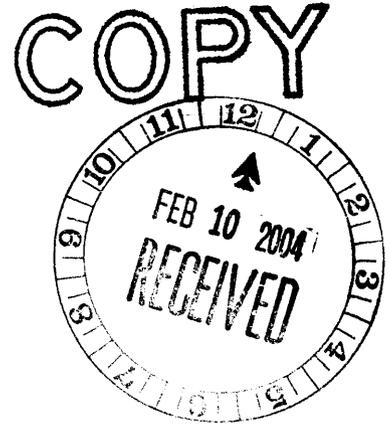


Preserving America's Heritage

EI-543

29



February 4, 2004

Neecey Schulte
President
Quihi & New Fountain Historical Society
1901 22nd St.
Hondo, TX 78861

FD 34284

Dear Ms. Schulte:

On January 6, 2004, we received your letter regarding the proposed construction of a railroad through the Quihi Creek Flood plain in Medina County, Texas, and its potential impact on historic structures in the Quihi-New Fountain community. As we understand it, the proposed railroad is a 7 mile long rail line intended to serve an aggregate quarry that is yet to be developed. Construction of the railroad will require approval of the Surface Transportation Board (STB), and is thus a federal undertaking requiring review under Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f).

We have discussed the project with Rini Ghosh of the Surface Transportation Board (STB) and she informs us that the project proponent, the Southwest Gulf Railroad Company, is working with the Texas Historical Commission to draft a Programmatic Agreement for this project, and that representatives from the local community have been invited to participate as consulting parties in the development of this document. Programmatic Agreements may be developed for Federal undertakings pursuant to the ACHP's regulations at 36 CFR 800.14(b), to tailor the Section 106 review process to the specifics of a large or complicated project. Because of the high level of local interest and controversy concerning this project, the ACHP has informed STB that we will participate in the consultation on this Programmatic Agreement. We have not yet received a copy of the draft Programmatic Agreement or other information from the STB, but expect that it will be provided soon.

We very much appreciate your concern with the protection of historic values associated with the historic communities of Quihi and New Fountain, and your offer to provide me with a guided tour of the proposed project. Although our agency will at some point want to hear directly from your organization and other local groups, a visit to the project site right now would be premature. Since our responsibility in the Section 106 review process is to provide comments to the Federal agency official (that is, STB), we will need to coordinate any visit to the project area or meeting with local organizations with the STB. Once we have had a chance to review a copy of the proposed Programmatic Agreement and background documentation provided by STB, we will let you know if a site visit is possible. Although we appreciate your offer to cover my travel expenses, I am afraid that our ethics rules prohibit ACHP staff from accepting travel funds from consulting parties other than Federal agencies.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

12136 West Bayaud Avenue, Suite 330 • Lakewood, Colorado 80228
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Thank you for informing us of your interest in this undertaking and your offer to provide us with a project site tour. If you have any questions, or wish to discuss things further, please feel free to contact me at 303-969-5110 or clegard@achp.gov.

Sincerely,

A handwritten signature in black ink that reads "Carol Legard". The signature is written in a cursive style with a large, prominent 'C' and 'L'.

Carol Legard
Program Analyst
Western Office of Federal Agency Programs