS) which SEA also recommends as environmentally preferable. Furthermore, SEA has proposed a mitigation measure (Mitigation Measure #F-62) that would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment No. Alt-45 #EI-2712: SGR received a copy of a January 19, 2007, letter from the THC to SEA commenting on the SDEIS. SGR intends to continue to work with the THC and other Section 106 consulting parties to explore cultural resource mitigation measures. SGR further notes the THC's interest in SEA choosing a route that would result in the "least division of current agricultural lands." SGR believes that the Proposed Route would best meet that criterion. SGR is prepared to work with landowners on any alignment on which it ultimately chooses to build its line in order to minimize disruption to agricultural operations.

Response: SGR states (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable.

Further, to address the THC's request to minimize division of current agricultural lands, SEA has recommended that, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SGR will 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. (See Mitigation Measure #F-62 in Chapter 1 of this FEIS.) SEA is also recommending that prior to beginning construction, SGR shall consult with affected landowners and the TPWD to determine whether the rail line would separate livestock and wildlife from water supplies. If the rail line would separate livestock and wildlife from water supplies, SGR shall develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible to wildlife and livestock due to new rail line construction, if suitable alternative sources are not available nearby. (See Mitigation Measure #F-63 in Chapter 1 of this FEIS.)

Comment No. Alt-46, #EI-2899: The undeniable fact remains that the Proposed Route, which would divide the rural landscape in half, cannot compete with a route that would avoid the area.

Response: SGR has subsequently stated (see #EI-2712 and #EI-3040) that it no longer seeks approval of the Proposed Route, that it favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route. SEA is recommending in this FEIS that the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative are the most environmentally preferable alternatives, partially because they avoid dividing the rural historic landscape.

Comment No. Alt-47, #EI-2899: Commenters also agree with SGR'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 SGR that it does not make sense to support the

Proposed Route when another route, such as the MCEAA Medina Dam Alternative, is less environmentally disruptive from many standpoints.

Response: Comment noted. SGR has subsequently stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the Proposed Route, that it favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route.

Comment Alt-48, #EI-2931, and #EI-2926: Opponents of the Proposed Route are people who have recently moved to the area.

Response: Comment noted.

Comment No. Alt-49, #EI-2708: The Proposed Route would have significant impacts that cannot be adequately mitigated. At the time of the SDEIS, SEA and Vulcan appear to have been saying that the Proposed Route can be adequately mitigated. The DEIS acknowledged that 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 (DEIS, page 4-117). These impacts "could not be completely mitigated by the measures set forth in [DEIS] Chapter 5 [Mitigation]." The Proposed Route would have adverse impacts, such as paralleling and being adjacent to an active Texas FS Gas pipeline, and adversely impacting floodplains (i.e., causing an increased risk of flooding).

Response: As stated in Chapter 6 of the SDEIS, of the rail line alternatives that SEA has studied, it appears that Alternative 1 would have potential to cause the greatest environmental impacts. Thus, SEA concludes that Alternative 1 is the least environmentally preferable rail route alternative. Comparison of the other rail line alternatives is more complicated. The Proposed Route, Alternative 2, Alternative 3, and the Eastern Alternatives (the Eastern Bypass Route, the MCEAA Medina Dam Alternative, and SGR's Modified Medina Dam Route) would each have certain advantages and disadvantages over the other rail routes studied. All three Eastern Alternatives would have the potential to cause fewer impacts on cultural resources and the 100-year floodplain than the Proposed Route, Alternative 2, or Alternative 3. SEA believes that SGR's Modified Medina Dam Route is the least environmentally preferable of the three Eastern Alternatives. Based upon all information in the environmental record, SEA cannot differentiate between the two remaining Eastern Alternatives and designate either the Eastern Bypass Route or the MCEAA Medina Dam Alternative as the environmentally preferable alternative. Thus, SEA is recommending both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as the environmentally preferable alternatives out of all of the rail alternatives studied in the environmental review process for this proceeding. A modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) was evaluated in this FEIS and is included as one of the environmentally preferable alternatives that SEA is recommending.

Comment No. Alt-50, #EI-2726, and #EI-2727: The Proposed Route, Alternative 1, and Alternative 2 would be the least desirable alternatives because of impacts on flooding caused by alteration of the floodplain with berms and elevation changes; destruction of historical early settlers' homes and buildings (e.g., in Quihi); and impacts on archaeological history along waterways and prairies. Flooding has been observed in these areas.

Response: See response to comments WR-01 and WR-02 in Chapter 5 of this FEIS.

Comment No. Alt-51, #EI-2708: The Proposed Route, the applicant's choice, would be shorter and apparently cheaper, but part of the true cost is shown in the additional mitigation.

The economically efficient result would be to avoid those costs entirely and allow the applicant to use that money for more beneficial purposes. The applicant argues that the Eastern Alternatives would have costs of their own (e.g., those associated with greater length) which would not offset the costs of mitigating the Proposed Route. The applicant could have avoided the costs by making a wiser choice at the start.

Response: Comment noted.

Comment No. Alt-52, #EI-2899: MCEAA was founded in January 2000, approximately six weeks after rumors of Vulcan's proposed quarry and railroad were disclosed by County Commissioner Royce Hartmann. MCEAA was formed so that the area's citizens could become educated and aware of the impacts this project would have on their environment. MCEAA has met with Vulcan and the local public, and was overwhelmed when learning of the enormity of this project, and fearful that the railroad and truck traffic from the quarry would change their lives forever.

SEA encouraged MCEAA to make comments and ask questions. As a result of a public meeting sponsored by the Board in June 2003, the Board required SGR to conduct an EIS. After reviewing the DEIS, MCEAA considered it inadequate, and posed more questions and comments to the Board, including questioning why SGR would want to go through the historic Quihi Valley, through three floodplains, and across county roads, and jeopardize Quihi's rural landscape when a slightly longer route, similar to the route used to build the old Medina Dam, existed on a safer, more level location, and could be used. This route is called the MCEAA Medina Dam Alternative.

The Board agreed with MCEAA's comments and requests for more information and thus, without litigation, MCEAA's request for a SDEIS was granted. The results of this more detailed study concluded that either MCEAA's Medina Dam Alternative, or another Eastern Bypass Route was less environmentally disruptive. It also noted that MCEAA's Medina Dam Alternative would almost entirely avoid the Quihi Rural Landscape, thus preserving it from destruction by flooding and loss of its aesthetic value.

SGR has continued to press the Board to reconsider the Proposed Route with revisions that have included mitigation measures, financial incentives, and minimization of impacts in an attempt to resurrect the Proposed Route and make it palatable.

Response: Following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR's legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. It should be noted that the Modified Eastern Bypass Route studied in the FEIS would limit impacts to the extent practicable based upon topography on the Weiblen property and the Castroville West Subdivision. Subsequently, SGR has advised SEA that it does not oppose the Modified Eastern Bypass Route described in this FEIS, which SEA also recommends as environmentally preferable.

Comment No. Alt-53, #EI-2899: During the Section 106 consulting parties meeting on March 26, 2007, commenter stated that a bridge needed to cross Quihi Creek and its 1,200-foot-wide floodplain, along with 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. Power lines would likely be placed on

poles along the railroad right-of-way. The commenter was challenged by SGR's representative, who said that the commenter's statements were exaggerated. However, SGR had no data to support its claim. This discussion, which THC deemed to be important because it reflected on the aesthetic value of the Quihi rural landscape, was settled, SGR was asked to furnish data on the bridge crossing specifications within 10 days. This information could be presented and discussed at a subsequent meeting of the Section 106 parties.

On April 5, 2007, a letter from SGR was submitted to the Board for distribution. What it contained was not what was requested. Instead, it showed an artist's conceptual drawing, not to scale, of a bridge crossing only the Quihi Creek and a small portion of the adjacent floodplain to the east. CR 365 was relocated some distance to the west, and appeared to be ascending a berm in the floodplain as it crossed the Proposed Route. This sort of response is typical of SGR. SGR has shown disregard for part of the Quihi rural landscape as well as FEMA regulations that forbid placement of fill in a floodplain without proof that it will not cause more than a 12-inch rise in that floodplain.

Also, by relocating CR 365, SGR either did not appreciate, or chose to ignore, the 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. CR 365 is a historical road that was laid out in the late 1850s or early 1860s. This road connected the main portion of Quihi to Upper Quihi as it expanded. It is an integral part of Quihi's development, as is General Wall's Road – CR 4516- where SGR's Proposed Route would cross Cherry Creek and its floodplain. Perhaps SGR can enlighten SEA on how this crossing would be achieved when it finally discloses the specifications needed for the CR 365 crossing.

SGR's April 5, 2007 letter is a last effort to gain support for the Proposed Route. SGR submitted more mitigation measures that address impacts on future development, but do not address the present-day impacts of the Proposed Route. Future impacts are not subject to mitigation. Mitigating future development is not an adequate resolution to the adverse effects of the Proposed Route.

Response: Comment noted. As stated above, the new mitigation measures proposed did not seem to be sufficient to satisfy the Section 106 review parties and the members of the public. Since then, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. Subsequently, SGR has advised SEA that it does not oppose the Modified Eastern Bypass Route described in this FEIS, which SEA also recommends as environmentally preferable.

Comment No. Alt-54, #EI-2712: Commenters are pleased that SEA determined that, with respect to the alternatives studied (with the exception of Alternative 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." We agree 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.

Response: Comment noted.

Comment No. Alt-55, #EI-2785: Commenter is opposed to Alternative 1 for the following reasons: it would destroy vegetation/habitat for livestock and wildlife; it would be located within 100 yards of commenter's house; it would produce noise; it would produce dust;

and it would cause a loss of income due to the route going directly through commenter's property.

Response: As stated in Chapter 6 of the SDEIS, of the range of rail line alternatives that SEA has studied, SEA agrees that Alternative 1 would have the potential to cause the greatest environmental impacts. Alternative 1 would cross the most number of streamlines of higher order, as well as the most amount of floodplain. In addition, potential adverse noise impacts from operations over Alternative 1 would be greater than for any of the other rail alternatives, and operations over Alternative 1 would cause vibration impacts to two houses within the area. Construction and operation of Alternative 1 would also cause the greatest impact on cultural resources. This route would be located near many known and suspected historic structures; intersect a large acreage within two historic districts (including the core of original Quihi); and cross the most amount of terrain that has high potential for containing archeological resources. Thus, SEA concludes that Alternative 1 is the least environmentally preferable rail route alternative.

Comment No. Alt-56, #EI-2708: For the following reasons, the licensing decision should be restricted to a preferred alternative identified within the FEIS: (1) impacts (e.g., on cultural resource and floodplains) from the Proposed Route cannot be mitigated; (2) the SDEIS labels two preferable alternatives that are reasonable, feasible, and would have fewer impacts; (3) THC agreed with the preferable alternatives, and rejected the mitigation money for the Proposed Route; (4) cost is not a good enough reason for selection of the Proposed Route; and (5) Medina County agreed to work out mitigation for an FEIS-chosen route.

Response: Comment noted.

Eastern Alternatives

Comment No. Alt-57, #EI-2900, #EI-2902, #EI-2901, #EI-2883, #EI-2885, #EI-2886, #EI-2875, #EI-2900, #EI-2901, #EI-2886 #EI-2875: The Eastern Alternatives would bisect over double the number of farms and ranches as the Proposed Route, taking much more land than needed. THC is recommending the Eastern Alternatives because there are historical sites in the path of the Proposed Route. Commenter requests that THC consider the value of commenter's land when making decisions regarding placement of the railway. The most direct route, which would affect the least amount of land and use the least amount of energy to move this product, would be the most common-sense approach. SGR should be able to follow property lines and avoid historical sites, and still remain on the Proposed Route. Please help commenters preserve the farming and ranching heritage in their area by supporting the Proposed Route.

Response: As stated in Section 4.10 of the DEIS and Chapter 3 of the SDEIS, acquisition and use of right-of-way for the proposed rail line under any of the alignments would have some adverse effects on land use that could not be fully mitigated, including property severance and conversion of prime farmlands to rail line right-of-way. SEA recognizes that the Eastern Alternatives may have greater impacts on ranchlands and farmlands than the Proposed Route. However, SEA must weigh all of the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. For this reason, SEA's recommended Mitigation Measures #F-62 and #F-63 would require SGR to negotiate with affected landowners to provide access to severed properties and to develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible to wildlife and livestock due to new rail line construction.

Comment No. Alt-58 #EI-2708, and #EI-2924: MCEAA should send a signal to the Board endorsing the Eastern Alternatives proposed in the SDEIS over the Proposed Route, provided that the Board requires Vulcan to use only these Eastern Alternatives. Such an act by the MCEAA would kill the whole project, because Vulcan does not want to use the Eastern Alternatives. To prove this, the Board should call Vulcan and propose a joint statement that if Vulcan and MCEAA agree on one of the Eastern Alternatives, MCEAA will agree to withdraw any opposition. If Vulcan refuses, the answer is clear. If Vulcan accepts, explain that you changed your mind and continue your fight. If Vulcan does not choose an Eastern Alternative, that will be its decision. The threat of an all truck route, with its known increased costs, is one likely not to materialize when all factors are considered.

Response: Following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. SGR has subsequently advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS) which SEA also recommends as environmentally preferable.

Comment No. Alt-59, #EI-2862 and #EI-2708: It may be impossible to provide a sufficient guarantee of mitigation conditions to resolve adverse effects without the type of final design information. The two viable Eastern Alternatives will likely be less costly than the Proposed Route once the cost of the final design for the Proposed Route is known. Agencies should not, under NEPA and NHPA, allow applicants to save money by deferring final design, when the cost of mitigation cannot be determined until then. The Board should not put on blinders, and sign off on the Proposed Route just because Vulcan makes promises and pays enough money. There must be a connection between the information on impacts and the mitigation promised to overcome the adverse effects of the Proposed Route.

Commenter endorses the Eastern Alternatives. It rejected a proposal by Vulcan to support the Proposed Route with additional mitigation in favor of avoiding impacts. This is the proper application of the avoid-minimize-mitigate hierarchy in determining a preferred route. Vulcan's desire to pay less overall by paying a little for mitigation cannot change the facts reflected in the SDEIS.

Consultation on the Proposed Route should be terminated after Vulcan's follow-up submission. The consulting parties do not have, and the applicant does not intend to provide, design detail that could become the basis to agree on what mitigation would be needed to support the Proposed Route. Vulcan offers promises in lieu of additional information. Because the facts and position of a majority of the non-agency consulting parties are not going to change, termination of consultation on the Proposed Route is warranted per 36 C.F.R. 800.7(a). Reasonable and feasible alternatives exist that SEA has deemed environmentally preferable to the Proposed Route, with the SHPO's concurrence.

Vulcan already has all of the state permits needed to open its quarry, and has two Eastern Alternatives, one of which it proposed itself, that SEA deemed environmentally preferable in the SDEIS, and are likely to be licensed by the Board. MCEAA has agreed it will not object to permitting actions necessary for the quarry to begin operations. Yet the quarry has not begun operations. So Vulcan clearly has no intention of opening the quarry without a rail license. Yet, when confronted with the opportunity to proceed with one of the two environmentally preferable Eastern Alternatives, including one that they suggested themselves, Vulcan instead chose the Section 106 Process to push for the Proposed Route.

Although MCEAA does not support any alternative for any rail line, the Eastern Alternatives are as good as it is going to get, and MCEAA concurs with the SDEIS finding that the two Eastern Alternatives are environmentally preferable. However, objecting to the routes that have the least impact is not the same as “support.”

In the reinitiated Section 106 consultation process, Vulcan is pushing the idea that some guarantees of mitigation for the Proposed Route can substitute for information, and ultimately will result in support of the project. From MCEAA’s perspective, there is no reason to try to reach consensus on the Proposed Route. The agency consulting parties should not be concerned with whether MCEAA will “support” a NHPA agreement for the Eastern Alternatives; rather, they should be paying attention to the fact that very few of the non-agency consulting parties seem to support the Proposed Route at this time.

The more that SGR insists on the Proposed Route, the more process and more delay there will be, regardless of any action taken by MCEAA.

Response: Following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. It should also be noted that a modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) was evaluated in this FEIS. This modified route would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines. Subsequently, SGR has advised SEA that it does not oppose the Modified Eastern Bypass Route.

Comment No. Alt-60, #EI-2846, #EI-2720, and #EI-2925: The route should not go through the immediate Quihi area because of the great historical and cultural significance, impacts to creeks, and population therein. The Board should maintain the 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.

Comment No. Alt-61, #EI-2712: SEA has now studied Eastern Alternatives to avoid many of the concerns raised in response to the DEIS and SEA is recommending two Eastern Alternatives as environmentally preferable. Therefore, the concerns raised in response to the DEIS and SDEIS to the extent that they do not apply to the environmentally preferable Eastern Alternatives are no longer relevant. Furthermore, SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment through Quihi and does not oppose SEA’s recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable.

Response: Comment noted.

Comment No. Alt-62, #EI-2719, and #EI-2708: Commenters are gratified that SEA's preliminary decision named the two eastern routes as the least environmentally disruptive of all of the alternatives. We are encouraged by the findings of the SDEIS that two of the three Eastern Alternatives are "environmentally preferable." It is clear that one of these two alternatives will ultimately be chosen in the FEIS.

Response: Comment noted.

Comment No. Alt-63, #EI-2864, #EI-2874, #EI-2877, #EI-2878, #EI-2879, #EI-2880, #EI-2881, #EI-2882, #EI-2874, #EI-2886, #EI-2894, #EI-2895, #EI-2898, #EI-2907, #EI-2931/#EI-2926, #EI-2937, #EI-2938, and #EI-2898: Commenters oppose the Eastern Alternatives, which would more than double the number of farms and ranches that would be divided. One commenter is opposed to the Eastern Alternatives because two of these routes would divide his 365-acre irrigated farm and 21 other properties. The Proposed Route would only divide nine properties, and partially divide two others. Also, Medina County history extends beyond Quihi and New Fountain. Therefore, the fewest properties divided would be the best route. The Eastern Alternatives would cross not only properties, but also roadways - more than the original Proposed Route. Commenters urge the Board to find alternatives to the Eastern Alternatives now being considered, and seriously consider whether it makes any real sense to build a new railroad line at all.

The THC is recommending the three Eastern Alternatives due to the presence of historical sites within the original path. Commenter appreciates the history of these sites; however, he does not support protecting them at the cost of destroying historical farming and ranching culture by dividing more property than necessary. Farming and ranching land in America is already headed for extinction. Commenter requests that the THC change its position to not support the Eastern Alternatives over the original routes, and to support the shortest, most direct route possible.

Response: As stated in Section 4.10 of the DEIS, acquisition and use of right-of-way for the proposed rail line under any of the alignments would have some adverse effects on land use that could not be fully mitigated, including property severance and conversion of prime farmlands to rail line right-of-way. SEA recognizes that the Eastern Alternatives may have greater impacts on ranchlands and farmlands than the Proposed Route. However, SEA must weigh all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. For this reason, SEA's recommended Mitigation Measures #F-62 and #F-63 would require SGR to negotiate with affected landowners to provide access to severed properties to replace irrigation systems, realign track to avoid taking houses, and develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible to wildlife and livestock due to new rail line construction.

Comment No. Alt-64, #EI-2887: Commenter objects to the consideration and possible development of the rail line being located on the proposed Eastern Alternatives.

Response: Comment noted. SEA must weigh all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts.

Comment No. Alt-65, #EI-2639, #EI-2640, #EI-2641, #EI-2752: CR 4516 would be crossed by the Eastern Alternatives. This is of concern because CR 4516 is a very heavily traveled thoroughfare for a barely two-lane, pot hole-ridden, county road. The proposed train would cross at an unlighted area of the road where there is an abrupt left curve and big drop in elevation that completely blocks the driver's visibility. There have been previous fatal accidents on this road and, with the rail line, accidents would increase.

Response: SEA is recommending mitigation that would require SGR to consult with Medina County regarding the crossing of county roads (including CR 4516) and to adhere to

Medina County's reasonable recommendations regarding the design of these crossings. See Mitigation Measure #F-4 in Chapter 1 of this FEIS.

Comment No. Alt-66, #EI-2764, #EI-2759, #EI-2766, #EI-2802, #EI-2751, #EI-2750, #EI-2676, #EI-2666, #EI-2791 (#EI-2766 - 46 individual letters & #EI-2802 - 12 individual letters), #EI-2770, #EI-2678, #EI-2709, #EI-2668, #EI-2723, #EI-2724, #EI-2820, #EI-2659 and #EI-2853: Commenters strongly support either of the environmentally preferred Eastern Alternatives (i.e., the MCEAA Medina Dam Alternative and Eastern Bypass Route) because impacts on critical historic resources would be significantly less than those caused by the other alternatives, and they appear to meet the requirements of NHPA to avoid or minimize adverse effects to historic properties.

Either of these two alternatives would also lessen the impact on the Elm Creek floodplain. The SDEIS also affirms that the Eastern Alternatives are less intrusive on the more populated area of Quihi.

Response: Comments noted. A PA to mitigate cultural resources impacts from the Eastern Alternatives has been executed (see Appendix A-3 of this FEIS).

Comment Alt-67, #EI-2908: Commenter opposes the Eastern Alternatives because they would result in commercial development within, over, and through the EARZ.

Response: Neither of the two environmentally preferable Eastern Alternatives that SEA recommends would be located over the EARZ. Based upon additional information provided by SGR, SEA has developed a small-scale map showing the proposed location of the fueling and maintenance facility, and the relationship between the facility, the proposed rail line (along any of the Eastern Alternatives), and the EARZ and transition zone (see Figure 5-2 in Chapter 5 of this FEIS). In addition, SEA has recommended a new mitigation condition (see Mitigation Measure #F-33 in Chapter 1 of this FEIS) that would require SGR to conduct appropriate studies before beginning construction to ensure that the fueling facility would be located off of the EARZ.

Comment No. Alt-68, #EI-2708, and #EI-2708: As a result of public comment, the Board developed an SDEIS that details three Eastern Alternatives. These new routes are a little longer than the previously identified alternatives. If the Eastern Alternatives adequately address the concerns of the public and represent a cheaper, safer, and environmentally beneficial option over the No-Action Alternative, how could the Board allow Vulcan to pursue its preferred Proposed Route given that Vulcan has publicly stated it would pursue the trucking option absent the consent to build the railroad? How can Vulcan claim that the new Eastern Alternatives are not acceptable? Surely the benefits of avoiding these historic areas and using a rail still outweigh the cost of trucking material from the quarry to the main railroad, which they are holding as a threat. These routes are less than the costs of the No-Action Alternative (i.e., the trucking option). Clearly, a couple of extra miles of track would not sink the project. What do a few extra miles of track cost up front compared with selling 200 million tons of aggregate over the next 50 years? Vulcan's only claim against accepting the new Eastern Alternatives is that its cost to mitigate the effects on the historic area along the Proposed Route would be less than having to build the additional rail line. The comparison should not be between the new Eastern Alternatives and Vulcan's preferred route, but rather between the new Eastern Alternatives and the trucking option.

Response: Comment noted. SEA has weighed all potential impacts from all of the rail routes and the No-Action Alternative in its determination of the most environmentally preferable

route(s), recognizing that each alternative would have some unavoidable impacts. SEA is recommending two Eastern Alternatives (including the Modified Eastern Bypass) as environmentally preferable. Furthermore, SGR no longer seeks approval for the original Proposed Route, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route.

Comment No. Alt-69, #EI-2783: SGR originally stated that the western routes were preferred and the Eastern Alternatives were not feasible or preferable, until comments were received. Then the Eastern Alternatives became more feasible because of public opposition to the original alternatives.

Response: Comment noted.

Comment No. Alt-70, #EI-2671, #EI-2685, #EI-2685, and #EI-2731 and #EI-2939: In order to minimize adverse impacts and disruption of many lives, find another alternate route instead of the Eastern Alternatives. The eastern routes are totally out of line and without merit. Commenter requests that the Eastern Bypass Route not be selected because it does the following: crosses property, crosses historic SDEIS listed high impact areas property (i.e., 1860s limestone house and two other residences), and cuts off a portion of access to FM 2676. Commenter is concerned about severe impacts if the Eastern Bypass Route or MCEAA Medina Dam Alternative is chosen since both routes would pass through commenter's property (see attachment). The Eastern Bypass Route would cross commenter's property east of FM 2676 in the northeast section of the Quihi Historic District (see attachment in Appendix C of this FEIS).

Response: Comment noted. Based upon all information to date, SEA believes that a full spectrum of reasonable and feasible alternative routes for this proceeding has now been assessed. SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure #F-62 (see Chapter 1 of this FEIS). This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment No. Alt-71, #EI-2649, #EI-2756, and #EI-2758: Commenters prefer the Eastern Bypass Route over the other two Eastern Alternatives.

Response: Comment noted.

Comment No. Alt-72, #EI-2712: With respect to the two Eastern Alternatives that SEA has deemed to be environmentally preferable in the SDEIS, SGR favors the Eastern Bypass Route due to its shorter length relative to the MCEAA Medina Dam Alternative. Based upon available information, SGR sees no operational or cost advantages to the MCEAA Medina Dam Alternative over the Eastern Bypass Route. SGR's view in this regard is consistent with its view on the Proposed Route: shorter is better from both an environmental and economic perspective. In terms of hydrological resources, the Eastern Bypass Route would cross fewer streams (8 versus 13), have fewer floodplain crossing points (2 versus 4), and have fewer aquatic feature crossings (2 versus 4). Conversely, the total length of floodplain crossing would be somewhat lower for the MCEAA Medina Dam Alternative than for the Eastern Bypass Route (3,996 feet versus 4,557 feet).

Response: Comment noted. SEA has weighed all potential impacts from all the rail line routes and the No-Action Alternative in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. As stated above, SGR decided to support the Eastern Bypass Route instead of the Proposed Route and does not oppose the Modified Eastern Bypass Route.

Comment No. Alt-73, #EI-2767, #EI-2708, #EI-2719, #EI-2753, #EI-2791, #EI-2746, #EI-2680, #EI-2672, #EI-2737, #EI-2738, #EI-2739, #EI-2735, #EI-2736, #EI-2734, #EI-2716, #EI-2761, #EI-2713, and #EI-2719: The MCEAA Medina Dam Alternative is the best Eastern Alternative, provided that needed mitigation measures are imposed. The MCEAA Medina Dam Alternative would have less of an impact on property, people, historic districts (e.g., Quihi), cultural resources, the environment in general, karst features, public safety, roads, land use, prime farmland, floodplains, wildlife, way of life, and specific historic resources and the broader landscape of the rural historic districts. The SDEIS shows that the MCEAA Medina Dam Alternative would be the least environmentally-damaging route and would have the least impact across nearly all categories, particularly for adverse impacts on flooding, floodplains, economics of agriculture, and property (e.g., fewer acres of prime farmland soils would be impacted, and lower numbers of properties crossed), cultural resources, and transportation and traffic safety (e.g., fewer farm-to-market roads would be crossed, and crossings would occur in safer locations). The SEA should adopt the MCEAA Medina Dam Alternative as the preferred alternative in the FEIS. 40 C.F.R. 1502.14(e) requires the agency to identify its "preferred alternative" (meaning one preferred alternative) "in the final statement."

Response: As indicated in Section 6.3 of the SDEIS, the Eastern Bypass Route would have fewer floodplain crossing points than the MCEAA Medina Dam Alternative; would cross fewer aquatic features; have fewer stream crossings; and would be slightly shorter in length. On the other hand, the MCEAA Medina Dam Alternative would have slightly fewer impacts to transportation and traffic safety; would cross less amount of floodplain; would impact prime farmland soils to a lesser degree; would cross less area that is susceptible to karst feature development; would have less overall impacts on existing land uses; and would have slightly fewer impacts to cultural resources than the Eastern Bypass Route. SEA has weighed all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. SEA believes that, based on all information to date, these distinctions are not sufficient to differentiate between the two routes.

Regarding the identification of one or more environmentally preferable alternatives, 40 CFR 1502.14(e) requires the agency (in this case the Board) to identify preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

Comment No. Alt-74, #EI-2771, #EI-2775, #EI-2718, #EI-2713, #EI-2675, and #EI-2720: Both the MCEAA Medina Dam Alternative and Eastern Bypass Route are the least environmentally disruptive to the sensitive Quihi area, but both routes would apparently have negative impacts on residents in the area. Commenter prefers the MCEAA Medina Dam Alternative over the Proposed Route. All routes would cause dangers and problems, but the MCEAA Medina Dam Alternative is preferred because it is safer and less destructive (i.e., does not involve floodplains or the historic district, and would create safer crossing sites.)

Response: Comment noted.

Comment Alt-75, #EI-2907: Commenter disputes MCEAA's claim that the MCEAA Medina Dam Alternative is on level ground. The line would traverse up and down an escarpment, whereas the Proposed Route would traverse flatter land.

Response: SEA agrees with this statement. Please see Appendix C-2 in the SDEIS for an in-depth discussion of elevation profiles (including cut and fill) along each of the rail line alternatives studied by SEA, and Chapter 6 of the SDEIS for a detailed comparison of all of the alternatives. The more cut and fill that is required, the less level the terrain is. According to the cut and fill verifications performed by SEA, Alternative 2 would require the least total volume of both gross and net cut and fill. The Proposed Route, however, would require less fill compared to the amount of cut, meaning that it would be the most desirable to build from a cut and fill standpoint and would be the flattest. After the Proposed Route and Alternative 2, Alternative 1 is next, followed by the MCEAA Medina Dam Alternative, then Alternative 3, then the Eastern Bypass Route, and finally SGR's Modified Medina Dam Route.

Comment No. Alt-76, #EI-2686, #EI-2685, #EI-2726, #EI-2727, #EI-2811 and, #EI-2939: Consider the following suggestion for a combination of the MCEAA Medina Dam Alternative and SGR's Modified Medina Dam Route. The MCEAA route would be used until it intersects SGR's Modified Medina Dam Route just south of FM 2676. The advantages to this route are as follows: no new analysis would be required (i.e., the routes have already been analyzed); no residences would be in the direct path (as with the MCEAA Medina Dam Alternative and Eastern Bypass Route at the FM 2676 crossing); it would avoid high impact residences (see attachment in Appendix C of this FEIS); CR 265 would not be crossed; the creek west of CR 265 (see attachment in Appendix C of this FEIS) would not be crossed; it would avoid the eastern section of the Quihi historic district and a historic house (see attachment in Appendix C of this FEIS); there would be less of an impact on flooding; it would impact fewer landowners; and it would be less intrusive than the Eastern Bypass Route. The route we are suggesting would pass through property owned by Mr. Wurzbach and Mr. Schweers (see attachment in Appendix C of this FEIS) who own property at the quarry site and will benefit financially from the quarry. Commenters think the route should be re-routed to pass through Mr. Wurzbach's and Mr. Schweers' property because they are quarry property owners. This new alternative would also allow emergency vehicles traveling south on FM 265 to be diverted to FM 2676 or FM 354 in the event of trains blocking the road.

Response: Based upon all information to date, SEA believes that a full spectrum of reasonable and feasible alternative routes for this proceeding has now been assessed. As a result, SEA is recommending two Eastern Alternatives (including the Modified Eastern Bypass Route) as environmentally preferable.

Comment No. Alt-77, #EI-2671: The MCEAA Medina Dam Alternative is a selfish route proposed to dump trash in other Medina County residents' backyard, and was only approved by the inner core of directors of the MCEAA, not by general membership. This route is a vendetta against the Wurzbach family because they leased a portion of their land to Vulcan.

Response: Comment noted.

Comment No. Alt-78, #EI-2662, #EI-2686, #EI-2811, and #EI-2671: A commenter is opposed to the MCEAA Medina Dam Alternative for the following reasons: it would be approximately five miles longer, affect more existing residences, and cross FM 2676 and CR 265 within one half (0.5) mile of one another. Another commenter is concerned about the MCEAA Medina Dam Alternative for the following reasons: it is close to a residential home labeled #340

(in Figure 5.1 of the SDEIS), crosses through commenter's property (see attachment in Appendix C of this FEIS), and passes between two of commenter's houses that are 300 yards apart (#340 & #75). House #2 (see attachment in Appendix C of this FEIS) was built in the 1900s and is the location of commenter's cattle pens and barn. House #3 (see attachment in Appendix C of this FEIS) is the daughter's house, and is located on the same property as the other homes. Another commenter is opposed to the MCEAA Medina Dam Alternative because it would delay school buses, cross CR 265 & CR 2676, and delay emergency vehicles and persons going to the hospital in Hondo.

Response: SEA has weighed all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. As discussed in Section 4.1.1 of the DEIS and Section 3.1 of the SDEIS, SGR has currently proposed to construct all roadway crossings at-grade for any of the rail routes studied in depth. However, SEA's recommended mitigation would require SGR to consult with Texas Department of Transportation (TxDOT) before construction and to adhere to TxDOT's reasonable recommendations regarding the design of the FM 2676 crossing. SGR would also be required to consult with Medina County before construction and adhere to Medina County's reasonable recommendations regarding the design of county road crossings. Please see Mitigation Measure #F-3 in Chapter 1 of this FEIS. In addition, SEA has recommended specific mitigation measures to reduce potential impacts that could be experienced by emergency vehicles and school buses at at-grade crossings. Please see Mitigation Measures #F-7, #F-9, and #F-10 in Chapter 1 of this FEIS. In addition, SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure #F-62 (see Chapter 1 of this FEIS). This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts. In addition, SEA is recommending that SGR consult with TPWD and affected landowner to develop additional water sources for livestock and wildlife to replace those affected, lost, or inaccessible. (See Mitigation Measure #F-63 in Chapter 1 of this FEIS).

Comment No. Alt-79, #EI-2708: The MCEAA Medina Dam Alternative would have only marginally insignificant impacts in certain categories compared to the other alternatives. The MCEAA Medina Dam Alternative would produce a 0.2-ton-per-year increase in emissions of particulate matter (PM), which would mean little when PM emissions from all of the rail alternatives would be well below significant levels. This alternative is longer than the other Eastern Alternatives (by 2-3 miles), but length is not necessarily a factor in assessing the environmental impacts (SDEIS, page 6-42). The MCEAA Medina Dam Alternative would displace 16 more acres of habitat than the Proposed Route, which would not translate into a clearly more adverse impact, given that the habitat to be cleared is relatively common in the project area. Assuming that the representations made with respect to the lack of potential for endangered species are true, the impact would be insignificant. The aquatic resources impacted by the MCEAA Medina Dam Alternative would primarily be isolated man-made stock ponds, and are unlikely to be subject to substantial regulatory requirements.

Response: Comment noted. SEA has weighed all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. In recommending the MCEAA Medina Dam Alternative as one of the environmentally preferable routes, SEA has concluded that the MCEAA Medina Dam Alternative would have

slightly fewer impacts to transportation and traffic safety; would cross less amount of floodplain; would impact prime farmland soils to a lesser degree; would cross less area that is susceptible to karst feature development; would have less overall impacts on existing land uses; and would have slightly fewer impacts to cultural resources than the Eastern Bypass Route.

Comment No. Alt-80 #EI-2671: The MCEAA Medina Dam Alternative should not be named Medina Dam because it only represents a very small number of Medina County residences with a narrow-minded goal to keep the railroad out of Quihi.

Response: The route was named MCEAA Medina Dam Alternative because it follows some of the original alignment of the Old Medina Dam route used to carry materials for the construction of the Medina Dam.

Comment No. Alt-81, #EI-2748, #EI-2749, and #EI-2731: Please consider the most eastern path (i.e., SGR's Modified Medina Dam Route) so that the burden is placed on the proprietor of the quarry, and dozens of innocent homeowners and ranchers will not be penalized for his profit. Of all rail routes, we prefer SGR's Modified Medina Dam Route.

Response: Comment noted.

Comment No. Alt-82, #EI-2884, and EI2884, and #EI-2893: Commenter is opposed to SGR's Modified Medina Dam Route. Please consider another route that would not affect valuable, historic land.

Response: Comment noted. SEA believes that, based on all information to date, the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative are the most environmentally preferable alternatives.

Comment No. Alt-83, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2711, and #EI-2670, #EI-2669, #EI-2710: In Section 2.5, paragraph 5, of the SDEIS, SEA states the following: "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 Alternatives 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.

The interpretation of the Weiblen Modification as stated in Section 2.5, paragraph 5, of the SDEIS is inaccurate. It is not being suggested that the burden of the railroad be shifted onto alternative landowners. Instead, it is suggested 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 (i.e., the least possible impact on the existing sprinkler systems). The Weiblen family is willing to work with SGR and create a proposal that is acceptable to both parties if an eastern route is chosen. The Weiblen family requests corrections to Section 2.5, paragraph 5, in the SDEIS to reflect the true intent of the Weiblen Modification.

Response: As a result of concerns expressed by the Weiblens and others, SEA evaluated a modification of the Eastern Bypass route (called the Modified Eastern Bypass Route) in this FEIS (see Chapter 2). This modification would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines. Specifically, this route would be located along the western border of the Weiblen property, as requested.

Regardless of the selected alternative, SGR would be expected to work with landowners to minimize land use impacts of the selected route. Therefore, SEA is recommending mitigation to allow some slight modifications to whichever route is developed, should the Board authorize the proposed rail line, that would require SGR to negotiate with the appropriate land owner(s) to ensure access to severed property and/or replacement of irrigation systems, and, if appropriate, to realign the track to avoid taking houses and/or to minimize the impacts, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction. In addition, SEA is recommending that, prior to beginning construction, SGR consult with affected landowners and the TPWD to determine whether the rail line would separate livestock and wildlife from water supplies. If the rail line would separate livestock and wildlife from water supplies, SGR would be required to develop additional water sources to replace those that would be lost, adversely affected, or rendered inaccessible due to new rail line construction, if suitable alternative sources are not available. (See Mitigation Measures #F-62 and #F-63 in Chapter 1 of this FEIS).

Comment No. Alt-84, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2711, #EI-2670, #EI-2669, #EI-2710: The Weiblen family requests that the 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 that of any of the other Eastern Alternatives. If an environmental impact study is required, it is requested that the study be included in the FEIS in order for it to be considered as a viable option by the Board.

Response: SEA evaluated the Weiblen Modification (now the Modified Eastern Bypass Route) in Chapter 2 of this FEIS. The modification would utilize a portion of the Weiblen Modification and bypass the Castroville West subdivision and would limit impacts, to the extent practicable based upon topography, on the Weiblen property by routing as close as possible to property lines.

Comment No. Alt-85, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2793, #EI-2794, #EI-2711, #EI-2670, #EI-2669, and #EI-2710: If neither Weiblen request is honored, then all Eastern Alternatives should be removed from the FEIS, because all of them would shift potential impacts from one landowner to another (which is the reason being given for dismissal of the Weiblen Modification).

Response: NEPA requires only that a reasonable range of alternatives be studied, and SEA has done that here. All of the rail line alternatives studied in depth would likely cause some impacts on farmlands and existing farming operations. If SEA were to modify routes to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners, 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.

The Weiblen Modification is only a slight modification of two of the alternatives examined by SEA (the Eastern Bypass Route and the MCEAA Medina Dam Alternative). SEA based its modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route), on a route that bypasses the Castroville West Subdivision and most of the Weiblen property. This modification would not shift impacts from one group of landowners to another, but instead would minimize impacts, to the extent practicable based upon topography, by routing the rail line as close as possible to property lines. SEA is recommending specific mitigation recommendations to address concerns of any agricultural landowners whose property may be adversely impacted by the rail alignment that is developed, should the Board authorize construction of the proposed project. (See Mitigation Measures #F-62 and #F-63 in Chapter 1 of this FEIS.)

Comment No. Alt-86, #EI-2855: The Weiblen family met with Mr. Larry Oaks, THC Deputy Director, on March 14, 2007, to discuss the different routes under consideration for SGR's proposal. The four routes discussed were the Proposed Route and the three Eastern Alternatives. All of the Eastern Alternatives would impact some of the five sprinklers on the Weiblen family's farm, which would put the Weiblen family's operation out of business and destroy its livelihood. As a result, THC agrees to a stronger recommendation to avoid irrigated farmland, and requests that the Board consider the Weiblen Modification (named the Modified Eastern Bypass Route in this FEIS) along with the other Eastern Alternatives. The Modified Eastern Bypass Route would put the rail right-of-way on the edge of Weiblen family property, rather than through it (which would cause subdivision).

Response: A modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) was evaluated in this FEIS that would limit impacts, to the extent practicable based upon topography, on the Weiblen property by routing the rail line as close as possible to property lines. Due to the proposed project occurring in a predominately agricultural community, it would be difficult for the rail line to totally avoid any impact on agricultural lands. However, Mitigation Measures #F-62 and #F-63 (see Chapter 1 of this FEIS) have been created to reduce the burdens that would be placed on agricultural landowners by the proposed project.

Comment No. Alt-87, #EI-2639, #EI-2641: The Castroville West Subdivision is a deed-restricted subdivision. According to its Declaration of Restrictions, 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, which reads as follows: "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."

Response: To respond to this comment, SEA overlaid the Castroville West Subdivision boundaries over the rail line alignments being considered in this proceeding (see Figure 6-1 of this FEIS). All three Eastern Alternatives would cross this restricted subdivision. To respond to several concerns from the public, SEA analyzed the Modified Eastern Bypass Route (a modification of the Eastern Bypass Route) in this FEIS. This modification would not only limit impacts, to the extent practicable based upon topography, on the Weiblen property by routing as close as possible to property lines, but also would avoid the Castroville West Subdivision.

Comment No. Alt-88, #EI-4456: One landowner with property adjacent to the Eastern Alternatives first contacted SEA in January 2008, one year after the comment period ended on the

SDEIS. He stated that his property would be significantly impacted by any of the environmentally preferable routes.

Response: SEA met with the landowner to discuss the project in greater detail. SEA believes that a reasonable range of alternatives has been considered in this proceeding and it would be inappropriate and unnecessary at this late stage to consider any further modifications of the recommended alternatives. However, SEA is recommending Mitigation Measure #F-62 (see Chapter 1 of this FEIS) which would require, where construction of the rail line would cause unavoidable property severance, that SGR negotiate with any affected landowner to ensure access to the severed property and, if appropriate, realign the track to avoid taking houses and/or to minimize impacts.

Comment No. Alt-89, #EI-2671: Before approving a route, check the number of people living along CR 265 that would be affected by the rail line.

Response: SEA did consider the number of houses (i.e., receptors) within one half (0.5) mile and 1 mile of each of the routes being considered in this environmental review. (See Table 6.2.10-1 of the SDEIS).

Comment No. Alt-90, #EI-2708: To appease landowners who agreed to lease their land to the quarry (who reside in the east), the applicant originally proposed an alignment to the west (Proposed Route) over land owned by persons without a stake in the quarry. The applicant proposed to the quarry lessors that they would push all the transportation costs off on their (i.e., the lessors') neighbors. After the objections of the western landowners, it was found that the original Proposed Route had several problems (e.g., floodplain and cultural resource impacts) that were going to require a good deal of cost to mitigate. The SDEIS showed that two of the Eastern Alternatives (the MCEAA Medina Dam Alternative and Eastern Bypass Route) were reasonable, feasible, had fewer impacts, and were environmentally preferable. The THC concurred with selection of preferred alternatives and rejected the applicant's mitigation money that was offered in exchange for its approval of the Proposed Route. Commenter questions how the Board can claim objectivity in analysis of routes when the Proposed Route includes substantial tracts of land that Vulcan purchased before engaging the Board's process?

Response: SEA is designating both the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally preferable alternatives out of all the alternatives studied in the environmental review process for this proceeding. Following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR's legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. SGR has subsequently advised SEA that it does not oppose the Modified Eastern Bypass Route described in this FEIS, which SEA also recommends as environmentally preferable. However, Vulcan might decide, based on a cost/benefit analysis, to select the MCEAA Medina Dam Alternative or the No-Action Alternative.

Comment No. Alt-91, #EI-2859: The SDEIS comment letter from Region 6 of the EPA (#EI-2818) states a "lack of objection to the proposed alternative." The SDEIS did not re-analyze the Proposed Route, but instead analyzed the Eastern Alternatives, two of which were deemed environmentally preferable. EPA's comments concerning the proposed alternative requires clarification, as to whether EPA is referring to those routes deemed environmentally preferable or some other route that was not analyzed. Commenter does not believe that EPA intended to

comment on other routes that were not analyzed in the SDEIS, or to contradict the SDEIS, given the fact that detailed comments were previously submitted (#EI-1313) on the original routes to be addressed in the FEIS. It is unclear how EPA stated a lack of objection to one of the original routes analyzed in the DEIS when the information requested by the agency had not been provided in the SDEIS. With the exception of the noise analysis, no new analysis was undertaken for the original DEIS routes in the SDEIS. If there is a time to state a lack of objection to the Proposed Route it is after all the information has come out in the FEIS, not before, and not in response to the SDEIS. MCEAA believes that EPA meant to state a lack of objection to the two environmentally preferable Eastern Alternatives in the SDEIS.

Response: Comment noted.

No-Action Alternative

Comment No. Alt-92, #EI-2874: 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 rights-of-way, and not bisect farms or, in this case, run through commenters living room.

Response: Comment noted. According to SGR, Vulcan considered alternative means of transporting quarried materials to the UP line, including the use of a conveyor system and trucks. VCM rejected the conveyor system option because of the economic cost of building and maintaining more than seven miles of belts and idlers. Nonetheless, SGR states that if the proposed rail line were not built, VCM would use trucks to transport limestone from the quarry to the UP line as it does at some of its quarries in Texas. SEA conducted a review of the use of trucks as part of the analysis for the No-Action Alternative, and found that the adverse environmental impacts of this alternative would be much greater than the proposed action. SEA is recommending Mitigation Measures #F-62 and #F-63 to address concerns of any agricultural landowners whose property may be adversely impacted by the rail alignment that is developed, should the Board authorize construction of the proposed project.

Comment No. Alt-93, #EI-2646, #EI-2647, #EI-2648, #EI-2661, #EI-2796, #EI-2813, and #EI-2707: Commenters prefer a rail alternative to the No-Action Alternative for the following reasons: trucking would have more of an environmental impact, and the quarry needs the railroad to transport limestone and other future products safely. Commenters are opposed to any big trucks.

Response: SEA agrees with this assessment. As stated in Section 6.3 of the SDEIS, SEA's analysis indicates that the No-Action Alternative has the potential to cause much greater environmental impacts than any of the studied rail route alternatives. Due to the large amount of truck traffic that would be needed to transport the limestone from the quarry to the UP rail line, the No-Action Alternative would cause significant adverse impacts on the transportation infrastructure and traffic safety of the project area, and produce significant emissions of criteria air pollutants. Truck transportation also has the potential to cause more adverse impacts on groundwater and surface water from non-point source pollutants (e.g., oils, greases, and rubber) that would be deposited on area roadways and carried as runoff into the local streamflow network. Moreover, construction of the remote truck-to-rail loading facility that would be necessary under the No-Action Alternative would displace more potential biological habitat than would construction of any of the rail route alternatives, and visual impacts from the construction of this facility and operation of trucks could also be greater than if the proposed rail line were constructed and operated.

In addition, truck operations would cause more adverse noise impacts. The No-Action Alternative would also have a greater impact on the historic districts due to roadway upgrades causing extensive modification of the historic road network, and the visual and auditory effects of the high volumes of truck traffic. Thus, for all of the above reasons, SEA has concluded that the No-Action Alternative is less environmentally preferable than construction and operation of the proposed rail line under any of the rail alternatives.

Comment No. Alt-94, #EI-2649, #EI-2659, #EI-2762, #EI-2764, #EI-2765, #EI-2753, #EI-2755, #EI-2762, #EI-2766, #EI-2776, #EI-2777, #EI-2780, #EI-2778, #EI-2779, #EI-2789, #EI-2784, #EI-2783, #EI-2788, #EI-2799, #EI-2747, #EI-2746, #EI-2744, #EI-2802, #EI-2751, #EI-2800, #EI-2749, #EI-2748, #EI-2750, #EI-2721, #EI-2722, #EI-2718, #EI-2717, #EI-2715, #EI-2798, #EI-2682, #EI-2683, #EI-2684, #EI-2680, #EI-2677, #EI-2681, #EI-2678, #EI-2675, #EI-2676, #EI-2672, #EI-2709, #EI-2674, #EI-2737, #EI-2809, #EI-2810, #EI-2742, #EI-2740, #EI-2735, #EI-2730, #EI-2736, #EI-2728, #EI-2734, #EI-2720, #EI-2743, #EI-2743, #EI-2815, #EI-2814, #EI-2707, #EI-2666, #EI-2679, GC-02, GC-03, #EI-2713, #EI-2797 (#EI-2766 - 46 individual letters & #EI-2802 - 12 individual letters), #EI-2716, and #EI-2713: Commenters are in favor of the No-Action Alternative for the following reasons:

- There would be fewer eminent domain issues;
- Less land division would take place;
- The sustained operation is very small (i.e., the quarry would seek other solutions/locations);
- Logistics would be very expensive for equipment and fuels;
- Roads already exist; local and state government controls could be used more quickly and more readily;
- It would spread overall impact to a wider area;
- Safety would be more transparent and advertised;
- There would be more direct historic input and local actions for Quihi from the state and county. There are Native American connections to the land in Quihi and Native American burials exist in the area;
- Overpasses would be demanded for added traffic;
- Rail alternatives would alter travel routes and time;
- This is a populated area and traffic hazards would ensue; and
- The rail alternatives would cause environmental hazards--the land would be stripped and unable to support wildlife, and air quality would get worse;

Two of the commenters favor the economic development and growth in Medina County, but still oppose the proposed railroad.

Response: Comment noted. As stated in Chapter 1 of the SDEIS, SEA concluded that the No-Action Alternative is less environmentally preferable than construction and operation of the proposed rail line under any of the rail alternatives.

Comment No. Alt-95, #EI-2720: For the purpose of the environmental evaluation, SGR and Vulcan must be trusted to proceed with the quarry and truck the material to a railroad at Dunlay, but they must also be trusted when they have said at previous meetings that they would not develop the quarry without rail transportation.

Response: SGR has stated that the proposed rail line construction and operation would be needed to more efficiently transport limestone aggregate from Vulcan Construction Materials,

LP (VCM's) quarry to the UP rail line. However, SGR has also stated that if the proposed rail line were not built, VCM would use trucks to transport limestone from the quarry to the UP rail line. This would require the construction of a remote truck-to-rail loading facility near the UP rail line, and the number of truck trips that would be required to transport the limestone would far exceed the number of train trips. Therefore, the quarry would be developed whether or not rail transportation is provided. Refer to Chapter 1 of this FEIS for an extensive discussion regarding the feasibility of the trucking alternative (i.e., the No-Action Alternative)

Comment No. Alt-96, #EI-2708: The No-Action Alternative is more questionable because of the applicant's desire to pay less money (which is not an interest that may be factored into NEPA at this stage) and avoid an Eastern Alternative. The applicant claims that the cost of the Eastern Alternatives would exceed the cost of the No-Action Alternative because of the trucking component. This is impossible given its own earlier representations that the Eastern Alternatives were feasible, and SGR still has not opened the quarry nor started trucking.

Response: As stated in the Final Scope of Study for the EIS, SEA does not believe that a detailed cost-benefit analysis of rail versus truck transport would be appropriate pursuant to the CEQ regulations at 40 CFR 1502.22 (see Economic Feasibility under Chapter 2 of this FEIS). Neither VCM nor SGR has developed final engineering plans for any of the alternatives being studied by SEA and thus any cost comparisons would be highly speculative. Moreover, SEA does not believe cost comparisons of the alternatives are essential to inform the Board's decision. The Board's formal licensing procedures require an applicant proposing new rail line construction and operation to submit financial information to the Board (see 49 CFR 1150.6), including information about the costs of the proposal. The Board then conducts an economic analysis of the proposal. However, SGR filed a petition for exemption from the formal licensing procedures of the Board, and the Board approved SGR's petition, subject to completion of the environmental review process (see Southwest Gulf Railroad Company - Construction and Operation Exemption - Medina County, TX, STB Finance Docket No. 34284 (STB served May 19, 2003)). Thus, SGR does not need to submit detailed financial information in this proceeding, and the Board does not need to conduct a detailed economic analysis of SGR's proposal to reach a decision.

Comment No. Alt-97, #EI-2773, #EI-2786, #EI-2796 (#EI-2773 is a petition with 303 signatures): Commenters support the rail line for the following reasons: it would be safer and cleaner than the numerous truck trips that would be necessary, and it would provide beneficial economic effects (i.e., economic growth and jobs).

Response: As stated in Chapter 6 of the SDEIS, SEA also concluded that the No-Action Alternative is less environmentally preferable than construction and operation of the proposed rail line under any of the rail alternatives.

Comment No. Alt-98, #EI-2712: Whether a particular alignment will be built is not a decision driven exclusively by the EIS or the Board process, but rather a decision that will also be informed by economic considerations. Vulcan has not, at this time, made a final determination with respect to the economic feasibility of any of the Eastern Alternatives. If forced to choose only among the Eastern Alternatives, Vulcan might decide, based upon a reasoned cost/benefit analysis, to undertake a trucking operation of the type that has been described in detail to SEA.

Response: SEA is designating both the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally preferable alternatives out of the range of alternatives studied in the environmental review process for this proceeding. Following the end of the comment period for the new proposed

mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR's legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. SGR has subsequently advised SEA that it does not oppose the Modified Eastern Bypass Route described in this FEIS, which SEA also recommends as environmentally preferable. However, SGR has stated that it might decide, based on a cost/benefit analysis, to select the MCEAA Medina Dam Alternative or the No-Action Alternative.

6.2.4 Transportation and Traffic Safety (TTS)

General

Comment No. TTS-40, #EI-2745: Constructing the railroad would reduce the risk of being involved in an accident with a truck.

Response: Comment noted. As presented in Section 4.1.2 "Risk of Accidents" of the DEIS and in Chapter 3 of the SDEIS, the risks of injuries to human health and fatalities per year associated with the proposed rail transport are approximately 0.05 and 0.03, respectively, while the risks associated with truck transport are about 2.6 and 0.1 injuries and fatalities per year, respectively.

Comment No. TTS-41, #EI-2716, and #EI-2713: Scheduling plans of train and railroad cars are not included. Train waiting times for pick-up, and locations of idle trains should be used in determining impacts. On average, each train would block an intersection (e.g., with CR 353) at-grade crossing for approximately 4 minutes, causing some traffic delay. Trains entering and leaving the quarry would have an average speed of 6 mph or less, resulting in 16-minute delays. This same type of delay could be caused at the UP railroad junction. This problem has been posed in the past with no reply. None of these delays has been increased for the addition of other carriers, which could result in greater than 16-minute delays at several road crossings.

Response: SGR would be expected to work with UP to develop scheduling plans for the rail cars when a final agreement between them has been reached. SEA is recommending mitigation that would require SGR to consult with UP regarding the rail interchange area and connection with the UP line to ensure that SGR's design of the connections takes safety into consideration. During construction, maintenance, and rail operations, SGR would coordinate with UP regarding all activities in the vicinity of the UP line, and would comply with all applicable safety laws (see Mitigation Measure #F-14 in Chapter 1 of this FEIS).

Regarding delay times associated with trains entering and leaving the quarry, please see the response to Comment TTS-29 in Chapter 5 of this FEIS. As stated in that response, SEA made additional calculations regarding potential vehicular delays at at-grade crossings. SEA calculated that the delay times at intersections would be from 2.2 minutes when the train is at its maximum speed of 40 mph, to 8.9 minutes when the train is approaching or leaving the quarry at 10 mph (i.e., crossing CR 353). These delay times account for the approximate distance required for the train to reach 10 mph once it is past the intersection and assuming that no cars would cross the track once the train is within 1,000 feet of the intersection, or until the train is 1,000 feet past the intersection. Most of the intersections would likely be blocked for approximately 4 minutes (as stated in Section 4.1.1 of the DEIS.) In addition, SGR is recommending Mitigation Measure #F-15 (see Chapter 1 of this FEIS), that would require SGR to notify local authorities immediately in the event that a train blocks a roadway and would require SGR to close the crossing as quickly as possible, and alert drivers of vehicles of the situation and detour routes.

Comment No. TTS-42, #EI-2780, #EI-2721, #EI-2722, #EI-2680, #EI-2741, #EI-2707, #EI-2731, and #EI-2873: Commenters are concerned about road damage, traffic disruption, increased traffic, the number of trucks associated with mining (because more loads equal more pay), railroad crossings, and blocked roads. 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.

Vulcan has consistently expressed its willingness to work with county officials to upgrade county roads, and has engaged in discussions toward that end. Roads will need to be widened and repaved regardless of the exact number of trucks. 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-Action Alternative, its policy would result in the operation of many more trucks over local roads than MCEAA assumes in its January 21 letter.

Response: Increased damage to local roadways would be inevitable with an increase in truck traffic. This would be especially true for the No-Action Alternative because it would involve approximately 850 round trips each day on area roadways. Please see Section 2.3 of this FEIS for a detailed discussion of the possible roadway upgrades that would be necessary to support truck traffic to transport the limestone from the quarry to the UP rail line. Section 4.1 of the DEIS provides a detailed discussion of the increased traffic and number of trucks associated with the No-Action Alternative and with local market transport.

Regarding railroad crossings and blocked roadways, in Section 4.1.1 of the DEIS, SEA discussed the potential impact of the rail line's at-grade crossings on area roadways. Due to the relatively low level of proposed train traffic; the relatively short length of the proposed rail line (over any of the alternative routes); the relatively low level of vehicular traffic on area roadways; and the relatively slow speed of train operations, SEA does not believe that at-grade crossings of area roadways would pose significant safety risks. SEA has recommended several mitigation measures (see Mitigation Measures #F-1 through #F-15 in Chapter 1 of this FEIS) to address the concerns raised by commenters regarding safety of at-grade crossings. In addition, SEA has recommended a new mitigation measure (#F-15) that would require SGR to do the following: notify local authorities immediately in the event that a train malfunction causes a roadway to become blocked; clear the blocked roadway crossing as soon as possible, and work with local authorities to set up warning signs and detour routes for area vehicles so that drivers would be aware of the situation and not be cut off while a crossing is blocked.

Comment No. TTS-43, #EI-2799, #EI-2742, and #EI-2729: The county roads are not designed to handle increased traffic and large trucks driving at high speeds with gravel for the following two reasons: lanes are not wide enough to allow two cars going opposite directions to pass one another, and roads are unpaved and in deplorable condition. In addition, farmers and ranchers driving tractors with large implements, and hauling cattle trailers loaded with cattle, use these narrow roads. Other users include school buses twice a day, EMS, emergency response vehicles, law enforcement vehicles, garbage pick-up, and stop-and-start mail delivery drivers.

Response: Please see Section 2.3 of this FEIS for a detailed discussion of the possible roadway upgrades that would be necessary to support the truck traffic that would haul limestone from the quarry to the UP rail line under the No-Action Alternative. Section 4.1 of the DEIS provides a detailed discussion of the truck traffic associated with the No-Action Alternative and local market transport.

Comment No. TTS-44, #EI-2796: Volume 2 of the SDEIS states, "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 this country, including the improvements in the historic buildings in the settlements of Quihi and New Fountain. The railroad encourages progress in Medina County in order to provide the needs of our society."

Response: Comment noted.

Comment No. TTS-45, #EI-2799: Commenter requests a detailed traffic analysis for his property.

Response: It is beyond the scope of a NEPA review for SEA to provide a detailed traffic analysis on each property that could be directly or indirectly impacted by one or more of the rail alternatives and the No-Action Alternative. However, SEA provided a detailed transportation and traffic safety analysis of the entire study area in Section 4.1 of the DEIS, and Section 6.2.1 of the SDEIS. These sections provide information on at-grade crossings, and vehicular delays, as well as grade crossing safety, risk of accidents, and utility crossing information.

Due to the low level of projected rail operations over the line (i.e., four trains per day, or two round trips from the quarry to the UP rail line), SEA believes that the risk of derailments and accidents from proposed operations would be low. SEA quantitatively assessed the risk of accidents from proposed train operations in Section 4.1.2 of the DEIS. Please see the response to Comment PHS-04 in chapter 5 of this FEIS. Further, SEA is recommending several mitigation measures that address school bus and emergency vehicle traffic. (See Mitigation Measures #F-7, #F-9, and #F-10 in Chapter 1 of this FEIS.)

Comment No. TTS-46, #EI-2729 and #EI-2798: Vulcan lies when it says that only 150 trucks would use the county roads in addition to the rail line. There would be a minimum of 400 loads hauled because other Vulcan-owned quarries in the area have over 300 loads hauled daily. Disclose the exact amount of local truck traffic that could be on our roads if a railroad is permitted.

Response: Comment noted. SEA conducted the evaluation based upon the information that SGR submitted in writing. As stated in Section 4.17.1 of the DEIS, VCM will use trucks to transport limestone from the proposed quarry to local markets, whether or not the proposed rail line is built. SGR has estimated that an average of 24 round trips per day (48 single trips) would be required to meet local market demands. These trucks would travel distances ranging from a few miles to 40 miles.

Comment No. TTS-47, #EI-2716, and #EI-2713: The average and minimum speeds of trains entering and exiting the quarry, and the UP line were not included. Accordingly, the vehicle studies are incomplete (SDEIS, Appendix B, p. 82-83).

Response: Regarding the average and minimum speeds of trains entering and leaving the quarry, see the response to Comment ROM-04 in Chapter 5 of this FEIS.

Regarding vehicle studies, please see the response to Comment TTS-08 in Chapter 5 of this FEIS. As stated above, the most recent available data was used in the traffic count. Further conversations with the Medina County Commissioner's assistant in April 2007 indicated that new

counters were never installed so no additional data is available at this time. SEA considers the vehicle studies complete and current.

Comment No. TTS-47, #EI-2766, #EI-2802, #EI-2745, #EI-2738 (#EI-2766 - 46 individual letters & #EI-2802 - 12 individual letters): Commenters are concerned about traffic safety issues, especially issues affecting elderly people and children, such as the increase in a large number of trucks, responsibility level and driving history of drivers hired by Vulcan, and a statistical increase in accidents when traffic increases on a road.

Response: Please see responses to TTS-09, TTS-15, TTS-16, TTS-18 and TTS-21.

SGR has stated that, regardless of whether the rail line is built, VCM would use from 20 to 30 loaded trucks per day to deliver limestone to local markets (see DEIS, Volume III, page G-76 and G-161). In Section 4.17.2 of the DEIS, SEA assessed the cumulative risks to transportation and traffic safety that would be caused by the local market trucks (using an average of 24 loaded trucks per day), and determined that the combined risk of accidents to human health and safety from the local truck traffic and SGR's proposed rail operations would not be significant.

Regarding the responsibility level and driving history of drivers hired by Vulcan, neither SGR nor SEA has such information. SEA believes that having such information would not change the overall conclusions of this environmental review.

Regarding a statistical increase in accidents when traffic on a road increases, as stated in Section 4.1.4 of the DEIS, the truck trips under the No-Action Alternative would represent approximately a 300% increase in current daily traffic volume for FM 2676 and a greater increase for County Road 351 or 353. None of these roads is designed to sustain this continuous type of load. Because of the traffic impact and the impact on road maintenance, the No-Action Alternative would have significant adverse impacts on traffic safety and the transportation infrastructure in the area.

Comment No. TTS-49, #EI-2747: The Eastern Bypass Route would destroy my driveway.

Response: SEA quantified, to the best of its ability, the number of driveways and private roadways that each alternative would cross. According to Table 6.2.1-1 of the SDEIS, the Eastern Bypass Route would cross 11 private roadways or driveways, in addition to six county roads and one farm-to-market road. To minimize impacts on private roadways and crossings, SEA is recommending Mitigation Measure #F-13, which would require SGR to perform an engineering evaluation at each private roadway and driveway crossing; to consult and negotiate with the respective landowner(s) to implement appropriate changes to roadway geometry; and install and maintain appropriate warning signs and/or signals.

Comment No. TTS-50, #EI-2684, and #EI-2673: The railroad will affect traffic. Please do not build a train track over the roads.

Response: Comment noted. Regarding potential traffic delays, please see the response to Comment PHS-02, paragraph 1 in Chapter 5 of this FEIS.

Comment No. TTS-51, #EI-2686, #EI-2811, #EI-2674, #EI-2809, and #EI-2810: The MCEAA Medina Dam Alternative would cross two roadways within approximately one half (0.5)

mile of each other (FM 2676 and CR 265). CR 265 is an "open range" road, which means that commenter's cattle roam free across and on the road. Although CR 265 is a gravel road, it has a very high traffic rate due to the growing Medina Oaks Subdivision. Commenter asks how many roads the rail routes would cross.

Response: See Table 6.2.2-1 of the SDEIS for a summary of roads that would be crossed by each alternative.

Comment No. TTS-52, #EI-2817: The SDEIS described a traffic count performed on FM 2676 that was conducted in 2003. The traffic count needs to be updated because traffic has increased tremendously in the past three years. The count needs to be done at peak traffic hours as follows: 6:30-8:30, 13:00-14:00, and 16:00-18:00.

Response: Further conversations with the Medina County Commissioner's assistant in April 2007 indicated that new counters were never installed, so no additional data is available at this time (please see the response to Comment TTS-01 in Chapter 5 of this FEIS). The most recent available data was used in the traffic count.

Comment No. TTS-53, #EI-2714, #EI-2713, #EI-2716, and #EI-2713: The increase in vehicular traffic of the estimated 125 employees driving to and from the quarry was not noted. Additional traffic should be planned for in relation to the growing subdivisions west of the quarry, as well as subdivisions using CR 265 as access to FM 2676. In the FEIS, provide an accurate update on the above-requested information for needed road and bridge upgrades, and projected fatalities and injuries.

Response: SGR stated (in footnote 16 on page 4-105 of the DEIS) that, regardless of whether the rail line is built, VCM would use from 20 to 30 loaded trucks per day to deliver limestone to local markets. Please see DEIS, Volume III, page G-76 and G-161. SEA used an average of 24 trucks per day for purposes of the analysis conducted in the DEIS. SEA requested that SGR verify in writing that the number of approximately 100 quarry employee cars that SEA used in the DEIS was correct, and SGR did so. Please see Appendix D of this FEIS, #EI-1664.

These employees would be driving to and from the quarry regardless of the rail alternative chosen. SEA considered the impacts from this additional vehicular traffic in its cumulative impact analysis for transportation and traffic safety presented in Section 4.17.2 of the DEIS, and Section 3.3.1 of this FEIS. The specific risk associated with the quarry employee cars was tabulated in Table 4.17-2 of the DEIS.

Regarding an accurate update of road upgrades, SEA conducted research on the type of roadway improvements that would be needed to support VCM's truck traffic if the rail line were not built. According to engineering experience gained from other projects, in order to support the proposed volume of truck traffic, the roadways typically would need to be composed of a pavement structure consisting of 6 inches of lime-treated subgrade, 12 inches of cement-stabilized base material, and 3 inches of hot-mixed asphalt pavement covering. Pavement design and a geotechnical investigation would need to be completed to determine the actual pavement structure that would be required. For safety and maintenance reasons, the proposed truck traffic would also require 12-foot-wide travel lanes, and two-foot-wide paved shoulders, though these shoulders could actually be wider, as described by SGR above. (See American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001 and Texas Department of Transportation (TxDOT), Roadway Design Manual, February 2004.) Generally, all counties in Texas that upgrade their roadways do so in

accordance with AASHTO and/or TxDOT design criteria (See Section 2.2 of this FEIS). The upgrades to local roadways would be coordinated with Medina County, and would account for needed road maintenance and development from the growing subdivisions.

Regarding projected project fatalities, please see Section 4.17.2 of the SDEIS.

Comment No. TTS-54, #EI-2716, and #EI-2713: Estimates of local truck shipments from the quarry have varied greatly, and often do not reflect the 10 percent of total quarry production or 85 trucks per day as per #EI-28 (Feb 27, 2003).

Response: SEA recognizes that discrepancy. The 10 percent was an original ball park estimate provided by SEA early in the process. SGR subsequently submitted in writing to SEA that, regardless of whether the rail line is built, VCM would use from 20 to 30 loaded trucks per day to deliver limestone to local markets (DEIS, Volume III, page G-76 and G-161). Therefore, the 10 percent is no longer valid. SEA used an average of 24 trucks per day, or roughly 3 percent, for purposes of the analysis conducted in the DEIS, SDEIS, and FEIS.

Comment No. TTS-55, #EI-2716, and #EI-2713: It appears from materials presented that low water crossing rail lines could be used.

Response: Comment noted.

Comment No. TTS-56, #EI-2716, and #EI-2713: Upgrade all roads as per map (Figure 4.17-2). These routes were reviewed in the SDEIS on page 4-107.

Response: Please see Section 2.3 of this FEIS for a detailed discussion of the possible roadway upgrades that would be necessary to support truck traffic that would transport limestone from the quarry to the UP rail line.

Comment No. TTS-57, #EI-2873: MCEAA expresses concern that changing the slope ratio from 4:1 to 2:1 for graded embankments would 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.

Response: Mitigation Measure #32 in the DEIS required a specific slope ratio for graded embankments. However, further consultations with TPWD revealed that these slopes may not always be appropriate or even feasible in all cases. Based on further consultations with TPWD, Mitigation Measure #F-48 in the FEIS replaces the old Mitigation Measure #32 in the DEIS. This new mitigation would require SGR to base slopes for graded embankments upon standard engineering practices, environmental considerations, and consultation with TPWD.

Comment TTS-58, #EI-2960: SGR's letter dated April 18, 2007 (#EI-2907), implied that SGR had the county's approval to move CR 365 stating that "SGR submits this relocation would only be done with the approval of the county, which has been preliminarily consulted, and which has voiced no objection." A county official denies giving approval to relocate CR 365 and only stated to SGR's representative that any road alteration must be done with the approval of the Commissioner's Court.

Response: Thank you for the clarification. Comment noted.

Comment TTS-59, #EI-2932: It would be less expensive to build and maintain a rail on flat, solid ground than to build one on berms and bridges over floodplains.

Response: Comment noted.

At-grade Crossings

Comment No. TTS-60, #EI-2873: SGR proposes that Mitigation Measure #6 in the SDEIS, which as worded would require that “appropriate” at-grade crossing warning devices be revised to clarify the 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 how the nature of the crossing is determined. Further, as this measure provides, SGR would consult with TxDOT and Medina County on protective measures. SGR is fully committed to safe grade crossings. Grade crossing safety is in SGR’s best interest as much as that of county residents.

Response: SEA is recommending that Mitigation Measures #6 and #8 in the DEIS be modified in response to comments in the FEIS. The modified mitigation (See Mitigation Measure #F-8 in Chapter 1 of this FEIS) now reads: Prior to beginning construction activities, SGR shall consult with Texas Department of Transportation and Medina County to develop a plan that specifies the responsibility of each party concerning the maintenance and repair of grade-crossing warning devices and the grade crossings along the new rail line, consistent with recognized highway safety standards taking into account the level of highway traffic at the crossing.

Comment No. TTS-61, #EI-2754, #EI-2756, #EI-2753, #EI-2759, #EI-2755, #EI-2742, #EI-2771, #EI-2777, #EI-2936, #EI-2742, and #EI-2736: At-grade crossings would be definite hazards to traffic. The railroad would cross too many county roads at dangerous places. The tracks would cross four area roads. At-grade rail crossings would pose a danger for school buses and the elderly. If any railroad crosses any roads, commenters want full bridges and overpasses to protect the public; permits should be dependent upon this. Commenters demand that all crossing be elevated.

Response: SEA does not believe that the at-grade crossings of area roadways by SGR’s proposed rail line would cause significant impacts on transportation and traffic safety within the area. However, SEA is recommending mitigation that would require SGR to consult with TxDOT regarding the crossing of FM 2676 and to adhere to TxDOT’s reasonable recommendations regarding the design of this crossing. SGR also would be required to consult with Medina County regarding the crossing of the county roads (including CR4516) and adhere to Medina County’s reasonable recommendations regarding the design of this crossing.

Comment No. TTS-62, #EI-2779: Disclose whether at-grade crossings would have arms or just lights.

Response: The specific at-grade crossing warning devices are not yet fully designed, but they would comply with recognized highway safety standards that would take into consideration the level of traffic at the crossing (See Mitigation #F-8 in Chapter 1 of this FEIS.)

Comment No. TTS-63, #EI-2726, #EI-2727, #EI-2814, #EI-2895, and #EI-2936: With the increased population growth in the area, Vulcan should fund overpasses over any road that their rail line would cross, and have this completed as construction occurs, not after. This

requirement should be part of the conditions of the permit. FM 2676 is a major route for residents in the area because it connects to FM 171 to the west, and FM 471 to the east. Wherever the railroad transects FM 2676, Vulcan should be responsible for the construction of an overpass so as to not impede the flow of traffic.

Response: Regarding grade-separated crossings, please see the response to Comments TTS-18, TTS-26, TTS-30, and TTS-32 in Chapter 5 of this FEIS. Regarding potential traffic delays, please see the response to Comment PHS-02 in Chapter 5 of this FEIS, paragraph 1. As discussed in Section 4.1 of the DEIS, SEA does not believe that at-grade crossings of area roadways would cause significant impacts on transportation and traffic safety in the area, and does not believe that SGR should be required to fund overpasses over every single crossing. However, SEA is recommending mitigation that would require SGR to consult with TxDOT regarding the crossing of FM 2676, and to adhere to TxDOT's reasonable recommendations regarding the design of this crossing. SGR would also be required to consult with Medina County regarding the crossing of the county roads (including CR 4516), and adhere to Medina County's reasonable recommendations regarding the design of this crossing. (See Mitigation Measure #F-3 and #F-4 in Chapter 1 of this FEIS.)

Comment No. TTS-64, #EI-2716, and #EI-2713: Grade-crossing safety and numbers are glossed over and incomplete. Grade-crossing statistics from Texas records were not used, and numbers were not adjusted to reflect UP records in this area.

Response: The grade-crossing safety analysis is complete and accurate to the extent practicable. SEA used information from *Longitudinal Review of State-Level Accident Statistics for Carriers of Interstate Freight* (1994) to calculate risk to human health and safety from operation of the proposed rail line. This review contained data from an analysis of state-level accident rates by mode of transportation performed by the Department of Energy's (DOE) Environmental Mitigation program. In addition, SEA also used data from the U.S. Department of Transportation (USDOT) (2000) to calculate the risk of accidents and fatalities associated with at-grade crossings. SEA based its final conclusions on both types of calculations. Although these data sources reflect national statistics, some of the data is also broken down by state.

SEA believes that the statistical risk accident data used for the traffic and transportation safety analysis presented in Sections 4.1 of the DEIS and Section 3.1 of the SDEIS, are appropriate for this environmental review, and provide sufficient information for SEA to make a well-informed, final recommendation to the Board. SEA is also recommending mitigation measures to further reduce the risk of accidents (See Mitigation Measures #F-1 to #F-15 in Chapter 1 of this FEIS.)

Comment No. TTS-65, #EI-2808: Commenter will show people crosses that are located at at-grade road crossings.

Response: Comment noted.

Comment No. TTS-66, #EI-2708: MCEAA's January 2005 DEIS comments (see #EI-1387) demonstrate the additive impacts of this project on the overburdened rail system in San Antonio. It is 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 the USDOT criteria for grade crossing delay (Zarzamora, Brazos, and Flores Streets). Since the DEIS, there have been developments, negative and positive, that should be noted in the agency's response to comments in the FEIS, and discussed in the cumulative impacts section. Derailments and

collisions continue to occur at a rate that defies comprehension. Since May of 2004, there have been over 15 serious incidents resulting in death, serious injury, and property destruction along UP's San Antonio rail line.

Response: As stated in Section 4.18 of the DEIS and the response to Comment PM-34 in Chapter 5 of this FEIS, if the proposed rail line were not built, according to SGR, VCM would use trucks to transport the limestone aggregate from the quarry to the UP rail line approximately seven miles away. Therefore, any impacts that are related to the proposed action and are farther removed in distance from the proposed project area (such as an increase in traffic moving east on the UP rail line) would occur regardless of the proposed action and, thus, would not be caused by the proposed action itself.

Based upon all information in the record, the increased traffic moving east over the UP rail line would not be caused by SGR's proposed rail line construction and operation, and would not overlap with the potential environmental effects that could be caused by rail line construction and operation. Thus, such traffic is not a direct, indirect, or cumulative effect of SGR's proposal, and is not appropriately part of SEA's environmental review of the proceeding before the Board. However, SEA notes that the Federal Railroad Administration (FRA) does have specific regulations that implement and enforce safety requirements for active rail lines, and SGR would be expected to adhere to these regulations if a rail line alternative is selected.

Regarding derailment and other accident and safety risks, please see the response to Comment PHS-04, paragraph 1 in Chapter 5 of this FEIS.

6.2.3 Public Health & Safety (PHS)

Comment No. PHS-08, #EI-2672, #EI-2674, #EI-2809, and #EI-2810: Protect public safety, and keep the land safe and clean for future generations. Commenters want their children and other children who come to their home to have a safe place to grow and learn.

Response: Comment noted.

Comment PHS-09, #EI-2907: SGR disputes MCEAA's claim that the MCEAA Medina Dam Alternative is safer than the Proposed Route, and quotes the SDEIS conclusion that the "construction and operation of any of the rail line alternatives would not cause significant transportation and traffic safety impacts."

Response: Comment noted.

Comment No. PHS-10, #EI-2639, #EI-2640, and #EI-2641: The Eastern Alternatives would cross CR 4516 and CR 4643 within very close proximity to each other. The probability that both roads could be blocked at any given time is almost a certainty. If there were to be an emergency situation (e.g., requiring medical services or the fire department) the commenter's home could not be reached in a reasonable amount of time due to the delay by the railroad.

Response SEA acknowledges this concern and believes that this could especially be the case for the MCEAA Medina Dam Alternative, which would cross adjacent to the intersection of these two roads. The other two Eastern Alternatives would be less likely to block both roadways simultaneously. However, as stated in the response to Comment PHS-02 in Chapter 5 of this FEIS, SEA recommended (in the DEIS) mitigation that would require SGR to take into account maintenance of emergency response capabilities during construction and maintenance activities, and mitigation that would require SGR to develop emergency response plans for use during rail

line construction and operation to ensure that appropriate agencies and individuals would be notified in case of an emergency. SEA is continuing to recommend those mitigation measures, and is also recommending a new mitigation measure that would require SGR to consult with local fire, police, and EMS officials before beginning construction activities in order to develop a plan to minimize impacts on area emergency response capabilities during construction and operation of the rail line. Please see Mitigation Measures #F-6 and #F-7 in Chapter 1 of this FEIS.

Comment No. PHS-11, #EI-2641, #EI-2777, #EI-2778, #EI-2788, #EI-2681, #EI-2742, #EI-2734, #EI-2726, #EI-2727, #EI-2808, #EI-2771, #EI-2775, #EI-2725, and #EI-2740: The new railway would contribute to traffic accidents. School bus stops near rail crossings along CR 4516 could put children at risk. Commenters are also concerned about deaths by trains, railroads, and large trucks. Wrecks involving gravel trucks have occurred before, and have resulted in fatalities. Overpasses should be required for the safety of everyone, especially children who ride the school bus, and the overpasses should be required as a part of the conditions for permitting.

Response: SEA has recommended several mitigations measures to address these issues. The first mitigation measure would require SGR to take into consideration school bus schedules in planning and executing the necessary workload for construction and maintenance activities. The second mitigation measure would require SGR to consult with school officials in Medina County prior to construction to take bus schedules into consideration in its plans. This would allow SGR to minimize rail operations when school buses are on area roadways. The last mitigation would require SGR to install and maintain appropriate grade-crossing warning devices at all grade crossings. Please see Mitigation Measures #F-8, #F-9, and #F-10 Chapter 1 of this FEIS) Regarding public health and safety threatened by at-grade train crossings, please see the responses to Comments TTS-02, TTS-04, TTS-05, TTS-16, TTS-18, TTS-22 and TTS-28 in Chapter 5 of this FEIS.

Comment No. PHS-12, #EI-2757, #EI-2783, #EI-2788, #EI-2799, #EI-2749, #EI-2748, #EI-2750, #EI-2745, #EI-2752, #EI-2682, #EI-2673, #EI-2742, #EI-2739, #EI-2730, #EI-2726, #EI-2727, #EI-2817, #EI-2808, and #EI-2808: Commenters are concerned about personal and public health and safety being threatened by the following: train crossings and increased flooding (e.g., will EMS or fire protection be able to get to us?); low air quality; gravel; dust; and traffic when children are riding bikes on the roads. The roads would be filled with commuters, school buses, service providers, gravel trucks, and emergency vehicles. Company profits are not worth putting a single person's life or property in jeopardy by impeding an emergency vehicle (i.e., EMS, police, and fire) at rail crossings. Health and safety would be threatened. A plan needs to be created for situations when an emergency vehicle would need access to a road that is blocked by a train (e.g., design and build overhead crossings rather than at-grade crossings). Commenter is also worried about train derailments.

Response: SEA has recommended numerous mitigation measures to ensure the safety of the public. See Chapter 1 of this FEIS for a complete list of mitigation measures. Regarding public health and safety threatened by at-grade train crossings, please see the responses to Comments TTS-02, TTS-04, TTS-05, TTS-16, TTS-18, TTS-22, and TTS-28 in Chapter 5 of this FEIS. Regarding public health and safety threatened by increased flooding, see the responses to Comments WR-01 and WR-02 in Chapter 5 of this FEIS. In addition, SGR has stated that it would, as a voluntary mitigation measure, develop emergency evacuation plans before constructing the railroad and following completion of final engineering, if a rail alternative is chosen. SGR would also include in its operational plans language that requires the routine monitoring of weather reports and conditions so that it could temporarily cease operations along

the line if warranted by weather conditions. The plan would also state that rail operations would not resume until any flooding has ceased and an inspection has been made of the rail line to ensure that it would be safe to resume operations. SGR would also not park trains so as to block emergency evacuation routes. (See Appendix D of this FEIS, #EI-1664.) SEA has recommended this as Voluntary Mitigation condition #FVM-8, in Chapter 1 of this FEIS. SEA is also recommending an additional mitigation measure to address this comment. Please see Mitigation Measure #F-46 in Chapter 1 of this FEIS, which states: SGR shall consult with appropriate Medina County officials prior to beginning construction to identify the location of emergency evacuation routes in the project area. When flood conditions prevail in the area, SGR shall ensure that train operations do not obstruct identified emergency evacuation routes, even if this may require SGR to cease rail operations during periods of flooding.

Regarding EMS and fire protection being able to respond to emergency situations, and emergency response planning, please see the response to Comment PHS-02 in Chapter 5 of this FEIS. Regarding public health and safety threatened by low air quality, please see the responses to Comments AQ-01 through AQ-04 in Chapter 5 of this FEIS. Regarding public health and safety concerns from dust, please see the response to Comment AQ-01 through AQ-04 in Chapter 5 of this FEIS. Regarding concern for derailment, please see the response to Comment PHS-04 in Chapter 5 of this FEIS.

Comment No. PHS-13, #EI-2763, #EI-2764, #EI-2723, #EI-2724, #EI-2726, and #EI-2727: Unless an overpass were constructed over FM 2676, a railroad would cause traffic problems/delays, accidents, and deaths at the crossing, and delay of emergency vehicles and school buses. One commenter has been run off the road to barely miss being hit by a truck on CR 265.

Response: SEA did a comprehensive evaluation of the risk of accidents and deaths related to rail versus truck transport. This analysis is presented in Section 4.1 of the DEIS and Section 3.1 of the SDEIS. Based upon these analyses, SEA concluded that none of the at-grade crossings of any of the rail alternatives would cause significant transportation and traffic safety impacts within the area. Regarding the concern for traffic problems/delays, and delay of emergency vehicles, please see the response to Comment TTS-09 in Chapter 5 of this FEIS. Regarding delays of school buses, and accidents and deaths at crossings, please see the response to Comment PHS-10, above. Furthermore, SEA is recommending mitigation that would require SGR to consult with the TxDOT prior to beginning rail line construction on the rail line crossing at FM 2676, and adhere to TxDOT's reasonable recommendations regarding the design of that crossing. (See Mitigation Measure #F-3 in Chapter 1 of this FEIS.)

Comment No. PHS-14, #EI-2792, #EI-2788, #EI-2792, #EI-2680, and #EI-2808: Commenters are concerned about train derailment. For example, there was a 22-car train derailment involving hydrochloric acid, which occurred in Dunlay. Please gather and share available information on the train derailment issue.

Response: Please see the responses to Comments TTS-26, TTS-33, PHS-04, WR-23, and CI-01 in Chapter 5 of this FEIS.

Comment No. PHS-15, #EI-2788: #EI-2674, #EI-2809, and #EI-2810: Disclose the identity of the rail builder, and associated safety records.

Response: The information requested is not available at this time.

Comment No. PHS-16, #EI-2677: If the Proposed Route were chosen, we would have to cross the tracks twice to get to San Antonio or Castroville. But if another route were chosen, it would create a dangerous hindrance to traveling to Hondo, and driving to make food purchases, get fuel, seek medical assistance, and to take children to school.

Response: Comment noted.

Comment No. PHS-17, #EI-2671: There are many subdivisions and families depending upon FM 2676 and CR 265 for emergency care. A rail crossing within 0.5 mile on both roads is criminal; it would block emergency care in both directions.

Response: Regarding EMS and fire protection being able to respond to emergency situations, and emergency response planning, please see the response to comment PHS-02 in Chapter 5 of this FEIS, and Mitigation Measure #F-7 in Chapter 1 of this FEIS.

Comment No. PHS-18, #EI-2741, and #EI-2742: Should Vulcan decide to truck its product, it would increase traffic and safety issues. Commenter is concerned about gravel trucks because the drivers get paid by the load, which means the faster they drive the more money they make, and independent truckers are responsible for maintenance on these vehicles.

Response: Comment noted. This is one of the reasons why SEA believes that trucks would cause more significant adverse impacts than rail transport.

Comment No. PHS-19, #EI-2740 and #EI-2743: This railroad would not benefit this community, but would instead create a hazardous environment for anyone living in the Quihi area. The safety of this rail line has not been fully addressed, which will only likely occur after there are injuries or deaths at road crossings and vehicle junctions. It is a real concern for the future with the current increases in population growth.

Response: Please see the response to Comment PHS-05 in Chapter 5 of this FEIS.

Comment No. PHS-20, #EI-2734, #EI-2726, and #EI-2727: The dust from limestone (which contains calcite that attacks the mucous membranes and lungs) would not provide for a safe environment. A commenter suffers from chronic respiratory disease.

Response: Comment noted. See the response to Comment AQ-02 in Chapter 5 of this FEIS. SEA has incorporated EPA recommendations into a mitigation condition to implement BMPs in order to minimize the impact of any air pollutants. See Mitigation Measure #F-60 in Chapter 1 of this FEIS. In addition, air emissions from the quarry will be regulated through the air quality permit issued by the TCEQ.

Comment No. PHS-21, #EI-2719, and #EI-2732: By having the fueling and maintenance facility within the floodplain of Elm Creek and adjacent to the EARZ, there is disregard for the health, safety, and welfare of all downstream users.

Response: Comment noted.

Comment No. PHS-22, #EI-2726: Fortune 500 companies produce unhealthy and unsafe conditions.

Response: Comment noted.

Comment No. PHS-23, #EI-2716, and #EI-2713: Accident rates and data were out of date. Safety data did not reflect UP operations. Several SGR references noted a tie-in with UP possibly operating SGR.

Response: SEA utilized the most recent data available at the time the analyses were conducted. It is not reasonable for SEA to keep updating these calculations based upon more recent data when, as here, the overall conclusions would remain the same. Please see the response to Comment PHS-07 and PHS-08 in Chapter 5 of this FEIS.

Comment No. PHS-24, #EI-2708: MCEAA claims that there are dangers in locating a railroad in a pipeline right-of-way.

UP, which is party to over 100,000 pipeline crossing agreements, expressly believes that railroads and pipelines can safely co-exist. See February 21, 2003 comments of Union Pacific Railroad Company at page 1, submitted in Finance Document No. 34079, San Jacinto Rail Limited – Construction and Operation Exemption – Build Out to the Bayport Loop TX.

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 it would not adversely affect the pipeline's integrity at the point where the railroad would cross the pipeline, and to protect the pipeline from adverse vibration impacts. In addition, SGR would be required to engineer its railroad in compliance with recognized rail industry engineering standards that address the safety of pipeline/rail crossings, and 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 similar crossings that exist throughout the U.S. (See Mitigation Measures #F-19 and #F-75 in Chapter 1 of this FEIS).

Response: Comment noted. SEA is recommending Mitigation Measure #F-2 in Chapter 1 of this FEIS.

Comment No. PHS-25, #EI-2923: Commenter expressed concern about public health and safety if the Proposed Route east of CR 353 is chosen and commenter attached an editorial article entitled, "Proposed rail route a nightmare" written by Corey Burke and published in the *Hondo Anvil Herald* on May 3, 2007 (see #EI-2923 for the article).

Response: Comment noted. Please see Section 5.2.6 of Chapter 5 of this FEIS for responses to this topic. In addition, please refer to Section 4.2 of the DEIS and Section 3.2 of the SDEIS for an in-depth analysis of potential public health and safety impacts from the proposed rail line. Based upon these analyses, and the short length of the proposed rail line, SEA believes that, with appropriate mitigation, none of the rail alternatives would cause significant public health and safety impacts. However, the No-Action Alternative could cause the greatest adverse impact due to the large number of trucks that would be needed to transport the aggregate, which would increase the risk for potential highway accidents.

6.2.6 Hazardous Materials/Waste Sites and Existing Energy (HME)

Comment No. HME-06, #EI-2732, and #EI-2681: The fueling and maintenance facility should be safeguarded to protect soils against contamination from (petroleum and benzene) spills and leaks. The fueling and maintenance facility is a real concern and should not be permitted.

Response: The fueling and maintenance facility would comply with TCEQ regulations for such facilities. In addition, SEA recommends in this FEIS that the fuel storage area be constructed above ground with dual wall containment vessels ("ConVaults") to provide secondary containment, and be surrounded by a concrete tertiary containment at 150 percent of vessel capacity. Maintenance areas would include sufficient BMPs to address stormwater management concerns. This facility would also have a prepared and filed Stormwater Pollution Prevention Plan (SWPPP); Stormwater Management Plan (SWMP); and Spill Prevention, Containment, and Countermeasures (SPCC) Plan, to be implemented as appropriate. See Mitigation Measures #F-32 and #F-33 in chapter 1 of this FEIS.

Comment No. HME- 07, #EI-2780: Commenter is concerned about an existing oil line on his property.

Response: See Sections 4.3.2 of the DEIS and 3.3 of the SDEIS for an analysis of impacts to existing pipelines crossed by the various rail alignments.

Comment No. HME- 08, #EI-2747: The Eastern Bypass Route would destroy commenter's electric and telephone lines.

Response: SGR does not have information on existing utility lines potentially crossed by each alternative; this information would be gathered at the time of final engineering. SGR is prepared to accept, as voluntary mitigation, a requirement that it work with local utilities and review crossing protocols that may already be in place for each such utility to ensure that its rail line would not interfere with the operation of any utility line that would be crossed. (See Appendix D of this FEIS, #EI-1664.) SEA is recommending this mitigation as Voluntary Mitigation Measure #F-VM7 in Chapter 1 of this FEIS.

SEA is also recommending a new mitigation measure that would require SGR to consult with local utility companies prior to beginning construction, and develop a plan so that area residents would be provided with advance notice before any necessary disruption of utility services during construction. In the event of any unscheduled disruption of utility services during construction and/or operation of the rail line, SGR would be required to contact the appropriate utility company or companies as soon as it becomes aware of the situation, and work collectively to restore service to area residents as soon as possible. Please see Mitigation Measure #F-19 in Chapter 1 of this FEIS.

Comment No. HME-09, #EI-2728: Fuel contamination would devastate this fertile land and harm wildlife.

Response: As stated in Section 4.3.1 of the DEIS, SGR's proposed rail operations do not involve the transportation of hazardous materials; the proposed rail line would transport limestone from VCM's quarry to the UP rail line. Section 4.5 of the DEIS discusses the small risk of impacts to water resources from potential fuel spills during construction and operation activities, and recommends mitigation measures to reduce this risk. Please see Mitigation Measures #F-24, #F-25, #F-32, #F-35, and #F-43 in Chapter 1 of this FEIS, for specific mitigation that SEA is recommending to prevent and remediate potential impacts from spills of fuel.

Comment No. HME-10, #EI-2780: What will SGR be doing with water lines that run through commenter's properties?

Response: 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, SEA is requiring SGR to negotiate with the appropriate land owner(s) to ensure access to the severed property and/or replacement of the irrigation system, and, if appropriate, to realign the track to avoid taking houses and/or to minimize the impacts. (See Mitigation Measure #F-62 in Chapter 1 of the FEIS.)

Comment No. HME-11, #EI-2708: The Proposed Route parallels the active Texas FS gas pipeline for several hundred feet. The dangers of co-locating have been documented by the railroads themselves (see Finance Docket No. 34079), and it is not desirable to license this route when other alternatives are available.

Response: As stated in Section 3.2.2 of the DEIS, SGR's proposed rail line under any of the potential routes would cross two utility gas pipeline rights-of-way. Figure 3-1 in the SDEIS shows the location of these two pipelines. According to SGR, the pipeline on the south end of the route was previously operated by Koch Pipeline, but was removed in 2004 and is no longer operating. The pipeline on the north end of the route is currently owned by the Regency Gas Services unit of Regency Energy Partners LP. (See Appendix D of this FEIS, e-mail from SGR.) SEA is recommending Mitigation Measure #F-2 (see Chapter 1 of this FEIS).

Comment No. HME-12, #EI-2659, #EI-2768, #EI-2759, #EI-2755, #EI-2709, #EI-2723, #EI-2724, #EI-2728, #EI-2726, #EI-2727, #EI-2719, #EI-2814 and #EI-2873: Please require SGR to move the new fueling and maintenance facility further south, out of the Elm Creek floodplain and away from the EARZ. Vulcan has already purchased approximately 500 acres of land on high ground at the south terminus in the Dunlay area; the trains and trucks could be refueled in this area to protect water resources (e.g., the Edwards Aquifer); spills could be cleaned and contained more easily, and bulk fuel could be delivered more readily in an effort to lower expenses and danger. The Edwards Aquifer Authority advised movement of the fueling and maintenance facility to the south, which has a protective Del Rio clay covering, but Vulcan would place it due east.

Response: To address this concern, SEA is recommending several mitigation measures. One would require SGR to use dual containment above-ground storage tanks (ASTs) within a lined concrete containment basin equivalent to at least 1.5 times the AST volume, thus providing tertiary containment. The locations of these tanks within the fueling and maintenance facility would be off of the EARZ and on areas where fuels from an unlikely catastrophic release would flow away from it. These sites are recommended to be generally south of the Balcones Escarpment on outcrops of Del Rio Clay (as determined by a geologist). The site would have an established SPCC plan in place in addition to any SWPPP appropriate to the location. Another new mitigation measure recommended in this FEIS would require SGR to comply with the Edwards Aquifer rules as presented in Title 30 TAC Chapter 213 for all construction activities for the rail line that would occur within the EARZ. Finally, SEA is recommending that SGR have a qualified hydrogeologist conduct a recharge zone delineation study under the supervision and oversight of the Edwards Aquifer Authority, to determine the exact boundaries of the recharge zone in order to locate the fueling and maintenance area completely off the recharge zone. Please see Mitigation Measures #F-24, #F-29, #F-30, and F-VM1 in Chapter 1 of this FEIS.

Comment No. HME-13, #EI-2873: As stated in the comment above, MCEAA believes that the fueling and maintenance facility should be moved to the southern terminus of the line, claiming that the planned location near the quarry would threaten the Edwards Aquifer. However, Vulcan and SGR have opted to have one central facility near the quarry site for

maintenance and storage of fuel because a centralized facility could serve both the quarry and the railroad. Moving the facility would make it totally impractical to serve the quarry, and would mean having two facilities, which would increase whatever minimal security and safety risks are posed by such a facility. There would also be additional unnecessary economic costs associated with having duplicate facilities.

The location of the fueling and maintenance facility has been approved by the TCEQ. The fueling and maintenance facility would not be located over the Edwards Aquifer Recharge or Transition Zones, or in the floodplains of either Elm or Pole Cat Creeks. In addition, measures would be taken to prevent spills as per the SPCCC 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.” Further, the fuel tanks would be double-walled and reside within a concrete containment structure. Workers at the quarry would receive training in the handling of fuel, and in spill prevention as required by Federal rules.

Response: Comment Noted.

6.2.7 Water Resources (WR)

Flooding

Comment No. WR-58, #EI-2799, #EI-2721, and #EI-2722: The proposed fueling and maintenance facility is located within or adjacent to a floodplain. As a result, wildlife and farmsteads in the area would be endangered by increased flooding. Move the fuel storage area out of the Elm Creek floodplain. Commenter does not want to see fuels and oil spilled into the floodplain.

Response: The proposed fueling and maintenance facility, and the loading loop have been moved away from the floodplain, as indicated in a letter and associated map that SGR submitted on November 15, 2007 (see EI#-3225 in Appendix D of this FEIS). In addition, all the tanks within the fuel storage area would be located off of the EARZ and on areas where fuels from an unlikely catastrophic release would flow away from the EARZ. These sites are generally south of the Balcones Escarpment on outcrops of Del Rio Clay (as determined by a geologist). To further ensure protection of the floodplain, SEA has also modified Mitigation Measure #33 from the DEIS to read as follows in the FEIS:

Prior to finalizing construction plans and before beginning rail construction activities, SGR shall review specific aspects of its construction plans, including temporary construction features, and shall instruct the preparers of the plans to fully review areas to be affected such that losses of woody vegetation and other forms of natural buffers, including areas along waterways, would be held to a minimum. During rail construction, SGR shall minimize disturbance of natural buffers contiguous to floodplains in order to prevent soil erosion and to preserve wildlife cover, food sources, and travel corridors. (See Mitigation Measure #F-50 in Chapter 1 of this FEIS).

Comment No. WR-59, #EI-2753, and #EI-2801: The fueling and maintenance facility should be moved further south.

Response: To address this concern, SEA is recommending in this FEIS specific mitigation measures that would require SGR to use "CONVAULT-type" Above Ground Storage

Tanks (ASTs) at its fueling and maintenance facility. This type of AST is an above-ground, concrete, full-storage tank that has dual wall construction to provide redundant containment in the event of a leak. These types of tanks are also equipped with sensors that will "alarm" if leakage is detected. They are instrumented to show the fuel level and have multiple safety devices to prevent overfilling, and rupture, and have superior flame-arrested venting ports. These ASTs would also be located within a third concrete-walled container that holds 1-1/2 times the volume of the AST maximum volume. This is an additional redundant containment to contain a fuel leak in the unlikely event of multiple containment failures. All ASTs would be located off of the EARZ and on areas where fuels from an unlikely catastrophic release would flow away from the EARZ. These sites are recommended to be generally south of the Balcones Escarpment on outcrops of Del Rio Clay (as determined by a geologist). The fueling and maintenance facility would be required to have an established SPCC in place in addition to any SWPPP appropriate to the location. Please see Mitigation Measures #F-32, #F-24, and #F-33 in Chapter 1 of this FEIS.

Comment No. WR-60, #EI-2754, #EI-2755, #EI-2756, #EI-2759, #EI-2771, #EI-2753, #EI-2784, #EI-2785, #EI-2788, #EI-2715, #EI-2682, #EI-2680, #EI-2740, #EI-2735, #EI-2808, #EI-2759, #EI-2759, #EI-2784, and #EI-2799: The railroad is within or adjacent to a floodplain, which would result in an increased risk of flooding. As a result, wildlife and farmsteads in the area would be endangered. The construction of a rail line across a floodplain would change the flow and runoff of water, creating damage to wildlife and farmsteads as a result of flooding. Commenters are concerned about flooding of Elm Creek and the railroad being too close to other floodplains and creeks (e.g., Verdi, Quihi, and Hondo Creeks). (Photos of 1997 flood damage included in #EI-2785). Commenter wants reassurance that the rail line would be built in such a way as to not exacerbate flooding.

Response: SEA has concluded that, if several recommended mitigation conditions are implemented, impacts on existing flood conditions under any of the potential rail alternatives studied in depth would not be significant. To address these issues, SEA has recommended several mitigation measures to minimize potential adverse impacts. See Mitigation Measures #FVM-2, #F-37, #F-38, #F-39, #F-44, #F-45, and #F-46 in Chapter 1 of this FEIS, and responses to comments WR-04, and WR-05 in Chapter 5 of this FEIS.

Comment No. WR-61, #EI-2758: Commenter's property is in the floodplain.

Response: Comment noted.

Comment No. WR-62, #EI-2761: Commenter is concerned about diesel tanks and other hazardous materials near floodplain areas.

Response: The quarry's fueling and maintenance facility, which could contain some hazardous materials, will be located off the EARZ and off the floodplain, thereby decreasing the chances of hazardous materials being carried by flood waters. As stated on page 3-16 of the SDEIS, proposed train operations would not adversely impact the floodplain, and any spills of the transported limestone would not be hazardous to surface waters. However, in the event of an unanticipated diesel or oil spill, surface waters could be impacted, especially if this happens during a flood event. SEA has recommended several mitigation measures to minimize the risk of this happening. See Mitigation Measures #F-35 through #F-46 in Chapter 1 of this FEIS.

Comment No. WR-63, #EI-2676, #EI-2708: The Proposed Route would have a devastating effect on the floodplain. The impact on the floodplain by the Proposed Route is discussed in Appendix B-2 of the SDEIS. The adverse impacts are not addressed by the proposed

mitigation, which defers analysis to the applicant at a post-licensing date. Unresolved floodplain impacts are one of the reasons why the Board should not license the Proposed Route.

Response: As further explained in WR-01 in Chapter 5 of this FEIS, in cases that trigger a NEPA review, the Board's mitigation sometimes will include conditions that require a railroad to consult with, or seek approvals from, other government entities. Where the Board imposes a condition that a railroad applicant meet the reasonable requirements of other government entities as a condition to a license from the Board, the Board controls the process and can take steps later, if necessary, to ensure that conditions are met.

Medina County's floodplain permitting process follows the requirements of FEMA's National Flood Insurance Program, set forth at 44 CFR 60.3, and it is essentially a Federal permitting process delegated to Medina County.

SGR has voluntarily committed to ensure that the proposed rail line construction would not cause more than a 12-inch rise in the current 100-year floodplain elevation. See Voluntary Mitigation Measure #F-VM2 in Chapter 1 of this FEIS. Further, SEA has combined and modified the wording of recommended Mitigation Measures #23 and #24 in the DEIS into Mitigation Measure #F-38. This recommended condition would require that prior to initiating any rail line construction activities, SGR conduct a floodplain study, in consultation with the Medina County Floodplain Administration as described in Voluntary Mitigation Measure #F-VM2. SGR would be required to comply with the reasonable requirements of the Medina County Floodplain Administrator, as delegated to the Medina County Floodplain Administrator pursuant to the regulations of FEMA at 44 CFR 60.3. These reasonable requirements will include, but not be limited to: ensuring that SGR's construction plans will not cause more than a 12-inch rise in the current 100-year floodplain elevation, consistent with the Medina County Floodplain Administrator's permitting standards as set forth during the environmental consultation process for this project. See Mitigation Measure #F-38 in Chapter 1 of this FEIS.

Comment No. WR-64, #EI-2873: MCEAA remains dissatisfied because it wants SEA to conclude that construction of SGR's rail bridges would result in flooding. SGR would engineer the bridges to ensure that this would not happen for its own benefit as well as the benefit of the surrounding community. SGR would also stand by its voluntary mitigation to do sophisticated hydrological studies to ensure the proper design of its bridges, and work closely with the Medina County Floodplain Administrator and, as warranted, the Corps to ensure that its stream crossings would not result in flooding.

Response: The modeling of the varying effects of alternatives on the floodplain would require that the bridge opening of every crossing for every alternative be defined. SEA believes that this level of analysis is not necessary to appropriately compare the alternatives in this proceeding. However, SEA has recommended. Mitigation Measure #F-38 in this FEIS that would require SGR to conduct a floodplain study in consultation with the Medina County Floodplain Administrator, as described in Voluntary Mitigation Measure #F-VM2. SGR would be required to comply with the reasonable requirements of the Medina County Floodplain Administrator, as delegated to the Medina County Floodplain Administrator pursuant to the regulations of FEMA at 44 CFR 60.3, prior to initiating any rail line construction activities. These reasonable requirements would include, but not be limited to, ensuring that SGR's construction plans would not cause more than a 12-inch rise in the current 100-year floodplain elevation, consistent with the Medina County Floodplain Administrator's permitting standards as set forth during the environmental consultation process.

Comment No. WR-65, #EI-2873: MCEAA claims that SGR's proposed modification of Mitigation Measure #24 in the SDEIS, regarding conducting studies for the County Floodplain Administrator 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 reworded to require that it conduct floodplain studies for the County Floodplain Administrator and consult with the Administrator to ensure that permitting standards would be met with respect to crossing the floodplain. MCEAA simply does not believe that the floodplain could be crossed in a way that is consistent with those standards, and that would not result in flooding. It also believes that the administrator, along with FEMA and the Board, is likely to be misled by SGR's engineers. MCEAA does not explain why SGR would wish to even attempt to mislead all of those agencies if the end result would be the flooding of its own rail line.

Response: Comment noted. See Response to WR-63

Comment No. WR-66, #EI-2873: Proposed Mitigation Measure #30 in the DEIS 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 ensure that SGR complies with any Corps' requirement relative to placing fill materials in the ordinary high water mark of any stream crossings. MCEAA asserts in response that SGR cannot build bridges across the creeks without causing flooding. Further, to the extent that a Corps permit would be required for any stream crossing, SGR would be obligated to obtain such a permit prior to construction. Any such Corps permit would address the use of fill materials.

Response: SEA is recommending a new mitigation measure in the FEIS as Mitigation Measure #F-49 to address this comment. This measure would require SGR to conduct surveys of stream channels and associated wetlands along the right-of-way prior to the completion of final engineering plans; to submit a written report of the surveys to TPWD, the Medina County Floodplain Administrator, and the SEA; to consult with TPWD and the Medina County Floodplain Administrator; and to incorporate into the final engineering plans methods of restoring each site to either the pre-project elevations, contours, and hydrologic conditions or other conditions that may more appropriately take into consideration the engineering needs of the rail line and post-construction hydrology. In addition, SEA is recommending a new Mitigation Measure #F-44 in the FEIS based on the comments from the EPA. This measure, among other things, would require SGR to use span bridges where possible to minimize impacts to streams and to use span bridges for all perennial streams. SGR would also be required to obtain all required Corps permits for stream crossings prior to construction. See Mitigation Measure #F-39 in Chapter 1 of this FEIS.

Comment No. WR-67, #EI-2674, #EI-2809, #EI-2810: Disclose how the rail routes would affect floodplains, and how flooding would affect Quihi Lake and farms downstream.

Response: Regarding impacts on floodplains, please refer to the response to Comment WR-02 in Chapter 5 of the FEIS. To assess flooding impacts from all alternatives on Quihi Lake and farms downstream, the bridge opening of every crossing for every alternative would have to be defined. SEA believes that this level of analysis is not necessary to appropriately compare the alternatives in this proceeding. However, as stated in response to comment WR-02, SGR's voluntary mitigation conditions would require it to perform hydrological modeling studies before beginning construction. SGR would also be required to incorporate the design criteria from the modeling into the design of the rail line to avoid or minimize adverse impacts on existing flooding conditions for farms, lakes, and other structures. See Mitigation Measures #F-VM2 and #F-38. These studies would be reviewed for technical adequacy by the Medina County

Floodplain Administrator and, if requested by the County, FEMA Region VI. Quantification of floodplain changes requires numerous structural details (e.g., height of berm, size of bridge opening, number/orientation/shape of bridge supports) that would vary substantially when crossing the site. SEA believes that it is appropriate to impose mitigation so that the design of crossings (and the associated rail line berm) would not exacerbate pre-existing flood conditions. Such design activities are routine engineering tasks that can properly be assigned as a mitigation measure, overseen by the County Floodplain Administrator, and indirectly overseen by FEMA. For these reasons, SGR's proposed rail line construction, with the defined mitigation measures, is not expected to discernibly alter the hydrology of the region upstream of Quihi, Texas.

Comment No. WR-68, #EI-2728, #EI-2714, #EI-2713, #EI-2732, #EI-2719, and #EI-2873: Commenter has lived on Elm Creek since 1995 and has observed numerous floods with very fast moving water; walls of water in a deafening roar; and large trees, farm animals, and assorted wildlife swept downstream. In March of 2006, Overby and Descamps mapped the drainage areas within the project area to be submitted with the Texas Council on Environmental Quality (TCEQ) Water Pollution Abatement Plan (WPAP) (see attachment). The map reveals 18,301 acres of drainage upstream which flows into the quarry, the rail loop, and fueling and maintenance facility. During flood events, floodwaters are funneled through the planned project area, and then floodwaters emerge, via Elm Creek, as a wall of water. Pictures of flooding were submitted with this comment on the DEIS. Disclose how the fuel storage tanks and maintenance facility will not be washed down Elm Creek during a flood. The fueling and maintenance facility is located within the Elm / Polecat Creek floodplain, and has the potential to contaminate the aquifer with diesel fuel from the ten one-thousand gallon tanks. This area should be safeguarded to protect against contamination (i.e., petroleum and benzenes) during flood events. SGR proposed that it would implement SEA's proposed track lubricant program for the loading loop only if the Edward Aquifer Authority would not object. MCEAA does not seem to object to this modification, but raises an issue regarding the location of the fueling and maintenance area.

Response: The proposed fueling and maintenance facility, and the loading loop have been moved away from the floodplain, as indicated in a letter and associated map that SGR submitted on November 15, 2007 (See #EI-3225). In addition, all the tanks within the fuel storage area would be located off of the EARZ and on areas where fuels from an unlikely catastrophic release would flow away from the EARZ. These sites are generally south of the Balcones Escarpment on outcrops of Del Rio Clay (as determined by a geologist). SGR has stated that aboveground fuel and oil storage tanks would be located in concrete containments of adequate height, volume, and thickness to prevent leakage into the ground should the integrity of the tanks be breached. In compliance with EPA regulations at 40 CFR Part 112, SGR will be required to prepare a SPCC Plan, which would require fencing and/or other security measures for the containment area, and fill gauges at the tanks to prevent overfilling. Procedures would also be in place to clean up incidental spills. In addition, VCM's WPAP permit for the quarry addresses BMPs for the fueling and maintenance facility. TCEQ has approved VCM's WPAP permit. (See Appendix D of this FEIS, #EI-1664, and #EI-2525.) SEA has incorporated this as Voluntary Mitigation #F-VM1 in Chapter 1 of this FEIS. In addition, SEA recommends that the Board impose a condition requiring SGR to implement permanent BMPs that would prevent and/or abate the departure of potential pollutants or sediment from the site. In addition, a SWPPP should be established for the site that appropriately addresses potential stormwater runoff concerns. Please see Mitigation Measure #F-33 in Chapter 1 of this FEIS.

Comment No. WR-69, #EI-2714, and #EI-2713: Disclose how Vulcan plans to control floodwater as it flows south and west through the rail loop since this would affect lives, homes,

and historic sites. Disclose whether the Board has any requirements for this. BMPs will not be accepted as the answer. Commenters are aware of disasters because such events were not anticipated and planned for.

Response: Please see the response to Comment WR-03 in Chapter 5 of this FEIS. Assessing the direct impacts of flooding within the quarry property, which includes the loading loop, is not within the scope of SEA's environmental review. However, SEA did assess these impacts qualitatively within the cumulative impact analysis. (See Section 1.5 of the DEIS and Chapter 2 of this FEIS.) Vulcan's WPAP submitted to the TCEQ has been approved. To support the WPAP application, Vulcan performed hydrological and floodplain studies that TCEQ reviewed and considered acceptable to grant its authorization. Furthermore, to the extent that the quarry or any structures are built within the floodplain, Vulcan will be required to consult with the local floodplain administrator and seek authorization to build within the floodplain and meet floodplain protection restrictions.

Comment No. WR-70, #EI-2716, and #EI-2713: Flood data was not up-to-date.

Response: Comment noted. SEA utilized the most current flood data available at the time the study was conducted, and does not believe that updating this information would change the overall conclusions.

Comment No. WR-71, #EI-2716, and #EI-2713: Flooding and watersheds were not fully included and analyzed in the SDEIS.

Response: See the responses to Comments WR-01, WR-2, WR-03, and WR-04 in Chapter 5 of this FEIS.

Comment No. WR-72, #EI-2716, and #EI-2713: No railroad bridge data was included. Bridge distances and/or heights add to accident exposures.

Response: See response to Comment GM-13 in Chapter 5 of this FEIS. SGR has stated that it has not developed detailed engineering plans at this stage, and will not do so until a specific route has been approved by the Board. (See Appendix D of this Final EIS, #EI-1664.) SEA believes that the level of detail regarding SGR's proposal is sufficient for NEPA purposes.

Comment No. WR-73, #EI-2708: The MCEAA Medina Dam Alternative would cross streams higher in the floodplain where they are of lower stream order. It would cross less floodplain, causing any cut, fill, or bridge work to have less of an impact on runoff and flood routing, particularly further down the watershed where the other alternatives cross.

Response: SEA agrees with the commenter that the MCEAA Medina Dam Alternative would cross the most streamlines of lower order (10 crossings of orders 1 and 2), and would cross the least length of floodplain (3,996 feet), as stated in Section 6.2.5 of the SDEIS.

Comment No. WR-74, #EI-2736: The railroad would cross too many low-lying watersheds.

Response: Comment noted.

Comment No. WR-75, #EI-2814: The proposed line needs to stay away from the natural drainage areas of Quihi Creek. There are many rivers and creeks along or near the

proposed area (see Comment Letter #EI-2814 in Appendix C for attachment). Any construction of a rail line would adversely affect local residents and the natural drainage of the area.

Response: Several mitigation measures address concerns associated with creek crossings (see Mitigation Measures #F-35 to #F-46 in Chapter 1 of this FEIS). In particular, SEA has incorporated EPA's general recommendations to minimize impacts of construction on streams and riparian areas (see comment from #EI-1313), which include recommendations to do the following: span perennial streams (both Elm Creek and Polecat Creek are perennial near the southern half of the potential loading loop area); avoid clearance of the entire right-of-way through the floodplain; minimize impacts on stream banks by stabilizing with native vegetation those slopes that would be impacted during construction; avoid use of forested floodplains as staging areas or borrow areas; and use a list of BMPs to minimize erosion. (See Mitigation Measure #F-44 in Chapter 1 of this FEIS).

SEA believes that, if these mitigation recommendations are implemented, there would be no significant adverse effects to surface waters.

Comment No. WRF-76, #EI-2895, and #EI-2936: The rail route would cross many drainage creeks and block them. Bridges would need to be constructed over all drainage creeks. This requirement should be a condition of the permit. Commenter does not want to see flooding in the area.

Response: SGR would be required to construct bridges over every single stream crossing. However, since SGR has not carried out the design of the bridges, it is unknown which bridges would be spanned and how. However, SEA has recommended a mitigation measure that would require SGR to follow EPA's comments. This mitigation measure would require SGR to do the following:

- (a) Use span bridges where possible to minimize impacts on streams; span bridges should be used for all perennial streams;
- (b) Take precautions to avoid channel degrading from head-cutting; for example, grades at the culverts and bridges should remain at their existing levels;
- (c) If a series of box culverts is installed to carry high flows, one culvert should be lower than the others to handle frequent flows (i.e., "bankfull" or less); other culverts should occur at higher elevations for less frequent events;
- (d) Plan the route and design crossings to avoid the need to cut off meanders and channelize stream reaches;
- (e) Minimize impacts on the riparian corridor, especially forested areas; for example, do not clear the entire right-of-way through the riparian area or floodplain; only clear what is needed for construction and access;
- (f) Minimize impacts on the creek banks (e.g., to soil and vegetation); stabilize and replant disturbed banks with native vegetation as soon as construction at that point is finished;
- (g) Use all BMPs to minimize erosion of banks and bare soil, and reduce siltation of streams; stabilize and revegetate bare soil as soon as possible; hay bales and silt fences shall be inspected and repaired as needed after each rainfall event that creates runoff; all silt fences shall be parallel to contours; long and steep slopes should have multiple rows of fencing; and
- (h) Do not use wetlands or forested floodplains for staging areas or for borrow areas.

Comment No. WR-77, #EI-2899: MCEAA members were justly fearful that flooding potential would be greatly increased by the trestle-type bridges, berms, and culverts that would be needed if the railroad coursed through the Quihi Valley. Members knew that their homes, as well as the area's treasured historical homes and other historical features, would be in jeopardy. It was some three and one-half years later that they learned, not from Vulcan, but from the Board through a Freedom of Information Act request, of the location of Vulcan's Proposed Route.

Response: SGR no longer seeks approval for the original Proposed Route, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route. All Eastern Alternatives would cause significantly fewer impacts on the 100-year flood plain. Therefore, this concern raised in response to the Proposed Route, to the extent that it does not apply to the Eastern Alternatives, is no longer relevant.

Comment WR- 78, #EI-2907: SGR addresses the MCEAA critique of the sketch describing the Proposed Route's crossing of Quihi Creek. The sketch awaits hydrological studies and final engineering. The relocation of CR 365 does not contemplate the construction of any kind of berm, or placement of fill in the floodplain, as MCEAA alleges.

Response: Comment noted.

Comment WR-79, #EI-2936: Commenter fears that the rail crossing of drainage creeks would block off stormwater runoff and cause flooding. In order to obtain a permit, it should be required to construct bridges over all drainage creeks.

Response: Regarding flooding and creek crossings, please refer to the responses to Comments WR-01 through WR-18 in Chapter 5 of this FEIS.

Groundwater

Comment No. WR-80, #EI-2732, #EI-2726, #EI-2727, #EI-2715, and #EI-2936: The fueling and maintenance facility is located across the street from the EARZ boundary and has the potential to contaminate the aquifer with diesel fuel from the 10 one-thousand gallon tanks. This disregards the users of the aquifer in a multi-county area. A commenter is concerned about runoff from the fueling and maintenance facility impacting surface water for livestock (i.e., stock tanks) and nearby residents' shallow wells that they have for personal use. Disclose the need to locate the fueling and maintenance facility over the EARZ.

Response: SGR has agreed to move the siting of the proposed fueling and maintenance facility and the loading loop away from the floodplain, as indicated in a letter and associated map that SGR submitted on November 15, 2007 (See EI# 3225). All the tanks within the fuel storage area would be located off of the EARZ and on areas where fuels from an unlikely catastrophic release would flow away from the EARZ. In addition, SEA is recommending that the Board impose a condition requiring SGR to implement permanent BMPs that would prevent and/or abate the departure of potential pollutants or sediment from the site. In addition, SEA recommends that a SWPPP be established that would appropriately address potential stormwater runoff concerns. Please see Mitigation Measure #F-33 in Chapter 1 of this FEIS.

SGR has stated that it would prepare and implement the SPCC Plan in compliance with EPA's regulations at 40 CFR Part 112, including providing the map requested by EPA in its comments. The plan would incorporate measures to protect groundwater from contamination. (See #EI-1664 in Appendix D of this FEIS.) SEA has incorporated this as Voluntary Mitigation #F-VM9 and #F-24 in Chapter 1 of this FEIS. SGR also states that above ground fuel and oil

storage tanks would be utilized and located in concrete containments of adequate height, volume, and thickness to prevent leakage into the ground should the integrity of the tanks be breached. The SPCC Plan would require fencing and/or other security measures for the containment area, and the tanks would have fill gauges to prevent overfilling. Procedures would also be in place to clean up incidental spills. VCM's TCEQ-approved WPAP permit for the quarry would address BMPs for the fueling and maintenance facility. (See #EI-1664 and #EI-2525 in Appendix D of this FEIS.) SEA has incorporated this as Voluntary Mitigation #F-VM1 in Chapter 1 of this FEIS.

Comment No. WR-81, #EI-2779, #EI-2784, #EI-2744, #EI-2748, #EI-2681, #EI-2678, #EI-2726, #EI-2727, #EI-2731, #EI-2808, and #EI-2808: Commenters are concerned about the Edwards Aquifer for the following reasons: the entire area is considered a recharge zone; pollution (i.e., contamination) is possible; it is the main water source for a large population (i.e., San Antonio and the surrounding area); and it may not have the ability to supply water needs for both the project and personal wells. The Edwards Aquifer Authority, under the defined roles given to it by TCEQ, is now developing water quality regulations. In addition, rules are being developed to govern hazardous materials that are stored over the aquifer, and to require owners to create emergency plans to be better prepared for accidents when they occur. The Edwards Aquifer Authority has explained that storage tanks over recharge zones are not entirely banned, but that new tanks over the aquifer are banned.

Response: SGR will conduct any potentially polluting activities such as fuels/lubricants storage, equipment maintenance, and staging of hazardous materials (e.g., explosives, etc.) on areas off of the EARZ. SWPPPs and WPAPs would be established for each site to provide multiple levels of redundancy in preventing the release of potentially contaminating materials. See Mitigation Measures #F-33 and #FVM-1 in Chapter 1 of this FEIS.

Comment No. WR-82, #EI-2801, #EI-2808: Commenters are concerned about accidental burning causing groundwater contamination.

Response: In accordance with SGR's corporate health and safety procedures, in the event of an accidental fire, SGR would be responsible to protect life, property, and the environment (in that order). VCM and SGR would implement corporate standard operating procedures to deal with emergencies and contingencies of this nature, and would involve the local fire department, as appropriate.

Comment No. WR-83, #EI-2721, and #EI-2722: Trinity Aquifer is a Priority Groundwater Management Area (PGMA), where critical storage is occurring or will occur within 25 years. Commenter's well is here, and a new one is needed.

Response: The Trinity Aquifer is located generally north and far from SGR's project area. SEA considers the potential risk to this aquifer to be negligible.

Comment No. WR-84, #EI-2745: Changes in water use might drain the water source or change the flow of water within the shallow water table.

Response: See the response to Comment WR-24 in Chapter 5 of this FEIS. In addition, SEA considers the potential risk of causing changes in the water table in unconfined areas of local aquifers to be negligible because of the relatively shallow depth of planned excavations.

Comment No. WR-85, #EI-2716, and #EI-2713: Well data should include all aquifers.

Response: SEA is not clear as to what the commenter is referring to. SEA's impact analysis focused on all water supply wells within the project area, paying special attention to those that draw water from the Edwards Aquifer because it is a sole water source aquifer. However, the analysis presented in this environmental review considers all aquifers present in the study area, as discussed in Section 3.3.1 and 4.5.2 of the DEIS.

Comment No. WR-86, #EI-2797: The Tap Pilam Coahuiltecan Nation is concerned that blasting in the quarry could contaminate the groundwater.

Response: See the response to Comment WR-33 in Chapter 5 of this FEIS.

Comment No. WR-87, #EI-2780, and #EI-2679: Identify water use. Please look into areas of the water table and sensitivity to the region.

Response: Please refer to Section 3.3.1 of the DEIS. SEA investigated each aquifer within the proposed project area to assess the relative sensitivity to contamination from the potential hazards that could be associated with construction and operation of a commercial railroad moving crushed aggregate materials. Sensitivity is defined both in terms of the relative ability of aquifers to transport contaminants to potential receptors (i.e., velocity of the groundwater flow) and relative importance of the aquifer as a usable resource (i.e., the current type and amount of use). In addition, SEA also addressed aquifer characteristics that would facilitate or impede remediation following a spill.

Comment No. WR-88, #EI-2756, #EI-2732, #EI-2757, and #EI-2816: The railroad would ruin the community's water supply. Commenter's water (i.e., from the Edwards Aquifer) should not be threatened, and this project would add to the degradation of this karst aquifer and increase the possibilities of catastrophic contamination.

Response: See the responses to Comment WR -21 and WR-22 in Chapter 5 of the DEIS.

Comment No. WR-89, #EI-2765, #EI-2744, and #EI-2719: Commenter is concerned about overuse and pollution of the Cow Creek Aquifer, which the commenter depends upon for drinking water, and which is already endangered from other development.

Response: The Cow Creek Limestone Member of the Pearsall Formation is an aquifer unit of the Middle Trinity Permeable Unit. It underlies the Glen Rose Limestone. In most cases, it is 1,000 feet stratigraphically below the Edwards Aquifer. SEA assumes that the commenter raised this concern because he/she lives north of the quarry site. SEA believes that any contamination of the Cow Creek Limestone from the proposed project would be a negligible concern because of the very thick confining unit (i.e., Upper Member of Glen Rose Limestone) that is between the two aquifers.

Comment No. WR-90, #EI-2780: Commenters are concerned about the rail line running through their ranches and crossing over their aquifer.

Response: Except for the loading loop, the entire proposed rail line (under any of the alternatives studied in this proceeding) would be located off the EARZ, thereby minimizing and avoiding potential impacts on the aquifer. Please refer to Section 4.5.2 of the DEIS and Section

3.5 of the SDEIS for a detailed analysis of the potential adverse impacts from the proposed rail line on groundwater resources. Regarding the rail line running through private ranches, SEA has recommended a mitigation measure that would require SGR to negotiate with landowner(s) to ensure access to the severed property and/or replacement of the irrigation system, and, if appropriate, to realign the track to minimize the impacts and/or avoid taking houses. (Please see Mitigation Measure #F-62 in Chapter 1 of this FEIS.)

Groundwater - Wells

Comment No. WR-91, #EI-2780, and #EI-2779: We are concerned about the impact that 9,000 lbs. of explosives being used twice a week at the quarry will have on wells.

Response: See the response to Comment GM-22. The impact of quarry blasting on water wells is considered negligible. Damaging blasting effects to infrastructure outside the geographic limits of the quarry are also considered negligible. Some effects such as minor audible or seismic indications of blasting operations may be measurable outside of the quarry property. See EUWD, 1992, *Blasting Effects on Engineered Structures: Edwards Underground Water District*, 3 Volumes [variously paged]. As stated in Section 4.5 of the SDEIS, damaging or perceptible quarry-related ground vibration, including blasting vibration, would not propagate outside the quarry boundary.

Comment No. WR-92, #EI-2784, and #EI-2798: We are concerned about impacts on shallow wells from air and chemical pollutants. Wells in this area are as shallow as 250 feet within the Edwards Aquifer.

Response: See the second and third paragraphs of the response to Comments WR-32 and WR-38 in Chapter 5 of this EIS.

Comment No. WR-93, #EI-2788, and #EI-2799: We are concerned about private well contamination from vibration.

Response: See the response to Comment WR-39 in Chapter 5 of the FEIS.

Comment No. WR-94, #EI-2788: Using water to keep dust down would increase seepage, which would collect more contaminants and send pollutants into area residents' only water source.

Response: The commenter is right in stating that SGR will be controlling dust emissions with water at the quarry area (see Appendix D of this FEIS, #EI-1664). In addition, Vulcan's WPAP submitted to the TCEQ has been approved. This permit regulates water use within the quarry site to minimize potential pollution to groundwater and surface water. Further, SGR indicated (EI #1664) that all the water extracted from wells for use at the quarry (including for dust suppression) would be recycled. The only water that would exit the quarry would be excess rainwater, and this runoff would be treated through filtration and sedimentation before being allowed off site. Furthermore, such runoff would be discharged in a controlled manner to minimize flooding risks. Please see Section 4.17 of the DEIS and Chapter 3 of this FEIS for SEA's discussion of cumulative impacts on surface waters and groundwater. Regarding water used for dust suppression during rail transport of limestone, this water would be added at the quarry site and would very likely evaporate before reaching any stream or seeping into the ground.

Comment No. WR-95, #EI-2750: Commenter's wells will run dry and they will have no water.

Response: See the response to Comment WR-36 in Chapter 5 of this FEIS.

Comment No. WR-96, #EI-2674, #EI-2809, #EI-2810, #EI-2732, #EI-2719, #EI-2731, #EI-2649, #EI-2780, #EI-2783, #EI-2788, #EI-2717, #EI-2745, #EI-2798, #EI-2734, #EI-2707, #EI-2713, #EI-2721, #EI-2722, #EI-2732, and #EI-2936: Commenters are concerned about impacts on water wells that are a source of drinking water (especially old and/or shallow wells), such as contamination from project sources (e.g., diesel fuel, sewage, nitrates, and industrial chemicals). Commenters are concerned about drinking water that is polluted (e.g., from petroleum, benzenes, etc.) after a flood if fuel storage is within the Elm Creek floodplain. Disclose how the rail routes would affect the aquifer and water wells. Analyze potential impacts thoroughly based upon limestone infiltration rates and depth of existing water wells. Require SGR to repair wells that are damaged or contaminated, or deepen wells that are dried up by Vulcan's huge water requirements. Another commenter is concerned about his only water supply (i.e., a well) because a geoscientist from Baker Hughes has studied his property and is sure a rail system this close would damage the casing of the well.

Response: See the response to Comment WR-24 in Chapter 5 of the FEIS. As stated in further detail in the response to Comment WR-34 in Chapter 5 of this FEIS, SEA's analysis indicates that construction and normal operation of the rail line would result in little or no impact on groundwater resources (including drinking water wells). Moreover, according to SGR, although the thickness of limestone on the quarry property generally exceeds 400 feet, the potential mineable thickness varies from as thin as 40 feet from the surface in some areas to as great as 180 feet in other areas. SGR states that, because the presence of water in active quarrying areas is a hindrance to mining activities, no mining would occur at depths such that the water table would be impacted. (See DEIS, Volume III, Appendix G, page G-146.).

In the DEIS, SEA recommended a mitigation measure that would require SGR to develop a contingency plan to protect the health and safety of well owners should any contamination to wells occur as a result of rail line construction and operation. SEA is continuing to recommend this mitigation measure. Please see Mitigation Measures #F-21 through #F-34 in Chapter 1 of this FEIS. Also, please see the response to Comment V-04 in Chapter 5 of this FEIS. As stated in Section 4.4 of the SDEIS, SEA would anticipate vibration impacts on wells during conventional construction activities of the project. Although pile driving could cause adverse impacts on wells, this impact could be mitigated by conducting a pre-construction survey to locate nearby wells, and by monitoring the vibration level at these wells to ensure that a peak particle velocity (PPV) limit of 2.72 inches per second in any axis is not exceeded. Thus, SEA is recommending mitigation to protect private well owners. SEA does not expect any adverse impacts on wells from the vibration of normal rail operations. Please see Mitigation Measure #F-75 in Chapter 1 of this FEIS.

Comment No. WR-97, #EI-2716, and #EI-2713: Wells along the railroad right-of-way were not cataloged and located.

Response: SEA believes that a detailed inventory of all water wells (beyond public supply sources) is unnecessary, given the relatively low risk of impacts on groundwater resources. SEA has recommended mitigation to appropriately address impacts on local aquifers, in the unlikely event that construction and operation of the rail line were to cause such impacts. Please see Mitigation Measures #F-21 through #F-34 in Chapter 1 of this FEIS. SEA has added a

new mitigation measure that would require SGR to make sure that all wells within the right-of-way are properly abandoned prior to beginning construction activities.

Surface Water

Comment No. WR-98,#EI-2715, #EI-2779, #EI-2745, #EI-2760, and #EI-2784:

Commenter is concerned about impacts on surface water from air and chemical pollutants from the fuel tanks flowing into Elm and Quihi Creeks. Impacts on water resource were not adequately addressed. Reassess impacts on water resources and related health implications (e.g., contamination from diesel fuel, sewage, and industrial chemicals).

Response: SEA believes that the impact assessment from water resources presented in both the DEIS and the SDEIS are appropriate, and provide sufficient information to adequately evaluate impacts. An analysis of potential health implications from these spills is not necessary for the following reasons: all known irrigation wells are within the confined zone of the Edwards Balcones Fault Zone (BFZ) Aquifer and thus groundwater in this aquifer is separated from any possible surface contamination; the fueling and maintenance facility would be located off the EARZ and would be equipped with spill prevention structures and secondary containment, and would comply with the conditions of the SPCC Plan; and the rail line would not be transporting industrial chemicals or sewage.

Furthermore, SGR has stated that the fueling and maintenance facility would be located in an area off of the EARZ. SEA is recommending that the Board impose a condition requiring SGR to locate the fueling facility on a site down gradient (southerly) of the EARZ over the upper confining units of the Edwards Aquifer and to implement permanent BMPs that would prevent and/or abate the departure of potential pollutants or sediment from the site. In addition, a SWPPP should be established appropriate to address potential stormwater runoff concerns. See Mitigation Measure #F-VM9, #F-VM10, #F-32, #F-33, and #F-35 in Chapter 1 of this FEIS.

SEA is also recommending mitigation that would require SGR to develop a SPCC Plan that would reduce potential adverse impacts from spills during construction, maintenance, and operation activities of the rail line and to include, at a minimum, certain provisions in the SPCC Plan. These provisions would include, but are not limited to the following: definition of what constitutes a spill; requirements and procedures for reporting spills to appropriate government agencies; methods of containing, recovering, and cleaning up spilled material; equipment available to respond to spills; location of equipment available to respond to spills; and a list of government agencies and SGR's management personnel to be consulted in the event of a spill. Please see Mitigation Measures #F-24 and #F-25 in Chapter 1 of this FEIS,.

SGR has indicated that the SPCC Plan would be prepared and implemented in compliance with EPA's regulations at 40 CFR Part 112 and would incorporate measures to protect groundwater from contamination. (See Appendix D of this FEIS, #EI-1664.) SEA has incorporated this as Voluntary Mitigation #F-VM9 in Chapter 1 of this FEIS. SGR also states that above-ground fuel and oil storage tanks would be utilized and located in concrete containments of adequate height, volume, and thickness to prevent leakage into the ground should the integrity of the tanks be breached. The SPCC plan would require fencing and/or other security measures for the containment area, and the tanks would have fill gauges to prevent overfilling. Procedures would also be in place to clean up incidental spills. SGR further pointed out that Vulcan's WPAP permit for the quarry addresses BMPs for the fueling and maintenance areas. TCEQ has approved Vulcan's WPAP permit. (See Appendix D of this FEIS, #EI-1664, and #EI-2525.) As noted above, SEA has developed this condition as Voluntary Mitigation #F-

VM10 in Chapter 1 of this FEIS, requiring SGR to utilize above-ground fuel storage tanks equipped with fill gauges to prevent overflowing.

Comment No. WR-99, #EI-2723, and #EI-2724: The quarry will have a socioeconomic impact on the local water supply. Medina County is an agricultural and residential community with an already diminishing water supply, and some of our local water wells flow insufficiently. The Texas Water Development Board projects the total water need for Medina County in 2010 to be 6.818 acre-feet per year by 2010, and 6,411 acre-feet per year by 2060. Irrigation needs were projected at 4,651 acre-feet per year (68% of total county need). The report does not include any projection for the 6,000 acre-feet per year of groundwater needed to operate the quarry. According to a letter dated October 12, 2006, from SGR's attorney, Vulcan may purchase additional future water rights. This indicates that Vulcan plans to use more water than its existing water rights. Commenters assume the additional water rights will be drawn from the underground Trinity Reservoir and Cow Creek.

Response: SGR states that water would be obtained for construction, operation, and maintenance of the rail line from the most economical and environmentally safe source, which could include local water authorities or private landowners. (See Appendix D of this FEIS, #EI-1664.) SGR also states that Vulcan owns Edwards Aquifer water rights and other water rights that could be transferred from Bexar County and other Vulcan operations in Medina County to adequately supply the needs for the rail line construction, operation, and maintenance. SGR provided the following information regarding quarry water usage: "The amount of water utilized in the project will be a function of the market demand and the resultant volume of material sold from the operations. It is estimated that in the early stages of the project, the volume of water to be utilized may range from 500 to 2,000 acre/feet annually. If this is regulated Edwards Aquifer water, it represents the use of existing water rights that would otherwise be used in some other part of the region. As such, use of Edwards Aquifer water in quarrying operations does not represent an increase in total regional Edwards Aquifer usage. Included within this estimate is Vulcan's use of extensive water re-use equipment and technology. Because the Board does not have jurisdiction over the development and operation of Vulcan's quarry, the Board does not have the legal authority to impose mitigation conditions on Vulcan's use of water for quarry operations. See the response to Comment WR-33 in Chapter 5 of this FEIS.

Comment No. WR-100, #EI-2686, and #EI-2811: The MCEAA Medina Dam Alternative would cross the creek at the point of greatest elevation change from the creek to the adjacent hill.

Response: Comment noted.

Comment No. WR-101 #EI-2674, #EI-2809, and #EI-2810: Disclose how many streams would be crossed by the rail routes.

Response: Please refer to Section 6.2.5 and Table 6.2.5-1 of the SDEIS for a summary of stream crossings by each of the rail alternatives being considered in this proceeding.

Comment No. WR-102, #EI-2708: State the methodology used for the "watershed area intercepted" calculation in Table 3.5-1.

Response: The watershed area intercepted by each of the alternatives shown in Table 3.5-1 of the SDEIS is the basin area, in square miles, upstream of an alternative's crossing of each respective creek.

Comment No. WRS-103, #EI-2885, #EI-2886, and #EI-2861: Commenter's land serves as the headwater for many creeks flowing east to west, and can be divided into north and south portions. Topology maps show the north portion ranging from 1,039 to 1,050 feet elevation. This watershed is the main headwater for a branch of the Quihi Creek, and a tributary to the Frio River via the Verde and Hondo Creeks. The south portion ranges from 900 to 1,038 feet elevation. This watershed is part of the Opossum Creek, which is a tributary to the San Antonio River via the Medina River.

Response: Comment noted.

Impacts

Comment No. WR-104, #EI-2753, #EI-2721, #EI-2722, #EI-2771, #EI-2775, #EI-2784, #EI-2783, #EI-2746, #EI-2715, #EI-2680, #EI-2738, #EI-2734, #EI-2743, #EI-2815, and #EI-2713: Commenters are concerned about impacts on water resources (e.g., surface and groundwater), quality, quantity, and pollution. This project would not enhance nor prove to be beneficial for water quality.

Response: See the responses to Comments WR-01 through WR-60 in Chapter 5 of this FEIS.

Comment No. WR-105, #EI-2719: Commenter requests that Vulcan be required to bear the costs of extending public water supply lines to this area for the purpose of replacing water availability. Vulcan should seek water from sources other than the Edwards Aquifer. Vulcan failed to do proper research before undertaking this project. Vulcan is asking the Board to allow it to get water from other aquifers because it did not drill test wells, or did not perform the pump tests that are normal requirements for large projects with high water use. Wells on the EARZ are frequently poor producers of large water volumes, which is what Vulcan would need. Vulcan has asked the Board to rescind previous suggested mitigation limiting Vulcan's water supply to being solely from the Edwards Aquifer.

Response: See response to WR-99 above.

Comment No. WR-106, #EI-2873: SGR has consistently advised SEA that it may acquire water from sources other than the Edwards Aquifer. At this stage, it is not certain whether or not SGR will need to do so. Accordingly, the source 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. 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.

Response: Water that Vulcan might need for quarry operations 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 owns Edwards Aquifer water rights needed for the quarry. If this is regulated Edwards Aquifer water, it represents the use of existing water rights and other water rights that could be transferred from Bexar County and other Vulcan operations in Medina County to adequately supply the needs for the quarry and it represents the use of existing water rights that would otherwise be used in some other part of the region. As such, use of Edwards Aquifer water in quarrying operations does not represent an increase in total regional Edwards Aquifer usage.

Comment No. WR-107, #EI-2784, and #EI-2715: Commenters are concerned about the volume of water needed to meet the daily needs of residents, as well as impacts on irrigation, surface water, and groundwater (e.g., wells) for farmers, ranchers, and residents. Medina County is an agriculturally productive area, and many farmers are dependent upon water from the aquifer to grow food, as well as hay/grain for ranchers' livestock.

Response: See responses to WR-99 and above.

Comment No. WR-108, #EI-2723, and #EI-2724: Although water consumption and direct environmental impacts from the quarry are not under the jurisdiction of the Board, they should be considered as part of the permitting process.

Response: See the response to Comment WR-21 in Chapter 5 of this FEIS.

6.2.8 Biologic Resources (BR)

General

Comment No. BR-18, #EI-2750: Commenter is concerned about impacts on animals and trees from dust.

Response: In Section 4.7.2 of the DEIS and Section 3.7.4 of the SDEIS, SEA describes the railroad construction impacts (including those caused by dust) on air quality as being temporary, and not resulting in significant impacts. In addition, Chapter 1 of this FEIS lists SEA's recommended mitigation measures to reduce potential air quality impacts from construction activities. (See Mitigation Measures #F-59, #F-60, and #F-61).

See Section 4.7.3 of the DEIS and Section 3.7.5 of the SDEIS, which address potential impacts on air quality from rail operations. Based upon the information SEA gathered, the calculated emissions from all proposed rail alternatives would be below the EPA major source thresholds for Title V permit applicability, and would result in no significant adverse impacts on air quality in Medina County.

Because construction impacts on air quality would be temporary and mitigated, and impacts on air quality from rail operation under any of the rail alternatives would be below the EPA's required Title V threshold, impacts on wildlife would not be significant. However, some alternatives would have less of an impact on air quality than others. Air quality impacts are largely a function of the length of the route. Operations over the Proposed Route and Alternatives 2 and 3 would produce the fewest mobile source emissions, followed by Alternative 1, the Modified Eastern Bypass Route, the Eastern Bypass route, the MCEAA Medina Dam Alternative, and lastly, SGR's Modified Medina Dam Route. Proposed truck operations under the No-Action Alternative would cause significantly greater air emissions from mobile sources, and would also produce significant air emissions from truck loading and unloading activities. Please see Sections 4.7.3 and 4.7.5 of the DEIS, and Section 3.7 of the SDEIS.

Threatened and Endangered Species

Comment No. BR-19, #EI-2785: Commenter is concerned about threatened and endangered species (i.e., the Texas horned lizard, Golden-cheeked Warbler, and Texas Tortoise).

Response: Comment noted. Please see Section 4.6 of the DEIS and Section 3.6.3 of the SDEIS for SEA's analysis of biological resource impacts from the proposed rail line's construction and operation. For an explanation of how impacts on wildlife species will be reduced, please see Mitigation Measures #F-56 and #F-57 in Chapter 1 on this FEIS.

Fauna

Comment No. BR-20, #EI-2785, #EI-2788, #EI-2800, and #EI-2707: Commenters are concerned about impacts on wildlife (e.g., quail, turkey, deer, bobcats, and rabbits) and habitat (e.g., property that is managed for wildlife).

Response: Regarding impacts on wildlife, please see the response to Comment BR-06 in Chapter 5 of this FEIS. In addition, please see Mitigation Measures #F-56 and #F-57 in Chapter 1 of this FEIS.

Comment No. BR-21, #EI-2820: The SDEIS did not consider impacts on wildlife. Similar wildlife impacts would be likely with the Eastern Alternatives, and anticipated methods to avoid, minimize, or compensate for those impacts should have been included in the SDEIS.

Response: SEA believes that this environmental review has adequately considered the impacts on wildlife and other biological resources. Please refer to Sections 4.6 of the DEIS and 3.6 of the SDEIS for a detailed overview of these assessments. Furthermore, SEA has recommended mitigation that would require SGR to negotiate with affected landowners to provide access to severed properties and to develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible due to new rail line construction. Please see Chapter 1 of this FEIS, Mitigation Measure #F-63.

Comment No. BR-22, #EI-2820: TPWD knows that habitat fragmentation adversely impacts the Texas Tortoise. Regardless of the alternative, the Texas Trtoise and Texas Horned-lizard, as well as other herptiles, will likely occur within the project area.

Response: Regarding solutions to habitat fragmentation and associated mitigation measures, please see the response to Comment BR-02 in Chapter 5 of this FEIS. In addition, please see Section 3.6 of the SDEIS, which addresses impacts from the Eastern Alternatives on the Texas Horned-lizard and Texas Tortoise.

Comment No. BR-23, #EI-2820: Little information exists on the impacts of low-speed transportation projects, but the impacts of high-speed transportation, (and associated noise and vibration) on wildlife have been documented. Few species ever become accustomed to high noise levels. Potential impacts would include fleeing from the area (displacement), interrupted reproductive cycles, and altered behavior.

Response: Regarding impacts on wildlife caused by high-speed transportation, please see the responses to Comments BR-02, BR-08, and BR-14 in Chapter 5 in this FEIS. Regarding noise impacts on wildlife, please see responses to Comments N-08 and RS-02 in Chapter 5 in this FEIS. As discussed in Sections 4.4 and 4.5 of the SDEIS, vibration impacts from construction and operation of the rail line, or blasting activities at the quarry, would not propagate over large distances. Construction of the rail line would have a temporary adverse affect on deer and other wildlife due to ground disturbance, vibration, intrusion of workers and equipment, and noise. Some of these effects could become long-term and adversely affect deer and other wildlife populations in the area. However, there are aspects of the proposed rail line construction that could provide long-term benefits to deer and other wildlife populations. For example, vegetation along the edges of the right-of-way would provide browsing areas for deer, especially where the right-of-way interfaces with wooded or brushy areas.

Based upon the comments of TPWD, SEA is recommending mitigation that would require SGR to consult with TPWD and affected landowners (prior to beginning construction

activities) regarding the implementation of appropriate measures to protect livestock and wildlife in the area during construction and operation. Such measures could include the use of specific types of fencing or barriers. Please see Mitigation Measure #F-56 in Chapter 1 of this FEIS. Such mitigation would serve to protect deer and other game that could occur in the area.

Comment No. BR-24, #EI-2820L Impacts on fossorial mammals should be considered. Areas of sandy/loam soils along drainages could provide suitable habitat for the Frio pocket gopher, a species of concern, which has been documented approximately 15 miles west of the proposed route.

Response: Correspondence letters from the U.S. Fish and Wildlife Service (USFWS) (dated April 22, 2003 and April 12, 2006) (see #EI-56 and #EI-1987) and a review of TPWD's endangered and threatened species list, did not identify the Frio pocket gopher as a species of concern in Medina County. Additionally, SEA did not identify any sensitive wildlife resources within or near the central corridor of the project area, and found sensitive wildlife resources along the eastern corridor that were not specific to fossorial (i.e., digging) mammals in general, and to the Frio pocket gopher specifically.

Comment No. BR-25, #EI-2820; TPWD recommends that construction (temporary) and operation (permanent) impacts of noise/vibration on wildlife be discussed in the FEIS.

Response: See response to Comment BR-22 above.

Comment No. BR-26, #EI-2884: Cattle and wildlife are instinctively attracted to commenter's property because of the presence of alkaline high sodium soil with which they add nutrients to their diet.

Response: Comment noted.

Comment No. BR-27, #EI-2885, #EI-2886, and #EI-286: Growing up, commenter's family stressed appreciation for the wildlife that lived around them. Everything (i.e., tarantulas, lizards, deer, bobcats, cougars, and birds) had a purpose on their land. They learned to respect and identify all wildlife, and the importance each played in their lives. They continue that practice today.

Response: Comment noted.

Comment No. BR-28, #EI-2894: Commenter is concerned that division of property will separate and disturb local wildlife and our domestic animals.

Response: As stated in Section 4.10 of the DEIS, land acquisition and use of right-of-way for the proposed rail line under any of the alignments could have some adverse effects on land use that could not be fully mitigated, including property severance and conversion of prime farmlands to rail line right-of-way. However, SEA's recommended Mitigation Measure #s F-62 would require SGR to negotiate with affected landowners to provide access to severed properties and to develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible to wildlife and livestock due to new rail line construction.

6.2.9 Air Quality (AQ)

Comment No. AQ-05, #EI-2827: TCEQ has signed the air permit for the quarry, and issued it to Vulcan on February 2, 2007.

Response: Comment noted.

Comment No. AQ-06, #EI-2766, #EI-2802 (#EI-2766 - 46 individual letters, #EI-2802 - 12 individual letters): Commenters are concerned about dirt impacting elderly people and children.

Response: TCEQ signed the air permit for the quarry, and issued it to Vulcan on February 2, 2007. This permit imposes several requirements to control emissions from the quarry (see #EI-2830). It limits fugitive emissions from the quarry site. It also requires that: spray bars be installed at various points at the quarry; roads used by trucks to enter and exit the quarry be paved and watered; all aggregate stockpiles and active work areas be sprinkled with water and/or environmentally sensitive chemicals; and that trucks be washed to remove mud and road dust.

Regarding the concern for dust from the rail line, please see the response to Comment AQ-02, in Chapter 5 of this FEIS. Regarding the presence of silica dust on a 24-hour-a-day basis, please see the response to Comment AQ-01, as well as the response to Comment AQ-02, in Chapter 5 of this FEIS. As stated in Section 4.7 of the DEIS, and Chapter 6 of the SDEIS, SEA concludes that construction and operation of the proposed rail line, under any of the alternatives studied, would have no significant air quality impacts, and that the use of trucks under the No-Action Alternative would cause significant air quality impacts.

Comment No. AQ-07, #EI-2769: EPA commented that 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.

Response: Comment noted.

Comment No. AQ-08, #EI-2771, #EI-2775, #EI-2783, #EI-2788, #EI-2746, #EI-2800, #EI-2750, #EI-2721, #EI-2722, #EI-2680, #EI-2738, #EI-2734, #EI-2743, #EI-2815, #EI-2707, #EI-2713, #EI-2895, #EI-2936, #EI-2639; and #EI-2640: A train traveling through the area would cause dust and organic fumes. San Antonio is already a non-attainment area for air quality, and this project would only increase the amount of emissions. Commenter is concerned that the train will spread dust and organic fumes on his property where he plans to spend his retirement. The project will not enhance or benefit air quality.

Response: As stated in Section 4.7 of the DEIS, and Chapter 6 of the SDEIS, SEA concludes that construction and operation of the proposed rail line would have no significant air quality impacts and that the use of trucks, under the No-Action Alternative, would cause significant air quality impacts. During truck transport of aggregate there is a risk of fugitive dust emissions. These emissions include load losses (including dust, gravel, and small rocks losses) during transport; dust suspended along paved and unpaved roads as trucks pass over the roads; and those fugitive emissions lost during loading and unloading operations. The volume of trucks, weights of the vehicles, and wind speeds are all factors that would determine the severity of the impact. For this reason, SEA concluded that the No-Action Alternative (with over 1,700 total truck trips a day) would have significant long-term impacts on air quality that would greatly exceed the air quality impacts of construction and operation of the proposed rail line. The dust emissions (i.e., particulate matter) associated with rail transport are 27.7 tons per year, while dust

emissions from truck transport on paved and unpaved roads are approximately 1,316 and 3,181.6 tons per year, respectively. Accordingly, SEA is not recommending the No-Action Alternative as environmentally preferable.

Comment No. AQ-09, #EI-2745, #EI-2798: Reassess air quality impacts related to health implications (e.g., from increased dust). Commenter's family will be breathing in silica quartz dust on a daily basis due to operations occurring 24 hours each day and, subsequently dust gathering in the filtration system of our house.

Response: Regarding the concern for dust from the rail line, please see the response to Comment AQ-02, in Chapter 5 of this FEIS. Regarding the presence of silica dust on a 24-hour-a-day basis from the quarry, please see the responses to Comments AQ-01 and WR-01, as well as the response to Comment AQ-02, in Chapter 5 of this FEIS. As stated in Section 4.7 of the DEIS and Chapter 6 of the SDEIS, SEA has concluded that construction and operation of the proposed rail line would have no significant air quality impacts, and that the use of trucks under the No-Action Alternative would cause significant air quality impacts.

Comment No. AQ-10, #EI-2677: The gravel will be watered down, but disclose how long the gravel will stay damp during hot days in southern Texas. Disclose the amount of dust that will be generated during the six plus miles to the switch at Dunlay.

Response: Vulcan will be using water to abate dust emissions from the quarry site, and during loading and unloading operations, and rail transport. Operating water sprays at the inlet and outlet of the crushers, screens, and conveyors will control emissions from the first section of the quarry plant. The second section of the plant will consist of wash screens, conveyors, and processes where material is drenched with, or submerged in, water. The crushers will also be equipped with water sprays at the inlet and outlet points to control dust. Emissions from roads, active work areas, and stockpiles will be controlled by the use of an 800-gallon water truck. The water truck will apply water to the road, work areas, and stockpiles. In addition, the entry area will be paved, watered, and washed to control dust. A wheel wash will be installed at the location where trucks enter the paved road from the unpaved area, minimizing tracking of dust out onto the paved area (see #EI 1664). It is correct that the water will evaporate more rapidly during the summer months, and more water will be needed during that time to meet the fugitive emission limitations imposed by Vulcan's air quality permit from the TCEQ (see Appendix D #EI-2830).

SEA calculated the particulate matter emissions (i.e., dust) from the construction and operation of the rail line under each of the rail alternatives studied. This information is presented in Section 4.7 of the DEIS, in Section 3.7 of the SDEIS, and summarized in Section 6.2 of the SDEIS. SEA recommended that the Board impose a mitigation condition to use water to minimize dust emissions from the rail transport of crushed limestone material. Please see Mitigation Measure #F-59 in Chapter 1 of this FEIS.

Comment No. AQ-11, #EI-2818: EPA responded to SEA's SDEIS and the Proposed Alternatives with a designation of LO, which stands for "Lack of Objections."

Response: Comment noted.

Comment No. AQ-12; #EI-2712: Due to the Proposed Route's shorter length compared to the Eastern Routes, there would be fewer air quality impacts. Tables presented in both the DEIS and SDEIS (Table 4.7-1 on page 4-50 of the DEIS, and Table 3.7.5-1 on page 3-40 of the SDEIS) show that the Proposed Route would result in lower emissions than the Eastern Bypass

Route and Media MCEAA Medina Dam Alternative. The emissions of nitrogen oxides (NO_x), as well as carbon monoxide (CO), particulate matter (PM), and hydrocarbons (HC), would be approximately 25% higher for the Eastern Routes than for the Proposed Route.

Response: SEA agrees that air quality impacts are largely a function of the length of the route. Operations over the Proposed Route and Alternatives 2 and 3 would indeed produce the fewest mobile source emissions of any of the other rail routes studied. However, none of the rail operations over any of the rail routes studied would exceed 100 tons-per-year of any criteria pollutant, which is the EPA's major emission-source threshold for Title V permit applicability, and the threshold for significance that SEA used here. Therefore, SEA used impacts on other resource areas as the determining factors on the selection of the environmentally preferable routes.

Given that all the Eastern Alternatives would cause significantly fewer impacts to cultural resources and would also have fewer impacts on the 100-year floodplain, they are environmentally preferable to the original routes. From the Eastern Alternatives: SGR's Modified Medina Dam Route would cause more impacts to transportation and traffic safety than the Eastern Bypass Route, the Modified Eastern Bypass Route, or the MCEAA Medina Dam Alternative; would require more higher order stream crossings; and is the longest of the Eastern Alternatives (which would cause slightly more environmental impacts in air quality). Therefore, SEA believes that SGR's Modified Medina Dam Route is the least environmentally preferable of the three Eastern Alternatives. As a result, SEA believes it is appropriate to designate (the Eastern Bypass Route, (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative) as the environmentally preferable alternatives out of all the alternatives plus the No Action Alternative studied in the environmental review process for this proceeding.

Comment No. AQ-13, #EI-2902: Two more miles of track (with the Eastern Alternatives) at six trains a day for 50 years would be an additional 438,000 miles of freight hauling. This is a tremendous amount of unnecessary fuel being burned and exhausts polluting our atmosphere.

Response: SEA has weighed all the factors in its determination of the most environmentally preferable route, recognizing that each route would have some unavoidable impacts. As stated above, SEA has concluded that the Eastern Alternatives would cause significantly fewer impacts to cultural resources and would also have fewer impacts on the 100-year floodplain. Therefore SEA has designated the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally preferable alternatives out of all the alternatives plus the No Action Alternative studied in the environmental review process for this proceeding.

Comment No. AQ-14, #EI-2902: The additional exhaust and air pollution associated with the Eastern Alternatives is an inappropriate use of natural resources in a time when the government is suggesting conservation in fuel and pollution.

Response: See responses to AQ-12 and AQ-13 above.

6.2.10 Geologic Hazards (GH)

Comment No. GH-02, #EI-2784, and #EI-2783: Commenters are concerned about impacts on geological sites and natural features.

Response: Section 4.8 of the DEIS and Section 3.8 of the SDEIS discuss the potential for geologic hazards as a result of construction and operation of the proposed rail line. Also, see the response to Comment GH-01 in Chapter 5 of this FEIS. SEA does not anticipate any potential impacts on geological sites from the operation of the proposed rail line. Nonetheless, SEA is recommending a new mitigation condition that would require SGR to comply with the Edwards Aquifer Rules (30 TAC Chapter 2123) for the construction of the rail line and associated facilities. This regulation would necessitate the completion of a Geologic Assessment (GA) prior to construction (see Mitigation Measure #F-78 in Chapter 1 of this FEIS).

6.2.11 Karst Features (KF)

Comment No. KF-05, #EI-2784: Commenter is concerned about impacts from air and chemical pollutants on unexplored caves.

Response: Regarding impacts from the construction and operation of the proposed rail line on unexplored caves, see Mitigation Measure #F-78 in Chapter 1 of this FEIS. SEA does not anticipate any potential impacts on caverns by air and chemical pollutants from the operation of the proposed rail line. SEA is recommending a new mitigation condition that would require SGR to comply with the Edwards Aquifer Rules (30 TAC Chapter 2123) for the construction of the rail line and associated facilities. This regulation would necessitate the completion of a GA prior to construction. The GA would include a karst feature inventory and evaluation.

6.2.12 Land Use (LU)

Comment No. LU-20, #EI-2873: MCEAA criticizes SGR's proposal because it uses BMPs to avoid or minimize the disturbing of natural buffers in the area during construction. MCEAA's criticism is without foundation.

Response: Comment noted.

Comment No. LU-21, #EI-2855: Commenter requests the help of the Governor's Office in preventing the destruction of farm and ranches due to SGR's proposal to construct and operate a rail line in Medina County, Texas. The Governor's Office can accomplish this by: (1) ensuring that the Board incorporates modifications (e.g., the Weiblen Modification) to the three Eastern Alternatives that minimize the division of farms and ranches, especially those that have pivoted or linear irrigation sprinkler systems; (2) ensuring that all interested parties, including the Board, understand that the Eastern Alternatives would divide more farms and ranches than the original Proposed Route did; and (3) informing all interested parties, including the Board, that the THC would support the original Proposed Route if the railroad grants a one-mile conservation easement for the entire length of the route.

Response: SGR would need to work with landowners to minimize the land use impacts of the selected route. Therefore, SEA is recommending mitigation to allow some slight modifications to the most preferable routes. These modifications would require SGR to negotiate with the appropriate land owner(s) to ensure access to the severed property and/or replacement of irrigation systems, and, if appropriate, realign the track to avoid taking houses and/or to minimize the impacts where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction. In addition, SEA is recommending that, prior to beginning construction, SGR consult with affected landowners and the TPWD to determine whether the rail line would separate livestock and wildlife from water supplies. If the rail line would separate livestock and wildlife from water supplies, SGR would be required to develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible due to new rail line construction, if

suitable alternative sources are not available. (See Mitigation Measures #F-62 and #F-63 in Chapter 1 of this FEIS). In addition to these route-specific mitigation measures, a modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) was evaluated in this FEIS. This modification would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines.

Comment No. LU-22, #EI-2649: Commenter is concerned about impacts on the agricultural landscape.

Response: As stated in the DEIS and SDEIS, construction and operation of the rail line would have some adverse effects on current land use that could not be fully mitigated. However, SEA's recommended Mitigation Measures #F-62 and #F-63 would require SGR to negotiate with affected landowners to provide access to severed properties, and develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible due to new rail line construction.

Comment No. LU-23, #EI-2763: Ranches owned by families for 100 years would be taken.

Response: Regarding property acquisition through eminent domain, please see the responses to Comment LU-07 in Chapter 5 of this FEIS.

Comment No. LU-24, #EI-2781, and #EI-2782: Commenters are concerned about impacts on private property by SGR's Modified Medina Dam Route. Their property was founded in 1890. In 1993, their property was awarded the Texas Family Land Heritage Award by Texas Land Commissioner Rick Perry to the Elmer and Ida Balzen Saathoff Family.

Response: Comment noted. To address this issue, SEA is recommending Mitigation Measure #F-62 as described in response to Comment No. LU-21.

Comment No. LU-25, #EI-2779: Disclose the power source for the quarry. Will Vulcan build or install power lines to the quarry? Will the line cross private property that will be taken by eminent domain? Will the power lines have to be provided by Medina County at the tax payers' expense, or will Vulcan pay?

Response: Vulcan has had preliminary discussions with Medina Cooperative (MECO), which supplies power to the area and which would supply power to the quarry. The most recent substantive discussion took place in December 2006. The terms under which power would be supplied to the quarry had not been finalized at that time. Furthermore, the level of power needed at the quarry has not yet been determined. However, Vulcan stated that under no circumstance, would a large transmission line be required to provide power to the quarry, and any power lines that would need to be built would not be paid for by taxpayer funds.

When the level of power needed for the quarry is determined, SGR and MECO will decide where to bring the power from (i.e., either from the south or east), and whether or not the existing poles would be sufficient. Until the power requirements are determined, no decision can be made regarding whether or not SGR's rail right-of-way would be used by MECO for this purpose.

No decisions have been made to run power lines through the Quihi Rural Historic District or regarding where to site a MECO substation, if needed. SGR has offered to work with MECO to assess alternatives that would avoid the use of the rail right-of-way within the Quihi Historic District, and would work with MECO to use existing power rights-of-way in or near the district to avoid crossing private properties.

Comment No. LU-26, #EI-2779: Disclose the type of access that would be provided to subdivided land (e.g., cross-over tracks, tunnel, or bridge).

Response: Proposed Mitigation Measure #F-62 would require SGR to negotiate with landowners to ensure access to severed property. SGR has stated (see #EI- 2712 and #EI-3150) that it recognizes that it would need to tailor access to the particular needs of the property owner. SGR has stated that all such access could be effectively provided at-grade. To the extent feasible, SGR would construct its line along property boundaries so as to avoid severing property.

Comment No. LU-27, #EI-2788: Disruption by rail would alter landowner land use.

Response: Regarding disruption of landowner land uses, including access to severed properties, please see the response to Comments LU-21 above.

Comment No. LU-28, #EI-2717, and #EI-2713: The proposed route would ruin the rural landscape.

Response: To identify, and subsequently protect, the rural landscape of the area, SEA conducted an extensive rural historic district delineation study. The results of this study are included in the SDEIS. To protect the integrity of this landscape, SEA evaluated the impacts that each of the alternatives would have on it, and considered them in its recommendation of the most environmentally preferable route(s). Furthermore, pursuant to 36 CFR 800.14 (b), SEA is recommending Mitigation Measure #F-77, which would require that SGR comply with the terms of the PA that has been finalized and executed by all required parties. The PA establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others. (See Appendix A-3 of this FEIS).

Comment No. LU-29, #EI-2674, #EI-2809, and #EI-2810: Disclose how many driveways each rail route would cross.

Response: Table 6.2.1-1, Transportation and Traffic Safety in Chapter 6 of the SDEIS presents the requested information. The Eastern Bypass Route would cross the most number of private roads or driveways (11), followed by the MCEAA Medina Dam Alternative (10), SGR's Modified Medina Dam Route (8), Alternative 1 (4), the Proposed Route (3), and Alternatives 2 and 3 (2 each). Nonetheless, SEA is recommending the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally preferable routes because they would cause significantly fewer impact to cultural resources and flooding (see response to comment AQ-12).

Comment No. LU-30, #EI-2674, #EI-2809, and #EI-2810: Disclose how many families would lose property to the rail line.

Response: SGR has stated that it would not take houses for the purpose of building the rail line. SGR would align the tracks along property boundaries, to the extent possible, to

minimize or avoid severing of property. However, 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, SEA is recommending Mitigation Measure #F-62 in this FEIS. This would require SGR to negotiate with the appropriate landowners to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment No. LU-31, #EI-2735: Commenter is concerned about the impact of the railroad on existing land uses.

Response: Please see the responses to Comments LU-01, LU-04, LU-05, LU-08, and LU-09 in Chapter 5 of this FEIS.

Comment No. LU-32, #EI-2712: The shorter distance traversed by the Proposed Route, as compared to the Eastern Alternatives, disturbs fewer properties owned by persons other than SGR or affiliated entities: 10 for the Proposed Route versus 32 and 22 for the Eastern Bypass Route and MCEAA Medina Dam Alternative, respectively (see SDEIS, page 6-35). In addition, the Proposed Route would traverse north-south oriented property boundaries, which would minimize the impacts to landowners. The Eastern Routes, due to their more semi-circular design, would cross many properties at a diagonal, thereby increasing the likelihood of disruption to agricultural activities, especially on those properties where landowners have made substantial investments in irrigation systems. For example, several thousand feet of the Weiblen irrigated farmland would be traversed by both the Eastern Bypass Route and MCEAA Medina Dam Alternative. While the Proposed Route would traverse more prime farmland than the Eastern Routes, it would do so in a non-disruptive way by clinging to property lines so that agricultural activities would be relatively unaffected, and most of the farmland that would be traversed by the Proposed Route is rangeland with only approximately 1,000 feet of irrigated farmland. SGR would work with landowners to minimize these impacts (as per Mitigation Measure #F-62); however, it is unclear whether or not it would be able to do so in all cases to the full satisfaction of the landowner.

Response: Comment noted. It should be noted that SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable. See response to comment LU-21 above for additional information.

Comment No. LU-33, #EI-2708: The MCEAA Medina Dam Alternative would cross fewer properties than every other route, including the Proposed Route, and would be no more disruptive than the Proposed Route, as the SDEIS documents.

Response: Comment noted.

Comment No. LU-34, #EI-2902: Land is a non-renewable resource, is in very short supply in our area especially, and must be protected.

Response: Comment noted.

Comment LU-35, #EI-2908: Even though the Proposed Route would cut through fewer properties, why does SGR consider it okay to cut through commenter's fields and affect his irrigation system?

Response: As stated above, SGR no longer seeks approval for the Proposed Route, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route, which SEA also recommends as environmentally preferable.

SGR would align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, 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, SEA is recommending Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowners to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment LU-36, #EI-2904: THC has consulted with the Weiblen family, who have been negotiating with SGR and allowing the use of their land on the western property boundary. This offer would prevent the railroad from bisecting their irrigated land, and rendering their irrigation equipment useless.

Response: Comment noted. A modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) was evaluated in this FEIS. This modification would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines.

Comment LU-37, #EI-2932: The proposed conservation easement was not fully explained; no legally binding agreements were put forth; and the easement could be legally voided by other common carriers and land owners.

Response: Comment noted.

Comment No. LU-38, #EI-2708: In 2005, Texas voters approved state bond authority to relocate rail lines from urban areas. The Governor signed agreements with UP and Burlington Northern Santa Fe Railroad (BNSF) regarding the need for relocation, and how such relocation should occur. Political leadership is united on the need to address land use and transportation conflicts posed by the current system, and provide for a better approach.

Response: Comment noted.

6.2.13 Noise (N)

Comment No. N-15, #EI-2873: SGR had 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 would not be possible. Thus, SGR has clarified that its willingness to voluntarily use welded rail would extend to all of the line except the loading area. Any noise would be minimized since the trains in that area would be moving very slowly, and SGR would use track lubricants if permitted to do so.

Response: SEA is recommending the Voluntary Mitigation offered by SGR as #F-VM3 (see Chapter 1 of this FEIS). In addition, SEA is recommending 11 mitigation measures for

reducing noise impacts created by the proposed rail line that describe the methods used to reduce the amount of noise produced during construction and operation of the proposed rail line. Please see Mitigation Measures #F-64 through #F-74 in Chapter 1 of this FEIS. Three of those noise-related mitigation measures specifically address ways to minimize noise-related to the loop track. See Mitigation Measures #F-72, #F-73, and #F-74 in Chapter 1 of this FEIS. These mitigations would require SGR to minimize wheel squeal, if a loop track is used, provide a track lubrication system for any track that is used to mitigate wheel squeal noise, and provide a movable point crossover to mitigate excess noise from the crossover at the neck of any loop track.

Comment No. N-16, #EI-2639, #EI-2641, #EI-2649, #EI-2784, #EI-2783, #EI-2788, #EI-2799, #EI-2721, #EI-2722, #EI-2745, #EI-2798, and #EI-2731: Commenters are concerned about impacts from noise and vibration created by the rail line. The trains would be passing by during all hours of the night.

Response: SEA is recommending Mitigation Measure #F-69, which would require that SGR not engage in rail construction activities between 7:00 pm and 7:00 am Monday through Saturday or on Federal holidays except for emergency situations. As to hours of rail operation, SGR has stated (#EI-1664) that it would operate its rail line during daytime hours (7 a.m. to 10 p.m.), to the extent possible, and would anticipate that most rail movements would take place during these hours. However, there could be times when, to satisfy the operational needs of Class I railroads, VCM's customer needs, and emergencies, trains would need to operate during nighttime hours (10:00 p.m. to 7:00 a.m.). SGR has not quantified the number or percent of rail operations that could occur during nighttime hours, but these operations would happen very infrequently. For more information regarding noise impacts caused by the train passing during night time hours, please see the responses to Comments N-02 and N-06 in Chapter 5 of this FEIS.

For more information regarding noise impacts from the rail line, please see Section 4.12 of the DEIS, Section 4.3 of the SDEIS, and Appendix C-3 of the SDEIS.

SEA is recommending 11 mitigation measures for reducing noise impacts created by the proposed rail line that describe the methods used to reduce the amount of noise produced during construction and operation of the proposed rail line. Please see Mitigation Measures #F-64 through #F-74 in Chapter 1 of this FEIS. SEA concludes that with these mitigation measures the noise impacts from any of the rail alternatives studied would not be significant.

Comment No. N-17, #EI-2639, #EI-2640, #EI-2641, #EI-2766 (46 individual letters), #EI-2802 (12 individual letters), and #EI-2959: Commenters are concerned about noise impacts affecting elderly people and children. The SDEIS states that a commenter's home would not be impacted by noise emitted from the train. Commenter disagrees for the following reasons: the train that follows Highway 90 (approximately 1.5 miles from home) can be heard, and commenter's home fronts CR 4516 where trains would cross and blow horns long and loud to warn crossing traffic. Another commenter's house is located on Lot 10 of the Castroville West Subdivision. Their concern with noise is not only the train passing, but the noise associated with the 'dings' from the warning signs, and constant whistle from the train as it crosses CR 4516, which their property fronts.

Response: SGR would use noise-producing signals (i.e., horns, whistles, alarms, and bells) for safety warning purposes only (see Mitigation Measure #F-70 in Chapter 1 of this FEIS). These warning signals are considered beneficial for protecting the safety of every citizen, including the children and elderly. SEA assessed the potential for adverse noise impacts from SGR's proposed train operations, including the sound of safety warning devices, and concluded

that there would not be any significant adverse noise impacts created by the project. Please see Volume 1, Section 4.3 of the SDEIS and Volume II, Appendix C-3, Section 9.1 of the SDEIS for more information on the detailed noise analysis.

SEA assessed the potential for adverse noise impacts from SGR's proposed train operations by comparing the predicted noise levels for the rail routes under consideration with the Board's adverse effects noise criterion of a 3 A-weighted sound level (dBA) or greater increase in existing L_{dn} and an increase to 65 dBA L_{dn} (Day-Night Average Noise Level for a 24-hour day) or greater. While area residents unaccustomed to train noise may be displeased or otherwise annoyed by the noise generated each time the train passes, the methodology for noise analysis requires discussion of impacts in terms of effects to the L_{dn} . SEA also evaluated the required sounding of the train horn. See the response to Comment N-23. See Volume 1, Section 4.3 of the SDEIS and Volume II, Appendix C-3, Section 9.1 of the SDEIS for more information on the detailed noise analysis. In addition, please see Mitigation Measures #F-64 through #F-74 in Chapter 1 of this FEIS that describe the mitigation measures that SEA is recommending be used to reduce the amount of noise produced during construction and operation of the proposed rail line.

Comment No. N-18, #EI-2780: Commenter lives with noise impacts.

Response: Comment noted.

Comment No. N-19, #EI-2780: Commenters are concerned about the rail line running through their ranches and the noise not being controlled. They need a Noise Abatement Office.

Response: SEA is not clear what the commenter means by a Noise Abatement Office. SEA is recommending 11 mitigation measures for reducing noise impacts created by the proposed line that describe the methods that would be used to reduce the amount of noise produced during the construction and operation of the proposed rail line. Please see Mitigation Measures #F-64 through #F-74 in Chapter 1 of this FEIS.

Comment No. N-20, #EI-2716, and #EI-2713: Train wait times for pick-up, and locations of idle trains should be used in the impacts evaluation. Idling trains produce noise and could be delayed for hours waiting for crews and traffic clearance.

Response: It is difficult to estimate idle times associated with inclement weather and scheduling, and repairs, in addition to those associated with other shippers that would locate in this area and utilize the line. Therefore, SEA did not perform a detailed evaluation of noise impacts associated with those idle times. Please see Chapter 4, Section 4.3.2 ("loading track and side track") of the SDEIS for a discussion of potential noise impacts from train idling. However, SEA does not believe that the noise impacts associated with those events would be significantly adverse. Furthermore, SGR indicated to SEA that each 100-car unit train would be loaded in eight hours from the time it arrived at the quarry loading area. SEA considered these loading idle times in the assessment of noise impacts associated with the loading track, as described in Section 4.3.2 of the SDEIS.

Comment No. N-21, #EI-2895: A train traveling through the area would cause noise.

Response: Comment noted.

Comment No. N-22, #EI-2873: MCEAA repeats the same arguments 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, would adequately address these issues.

Response: Comment noted.

Comment No. GM-23, #EI-2820: The SDEIS addressed noise and vibration issues.

Response: Comment noted.

6.2.14 Vibration (V)

Comment No. V-10, #EI-2873: MCEAA's comment on Mitigation Measure #41 in the DEIS, which SEA modified as Mitigation Measure #17A in the SDEIS, finds no basis in the record of this proceeding. SGR concurs with SEA's recommendation that it conduct a pre-construction survey to locate wells and monitor vibration levels at the wells during construction.

Response: SEA is recommending Mitigation Measure #F-23 in this FEIS (see Chapter 1 of this FEIS) to replace the prior vibration-related mitigation suggested in the DEIS and SDEIS. Mitigation Measure #F-75 would require that SGR conduct a survey to locate nearby wells and monitor the vibration levels at these wells during any pile driving activities related to rail construction to ensure that the peak particle velocity limit of 2.72 inches per second in any axis (in either of the two lateral directions or in the vertical direction) is not exceeded during construction.

Comment No. V-11, #EI-2680: Medina Dam would be in danger from railroad vibrations that would endanger all of Castroville.

Response: The Medina Dam construction and design had to take into consideration future development within the area. Analysis of the project's potential for generating vibration during construction and operation of the rail line indicated no potential for damage to structures located more than 200 feet away from these project activities. (See Section 9.2 of the Noise and Vibration Report included in Appendix C-3 of the SDEIS. The rail line, under any of the alternatives studied, is more than 7 miles from the Medina Dam and should cause no vibration impacts on the dam's structure.

Comment No. V-12, #EI-2707, #EI-2639, #EI-2640, and #EI-2641: The SDEIS states that the vibration emitted from the train will not impact commenter's home. Commenter disagrees because the train that follows Highway 90 (1.5 miles from home) can be heard. Commenter is concerned about the impact of vibrations from the trains on his homes' foundation.

Response: SEA recognizes that many residents may sense a vibration when a train passes. Quite often what is observed is a "buzz and rattle" response of the residence's contents to low frequency airborne sound from a train, and not actual vibration coming in from the ground. In any case, either effect would be temporary and not sacrifice the integrity of, or cause damage to, their home.

In the SDEIS, SEA concluded that rail line construction vibration would not damage the structural integrity of residences. In fact, no residences would experience any adverse vibration impacts except from one alternative. The only anticipated impact would be from Alternative 1; two residences along Alternative 1 could be subject to an annoying, though not damaging, level

of train vibration. However, SEA is not recommending Alternative 1 as an environmentally preferable route. For further details on the vibration analysis impacts, please refer to Volume I, Section 4.4 and Volume II, Appendix C-3, Section 9.2 of the SDEIS.

Comment No. V-13, #EI-2716, and #EI-2713: Train waiting times (for pick-up or drop-off), and locations of idling trains should be a component of the impacts analysis. Idling trains that could be waiting for crews or traffic clearance for hours produce vibrations.

Response: Forces generated by the movement of a train cause vibration from trains. This momentum, along with the rolling wheels on the track, is transmitted into the rails, then through the cross ties and supporting ballast into the ground, where the vibration is absorbed by the ground after traveling a relatively short distance. The overall vibration generated by a train increases as the train travels faster. Idling trains are not moving and thus are not creating any ground vibration.

Comment No. V-14, #EI-2708: Vibration can damage groundwater wells and other subsurface wells (see various referenced examples listed in #EI-2708).

Response: Regarding train vibrations affecting wells, please see the response to Comment V-04 in Chapter 5 of this FEIS. Regarding quarry vibrations affecting wells, please see the response to Comment V-05 in Chapter 5 of this FEIS. SEA is recommending Mitigation Measure #F-75 that would require SGR to conduct a survey to locate nearby wells and monitor the vibration levels at these wells during any pile driving activities related to rail construction to ensure that the peak particle velocity limit of 2.72 inches per second in any axis (in either of the two lateral directions or in the vertical direction) is not exceeded during construction. (See Mitigation Measure #F-75 in Chapter 1 of this FEIS).

Comment No. V-15, #EI-2639, #EI-2641, #EI-2649, #EI-2784, #EI-2783, #EI-2788, #EI-2799, #EI-2721, #EI-2722, #EI-2745, #EI-2798, and #EI-2731: Commenters are concerned about impacts from vibration created by the rail line.

Response: Please see response to Comment V-14 above.

Comment No. V-16, #EI-2873: MCEAA raises the issue of well damage from vibrations that will be caused by quarry blasting. However, the DEIS determined that “damaging or perceptible quarry-activity-related ground vibration, including blasting vibration, would not propagate outside the quarry boundary.”

Response: SEA conducted extensive analysis of potential cumulative vibration impacts from rock blasting at the quarry from independent studies and from information provided by SGR. SEA specifically requested additional information from SGR regarding blasting activities at the quarry. SGR has provided information stating that blasting at the quarry would occur approximately five times per week when the quarry facility is operating at its design capacity and that the duration of any given blast would range from about one-third to one and one-half seconds. According to SGR, VCM would design all blasts using best available control technology (BACT), as it does at other quarries. SGR states that VCM would design its blasts so as to comply with the widely applied blast-induced vibration guidelines set forth in report RI 8507 issued in 1980 by the U.S. Bureau of Mines. (See Appendix D of this FEIS, #EI-1664). See response to Comment V-05 in Chapter 5 of this FEIS.

Comment No. V-17, #EI-2708: For vibration, noise, and flooding, no state regulatory process exists to analyze and then avoid, minimize, or mitigate the impact.

Response: Federal guidelines exist to assess ground transportation noise and vibration impacts under NEPA. These include: the Noise Control Act of 1972 (42 U.S.C. 4901), the Federal Transit Administration Guidelines (FTA-VA-90-1003-06, May 2006), and the Federal Railroad Administration Guidelines (Final Report No. 293630-4, October, 2005).

In regards to flooding concerns, FEMA has developed the National Response Plan (last updated May 25, 2006), to enhance the ability of the United States to manage domestic incidents (including those due to flooding), and to coordinate responses with state, local, and Tribal governments and the private sector during incidents. At a local level, the Medina County Floodplain Administrator's implements the floodplain permitting process in Medina County, following the requirements of the FEMA's National Flood Insurance Program (NFIP) set forth at 44 CFR 60.3, which was developed to implement the National Flood Disaster Protection Act (NFIA). Thus, this permitting process is essentially a Federal permitting process that has been delegated to the local Medina County authority, meaning that this permitting process must be harmonized to the extent possible with Section 10501(b). SEA is recommending several mitigation measures to minimize impacts to flooding (See Mitigation Measures #F-38, #F-39, #F-44, #F-45, and #F-46 in Chapter 1 of this FEIS and response to comment WR-4 in Chapter 5 of this FEIS).

6.2.15 Recreational and Visual Resources (RS)

Comment No. RS-07, #EI-2649, and #EI-2788: Commenter is concerned about impacts on recreation and hunting.

Response: Regarding impacts on recreation and hunting from the proposed rail line, please see the response to Comment RS-02 in Chapter 5 of this FEIS. In addition, based upon comments from TPWD, SEA is recommending mitigation that would require SGR to consult with TPWD and affected landowners prior to beginning construction activities regarding the implementation of appropriate measures to protect livestock and wildlife in the area during construction and operation. Please see Mitigation Measure #F-63 in Chapter 1 of this FEIS.

Comment No. RS-08, #EI-2788: Commenter is concerned about visual impacts.

Response: Section 4.14.2 of the DEIS and Section 3.13.2 of the SDEIS discuss potential impacts on visual resources from construction and operation of the proposed rail line. Because impacts would generally be the same among all alternatives, they were discussed together. SEA's final recommended mitigation includes SGR's voluntary mitigation to maintain native grass and shrubs inside the rail line right-of-way to allow the rail line to blend with the natural surroundings, and TPWD's recommendation to mow grasses only in essential use areas inside the right-of-way to allow native grasses to prosper. Please see Mitigation Measures #F-VM4 and #F-57 in Chapter 1 of this FEIS.

Comment No. RS-09, #EI-2814: Commenter's home is the site of the Trinity University star gazing field trip every semester for its astronomy classes. The traffic generated by the project would significantly impede the ability to see dark sky objects. The damage of invisibility would increase over time.

Response: SGR has stated (#EI-1664) that it would operate its rail line during daytime hours (7 a.m. to 10 p.m.) to the extent possible, and anticipates that most rail movements would take place

during these hours. However, there could be times when, to satisfy the operational needs of the Class I railroad, VCM's customer needs, and emergencies, trains would need to operate during night time hours. SGR has not quantified the number or percent of rail operations that could be conducted during night time hours, but these would happen very infrequently. Based upon the low volume of trains that could occasionally operate at night, SEA does not believe that the proposed rail line operation would have significant impacts on the degree of darkness of the area and, consequently, on the Trinity University star gazing activities.

6.2.16 Cultural Resources (CR)

Comment No. CR-24, #EI-2712: Commenters are well aware, and respectful, of the cultural resources data and studies set forth in the SDEIS, and understand the cultural and historical sensitivity of the area in question. Those studies were undertaken with their full support.

Response: Comment noted.

Comment No. CR-25, #EI-2712: Commenters concur that the PA would provide appropriate mitigation for the alternative that is selected.

Response: Comment noted. A PA has been executed by the required parties (see Appendix A-3 of this FEIS).

Comment No. CR-26, #EI-2873: SGR looks forward to any constructive comments that MCEAA or others may have on the PA.

Response: Comment noted. Since the time this comment was submitted, the public comment period for the PA has closed, and the PA has been finalized and executed by the required parties.

Comment No. CR-27, #EI-2714, #EI-2713: Commenters are very pleased that the Section 106 Cultural Rural Landscape Study was completed in such a thorough manner.

Response: Comment noted.

Comment No. CR-28, #EI-2719: Though there are some errors in the SDEIS, URS Corporation (URS) and SEA have produced some useful reviews of the cultural resources, and have clearly explained that the Eastern Alternatives are preferable. The impressive Rural Historic Landscape Analysis, Quihi Vicinity, Medina County, Texas, by Meyers and Buthman (on behalf of the Board and URS) is a thorough and comprehensive review of the historical significance of the Quihi area. The definition of three nationally significant Rural Historic Districts is a major step forward in recognizing cultural resources in the region. The SDEIS truly demonstrates that the Quihi area is a unique resource that must be recognized, preserved, and protected. The railroad would destroy the area by its very presence, not to mention the impacts from noise, dust, vibration, and flooding danger that would ensue. The Eastern Alternatives would guarantee cultural landscapes the opportunity to be developed and become Texas and national treasures.

Response: Comment noted.

Comment No. CR- 29, #EI-2849: State Senator for State Senate District 19 applauds the Board's cooperation with Texas state agencies throughout the process of conducting the rural

historic landscape study in order to minimize the proposed project's impact on Texas' historic resources.

Response: Comment noted.

Comment CR- 30, #EI-2941: The Comanche Nation has no immediate concerns or issues regarding the Proposed Route through Quihi, Texas. However, if human remains or archaeological items are discovered during the project, the Comanche Nation requests a cessation of the project, and notification for further discussion.

Response: A PA, that has been negotiated and finalized among the necessary parties, establishes a process for resolving concerns associated with historic preservation. The PA includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others. (See Appendix A-3 of this FEIS). SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS).

Comment CR-31, #EI-2924: The Proposed Route and Eastern Alternatives have been extensively studied, and comments submitted. The fate of Quihi's Rural Historic Landscape is now in the hands of SEA, THC, and ACHP. This fragile, rare, irreplaceable bit of early American and Texas history must be preserved.

Response: Comment noted. See response to CR-30.

Comment No. CR-32, #EI-2883: Commenter understands that THC is recommending the three Eastern Alternatives over the original routes (analyzed in the DEIS) due to the presence of historical buildings along the original routes.

Response: Comment noted.

Comment No. CR-33, #EI-2770: The Medina County Historical Commission concurs with SEA's recommended findings that the Eastern Alternatives would preserve the aesthetic value of the cultural landscape, and be less harmful to historic and archaeological resources.

Response: Comment noted.

Comment CR-34, #EI-2924: Regarding the Section 106 process, MCEAA believes that SGR's relocation of the Proposed Route, and associated mitigation measures, cannot compare with an Eastern Alternative. This rural landscape in its original, authentic condition must not be altered by the addition of SGR's proposed bridge (regardless of its length, height, and other trappings) needed for the crossing of Quihi Creek, its floodplain, and CR 365. This would detract from the aesthetic value and feeling of the rural landscape, and does not belong in this priceless, irreplaceable, one-of-a-kind part of Texas and American history.

Response: SEA is designating both the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally preferable alternatives out of the range of potential rail alternatives studied in the environmental review process for this proceeding. In addition, following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR's legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. SGR has subsequently advised SEA that it does not oppose the

Modified Eastern Bypass Route described in this FEIS, which SEA also recommends as environmentally preferable.

Comment No. CR-33, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2711, #EI-2670, #EI-2669, and #EI-2710: In Section 5.3 (Cultural Resources), paragraph 8, of the SDEIS, it reads that the remainder of Section 5.3 takes into account the change in size and shape of fields, and bifurcation of farms. More accurately, it only takes into account some fields and farms, specifically those with historical buildings on them.

Response: This section of the SDEIS is discussing potential impacts on the quality of design, setting, and feeling - three of the seven qualities that make an historic property or district eligible for the National Register of Historic Places (NRHP). The remaining portions of Section 5.3 address impacts on individual historic buildings, as well as impacts on historic districts. The historic districts include some properties whose landscape features could contribute to the historic character even though they contain a non-historic building. In addition, SEA is recommending Mitigation Measure #F-62, which requires SGR to negotiate with the appropriate land owner(s) to ensure access to the severed property and/or replacement of the irrigation system.

Comment No. CR-34, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2711, #EI-2670, #EI-2669, and #EI-2710: All farms and ranches in the area are built in the rural culture on which Quihi was founded. 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 Alternatives.

Response: Although some of the farms in the eastern area may have been farmed by the same families since the 1940s, the large, open, level, agricultural landscapes that dominate much of that area are the product of relatively new land clearing and irrigation practices, and do not demonstrate the historic time, depth, and integrity required to qualify them as significant cultural resources under Federal guidelines.

Comment No. CR-35, #EI-2708: As SEA noted in the SDEIS, the three historic districts "are a significant resource in the project area" (SDEIS, page 6-42). The Eastern Alternatives "would cause fewer impacts to cultural resources and would not traverse the boundaries of the Quihi Rural Historic District." Avoidance of these features is an adequate and independent ground to find the Eastern Alternatives environmentally preferable to the four central routes, as the historic study demonstrates (Chapter 5 and Appendix F) and SEA correctly found in the SDEIS. Table 5.3-9 of the SDEIS finds that the MCEAA Medina Dam Alternative would have the lowest ranking of cultural resource impacts, which is based upon impacts on the historic district as a whole, without favoring any one building or site.

Response: Comment noted.

Comment No. CR-36, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2711, and #EI-2670, #EI-2669, and #EI-2710: The Eastern Alternatives have more of an impact on cultural resources because they are longer, thereby affecting more land and landowners than the other alternatives.

Response: The additional length does not necessarily equate to greater cultural resource impacts. The Eastern Alternatives would have less of an impact on historic districts, and contain less archaeologically sensitive terrain.

Comment No. CR-37, #EI-2712: The two Eastern Alternatives deemed environmentally preferable (i.e., the Eastern Bypass Route and MCEAA Medina Dam Alternative) would traverse and have some impact on the Upper Historic District, as well as on certain individually eligible historic structures (SDEIS, pages 5-13 - 5-16 and 5-25 - 5-38). In addition, both of these alignments could have some impact on historic and pre-historic archaeological resources (SDEIS, pages 5-16 - 5-21).

Response: The NEPA process does not require that preferred alternatives avoid all impacts on all resources. The EIS identifies potential resource-specific impacts, and then assesses the relative merits of various options based upon multiple resource issues. SEA has weighed all potential impacts from all the rail line routes and the No-Action Alternative in its determination of its most environmentally preferable route, recognizing that each route would have some unavoidable impacts. To deal with any residual impacts, a PA has been negotiated and finalized among the necessary parties to establish a process for resolving concerns associated with historic preservation.

Comment No. CR-38, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2711, #EI-2670, #EI-2669, and #EI-2710: The Eastern Alternatives have not been thoroughly studied in terms of impacts on prehistoric resources. Commenters request that SEA reassess the cultural impact of the Eastern Alternatives, taking into account all of the aspects of cultural impacts, and not only the historical buildings.

Response: SEA reviewed potential impacts on a broad range of cultural and historic resources, including historic structures, districts, landscapes, and prehistoric and historic archaeological sites. In addition, all routes had the same level of study conducted. Background research and an initial field reconnaissance were completed to identify prehistoric archaeological sensitivity. Additional systematic field surveys would be required for any route that is chosen aside from the No-Action Alternative. Pursuant to Mitigation Measure #F-77 and the PA that has been negotiated and finalized among the necessary parties, SEA established a process for resolving concerns associated with historic preservation. This process includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others, and specifies other requirements. The PA also specifies requirements associated with additional archeological and architectural surveys to be conducted to supplement the surveys undertaken in connection with the SDEIS. The purpose of these additional surveys is to locate archeological sites, buildings, and other structures, objects, districts, traditional cultural properties and cultural historic landscapes that may be eligible for listing in the National Register. (See Appendix A-3 of this FEIS). SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment No. CR-39, #EI-2659, #EI-2753, #EI-2755, #EI-2684, #EI-2757, #EI-2758, #EI-2758, #EI-2763, #EI-2764, #EI-2777, #EI-2814, #EI-2789, #EI-2717, #EI-2715, #EI-2676, and #EI-2713: The rural landscape and many historic sites (e.g., archaeological deposits, 1850s stone architecture, homes dating back from the 1850s, and Native American archaeological sites) would be ruined, or severely damaged if the railroad is permitted. Quihi has

many historical and archaeological sites in this area, which should be considered. Commenters are in favor of preserving historic farms and houses that give the Quihi area its unique, irreplaceable character. Several rail routes would destroy these historic places. Reject any alternative that would route rail through a historic neighborhood.

Response: In the DEIS, SEA stated that Quihi could be within a potential rural historic landscape. As described in Chapter 5 of the SDEIS and detailed in Appendix F of the SDEIS, SEA has conducted an extensive study of the architectural resources in the project area and identified three rural historic landscape districts eligible for listing in the National Register: the Quihi Rural Historic District; the New Fountain Rural Historic District; and the Upper Quihi Rural Historic District. As part of this analysis, SEA examined the documents compiled by the Quihi and New Fountain Historical Society (QNFHS). The two routes the SEA recommends as environmentally preferable (including the modification) would have the least impact on these historic districts. A PA to mitigate cultural resource impacts has been developed with multiple consulting parties and is now executed by the required parties. It contains extensive measures designed to ensure that thorough cultural resource studies are completed and impacts are mitigated. Further, SGR must comply with the PA under SEA's recommended Mitigation Measure #F-77.

Comment No. CR-40, #EI-2770, GC-03, #EI-2771, #EI-2775, #EI-2789, #EI-2784, #EI-2785, #EI-2749, #EI-2748, #EI-2717, #EI-2718, #EI-2752, #EI-2682, #EI-2684, #EI-2677, #EI-2738, #EI-2743, #EI-2713, #EI-2771, #EI-2775, #EI-2718, #EI-2717, #EI-2742, #EI-2713, #EI-2791, #EI-2717, #EI-2713, #EI-2717, #EI-2713, #EI-2770, #EI-2678, #EI-2709, #EI-2674, #EI-2809, #EI-2810, #EI-2743, #EI-2874, #EI-2895, and #EI-2936: The Proposed Route would run directly through the Quihi area, and threaten and endanger the community's cultural resources (e.g., the historical part of Quihi). Commenters also are concerned about impacts on a specific 70-year-old historic farmhouse (located 1,000 feet from the Proposed Route), cemeteries, and other historic and archaeological resources. The area is important to Texas history due to many properties being eligible for listing with the NRHP. 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 designation. In addition, impacts can cause problems and ill feelings. The village of Quihi has been designated by Preservation Texas as being an endangered historic site, entirely due to the threat of the proposed Vulcan quarry and railroad project on its historic resources. Several of the alternatives would destroy many of these historic places that date back beyond the first European settlements in the mid-1800s. The importance of economic growth is understood, but environmental preservation is rarely sufficient, and only those who truly feel the loss of local heritage.

Response: Comment noted. In the DEIS, SEA stated that Quihi could be within a potential rural historic landscape. As noted above, SEA has conducted an extensive study of the architectural resources in the project area and identified three rural historic landscape districts eligible for listing in the National Register. As part of this analysis, SEA examined the documents compiled by the QNFHS. The two routes the SEA recommends as environmentally preferable (including the modification) would have the least impact on historic districts. A PA to mitigate cultural resource impacts has been developed with multiple consulting parties and is now executed by the required parties.

Comment No. CR-41, #EI-2758: Commenter is living in a circa 1920s farmhouse, and has a historic rock building on his property. The rock building was a store for the Quihi community.

Response: The stone buildings in Quihi were identified in the SDEIS as important historic resources.

Comment No. CR-42, #EI-2883: Commenter understands that SGR and Vulcan are willing to preserve the historical buildings if the Proposed Route is selected.

Response: Comment noted. SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable.

Comment No. CR-43, IE-2884, #EI-2885, #EI-2886, and #EI-2861: Commenter's brother is the caregiver of artifacts (e.g., arrowheads and tomahawks) that were found on their property over the generations. Native Americans were very much a part of this historic land. Before commenter's family utilized their land over the past century, Native Americans utilized the land. Commenters have found arrowheads, tomahawks, etc., in their fields and pastures. There is evidence of a Native American campground with an enormous amount of flint rock chips and burnt rocks near a natural alkaline salt lick.

Response: Pursuant to the PA stipulation 11.A, page 3 (see Appendix A-3 of this FEIS), SGR would be required to conduct a systematic archaeological investigation to identify and study any such sites within the corridor of any rail route approved prior to construction.

Comment No. CR-44, #EI-2780: Commenter requests that artifacts not be disturbed with blasting.

Response: The PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others, and specifies other requirements. (See Appendix A-3 of this FEIS.) SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment No. CR-45, #EI-2771, and #EI-2775: Commenters are concerned about the danger of flooding in the Quihi Historic District if the Proposed Route is chosen.

Response: As stated previously, SGR no longer seeks approval for the original Proposed Route, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route. Nonetheless, in this FEIS, SEA is recommending Mitigation Measures #F-VM2 and #F-44, which would require SGR to conduct a hydrological study before beginning construction and design any bridges with adequate opening sizes, geometries, and bank-stabilization measures to convey floods and base stream flows hydraulically without impounding water on the upstream side of such structures.

Comment CR- 46, #EI-2906, and #EI-2933: Commenter opposes the Proposed Route because it would destroy the Tap Pilam Coahuiltecan ancestral, cultural, and historical deposits throughout the Quihi valley.

Response: Comment noted. As stated previously, SGR no longer seeks approval for the original Proposed Route, and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Modified Eastern Bypass Route.

Comment No. CR-47, #EI-2779: The Modified Eastern Bypass Route would destroy a historical location that is a registered site (Site 41ME132).

Response: The mapped location of site 41ME132 is approximately 1,500 feet west of the Modified Eastern Bypass Route. Archaeologist Dr. Thomas Hester, who has been documenting local sites with the South Texas Archaeological Association, provided this location. (See #EI-1298.)

Comment No. CR-48, #EI-2796, and #EI-2861: Please consider the value of historical land when making your decision. Valued historical structures were not valued before the proposed project. Vulcan began to assist in restoring historical homes and an 1800s cemetery prior to Quihi becoming a historical village. Historical structures and districts dating from the 1700s are located beside and near railroad tracks throughout America.

Response: The significance of historic resources associated with the project was assessed independently of the timing and nature of the proposed undertaking.

Comment No. CR- 49, #EI-2716, and #EI-2713: Historical wells and fences were not included in the rural analysis.

Response: Fence lines were noted as historic elements during the Rural Historic Landscape Study, and wells were recorded when they were easily visible. Well locations were not systematically inventoried for the historic assessment.

Comment No. CR-50, #EI-2674, #EI-2809, and #EI-2810: Commenter asks how close the rail routes would be to historic sites.

Response: Appendix A-1 of this FEIS lists the distance to each alternative from all historic resources that are less than 1,000 feet from that alternative. Historic resources are defined as those determined eligible or potentially eligible for the NRHP.

Comment No. CR-51, #EI-2797: The Tap Pilam Coahuiltecan Nation has pointed out the location of the early 20th century cemetery on the Schorobiny Tract near Alternative 1. This was designated as Resource BB in the 2004 Technical Memorandum and as Resource 98 in the 2006 Rural Historic Landscape Study (RHLS), and was mapped as being east of Alternative 1. The aforementioned nation provides a deed description that places the cemetery further west, within the 1,000-foot study corridor surrounding Alternative 1 (but not within the direct construction impact zone).

Response: SEA is not recommending Alternative 1 as environmentally preferable.

Comment No. CR-52, #EI-2671: There is nothing more historical about Quihi than the land around the MCEAA Medina Dam Alternative.

Response: Studies conducted for the SDEIS concluded that, while the Eastern Alternatives would be in close proximity to historic resources, they would have less of an impact on historic districts and archaeological sites than all other studied alternatives because they would bypass the Quihi Rural Historic District.

Comment CR-53, #EI-2907: The Quihi Rural Historic District will have no protection absent the SGR proposed mitigation. Talk that is focused on 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.

Response: SGR no longer seeks approval for the Proposed Route or other alternatives studied in the DEIS likely to have the most direct impacts on the Quihi Rural Historic District, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route.

Comment CR-54, #EI-2932, and #EI-2932: SGR presents mitigation measures that address impacts on future developments, but ignore the present impacts of the Proposed Route (as modified). With the mitigation measures presented, it would be necessary for the Proposed Route to be rerouted. Procuring consultant services to preserve the Quihi Rural Historic District, as a part of mitigation efforts, would not be necessary if there were no railroad in the Quihi Rural Historic District.

Response: See response to Comment CR-53 above.

Comment CR- 55, #EI-2908: Because the SDEIS was required to address historic sites that were overlooked in the DEIS, do we know if SGR and VCM have identified all historic sites? Commenter believes that the entire Quihi Rural Historic District should be avoided.

Response: SEA is recommending two environmentally preferred alternatives with the least impacts on the Quihi Rural Historic District. The PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others and specifies other requirements. The PA also specifies requirements associated with additional archeological and architectural surveys to be conducted to supplement the surveys undertaken in connection with the SDEIS. The purpose of these additional surveys is to locate archeological sites, buildings, and other structures, objects, districts, traditional cultural properties, and cultural historic landscapes that may be eligible for listing in the National Register. (See Appendix A-3 of this FEIS.) SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment No. CR-56, #EI-2685: Commenter has an 1860s limestone house with additions and two additional residences west of FM 2676 listed as high-impact areas by the SDEIS, which are in the path of the Eastern Bypass Route (see attachment to #EI-2685 in Appendix C of this FEIS).

Response: The commenter's limestone house was inventoried as #204 in the RHLS. It was identified as individually eligible for the NRHP, and as a contributing resource in the Upper Quihi Historic District. It is located approximately 392 feet northeast of the Eastern Bypass Route. Potential impacts on this house and the district are evaluated in the SDEIS (see Chapter 5 of the SDEIS). SEA has weighed all potential impacts from all the rail line routes and the No-Action Alternative in its determination of its most environmentally preferable route, recognizing that each route would have some unavoidable impacts. In addition, the executed PA establishes a process for resolving concerns associated with historic preservation.

Comment No. CR-57, #EI-2730: Commenter lives in a home built in 1876, and would like to preserve this piece of history and the surrounding Quihi historical areas.

Response: The PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others, and specifies other requirements. (See Appendix A-3 of this FEIS.) SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment No. CR-58 #EI-2714 and #EI-2713: The SDEIS Section 106 Study recognizes that the present day roads in Quihi area are, for the most part, unchanged from the times of the settlers. This is part of their cultural landscape. Commenters have documentation on the location of the historic General Wall's (Wool, Woll) Road as it traversed through Medina County in the 1840s via Quihi itself, and down CR 4516. They hope to preserve this as well.

Response: See response to Comment No. 57.

Comment No. CR-59, #EI-2714 and #EI-2713: Commenters oppose the project location. A renowned archaeologist, Dr. Thomas Hester, PhD (#EI-1313, Nov. 6, 2003), wrote that Vulcan "couldn't have chosen a worse place in south-central Texas for this quarry and rail project" from the standpoint of historical and archaeological resources. In December of 2002, Vulcan representative, Tom Ransdell, stated that he had no idea of historic things in this area, which typifies Vulcan not doing its homework before engaging in site selection.

Response: Comment noted. SEA does not have jurisdiction over the siting of the quarry. However, SEA evaluated the rail alternatives and is recommending two alternatives (and one modification) with the least cultural resources impacts.

Comment CR- 60, #EI-2937: The Sunset Route of the Southern Pacific Rail Line was used to build the Medina Lake Dam in 1911 and has historic value. It predates many of the buildings and homes established on the Proposed Route.

Response: SGR has stated in writing that it no longer seeks approval for the original Proposed Route, SGR favors the Eastern Bypass Route and does not oppose the Modified Eastern Bypass Route. (See #EI-2712 and #EI-3040.)

Comment No. CR-61, #EI-2797: The Tap Pilam Coahuiltecan Nation is concerned that sinkholes in the quarry area may have been used as Native American burial sites.

Response: SEA does not have jurisdiction over the siting of the quarry. However, the 2004 Technical Memorandum presented in the DEIS stated that "Local residents have reported that there are at least two sinkholes in the vicinity of the proposed quarry, and multiple "mound" features has also been reported in this area on the Wurzbach property. Neither the sinkholes nor the mounds have been field-confirmed by an archaeologist (sinkholes were often used as human burial features by Native Americans). Dr. Thomas Hester has suggested that perhaps the "mound" features could be burned rock middens (Hester, personal communication, 2004)." Systematic field surveys would be required to confirm the presence or absence of sinkhole burial features.

SEA is recommending Mitigation Measures #F-78 and #F-79, which would require SGR to identify potential risk areas for sinkhole formation prior to initiating rail construction activities along the two-mile loading loop or one-mile parallel loading tracks, and the first 1,500 feet of rail line south of the loading loop or loading tracks, and shall implement engineering design measures to protect the rail line from future sinkhole development. If SGR identifies a significant karst feature during the grading and construction of the two-mile loading loop or one-mile parallel loading tracks and the first 1,500 feet of rail line south of the loading loop or loading tracks, SGR will be required to consult with a karst feature specialist and implement appropriate mitigation measures. These include developing an inventory of caves for endangered species and complying with the reasonable requirements of the state of Texas for construction activities in the recharge and transition zones of the Edwards Aquifer.

Comment No. CR-61, #EI-2797: The Tap Pilam Coahuiltecan Nation discusses a stone wall that was previously identified as Resource 232-D in the RHLS. It is suggested that German-Alsatian immigrants might have constructed it prior to the settlement of Quihi in the 1840s.

Response: Further historic and archaeological research would be needed to clarify the age and function of this stonewall, but it has already been noted as a potentially significant historic resource. As stated above, SEA no longer seeks approval for the Proposed Route that would have impacted Resource 232-D. Furthermore, the PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others, and specifies other requirements. (See Appendix A-3 of this FEIS). SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment No. CR-63, #EI-2853, and #EI-2898: The part of Medina County northeast of Quihi is a highly productive farm area, and is a major factor in the culture of the area. Just because this area is not included in the historical boundaries does not mean that it does not have historical significance to generations of the farm families in this area. All of the alternatives would impact agricultural lands, both inside and outside the eligible historic district boundaries. These agricultural lands and operations are critical to preservation of the region's rural character.

Response: Although some of the properties may have been farmed by the same families for several generations, the large open, level agricultural landscapes that dominate much of that area are the product of more modern land clearing and irrigation practices and do not demonstrate the historic time depth and integrity required to qualify them as significant historic resources under Federal guidelines. RHLS discussed the differences in the agricultural landscape between the historic districts and the areas outside the district.

Comment No. CR-64, #EI-2708, and #EI-2873: A supplemental draft PA should be circulated to consulting parties. The draft document created pursuant to Section 106 of NHPA, and contained in Appendix I-3 of the DEIS, was completed before studies contained in Appendix F of the SDEIS, and requires updating. It is unclear whether the old PA contains adequate mitigation for the environmentally preferable Eastern Alternatives. Thanks to the SDEIS, more is known about the extent of cultural resources than was known at the time of the DEIS. The PA must address the entire area of proposed effect and must treat all alternatives fairly so that all adverse effects are resolved. In addition, the new PA cannot assume that the environmentally preferable alternatives would be licensed. The SDEIS concludes that the best way to reduce impacts is to avoid the historic district. The old PA does not propose mitigation, and thus does not actually resolve the adverse effects. The SDEIS finds that the Eastern Bypass Route and the MCEAA Medina Dam Alternative are environmentally preferable, which presents an opportunity to focus the PA on those two alternatives without the need to address additional mitigation that the alternatives studied in the DEIS would require.

Response: The final PA focuses on the two environmentally preferable Eastern Alternatives (including the modification). It establishes a process and contains extensive measures to avoid, minimize, or mitigate impacts that will be imposed on any rail line that is approved. See final PA and associated comments in Appendix A of this FEIS.

Comment No. CR-65, IE-2884, #EI-2885, #EI-2886, #EI-2861: Commenters are part of the multi-faceted community of Quihi, and own land in Quihi that has been in the 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. Commenters have an ancestral home on the land, appreciate ancestral Quihi, and are direct descendants of the Schweers, Saathoff, Lindeburg, and Balzen families. Land grants were given for farming and ranching purposes. An ancestral home is important, but not as important as ancestral land, which is the true heritage of their community and family. Commenters have inherited historical land parcels from their maternal and paternal lineages, one of which is located in Quihi, and one of which is involved in the proposed railway route. The Quihi land has previously received recognition under the Texas Department of Agriculture Family Land Heritage Program, and commenters have started the application process to gain recognition (in 2008) of the other parcel. Please consider the greater good and larger significance of the heritage family land when making a decision for location of the rail line, and elect not to cross these historic parcels of land.

Response: SGR has stated in writing that it no longer seeks approval for the original Proposed Route favors the Eastern Bypass Route, and it does not oppose the Modified Eastern Bypass Route in this FEIS.

The PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others and specifies other requirements. (See Appendix A-3 of this FEIS). SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment CR-66, #EI-2930, #EI-2931, and #EI-2926: The Weiblen farm adds a 178-acre lot ½ mile north of FM 4516 and east of CR 461 to their list of land eligible for the Texas Family Land Heritage Program. The Weiblen's are completing the required documentation for

recognition as a historic farm. This includes a 300-acre lot north of FM 4516 and east of CR 461, and a 107-acre lot 1/8 mile north of Fred Weiblen's house and east of CR 366.

Response: In response to this concern, SEA developed a modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) and evaluated it in this FEIS. This modification would limit impacts to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines.

Comment CR-67, #EI-2906/2933: The offer of allowing reburials is offensive. The reburial of ancestors is difficult and burdensome. The community carries out reburials only because the alternatives to reburial have proven to be abusive to our cultural history.

Response: Comment noted.

Comment CR-68, #EI-2907: Relocating CR 365, with its potential impacts on cultural resources, would be done only with the approval of the County, which has yet to voice objection. Any issues brought up by the Medina County Historical Commission or the THC would be addressed.

Response: Comment noted. SGR is no longer supporting the Proposed Route and there is no need to relocate CR 365 under the two environmentally preferred Eastern Alternatives.

Comment CR-69, #EI-2907: The route favored by Tap Pilam (the Eastern Bypass Route) would cross more miles of archeologically sensitive terrain than would the Proposed Route. It would traverse a known archeological site, whereas the Proposed Route would not. On the SEA scale to measure potential archeological site impacts, with 1 as the highest potential and 7 as the least, the Proposed Route was ranked at 3 and the route favored by Tap Pilam ranked at 5, both ranking in the middle. The rankings are hardly precise and do not depict specific locations of all archeologically sensitive landforms. No party should rely too heavily on archeological sensitivity. Regardless of which route is ultimately chosen, SGR is ready to implement the PA which "includes provisions for consultation, tribal input, treatment of human remains, repatriation, curation of artifacts and records, dispute resolution, amendment, and termination."

Response: As stated above, SGR no longer seeks approval for the Proposed Route favors the Eastern Bypass Route and it does not oppose the Modified Eastern Bypass Route. In addition, the PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others and specifies other requirements. The PA also specifies requirements associated with additional archeological and architectural surveys to be conducted to supplement the surveys undertaken in connection with the SDEIS. The purpose of these additional surveys is to locate archeological sites, buildings, and other structures, objects, districts, traditional cultural properties and cultural historic landscapes that may be eligible for listing in the National Register. (See Appendix A-3 of this FEIS). SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment CR-70, #EI-2932: SGR's modified proposal for the Proposed Route presents issues with partial and skewed data, often quoting data in the SDEIS but avoiding a conclusion with a summary of all the data.

Response: Comment noted. As stated before, SGR no longer seeks approval for the original Proposed Route the Eastern Bypass Route and does not oppose the Modified Eastern Bypass Route.

Comment CR-71, #EI-2940 THC wants to protect the rural landscape and historic resources in the western portion of the project area; however, it also believes that it is imperative to minimize impacts on the Weiblen family and other families that would be affected by the Eastern Alternatives.

Response: In response to this concern, SEA developed a modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) and evaluated in this FEIS. This modification would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines.

Comment CR-72, #EI-2921 and #EI-2935: The proposed consultation with Tap Pilam Tribal Council is to be commended. The Tribe is greatly opposed to excavation of Native American human remains, and a "reburial" is not what it wants. The Tribe is especially concerned about sinkholes in the area of the proposed quarry. As a commenter pointed out in a November 6, 2003 letter to the Board, such sinkholes were the preferred spots for disposal of the dead by prehistoric peoples in Central Texas.

Commenters thank SEA for hosting the April 20, 2007 conference call regarding the Section 106 consultation process, and most recent mitigation proposals for SGR's Proposed Route. Most comments and concerns during the conference call were related to the location of private properties, and broad economic and preservation interests of the community. Also, the Texas State Historic Preservation Officer (SHPO) and Tam Pilam-Coahuiltecan Nation expressed a preference for the Eastern Alternatives.

Commenters understand that the Board will carefully consider the information collected to date. However, they believe that greater clarity is needed regarding the significance, defining characteristics, and integrity of the Quihi and Upper Quihi Rural Historic Districts. Identification of the contributing elements within the historic districts would help with avoidance, preservation, and protection.

Commenters request, pursuant to 36 CFR Part 800.4(c)(2) of the ACHP's regulations implementing Section 106, that the Board obtain a determination of eligibility for these two historic districts from the Keeper. A formal determination of eligibility from the Keeper, pursuant to 36 CFR Part 63, will provide the Board and all the consulting parties definitive baseline information. A list of information requested in the formal determination of eligibility is presented in Comment letter #EI-2921.

Commenters are particularly insistent that the potential for adverse effects on known cenotes are evaluated and considered by the Board because the Tap Pilam-Coahuiltecan Nation has indicated that it ascribes religious and cultural significance to these sites. Continue consultation with the Texas SHPO and Tap Pilam-Coahuiltecan Nation to obtain any additional information regarding these cenotes in order to give them full consideration. In addition, the

Board should recognize that cenotes, or sinkholes, may present engineering challenges for the design of the proposed railroad.

Response: SEA held ongoing consultations with the ACHP and the Keeper to address questions concerning the identification of contributing resources. The Tap Pilam-Coahuiltecan Nation raised concerns that “the Quihi area” has potential to contain sinkholes that could include burials of religious and cultural significance to the Nation. (These features were also referred to as cenotes, but we note that cenotes are a Mayan term for water-filled sinkholes, and the limestone karst areas of Quihi are known to contain sinkholes that are generally dry features.)

Despite SEA’s effort to determine with more specificity the existence and location of sinkholes within either the quarry area or the rail project area, SEA has no specific data to indicate that sinkhole burials or other burials exist within the Area of Potential Effects (APE) of the proposed rail project. This will be confirmed by a systematic archaeological field survey prior to any construction that would be required under SEA’s recommended Mitigation Measures #F-78 and #F-79. Further, the PA establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others and specifies other requirements. (See Appendix A-3 of this FEIS.) SEA is recommending Mitigation Measure #F-77 which would require SGR’s compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment CR-73, #EI-2922: The Coahuiltecan Research Associates request to be made a Section 106 “Consulting Party” due to the Native America roots in and around the project area. They are a stand-alone entity, although most in their group are also active members with the Tap Pilam-Coahuiltecan Nation.

Response: The Coahuiltecan Research Associates have been added as a Section 106 Consulting Party.

Comment CR-74, #EI-2924: SGR’s desire to relocate CR 365 to “higher ground” is not because it would be a better location for the road, but because SGR knows that the road’s original location could not be utilized or maintained. The relocation would destroy the road’s authenticity and intended purpose (i.e., it was designed by early settlers to connect Quihi with Upper Quihi). Wagons were purposely driven through the creeks so that water would swell the wooden wheels and keep the iron rims tightly connected to the wheels. This is yet another reason why this historic road should not be relocated.

Response: The proposal to relocate CR 365 was tied to SGR’s effort to gain approval of the Proposed Route. SEA is designating in this FEIS both the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally preferable alternatives out of the range of potential rail alternatives studied in the environmental review process for this proceeding. In addition, following the end of the comment period for the new proposed mitigation for the Proposed Route as part of the Section 106 Process, SGR decided to support the Eastern Bypass Route instead of the Proposed Route. This decision was noted in an August 3, 2007, letter from SGR’s legal counsel, David H. Coburn, which is included as #EI-3040 in Appendix C of this FEIS. SGR has subsequently advised SEA that it does not oppose the Modified Eastern Bypass Route described in this FEIS, which SEA also recommends as environmentally preferable.

Comment CR-75, #EI-2924: Commenter disagrees with SGR's proposed relocation of the Proposed Route to the Lindsey property to spare the division of a prehistoric rock wall. This new location would infringe on another historic site, 41ME132, registered by T. Hester and B. Mangold. This site's location had erroneously been listed in the SDEIS as being within 1,000 feet of the MCEAA Medina Dam Alternative (Vol. 1, page 5-44, Table 5.9-3), but is actually closer to the Proposed Route. The proposed relocation of the Proposed Route (around the east end of the rock wall) would bring it even closer.

Response: Comment noted. See response to CR-74.

Comment CR-76, #EI-2924: SGR's proposed relocation of the Proposed Route to the eastern side of CR 353 to avoid bisecting the Gerdes Family Heritage Ranch would be problematic. This location would cross the driveway that provides access to a property where eight individuals live, including two small children (soon to be three). Another access route to a home and machine shop office complex would also be cut off. As the Proposed Route would course further northward and cross CR 353 near its intersection with CR 354, it would now cross dangerously close to the Dittmar family home. This is a home, which is eligible for listing on 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 four fatalities.

Response: Comment noted. See response to CR-74.

Comment CR-77, #EI-2925: Preservation Texas is a statewide non-profit preservation organization that named Quihi to its Most Endangered List. It provides this comment in response to the Section 106 conference call of March 26, 2007, and letter from SGR's counsel and dated April 5, 2007 (#EI-2925). The mitigation proposal of SGR is not a reasonable method to counter the adverse effect on the Quihi Rural Historic District. The Eastern Alternatives are best and feasible, and should be pursued. Therefore, no additional work would be required to address the adverse effects on Indian burial remains or adverse visual effects that a large bridge would present.

Response: Comment noted. SGR has now decided to support the Eastern Bypass Route so the Proposed Route is no longer under consideration. (See #EI-3040.)

Comment CR-78, #EI-2935: Does not the detailed study regarding the Quihi Rural Historic District present all data necessary for a designation to the NRHP. The QNFHS have already started the nomination process.

Response: The amount of information required for a formal nomination to the NRHP is a matter to be determined by the Keeper. Regardless of formal nomination, the Quihi Rural Historic District has been determined to meet the eligibility requirements of the NRHP based on a consensus determination by the Board and the THC.

Comment CR-79, #EI-2935: A correction is offered to the letter of April 5, 2007, submitted by SGR's counsel. The QNFHS is not a creation of MCEAA. Instead, it was organized in 2003 to prepare forms to identify endangered structures in the Quihi area. QNFHS assembled over 60 forms with photographs and submitted them to THC.

Response: Comment noted.

Comment CR-80, #EI-2935: The Medina County Historical Commission is not designated to receive and expend funds that would benefit the Quihi Rural Historic District, and it is inappropriate for SGR to have even suggested that \$75,000 might be routed to them. Commenters enacted a resolution opposing the Proposed Route through Quihi. It is ineffective to “incentivize” businesses to locate outside of a historical district. And if a business is located on the Vulcan/SGR railroad within the Quihi Rural Historic District, it is facile to think that “\$75,000” would somehow mitigate the loss of historic resources, or the impact on those nearby.

Response: Comment noted. SGR’s offer was in support of the Proposed Route. SGR has now decided to support the Eastern Bypass Route (and does not oppose the Modified Eastern Bypass Route), so the Proposed Route is no longer under consideration. (See #EI-3040.)

Comment CR-81, #EI-2935: It is unclear where the newest 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 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 would be needed to mitigate impacts on archaeological resources.

Response: Comment noted. SGR has now decided to support the Eastern Bypass Route so the Proposed Route is no longer under consideration. (See #EI-3040.)

Comment CR-82, #EI-2935: THC clearly opposes the Proposed Route, and has ignored sums of money from Vulcan/SGR that would undoubtedly benefit the work of the THC. Commenter, the chair of the ACHP, would assume that the chairman of the THC would also strongly oppose the destruction of the unique, rural historic landscape at Quihi.

Response: Comment noted.

Comment CR-83, #EI-2927: Regarding the April 20 teleconference on the Section 106 proceedings, SGR offered no real solutions. SGR never acknowledged the true effect of the Proposed Route on the cultural landscape. The modified proposal did not address existing issues, and only brought up more unanswered questions.

In addition to aesthetic impacts, the Proposed Route would have a tremendous effect on the Quihi Rural Historic Landscape from earth moving. Even though there may be less earth moving for the Proposed Route than for other alternatives, the location of the earth moving is in the Quihi Rural Historic District.

There is nothing that could make the Proposed Route acceptable. The very presence of the rail line through Quihi, with all associated earth-moving and related baggage, would render the area ineligible for recognition as an historic district.

Response: Comment noted. SGR has now decided to support the Eastern Bypass Route so the Proposed Route is no longer under consideration. (See #EI-3040.)

Comment CR-83, #EI-2954: THC has passed along to the Board its members’ concerns. The Board is required to consider the impact of its project on historic resources, and seek methods to avoid, minimize, or mitigate any adverse effects on those resources. The Board is also required to consult with the SHPO. Selection of the route, if any, is the responsibility of the Board.

Response: Comment noted.

Comment CR-85, #EI-2954: THC is concerned that its member's home is individually eligible for listing on the NRHP. It is Site #204 in the SDEIS. The Board is required to seek methods to avoid or minimize effects on this and similar historic properties. THC believes this house and farmstead are worthy of preservation. All routes have the potential to impact historic structures and archaeological sites. The Eastern Alternatives would impact this property even through overall the Eastern Alternatives appear to be less disruptive to historic resources than the western routes. However, should the Board select one of the Eastern Alternatives that would impact their property, THC would work with that agency and the railroad to avoid or minimize adverse effects on the buildings and farmstead.

Response: SEA has weighed all potential impacts from all of the rail routes and the No-Action Alternative in its determination of the most environmentally preferable route(s), recognizing that each alternative would have some unavoidable impacts. SEA is recommending two Eastern Alternatives (including the Modified Eastern Bypass) as environmentally preferable. In the two environmentally preferable routes (and one modification), that SEA is recommending, SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure # F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

In addition, the PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others and specifies other requirements. The PA also specifies requirements associated with additional archeological and architectural surveys to be conducted to supplement the surveys undertaken in connection with the SDEIS. The purpose of these additional surveys is to locate archeological sites, buildings, and other structures, objects, districts, traditional cultural properties and cultural historic landscapes that may be eligible for listing in the National Register. (See Appendix A-3 of this FEIS). SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment CR-86, #EI-2954: It is important to realize that the alignments in the SDEIS are approximations. While final construction would closely parallel the alignments shown, it is expected that there would be an opportunity to shift alignments to avoid damage to historic resources. Property access, agricultural use, and irrigation systems would all be factored into route selection and construction design. The route you propose would avoid impacting structures on your property, but would potentially impact resources #216 and/or #214, both eligible for the National Register, as well.

Response: SEA is recommending Mitigation Measure #F-62, which would require SGR to negotiate with landowners to ensure access to severed property and/or replacement of irrigation system, and to realign the tracks to avoid taking houses and/or to minimize impacts. In addition, the PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others and

specifies other requirements. (See Appendix A-3 of this FEIS.) SEA is recommending Mitigation Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment CR-87, #EI-2932: The overall modified proposal for the Proposed Route was not clear or complete. The map and bridge sketch were misleading. The community knows that unaesthetic railroad bridges, berms, power lines, culverts, fences, and a maintenance road would be necessary despite what was presented.

Response: Comment noted. SGR has now decided to support the Eastern Bypass Route so the Proposed Route is no longer under consideration (see #EI-3040).

Comment No. CR-88, #EI-2853: Considering the size of the Weiblen landholdings and operations, along with the potential direct impacts of the environmentally preferred routes on their property, the Board should include the Weiblen family as a consulting party.

Response: Comment noted. The Weiblen family was added as an official Section 106 Process consulting party as requested. In addition, a modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) was evaluated in this FEIS to limit impacts, to the extent practicable based upon topography, on the Weiblen property by routing the rail line as close as possible to property lines.

Comment CR-89, #EI-2954: The Board should grant other parties requests for consulting party status under Section 106 of the NHPA. This would allow them to formally participate in discussions throughout the remainder of the process, including the actual design, should the Board approve any of the alternatives.

Response: The Board granted this request. See Appendix A of this FEIS for an official Section 106 Consulting Party list.

Comment CR-90, #EI-2924: After evaluating the data, it should be clear to all of the interested parties participating in the Section 106 process, that the Proposed Route does not belong in the Quihi Rural Historic Landscape. An Eastern Alternative, which would avoid the area and has already been recognized by SEA as being less environmentally disruptive, should be chosen.

Response: Comment noted. SEA has weighed all potential impacts from all the rail routes and the No-Action Alternative in its determination of the most environmentally preferable route(s), recognizing that each alternative would have some unavoidable impacts. SEA is recommending two Eastern Alternatives (including the Modified Eastern Bypass) as environmentally preferable. Furthermore, SGR no longer seeks approval for the original Proposed Route, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route, so the Proposed Route is no longer under consideration.

6.2.17 Socioeconomics and Quality of Life (SE)

Comment No. SE-16, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2711, #EI-2670, #EI-2669, #EI-2710, #EI-2627, #EI-2785, #EI-2718, #EI-2732, #EI-2711, #EI-2670, #EI-2669, #EI-2713, #EI-2639, #EI-2640, #EI-2788, #EI-2752, #EI-2780, #EI-2739, #EI-2780, #EI-2763, #EI-2682, #EI-2811, #EI-2742, #EI-2777, #EI-2785, #EI-2798, #EI-2677, #EI-2732, #EI-2884, #EI-2883, #EI-2874, #EI-2894, #EI-2895, and #EI-2938: Implementation of the Eastern Alternatives would destroy the economic value of some farms and ranches in the area, putting them out of business. For example, one commenter has enlarged tanks and spent millions of dollars to fight off trailer homes establishing on his fence line. The rail line would impact another commenter's land, which was bought in 1937 and where three generations now live. Years of farming and ranching improvements would be useless if land is divided to benefit the economic value of a large company. 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. Some of the improvements/contributions include the following: years of clearing, leveling, and fertilizing the land; drilling irrigation wells and establishing a network of pipes 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 Eastern Alternatives would interfere with the large sprinkler systems. Without the coverage of these large systems, farms would not be able to maintain the small margins used to keep these systems operable. The solutions of adding sprinkler systems on the other side of the railroad would more than double the amount of maintenance and labor needed to keep the system operational in addition to requiring additional piping and valves. 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.

Response: As stated in Section 4.10 of the DEIS, acquisition and use of right-of-way for the proposed rail line under any of the alignments would have some adverse effects on land use and socioeconomics that could not be fully mitigated, including property severance and conversion of prime farmlands to rail line right-of-way. SEA's recommended Mitigation Measures would ensure that landowners have access to severed properties and livestock have access to water. SGR would be required to maintain native grasses and shrubs inside the rail line right-of-way so it would blend with the natural surroundings. SEA is recommending Mitigation Measure #F-63 in Chapter 1 of this FEIS, which states the following: "Prior to beginning construction, SGR shall consult with the Texas Department of Parks and Wildlife and with affected landowners to determine whether the rail line would separate livestock and wildlife from water supplies. If the rail line would separate livestock and wildlife from water supplies and suitable services are not available, SGR shall develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible to wildlife and livestock due to new rail line construction.

Regarding instances of property severance, damages to a home or an irrigation system, or property demolition and/or destruction, SEA is recommending that SGR negotiate with the appropriate landowner(s) to ensure access to severed property and/or replacement of irrigation systems, and, if appropriate, realignment of the track to avoid taking houses and/or to minimize the impacts (please see Mitigation Measure #F-62 in Chapter 1 of this FEIS). Regarding property values, please see the response to Comment SE-08 in Chapter 5 of this FEIS, in addition to Section 4.16 of the DEIS.

Comment No. SE-17, #EI-2627, #EI-2628, #EI-2629, #EI-2633, #EI-2634, #EI-2635, #EI-2636, #EI-2638, #EI-2642, #EI-2650, #EI-2651, #EI-2652, #EI-2653, #EI-2654, #EI-2655, #EI-2656, #EI-2657, #EI-2660, #EI-2663, #EI-2664, #EI-2794, #EI-2793, #EI-2711, #EI-2670, #EI-2669, #EI-2710, #EI-2788, #EI-2711, #EI-2670, #EI-2669, #EI-2710, and #EI-2883:

Large parcels of farm and ranch land are becoming less common every day, especially those that have irrigation abilities. The railroad would divide land into smaller parcels, thereby rendering investments (i.e., increasing the size of equipment and parcels of land) ineffective and reducing operational margins. The Eastern Alternatives would divide over twice as many farms and ranches as the Proposed Route. Smaller parcels of land would make the use of larger equipment impractical, and landowners would have to revert back to smaller equipment. The smaller land parcels would also require that land lie otherwise unnecessarily fallow in order to provide access to the ends of fields for maneuvering equipment, and smaller parcels require additional time for turning equipment around more often. The Eastern Alternatives would render some parcels of land impractical for farming or ranching purposes.

Response: See the response to Comment SE-16, above.

Comment No. SE-18, #EI-2646, and #EI-2661: The entire area was settled around the same time, making no route more historically (i.e., socially) damaging than another. At one time the communities of Bader Settlement, Haby Settlement, Upper Quihi, Quihi, New Fountain, Vandenburg, and Verdina were in this general area. In addition, there are Hondo, Dunlay, Castroville, and Rio Medina.

Response: Comment noted. Regarding potential impacts on cultural resources, please see the response to Comment SE-10, in Chapter 5 of this FEIS.

Comment No. SE-19, #EI-2659, #EI-2662, #EI-2726, #EI-2727, #EI-2731, #EI-2757, #EI-2726, #EI-2727, #EI-2815, #EI-2887, and #EI-2936: Commenters' economic well-being would be threatened by the project. It would not enhance, nor prove to be beneficial for, the economic status of the community. The total effects of this development would change the area and quality of life forever. Commenters invested everything in their homestead, and now their quality of life would be changed. Their property was purchased and their home built for retirement, in which they invested a large portion of their assets and savings. Another commenter's property is located north of CR 252 and their quality of life would diminish due to noise and air pollution.

Response: Comment noted. Regarding the economic benefits of the rail line, please see the response to Comment SE-10 in Chapter 5 of this FEIS. In addition, Section 4.16 of the DEIS discusses the potential socioeconomic impacts of constructing and operating the proposed rail line.

Comment No. SE-20, #EI-2640: The rail line would cross the deed-restricted Castroville West Subdivision.

Response: To respond to this comment, SEA overlaid the Castroville West Subdivision boundaries over the rail line alignments being considered in this proceeding (see Figure 6-1). All three Eastern Alternatives would cross this restricted subdivision. To respond to several concerns from the public, SEA analyzed a modification of the Eastern Bypass Route in this FEIS, which would limit impacts, to the extent practicable based upon topography, on the Weiblen property by routing the rail line as close as possible to property lines, and would avoid the Castroville West

Subdivision. The Eastern Bypass Route, including this modification, is one of the alternatives that SEA is recommending as environmentally preferable.

Comment No. SE-21 #EI-2639, and #EI-2641: Noise from the train would be loud and disruptive during the day and especially at night, and a sufficient night of sleep is essential to ensure a productive day. The proposed train routes would cause sleepless periods during the night and, as a result, hinder productivity during the day. In addition, having a train interrupt many in-home gatherings with family members and friends would be disruptive, embarrassing, and destructive to the atmosphere that is valued when living in the country.

Response: SEA is recommending Mitigation Measure #F-69, which would require SGR not to engage in rail construction activities between 7:00 pm and 7:00 am Monday through Saturday or on Federal holidays except for emergency situations. SGR has stated (#EI-1664) that it would operate the rail line during daytime hours (7 a.m. to 10 p.m.), to the extent possible, and would anticipate that most rail movements would take place during these hours. However, there could be times when, to satisfy the operational needs of the Class I railroads, VCM's customer needs, and emergencies, trains would need to operate during night time hours. SGR has not quantified the number or percent of rail operations that could be conducted during night time hours, but these operations would happen very infrequently. For more information regarding noise impacts caused by the train passing during all of hours of the night, please see the response to Comment N-02 in Chapter 5 of this FEIS.

For more information regarding noise impacts from the rail line, and for SEA's analysis of noise impacts from the rail line construction and operation, please see Section 4.12 of the DEIS and Section 4.3 of the SDEIS.

Comment No. SE-22, #EI-2641: #EI-2975, #EI-2876: Commenters drove the original Proposed Route to photograph the so-called 'historic' structures that need to be preserved. Please review these photos and honestly consider the following question when making a 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?

Response: SEA is not placing greater value on historic structures over other structures. However, NEPA and the regulations of the CEQ implementing NEPA (see 40 CFR 1500-1508) require Federal agencies to assess the direct and indirect impacts of a major Federal action on the affected human environment. This includes considering potential impacts on historic and cultural resources that may be on or eligible for listing on the NRHP (National Register). In addition, Section 106 of NHPA requires Federal agencies to determine the potential impact of their actions or undertakings on National Register listed or eligible historic properties. The implementing regulations of both NEPA and NHPA encourage agencies to combine their consideration of historic properties to save time and avoid duplication of effort. This is the reason why SEA has done so here.

Comment No. SE-23, #EI-2756: The railroad would ruin our community, which has 65 historical sites.

Response: Regarding potential impacts on cultural resources, please see the response to Comment SE-10, in Chapter 5 of this FEIS.

Comment No. SE-24, #EI-2760: Commenter indicates that a change in the landscape would result in his home being flooded regularly. The flood damage to commenter's home would be costly and leave him homeless.

Response: Regarding property damage caused directly or indirectly by the rail line, please see the response to Comment SE-05 in Chapter 5 of this FEIS.

Regarding impacts caused by flooding, please see Section 4.5 of the DEIS and Section 5.2.31 of this FEIS. SEA believes that, with implementation of SEA's recommended mitigation measures, impacts on area flooding from the construction and operation of the rail line would not be significant. (See Mitigation Measures #F-VM8, #F-37, #F-38, #F-39, #F-44, #F-45, and #F-46 in Chapter 1 of this FEIS for SEA's specific recommendations to reduce potential impacts on area flooding.)

Comment No. SE-25, #EI-2780 and #EI-2887: Those responsible for this project should be held financially responsible. The project would not benefit Quihi or Medina County.

Response: Regarding financial benefits of the proposed project, please see the responses to Comments SE-09 and SE-10 in Chapter 5 of this FEIS. In addition, please see Sections 3.12 and 4.16 in the DEIS, and Section 3.15 in the SDEIS for more information.

Comment No. SE-26, #EI-2771, and #EI-2775: Six of the seven listed routes would run through the commenter's farm.

Response: Comment noted.

Comment No. SE-27, #EI-2721, and #EI-2722: Commenters are concerned about the cost of drilling a new well if there is not enough water to keep our current one flowing (since Vulcan will use 6,000 acre-feet annually, as per a letter dated 10-12-2006 from Mr. Coburn, attorney for SGR).

Response: Comment noted. Please see the response to Comment LU-07 in Chapter 5 of this FEIS, which discusses SGR's condemnation process that takes into consideration the compensation allotted to landowners. Please see the responses to Comment WR-33 in Chapter 5 of this FEIS, which discusses water usage by the proposed quarry, and potential impacts on local wells.

Comment No. SE-28, #EI-2685, #EI-2740, #EI-2736, #EI-2743, #EI-2732, #EI-2707, and #EI-2731: The Eastern Bypass Route would cut off a large portion of commenter's limited frontage on FM 2676. This would reduce their property values. Property would be lost, property values would decrease, and real estate would be adversely affected if the rail line is built. Commenters' property would be devalued and cost them more than could ever be mitigated.

Response: Regarding a reduction in property values, please see the response to Comment SE-05 in Chapter 5 of this FEIS, in addition to Section 4.16 of the DEIS. Regarding private roadway and driveway crossings, please see Mitigation Measure #F-13 in Chapter 1 of this FEIS.

Comment No. SE-29, #EI-2723, #EI-2724, #EI-2726, #EI-2727, and #EI-2719: The taxpayers should not bear the cost of repairing and maintaining roads that would be damaged by trucks hauling heavy materials for profit. The large amount of truck traffic estimated by Vulcan

would impact the ability of Medina County to maintain roads, which would force the burden upon the taxpayers for commercial benefit. The estimated taxes and benefits to Medina County would not pay for the increase in road maintenance alone.

Response: Regarding roadway maintenance, please see the response to Comment SE-07 in Chapter 5 of this FEIS.

Comment No. SE-30, #EI-2726, and #EI-2727: There would be a potential for broken windshields as a result of truck traffic, which would financially impact residents and visitors. Commenter has had to replace two windshields in the last year from trucks not covering their hauls, and throwing gravel.

Response: See response to comment SE-07 in Chapter 5 of this FEIS.

Comment No. SE-31, #EI-2815: The picture on the front cover of each book depicting a gray railroad track with nothing on it, going nowhere, and with no life around it was a great selection because it demonstrates what is to come if the railroad and quarry become reality. The lifeless town of Knippa, Texas, is an example of how a rail line and quarry will not bring prosperity.

Response: Comment noted.

Comment No. SE-32, #EI-2712: SGR believes that its proposed mitigation measure to make the Proposed Route feasible would 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 resource impacts could be mitigated), and it is the most economically preferable route, both in terms of construction and operational/maintenance costs. Indeed, the Proposed Route would be less expensive to build than any of the Eastern Alternatives, and less expensive to operate and maintain. Cost is not an irrelevant factor in assessing alternatives, and is certainly not an irrelevant factor in business decisions. The construction cost of the Proposed Route would result in saving at least \$1.6 to \$2 million dollars compared to the Eastern Bypass Route. Based upon this analysis, SGR has determined that each of the Eastern Alternatives would cost at least approximately \$3 million more than the Proposed Route. This would be a very substantial cost increase.

The Proposed Route would have operational and maintenance savings compared to the Eastern Alternatives. For each year of operation, the operational and maintenance advantage of the Proposed Route (measured with respect to fuel consumption and track maintenance) would be approximately \$120,000 compared to the Eastern Bypass Route, and approximately \$170,000 compared to the MCEAA Medina Dam Alternative. Over a period of 10 years, the differences would amount to an additional \$1.2 million to \$1.7 million.

Response: SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable. Therefore, the Proposed Route is no longer under consideration. Nonetheless,

regarding a cost and benefit analysis for this project, please see the response to Comment SE-09 of Chapter 5 in this FEIS.

Comment No. SE-33, #EI-2708: The MCEAA Medina Dam Alternative would impact the fewest number of acres of irrigated and other prime agricultural land, which is the major economic activity in the project area. Combined with proposed mitigation condition (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 would have the least impact on existing economic productivity by retaining the maximum acreage of prime soils available for agriculture.

Response: SEA is recommending the MCEAA Medina Dam Alternative as one of the environmentally preferable alternatives.

Comment No. SE-34, #EI-2808: The proposed project is supposed to bring jobs to the area, but other projects that were supposed to bring jobs to the area only provided jobs for commuters from San Antonio.

Response: SEA does not know exactly where SGR's or VCM's employees would live. It is possible that some of the employees could be current residents of the area.

Comment No. SE-35, -2708: Vulcan wants to build a quarry and a railroad. This would bring needed jobs to the area so young people could stay here rather than move away. Medina County has lots of rock so it is a good thing to sell.

Response: Comment noted.

Comment No. SE-36, #EI-2757: Our property is in the Texas Land Heritage Program, and has been in our family since 1881. Our home was built in 1910, and we plan to retire here. Moving is not an option.

Response: Comment noted.

Comment No. SE-37, #EI-2761, #EI-2764, #EI-2759, #EI-2762, #EI-2789, #EI-2784, #EI-2785, #EI-2783, #EI-2788, #EI-2799, #EI-2800, #EI-2749, #EI-2748, #EI-2750, #EI-2721, #EI-2722, #EI-2717, #EI-2718, #EI-2715, #EI-2745, #EI-2752, #EI-2798, #EI-2682, #EI-2683, #EI-2686, #EI-2676, #EI-2672, #EI-2674, #EI-2725, #EI-2723, #EI-2809, #EI-2810, #EI-2724, #EI-2739, #EI-2734, #EI-2732, #EI-2726, #EI-2727, #EI-2814, #EI-2731, #EI-2811, #EI-2716, #EI-2713, #EI-2758, #EI-2766 (46 individual letters), #EI-2780, #EI-2802 (12 individual letters), #EI-2777, and #EI-2677: Commenters are concerned that the project would decrease quality of life and land use because of impacts on the following: retirement (e.g., homes), future generations, child rearing (e.g., safe place), air quality (e.g., dust), water resources, traffic (i.e., increases), development (i.e., increased urban environment), ranching, farming, gardening, wildlife, outdoor activities (i.e., hunting, fishing, bird-watching, and hiking), historic/archaeological resources, natural beauty/peacefulness, cleanliness, health, family heritages (e.g., descendants of immigrants who came to Quihi in the 1850s), courteous and honest people, and noise. One of us specifically believes that we "all work hard for what we have and we take care of what we have." In addition, the quality of life would be adversely impacted for residents that would move to the project area in an effort to escape traffic congestion and density of homes in the San Antonio area.

Response: See the response to Comment SE-10 in Chapter 5 of this FEIS. Regarding quality of life being impacted by residents moving from San Antonio, Section 3.12.1 of the DEIS describes the current estimated population growth for Medina County as being unrelated to SGR's proposal, with a population growth rate in 2000 of 4.4 percent, compared to the state average annual growth rate of 2.3 percent. In addition to the census data, SEA corresponded with Bianca Rubi Cline (PCT 1 Administrative Assistant), on April 10, 2007, in order to confirm or deny that future developments have been planned within the project area. According to the judge's office, there are no new subdivisions currently planned within the project area (Medina County PCT 1). The only future development currently known to SEA is the proposed quarry itself.

Comment No. SE-38, #EI-2781, #EI-2782, #EI-2781, #EI-2782, #EI-2893, #EI-2896: Comment No. SE-107, #EI-2893, #EI-2898, and #EI-2937: SGR's Modified Medina Dam Route would divide two important portions of land that generate vital income. Time, labor, and money invested to renovate the first tract of land would be wasted, and the irrigation system on the second tract would be disrupted. The SGR Modified Medina Dam Route would pass through one commenter's house, and divide his field and range land. Another commenter's property, founded in 1890, would be severely affected by SGR's Modified Medina Dam Route. The 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 heirs. Their property has the Texas Family Land Heritage Award, and provides a home for two families. They have tracts that are vital to their family income. One tract is being improved by the Environmental Quality Incentives Program through the U.S. Department of Agriculture (USDA) to conserve and efficiently use natural resources that will benefit the environment, use of land, and everyone. The other tract has a major 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. SGR's Modified Medina Dam Route would severely impact the flow of rainwater runoff. This is the primary flow to fill stock tanks. These stock tanks are the main source of water for a neighbor's livestock operation, which is vital to the commenter's income. A commenter is concerned about impacts on century-old or older family agriculture enterprises from SGR's Modified Medina Dam Route, which would cut through two parcels of land that produce vital family income. One tract has been recently cleared and root plowed, with stumps and rocks removed, to enhance production of grazing land for the future. The route would impact another tract of land by destroying an irrigation sprinkler system that ensures crop growth. Commenter would suffer losses in terms of time, labor, and money.

Response: Comments noted. SEA is recommending two environmentally preferable routes: The Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative. SEA is not recommending SGR's Modified Medina Dam Route as environmentally preferable in part due to the concerns expressed by these commenters, and because it would cause more impacts to transportation and traffic safety than the Eastern Bypass Route (including the Modified Eastern Bypass Route) or the MCEAA Medina Dam Alternative. In addition, SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the Proposed Route, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route.

Comment No. SE-39, #EI-2781, and #EI-2782: Commenters are concerned about changes in rainwater runoff, as related to stock tanks, and subsequent income from livestock that would be caused by SGR's Modified Medina Dam Route.

Response: Comment noted. If the chosen rail line would separate livestock and wildlife from water supplies, SGR would consult with TPWD and affected landowners to develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible due to new rail line construction, if suitable alternative sources are not available nearby (please see Mitigation Measure #F-64).

Comment No. SE-40, #EI-2747, #EI-2741: Commenter notes that as an elderly lady living alone, she would be forced to leave friends, family, and the retirement home her husband built for them. Another commenter lives 150 yards from one of proposed rail lines where 400 cars per day would be passing.

Response: SEA is unaware of the source of information the commenter is referring to when stating that 400 cars per day would be passing. As discussed in Section 4.17.2 of the DEIS, approximately 100 quarry employee cars would be traveling on area roadways. Because the Board does not have jurisdiction over the construction and operation of VCM's quarry, SEA cannot recommend that the Board impose any mitigation on quarry activities. Regarding roadway maintenance, please see response to Comment SE-07 in chapter 5 of this FEIS.

If, however, the commenter is referring to the truck traffic increase that would result from the quarry if the rail line were not built, as stated in Section 2.6 of the DEIS, Chapter 6 of the SDEIS, and Chapter 1 of this FEIS, SEA's analysis indicates that the construction and operation of SGR's rail line would be environmentally preferable to the No-Action Alternative, regardless of which rail alternative were chosen. Due to the large amount of truck traffic that would be needed to transport limestone from the quarry to the UP rail line under the No-Action alternative (approximately 850 loaded and 850 empty trucks per day), it would cause significant adverse impacts on the transportation infrastructure and traffic safety of the project area, and would cause adverse impacts on air quality, groundwater, surface water, biological resources, noise, cultural resources and visual setting.

Comment No. SE-41, #EI-2717, #EI-2713, #EI-2681, and #EI-2709: Commenters are concerned about increasing development and growth (i.e., the rail line and residential subdivisions), and the area becoming industrial. Many feel helpless as their local environment becomes increasingly anonymous and subdivided by housing, big-box stores, and resources such as quarries, rails, and roads used to fuel that development and unchecked growth.

Response: In Section 4.16 of the DEIS, SEA discussed potential socioeconomic impacts of constructing and operating the proposed rail line. SEA determined that any net change in employment and other aspects of the local economy resulting from operation of the proposed rail would be minimal.

As discussed in Section 4.18 of the DEIS, SEA has identified no current proposals for other projects within the area. The only future development known to SEA is the proposed quarry itself. As there is no way to predict whether there would be an increase in area development (other than that caused by the quarry itself) as a result of the project, any analysis of socioeconomic impacts on the area from a change in land use patterns caused by the rail line project would be speculative at this time.

Comment No. SE-42, #EI-2752: A large corporation wants to partner with the community, but this has created a division within the community because the benefits would not be equally distributed. An example of community division created by the project is illustrated as follows: an acquaintance apologized that the rail line would come close to our home even though

he is going to profit considerably. Many families would be negatively affected. In addition, partnerships require consensus, but there is not a consensus here if property is being condemned.

Response: Comment noted. SGR would not take houses for the purpose of building the rail line. SGR would align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, SEA is recommending Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment No. SE-43, #EI-2752: Be considerate of concerns and livelihoods when making a final decision.

Response: Comment noted.

Comment No. SE-44, #EI-2671: There are many subdivisions and families depending upon FM 2676 and CR 265 for their jobs in San Antonio and schools in Hondo, Texas. The rail crossing within 0.5 mile on both roads would create more of a disaster for families than if the train went through Quihi.

Response: SGR has stated that as voluntary mitigation it would develop emergency evacuation plans prior to beginning construction and following the completion of final engineering if the Board were to authorize the instruction and operation of a rail route. SGR would include in its operational plans for the rail line language that would require the routine monitoring of weather reports and conditions so that it would be in a position to temporarily cease operations along the line if warranted by weather conditions. The plan would also provide that rail operations would not resume until any flooding had ceased and the rail line inspected to ensure that it was safe to resume operations. SGR states that trains using SGR's rail line would not be parked so as to block emergency evacuation routes. (See Appendix D of this FEIS, ##EI-1664.) SEA is recommending this mitigation as Voluntary Mitigation Measure #FVM-8 in Chapter 1 of this FEIS. In addition, SEA is recommending Mitigation Measures #F-4 and #F-5, which would require SGR to consult with Medina County prior to beginning rail construction on county roads and with TxDOT regarding construction across state roadways. Furthermore, SEA is recommending Mitigation Measures #F-6 and #F-7, which would require SGR to develop emergency response plans for rail line construction and operation, and to consult with local fire, police, and emergency medical services officials prior to construction activities (see Chapter 1 of this FEIS).

Comment No. SE-45, #EI-2738: Commenter states that she and her husband raise their three children (two of which are handicapped), and provide a haven for other handicapped children, and plan to someday retire at the property they own on CR 351. They have plans to invest their savings in building a home and equine facility that is designed for handicapped children to enjoy as a camp since they have the ability to do so.

Response: Comment noted. See response to SE-44 above.

Comment No. SE-46, #EI-2723, #EI-2724: Much of the value of commenter's homestead is attributed to the tranquility and beauty of the natural habitat that surrounds the property. Disclose why SGR is permitted to profit from the destruction of this beautiful habitat.

Response: Regarding habitat destruction, please see response to comments BR-05, BR-13, and BR-17 in Chapter 5 of this FEIS.

Comment No. SE-47 #EI-2742: Comment No. SE-76, #EI-2740: Alternative 1 would come through commenter's property and negatively impact their way of life (e.g., raising children, peaceful area, country environment). Vulcan's preferred route would divide land that has been owned by the same families for over 100 years. This area has been placed on Texas' List of Endangered Areas.

Response: SEA is designating the Eastern Bypass Route (including the Modified Eastern Bypass) and MCEAA Medina Dam Alternative as environmentally preferable. SEA is not recommending Alternative 1. Furthermore, SGR no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route.

Comment No. SE-48, #EI-2732: The proposed project demoralizes commenter's character.

Response: Comment noted.

Comment No. SE-49, #EI-2731: Commenters are physically challenged to find a new home and/or relocate.

Response: Comment noted. The proposed rail line, under any of the environmentally preferable routes, would not involve the taking of any existing homes. Furthermore, SEA is recommending Mitigation measure #F-62, which would require SGR to 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.

Comment No. SE-50. #EI-2716, #EI-2713: Commenter's home is located half a mile from any of the proposed rail routes. Their home of 16 years has been in the family since 1881, and is recognized by the Texas Family Land Heritage. Their property and way of life is in jeopardy regardless of the route selected.

Response: SEA is recommending the Eastern Bypass Route (including the Modified Eastern Bypass Route) and MCEAA Medina Dam Route as environmentally preferable. In addition, SEA is recommending several mitigation measures to further reduce any adverse impacts.

Comment No. SE-51, #EI-2853: The THC has been in consultation with members of the Weiblen family, who operate approximately 1,500 acres of irrigated agricultural lands along with ranchland that would be directly impacted by any of the Eastern Alternatives. It is imperative to minimize impacts on agricultural operations of this family and other families. Please refer to the family's initial response to the SDEIS in January in which they urged the avoidance of major agricultural lands (#EI-2668).

The Weiblen's offered to work with railroad personnel and the Board to negotiate the use of some of the family's land along their western property boundary to prevent the railroad from bisecting their irrigated land, rendering their irrigation equipment useless, and literally destroying their home and farmstead. The THC endorses this proposal for this unique property.

Given the magnitude of farming operations and investments in land and equipment, the THC urges the Board to condition the use of any of the Eastern Alternatives with routing tracks along property boundaries (e.g., the Weiblen family's western property boundary) and the avoidance of irrigated lands and equipment. The THC is 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.

Response: A modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) was evaluated in this FEIS that would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines. Further, SEA is recommending mitigation Measures #F-63 and #F-64 to reduce the burdens placed on agricultural landowners by the proposed project (please see Mitigation Measures in Chapter 1 of this FEIS).

Comment No. SE-52, #EI-2855: The three Eastern Alternatives would cause the most destruction to Texas farm and ranch properties. The table located in #EI-2855 (see Appendix C of this FEIS) shows the number of properties that would be divided, partially divided, or bordered by the rail. The three Eastern Alternatives would divide more than double the number of farms and ranches when compared to the original Proposed Route.

Response: Comment noted. In order to reduce the amount of property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA is recommending Mitigation Measures #F-62 and #F-63 (see Chapter 1 of this FEIS).

Comment No. SE-53, #EI-2864 and #EI-2883: Commenter requests help in preserving the historical ranching and farming culture in the Quihi area.

Response: See the response to Comment LU-09, in Chapter 5 of this FEIS.

Comment No. SE-54, #EI-2864: Commenter is requesting that the THC require the Board, SGR, and Vulcan Materials to keep the rail along property lines when at all possible, avoiding and preserving as much history as possible.

Response: To reduce the amount of property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA is recommending Mitigation Measures #F-62 and #F-63.

Comment No. SE-55, #EI-2716, #EI-2713: Medina County growth was used in the socioeconomic analysis; however, the SGR project would be located in northeastern Medina County where the growth is 2-3 times the county average.

Response: In Section 3.12 of the DEIS, SEA describes the current estimated population growth for Medina County as being unrelated to SGR's proposal, with a population growth rate in 2000 of 4.4 percent, compared to the state average annual growth rate of 2.3 percent. The population data from 2000 presented in the DEIS is the most current census data available for Medina County and according to the U. S. Census Bureau, 2005 census data is not yet available for Medina County. Section 3.12 of the DEIS describes the 1990 and 2000 population dynamics for the state, county, and nearby towns within the project area. SEA believes that this analysis is adequate for the purpose of comparing rail alternatives under NEPA.

Comment No. SE-56, #EI-2884: Commenter lives on land that has been in the family for five generations; well over 100 years. They have nurtured this land, cultivated with the horse-drawn plow; they only hunt and fish to feed the family; keep pasture land for the native wildlife; do not divert water from its natural flow; do not have machinery running continuously, and can hear the wind blow and the wildlife communicate. Commenter's family met many hardships to be able to keep this land for generations to come. Please save their historical land and way of life. Do not let commenters property become extinct like so many other small farms and ranches.

Response: Comment noted. See the response to Comment LU-09, paragraphs 1 and 2, in Chapter 5 of this FEIS.

Comment No. SE-57, #EI-2884: Having a railway run through this area could cause the natural water runoff to be altered to downstream stock ponds that are needed for livestock and wildlife. The old dam railway did not affect stock ponds because they were constructed after the historic railway was dismantled. Property was still in the hands of first or second-generation property owners living in their original homesteads.

Response: As stated in Section 4.10 of the DEIS, acquisition and use of the right-of-way for the proposed rail line under any of the alignments would have some adverse effects on land use and socioeconomics that could not be fully mitigated, including property severance and conversion of prime farmlands to rail line right-of-way. SEA's recommended mitigation measures would ensure that landowners have access to severed properties and livestock have access to water. SGR would maintain native grasses and shrubs inside the rail line right-of-way so it would blend with the natural surroundings. SEA has added Mitigation Measure #F-63, which states the following: "Prior to beginning construction, SGR shall consult with the Texas Department of Parks and Wildlife and with affected landowners to determine whether the rail line would separate livestock and wildlife from water supplies. If the rail line would separate livestock and wildlife from water supplies, SGR shall develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible to wildlife and livestock due to new rail line construction."

Comment No. SE-58, #EI-2884: Due to the abandoned railroad track bed, early farming by commenter's grandfather was difficult because rainwater would dam up and fill the open fields, drowning the crops. They incurred the expense to remove the old fill. Rebuilding a railway would cause water back-up and elimination of their farming operation.

Response: See the responses to Comments WR-01 through WR-08 pertaining to flooding risks in Chapter 5 of this FEIS. And see response to Comment SE-56 above.

Comment No. SE-59, #EI-2887: Commenter's intentions are to develop 90 acres on CR 4643, as well as an adjoining 180+ acres. The rail line would greatly decrease the development value and possibility to market this property.

Response: See response to comment SE-05 in Chapter 5 of this FEIS. As stated in Section 4.16 of the DEIS, property values are determined by a myriad of factors, including visual aesthetics, availability of schools, employment opportunities, transportation infrastructure, access to commercial establishments, land use, water quality, and air quality. Because local property values depend upon so many factors and are subjective, impacts to property values from the proposed project cannot be accurately predicted. While specific individuals may not wish to live near rail lines, SEA cannot definitely determine whether this fact alone would cause a reduction in property values within the area.

Comment No. SE-60, #EI-2874: While commenter's rights to this culture and lifestyle are not historical, they have invested considerable time and money in developing their 75 acres. The old Medina Dam route runs straight through their house and new horse barn, and almost completely bisects their property. Putting a rail along this route would obviously be completely unacceptable.

Response: SEA is not recommending SGR's Modified Median Dam Route as one of the environmentally preferable routes. In addition, SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA is recommending Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment No. SE-61, #EI-2875: Commenter is a direct descendant of one of the original settlers of Quihi. The historical value of the area is the land that settlers depended upon for their livelihood. It was not their homes or rock fences as some historical people may want to conclude. Commenter chooses to live here to be close to family, stay close to his original roots, and enjoy the culture of the farming and ranching atmosphere. His family continues to farm in this area, and they would rather preserve the land that they have worked for many, many years than falling down rock houses.

Response: Comment noted.

Comment No. SE-62, #EI-2876: The following chart (please see Comment Letter #EI-2876 in Appendix C of this FEIS) clearly shows that the number of families affected by the Eastern Alternatives would highly outnumber those affected by the Proposed Route.

Response: See Table 6.2.10-1 of the SDEIS for a summary of properties affected by each rail alignment. As shown in that table, according to the Medina County Appraisal District, Alternative 1 and the Eastern Bypass Route would affect the greatest number of properties (31 and 32, respectively). The Proposed Route and the MCEAA Medina Dam Alternative would affect the least number of properties (22 each). Furthermore, the Proposed Route would affect the least number of properties not owned by SGR or its affiliates. In order to reduce the amount of property severance, damage to a home or an irrigation system, or property demolition and/or destruction if a rail alternative is selected, SEA is recommending Mitigation Measure #F-62.

Comment No. SE-63, #EI-2884: When the dam railway was put in, the land affected was ranchland and not farmland, which it has since become. Construction of the dam railway required an enormous amount of fill to raise the tracks above the ground that became boggy during rainy periods. The fill used from the old dam railway can still be found on our property, scarring the landscape and damaging farm equipment while working near and among the remaining residue.

Response: Comment noted.

Comment No. SE-64, #EI-2902: Land divisions associated with the Eastern Alternatives would most likely result in the owners having to sell because their agricultural practices would no longer remain profitable.

Response: Comment noted. SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, damage to a home or an irrigation system, or property demolition and/or destruction, SEA has recommended Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts. In addition, SGR would be expected to consult with TPWD and affected landowners and develop additional water sources for livestock and wildlife to replace those lost, adversely affected, or rendered inaccessible (see Mitigation Measure #F-63 in Chapter 1 of this FEIS).

Comment No. SE-65, #EI-2900, #EI-2901, #EI-2895, #EI-2936, and #EI-2939: The Eastern Bypass Route would cut off a large portion of limited frontage road on FM 2676, thus reducing the property value. The Eastern Alternatives would divide commenter's family property. He was raised on the farm and wants a peaceful retirement on that property. Another commenter's grandfather purchased the land in 1860, and many families have been raised on this land. His son-in-law and grandson continue to farm this land, which is adjacent to the Eastern Alternatives. The proposed railroad could alter their farm. Another commenter's father purchased the land in 1938, and commenter has lived on this property since that time. Commenter made a living via farming and ranching, raised a family. He is now retired, and his son and grandson have taken over. His land is adjacent to the Eastern Alternatives. If the rail divides this land, it would no longer be feasible to farm.

Response: Comment noted. See response to comment SE-63 above.

Comment No. SE-66, #EI-2899 and #EI-2908: The Proposed Route running along the edge of the Gerdes farm would still be invasive and degrade the quality of life, despite the natural vegetative screen. Commenter's worst fears were realized because the Proposed Route would threaten not only the people in this valley, but its priceless, irreplaceable heritage.

Response: SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original Proposed Route, favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route.

Comment SE-67, #EI-2908: Despite SGR's emphasis on cost, it does not stress the cost of the impacts on heritage, culture, and individual lives.

Response: Comment noted. See response to comment SE-65 above.

Comment SE-68, #EI-2937: Commenter's property was awarded the Texas Family Land Heritage Award, and dividing the property would destroy the value of this prestigious award.

Response: SGR would not take houses for the purpose of building the rail line. SGR would align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, where construction of the rail line would cause unavoidable property severance, SEA is recommending Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowner(s) to ensure access to severed properties and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

6.2.18 Cumulative Impacts (CI)

Comment No. CI-07, #EI-2873: MCEAA 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 add to that congestion. 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 part). 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."

Response: Comment noted. As discussed in Section 4.17 of the DEIS and Chapter 3 of this FEIS, SEA has defined the geographic area for studying cumulative transportation and traffic safety impacts as the area from the new quarry to the existing UP rail line, and the time frame as from the present to five years into the future. SGR has stated that VCM would transport material by truck to the UP rail line if SGR's rail line were not built. Thus, any potential impacts on rail traffic in the San Antonio area would occur regardless of SGR's rail line construction and operation, the action before the Board, and analysis of such impacts would not inform the Board's decision regarding SGR's proposal.

Comment No. CI-08, #EI-2708: Traffic caused by foreign trade continues to skyrocket, and UP is hiring. The Toyota Truck Plant opened, and UP continues to upgrade existing track and add workers as business expands. Commenters are not trying to resolve the San Antonio rail system issues. They do not seek to impose mitigation requirements on Vulcan at San Antonio locations. Rather, the focus is on vindicating the purpose of the EIS. The EIS document, which is a federal document addressed to a larger audience throughout government, is used to plan actions and make decisions. Commenters are seeking acknowledgement in the FEIS from the agency that: (1) there has been a problem with rail traffic and grade crossing delay on the line on which Vulcan proposes to route its traffic, and that it is the context in which this project is being proposed; (2) to the extent it functions as the exclusive economic regulator of the railroads and promotes the Rail Transportation Policy, 49 U.S.C. 10101, the Board has an interest in actions that eliminate these problems and improve the rail system in San Antonio; and (3) there are numerous present and reasonably foreseeable future actions that could have cumulative impacts on the efficiency and safety of the existing rail system in San Antonio. The impact of these projects is positive (e.g., reduced congestion), and may be interpreted as canceling any additional impacts from this project, making further cumulative impact analysis unnecessary in this EIS.

Response: Comment noted. See response to comment CI-07 above.

Comment No. CI-09, #EI-2779: Commenter requests disclosure of reasonably foreseeable future actions, including construction and operation of other quarries.

Response: Currently, the only future development known to SEA is the proposed quarry itself. Thus, there is no way to predict whether there would be an increase in area development (other than that caused by the quarry itself) as a result of this project.

Comment No. CI-10, #EI-2746, #EI-2713: The SDEIS does not show environmental impacts of other proposed carriers.

Response: As stated in Section 4.18 of the DEIS, SEA has identified no current proposals for other projects in the area. Thus, while SGR has agreed to hold itself out to serve other shippers, there is no way, based upon the information available at this point, to predict whether there would actually be an increase in area development as a result of the project or

whether or when other shippers would locate along the rail line. There would be no sound way to assess potential impacts from other hypothetical shippers; any such analysis would be speculative at best. Furthermore, SGR's current proposal is for the construction and operation of the rail line. Another entity would need to seek separate Board authority to operate over the line. Should the Board approve SGR's proposal, and should UP seek authority to operate over this line, the Board would evaluate UP's proposal and the need to conduct any additional analysis regarding safety at that time.

Comment No. CI-11, #EI-2800, #EI-2799, #EI-2745, and #EI-2719: Commenter requests that the Board consider the effects of the railroad and quarry on humans and wildlife. Wells would be in jeopardy of cracking due to blasting from quarry.

Response: See response to Comment WR-25 in Chapter 5 of this FEIS. Although the separate direct impacts from quarry development and operation are not within the scope of SEA's environmental review for this rail line construction proposal, as explained in Section 1.5 of the DEIS and Chapter 2 of this FEIS, SEA has examined impacts from the quarry that would overlap with impacts from the rail line construction and operation as part of the cumulative impacts analysis (see Section 4.17 of the DEIS and Chapter 3 of this FEIS). As discussed in Section 4.17.3 of the DEIS, all quarry-related construction activities would be regulated under the Edwards Aquifer Rule at Title 30 Texas Administrative Code Chapter 213. These rules are administered by the TCEQ. Plans for regulated activities in Medina County are reviewed by TCEQ staff in the San Antonio Regional Office. Compliance with these rules would mitigate potential impacts to the local aquifer.

The impact of quarry blasting on water wells is considered negligible. Damaging blasting effects to infrastructure outside of the geographic limits of the quarry are also considered negligible. Some effects such as minor audible or seismic indications of blasting operations may be measurable outside of the quarry property. See EUWD, 1992, *Blasting Effects on Engineered Structures: Edwards Underground Water District*, 3 Volumes (variously paged). (See Appendix C-3 in the SDEIS). As stated in Section 4.5 of the SDEIS, damaging or perceptible quarry-activity-related ground vibration, including blasting vibration, would not propagate outside the quarry boundary.

Comment No. CI-12, #EI-2678: The rail line would enable construction of the quarry. The environmental impact of a quarry, particularly on the aquifer below, would be significant. Consider these broader effects when evaluating the proposals for a rail line route.

Response: See response to comment CI-11 above.

Comment No. CI-13, #EI-2716, #EI-2713: In Vulcan's May 25, 2006, letter to the Board, the blasting data adds up to 10.6 tons of explosives per event, and 13,000 events over the next 50 years. Noise should be acknowledged and mitigated along the north end of the track to protect the track. Vibration should be acknowledged and mitigated along the north end of the track (to protect track). Quarry blasting was not fully presented or analyzed, and it appears that Vulcan's biased data was used.

Response: Although the separate direct impacts from quarry development and operation are not within the scope of SEA's environmental review for this rail line construction proposal, as explained in Section 1.5 of the DEIS and Chapter 2 of this FEIS, SEA has examined impacts from the quarry that would overlap with impacts from the rail line construction and operation as part of the cumulative impacts analysis (see Section 4.17 of the DEIS and Chapter 2 of this

FEIS). A cumulative impact analysis on noise is presented in Section 4.5 of the SDEIS, and Chapter 3 of this FEIS.

As stated in Section 4.3.3.1 of the SDEIS, SEA indicated that blasting activity would result in very brief sounds being detectable at off-site areas. The sound would be very audible (but not harmful) in the northern portion, and perhaps central portion, of the study area. With no shielding, the sound could briefly approach 95 dBA at the nearest residence located approximately 1,200 feet away, and would be gone within a second (URS Greiner Woodward-Clyde, 2000, [Blast Noise Measurements at Dry Creek Rock Plant](#)). There would not be substantial acoustic energy in this brief blasting noise event, and its effect on the overall sound levels combined with any of the project alternatives would be minimal. SEA also believes that blasting vibration would not propagate outside the quarry boundaries.

Comment No. CI-14, #EI-2798: Commenter is concerned about roads being converted for one-way traffic.

Response: SEA has no knowledge of any roads that would be converted for one-way traffic use as a result of the quarry and/or the rail line. However, as further explained in Chapter 2 of this FEIS, SEA conducted research regarding the type of roadway improvements that would be needed to support VCM's truck traffic if the rail line were not built. According to engineering experience gained from other projects, in order to support the proposed volume of truck traffic, the roadways would typically need to be composed of a pavement structure consisting of 6 inches of lime-treated subgrade, 12 inches of cement-stabilized base material, and 3 inches of hot-mixed asphalt pavement covering. A geotechnical investigation and pavement design would need to be completed to determine the actual pavement structure that would be required. For safety and maintenance reasons the proposed truck traffic would also require 12-foot-wide travel lanes, and two-foot-wide paved shoulders, though these shoulders could actually be wider, as described by SGR above. (See American Association of State Highway and Transportation Officials (AASHTO), *A Policy on Geometric Design of Highways and Streets*, 2001 and TxDOT, *Roadway Design Manual*, February 2004.) Generally, all counties in Texas that upgrade their roadways do so in accordance with AASHTO and/or TxDOT design criteria.

Comment No. CI-15, #EI-2708: 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 where it would overlap with vibration impacts from the rail line. The issue is the cumulative effect of that vibration over time on subsurface wells within the project area. The issue has not been addressed.

Response: The conclusion is that the vibration would not leave the quarry boundaries and therefore would not contribute cumulatively to vibration impacts on subsurface wells within the project area. An analysis of direct and indirect impacts on subsurface wells from vibration caused by rail construction and operation is presented in Section 4.17 of the DEIS, Section 3.16 of the SDEIS, and Chapter 3 of this FEIS. SEA is recommending Mitigation Measure #F-75 (see Chapter 1 of this FEIS), which would require SGR to conduct a survey to locate nearby wells and monitor the vibration levels at these wells during any pile driving activities related to rail construction to ensure that the peak particle velocity limit of 2.72 inches per second in any axis (in either of the two lateral directions or in the vertical direction) is not exceeded during construction.

Comment No. CI-16, #EI-2659, and #EI-2779: Commenter is concerned about explosive residue seeping into the Edwards Aquifer over a 50-year time span. Protect the aquifer.

We cannot afford to jeopardize one of our main sources of water. This aquifer supplies water to a large portion of the population of South Texas.

Response: As stated in Chapter 3 of this FEIS, the mining operation at the quarry would consist of breaking the limestone using modern blasting and other conventional mining techniques. Explosive material components (typically ammonium nitrate and diesel fuel) used for the blasting would be brought into the quarry by outside contractors, with no on-site bulk storage of explosive materials. According to VCM, the explosives themselves would be consumed in the detonation, and any residues would adhere to the broken aggregate and be transported out of the quarry with the excavated limestone.

Comment No. CI-17, #EI-2659: Construction of the quarry and railroad spur through the area north of Dunlay would worsen flooding of roads, fields, and residences.

Response: As stated in Chapter 3 of this FEIS, construction of the rail line could cause adverse impacts on flooding in the area because it would require crossing a number of intermittent streams, and could involve the use of fill (i.e., added material) at these stream crossings. The added fill would increase the width of the floodplain above the stream crossings because it would change the hydraulic conditions at the crossings. As further described in Section 4.5.3 of the DEIS, SGR has voluntarily agreed, and SEA is recommending that SGR be required to design the stream crossings in a manner that would not exacerbate pre-existing flooding risks. SGR has also volunteered to model the area's hydrology to characterize the responses of surface water to the spans of the crossings, and compare these changes to existing conditions. SGR would then utilize an iterative process to investigate and determine the appropriate criteria that would be included in the final design of the bridges to minimize adverse impacts on the watershed, such as increases in base-flood elevations or increased erosion. (See Mitigation Measures #F-VM2 and #F-38 in Chapter 1 of this FEIS.)

While the WPAP for the quarry does not directly address flooding, it would help minimize or prevent any diversion of stormwater into local streams and, therefore, prevent the quarry from contributing to flooding in the area.

SEA's recommended mitigation for stream crossings involves designing the bridges to minimize any adverse impacts on the watershed, complying with the requirements of the Corps pursuant to Section 404 of the Clean Water Act for those crossings that are jurisdictional, and complying with the Medina County Floodplain Administrator's requirements. (See Mitigation Measures #F-38, #F-39, and #F-44 in Chapter 1 of this FEIS.) To the extent that this mitigation is implemented, and VCM complies with the WPAP approved by the TCEQ, SEA would expect no significant cumulative adverse impacts on flooding from combined quarry operations, local truck traffic, and construction and operation of the proposed rail line.

Comment No. CI-18, #EI-2708: Investments are being made to upgrade the existing system. In 2005, UP upgraded its South San Antonio Rail yard used by this project. Adjacent to this yard is the Port of San Antonio (former Kelly AFB), which continues to expand.

Response: Comment noted.

6.2.19 Mitigation (M)

Comment No. M-12, #EI-2719: Mitigation measures are justified and should be imposed to minimize harmful environmental impacts.

Response: SEA is recommending new mitigation measures that would provide ample monitoring and oversight to ensure compliance with other recommended mitigation. Mitigation measures require SGR to submit quarterly reports documenting the progress of all mitigation measures during construction, and for three years after operations have begun. Mitigation measures would also require SGR to retain a community liaison to assist in implementation of the mitigation measures. Please see Mitigation Measures #s F-80 and #F-81 in Chapter 1 of this FEIS.

Comment No. M-13, #EI-2759: Commenter requests that if SGR must build the rail line, to please enforce restrictions on the project that will protect his home.

Response: SGR would be expected to align the tracks along property boundaries, to the extent possible, to minimize or avoid severing of property. However, 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, SEA has recommended Mitigation Measure #F-62. This would require SGR to negotiate with the appropriate landowners to ensure access to severed properties, replacement of irrigation systems, and, if appropriate, realignment of the track in order to avoid taking houses and minimize other adverse impacts.

Comment No. M-14, #EI-2769: EPA made the following comments: any demolition, construction rehabilitation, repair, dredging, or filling activities have the potential to emit air pollutants and it recommends that BMPs 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.

Response: Operations over any of the rail routes would not exceed 100 tons-per-year of any criteria pollutant, which is EPA's major emission-source threshold for Title V permit applicability, as well as the threshold for significance that SEA used here. Although proposed truck operations under the No-Action Alternative would cause significantly greater air emissions from mobile sources, and would also produce significant air emissions from truck loading and unloading activities, SEA is not recommending the No-Action Alternative as environmentally preferable. SEA has incorporated EPA's recommendations into a recommended mitigation condition. See Mitigation Measure #F-60 in Chapter 1 of this FEIS.

Comment No. M-15, #EI-2776, #EI-2799, and #EI-2750: Commenter requests that water quality (e.g., groundwater), air, historical and archaeological assets, wildlife and habitat, livestock, and environment be protected by improved mitigation measures.

Response: In the DEIS, SEA recommended 52 mitigation measures. In response to the DEIS, commenters suggested that SEA modify several of the mitigation measures, and requested that new or additional mitigation measures be recommended. SEA recommended 17 mitigation measures in the SDEIS that were either new mitigation measures based on SEA's additional analysis, or modifications to mitigation measures recommended in the DEIS. In response to the SDEIS, commenters again suggested that SEA modify several of the mitigation measures, and requested that new or modified mitigation measures be recommended.

SEA is now recommending 34 mitigation measures in this FEIS that are either new mitigation measures based upon SEA's additional analysis, or are modifications of mitigation measures recommended in the SDEIS or the DEIS. There are now a total of 91 mitigation measures. Ten of these are voluntary mitigation measures, and 81 are mitigation measures that have been developed by SEA through its environmental analysis and consultation with Federal, state, and local agencies and the public. These conditions, which address a number of environmental resource areas, such as groundwater; surface water and wetlands; traffic safety; noise and vibration; biological resources; air quality; land use; and historic preservation, would minimize the potential adverse environmental effects of the construction and operation of the proposal. (See Chapter 1 of this FEIS for a list of all 91 mitigation measures.)

Comment No. M-16, #EI-2796: All railroad crossings should be easily identified with proper warning signals.

Response: SEA is recommending several mitigation measures (see Mitigation Measures #F-1 through #F-15, but not #F-2 in Chapter 1 of this FEIS) that it believes would address the concerns raised by commenters regarding safety at at-grade crossings. These mitigation measures include a requirement for SGR to consult with TxDOT and Medina County prior to beginning rail line construction activities regarding crossing designs and the installation and maintenance of warning devices at crossings.

Comment No. M-17, #EI-2796, #EI-2716, and #EI-2708: Any rail lines should be properly engineered to not increase flooding. Span bridges should be constructed to reduce flooding exposure. The DEIS and SDEIS do not contain any mitigation conditions that would require span type bridges or that would guarantee zero increase in, or significant modification to, the floodplain from bridges, earthwork, cuts, or fill. In the absence of such conditions, adverse impacts are certain and floodplain avoidance is the only remedy.

Response: SEA is recommending the EPA's recommendations in Mitigation Measure #F-44 to minimize impacts of construction on streams and riparian areas, which includes use of span bridges where possible to minimize impacts to streams. Span bridges should be used for all perennial streams. Additionally, SEA has combined and modified the wording of recommended Mitigation Measures #23 and #24 in the DEIS. This recommended condition now states as follows: Prior to initiating any rail line construction activities, SGR shall conduct a floodplain study, as described in Voluntary Mitigation Measure #F-VM2 and in consultation with the Medina County Floodplain Administrator. SGR shall comply with the reasonable requirements of the Medina County Floodplain Administrator, as delegated to the Medina County Floodplain Administrator pursuant to the regulations of FEMA at 44 CFR 60.3. These requirements will include, but not be limited to, ensuring that SGR's construction plans will not cause more than a 12-inch rise in the current 100-year floodplain elevation, consistent with the Medina County Floodplain Administrator's permitting standards as set forth during the environmental consultation process. See Mitigation Measure #F-38 in Chapter 1 of this FEIS.

Comment No. M-18, #EI-2721, #EI-2722, #EI-2723, #EI-2724, #EI-2726, #EI-2727, and #EI-271: SGR should be required to improve (e.g., widen surfaces and pave with sufficient base material and topping) existing roads (i.e., FM 2676, CR 351, CR 353, CR 354, CR 4526, CR 4516, and CR 265) depending upon the route that the 78,000-pound loaded gravel trucks would traverse. Commenters request the building of an overpass over FM 2676 over the rail line, FM 4516 over the rail line, and CR 4516 where it crosses Quihi Creek (it is currently a concrete-paved wash). In addition, include on and off ramps at the junction of CR 4516 with FM 2676 and CR 4516 with CR 4643. SGR should be required to provide assurance that the road

improvements provided will not restrict or impair the traffic patterns of local residents. These improvements will prevent loss of life and property on roads that Vulcan admits will be impacted by SGR and gravel trucks.

Response: Please see Section 2.3 of this FEIS for a detailed discussion of the possible roadway upgrades that would be needed to support the truck traffic under the No-Action Alternative to transport the limestone from the quarry to UP's rail line if SGR's rail line is not built. In addition, please see pages 4-105 to 4-107 of the DEIS and Chapter 3 of this FEIS for a discussion of the truck traffic to local markets, including roadways that would be used to support this traffic and analysis of impacts on transportation and traffic safety. SEA is not recommending the No-Action Alternative, in part due to the impacts described above.

Comment No. M-19, #EI-2798: If there must be a rail line, create a 1.5 mile buffer around the rail line in order to compensate landowners that do not support the rail line, thereby protecting these landowners from dust and noise.

Response: SEA is recommending a mitigation measure that would require SGR to review specific aspects of its construction plans, including temporary construction features, and instruct the preparers of the plans to fully review areas to be affected so that losses of woody vegetation and other forms of natural buffers, including areas along waterways, would be held to a minimum. During rail construction, SGR would be required to minimize disturbance of natural buffers contiguous to floodplains to prevent soil erosion and preserve wildlife cover, food sources, and travel corridors (See Mitigation #F-50 in Chapter 1 of this FEIS). SEA also is recommending that SGR be required to minimize impacts to the riparian corridor, especially forested areas; not clear the entire right-of-way through the riparian area or floodplain; and only clear what is needed for construction and access. This would help provide a buffer zone between the rail line and the adjacent landowners' corridors (See Mitigation #F-44 in Chapter 1 of this FEIS.) Regarding the quarry, Vulcan has volunteered to maintain a minimum 100-foot buffer zone (i.e., set back) between the area to be quarried and the boundaries of all the adjoining properties for safety and aesthetic purposes. Vulcan intends to retain vegetation in the buffer zones, and use BMPs for ensuring stormwater quality and preventing erosion. According to SGR, because the quarry pit will only advance at approximately 50 acres per year, the 1,800-acre site will have additional buffer areas for many years to come. SEA is also recommending Mitigation Measures #F-58 through #F-61, and #F-64 through #F-74 to further reduce impacts from dust and noise.

Comment No. M-20, #EI-2668: The THC believes that there may be an opportunity for slight adjustments or realignments to reduce impacts on farmland operations.

Response: Comment noted. In response to this concern, SEA developed a modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) and evaluated it in the FEIS. This modification would limit impacts to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines.

Comment No. M-21, #EI-2685: Commenter requests that the Board continue to work to mitigate any problems or divert the proposed route where necessary to avoid sensitive areas.

Response: Comment noted. As stated in Chapter 1 of this FEIS, SEA is recommending a total of 91 mitigation measures, developed through SEA's environmental analysis and consultation with the public and Federal, state, and local agencies.

Comment No. M-22, #EI-2725: Commenter notes that overpasses over roads would help lessen the dangers to kids.

Response: As discussed in Section 4.1 of the DEIS, SEA does not believe that the at-grade crossings of area roadways by SGR's proposed rail line would cause significant impacts to the transportation and traffic safety in the area. However, SEA is recommending mitigation that would require SGR to consult with TxDOT regarding the crossing of FM 2676, to adhere to TxDOT's reasonable recommendations regarding the design of this crossing, and to consult with Medina County regarding the crossing of county roads (including County Road 4516), and to adhere to Medina County's reasonable recommendations regarding the design of this crossing (See Mitigation Measures #F-3 and #F-4 in Chapter 1 of this FEIS.)

Comment No. M-23, #EI-2723, and #EI-2724: SGR and Vulcan should be required to cover materials transported by rail cars and trucks in order to decrease the amount of dust.

Response: See response to comment AQ-02, in Chapter 5 of this FEIS.

Comment No. M-24, #EI-2728: Commenter recommends that Vulcan be required to develop a contingency plan to position the locomotives (e.g., with hundreds of gallons of fuel and other contaminants on board) out of the floodplain when this area is under a flood warning. Include any trucks and equipment that contain hazardous materials.

Response: SEA is recommending that SGR: 1) comply with the Edwards Aquifer rules as presented in Title 30 Texas Administrative Code (TAC) Chapter 213 for all construction activities for the rail line and associated fuel supply facility that occur within the EARZ (see Mitigation Measure #F-29 in Chapter 1 of this FEIS); 2) conduct a recharge zone delineation study to determine the exact boundaries of the recharge zone in order to locate the fueling and maintenance area completely off the recharge zone (see Mitigation Measure #F-30); and 3) locate its fueling and maintenance facility on a site to the south of the EARZ over the upper confining units of the Edwards Aquifer and implement permanent BMPs to prevent and/or abate the release of potential pollutants or sediment from the site. In addition, SGR will be required to establish a SWPPP appropriate to the site to address potential stormwater runoff concerns (See Mitigation Measure #F-33 in Chapter 1 of this FEIS).

Comment No. M-25, #EI-2820: TPWD strongly encourages the use of measures to exclude Texas tortoise entrapment between the rails, such as placing culverts at 1/8 mile intervals to allow herptiles to cross under the rail. It also strongly encourages placing structures between the rails at at-grade crossings to block the most likely potential entry points, including small ramps along the rail that would allow tortoises to escape over the rail. These measures would greatly mitigate any potential adverse impacts the rail could have on the Texas tortoise, as well as other small species.

Response: See response to comment BR-02 in Chapter 5 of this FEIS.

Comment No. M-26, #EI-2719: Vulcan will only pay for overpasses over FM 2676 and CR 4516 when the need arises, and when TxDOT and the County Commissioners Court require it. However, these road improvements should be a part of the imposed mitigation.

Response: SEA is recommending mitigation measures that would require SGR to consult with TxDOT prior to beginning rail line construction regarding the rail line crossing of FM 2676, and to adhere to TxDOT's reasonable recommendations regarding the design of this

crossing. In addition, SEA is recommending that SGR comply with the county regarding county road crossings and that, prior to beginning any construction activities, SGR perform an engineering evaluation at each private roadway and driveway crossing, and consult and negotiate with the respective landowners to implement appropriate changes to roadway geometry, as well as install and maintain appropriate warning signs and/or signals at the aforementioned crossings. Please see Mitigation Measures #F-3, #F-4, and #F-13 in Chapter 1 of this FEIS.

As stated in Chapter 2 of this FEIS, SEA conducted research regarding the type of roadway improvements that would be needed to support VCM's truck traffic if the rail line were not built. According to engineering experience gained from other projects, in order to support the proposed volume of truck traffic, the roadways would typically need to be composed of a pavement structure consisting of 6 inches of lime-treated subgrade, 12 inches of cement-stabilized base material, and 3 inches of hot-mixed asphalt pavement covering. A geotechnical investigation and pavement design would need to be performed to determine the actual pavement structure that would be required. For safety and maintenance reasons, the proposed truck traffic would also require 12-foot-wide travel lanes, and two-foot-wide paved shoulders, though these shoulders could be wider, as described by SGR above. (See AASHTO, A Policy on Geometric Design of Highways and Streets, 2001 and Texas Department of Transportation, Roadway Design Manual, February 2004.) Generally, all counties in Texas that upgrade their roadways do so in accordance with AASHTO and or TxDOT design criteria. As SEA is not recommending the trucking No-Action Alternative, SEA believes that these measures should adequately address impacts.

Comment No. M-27, GC-03: If an eastern route is chosen, the following mitigation would need to be required: conduct a pedestrian survey of the entire route and evaluate prehistoric sites; conduct test excavations to evaluate sites with potential; and conduct full-scale mitigation excavations of any site that would be impacted (e.g., by clearing, construction, or roadway access.)

Response: This type of mitigation is included in the PA, which was developed pursuant to 36 CFR 800.14 (b) and has now been executed. SEA is recommending a mitigation measure that would require SGR to comply with the terms of the PA. (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment No. M-28, #EI-2729: Commenters request that questions regarding county road use and safety be addressed through mitigation to the County Court's satisfaction before the FEIS is issued.

Response: SEA is recommending several mitigation measures under Transportation and Traffic Safety that would require SGR to coordinate with state and local authorities (See Mitigation Measures #F-3, #F-4, #F-5, #F-7, #F-8, #F-10, and #F-14 in Chapter 1 of this FEIS.)

Comment No. M-29, #EI-2716, and #EI-2713: Trestle bridges and culvert cleanup was omitted from the recommended mitigation, but weed control was repeated many times in the DEIS and SDEIS. Trestle bridge debris should be cleared and removed by Vulcan in conjunction with the weed control program.

Response: SEA is recommending in this FEIS SGR's voluntary mitigation to conduct hydrological studies prior to beginning construction. The review of the project by the Medina County Floodplain Administrator would include consideration of any berms and trestles necessary for the rail line construction. This would ensure that such structures would not

significantly affect the area flooding, and that debris would be cleared as necessary (See Chapter 1 of this FEIS, Mitigation Measures #F-38 and #F-VM2.)

Comment No. M-30, #EI-2716, and #EI-2713: Vulcan's intent is to dilute and reduce meaningful mitigations, and have taxpayers pay for many needs of the project. Re-examine mitigation on issues of safety, cost of taxpayers, and landowner impacts. Issue complete information to all governments.

Response: The preparation of the DEIS and the SDEIS, along with the development of the proposed mitigation measures presented in the FEIS, involved data collection from a variety of sources, including from field studies and published documents. SEA believes that the information gathered throughout the EIS process thoroughly supports SEA's conclusions and the comparison of alternatives. Based upon SEA's analysis of these issues, SEA believes that impacts to safety, landowners, and socioeconomics from SGR's proposed rail line construction and operation would not be significant if the mitigation measures recommended by SEA are implemented.

Comment No. M-31, #EI-2716, and #EI-2713: Vibration, noise, traffic, and flooding environmental conditions should be required to be met on the loading loop at the quarry.

Response: See response to comment PM-35 in Chapter 5 of this FEIS. SEA concludes that, if several recommended mitigation conditions are implemented, impacts to existing flood conditions under any of the potential rail route alternatives studied in depth (including the loading track) would not be significant. Furthermore, SGR has agreed to conduct appropriate hydrological modeling prior to beginning construction, and to incorporate the resulting design criteria into the design of the loading track and rail line to avoid or minimize adverse impacts to existing floodplain and drainage conditions. (See Mitigation Measure #F-VM2 and #F-38 in Chapter 1 of this FEIS.)

Comment No. M-32, #EI-2716 and #EI-2713: Water wells should have mitigation where they are adjacent to the railroad. All wells of any type should be cataloged within 1/4 mile of the railroad (See #EI-55 in Appendix C of the DEIS). Some wells should be plugged and relocated. Shallow wells range from 10-50 feet deep, and the Edwards Aquifer wells near the quarry are only 200-400 feet deep (See #EI-656 in Appendix C of this FEIS.)

Response: To reduce the likelihood of contaminating or damaging adjacent wells, SEA is recommending conditions requiring SGR to develop a contingency plan to protect the health and safety of well owners should any contamination to wells occur as a result of rail line construction and operation, and to ensure that all wells within the rail line right-of-way are properly abandoned prior to beginning construction activities. Please see Mitigation Measures #F-21 through #F-34 in Chapter 1 of this FEIS for SEA's recommended mitigation regarding groundwater resources. In addition, as discussed in Section 4.17.3 of the DEIS, all quarry-related construction activities would be regulated under the Edwards Aquifer Rule at Title 30 TAC Chapter 213. These rules are administered by the TCEQ. TCEQ staff in the San Antonio Regional Office reviews plans for regulated activities in Medina County. Compliance with these rules would mitigate potential impacts to the local aquifer. As stated in Section 4.5 of the SDEIS, damaging or perceptible quarry-related ground vibration, including that caused by blasting, would not propagate outside the quarry boundary. The impact of quarry blasting on water wells is considered negligible. SEA is recommending mitigation that would require SGR to develop a SWPPP before initiating rail line construction activities, and implement the measures in the plan during construction and maintenance activities. See Mitigation Measures #F-VM2 and #F-21 in

Chapter 1 of this FEIS. Thus, SEA believes impacts to water quality in local wells and aquifers from the proposed rail line construction and operation would not be significant.

Comment No. M-33, #EI-2716, and #EI-2713: Mitigation should be imposed on crossings with more than a 4-minute delay to include grade separation crossings at the carrier's expense, not that of the tax-payers.

Response: As discussed in Section 4.1 of the DEIS, SEA does not believe that the at-grade crossings of area roadways by SGR's proposed rail line would cause significant impacts to the transportation and traffic safety in the area. However, SEA is recommending mitigation that would require SGR to consult with TxDOT regarding the crossing of FM 2676, and to adhere to TxDOT's reasonable recommendations regarding the design of this crossing. SGR also would be required to consult with Medina County regarding the crossing of the county roads (including County Road 4516), and adhere to Medina County's reasonable recommendations regarding the design of this crossing. See Mitigation Measures #F-3 and #F-4 in Chapter 1 of this FEIS.

Comment No. M-34, #EI-2846: In response to SEA's suggested Mitigation Measure #15A of the SDEIS, SGR is concerned that the use of lubricants "in the vicinity of the EARZ may raise its own set of potential adverse impacts of such lubricants on the EARZ." However, SGR is not concerned about placing 10 one-thousand gallon fuel-storage tanks on the border of the EARZ. This 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 EARZ, it should locate the fueling and maintenance facility 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.

Response: SGR has stated that the fueling facility would be located in an area off of the EARZ. Based upon additional information provided by SGR, SEA has developed a small-scale map showing the proposed location of the fueling and maintenance facility, and the relationship between the facility, the proposed rail line, and the EARZ and transition zone (see Figure 5-2 of the FEIS). SEA is recommending that the Board impose a condition requiring SGR to locate the fueling facility on a site down gradient (southerly) of the EARZ over the upper confining units of the Edwards Aquifer and to implement permanent BMPs that would prevent and/or abate the departure of potential pollutants or sediment from the site. In addition, the required SWPPP should address potential stormwater runoff concerns. (See Mitigation Measures #F-VM9, #F-VM10, #F-32, #F-33, and #F-35 in Chapter 1 of this FEIS.) Also, see responses to comment WR-26, WR-29, WR-33, WR-34, and WR-35 in Chapter 5 of this FEIS.

Comment No. M-35, #EI-2846: Voluntary Mitigation Measure #F-VM3 addresses using welded rail. Some seven years after this project began, Vulcan submitted information from the HDR Engineering firm indicating that it 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, implying that there will not be much noise created by slow-moving trains. Commenters object to these callous assertions. Are the inhabitants living near the quarry being told that their peaceful environment is no longer possible so that Vulcan's "economical and practical way of doing things" takes precedence over their peace and quiet?

Response: The noise analysis in the DEIS indicated that noise impacts near the loading loop would be minimal. As a result of comments received on the SDEIS, SEA redrafted Voluntary Mitigation Measure #FVM-3 from the DEIS to require that SGR use continuously welded rail for construction of the rail line (this does not include the loading track area). Please

see Voluntary Mitigation Measure #FVM- 3 in Chapter 1 of this FEIS. In addition to minimizing wheel squeal, SEA is recommending that SGR design any loop track with a radius greater than 1000 feet or 10 times the wheelbase of the largest car used on the tracks, and that it provide a track lubrication system for any track that is used to mitigate wheel squeal noise. (See Mitigation Measures #F72 and #F-73.)

Comment No. M-36, #EI-2846: In Voluntary Mitigation Measure #8 of the FEIS, commenter strongly objects to any changes in highway crossing. Vulcan wants the Board to concede that grade separations over FM 2676 and CR 4516 can be omitted. The assumption in the DEIS is that there will be at-grade crossings 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. Grade-separated crossings are the only acceptable type of crossing for the aforementioned roads. Vulcan has agreed to provide grade-separated crossings at their expense when required to do so. The Board should make this required for the safety of the traveling public, and to prevent loss of life and property. The data presented concerning the probability of accidents and/or deaths does not take into account the local conditions and the type of traffic that would utilize these roads, and the fact that this area is growing rapidly as San Antonio (less than 25 miles away) expands westward into Medina County. The Medina County Commissioners Court has previously stated that it wants the safest type of crossings for its county roads traversed by the railroad. Since CR 4516 is the main road from Quihi to both Castroville and Highway 90, the Board should require a grade separation. Vulcan should not be allowed to change Mitigation Measure #8.

Response: As discussed in Section 4.1 of the DEIS, SEA does not believe that the at-grade crossings of area roadways by SGR's proposed rail line would cause significant impacts to the transportation and traffic safety in the area. However, SEA is recommending mitigation that would require SGR to consult with TxDOT regarding the crossing of FM 2676, and to adhere to TxDOT's reasonable recommendations regarding the design of this crossing. SGR also would be required to consult with Medina County regarding the crossing of the county roads (including County Road 4516), and adhere to Medina County's reasonable recommendations regarding the design of this crossing. See Mitigation Measures #F-3 and #F-4 in Chapter 1 of this FEIS.

SEA is also recommending new mitigation measures that would provide for ample monitoring and oversight to ensure compliance with the recommended mitigation. These mitigation measures require SGR to submit quarterly reports documenting the progress of implementation of all mitigation measures during construction. In addition, for three years after operations have begun, SGR would be required to retain a community liaison to assist in implementation of the mitigation measures. See Mitigation Measures #F-80 and #F-81 in Chapter 1 of this FEIS.

Comment No. M-37, #EI-2846: SGR wishes to change the Board directive concerning FEMA permits for crossing the floodplain, which would result in Mitigation Measure #24 of the DEIS being meaningless and/or unenforceable. MCEAA strongly objects to allowing this change. SGR wants to cross floodplains (e.g., Quihi Creek at CR 365) using trestle-type bridges, as intended for the proposed route and Alternatives 1, 2, and 3. The debris impounded by the trestle bridges during heavy rainfall would cause more than a 12-inch rise in the floodplain, which MCEAA has previously proved to the Board with various examples (e.g., Los Angeles County California, documentary - "Texas Flash Flood Alley"). The selection of one of two Eastern Alternatives was made to prevent flooding and bypass the historic landscape of Quihi. SGR threatens that it will use its right to preemption, if Mitigation Measure #24 is not altered. This

Vulcan measure must not be altered or weakened. Vulcan's planned use of trestle-type bridges is based upon annual and average rainfall calculations. However, 10-inch or 6-inch rainfalls are common in this area. We had a 22-inch rainfall event that occurred within a recent 24-hour time period. Thus, calculations by a licensed engineer, based on annual or average rainfalls, will mislead FEMA, the Board, and the Corps. To be more accurate, calculations based on a 10-inch rainfall would be more appropriate 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.

Response: SEA has replaced Mitigation Measures #23 and #24 in the SDEIS with Mitigation Measure #F-38 in the FEIS. This revised mitigation would require that SGR conduct a floodplain study, as described in Voluntary Mitigation Measure #FVM-2, and in consultation with the Medina County Floodplain Administrator. It also requires that SGR comply with the reasonable requirements of the Medina County Floodplain Administrator, as delegated to the Medina County Floodplain Administrator pursuant to the regulations of the FEMA at 44 CFR 60.3 prior to initiating any rail line construction activities. These reasonable requirements would include, but not be limited to ensuring that SGR's construction plans would not cause more than a 12-inch rise in the current 100-year floodplain elevation, consistent with the Medina County Floodplain Administrator's permitting standards as set forth during the environmental consultation process. See also response to Comment M-08 in Chapter 5 of this FEIS.

Comment No. M-38, #EI-2846: Regarding Mitigation Measure #30 of the SDEIS, the Board's mitigation states that placing fill or structures in the creek channels that would be crossed should be avoided. The rail loop within the quarry lies between two branches of Polecat Creek, and cannot be constructed in this location without being located within the creek channels. Trestle-type bridges would be erected in some portions of Polecat Creek, which sets the stage for flooding the quarry's plant site when debris from the upper watershed clogs the trestle bridge. Vulcan's permanent berm along the northern plant site will not be able to withstand floodwaters. This is an example of poor planning and lack of research on the area. Has the Corps approved this plan and reviewed the placement of the rail loop on trestle bridges in Polecat Creek? This must be done prior to the FEIS, so that the data can be reviewed and challenged, if necessary.

Response: See response to comment GM-08 in Chapter 5 of this FEIS. SGR will be required to consult and get a permit from the Corps if fill is to be placed in waters of the US. See Mitigation Measure #F-39 in Chapter 1 of this FEIS

Comment No. M-39, #EI-2846: Regarding Mitigation Measure #32 of the SDEIS and SGR's change from a 4:1 berm to a 2:1 berm, SGR has all but conceded that it will seek another rail line to operate and manage the line. The new operator should comment on this suggested change in berm ratios. 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. Commenters would like reassurance that a rail line, if permitted, would be safe and not one subject to derailments.

Response: Upon further review, SEA believes that specification of slopes should be based upon standard engineering practices and environmental considerations. Establishing an arbitrary slope ratio may not lead to minimizing effects on resources. Impacts to biological resources, and especially vegetation, could require the use of retaining structures and slopes approaching 1:1. The possibility of future selection of those options should be retained in order to minimize impacts. SEA has modified the condition recommended in the DEIS to reflect this. See Mitigation Measures #F-44 and #F-48 in Chapter 1 of this FEIS.

Comment No. M-40, #EI-2846: SGR requests a change in Mitigation Measure #33. Unless the Board's recommendations for preserving natural buffers contiguous to floodplains are honored, Vulcan will destroy them with their version of BMPs. Leave Mitigation Measure #33 as written.

Response: The goal of this mitigation measure was to minimize losses of woody vegetation and other natural buffers that could result from construction activities. SEA believes that implementation of this mitigation measure would best be accomplished by requiring SGR to review specific aspects of the preliminary construction plans, including temporary construction features, prior to finalizing those plans, to ensure that loss of woody vegetation and other natural buffers, including areas along waterways, would be held to a minimum. To clarify, SEA has in this FEIS modified the prior Mitigation Measure #33 to read as follows:

“Prior to beginning rail construction activities and prior to finalizing construction plans, SGR shall review specific aspects of its construction plans, including temporary construction features, and shall instruct the preparers of the plans to fully review areas to be affected such that losses of stands of woody vegetation and other forms of natural buffers, including areas along waterways, will be held to a minimum. During rail construction, SGR shall minimize disturbance of natural buffers contiguous to floodplains in order to prevent soil erosion and to preserve wildlife cover, food sources, and travel corridors.” (See Mitigation Measure #F-50 in Chapter 1 of this FEIS.)

Comment No. M-41, #EI-2846: Commenter strongly disagrees with the removal of "to the design of the rail line" from Mitigation Measure #41 of the SDEIS. Without these words, well structures (e.g., windmills, electric lines, above ground storage tanks, and troughs) could be torn down or damaged by the rail line construction and operation.

Response: See response to comment V-09 in Chapter 5 of this FEIS. In the SDEIS, Mitigation Measure #17A of the DEIS was replaced by Mitigation Measures #41, #42, and #43. Mitigation Measure #F-75 in the FEIS now replaces those mitigation measures. SEA is now recommending that SGR conduct a pre-construction survey to locate nearby wells, and to monitor the vibration levels at these wells during any pile driving activities related to rail construction to ensure that the peak particle velocity limit of 2.72 inches per second in any axis (in either of the two lateral directions or in the vertical direction) is not exceeded during construction. (See Mitigation Measure #F-75 in Chapter 1 of this FEIS.)

Comment No. M-42, #EI-2846: Commenters agree with SGR's opinion that much of the work for the PA has been done on the cultural resources. The Board's choice of an Eastern Alternative, (e.g., MCEAA's variation of the Medina Dam Route), with only minor rail alignment changes, such as the avoidance of crossing CR 461, could be achieved by moving the rail line 50 feet to the west. Commenters would like to comment on the PA once it is completed or prior to its completion, as they were told they could during the telephone conversation held on February 22, 2007.

Response: All Section 106 consulting parties had the opportunity to review and provide comments on the PA before it was finalized. The PA has now been executed by all required parties. SEA is recommending that SGR be required to comply with the PA. See Mitigation Measure #F-77 in Chapter 1 of this FEIS.

Comment No. M-43, #EI-2846: The January 29, 2007, letter from SGR's counsel relays comments on the SDEIS urging the Board to reinstate SGR's original Proposed Route, and

asks for modifications of certain mitigation measures previously contained in the DEIS, and additional measures and modification of mitigation measures in the SDEIS. The Board should note that Vulcan/SGR's 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 Board is to lower its standards, for example, by adding the phrase "to the extent feasible" after the word "ensure" in Mitigation Measure #5A.

Response: As discussed above, SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable.

Comment No. M-44, #EI-2855: THC is willing to support the Original Proposed Route if SGR would grant a one-mile conservation easement on both sides of the rail for the entire route. 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 Board, and negotiate a solution that uses the original Proposed Route.

Response: See response to comment M-43 above.

Comment No. M-45, #EI-2712: SGR has focused on developing mitigation measures to minimize the effects of its proposed action. The Proposed Route does not traverse the portion of the District containing the highest concentration of contributing elements, which lies to the west of the Route. SGR now offers additional voluntary mitigation measures (over and above the mitigation provided by the PA), which are set forth in the attached January 16, 2006, letter. SGR has initiated consultation on these matters with the THC, and has advised the Section 106 consulting parties of its proposed mitigation measures.

Response: See responses to comment M-43 above.

Comment No. M-46, #EI-2712: 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, would encourage other landowners of properties to establish similar easements. This would result in an easement no less than 1.3 miles long. The risk of commercial development would be significantly reduced. This offers the best chance of preserving the area's character from encroachment caused by the 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, because businesses could still move into the area, or residential subdivisions be developed within it. The easement would offer protection against any railroad-induced development. The easement would give THC control over any entity's ability to hook into the railroad. 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 line and US 90, which is outside the Quihi District.

Response: SEA has designated the Eastern Bypass Route (including the Modified Eastern Bypass Route) and the MCEAA Medina Dam Alternative as the environmentally

preferable alternatives out of all the alternatives studied in the environmental review process for this proceeding. Furthermore, SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original preferred alignment (Proposed Route) through Quihi and does not oppose SEA's recommendation in the SDEIS to designate both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as environmentally preferable routes. Of these two alternatives, SGR favors the Eastern Bypass Route. Subsequently, SGR has advised SEA that it does not oppose the Weiblen Modification to the Eastern Bypass Route (designated as the Modified Eastern Bypass Route in this FEIS), which SEA also recommends as environmentally preferable. Therefore, the conservation easement that the commenter is alluding to is no longer being considered.

Comment No. M-47, #EI-2712: Adjustment of the Proposed Route would be made to avoid 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 to move a portion of the Proposed Route within the District to a location further to the east where it would follow a portion of Alternative 3 and a portion of a pipeline right-of-way already located within the District.

SGR is prepared, given the construction cost savings of not building along one of the Eastern Routes, to make a donation in the amount of \$500,000 to the Texas Preservation Trust Fund. These funds would 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 maximize the financial benefit to the THC. SGR's proposal underscores its commitment to preservation of the area and also underscores 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. Should the Board authorize the Proposed Route, SGR would support any additional reasonable measures that might be proposed to help retain and preserve the historic character of the District and would support the listing of the Quihi District on the National Register. SGR would 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.

Response: SGR has stated in writing (see #EI-2712 and #EI-3040) that it no longer seeks approval for the original Proposed Route, but rather favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route in this FEIS. Therefore, the proposed mitigation that SGR has offered for the Proposed Route is no longer under consideration.

Comment No. M-48, #EI-2712: SGR remains prepared to execute the PA. The PA contains extensive procedures for the identification of cultural resources and the development of means to minimize or otherwise avoid or mitigate impacts. SGR's proposed mitigation measures remain under consideration by the THC and consulting parties in the Section 106 process.

Response: The PA that has been negotiated and finalized among the necessary parties establishes a process for resolving concerns associated with historic preservation and includes measures for the resolution of adverse effect, the treatment of human remains, curation of artifacts, and others, and specifies other requirements. The PA also specifies requirements associated with additional archeological and architectural surveys to be conducted to supplement the surveys undertaken in connection with the SDEIS. SEA is recommending Mitigation

Measure #F-77 which would require SGR's compliance with the terms of the PA, developed pursuant to 36 CFR 800.14(b). (See Mitigation Measure #F-77 in Chapter 1 of this FEIS.)

Comment No. M-49, #EI-2712: 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. The authors consulted with numerous commenters in this proceeding, including MCEAA, but they never consulted with SGR. Had they done so, SGR would have advised them 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. The PA, which is not mentioned or otherwise accounted for in the Landscape Study, is likewise designed to accomplish this result.

Response: See response to M-48 above.

Comment No. M-50, #EI-2712: If Vulcan decided that they would prefer a trucking alternative as opposed to paying for one of the Eastern Routes, even in the short-term (i.e., truck now and construct an Eastern Route later), they would mitigate the impacts of the trucking program to the extent reasonable. In that regard, Vulcan will continue to consult with Medina County officials over routings and road improvements that could be required.

Response: SGR has stated in writing that it no longer seeks approval for the original Proposed Route, but rather favors the Eastern Bypass Route, and does not oppose the Modified Eastern Bypass Route in this FEIS. Furthermore, SEA is not recommending the No-Action Alternative as environmentally preferable.

Comment No. M-51, #EI-2712: SGR has reviewed the new mitigation measures proposed on pages 6-11 through 6-14 of the SDEIS. SGR is prepared to implement each of these proposed measures with respect to any final approved alignment.

Response: SEA is recommending 91 mitigation measures in this FEIS, including 10 that SGR has voluntarily agreed to execute. SEA is recommending that SGR must comply with the PA (Mitigation Measure #F-77 in Chapter 1 of this FEIS) and is recommending two measures to ensure SGR's compliance with all of the proposed mitigation. (See Mitigation Measures #F-80 and #F-81 in Chapter 1 of this FEIS).

Comment No. M-52, #EI-2712: This comment is regarding Mitigation Measure #5A in the SDEIS, which is in response to the concerns expressed by the Weiblen family. SGR is prepared to negotiate a modification of the rail line to minimize impacts on their property to the extent feasible, should SGR decide to build its line along the Eastern Bypass Route (SGR has advised the Weiblen family of this intention). The avoidance or minimization of impacts to homes, irrigation systems, or other structures may not always be achievable due to geographic, cost, or other constraints. This measure is not intended to prohibit SGR from proceeding with construction where certain impacts cannot be avoided. Accordingly, SGR suggests that SEA add the words, "to the extent feasible," after the word "ensure" in this measure.

Response: In response to this comment, SEA is recommending a modification of the Eastern Bypass Route (called the Modified Eastern Bypass Route) which was evaluated in this FEIS. This modification would limit impacts, to the extent practicable based upon topography, on the Weiblen property and the Castroville West Subdivision by routing the rail line as close as possible to property lines. Furthermore, SGR has advised SEA that it does not oppose the Modified Eastern Bypass Route, SEA is also recommending Mitigation Measure #F-62 in this

FEIS (which revises Mitigation Measure #39 in the DEIS and Mitigation Measure 5A in the SDEIS). This mitigation would require SGR to 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, 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.

Comment No. M-53, #EI-2712: Regarding Mitigation Measure #15A of the SDEIS, SGR would 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 EARZ may adversely impact the recharge zone. It is requested 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 and does not object.

Response: SEA has redrafted Mitigation Measure #15 from the DEIS to specify that the Edwards Aquifer Authority should provide prior authorization to use lubricants over the EARZ. See Mitigation Measure #F-73 in Chapter 1 of this FEIS.

Comment No. M-54, #EI-2712: SGR has voluntarily agreed (in Voluntary Mitigation Measure #3 of the SDEIS) to use continuously welded rail for the line between the quarry and the UP line. This will reduce noise levels. 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 to extend to the loading loop or alternate straight track. Based upon its consultations with HDR Engineering, 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), and SEA has now proposed additional noise mitigation measures with respect to the loop track.

Response: See response to Comment N-13 in Chapter 5 of this FEIS. SEA is recommending Mitigation Measure #F-VM3 in this FEIS, which would require SGR to use continuously welded rail for construction of the rail line other than the loading area (See Chapter 1 of this FEIS.)

Comment No. M-55, #EI-2712: SGR suggests that Mitigation Measure #6 of the SDEIS 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" to define the term "appropriate" as used in the draft mitigation measure. The nature of crossing protections deemed warranted will vary based upon the level of highway traffic at issue. SGR will consult with responsible highway safety officials on these matters.

Response: See response to Comment TTS-33 in Chapter 5 of this FEIS. SEA has incorporated this modification into Mitigation Measure #F-8 in Chapter 1 of this FEIS.

Comment No. M-56, #EI-2712: SGR suggest that the last clause of Mitigation Measure #18 of the SDEIS be modified as follows: "and shall remediate any soils contaminated by any diesel or gasoline release for which SGR is responsible as soon as practicable." This revised language will clarify that SGR is not responsible for remediating soils that are contaminated as a result of conduct unrelated to SGR's activities.

Response: See response to Comment WR-31 in Chapter 5 of this FEIS. SEA has incorporated the suggested language into Mitigation Measure #F-26.

Comment No. M-57, #EI-2712: Mitigation Measure #24 of the SDEIS requires that SGR conduct a floodplain study and obtain a Medina County Floodplain permit for each floodplain crossing prior to initiating rail construction. SGR proposes that the conditions be revised to require SGR to: (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 environmental consultation process. SGR states that it intends to adhere to the standards for floodplain crossing described in the communication with the Floodplain Administrator. SGR also notes that it would have a right to seek relief from the Board on preemption grounds if necessary.

Response: See response to Comments WR-01 and M-07 in Chapter 5 of this FEIS.

Comment No. M-58, #EI-2712: Mitigation Measure #26 of the SDEIS requires SGR to minimize ground contact by "engine and oil cleaning materials." SGR is not certain what is meant by the quoted language and thus requests that this measure be clarified, or eliminated, in the FEIS.

Response: See response to Comment WR-55 in Chapter 5 of this FEIS. SEA has modified this mitigation condition to clarify the meaning of the term. See Mitigation Measure #F-40 in Chapter 1 of this FEIS.

Comment No. M-59, #EI-2712: Mitigation Measure #30 of the SDEIS requires SGR to avoid placing fill material or structures in the Ordinary High Water Mark (OHWM) of any creek channel that will be crossed. This absolute restriction could have an adverse impact on the final design of bridges. 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 (DEIS, page 4-38 and 4-39). SGR requests that this measure be revised to require SGR to comply with any applicable Corps requirements in connection with the placement of fill material or structures in creeks during construction. SGR intends to use BMPs in connection with the construction of stream crossings, and expects to minimize any placement of fill material and structures in the OHWM of any creek channel, consistent with its obligation to minimize impacts to wetlands, as per the opening provisions of Mitigation Measure #30.

Response: See response to Comment WR-60 in Chapter 5 of this FEIS. SEA has eliminated this mitigation and instead is recommending Mitigation Measures #F-39 and #F-47 in Chapter 1 of this FEIS.

Comment No. M-60, #EI-2712 and #EI-2888: Regarding Mitigation Measure #32, SEA has proposed that graded embankments not exceed a 4:1 slope. SGR 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 increased 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 the most appropriate standard, and is in common use in the railroad industry. SEA did not question this slope assumption in its verification of SGR's cut/fill analysis, and SEA

used the same assumption in its analysis of the MCEAA Alternative (SDEIS, Appendix C, page 2-3).

The proposed 4:1 embankment slope would significantly and unnecessarily increase the width of the road bed and the required right-of-way. The footprint of the railroad would be much larger. SEA has not imposed any slope standard requirements in the mitigation measures it adopted or recommended in two recent rail construction cases involving considerably more cut and fill work, including the DM&E project and Tongue River Railroad project. Nor did SEA impose any slope standard on another rail project it approved in the same general area of Texas: Alamo North rail construction approved in F.D. 34002. SGR recommends that Mitigation Measure #32 be revised to eliminate any prescribed slope standard, and to require that SGR take reasonable measures to ensure erosion control in connection with embankments.

Response: TPWD commented that, while a 4:1 slope is preferred to minimize erosion problems in many situations, it is not applicable in all situations and was provided as general guidance during preliminary correspondence with URS Corporation (letter from TPWD dated May 28, 2003). Numerous variables (e.g., soil bearing strength, depth of cut, height of fill, etc.) must be considered for graded embankments. In the current project, requiring a 4:1 slope for some cuts and fills would substantially increase the footprint of the project beyond the limits of the proposed right-of-way, thus significantly increasing the area of disturbance. Upon further review, SEA believes that specification of slopes should be based upon standard engineering practices and environmental considerations. Establishing an arbitrary slope ratio may not lead to minimizing effects on resources. Impacts to biological resources and especially vegetation could require the use of retaining structures and slopes approaching 1:1. The possibility of future selection of those options should be retained in order to minimize impacts. SEA has modified the condition recommended in the DEIS to reflect this. (See Mitigation Measure #F-48 in Chapter 1 of this FEIS.)

Comment No. M-61, #EI-2712: Mitigation Measure 33 is 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. Complete avoidance may not be feasible. 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.

Response: See response to Comment BR-15 in Chapter 5 of this FEIS.

Comment No. M-62, #EI-2712: SEA has proposed in the SDEIS to replace Mitigation Measure #41 from the DEIS with Mitigation Measure #17A. SGR notes that this mitigation measure could be read to require SGR to reroute or redesign its line following consultation in order to ensure well structure and pipeline integrity. SGR believes that the goals of this measure will generally be achievable with only minimal engineering changes. In the event that Mitigation Measure #41 is retained, it should be revised to eliminate the words "to the design of the rail line," and the comma between "well" and "structure."

Response: See response to Comment V-09 in Chapter 5 of this FEIS. The final recommended mitigation regarding vibration impacts to wells appears as Mitigation Measure #F-75 in Chapter 1 of this FEIS. This new mitigation measure requires SGR to survey nearby wells and monitor vibration levels at those wells during pile driving activities related to rail construction.

Comment No. M-63, #EI-2712: Regarding Mitigation Measure #45 of the SDEIS, 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. Some modifications to the PA are appropriate at this stage. The PA would apply to any final alignment over which SGR would build its line.

Response: The THC has streamlined the PA originally drafted in 2004 to change its focus to the Eastern Alternatives. Section 106 consulting parties and the public had 30 days to review and comment on the PA before it went final. A copy of the final, fully executed PA is included in Appendix A of this FEIS. SEA recommends Mitigation Measure #F-77 to ensure SGR's compliance with the PA.

Comment No. M-64, #EI-2708: The Medina County Judge has stated to the Board that he wants to work out mitigation related to specific road and crossing issues once a preferred alternative is selected (#EI-2561). This illustrates that more work is needed by the Board to license more routes. What possible justification is there to overturn the County's efforts to negotiate mitigation? What good comes from preventing those efforts? How can mitigation be binding by giving the applicant the final say in the route selection?

Response: To ensure monitoring and enforcement of the Board's imposed mitigation measures, SEA is recommending that the Board require SGR to submit quarterly reports to the Board documenting their progress in implementing all mitigation measures during construction and for three years after operations have begun. SGR must also retain a community liaison to assist in implementation of the mitigation measures. See Mitigation Measures #F-80 and #F-81 in Chapter 1 of this FEIS.

Comment No. M-65, #EI-2708: 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 is too vague. 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 does not have a guarantee.

Response: See response to Comment M-64 above.

Comment No. M-66, #EI-2708: There are no 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. The analysis of floodplain impacts is unable to contribute to the selection of a preferred alternative to be licensed.

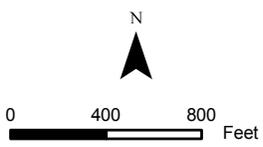
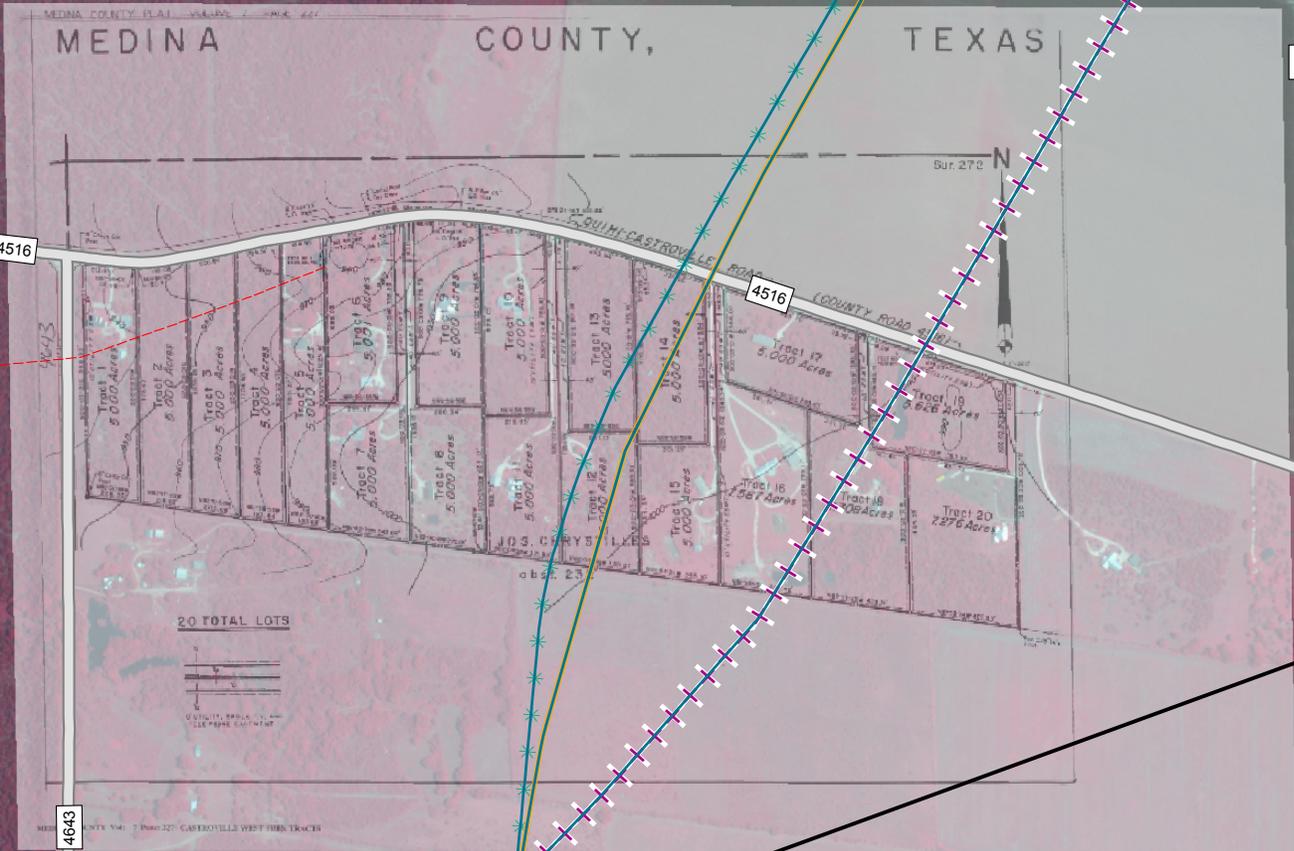
Response: The modeling of the varying effects of alternatives on the floodplain would require that the bridge opening of every crossing for every alternative be defined. SEA believes that this level of analysis is not necessary to appropriately compare the alternatives in this proceeding. However, in response to this comment and to ensure that the bridges over creek crossings are designed to protect water quality, SEA is recommending a new mitigation measure (See Mitigation Measure #F-44 in Chapter 1 of this FEIS) that would require SGR to comply with the EPA's recommendations listed below:

- (a) Use span bridges where possible to minimize impacts to streams, including all perennial streams;

- (b) Take precautions to avoid channel degrading from head-cutting (such as ensuring that grades at the culverts and bridges should remain at their existing elevation);
- (c) If a series of box culverts is installed to carry high flows, make one culvert lower than the others to handle frequent flows (i.e., “bankfull” or less), and the other culverts at higher elevations for less frequent events;
- (d) Plan the route and design of the rail line crossings to avoid the need to cut off meanders and channelize stream reaches;
- (e) Minimize impacts to the riparian corridor, especially by forested areas, for example not clearing the entire right-of-way through the riparian area or floodplain; and only clearing what is needed for construction and access;
- (f) Minimize impacts to the creek banks (soil and vegetation) and stabilize and replant disturbed banks with native vegetation as soon as construction in the creek bank is completed;
- (g) Minimize erosion of banks and bare soil, and reduce siltation of streams; stabilize and revegetate bare soil as soon as possible; inspect and repair hay bales and silt fences as needed after each rainfall that creates runoff; install multiple rows of silt fences as necessary, parallel to contours on long and steep slopes; and
- (h) Avoid using wetlands or forested for staging areas or for borrow areas.

Comment No. M-67, #EI-2846: If Vulcan is serious about building this railroad and quarry, it would accept the permit and abide by the imposed mitigations. If not, it can withdraw the permit application and start trucking.

Response: Based on the comments received, SEA has added two new mitigation measures that will allow the Board to monitor SGR’s compliance with the other mitigation measures, and to facilitate ongoing communication with the affected community. Mitigation Measure #F-80 would require SGR to submit quarterly reports to the Board documenting the progress of all mitigation measures during construction and until three years after operations begin. Mitigation Measure #F-81 would require SGR to retain a community liaison to assist in the implementation of the mitigation measures.



- Legend**
- Proposed Route
 - Alternative 1
 - Alternative 2
 - Alternative 3
 - MCEAA Medina Dam Alternative
 - Eastern Bypass Route
 - SGR's Modified Medina Dam Route

**Figure 6-1
Castroville
West**