

## Executive Summary

On February 27, 2003, Southwest Gulf Railroad Company (SGR) filed a petition with the Surface Transportation Board (Board) for authority to construct and operate a new rail line in Medina County, Texas.<sup>1</sup> SGR's proposal involves the construction and operation of approximately seven miles of new rail line from a Vulcan Construction Materials, LP (VCM) proposed limestone quarry to the Union Pacific Railroad Company (UP) rail line near Dunlay, Texas. The Board's Section of Environmental Analysis (SEA) issued a Draft Environmental Impact Statement (DEIS) on November 5, 2004, for public review and comment. The DEIS evaluated the potential environmental impacts that could result from SGR's proposed rail line construction and operation, four alternatives to SGR's proposed rail line (including the No-Action Alternative<sup>2</sup>), and recommended mitigation that could be undertaken to reduce the potential impacts identified.

In response to the DEIS, SEA received approximately 120 written comment letters, as well as 75 oral comments submitted at two public meetings held in Hondo, Texas, on December 2, 2004 (SEA considered each time a commenter spoke as one comment, even though several commenters spoke multiple times). After carefully reviewing all comments received, as well as additional information about the project proposal submitted by SGR, SEA decided to prepare this Supplemental DEIS (SDEIS).

This SDEIS focuses on three specific matters: (1) evaluation of three alternative rail routes that were not studied in detail in the DEIS and a comparison of these three alternative routes to the four rail routes previously studied in the DEIS and the No-Action Alternative; (2) a discussion of the progress of additional historic property identification efforts following issuance

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<sup>1</sup> SGR did so by filing a request under 49 U.S.C. 10502 for an exemption from the requirements of 49 U.S.C. 10901.

<sup>2</sup> SEA has defined the No-Action Alternative as the use of trucks to transport limestone from VCM's quarry to the UP rail line, based on SGR's statements that VCM would transport the material by truck if SGR's rail line were not built. Commenters to the DEIS have suggested that SEA's definition of the No-Action Alternative is incorrect. SEA will respond to these comments in the Final Environmental Impact Statement.

of the DEIS; and (3) the additional noise analysis that SEA has performed, based on updated operational data provided by SGR indicating that trains may operate during nighttime hours.

### **ES 1.1 Purpose and Need**

SGR states in its petition filed with the Board on February 27, 2003,<sup>3</sup> that the primary purpose of the proposed rail line construction and operation is to transport limestone from VCM's quarry to the UP rail line, for shipment to markets in the Houston area, as well as to other markets in the Southeast, Gulf Coast, and Rio Grande Valley regions of Texas. SGR intends 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, applying publicly disclosed rates and service terms (see 49 U.S.C. 11101), which would include providing service to other industries that might locate to the area in the future. SGR states 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 for 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.

SGR states that the proposed rail line construction and operation is needed to more efficiently transport limestone aggregate from VCM's proposed quarry to the UP rail line. SGR also states that if the proposed rail line were not built, VCM would use trucks to transport the limestone from the quarry to the UP rail line, which would require the construction of a remote truck-to-rail loading facility near the UP rail line, and that the number of truck trips that would be required to transport the limestone would far exceed the number of train trips. The proposed rail operations would be four trains per day (two loaded and two empty). Approximately 1,700

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<sup>3</sup> SGR's petition, as well as the DEIS and all written comments submitted are available on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov). For the DEIS, go to "E-Library," click on "Decisions & Notices," and then conduct a full text search for the material under "FD 34284." The environmental correspondence can be viewed by selecting "Environmental Matters," then clicking on "Environmental Correspondence," and then searching the correspondence under "FD 34284."

trucks per day (850 loaded and 850 empty) would be needed to transport that same amount of limestone from the quarry to the UP rail line.

### **ES 1.2 The Environmental Review Process for This Proceeding**

Under the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 *et seq.*, 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. SEA is the office within the Board that carries out the Board's responsibilities under NEPA and related environmental laws and regulations, including the Council on Environmental Quality's (CEQ) regulations for implementing NEPA at 40 CFR Part 1500, the Board's environmental regulations at 49 CFR Part 1105, and the Section 106 process of the National Historic Preservation Act (NHPA) of 1966, as amended, 16 U.S.C. 470f.

As noted above, SEA issued the DEIS for public review and comment on November 5, 2004. In the DEIS, SEA evaluated the environmental effects of the proposed rail line construction and operation for the following impact categories: transportation and traffic safety; public health and worker health and safety; water resources; biological resources; air quality; geology and soils (including karst features); land use; environmental justice; noise; vibration; recreation and visual resources; cultural resources; and socioeconomics. SEA also studied the potential cumulative effects and indirect effects that could be caused by the proposed project. The alternatives that SEA studied in depth included four potential rail alignments (the Proposed Route, Alternative 1, Alternative 2, and Alternative 3) and the No-Action Alternative (which SEA defined as the use of trucks to transport limestone from VCM's quarry to the UP rail line, based on SGR's statements that VCM would transport the material by truck if SGR's rail line were not built).

While some of the commenters to the DEIS expressed support for SGR's proposed project, the majority of the commenters expressed opposition to the project and raised concerns about the DEIS.

The comments included those from some of the Section 106 consulting parties<sup>4</sup> regarding the cultural resources analysis in the DEIS. In particular, the Texas Historical Commission and the Advisory Council on Historic Preservation raised concerns regarding the need to further identify the boundaries of the potential rural historic landscape in the Quihi area that had been discussed in the DEIS and to look at additional rail alternatives that could potentially avoid historic properties near Quihi. Based on the concerns that had been raised and the studies that had been conducted to date, SEA determined that a more detailed study of the rural historic landscape was warranted. This study has been completed and is included in this SDEIS for public review and comment.

In order to respond to and better assess all the comments to the DEIS, SEA requested and received additional information from SGR (see Appendix B). In particular, SEA requested information regarding how SGR had developed the four potential rail alignment routes that SEA had studied in depth in the DEIS (the Proposed Route, Alternative 1, Alternative 2, and Alternative 3) and whether SGR had studied the feasibility of rail routes that are farther to the west or to the east of those four alignments and that could potentially bypass the Quihi area.

After carefully reviewing the comments received on the DEIS and the additional information submitted by SGR, SEA determined that there were three alternative rail routes (the Eastern Bypass Route, the MCEAA Medina Dam Alternative,<sup>5</sup> and SGR's Modified Medina Dam Route, collectively, the Eastern Alternatives) that were potentially reasonable and feasible, but that had not yet been studied in depth. Thus, SEA decided that these alternatives warranted study in a supplemental DEIS. SEA issued the Notice of Intent to Prepare the SDEIS on March 13, 2006 (see Appendix E).

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<sup>4</sup> The Section 106 consulting parties in this proceeding are as follows: the Advisory Council on Historic Preservation; the Texas Historical Commission; SGR; the Honorable Henry Bonilla of the U.S. House of Representatives; Comanche Nation of Oklahoma; Mr. Archie Gerdes; Kiowa Tribe of Oklahoma; Medina County Environmental Action Association; Medina County Historical Commission; Mescalero Apache Tribe; Quihi and New Fountain Historical Society; Schweers Historical Foundation; Tap Pilam Coahuiltecan Nation of Texas; and Wichita and Affiliated Tribes of Oklahoma.

<sup>5</sup> MCEAA is the acronym for the Medina County Environmental Action Association, the citizen's group that proposed the MCEAA Medina Dam Alternative.

This SDEIS is being issued for public review and comment (see below for detailed instructions on submitting comments). After the comment period ends on January 29, 2007, SEA will review all timely comments and prepare a Final Environmental Impact Statement (FEIS) that responds to the comments received on this SDEIS and the comments previously received on the DEIS. The FEIS will also contain any additional analysis that SEA believes is necessary, as well as SEA's final recommendations for environmental conditions to mitigate the potential environmental impacts that could be caused by SGR's proposed rail line construction and operation. After issuance of the FEIS, the environmental review process will be concluded. The Board will then issue a final decision either to approve, deny, or approve with conditions SGR's petition to construct and operate a rail line in Medina County, Texas. In reaching its decision, the Board will take into consideration the DEIS, the SDEIS, the FEIS, and all environmental comments received.

### **ES 1.3 The Scope of This Supplemental Draft Environmental Impact Statement**

SEA is issuing this SDEIS to provide the public with an opportunity to review and comment on SEA's analysis of the Eastern Alternatives (the Eastern Bypass Route, the MCEAA Medina Dam Alternative, and SGR's Modified Medina Dam Route) and to compare these routes with the routes already studied, as well as the No-Action Alternative. The SDEIS also presents the results of the rural historic landscape study, which has identified three rural historic landscape districts in the area (the Quihi Rural Historic District, the New Fountain Rural Historic District, and the Upper Quihi Rural Historic District), and a discussion of additional noise analysis that SEA conducted, based on updated operational data provided by SGR indicating that trains may operate during nighttime hours, for public review and comment.

Alternatives considered in detail must be examined in a manner that allows reviewers to compare them equally.<sup>6</sup> Thus, SEA used the same scope of analysis for the study of the Eastern Alternatives as the scope of analysis for the alternatives considered in depth in the DEIS. This includes analysis of the following resource areas: transportation and traffic safety; public health and worker health and safety; water resources; biological resources; air quality; geology and

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<sup>6</sup> See 40 CFR 1502.14(b).

soils (including karst features); land use; environmental justice; noise; vibration; recreation and visual resources; cultural resources; and socioeconomics.

Finally, SEA acknowledges that comments to the DEIS also called into question some of SEA's methodology for assessing particular resource areas, requested modifications to particular mitigation recommendations, and suggested that SEA should recommend additional mitigation measures. These types of comments to the DEIS can and will be appropriately responded to in the FEIS, which will be issued after the conclusion of the comment period on the SDEIS. In order to provide a consistent basis for comparison of the alternatives studied in the DEIS, and the additional alternatives assessed in this SDEIS, SEA has generally followed the methodology used in the DEIS in assessing the potential environmental impacts of the Eastern Alternatives, and, in order to avoid repetition, frequently refers the reader to particular sections of the DEIS.

The SDEIS departs from the methodology and mitigation recommendations used throughout the DEIS only to the extent that the changed methodology or different mitigation recommendations address unique aspects of the Eastern Alternatives (i.e., issues that would not arise from construction and operation of the Proposed Route, Alternative 1, Alternative 2, Alternative 3, or the No-Action Alternative) or information that was unavailable when the DEIS was issued. In addition to containing detailed responses to the comments received on the DEIS and the SDEIS, the FEIS will contain SEA's final recommendations for mitigation, which may be modified from the mitigation recommended in the DEIS.

## **ES 2.0 Description of the Proposed Action**

SGR's proposal would involve the construction of an approximately seven-mile single-track rail line between VCM's proposed quarry site and UP's Del Rio Subdivision.

As part of the proposed action, a loading track would be built at the quarry site to handle and load materials into rail cars. An automated aggregate loading system would be used to load the rail cars at the loading track. The track layout of the loading track would consist of either a two-mile loading loop or a series of one-mile parallel tracks in the same general vicinity. In addition to the loading track, SGR would also construct a rail interchange area, close to the

connection with the UP line, consisting of a single main track with a possible side track approximately one mile long, which could be used to temporarily store a loaded or unloaded train.

Based on estimated rail shipments totaling five million tons per year, SGR expects to operate approximately four trains per day, including both inbound (empty) and outbound (loaded) traffic, upon full operation of the proposed quarry for the reasonably foreseeable future. Each train would consist of 100 railcars; each railcar would have a capacity to carry 100 to 120 tons of aggregate. Thus, approximately 20,000 – 24,000 tons of aggregate would be shipped from the quarry to the UP rail line per day, 250 days per year.

## **ES 2.1 Alternatives**

The primary purpose of SGR's proposed rail line construction and operation is to transport limestone from VCM's proposed quarry to the UP rail line for shipment to markets in eastern Texas. Thus, all reasonable and feasible alternatives for SGR's proposal must satisfy this purpose.

### **ES 2.2.1 Non-Rail Alternatives**

According to SGR, VCM 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. 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. Thus, in the DEIS, SEA conducted a review of the use of trucks as part of the analysis for the No-Action Alternative. SEA received comments to the DEIS that asserted that SEA had improperly defined the No-Action Alternative. SEA will address the comments received on this issue in the FEIS.

Under the No-Action Alternative, approximately 850 loaded trucks per day would be required to transport the limestone. This would mean approximately 1,700 single truck trips per day, assuming an empty backhaul.

### **ES 2.2.2 Rail Route Alternatives**

A reasonable and feasible rail alignment would need to connect to the proposed rail-loading track at the quarry site and to the existing UP rail line in a manner that would enable outbound shipments from the quarry to travel east.<sup>7</sup> In the DEIS, SEA conducted an in-depth analysis of four reasonable and feasible rail alignments. These alignments were as follows: (1) the Proposed Route; (2) Alternative 1; (3) Alternative 2; and (4) Alternative 3 (see Figure 2-1). Commenters to the DEIS questioned whether other reasonable and feasible rail alignments that had the potential to cause less environmental impacts than the rail alignments studied in the DEIS could be developed and, in particular, whether there might be reasonable and feasible rail alignments outside of the historic Quihi area that should be assessed.<sup>8</sup> MCEAA submitted comments stating that a particular route, the MCEAA Medina Dam Alternative, should be studied. In order to respond to these comments, SEA requested information from SGR regarding how SGR had developed the four potential rail alignment routes that SEA studied in depth in the DEIS and whether SGR had studied the feasibility of rail routes that would be farther to the west or farther to the east of those four alignments and that could potentially bypass the Quihi area.

Based upon the information submitted by SGR, SEA determined that there were three additional reasonable and feasible eastern rail line alternatives that should be studied in depth: the Eastern Bypass Route; the MCEAA Medina Dam Alternative; and SGR's Modified Medina Dam Route (see Figure 2-1).

Based on all information to date, SEA believes that a full spectrum of reasonable alternative rail routes for this proceeding has now been assessed. The reasonable and feasible alternatives that SEA has now studied include: (1) rail alignments that traverse directly through the Quihi area (the central corridor); (2) rail alignments that bypass the Quihi area to the east (eastern corridor); (3) and rail alignments that bypass the Quihi area to the west (western

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<sup>7</sup> See SGR's Petition for Exemption filed with the Board on February 27, 2003 and letter from SGR to SEA dated May 4, 2004 (Environmental Correspondence Tracking Number #EI-793).

<sup>8</sup> SEA had identified a potential rural historic landscape in the Quihi area in the DEIS.

corridor). The four alternative rail routes studied in depth in the DEIS (the Proposed Route, Alternative 1, Alternative 2, and Alternative 3), constitute a reasonable range of alternatives for the central corridor, and no further routes in this corridor need to be studied. SGR's Modified Medina Dam Route, the Eastern Bypass Route, and the MCEAA Medina Dam Alternative constitute a reasonable range of alternatives for the eastern corridor.<sup>9</sup> Any western bypass route that is not significantly longer than the four routes studied in the DEIS would pass through more floodplain area and would impact a large number of historic resources (including historic resources in the New Fountain, Texas area).<sup>10</sup> Therefore, any such route would be less environmentally preferable than the four routes studied in depth in the DEIS, and SEA is excluding any such route (though no such route has been developed to date) from further consideration

In short, in addition to the four rail alignments studied in depth in the DEIS, three additional reasonable and feasible alternative rail routes have been studied in depth in this SDEIS (SGR's Modified Medina Dam Route, the Eastern Bypass Route, and the MCEAA Medina Dam Alternative, collectively, the Eastern Alternatives). In this SDEIS, SEA is presenting the results of this study for public review and comment.

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<sup>9</sup> MCEAA has asserted that the other deviations that SGR initially studied for an alignment that would use part of the old Medina Dam route as well as the original Medina Dam route itself need to be studied further (see letter from MCEAA to SEA, dated October 5, 2005, Environmental Correspondence Tracking Number #EI-1698). However, MCEAA has not shown that SGR's Modified Medina Dam Route, the Eastern Bypass Route, and the MCEAA Medina Dam Alternative do not constitute a reasonable range of routes in the eastern corridor. Moreover, the original Medina Dam route on its own would not meet the purpose and need for SGR's rail line, since it does not connect to VCM's proposed quarry.

<sup>10</sup> SEA has not approximated the length that such a route would need to be (because no such route has been developed). However, from a review of the Federal Emergency Management Agency's floodplain map for Medina County, it appears that any western bypass route that would cross a comparable amount of floodplain to the alternative rail routes under consideration would need to connect to the UP rail line many miles to the west of the quarry, which would significantly increase the line's length.

### **ES 3.0 Environmentally Preferable Alternative**

SEA has conducted a thorough environmental review of seven rail line alternatives (the Proposed Route, Alternative 1, Alternative 2, Alternative 3, the Eastern Bypass Route, the MCEAA Medina Dam Alternative, and SGR's Modified Medina Dam Route) and the No-Action Alternative (the use of trucks to transport the limestone from VCM's quarry to the UP rail line), as presented in the DEIS, and this SDEIS.

SEA's analysis of the various resource areas (transportation and traffic safety, public health and worker health and safety, water resources, biological resources, air quality, geology and soils (including karst features), land use, environmental justice, noise, vibration, recreation and visual resources, cultural resources, and socioeconomics), indicates that the No-Action Alternative has the potential to cause much greater environmental impacts than any of the rail route alternatives under consideration. Due to the large amount of truck traffic that would be needed to transport the limestone from the quarry to the UP rail line under this alternative (approximately 850 loaded and 850 empty trucks per day), the No-Action Alternative would cause significant adverse impacts upon the transportation infrastructure and traffic safety of the project area, and would produce significant emissions of criteria air pollutants. The truck transportation also has the potential to cause more adverse impacts to groundwater and surface water from the 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, the 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 from the operation of trucks could also be greater than if the proposed rail line were constructed and operated.

In addition, the 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 concludes that the No-Action Alternative is less environmentally preferable than construction and operation of the proposed rail line under any of the route alternatives.

Of the seven rail line alternatives that SEA has studied, it appears that Alternative 1 has the potential to cause the greatest environmental impacts. Alternative 1 would cross the most number of streamlines of higher order,<sup>11</sup> as well as the maximum 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 in the area. Construction and operation of Alternative 1 would also cause the greatest impact to cultural resources. This route would be located near many known and suspected historic structures, would intersect a large acreage within two historic districts (including the core of original Quihi), and would cross many archaeologically high sensitive terrains. Thus, SEA concludes that Alternative 1 is the least environmentally preferable rail route alternative.

Comparison of the six 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. Due to fewer county road crossings and a lower risk of accidents, construction and operation of Alternative 2 would cause the fewest impacts to transportation and traffic safety of any of the rail alternatives. Alternative 3 would have the fewest impacts to wetland resources, as it would not cross any aquatic features or stock ponds; Alternative 3 is also the one rail alternative that would not cause any adverse noise impacts to noise sensitive receptors from rail operations. The Proposed Route would cross the fewest private properties that are not owned by SGR or its affiliates.

All three Eastern Alternatives would have the potential to cause fewer impacts to cultural resources and the 100-year floodplain than the Proposed Route, Alternative 2, or Alternative 3. SGR's Modified Medina Dam Route and the MCEAA Medina Dam Alternative would cause the fewest impacts to cultural resources out of any of the rail alternatives; the MCEAA Medina Dam Alternative would also be the least intrusive to the historic districts and would cross the least

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<sup>11</sup> Stream order is a method of numbering streams as part of a drainage basin network. The smallest unbranched mapped tributary is called first order; the stream receiving the tributary is called second order, and so on. Lower order streams typically have fewer intermittent flows, and wider, more mature riparian zones. Thus, lower order streams are easier to traverse without impact.

amount of floodplain. The Eastern Bypass Route has the potential to cause more cultural resource impacts than the other two Eastern Alternatives, but would have fewer floodplain crossing points. However, the Eastern Alternatives are all longer than the Proposed Route, Alternative 2, and Alternative 3, and thus, have the potential to cause proportionally greater environmental impacts in the areas of transportation and traffic safety, biological resources, air quality and land use.

Although the longer lengths of the Eastern Alternatives would result in greater environmental impacts than the Proposed Route, Alternative 2, and Alternative 3 in some resource areas,<sup>12</sup> as discussed throughout the DEIS and SDEIS, SEA believes that 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. Moreover, SEA does not believe that the increased impacts from the longer lengths of the Eastern Alternatives would be significantly different from the impacts that would be caused by the construction and operation of the Proposed Route, Alternative 2, or Alternative 3 (i.e., the differences in terms of transportation and traffic safety, biological resources, air quality and land use impacts would be minor).

On the other hand, as discussed in Chapter 5 of this document, SEA believes that the three historic districts, particularly the Quihi Rural Historic District, are a significant resource in the project area. Thus, the fact that the Eastern Alternatives would cause fewer impacts to cultural resources and would not traverse the boundaries of the Quihi Rural Historic District, suggests that the Eastern Alternatives are environmentally preferable to the Proposed Route, Alternative 2, and Alternative 3.

As stated above, aside from the potential impacts to cultural resources (specifically the Quihi Rural Historic District), SEA believes that the potential impacts from the construction and operation of the rail line under each of the alternatives that have been studied would generally be similar. Because all three of the Eastern Alternatives would avoid traversing the Quihi Rural

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<sup>12</sup> The lengths of these six rail line routes are as follows: Proposed Route (about 7.5 miles); Alternative 2 (about 7.0 miles); Alternative 3 (about 7.5 miles); the Eastern Bypass Route (about 9.2 miles); the MCEAA Medina Dam Alternative (about 9.9 miles); and SGR's Modified Medina Dam Route (about 10.9 miles).

Historic District, SEA has compared the Eastern Alternatives in terms of potential impacts to other resources to determine whether one or more of the Eastern Alternatives can be designated as the most environmentally preferable alternative at this time.

SGR's Modified Medina Dam Route would cause more impacts to transportation and traffic safety than the 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 certain resource areas, as discussed above). Thus, SEA believes that SGR's Modified Medina Dam Route is the least environmentally preferable of the three Eastern Alternatives.

The Eastern Bypass Route would have fewer floodplain crossing points than the MCEAA Medina Dam Alternative, would cross fewer aquatic features, have fewer total stream crossings, and would be slightly shorter in length. The MCEAA Medina Dam Alternative would have slightly fewer impacts to transportation and traffic safety than the Eastern Bypass Route, would cross less amount of floodplain, would impact prime farmland soils to a lesser degree, would be less likely to be affected by the development of karst features, would have less overall impacts to existing land uses, and have slightly fewer impacts to cultural resources than the Eastern Bypass Route. SEA believes that based on all information to date, these distinctions are not sufficient to differentiate between these two routes and designate either the Eastern Bypass Route or the MCEAA Medina Dam Alternative as the most environmentally preferable alternative. Thus, SEA is preliminarily designating both the Eastern Bypass Route and the MCEAA Medina Dam Alternative as the Environmentally Preferable Alternatives out of the eight alternatives studied in the environmental review process for this proceeding. SEA specifically requests comments on this issue from all interested parties and the public and will assess these comments and make a final determination on environmentally preferable alternatives in the FEIS.

#### **ES 4.0 Mitigation**

In the DEIS SEA recommended 52 mitigation measures. Five of these mitigation measures were voluntary mitigation measures, meaning that SGR had volunteered this mitigation

as part of its project development,<sup>13</sup> and 47 of the mitigation measures had been developed by SEA through its environmental analysis to date and its consultation with Federal, state, and local agencies and the public.<sup>14</sup> 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 will respond to these comments in the FEIS and, in response to those comments, may change the mitigation recommended in the DEIS, as well as recommend additional mitigation measures.

In this SDEIS, SEA has recommended some new mitigation measures, as well as some modifications to the mitigation measures recommended in the DEIS, based on the additional analysis presented in this document. Below, SEA presents for public review and comment the new or changed mitigation measures recommended in this SDEIS.

#### **Hazardous Materials/Waste Site and Existing Energy Resources**

- 1A. Prior to initiating construction activities, Southwest Gulf Railroad Company shall survey the location of the transmission line poles and avoid them during the construction of the rail line right-of-way.

#### **Wetlands**

- 2A. Prior to initiating construction activities, Southwest Gulf Railroad Company (SGR) shall survey the location of privately owned stock ponds and irrigation systems within the project area. If avoidance is not possible, SGR shall minimize intrusion to these water bodies and to important sources to these water bodies to the extent practicable and shall consult with the U.S. Army Corps of Engineers to determine if a full wetland delineation study is required. In addition, SGR shall negotiate with affected landowners regarding the appropriate replacement of these

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<sup>13</sup> SEA encourages applicants to propose voluntary mitigation. Because applicants gain a substantial amount of knowledge about the issues associated with a proposed right-of-way during project planning and because they consult with regulatory agencies during the permitting process, they are often in a position to offer relevant voluntary mitigation. Sometimes this mitigation is more far reaching than the mitigation the Board unilaterally could impose.

<sup>14</sup> If the Board issues a decision authorizing SGR to construct and operate its rail line, SGR would be legally obligated to comply with all of the mitigation measures imposed by the Board in its decision.

stock ponds/irrigation systems. (This condition is a modification to DEIS Mitigation Measures #31 and #44, and would replace those conditions.)

### **Biological Resources**

- 3A. Southwest Gulf Railroad Company shall consult with the U.S. Fish and Wildlife Service and the Edwards Aquifer Authority during final engineering of the rail line and prior to beginning construction to ensure that the material used for the track, ties, and ballast does not pose hazards to the water quality of the Edwards Aquifer or species dependent upon the aquifer (e.g., use of ties not preserved with creosote).
- 4A. Southwest Gulf Railroad Company shall use only Vulcan Materials Company's existing Edwards Aquifer water rights or any other existing Edwards Aquifer water rights that may be acquired when using water from the Edwards Aquifer during construction, maintenance, and operation of the rail line.

### **Land Use**

- 5A. Where construction of the rail line would cause unavoidable property severance, damage to a home or to an irrigation system, or property demolition and/or destruction, Southwest Gulf Railroad Company shall negotiate with the appropriate land owner(s) to ensure access to the severed property and/or replacement of the irrigation system, and, if appropriate, realign the track to avoid taking houses and/or to minimize the impacts. (This condition is a modification to DEIS Mitigation Measure #39, and would replace this condition.)

### **Noise**

The following conditions would replace DEIS Mitigation Measure #40.

- 6A. Southwest Gulf Railroad Company (SGR) shall equip all noise-producing project construction equipment and vehicles using internal combustion engines with mufflers, air-inlet silencers, and other shrouds, shields, or other noise-reducing features in good operating condition that meet or exceed original factory specification. SGR shall equip mobile or fixed package equipment (e.g., arc-

welders, air compressors) with shrouds and noise control features that are readily available for that type of equipment.

- 7A. Southwest Gulf Railroad Company shall comply with all applicable local, state, or Federal regulations that control the noise output produced by mobile or fixed noise-producing equipment during rail construction activities.
- 8A. Southwest Gulf Railroad Company shall use electrically-powered equipment instead of pneumatic or internal combustion powered equipment during rail construction activities, where such equipment is available to perform the same function.
- 9A. Southwest Gulf Railroad Company shall minimize noise by locating material stockpiles, mobile equipment staging areas, parking areas, and maintenance areas as far as practicable from noise sensitive receptors.
- 10A. Southwest Gulf Railroad Company shall establish and enforce a 10 mile per hour construction site and 25 miles per hour private construction access road speed limits during the rail construction period.
- 11A. Southwest Gulf Railroad Company shall not engage in rail construction activities between 7:00 p.m. and 7:00 a.m. Monday through Saturday or at any time on Sunday or on Federal holidays. Exceptions may be made for emergency situations.
- 12A. Southwest Gulf Railroad Company shall use noise-producing signals, including horns, whistles, alarms, and bells for safety warning purposes only.
- 13A. Southwest Gulf Railroad Company shall ensure that no project-related fixed, mobile, or portable public address or music system is audible at any adjacent noise sensitive receptor, except for emergency purposes.
- 14A. To minimize wheel squeal, if a loop track is used, Southwest Gulf Railroad Company shall design a loop track with a radius greater than 1000 feet or 10 times the wheelbase of the largest car used on the tracks.
- 15A. Southwest Gulf Railroad Company shall provide a track lubrication system for a loop track to mitigate wheel squeal noise if such noise occurs.
- 16A. Southwest Gulf Railroad Company shall provide a movable point crossover (a crossover designed with a spring loaded piece to eliminate the noise producing

gap) to mitigate excess noise from a crossover at the neck of a loop track (where the curved track reconnects with the tangent (straight) track).

### **Vibration**

This condition would replace DEIS Mitigation Measures #41, 42, and 43.

- 17A. Southwest Gulf Railroad Company shall conduct a pre-construction survey to locate nearby wells and shall 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.

### **ES 5.0 Submission of Comments and Requests for Additional Information**

SEA welcomes written comments on all aspects of this SDEIS. If you wish to submit written comments regarding this SDEIS, please send an original and two copies to the following address:

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

Written comments may also be filed electronically on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov), by clicking on the "E-FILING" link. Comments must be postmarked by: January 29, 2007. Due to the focused nature of this SDEIS, SEA requests written comments only, and will not be holding public meetings to gather oral comments on the SDEIS. As discussed above, SEA will respond to the comments previously received on the DEIS in the FEIS; thus, there is no need to repeat comments that have already been submitted.

Comments will be posted on the Board's website after they are received. For additional information regarding the history of this proceeding, please visit the Board's website. A complete electronic copy of the DEIS is available on the Board's website by going to "E-Library," clicking on "Decisions & Notices," and then conducting a full text search for the material for "FD 34284." The environmental correspondence for this proceeding can also be

viewed on the Board's website by selecting "Environmental Matters," then clicking on "Environmental Correspondence," and then searching the correspondence under "FD 34284." When attempting to view your comments on the Board's website after submission, please be patient, as the time to process and to scan environmental comments onto the Board's website can vary. If you need assistance or require additional information about the environmental review process, please contact Ms. Rini Ghosh at (202) 565-1539.