

Congress of the United States  
House of Representatives  
Washington, DC 20515-4323

December 5, 2003

SUBCOMMITTEE ON DEFENSE  
SUBCOMMITTEE ON FOREIGN OPERATIONS

FEI-367  
RJ

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street NW  
Washington, D.C. 20423

FD 34284

Case#: 2028573

Dear Secretary Williams:

Please find enclosed correspondence from my constituent, Dr. Robert T. Fitzgerald, President of The Medina County Environmental Action Association (MCEAA), Quihi, Texas. Dr. Fitzgerald, on behalf of the MCEAA, is requesting my assistance in obtaining information and response to thirteen points of questions and items of concern of the Surface Transportation Board's (STB), Preliminary Cultural Resources Assessment published October of 2003: regarding proposed construction and operation of the Vulcan Materials, Southwest Gulf Railroad Co.

The following four question and concerns of the MCEAA pertain to the STB's Finance Docket 34284 - National Historic Preservation Program, Section 106 Regulations:

- 1) Preliminary report on Section 106, National Historic Preservation Program is poorly done, contains errors, and omits fifty to sixty historic sites in the area that would be impacted by the railroad. (See Historical Sites and Floodplain Area Map)
- 2) All proposed routes and alternates for the Southwest Gulf Railroad would divide Family Heritage Lands. MCEAA finds this to be unacceptable.
- 3) The antiquities of early American Indians are totally ignored, showing that no study of this has been undertaken. This priceless heritage has been omitted, with no mitigation proposals offered.
- 4) Motion and vibration studies stated that there would be no impact on historic structures in the vicinity yet the railroad crossing is reportedly to be placed on trestles as per information from the STB. These trestles will have to be placed by pile driving yet the studies stated that pile driving or jack hammer studies are not needed, because they would not be used.

The following pertains to the STB's Finance Docket 34284, as a completed in its current form:

- 5) Aside from the cultural issues, the Corps of Engineers has been informed by Vulcan Representatives that their involvement would not be required. However, according to Nationwide Pennit 14, crossing the floodplains and wetland is prohibited if floodwaters are impounded, or flooding of adjacent property would occur. These events will occur if the railroad is placed on berms or trestles in the 100-year floodplain because of the tremendous amount of debris that is carried down these creeks during heavy rains and flooding. The MCEAA requests that the Corps of Engineers be involved in this project.
- 6) Danger of contamination to the Edwards Aquifer - which lies only 200 -250 feet below the surface at the quarry site, and mining is planned to go to this depth, thus exposing the aquifer to contamination by the toxic hydrocarbon and nitrate compounds.

I

PLEASE REPLY TO:

11120 WURZBACH, SUITE 300  
SAN ANTONIO, TX 78230  
(210) 697-9055

1300 MATAMOROS STREET, SUITE 113B  
LAREDO, TX 78040  
(956) 726-4662

111 EAST BROADWAY, SUITE 101  
DEL RIO, TX 78840  
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107 WEST AVENUE E, #14  
ALPINE, TX 79830  
(915) 837-1313

<http://www.house.gov/bonilla>

- 7) Possible danger to the Medina Dam, because it lies along the same fault lines as the proposed quarry.
- 8) Blasting and mining will drain, contaminate and or destroy the neighboring Edwards Aquifer wells, which is the only source of water the neighboring farmers, ranchers, and residents have for their homes and ranches.
- 9) Severe traffic problems will result because of inadequate gravel roads and by grade-level crossing of the railroad of five county and one state road. This will not only endanger peoples lives, but will also have an impact on school buses, commuters, EMS, Fire and police services because 400 railroad cars a day will cross over these county roads, and up to 135 gravel trucks per day will clog the inadequate infrastructure.
- 10) Air quality will suffer because of the open gondola railroad cars carrying crushed limestone from the quarry to Houston and Gulf coast area, a distance of approximately 225 miles.
- 11) The entire economy of Medina county would be changed from agricultural/residential to industrial/commercial. Hunting is a big source of income in this area and would be ruined. This would cause severe loss to the agricultural economy.
- 12) Medina county has no unemployment problem currently. The potential for residential development as a bedroom community will be thwarted.
- 13) There will be no economic gain from the purposed Vulcan Materials quarry.

I ask that the Board please review and respond to the MCEAA's concerns. Additionally, attached are two letters of rebuttal to the STB's Finance Docket 34284, from Mr. Thomas R. Hester, Ph.D., Professor of Anthropology, Emeritus and Mr. Lynn M. Kitchen, Ph.D. Principal Scientist on behalf of the MCEAA. I ask for your consideration and response to their inquiry.

I thank the Board in advance for its consideration and cooperation through this process and ask that you please respond to me at my San Antonio district office. My District Direct, Mr. Phil Ricks and Constituent Liaison, Gabriel Lozano, will both be working with me on this case and can be contacted at the number listed below if you require assistance.

Sincerely,



Henry Bonilla  
Member of Congress

HB:gl

Enclosure:

MCEAA - Comment and Concern  
Historical Sites and Floodplain Area Map  
MCEAA Exhibits - 2, 3 and 4  
Mr. Thomas R. Hester, Ph.D., letter to STB  
Mr. Lynn M. Kitchen, Ph.D., letter to STB  
MCEAA to Ms. Susan Combs, Commissioner, Texas Department of Agriculture  
F. Lawrence Oaks, State Historic Preservation Officer letter to STB

11-17-03

Congressman Henry Bonilla's office: Please write a letter to these agencies:

Surface Transportation Board

1. Preliminary report on section 106 is poorly done, contains errors, and omits 50 of the 60 historic sites in the area that would be impacted by the railroad.
2. Family Heritage Lands would be divided by all routes - proposed and alternates. This is unacceptable.
3. The antiquities of early American Indians are totally ignored, showing that no study of this has been undertaken. This priceless heritage has been omitted, with no mitigation proposals offered.
4. Motion and vibration studies stated that there would be no impact on historic structures in the vicinity, yet the railroad crossing is reportedly to be placed on trestles as per information from the STB. These trestles will have to be placed by pile driving yet the studies stated that pile driving or jack hammer studies are not needed, because they wouldn't be used.
5. Aside from the cultural issues, the Corps of Engineers has been informed by Vulcan Representatives that their involvement would not be required. However, according to Nationwide Permit 14, crossing the floodplains and wetlands is prohibited if floodwaters are impounded, or flooding of adjacent property would occur. These events will occur if the railroad is placed on bcrms or trestles in the 100-year floodplain because of the tremendous amount of debris that is carried down these creeks during heavy rains and flooding. We are requesting that the Corps of Engineers be involved in this project.
6. Danger of contamination of the Edwards Aquifer - which lies only 200-250 feet below the surface at the quarry site, and mining is planned to go to this depth, thus exposing the aquifer to contamination by the toxic hydrocarbon and nitrate compounds.
7. Possible danger to Medina dam, because it lies along the same fault lines as the proposed quarry.
8. Blasting and mining will drain, contaminate and/or destroy the neighboring Edwards aquifer wells, which is the only source of water the neighboring farmers, ranchers, and residents have for their homes and ranches.
9. Severe traffic problems will result because of inadequate gravel roads and by grade-level crossings of the railroad of 5 county and one state road. This will not only endanger peoples lives, but will also impact on school buses, commuters, EMS, fire and police services because 400 railroad cars a day will cross over these county roads, and up to 135 gravel trucks per day will clog the inadequate infrastructure.
10. Air quality will suffer because of the open gondola railroad cars carrying crushed limestone from the quarry to the Houston and Gulf coast area, a distance of approximately 225 miles.
11. The entire economy of Medina county would be changed from agricultural/residential to

industrial/commercial. Hunting is a big source of income in this area, and would be ruined. This would cause severe loss in the agricultural economy.

12. Medina county has no unemployment problem currently. The potential for residential development as a bedroom community will be thwarted.

13. There will be no economic gain from the quarry.

We are therefore requesting that you, as our representative, submit the above concerns to the Surface Transportation Board along with your strong urging that all these matters must be seriously considered.

We do not feel that this project should be allowed because of its disastrous effect on the area.

Sincerely  
Robert J. Fitzgerald  
Pres. MCEAA

RATED AREAS)

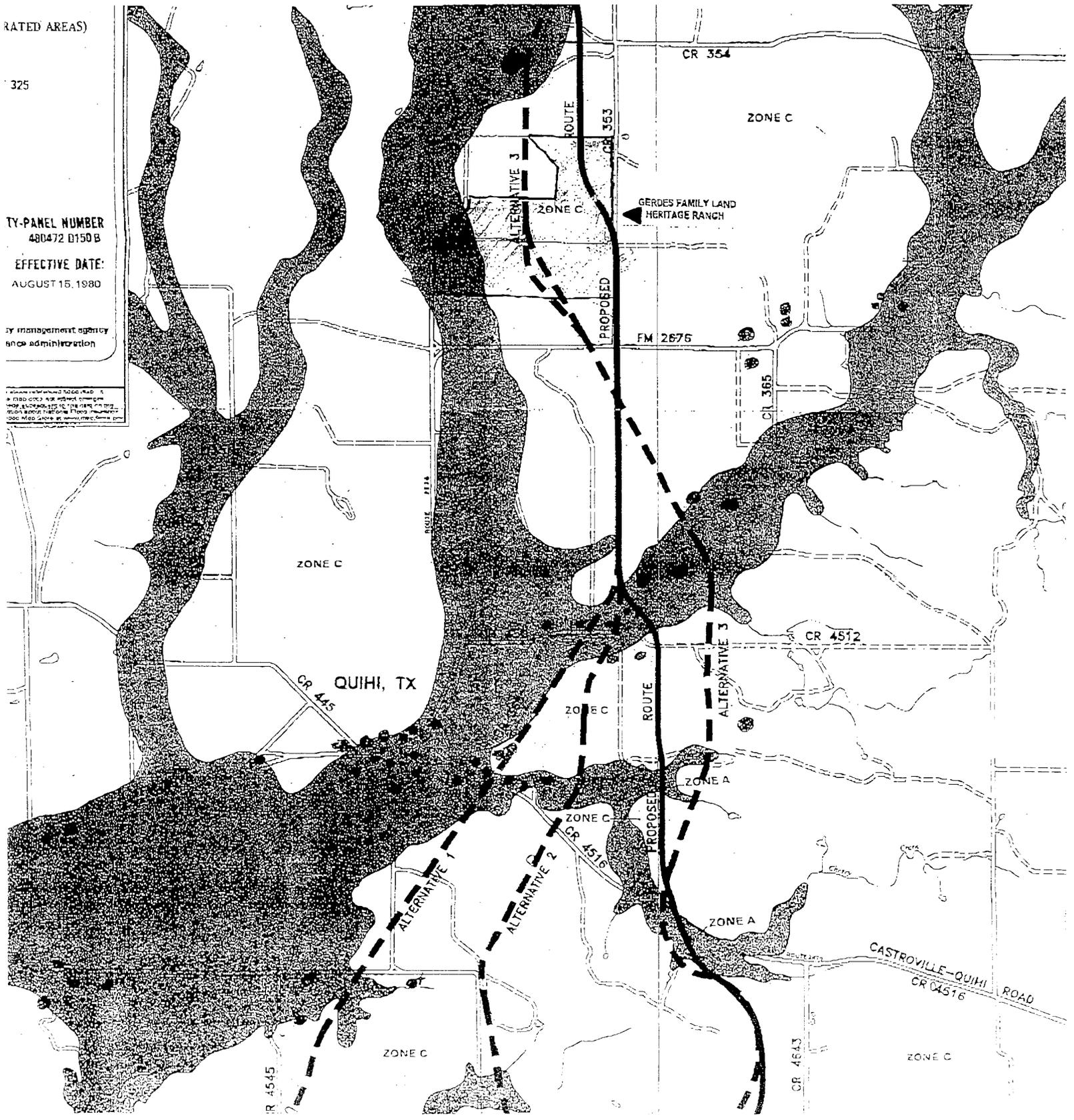
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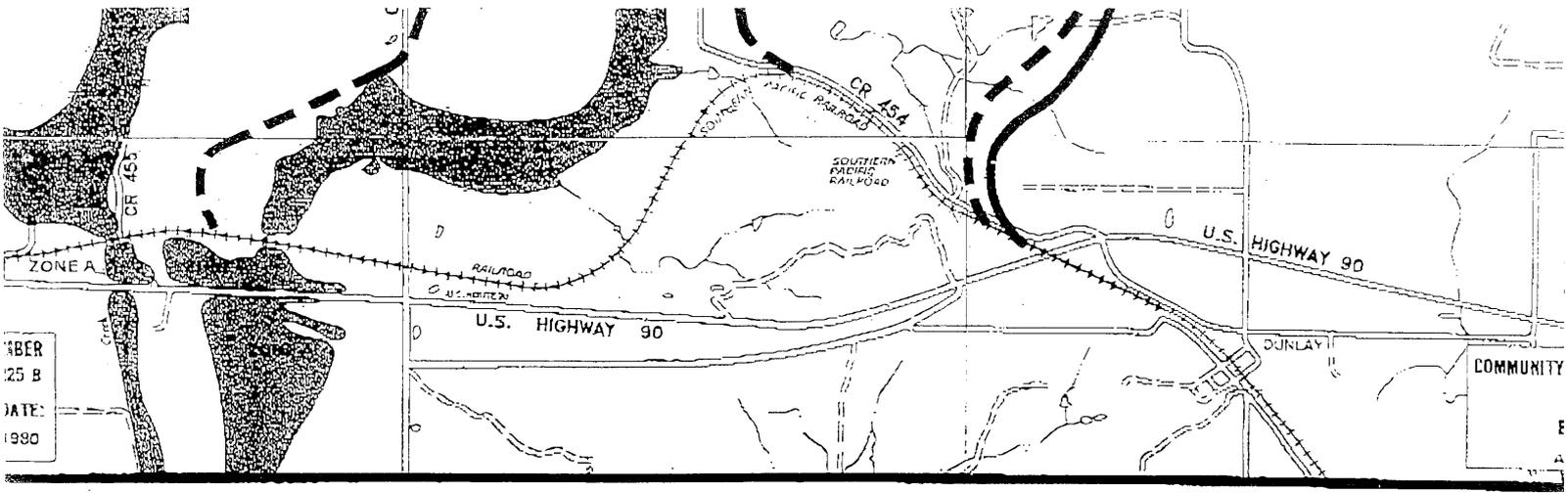
TY-PANEL NUMBER  
480472 D150 B

EFFECTIVE DATE:  
AUGUST 15, 1980

by management agency  
and administration

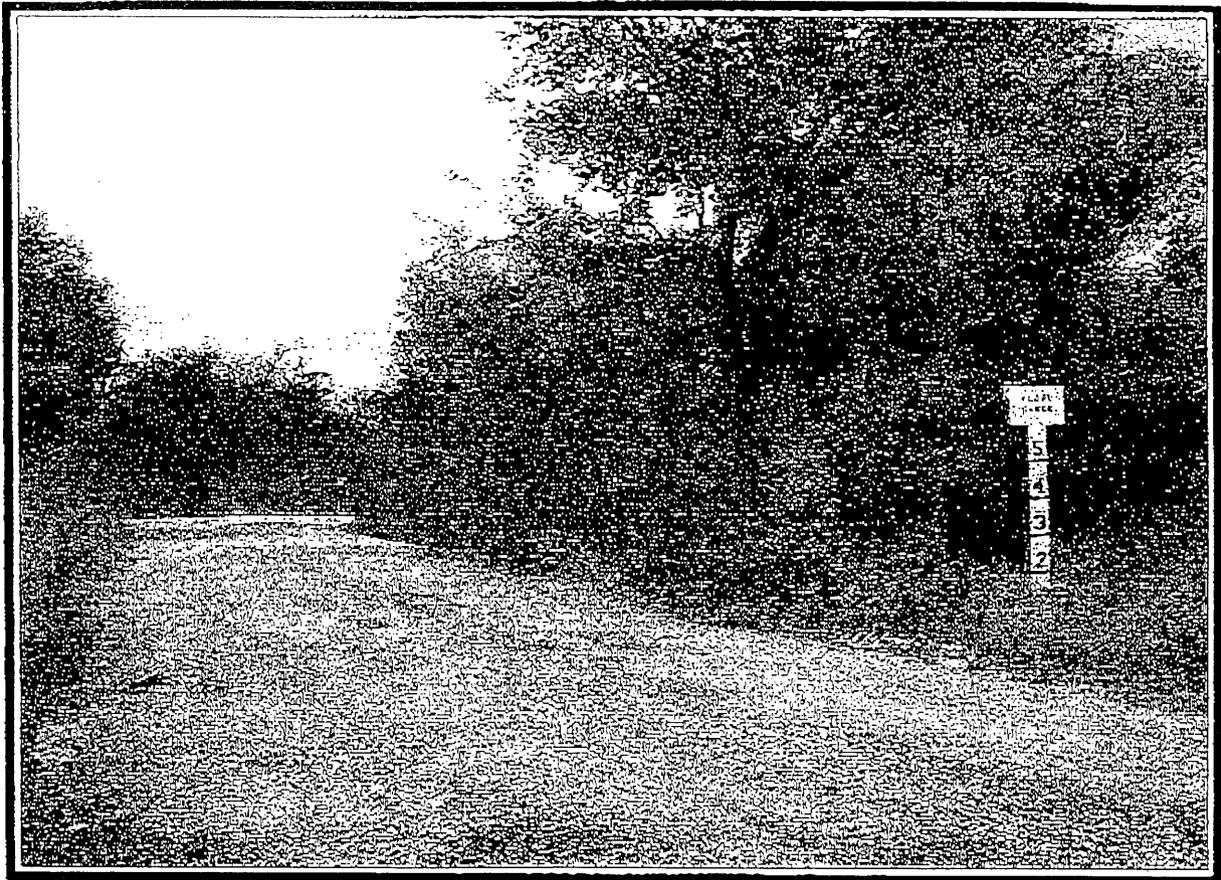
1. All areas are shown on the map as they are on the ground. No attempt is made to show any changes in the ground since the date of the aerial photography. The map is not to be used for any purpose other than the one for which it was prepared.



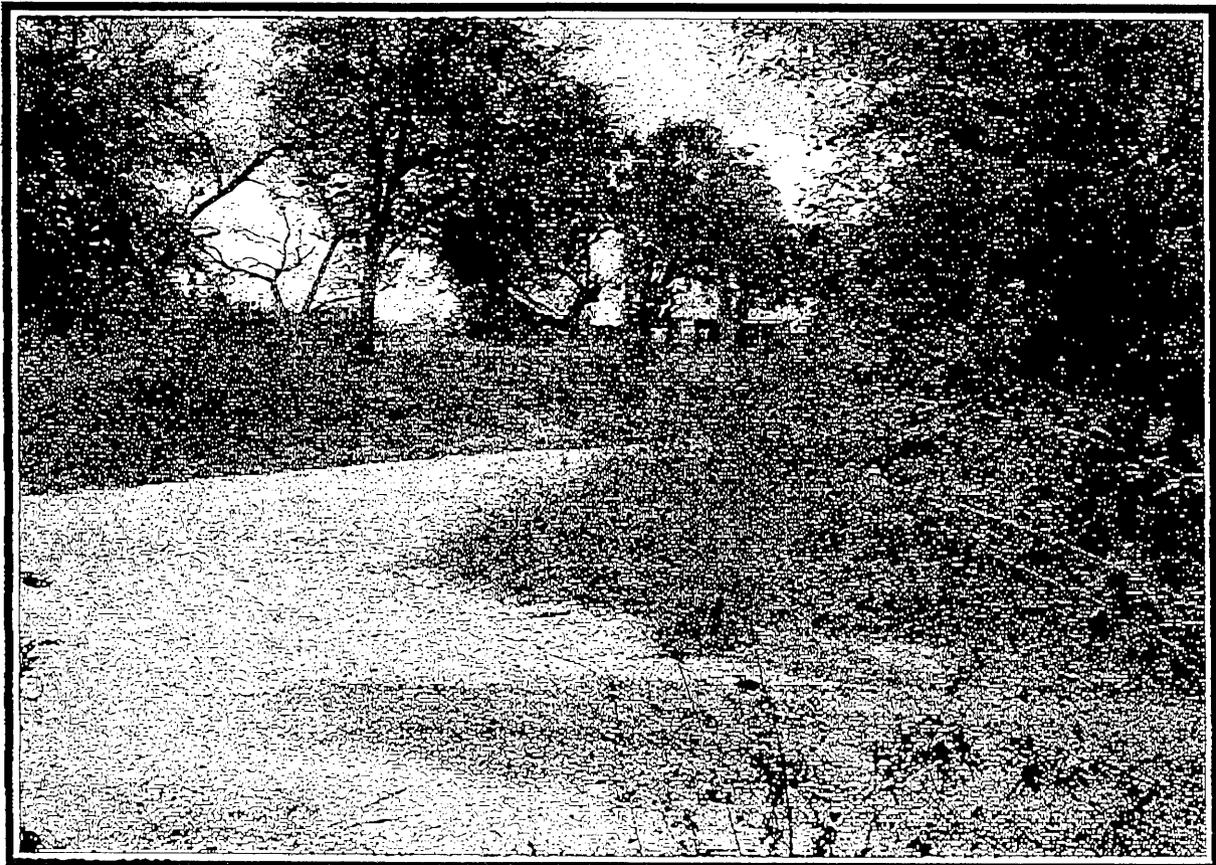


**Historical Sites**

**Floodplain Area**

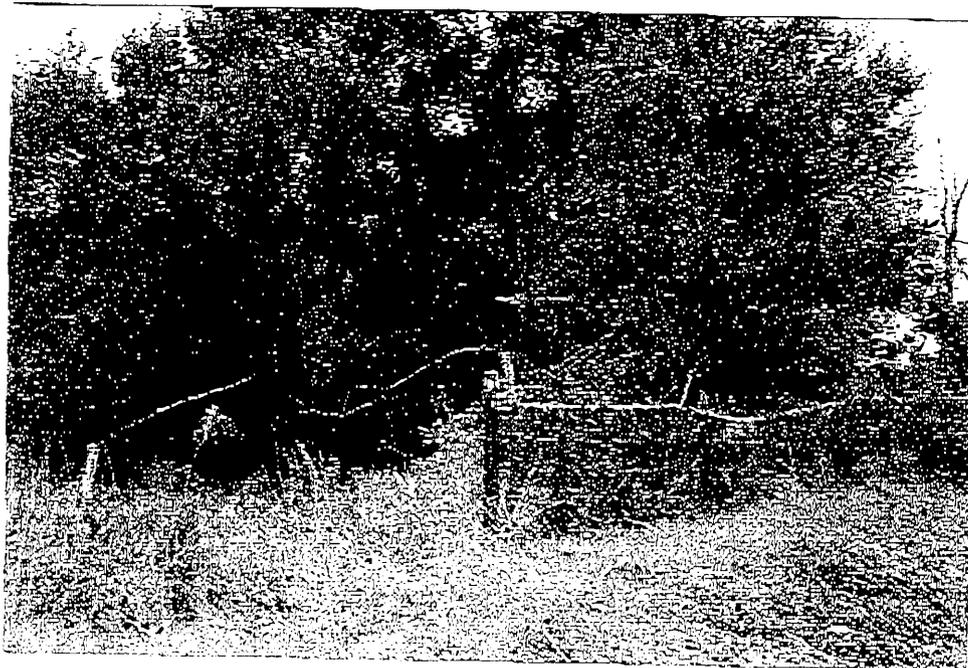


11-03-03 Junction of CR 365 and CR 4512

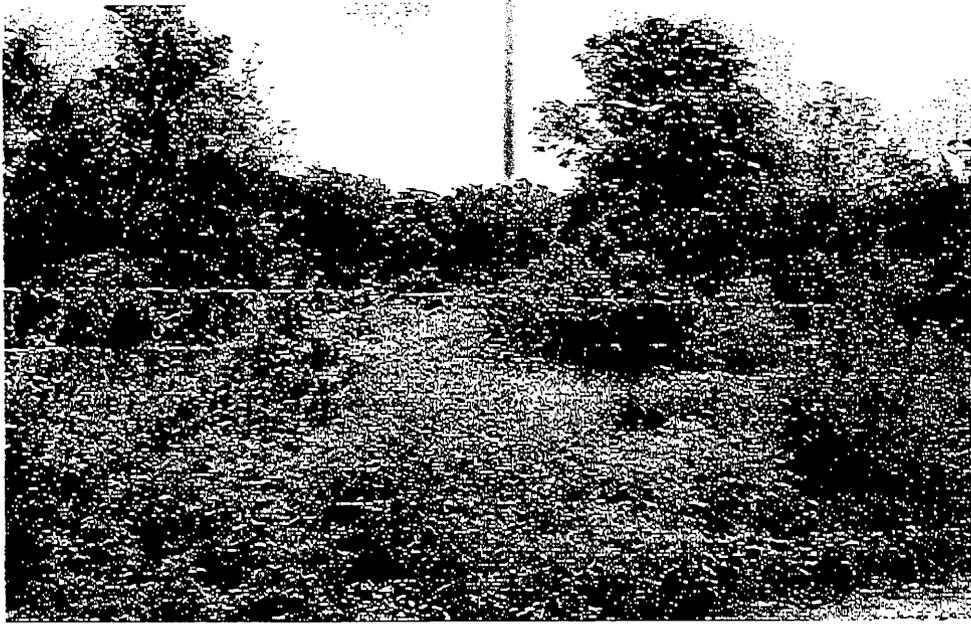


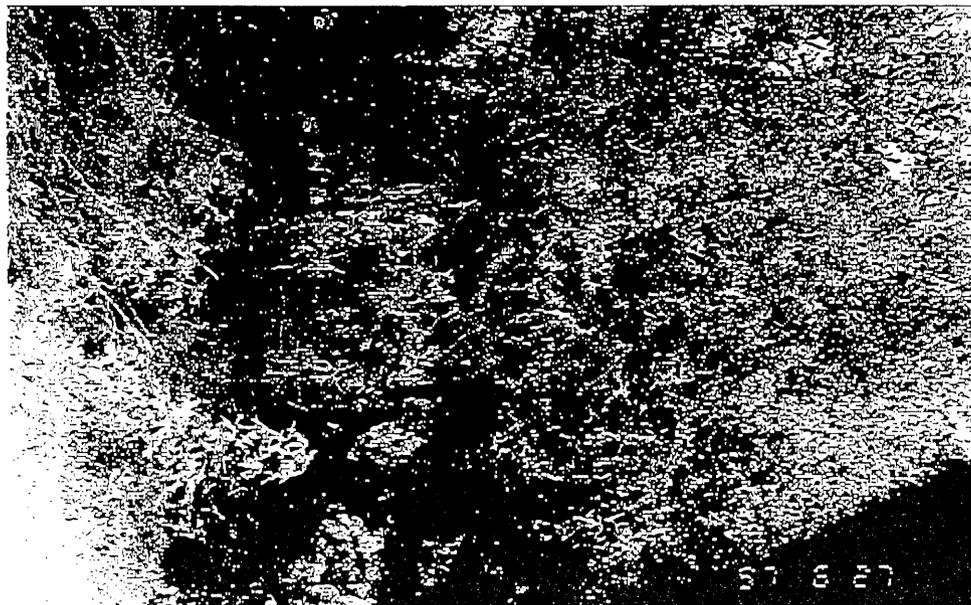
**EXHIBIT 3**

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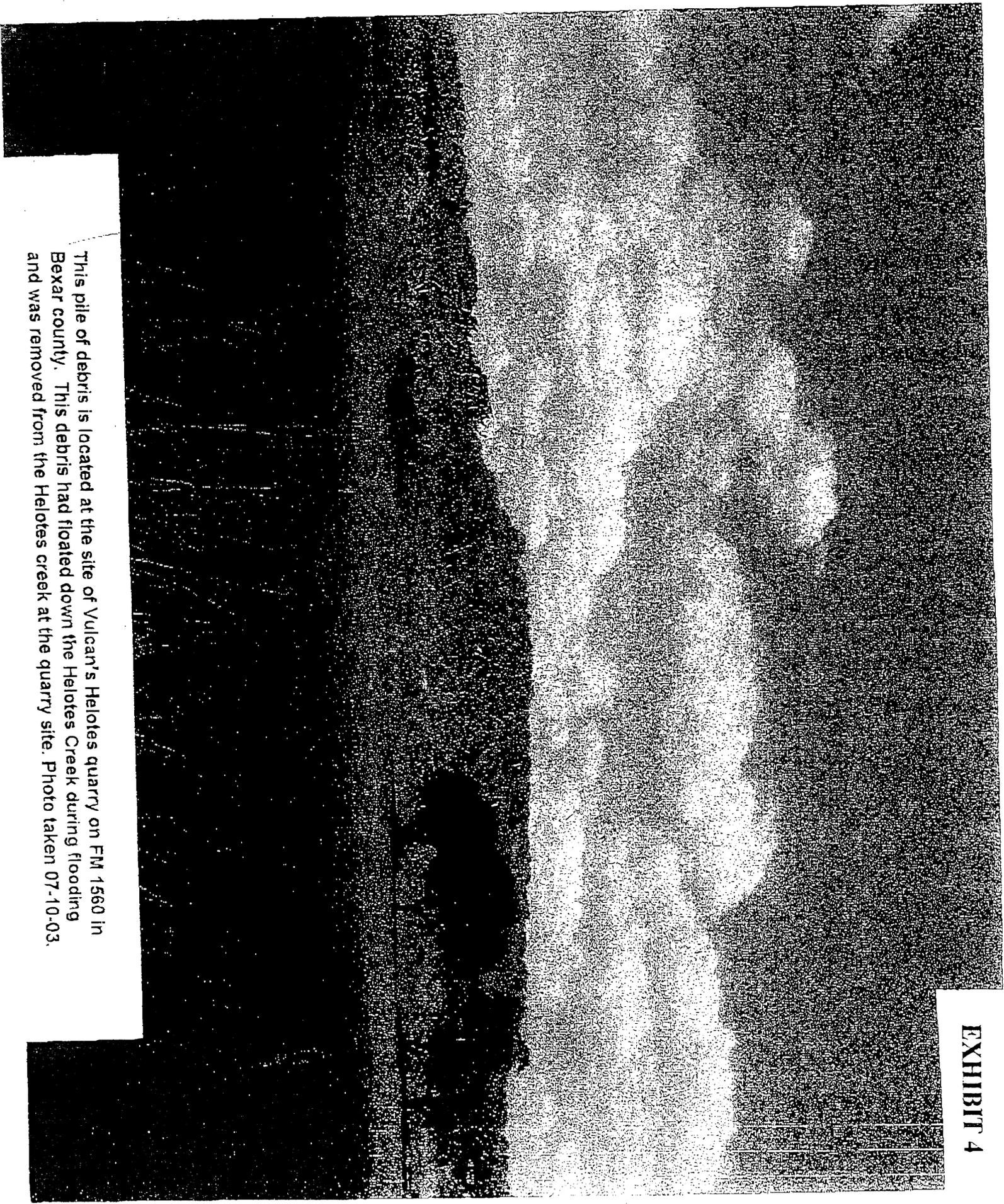




NOTE USBRIS IN TREE BRANCHES







This pile of debris is located at the site of Vulcan's Helotes quarry on FM 1560 in Bexar county. This debris had floated down the Helotes Creek during flooding and was removed from the Helotes creek at the quarry site. Photo taken 07-10-03.

**EXHIBIT 4**

November 6, 2003

Victoria Rutson, Chief  
Office of Economics, Environmental Analysis and Administration  
Surface Transportation Board  
1925 K Street NW, Room 500  
Washington, DC 20423

**Subject: STB Finance Docket 34284, Southwest Gulf Railroad Company...**

Dear Ms. Rutson:

As a consulting party in the process involving STB Finance Docket 34284, "A Preliminary Cultural Resources Assessment..." (a report which I personally never received), I am writing to provide your office with my comments and observations on the contents of this report, as it reflects potential cultural resource impacts to the Quihi area and its environs in Medina County, Texas.

My comments are based on almost 40 years of direct involvement in the archaeology of central, south central and southern Texas, and the publication of over 300 papers, monographs and books on the prehistory of this region. I have directed or supervised well over 100 projects in this region since 1967 [see attached summary vita]. Furthermore, before I ever heard of the construction plans outlined in STB Finance Docket 34284, I was already conducting personal, unfunded archaeological research in the project area near Quihi, Texas.

I give this background as a prelude to saying that this "preliminary cultural resources assessment" is perhaps the *worst* such document I have ever seen in my decades of work as a professional archaeologist. Indeed, in my 30 years as a professor with The University of Texas, I would have given an "F" grade to it had it been turned in as a paper by a first-semester freshman in an introductory archaeology course! All of this means that a vast amount of historical, archaeological, and geoarchaeological studies must be done in the project zone prior to any permitting of such activity. These views are shared by the Texas Historical Commission and in consultations I have already had with the Advisory Council on Historic Preservation.

However, my main purpose in writing this letter is to provide specific comments on the cultural resources, known and expected, in the project zone. Some of these could have been predicted had any *minimal*, scholarly endeavor been attempted in the preparation of STB 34284.

### 1) The issue of prehistoric archaeology

This matter receives the poorest coverage in the subject document. Indeed, there are statements made in the document, e.g., page 10, paragraph 2, which are wholly in error, and unfortunately, laughable. The following pages on **Prehistory** (11, 12) show no indication of important archaeological studies that have gone on within a 20-mile radius of Quihi, some of which are in the same environmental contexts. My comments will be two-fold: (a) background the archaeology of the area and (b) my personal knowledge of the area's archaeology.

a) *Background to the archaeology of the area.* The most basic scholarly research on the archaeology of this area would have revealed:

- 1) **41ME34:** A site that I excavated in 1987, lying about 12 mi to the W/SW in the exact type of stream drainage found in the Quihi area. This site had one area, adjacent to a small creek, that was deeply buried and stratified culturally, going back to 5500 years ago. Nearby was an isolated component of the Late Prehistoric Toyah Phase, identical to what will likely be found in the various small creeks that drain into, as well as along, Quihi Creek (MA thesis by Russell Brownlow, University of Houston, Department of Anthropology, 1998). Sites like ME34 should be anticipated in all the drainage systems involving Quihi Creek. This is an issue to which I will return later in this letter.
- 2) **41ME29.** This is a major archaeological site west of Highway 16 on the Bexar-Medina county border - roughly 20 miles E/NE of your project area. This site, known as "Jonas Terrace" is in the edge of the Balcones escarpment and would be relevant only to the quarry area/northernmost part of the proposed railroad. What is important about this report, by LeRoy Johnson (1995; Office of the State Archeol., #40, Austin) is its comprehensive treatment of the region, its wealth of data on ancient material culture, and its overall importance in planning strategies for future archaeological survey and analysis in the Quihi area.
3. **41UV2.** Located about 30 miles due west of the project area, and at about the distance north of Hwy 90 as Quihi, is one of the most significant archaeological sites in Texas. It contains cultural materials spanning the time frame from Clovis (11,200 years ago) up to the Late Prehistoric. Most important are the Clovis and Folsom (10,800 years) ago finds at Kincaid Rockshelter, excavated in the late 1940s and early 1950s (numerous publications by M. B. Collins, UT-Austin). While there are likely no limestone outcrops in the Quihi area, of the type in which 41UV2 is located, the site is within the same general environmental context, and this clearly indicates that Clovis and Folsom materials can be expected in the Quihi area. Indeed, they already have been, as I will point out below.
4. **Scorpion Cave (41MES).** This is a small rockshelter on the Medina River roughly 8-10 miles E of the project area. While the kinds of geologic outcrops

in which Scorpion Cave occurs are unlikely in the project area, the site contains archaeological materials which will be important to the analysis and understanding of Quihi area cultural resources. A definitive publication by Highley, et al. is found in the 1978 *Bulletin of the Texas Archeological Society*.

5. **41ME30.** This is a "sinkhole" burial cave found 20 miles due west of the proposed quarry related to the railroad. Indeed, it is within the same geological/topographic/environmental context as the quarry area. Several Native American burials were found, dating roughly to the Late Archaic, in the late centuries B.C. Sinkhole burial caves are common in Medina, Uvalde, and other southcentral Texas locales, both on the Plateau and just south of the escarpment. During my personal research in the Quihi area, an individual told me of a large sinkhole either at or very near the proposed Vulcan Materials quarry. I hasten to add that I have no first-hand knowledge of this. However, if it or other sinkholes are in that area, and in the northern reaches of the railroad they must be fully investigated. (see Bement book published by UT Press).

6. **41ME53 and the Quinta Medina Project.** In the early 1990s, the Institute of Texan Cultures and the Southern Texas Archaeological Association carried out two field schools at the Quinta Medina site and environs, just a couple of miles southeast of Quihi on the Quihi-Castroville Road. Excavations at site 41ME53 provided evidence of occupation for more than 5000-6000 years. Archaeological surveys in the area revealed other sites. This area is in an environmental context identical to the Quihi/railroad project area and has to be considered in terms of further research and analysis. Publications are to be found in *La Tierra* Vol. 19, #2, 1992, pp. 14-28, and Vol. 20, #1, 1993, pp. 12-26, both papers authored by Thomas Guderjan et al.

An overview of the archaeology of the zone within which this STB subject report is based can be found in Hester, T. R., "Early Human Populations Along the Balcones Escarpment," in *The Balcones Escarpment*, P. Abbott and C. M. Woodruff, Jr., eds., Geological Society of America, 1986, pp. 55-62. Some of the sites noted above are mentioned in that synthesis, although the paper is now dated and some of the other sites have been studied or published since it was prepared.

*b) Personal scientific research in the prehistory of the area*

Over the past year or so, I have been a personal study of archaeological collections and sites on the Mangold Ranch near Quihi. My interest in these lies in the fact - which further subject project studies must area-that this area is largely unknown in terms of Texas prehistory.

One of the sites, 41ME132 [official State of Texas site number], the Gap Site, is directly beneath or at least closely adjacent to Alternative 3 of the proposed railroad route southeast of Quihi. This site has just been barely studied. However, a test pit dug by the

late Buddy Mangold, found a zone of Frio points just below the surface. Further exploration could (1) expand our knowledge of the Late (Transitional) Archaic by better defining this Frio-age campsite or (2) could find earlier, stratified deposit below Frio. This site is on a terrace of Quihi creek, and while no geoarchaeological studies have yet been done at the site, it appears that Quihi creek has shifted its channel repeatedly in this zone (cf. 41ME34). This site alone points out the errors of the statements re: site occurrence found in the subject report.

However, it is site 41ME133 (the Buddy Mangold site) that points out the incredible deficiencies in the treatment of prehistory in the subject report. This site was partially excavated by the late Buddy Mangold in the 1990s. Much of the site remains intact. The artifacts from the site are incredibly extensive, as I am sure will be the case at many sites yet to be found in the Quihi area.

Although my analysis of the collection is far from complete, I have already identified a Folsom end-scaper (10,800 years ago), and even more importantly, a substantial number of Wilson points. The stemmed Wilson type is a poorly known, but well-dated, Paleoindian time marker in the 10,500 year old time frame. The key site for this type is Wilson-Leonard near Austin, published by Michael B. Collins in a 5-volume report in 1998. Collins tells me that aside from the Wilson-Leonard site, the Buddy Mangold site contains more of these points than any other site in Texas. There are also Plainview, Golondrina, and Angostura points at the site (10,200-8,800 years ago).

Moreover, the Archaic and Late Prehistoric artifacts are in great abundance, representing the broad time frame from 8,000 years ago up to about the time of Spanish contact. Indeed, there are some points that appear to be of the Guerrero type, associated with Indians of the Spanish Mission period in the 18<sup>th</sup> century. There is also a piece of obsidian-volcanic glass that does not occur in Texas. I have led the study of Texas obsidians since 1970, working with nuclear chemists at the Lawrence Berkeley National Laboratory in Berkeley, CA. Obsidian is very rare in this part of the state, yet our precise geochemical sourcing places some of it as coming from geologic outcrops as far away as southern Idaho (the Malad source) and from sources in northern New Mexico (several sources in the Jemez mountains). We have not yet had this obsidian fragment sourced, but it is reflective of the widespread trade networks that ran along the margin of the Edwards Plateau, and is part of a pattern that extends westward into Uvalde County.

As best as I can tell with limited data, 41ME133 lies outside (perhaps 1.5 mi E) of any of the proposed railroad routes. However, its importance goes farther than immediate impact. It is reflective of the long time depth of Native American prehistory to be expected along Quihi creek and any of its (now) small drainages. It is reflective of intensive prehistoric populations, of trade contacts, and of continuity into the Spanish Colonial period. These sorts of patterns should be expected at other Quihi/project area sites, as ancient "hunters and gatherers" were highly mobile and didn't just occupy single sites like 41ME133!

2) Implications for Surveys and Excavations Related to the Subject Project

While archaeologists know very little about the archaeology of the project area (that in itself is cause for intensive investigation), what we do know provides hard evidence that it lies in an area of extreme archaeological significance. It is surrounded by important sites, many of which I have listed and some of which are in similar if not identical environmental contexts. We know from 41ME132 and 41ME133, in the midst of the project area, that extensive prehistoric remains are predictable, and will likely extend back almost 11,000 years at some sites. However, the whole chronological range of human prehistory in the area is likely to be found in various forms at any number of sites (e.g., 41ME34, and even closer, 41ME53). Because of the nature of the formation processes in the local geology, any archaeological survey that is worth its salt will have to employ an experienced geoarchaeologist or geomorphologist to identify likely site areas, changes that are more recent in time, etc., and there will be a pressing need for an extensive program of backhoe trenching to reconstruct the Holocene geology and to develop a model of site location. It can be predicted that any number of sites will lie in the path of the subject railroad or its alternatives. In order for NEPA, Sec. 106, or any number of other permitting processes to go forward, hundreds of thousands of dollars will have to be spent on archaeological survey and geomorphology. The mitigation of only two or three sites would likely cost into the millions of dollars based on modern archaeological standards at the Federal and State level.

### 3) Implications for Historic Archaeology

While STB Finance Docket 34248 report on cultural resources does a more useful job of treating the numerous historic sites in the project area, it falls far short of what is to be expected, the significance of these sites, and the great amount of work (and money) that will go into their investigation. The stone (and other structures) of 1850s Quihi represent one of the most remarkable, surviving constellations of early architecture in southcentral Texas. In my own experience, it is unique. To date, the Quihi and New Fountain Historical Society has already filed with the Texas Historical Commission more than 30 **Endangered Historic Property Identification Forms** as part of the THC's new HELP program. These forms contain details on the structures, their ages, and are accompanied by photographs. However, there are at least 60 known structures of this vintage. Many of these are in the path or will be impacted by any of the 3 alternative subject railroad routes. This means that formal site assessments will have to be done - the use of professional preservation architects, measured drawings, high quality photographic documentation, oral histories, and archaeological investigations all being part of such studies

This is a highly time consuming and very expensive endeavor, but these sites are part of the history of the development of Texas and cannot be given short shrift. Neither can they, or their archaeological deposits, be "preserved" by having them "moved" to a "protected" location! There are stories, not yet confirmed by me, of a special cemetery set aside for Native American remnant populations in the area. This will require extensive Native American consultation, probably with the Mescalero Apache (who represent the Lipan Apache on a Federal level), the Kickapoo, and the Lipan Apache Tribe of Texas, a very active (or activist) group in San Antonio.

It is also apparent that the preliminary cultural resource assessment did not identify a property registered in the Texas Family Land Heritage Program, slated to have the main route or an alternate rail route go right through the middle of it. This program has been around since the 1970s, and is a favorite of the State government, particularly the Secretary of Agriculture. This will be a highly sensitive issue, to say the very least, and should the routes continue to be slated for the property, a great deal of very expensive historical archaeology will have to be carried out.

#### 4) Closing Observations

It is likely that no worse area in southcentral Texas could have been chosen for a quarry and railroad facilities than the Quithi region. This is one of the richest areas for the historical development of Texas, and is incredibly important in terms of the preservation in place of many of the buildings and related aspects of this historical record. In addition, this is an area where no substantial archaeological work had ever been done before, but which even the most minimal research has demonstrated the high probability for the discovery of numerous, and important, archaeological sites. These will have to be fully assessed and perhaps in some cases, fully excavated (mitigated). This issue has already been brought to the attention of the Texas Historical Commission and the Advisory Council on Historic Preservation. The subject applicant should have funded historical and archaeological research well prior to land purchases and planning if the applicant hoped to avoid the destruction of important pieces of Texas history and prehistory - which can now be done only at a very high cost in time and money. This is an issue that we as professional archaeologists, the Texas Historical Commission, and other agencies have been trying to make clear to developers at all levels for decades.

Now, we are left facing a potential disaster in terms of the historical and archaeological record. It is therefore incumbent on the STB to require extensive and well planned historical and archaeological studies in the area prior to permitting any rail construction. If the STB does not follow its mandate, there are other Federal and State regulatory agencies waiting in the wings to make sure that this process is done properly.

Thank you for the opportunity to provide these data and these comments.

Sincerely yours,

Thomas R. Hester, Ph.D.  
Professor of Anthropology, Emeritus  
The University of Texas at Austin

mailing address:  
PO Box 625  
Utopia, TX 78884

email: secocreek@ricc.net

**ADAMS ENVIRONMENTAL, INC.**12018 Las Nubas Street  
San Antonio, Texas 78233[www.adamsenvironmental.com](http://www.adamsenvironmental.com)

November 7, 2003

Ms. Rini Ghosh  
Surface Transportation Board-SEA  
1925 K Street NW  
Washington, DC 24023-0001**SUBJECT: Docket # 34284: Response to Preliminary Section 106 Cultural Resources Report of the Surface Transportation Board**

Dear Ms. Ghosh:

As we have discussed during a previous telephone call, I am working closely with the Medina County Environmental Action Association (MCEAA) to assist the members in understanding and addressing technical issues involving the environmental impacts of the construction of a railroad by Vulcan Materials under the name of the Southwest Gulf Railroad Company. I sincerely appreciate you sending me the preliminary cultural resources assessment and vibration study for this project. After review of these documents, I would like to present for your consideration the following comments:

**SPECIFIC COMMENTS:**

1. **Figure 1:** This figure could be greatly improved if each alternative was shown in a different color. It is very difficult to differentiate between Alternative 1 and Alternative 2 once they have combined with the proposed route. It is evident from this figure that the exact location of these routes has not been refined to a scale that would allow for an accurate determination of impacts to historic structures and archeological features. Thus, the distances of these alternatives from various historical structures were apparently estimated rather than determined using definitive data and field observations. MCEAA would not only appreciate a more definitive layout and detailed location of each alternative, but would also like to have this in electronic format to allow for our own determination of impacts, allowing us to provide a second opinion on proximity to historic and natural features that may have been missed during the analyses. A thorough analysis of the impacts should use higher resolution maps and aerials.
2. **Page 7:** In determining direct impacts to historic and archeological features, it would seem appropriate that location for cut, fill, and bridges or trestles should be marked on each route. The entire study shows that these routes have not been surveyed or studied in the field, which makes all data concerning proximity to structures questionable. MCEAA realizes that surveying centerlines would be an expensive task, but proper and accurate cultural resource impact studies require accurate location of centerlines in the field.
3. **Page 8:** Under the No-Build Alternative, it is assumed that gravel would be moved by truck rather than by rail. However, it is my understanding that Vulcan

Rini Ghosh  
November 7, 2003  
Page 2

Materials has stated on several occasions that the quarry will not be built if a rail is not provided. Therefore, the No-Build Alternative should actually include two potential alternatives: one involving

- a. No quarry
- b. Movement or transport of materials by truck.

Throughout the assessment, these no-build alternatives are not addressed in sufficient detail to accurately estimate impacts to historic structures. Obviously, not constructing the quarry would have the least impact to the area and should be considered for this cultural resource study. Again, leaving this alternative out of the analyses biases the report towards the Preferred Action.

4. **Page 10, Paragraph 2:** This paragraph indicates that a dependable year-round water supply is not present in the area of the railroad. This statement is not true. The City of Quihi was established because of a perennial supply of water from Quihi Lake as well as shallow groundwater wells (10 to 20 feet deep). In fact, even today several perennial sources of water in the form of seeps and springs are found throughout the Quihi watershed. These sources of water attracted native American Indians as well as settlers to northern Medina County.
5. **Page 18, Figure 2:** The scale of this figure makes it virtually impossible to compare impacts by each alternative. I recommend that this figure be divided into several figures, each showing the location of historic features on a larger scale, such as 1 in = 250 ft. In addition, the same information could easily be transposed onto current and historical aerial photographs, providing even more definitive information as to the location of the alternatives with respect to historic and current structures, etc. The title box on the lower right-hand corner of the figure should be removed because it covers the Proposed Route and Alternative Route 3.
6. **Page 20:** The discussion on the Proposed Action does not provide information as to the number of creek crossings. According to the USGS topographic map, the Proposed Route will cross intermittent and ephemeral streams at least six times. It is well known that archeological resources are commonly found adjacent to creeks and these crossing areas should at the very least be considered for potential areas for impacts. All of these crossings will require coordination with the U.S. Army Corps of Engineers probably under Nationwide Permit 14, and extensive archeological studies will be required for that process.
7. **Page 27:** The description for the No-Build Alternative is written in a manner to lead the reader to believe that that is not a viable alternative. However, in a document such as this, it should be listed as a viable alternative. As previously mentioned, it should include not constructing the quarry and leaving all historic structures in their current condition. Thus, the Trucking Alternative should specifically cite which historic properties and cemeteries will be impacted by truck traffic and whether those impacts will be significant. In addition, the nature of those impacts should be identified. The No-Build Alternative should also include an in-depth discussion of potential changes or impacts to structures and archeological features if the quarry was not constructed and truck traffic was not present. This discussion could include impacts caused by potential development in the area, if any development plans are known at this time.
8. **Page 30:** I agree that the proposed route would affect the least number of known 19<sup>th</sup> century cultural resources. However, the report does not point out that it is

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the second-worst route in terms of affecting 19<sup>th</sup> and 20<sup>th</sup> century cultural resources. The true differences between the Proposed Action and Alternatives 2 and 3 are relatively minor. The paragraph on this page is written in a manner to bias the reader toward the proposed route. It is not the intent of a cultural resource assessment to show bias towards any alternative in the study.

9. **Page 30, Table 6:** This table is somewhat confusing due to the fact that it does not break out 19<sup>th</sup> and 20<sup>th</sup> century structures. I suggest adding a new column, which would provide that information.

#### **GENERAL COMMENTS:**

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1. I understand that this report is a preliminary cultural resource study and does not involve onsite surveys. However, because of the extensive occurrence of historic structures and archeological features in the area, I feel that a full onsite Phase VII survey for all alternatives should be made for proper comparison of the alternatives for the environmental assessment. Without question, construction of a railroad in this portion of the country is going to impact many landowners and private citizens. Comparison of the alternatives will result in a final decision for the location of the rail. It seems only fair that each alternative be treated equally in the archeological and historic studies being conducted. Delaying intensive studies until the decision is made for the best alternative without using good, accurate data would be a grave error and would not be fair to the citizens of Medina County Impacted by the rail.
2. This particular cultural resource assessment did not address archeological or paleontological studies. This should be completed for each alternative for proper comparison of alternatives in the environmental assessment. Shovel tests and even trench tests should be performed prior to a final determination for the EA and cultural resource assessment. These studies should be site-specific and intensive to ensure that archeological and paleontological sites are not missed. To conduct these studies, the centerlines for all alternatives should be surveyed and marked to a resolution of plus-or-minus 10-20 feet. This can be easily done using GPS equipment. This will also allow citizens in the area to observe where each alternative would be located with respect to their properties. Changes in routes can be made after it is determined that avoidance is a viable form of mitigation for that alternative. It also allows the impacted property owner to be a part of determining mitigation measures.
3. It is somewhat unsettling that the tone of the report is skewed toward the Proposed Action. The report should not show a bias towards the proposed action, especially since several alternatives are available. At the present time, the public is not aware how these alternatives were derived. Other alternatives could be used in the analyses, for example, the abandoned rail bed used for construction of Medina Dam.
4. Throughout the report, 20<sup>th</sup> century structures were ignored or considered unimportant without sufficient explanation. Ignoring those structures makes the proposed action the action having the least impacts. However, if 20<sup>th</sup> century structures are included, the proposed action would not be considered the best action for the project. Again, whether it is intentional or not, this appears to be a

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- manipulation of numbers to bias the report towards the proposed or preferred action.
5. References to Vulcan Materials should be removed from this report. At the very least, reference should also be made to actions of Vulcan that might not be beneficial to landowners in the area. Vulcan's involvement in preserving some of the historical structures was not done to preserve houses and show kindness to the community. This action was actually done to mitigate for losses caused by construction of the railroad and to increase political support for the railroad construction. Was it not for the rail project, Vulcan would have no concern for these structures. Information involving protection of historic structures should be included in the report without reference to Vulcan. This seems only fair since no reference is made to any of the actions of citizens and local historic societies to preserve structures.
  6. Quihi Creek is a nearly perennial stream and would be considered to have high potential for archeological and paleontological features.
  7. Most of the historic structures located in this area were built at or near the 100-year floodplain of various streams. The current design of the railroad includes crossings of streams using trestles and berms. This type of construction can cause obstruction to flood flows and a significant increase the extent of the 100-year floodplain. The final design of stream crossings should be determined and HEC studies conducted to determine if these structures will impede flood flows and cause an increase in the size and extent of the 100-year floodplain. An increase in the size of the 100-year floodplain would cause direct impacts to many historic structures much further than 1000 feet from the railroad. These structures should be considered in this analysis. In addition, other homes and properties could be damaged by flood action. The ultimate mitigation for the increase in floodplain size would be to either avoid stream crossings or to use bridges rather than trestles and berms at stream crossings.
  8. This cultural resource assessment has not considered indirect impacts as a result of the railroad construction. According to Vulcan, construction of this railroad will cause a significant increase in commercial and industrial development along the railroad. In fact, the common carrier status that has been approved for this rail is based on the fact that industrial development will occur in the area, and the railroad will be used by other private interests. Such activities will result in significant negative impacts to historic and archeological structures along the route and will impact structures further than 1000 feet from the right-of-way. The entire historic vernacular of the area will be changed by this type of development and should be addressed in the report.
  9. The cultural resource assessment fails to address the fact that this project will significantly impact the visual aesthetics of the area. Private citizens living in the area take a great deal of pride in preserving the historic rural landscape of the area. Construction of the railroad will significantly change the vernacular of the area, changing it from a rural historic landscape to an urban commercial development.
  10. The vibration study conducted for this cultural resource report is an excellent review of work conducted in other locations. However, it is well known that environmental conditions, especially soil characteristics, soil moisture, and subsoil structure, have far-reaching impacts on the magnitude and conductance

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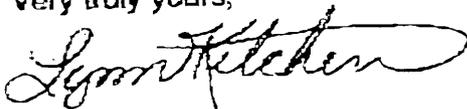
of vibration caused by large sources such as trains. The report makes the assumption that the environmental and soil conditions in Medina County are similar to those at other locations. Site-specific field tests to confirm the hypothesis offered in the vibration study should be performed to ensure that historic structures will not be impacted by the railroad. It is especially important to conduct these tests for historic structures located within 1000 feet of the preferred action and all alternatives.

11. Other archeologists in the area should be contacted to obtain their views concerning the impacts of this project and the value of historic and archeological features in the area. These archeologists should at least include Dr. Steve Tomka at the University of Texas at San Antonio and Dr. Thomas R. Hester, Professor of Anthropology at the University of Texas at Austin.
12. The report omitted any reference to the Gerde Ranch which is registered with the Department of Agriculture in the Texas Family Land Heritage Program. This program was established to protect the cultural heritage of historic ranches and farms in Texas. The proposed rail route will cross this ranch and significantly impact the overall rural landscape and historic vernacular of the ranch and its surrounding environment.
13. Several Indian sites have been discovered by citizens in the project area. MCEAA has provided you with a map showing the location of known Indian sites.

In conclusion, it is my opinion that the cultural resource study is an appropriate starting point for proper analysis of the impacts of the proposed rail on historic, archeological, and paleontological features in the area. However, this area is rich in these features, which warrants much more intensive studies. More in-depth, site-specific studies should be conducted to properly weigh and compare impacts caused by the preferred action and all alternatives being considered.

Please feel free to contact me if you have any questions or comments concerning this letter. I appreciate your time and consideration.

Very truly yours,



Lynn M. Kitcher, Ph.D.  
Principal Scientist

Copy: Dr. Robert Fitzgerald, President, MCEAA

*The Medina County Environmental Action Association, Inc.*  
 202 CR 450, Hondo, Texas 78861  
 Phone 830-741-5040  
 Fax 830-426-2060

November 4, 2003

COPY

Susan Combs, Agriculture Commissioner  
 Texas Department of Agriculture  
 P.O. Box 12847  
 Austin, TX 78711

Dear Ms. Combs:

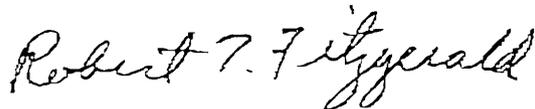
I am enclosing copies of my reply to the Surface Transportation Board Section of Environmental Assessment. This is a reply to their preliminary study of the historical, archeological, and cultural impacts that would occur if STB granted a permit to Vulcan Material's Southwest Gulf Railroad for a railroad spur to go through the Quihi area of Medina County.

I would like very much to tell you all about our special community, but time is getting short on what we are going to be able to do. I hope that the accompanying exhibits are sufficient to give you an idea of what a battle we are up against, and what we will lose if we do not win.

We are convinced that this proposed project would change the entire area from agricultural/residential to an industrial/commercial region, much to the detriment of the agricultural community. Among other things, this means further loss of good farm and ranch land. Although this report is specifically targeted to the effect on the archeological and historical sites in the area and we are not allowed to bring in other aspects of how this project will adversely affect our environment, we hope that you can help us in our effort to preserve our agricultural heritage. Of special interest to you might be the issue of the Gardes ranch, which is a Texas Heritage Farm. This ranch will be divided if the railroad is built.

We would be grateful for any help you can give us, and your prompt response to us would be greatly appreciated.

Sincerely,



Dr. Robert T. Fitzgerald, President  
 MCEAA

Encl:



TEXAS  
HISTORICAL  
COMMISSION

*The State Agency for Historic Preservation*

RICK FERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

October 29, 2003

COPY

Ms. Victoria Rutson  
Office of Economics, Environmental Analysis and Administration  
Surface Transportation Board  
Washington, D.C. 20423

Re: *Project review under Section 106 of the National Historic Preservation Act of 1966  
Proposed Railway Preliminary Cultural Resources Assessment Report, Medina County.  
(STB)*

Dear Ms. Rutson:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Pam Opiela, has completed its review of the project documentation provided. We agree with the conclusion that more surveys are needed to identify cultural resources within the area of potential effect. It is clear from this documentation that there are eligible properties within the area of effect. A thorough survey of historic structures in the area should include the following on every property more than 45 years old:

- More specific location maps of the surveyed properties
- Addresses and dates of construction for each structure
- Clear photographic documentation of front and rear elevations and streetscapes

In addition, a thorough survey of archaeological sites in the area should be conducted. It is likely that significant archaeological deposits are present along all of the proposed routes. We recommend that the routes be intensively surveyed by archaeologists who meet the Secretary of the Interior's Professional Qualifications Standards.

We are concerned about the lack of thoroughness and good scholarship in this preliminary document. Very few references are cited, and many of those included are outdated, and some citations in the text are not listed in the bibliography. Some obvious mistakes should be corrected: Mexico gained its independence from Spain in 1821, not 1812 (p. 14), and the Civil War took place from 1861 to 1865, so settlers arriving after the Civil War would not be building distinctive homes by the 1850s (p. 15).

Consultation with tribes per Section 106 of the National Historic Preservation Act of 1966: The regulations require contacting Indian tribes that may attach religious and cultural significance to

historic properties. The report states that the Iowa were contacted. We are unaware of any record of the Iowa living in Texas. Notably missing from the list of tribes that may have an interest in the undertaking are the Tonkawa (who clearly occupied Central Texas), the Apaches, the Wichita, and the Kiowa.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Bill Martin in our Archaeology Division at 512/463-5867 or Pam Opie in the Division of Architecture at 512/463-6218.

Yours truly,



for: F. Lawrence Oaks, State Historic Preservation Officer

cc: Robert N. Hancock, Medina County Historical Commission  
Cynthia Lindsey, Quihi and New Fountain Historical Society  
Dr. Robert Fitzgerald, Medina Environmental Action Association  
Hannah Vaughan, THC History Programs Division

FLQ/PO