

EI-20165



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

March 12, 2013

Troy Brady
Surface Transportation Board
Case Control Unit
Washington, DC 20423

Re: Environmental Assessment
Union Pacific Railroad Company
Abandonment Exemption for Brownsville and Matamoros Bridge Company and Rail line
in Cameron County, Texas
Docket No. AB-1091X

Dear Mr. Brady:

Thank you for your February 19, 2013 letter with the above reference requesting review of the proposed Environmental Assessment (EA) relating to a proposed abandonment of the current rail line and bridges in Cameron County, Texas.

This project, as stipulated, is located from the center of the Brownsville and Matamoros Bridge Company (B&M) bridge spanning the Rio Grande, proceeding north from milepost 0.22 to milepost 7.4 at Olmito Junction. This will encompass the B&M Bridge and two other historic bridges at mileposts 6.21 and 6.72. This project will abandon and salvage all rail, ties and track materials while leaving all structures, culverts and related items in place and undisturbed. A condition of this is to have the B&M Bridge left as is while removing salvageable materials and not altering the historic integrity per State Historic Preservation Office (SHPO) review of the submitted document and abandonment activities. Once this is completed, coordination with the United States Section, International Boundary and Water Commission (USIBWC) for further mitigation is warranted for activities within our right-of-way.

As for compliance with the U.S. Fish and Wildlife Service for endangered species and habitat, we are comfortable with a nesting survey during the migratory season of March through August, as stated with the condition of avoidance of nesting sites if salvage operations warrant.

The U.S. Army Corps of Engineers will need to comment on this project to determine if a permit under Section 404, Section 402 or other water related permits are needed. A letter from the Texas Commission on Environmental Quality (TCEQ) will also be needed for impact on water quality in the river.

We do request information for identifying any resources that are under the jurisdiction of the United States Section, International Boundary and Water Commission (USIBWC), that would require coordination, permitting, and/or approval.

With regard to the above, the USIBWC provides flood protection for communities along the international reach of the Rio Grande, operates the Amistad and Falcon International Dams, ensures water deliveries under the 1944 Water Treaty, and maintains the international boundary in accordance with the 1970 Boundary Treaty. In addition, under Article IV-B of the 1970 Boundary Treaty, any projects

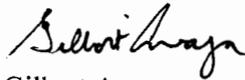
undertaken by either country must ensure that said works do not cause deflection or obstruction of the normal flow of the river or its flood flows.

This project will need a license and coordination from the USIBWC for the B&M Bridge if the abandonment process will use USIBWC right of ways for removal of rail lines and materials. As part of the permitting process, the USIBWC should be consulted, as early in the process as possible, not only to review the environmental document pursuant to the National Environmental Policy Act (NEPA) but, also insure compliance with the 1970 Boundary Treaty. Permits and licenses are to be sent to Mr. Duane Price, USIBWC Boundary and Realty Office, who is the license contact for this project.

The USIBWC does not anticipate the proposed project (Abandonment Exemption for Brownsville and Matamoros Bridge Company and Rail line in Cameron County, Texas) as described, to impact upon the projects or environmental resources of the USIBWC.

Thank you again for the opportunity to review and comment on the project. Please keep the USIBWC informed of additional projects near our levees, floodways and flood control projects. If you have any questions, please call me at (915) 832-4702.

Sincerely,



Gilbert Anaya
Division Chief
Environmental Management Division