

Appendix A

Agency and Tribal Consultation

Appendix A summarizes agency and tribal consultation the Surface Transportation Board (Board)'s Office of Environmental Analysis (OEA) conducted during the development of ~~this Draft~~[the](#) Environmental Impact Statement (EIS). Consultation correspondence, including responses from agencies or tribes, is provided in the following attachments (for letters that OEA sent to multiple agencies or tribes, only an example is provided):

- Attachment 1: Agency Consultation
- Attachment 2: Tribal Consultation
- Attachment 3: Section 106 of the National Historic Preservation Act (NHPA) Consultation
- [Attachment 4: Draft EIS Notification to Agencies and Tribes](#)

A.1 Agency Consultation

A.1.1 Preliminary Consultation

OEA conducted preliminary consultation with federal, state, and local agencies in December 2023 to help determine whether to prepare an environmental assessment or an EIS. OEA sent letters (by U.S mail or email) to the federal, state, and local agencies listed in **Table A-1**.

Table A-1. Agencies That Were Sent Preliminary Consultation Letters

Agencies with Potential NEPA Action	
Federal Highway Administration (FHWA), Texas Division	U.S. Coast Guard (USCG)
General Services Administration (GSA)	U.S. Customs and Border Protection (CBP)
International Boundary and Water Commission (IBWC)	U.S. State Department
U.S. Army Corps of Engineers (USACE)	Texas Department of Transportation (TxDOT)
Other Federal Agencies	
Bureau of Indian Affairs (BIA), Southern Plains Region	National Oceanic and Atmospheric Administration (NOAA)
Environmental Protection Agency (EPA), Region 6	U.S. Department of Housing and Urban Development (HUD), San Antonio Field Office
Federal Emergency Management Agency (FEMA), Region 6	U.S. Fish and Wildlife Service (USFWS), Section 7 Consultations (Austin, TX)
State Agencies	
Railroad Commission of Texas	Texas General Land Office (GLO)

Texas Commission on Environmental Quality (TCEQ)	Texas Historical Commission (THC)
Texas Parks and Wildlife Department (TPWD)	
Local Agencies	
City of Eagle Pass Bridge General Manager	City of Eagle Pass Public Works Department
City of Eagle Pass Engineering	Maverick County Planning Department, Office of Floodplain Administrator
City of Eagle Pass Planning and Zoning Commission	Maverick County Planning Department, Office of Planning Director
City of Eagle Pass City Engineer and Floodplain Administrator	Maverick County Sheriff's Department
City of Eagle Pass Police Department	

The letters briefly described the proposed action and solicited comments to help OEA identify the appropriate scope of environmental review. Several of the letters were further tailored to the specific role of the recipient under NEPA or other applicable regulations such as Section 106 of the National Historic Preservation Act (NHPA) and Section 7 of the Endangered Species Act (ESA; 16 U.S.C. §§1531 *et seq.*), as follows:

- OEA invited the agencies with a potential NEPA action (see **Table A-1**) to be cooperating agencies for the NEPA process.
- OEA solicited from USFWS any information they may have regarding the potential occurrence of listed species near the proposed action in addition to what OEA had previously obtained through the IPaC tool.
- OEA solicited comments on the proposed action's potential to affect historical, architectural, archaeological, or other historic properties from THC and GLO (see also *Section A.3, Section 106 Consultation*).

An example of each type of letter is included in **Attachment 1**, except for the letter to THC, which is in **Attachment 3**. The attachments also include the responses that OEA received.

The following section summarizes the responses OEA received (the response from THC is summarized in *Section A.3, Section 106 Consultation*).

A.1.1.2 Agencies with Potential NEPA Action

- **FHWA** (email dated January 3, 2024) responded that it has no role in the proposed action because it is a privately funded project on private property.
- **IBWC** (letter dated January 3, 2024) declined to be a cooperating agency as it does not have a flood control project or own property within the project area. However, IBWC indicated that it has responsibility under the 1970 Boundary Treaty Article IV to ensure that the construction of works do not obstruct the normal flow or flood flows of the Rio Grande River. The agency's Engineering Services Division should review hydraulic models of the proposed

construction projects. Additionally, IBWC noted the need for a permit from, or coordination with, the U.S. State Department, USCG, USACE, USFWS, and THC. IBWC indicated that the proposed action is within Segment 2304 Rio Grande Below Amistad Reservoir and that TCEQ has listed this segment as impaired on the Texas 303(d) list; Seco Creek and Elm Creek are tributaries to Segment 2304 and should be included in the environmental documentation; OEA should incorporate the Council on Environmental Quality (CEQ)'s January 2023 guidance on greenhouse gas emissions and climate change as well as CEQ guidance on environmental justice; and OEA should consider potential impacts from seismic activity in the area and nearby reinjection sites from oil and gas.

- **USACE** (email dated February 9, 2024) indicated that at the time of response, the proposed action appeared to need a Nationwide Permit 14 for Linear Transportation Projects. Given the potential impacts, USACE stated it did not need to be a cooperating agency. USACE provided detailed guidance on the wetland delineation process applicable to the proposed action. USACE also noted the need to consider threatened and endangered species and provided contact information for coordination with respect to Section 106.
- **USCG** (letter dated January 10, 2024) responded that the proposed action would require a bridge permit from the agency and requested to be a cooperating agency.
- **CBP** (email dated January 19, 2024) recommended that OEA prepare an EIS for the proposed action given its size and complexity, and the crossings over the Rio Grande River. CBP noted that the proposed action would affect the agency's operations.

A.1.1.3 Other Federal Agencies

- **BIA** (letter dated December 8, 2023) indicated that there are no tribal or Individual Indian trust lands in the vicinity of the proposed action.

A.1.1.4 State Agencies

- **TCEQ** (letter dated January 19, 2024) indicated that Maverick County is designated in attainment/unclassifiable for the National Ambient Air Quality Standards (NAAQS) for all six criteria air pollutants; therefore, Clean Air Act general conformity requirements do not apply. TCEQ recommended that the environmental assessment address actions to prevent surface and groundwater contamination. TCEQ also specified that the management of industrial and hazardous waste at the site, including waste treatment, processing, storage and/or disposal, is subject to state and federal regulations; construction and demolition waste must be sent for recycling or disposal at a facility authorized by the TCEQ; and special waste authorization may be required for the disposal of asbestos-containing material.
- **GLO** (letter dated December 14, 2023) stated that based on the information provided, the agency will not have any environmental issues or land use constraints. The agency reserved the right to review project materials before approving any easements. GLO noted that the State owns the bed of the Rio Grande from the left gradient boundary bank to the international boundary line; therefore, crossings would require an easement. GLO also requested that it be contacted once a final route has been determined so the agency can assess whether the proposed action would cross any additional stream beds or Permanent School Fund land that would require an easement.
- **TPWD** (letter dated January 8, 2024) provided several recommendations, including considering sediment control fence to control erosion and prevent wildlife from accessing

construction zones; minimizing trenches left open during construction; adopting several listed soil stabilization and revegetation methods; translocating rare species encountered during construction and reporting such encounters; and adopting measures to minimize light pollution that could affect wildlife. TPWD also made several recommendations on how to address impacts on vegetation and wildlife habitat; on measures to comply with federal regulations such as the Clean Water Act, Migratory Bird Treaty Act, and Endangered Species Act; and on measures to comply with State regulations pertaining to wildlife and vegetation, including the Species of Greatest Conservation Need listed in the letter.

A.1.1.5 Local Agencies

- The City of Eagle Pass Bridge General Manager; Chief of Police; City Engineer; Chairman of the Planning and Zoning Commission; and Public Works Director sent the same letter, which was also sent by the Mayor of Eagle Pass (dated January 5, 2024). The letter stated that there is currently no congestion at the Eagle Pass border crossing; the proposed action would have profound negative influence on population, growth, urbanization, industrial expansion, resource exploitation, and new and expanding technologies as well as negatively impact environmental quality; the proposed action would not assure a safe, healthful, productive, and aesthetically and culturally pleasing surrounding for all Americans; the proposed action would be detrimental to regional and local transportation systems and patterns; the proposed action would impede on prime agricultural land; the proposed action would cause significant increases in noise levels; the proposed action would have a detrimental effect on public health with respect to water pollution, air pollution, flooding, and public safety; and the proposed action would have significant detrimental financial impacts on Eagle Pass, requiring cutbacks in public services including firefighting and emergency medical services to all of Maverick County residents, including the Kickapoo Traditional Tribe of Texas.

A.1.2 Scoping Period

On March 29, 2024, OEA sent scoping letters (by U.S. mail or email) to the federal, state, and local agencies listed in **Table A-2**. The letters (example included in **Attachment 1**) announced the Board's intent to prepare an EIS and solicited comments. The scoping letters also provided information on the upcoming public scoping meetings. In addition, OEA separately reached out by email to USCG, IBWC, CBP, and GSA with a copy of the Notice of Intent (example included in **Attachment 1**).

The attachment also includes the responses that OEA received. The responses are summarized below.

- **USCG** (email dated April 16, 2024) provided a list of environmental laws and regulations that the EIS should address to satisfy USCG's requirements.
- **EPA** (letter dated April 29, 2024) recommended that the EIS:
 - Provide a detailed discussion of ambient air conditions (baseline or existing conditions); NAAQS and non-NAAQS pollutants; criteria pollutant nonattainment areas; hazardous air pollutants; and potential air quality impacts. EPA stated that the discussion should address potential construction, maintenance, and operational activities, and that a construction emissions mitigation plan should be included in the EIS. EPA specified that the EIS should identify all emission sources by pollutant from mobile sources (on and

- off-road), stationary sources (including portable and temporary emission units), fugitive emission sources, area sources, and ground disturbance. EPA also suggested that this information be used to identify appropriate mitigation measures.
- Discuss compliance with sections 402 and 303(d) of the Clean Water Act, including specific segments of the Rio Grande River near the project area that are impaired (if any).
 - Address the need for a plan to revegetate areas cleared for construction. EPA stated that construction, operation, and maintenance activities would cause increased sedimentation and turbidity, which can affect threatened and endangered species in the area, and that best management practices should be implemented to reduce those risks. Furthermore, EPA recommended revegetation plans for disturbed areas and clarification on oil, fuel, and solid waste management spill and leak protocols.
 - Analyze impacts from the generation and disposal of solid and hazardous waste.

Table A-2. Agencies That Were Sent Scoping Letters

Federal	
Bureau of Indian Affairs, Southern Plains Region	National Oceanic and Atmospheric Administration
Environmental Protection Agency, Region 6	U.S. Department of Housing and Urban Development, San Antonio Field Office
Federal Emergency Management Agency, Region 6	U.S. Fish and Wildlife Service, Section 7 Consultations (Austin, TX)
Federal Highway Administration, Texas Division	
State	
Railroad Commission of Texas	Texas General Land Office
Texas Commission on Environmental Quality	Texas Historical Commission
Texas Department of Transportation	Texas Parks and Wildlife Department
Local	
City of Eagle Pass Bridge System Department	City of Eagle Pass Public Works Department
City of Eagle Pass Engineering	Maverick County Planning Department, Office of Floodplain Administrator
City of Eagle Pass Planning and Zoning Commission	Maverick County Planning Department, Office of Planning Director
City of Eagle Pass Police Department	Maverick County Sheriff's Department

A.2 Tribal Consultation

A.2.1 Government-to-Government Consultation

OEA consulted with tribes pursuant to the NHPA, NEPA, and Executive Order (EO) 13175, *Consultation and Coordination with Indian Tribal Governments*. Consultation under Section 106 of the NHPA is discussed in *Section A.3, Section 106 Consultation*. EO 13175 requires that federal agencies conduct government-to-government consultations with federally recognized Indian tribes in

the development of federal policies (including regulations, legislative comments or proposed legislation, and other policy statements or actions) that have tribal implications.

This section contains a record of written consultation from OEA to federally recognized tribes. In December 2023, OEA sent letters to the leaders of seven tribes that OEA identified as having a potential interest in the proposed action:

- Apache Tribe of Oklahoma
- Comanche Nation, Oklahoma
- Kickapoo Traditional Tribe of Texas
- Kickapoo Tribe of Oklahoma
- Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Tonkawa Tribe of Indians of Oklahoma
- Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma

A sample letter is included in **Attachment 2**. The letters included a form to identify points of contact and indicate a preference for participation in the government-to-government consultation process. No tribes responded to this letter or requested government-to-government consultation.

On March 29, 2024, OEA sent the same seven tribes a scoping letter (see also *Section A.1.2, Scoping Period*), with copy to the respective tribes' Tribal Historic Preservation Officers (THPOs). A sample letter is in **Attachment 2**. OEA received no responses to these letters.

Section 106 correspondence with the tribes' THPOs is documented in the next section.

A.3 Section 106 Consultation

The NHPA Section 106 regulations at 36 C.F.R. Part 800 require federal agencies to consider the effects of their undertakings on historic properties listed or eligible for listing in the National Register of Historic Places prior to licensing or providing funds for a project. In considering project effects, federal agencies are required to consult with project applicants, State Historic Preservation Officers (SHPOs), THPOs, tribes, and other Section 106 Consulting Parties. Federal agencies must also make their findings available to the public and provide the Advisory Council on Historic Preservation an opportunity to comment on the undertaking.

A.3.1 Initiation of Consultation

The December 11, 2023, preliminary scoping letter OEA sent to THC, which is the SHPO for Texas, in addition to requesting comments on the proposed action's potential to affect historical, architectural, archaeological resources (see *Section A.1.1, Preliminary Consultation* above) stated OEA's intent to initiate Section 106 consultation with the agency.

By email dated January 16, 2024, THC responded that the proposed action would require an archeological survey. THC noted that the agency has no historic resources survey information for aboveground resources in this area of Maverick County and is aware of no previously identified aboveground historic resources in the project area. THC indicated that for linear transportation projects, the agency often recommends an Area of Potential Effect (APE) that includes all parcels

wholly or partially within a 150-foot buffer of the project footprint. OEA’s letter to THC and THC’s response are included in **Attachment 3**.

In December 2023, OEA also sent preliminary consultation letters to the THPOs of the seven tribes listed above to inform them of the proposed line and the associated Commercial Motor Vehicle (CMV) Facility and solicit initial comments regarding potential effects to tribal cultural resources. A sample letter is in **Attachment 3**.

Only one tribe responded. By letter dated December 11, 2023 (included in **Attachment 3**), the Kickapoo Traditional Tribe of Texas stated that it does not own land near the proposed line or the associated CMV Facility and is not aware of any tribal cultural, historical, or sacred sites that could be affected.

OEA formally initiated Section 106 consultation with THC by letter dated April 4, 2024.

A.3.2 Meetings with THC

As part of the Section 106 consultation process, OEA met with THC, the SHPO for Texas, at the following dates:

- **April 26, 2024.** At this meeting, OEA presented an overview of the undertaking (the proposed line and the associated CMV Facility); draft Areas of Potential Effects (APEs) for archaeological resources and aboveground historic resources, respectively; and an overview of the proposed methodology to conduct archaeological and architectural surveys.
- **August 30, 2024.** At this meeting, OEA presented an overview of the archaeological and aboveground historic surveys, as well as a preliminary list of Section 106 consulting parties.

A.3.3 Section 106 Consulting Parties

On January 3, 2025, OEA invited the agencies, tribes, organizations, and persons listed in **Table A-3** to participate in the Section 106 process as consulting parties. An example of the invitation letter is included in **Attachment 3**. In addition to inviting the recipients to be consulting parties, the letter indicated that the reports documenting the Phase I Historic Resources Survey and the Phase I Archaeological Resources Survey prepared by OEA were available upon request. **Table A-3** also shows the responses received by OEA.

Table A-3. Agencies, Tribes, and Organizations Invited to be Section 106 Consulting Parties

Agency, Tribes, or Organization	Response
U.S. Coast Guard	None
U.S. Army Corps of Engineers	None
International Boundary and Water Commission	None
City of Eagle Pass	None
Maverick County	None
Apache Tribe of Oklahoma	None
Comanche Nation, Oklahoma	None
Kickapoo Tribe of Oklahoma	None
Kickapoo Traditional Tribe of Texas	None

Agency, Tribes, or Organization	Response
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico	None
Tonkawa Tribe of Indians of Oklahoma	None
Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma	None
Pacuache Indian Nation of Texas	Accepted to be a Consulting Party; did not request copies of the survey reports (see Attachment 3).
Green Eagle, LLC	None

A.3.4 Submissions and Concurrence

On January 10, 2025, OEA submitted to THC, as the Texas SHPO, the following reports for review and concurrence:

- Phase I Archaeological Resources Survey for the Green Eagle Railroad Project, Maverick County, Texas.
- Phase I Historic Resources Survey for the Green Eagle Railroad Project, Maverick County, Texas.

On January 31, 2025, THC concurred with the findings documented in the reports, as follows:

The THC History Programs Division, led by Justin Kockritz, concurs with the findings of the Phase I Historic Resources Survey that all of the surveyed properties within the project's Area of Potential Effect are not eligible for listing in the National Register of Historic Places and therefore that there are no historic properties affected by the project as proposed. Regarding archeology, please specify in the final report whether site revisit forms were filed at TARL. The THC concurs that the portions of sites 41MV107, 41MV108, 41MV203, and 41MV277 that are within the APE are not eligible for listing on the NRHP or for designation as an SAL. The THC also concurs that further consultation is necessary when project design plans are finalized, and the specific areas of deeper impacts are known, the Surface Transportation Board's Office of Environmental Analysis will develop a plan to investigate deeply buried archaeological deposits through mechanically assisted excavation in coordination with the THC.

THC's full response is included in **Attachment 3**.

A.4 Section 7 Consultation

Section 7 of the ESA requires federal agencies to ensure that actions they undertake, authorize, or fund are not likely to jeopardize threatened or endangered species or adversely modify designated critical habitat of listed species. To satisfy this requirement, Section 7 requires agencies to consult with USFWS or the National Oceanic and Atmospheric Administration (NOAA) when their proposed actions may affect listed species or critical habitat.

As noted above, OEA sent USFWS and NOAA preliminary scoping letters in December 2023 and scoping letters in March 2024. OEA received no responses to these letters. OEA did not consult further with NOAA because none of the protected marine species or critical habitats under the jurisdiction of NOAA has any potential to be affected by the proposed line and the associated CMV Facility. OEA obtained and reviewed an Official Species List from USFWS's online Information for Planning and Consultation (IPaC) system to identify any protected species or critical habitat under the jurisdiction of USFWS that the proposed line and the associated CMV Facility could affect. These species are identified in *Chapter 3, Section 3.10, Biological Resources*, and **Appendix K** of the Draft EIS.

During the preparation of the Draft EIS, OEA conducted informal consultation with USFWS through several meetings:

- **April 4, 2024.** At this meeting, OEA and USFWS discussed the potentially affected species; factors to consider when evaluating impacts; and data needs.
- **November 14, 2024.** At this meeting OEA and USFWS discussed the mussel survey OEA conducted in September 2024 and potential effects to protected mussels. Following this meeting, OEA initiated the preparation of a Biological Assessment (BA).
- **February 5, 2025.** At this meeting, OEA and USFWS discussed a preliminary draft of the BA that OEA had submitted to USFWS on January 23, 2025, for informal review.

Following the February 5, 2025, meeting, OEA completed the BA and submitted it to USFWS for review. The BA ~~is~~was included in the Draft EIS as **Appendix K**. ~~Consultation~~

On March 18, 2025, USFWS provided comments on the version of the BA included in the Draft EIS. OEA met with USFWS on April 1, 2025, to review and discuss these comments. On April 21, 2025, OEA notified USFWS by email that, based on the findings of the BA and USFWS's feedback, OEA would move forward with informal consultation.

On May 7, 2025, OEA submitted to USFWS an updated BA addressing the comments received on March 18, 2025. By letter dated June 16, 2025, USFWS concurred with the effect determinations made in the BA and with the conservation, minimization, and mitigative measures the BA identified. In the letter, USFWS stated that no further endangered species consultation is required unless the proposed action is ~~ongoing~~, subsequently modified in a manner that causes an effect on a listed species or designated critical habitat; new information reveals the proposed action may affect federally listed species or designated critical habitat in a manner or to an extent not previously considered; or a new species is listed or a critical habitat is designated under the ESA that may be affected by the proposed action. The June 16, 2025, letter is in **Appendix K** of the EIS.

A.5 Distribution of the Draft EIS

OEA notified the agencies listed in **Table A-4** of the availability of the Draft EIS, along with information on the scheduled public meetings and how to submit comments. OEA similarly notified the seven Native American tribes listed in *Section A.2, Tribal Consultation*. An example of the Draft EIS email notification sent to agencies and tribes is included in **Attachment 4**.

Table A-4. Agencies That Were Notified of the Draft EIS Release

Federal Agencies	
Federal Highway Administration, Texas Division	U.S. Coast Guard
General Services Administration	U.S. Customs and Border Protection
International Boundary and Water Commission	U.S. State Department
U.S. Army Corps of Engineers	National Oceanic and Atmospheric Administration
Bureau of Indian Affairs, Southern Plains Region	U.S. Department of Housing and Urban Development, San Antonio Field Office
Environmental Protection Agency, Region 6	U.S. Fish and Wildlife Service, Section 7 Consultations (Austin, TX)
Federal Emergency Management Agency, Region 6	
State Agencies	
Railroad Commission of Texas	Texas General Land Office
Texas Commission on Environmental Quality	Texas Historical Commission
Texas Department of Transportation	Texas Parks and Wildlife Department
Local Agencies	
City of Eagle Pass Bridge General Manager	City of Eagle Pass Public Works Department
City of Eagle Pass Engineering	Maverick County Planning Department, Office of Floodplain Administrator
City of Eagle Pass Planning and Zoning Commission	Maverick County Planning Department, Office of Planning Director
City of Eagle Pass City Engineer and Floodplain Administrator	Maverick County Sheriff's Department
City of Eagle Pass Police Department	Eagle Pass Housing Authority

[OEA originally provided a 45-day comment period for the Draft EIS, with comments due on or before May 5, 2025. On May 20, 2025, OEA extended the comment period to June 2, 2025. The same agencies and tribes that were notified of the release of the Draft EIS were notified of the extension.](#)

A.6 Distribution of the Final EIS

[OEA notified the agencies listed in **Table A-4** of the issuance of the Final EIS. OEA similarly notified the seven Native American tribes listed in *Section A.2, Tribal Consultation*.](#)

ATTACHMENT 1

Agency Consultation

Preliminary Consultation Letter to Federal Agencies with Potential NEPA Actions (Sample)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 7, 2023

Ronald Johnsen
U.S. Coast Guard
Office of Environmental Management
2703 Martin Luther King Ave SE, Stop 7501
Washington, DC 20593-7103

By email

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Preliminary
Consultation**

Ronald Johnsen:

Green Eagle Railroad, LLC (GER) is planning to seek authority from the Surface Transportation Board (Board) to construct and operate a new railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Mexico and the United States. As part of its licensing process, the Board will conduct an environmental and historic review under the National Environmental Policy Act, 42 U.S.C. 4321-4370m-11, (NEPA) and Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, (NHPA). Pursuant to NEPA, NHPA, related environmental laws, and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental documentation that evaluates the potential environmental impacts of the proposed project. OEA is currently gathering information about the project and is requesting your input to assist us in determining the appropriate scope and level of the environmental review.

Project Description

GER, owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked rail line in Maverick County, Texas. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a newly constructed bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferromex Rio Escondido rail line (See Attachment 1: Figure 1 Project Overview map).

The proposed rail line would be part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the rail line and roadway, and a control tower that would service both the roadway and rail line (See Attachment 1: Figure 2 Project Overview). This project is intended to alleviate the existing congestion at the current border crossing at Piedras Negras and Eagle Pass and to facilitate international trade between Mexico and the United States. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line.

The planned trains would consist of approximately 150 cars with 2 locomotives on the front end and one on the rear end for an approximate train length of 9,300 feet. Freight would be handled in box cars, refrigerated box cars, gondola cars, intermodal double stack cars, tank cars and hopper cars for grains and other dry material. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel. Inspection processing would be offered 24 hours per day, seven days a week.

As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway, including radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, truck queue area, primary booths, and hazardous materials emergency drip pits. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased; ownership of the facilities would be transferred to the General Services Administration; or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each.

Request for Comments/Involvement

OEA would like to hear from your agency about whether this project would require permitting from your agency or whether your agency has any other requirements or concerns about the project. Because your agency may have to conduct a NEPA review of certain aspects of this project, OEA welcomes input on whether your agency might be interested in participating as a cooperating agency in OEA's NEPA review. OEA intends to reach out to potential cooperating agencies in the coming weeks to further discuss this project.

Please submit your response within 30 days so that OEA may begin the process of identifying the appropriate scope of the environmental review for the proposed project. To submit a response, select "File an Environmental Comment" on the Board's website at www.stb.gov (below the "Need Assistance?" button). Please make sure to refer to Docket No. FD 36652 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

You may also send your written comments to Andrea Poole, OEA's Project Manager for this case, by mail to:

Andrea Poole
Surface Transportation Board
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

We look forward to hearing from your agency. If you have any questions or would like to arrange a call, please feel free to contact Andrea Poole of my staff at [REDACTED] (cell) or by email at [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

Attachment 1: Maps

Attachment 2: Initial Agency and Tribal Distribution List

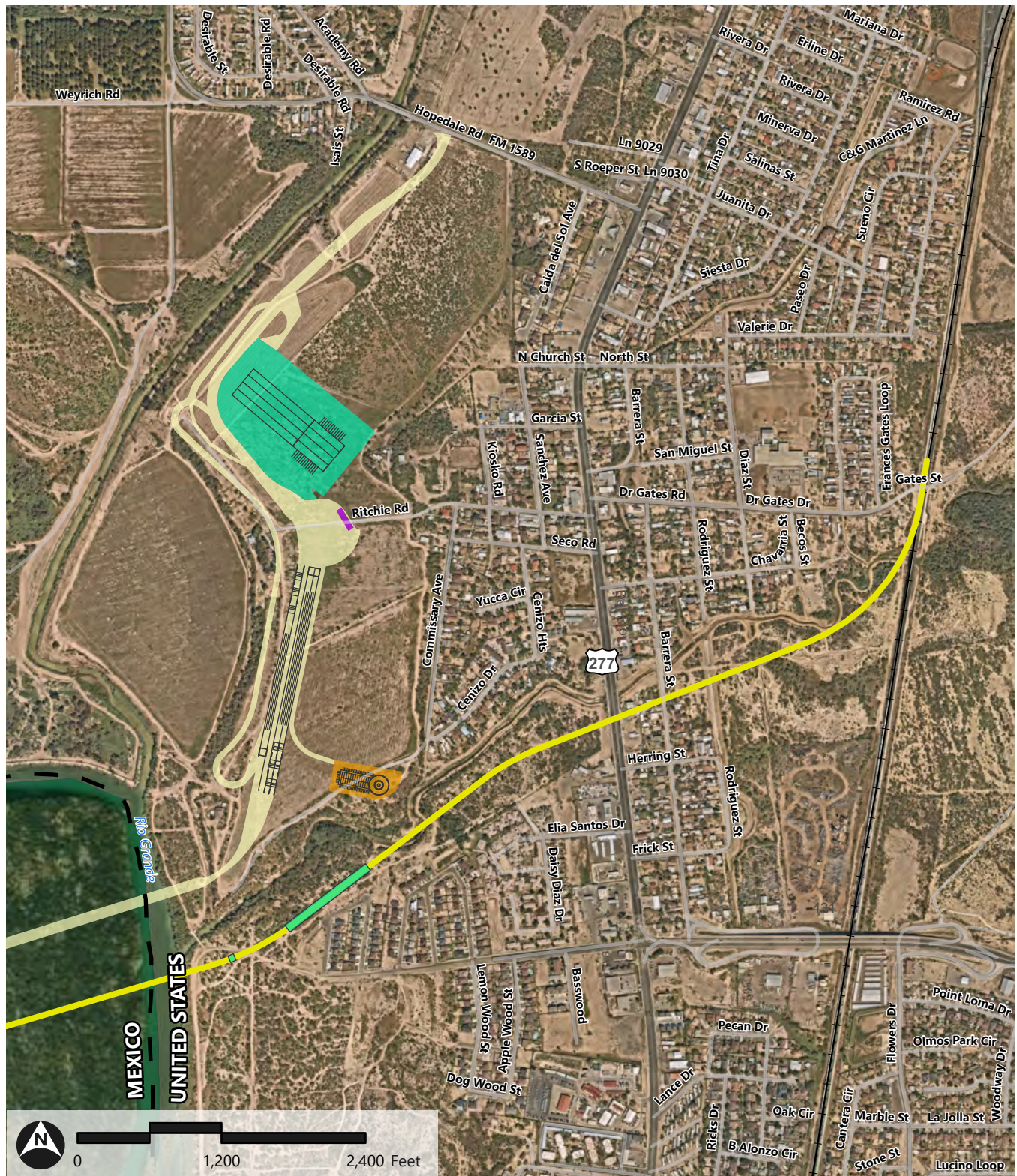
Figure 1: Project Overview



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- Border Crossing Location
- Puerto Verde Holdings (PVH) Proposed International Commercial Transportation Corridor

Figure 2: Project Overview - Maverick County, Texas



- Proposed Rail Line
- Proposed Inspection Facility
- Proposed Roadway
- Proposed Inspection Facility
- Proposed Operations Tower
- Hazardous Materials Drip Pit
- US/Mexico Country Boundary
- Existing Union Pacific Railroad

Source: ArcGIS Online, NearMap

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SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

Attachment 2: Initial Agency and Tribal Distribution List

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Preliminary
Consultation**

The below table lists all Federal and State elected officials; Federal, State and local agencies; and Tribal Nations contacted by the Office of Environmental Analysis (OEA) in connection with the above referenced Docket No. FD 36652.

Federal and State Elected Officials

- United States Senator John Cornyn
- United States Senator Ted Cruz
- United States Congressman Tony Gonzales
- State Representative Eddie Morales
- State Senator Roland Gutierrez
- Texas Governor Greg Abbott
- Ramsey English Cantú, County Judge, Maverick County, Texas
- Roberto Ruiz, County Commissioner, Maverick County, Texas
- Rolando Salinas Jr., Mayor, City of Eagle Pass, Texas

Federal

- Robert Houston, Staff Director, Communities, Tribes and Environmental Assessment, EPA - Region 6
- Christina Williams, Division Supervisor – USFWS Section 7 Consultations
- Arnold “Rob” Newman, Deputy District Engineer, Programs and Project Management, USACE – Fort Worth Regulatory District
- Tony Robinson, Regional Administrator, FEMA - Region 6
- Charlie Hart, Southern Border Executive, GSA – Greater Southwest Region 7
- Zuleika K. Morales-Romero, Field Office Director, US HUD – San Antonio Field Office
- Tom Bruechert, Texas Environmental Program Manager, FHWA – Texas Division
- Hilary Qualm, US Department of State – Mexico Desk Border Affairs Team
- Joel Saldivar, Realty Specialist, IBWC
- John Claudio, Realty Chief, IBWC
- Juliana Blackwell, Director, NOAA - National Geodetic Survey
- Terry Bruner, Deputy Regional Director – Indian Services, BIA – Southern Plains Region
- Ron Johnsen, US Coast Guard – Office of Environmental Management

- John Petrilla, Environmental Protection Specialist, US Customs and Border Protection
- State
- Roberto Rodriguez, Supervising Engineer, Texas Department of Transportation - Laredo District Planning & Development
 - Mark S. Wolfe, SHPO, Texas Historical Commission
 - David Veale, District Leader, Texas Parks and Wildlife Department
 - Steven Schar, Acting Deputy Executive Director/Chief of Staff, Texas Commission on Environmental Quality
 - Christi Craddick, Chairman, The Railroad Commission of Texas
 - Mark Lamber, Deputy Director of Archives and Records, Texas General Land Office
 - Mark Havens, Chief Clerk, Texas General Land Office

County

- Monica Cruz, Planning Directory, Maverick County, Texas – Planning Department
- Rex McBeath, Floodplain Administrator, Maverick County, Texas – Planning Department
- Tom Schmerber, Sheriff, Maverick County Sheriff

Local

- Federico Garza, Chief of Police, City of Eagle Pass
- Homero Balderas, Bridge General Manager, City of Eagle Pass, Texas
- Luis Velez, Chairman of the Planning and Zoning Commission, City of Eagle Pass, Texas
- Daniel Ibarra, Public Works Director, City of Eagle Pass – Public Works Department
- Danny MaGee, City Engineer & Floodplain Engineer, City of Eagle Pass - Engineering

Tribal

- Durell Cooper, Chairman, Apache Tribe of Oklahoma
- Bobby Komardley, Chairman, Apache Tribe of Oklahoma
- Mark Woommavovah, Chairman, Comanche Nation, Oklahoma
- Martina Minthorn, THPO, Comanche Nation, Oklahoma
- Juan Garza, Chairman, Kickapoo Traditional Tribe of Texas
- Hector Gonzalez, THPO, Kickapoo Traditional Tribe of Texas
- Darwin Kaskaske, Chairman, Kickapoo Tribe of Oklahoma
- Kent Collier, NAGPRA, Kickapoo Tribe of Oklahoma
- Holly Houghten, THPO, Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Eddie Martinez, President, Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
- Russell Martin, President, Tonkawa Tribe of Indians of Oklahoma
- Lauren Norman-Brown, THPO, Tonkawa Tribe of Indians of Oklahoma
- Terri Parton, President, Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma
- Gary McAdams, THPO, Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma

Preliminary Consultation Letter to U.S. Fish and Wildlife



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 7, 2023

Christina Williams
Division Supervisor
U.S. Fish and Wildlife Service
1505 Ferguson Land
Austin, TX 78754

By email

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Preliminary
Consultation**

Christina Williams:

Green Eagle Railroad, LLC (GER) is planning to seek authority from the Surface Transportation Board (Board) to construct and operate a new railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Mexico and the United States. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act, 42 U.S.C. 4321-4370m-11, (NEPA). Pursuant to NEPA, related environmental laws, and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental documentation that evaluates the potential environmental impacts of the proposed project. OEA is beginning the process of gathering information on the project area and project-related issues and concerns. We are writing to you to ask you for information on any environmental resources that the proposed project may affect and request your comments.

Project Description

GER, owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked rail line in Maverick County, Texas. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a newly constructed bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferromex Rio Escondido rail line (See Attachment 1: Figure 1 Project Overview map).

The proposed rail line would be part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the rail line and roadway, and a control tower that would service both the roadway and rail line (See Attachment 1: Figure 2 Project Overview). This project is intended to alleviate the existing congestion at the current border crossing at Piedras Negras and Eagle Pass and to facilitate international trade between Mexico and the United States. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line.

The planned trains would consist of approximately 150 cars with 2 locomotives on the front end and one on the rear end for an approximate train length of 9,300 feet. Freight would be handled in box cars, refrigerated box cars, gondola cars, intermodal double stack cars, tank cars and hopper cars for grains and other dry material. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel. Inspection processing would be offered 24 hours per day, seven days a week.

As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway, including radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, truck queue area, primary booths, and hazardous materials emergency drip pits. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased; ownership of the facilities would be transferred to the General Services Administration; or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each.

Initiation of Consultation with the U.S. Fish and Wildlife Service (USFWS)

The Board must evaluate the potential impacts of the proposed project on federally listed threatened and endangered species, in accordance with Section 7 of the Endangered Species Act, 16 U.S.C. 1536, the Section 7 implementing regulations at 50 C.F.R. Part 402, and the Board's environmental regulations at 49 C.F.R. Part 1105. OEA developed a preliminary list of federally listed species that occur or potentially occur in the project area using the USFWS's Information for Planning and Consultation (IPaC). The preliminary species list includes three Proposed Endangered species - tricolored bat, Mexican fawnsfoot, salina mucket - and one Candidate species (monarch butterfly). The species list also included the Threatened piping plover and rufa red knot, but according to IPaC, these two species are to be considered only for wind related projects. OEA will submit an official request for species list through IPaC, but would appreciate any additional information your agency may have on federally listed species in the project area. OEA also plans to submit a species record request to the Texas Natural Diversity Database to determine if there are any site-specific or site vicinity agency records for any of the federally listed species on the IPaC list.

Request for Comments

OEA requests your comments on the potential impacts of the proposed project. Please submit your response within 30 days so that we may begin the process of identifying the potential impacts of the proposed project. To submit a response, select “File an Environmental Comment” on the Board’s website at www.stb.gov (below the “Need Assistance?” button). Please make sure to refer to Docket No. FD 36652 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

You may also send your written comments to Andrea Poole, OEA’s Project Manager for this environmental case, by mail to:

Andrea Poole
Surface Transportation Board
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

We look forward to hearing from your agency. If you have any questions or would like to arrange a call, please feel free to contact Andrea Poole of my staff at [REDACTED] (cell) or by email at [REDACTED].

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

Enclosures:

Attachment 1: Maps

Attachment 2: Initial Agency and Tribal Distribution List

Preliminary Consultation Letter to Texas General Land Office



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 11, 2023

Mark Lambert
Deputy Director of Archives and Records
Texas General Land Office
P.O. Box 12873, Room 131A
Austin, TX 78711

By email

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Preliminary
Consultation**

Mark Lambert:

Green Eagle Railroad, LLC (GER) is planning to seek authority from the Surface Transportation Board (Board) to construct and operate a new railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Mexico and the United States. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act, 42 U.S.C. 4321-4370m-11, (NEPA). Pursuant to NEPA, related environmental laws, and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental documentation that evaluates the potential environmental impacts of the proposed project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. As part of the process, the Board must evaluate the potential impacts of the proposed project on historic properties, in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108 (NHPA), the Section 106 implementing regulations at 36 C.F.R. Part 800, and the Board's environmental regulations at 49 C.F.R. Part 1105. As part of the NEPA and Section 106 processes, OEA is requesting your initial comments regarding the potential for the proposed project to affect historical, architectural, archaeological, or other historic properties that may be in the project area.

Project Background

GER, owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked rail line in

Maverick County, Texas. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a newly constructed bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferromex Rio Escondido rail line (See Attachment 1: Figure 1 Project Overview map).

The proposed rail line would be part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the rail line and roadway, and a control tower that would service both the roadway and rail line (See Attachment 1: Figure 2 Project Overview). This project is intended to alleviate the existing congestion at the current border crossing at Piedras Negras and Eagle Pass and to facilitate international trade between Mexico and the United States. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line.

The planned trains would consist of approximately 150 cars with 2 locomotives on the front end and one on the rear end for an approximate train length of 9,300 feet. Freight would be handled in box cars, refrigerated box cars, gondola cars, intermodal double stack cars, tank cars and hopper cars for grains and other dry material. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel. Inspection processing would be offered 24 hours per day, seven days a week.

As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway, including radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, truck queue area, primary booths, and hazardous materials emergency drip pits. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased; ownership of the facilities would be transferred to the General Services Administration; or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each.

Request for Comments

OEA requests that you provide information regarding the potential effects of the proposed project. Please submit your response within 30 days so that we may begin the process of identifying historic resources and start to evaluate the potential impacts of the proposed project. To submit a response, select "File an Environmental Comment" on the Board's website at www.stb.gov (below the "Need Assistance?" button). Please make sure to refer to Docket No. FD 36652 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

You may also send written comments to Andrea Poole, OEA's Project Manager for this environmental case, by mail to:

Andrea Poole
Surface Transportation Board, OEA
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

We look forward to hearing from your agency. If you have any questions or would like to arrange a call or meeting, please feel free to contact Andrea Poole of my staff at [REDACTED] (cell) or by email at [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure:
Attachment 1: Maps
Attachment 2: Initial Agency and Tribal Distribution List

Preliminary Consultation Letter to Other Agencies (Sample)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 7, 2023

Tony Robinson
Regional Administrator, Region 6
Federal Emergency Management Agency
FRC 800 North Loop 288
Denton, TX 76209

By email

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Preliminary
Consultation**

Tony Robinson:

Green Eagle Railroad, LLC (GER) is planning to seek authority from the Surface Transportation Board (Board) to construct and operate a new railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Mexico and the United States. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act, 42 U.S.C. 4321-4370m-11, (NEPA) and Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, (NHPA). Pursuant to NEPA, NHPA, related environmental laws, and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental documentation that evaluates the potential environmental impacts of the proposed project. OEA is currently gathering information about the project and is requesting your input to assist us in determining the appropriate scope and level of the environmental review.

Project Description

GER, owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked rail line in Maverick County, Texas. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a newly constructed bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferromex Rio Escondido rail line (See Attachment 1: Figure 1 Project Overview map).

The proposed rail line would be part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the rail line and roadway, and a control tower that would service both the roadway and rail line (See Attachment 1: Figure 2 Project Overview). This project is intended to alleviate the existing congestion at the current border crossing at Piedras Negras and Eagle Pass and to facilitate international trade between Mexico and the United States. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line.

The planned trains would consist of approximately 150 cars with 2 locomotives on the front end and one on the rear end for an approximate train length of 9,300 feet. Freight would be handled in box cars, refrigerated box cars, gondola cars, intermodal double stack cars, tank cars and hopper cars for grains and other dry material. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel. Inspection processing would be offered 24 hours per day, seven days a week.

As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway, including radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, truck queue area, primary booths, and hazardous materials emergency drip pits. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased; ownership of the facilities would be transferred to the General Services Administration; or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each.

Request for Comments

OEA requests your agency's comments on the potential impacts of the proposed project. Please submit your response within 30 days so that OEA may begin the process of identifying the appropriate scope of the environmental review for the proposed project. To submit a response, select "File an Environmental Comment" on the Board's website at www.stb.gov (below the "Need Assistance?" button). Please make sure to refer to Docket No. FD 36652 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

You may also send your written comments to Andrea Poole, OEA's Project Manager for this case, by mail to:

Andrea Poole
Surface Transportation Board
Docket No. FD 36652
395 E Street SW

Washington, DC 20423

We look forward to hearing from your agency. If you have any questions or would like to arrange a call, please feel free to contact Andrea Poole of my staff at [REDACTED] (cell) or by email at [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin". The signature is fluid and cursive, with the first name "Danielle" written in a larger, more prominent script than the last name "Gosselin".

Danielle Gosselin

Director

Office of Environmental Analysis

Enclosures:

Attachment 1: Maps

Attachment 2: Initial Agency and Tribal Distribution List

Agency Responses to Preliminary Consultation Letters

U.S. Department of
Homeland Security

United States
Coast Guard



Commander
Eighth Coast Guard District
Hale Boggs Federal Building

500 Poydras Street, Room 1313
New Orleans, LA 70130-3310
Staff Symbol: (dpb)
Phone: (504) 671-2128
Fax: (504) 671-2133
D8DPBALL@uscg.mil

16530
January 10, 2024

Surface Transportation Board
Attn: Andrea Poole
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

Dear Ms. Poole,

Thank you for your letter dated December 7, 2023 providing information on the construction and operation of a new railroad bridge across the Rio Grande River near El Paso, Maverick County, Texas. Building an international railroad and commercial road bridge that connects the United States and Mexico at this location will require a Coast Guard bridge permit. We request to be made a cooperating agency for the project.

Coast Guard bridge permitting requirements are contained in the Coast Guard Bridge Permit Application Guide which can be found at the following website. I also emailed you a copy of this guide today. <https://www.dco.uscg.mil/Our-Organization/Assistant-Commandant-for-Prevention-Policy-CG-5P/Marine-Transportation-Systems-CG-5PW/Office-of-Bridge-Programs/Bridge-Permit-Application-Process/>.

Please call me if you need further information or would like to discuss.

Sincerely,

A handwritten signature in blue ink that reads "Doug Blakemore".

Doug Blakemore
Bridge Administration Branch Chief
U.S. Coast Guard
By direction of the District Commander



OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

January 3, 2024

Andrea Poole
Surface Transportation Board, Office of Environmental Analysis
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

Dear Ms. Poole:

The United States Section, International Boundary and Water Commission (USIBWC) is in receipt of the Surface Transportation Board (Board)'s December 7, 2023 letter requesting preliminary consultation on Docket No. FD 36652, Green Eagle Railroad in Maverick County, Texas, north of Eagle Pass. USIBWC provides the following comments on this public scoping request in accordance with the National Environmental Policy Act (NEPA).

Green Eagle Railroad, LLC (GER), owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a new bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferromex Rio Escondido rail line. The bridge is being proposed to be called the Puerto Verde Global Trade Bridge. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each. As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased, ownership of the facilities would be transferred to the General Services Administration, or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118.

The Board's letter noted the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental compliance documentation, including for NEPA and cultural resources laws. The letter also requests input on whether the USIBWC is interested in participating as a cooperating agency in OEA's NEPA review. The USIBWC commits to reviewing the Draft NEPA documents, but USIBWC declines to be a cooperating agency, as the USIBWC does not have a flood control project nor own property within the project area. However, the USIBWC does have authority for the bed and bank of the international stretch of river under the 1944 Water Treaty, as well as responsibility under the 1970 Boundary Treaty Article IV to ensure that the construction of works do not obstruct the normal flow or flood flows of the Rio Grande. Please see <https://www.ibwc.gov/resources-info> for information on work within the Rio Grande floodplain. USIBWC Engineering Services Division should review hydraulic models of the proposed construction projects. Please coordinate with USIBWC Realty Office for review procedures and treaty authorities <https://www.ibwc.gov/organization/engineering/realty/>.

In addition, USIBWC notes the following should be considered in the NEPA process.

- The project will connect facilities from the United States to Mexico and will need a Presidential Permit. Please coordinate with the U.S. Department of State for border crossings <https://www.state.gov/presidential-permits-for-border-crossings/>. Since this is an international project, USIBWC will need to be involved in the review of the NEPA documentation and the engineering design, per the Presidential Permitting process, to ensure the project meets U.S. and Mexican requirements. USIBWC notes that Docket FD-36652 contains an application for a Presidential Permit dated October 2023, submitted to the U.S. Department of State.
- For bridge supports in the river channel, the proponent will need permits from the U.S. Army Corps of Engineers (USACE) and U.S. Coast Guard (USCG) under the Clean Water Act Section 401/404 and Rivers and Harbors Act Sections 9 and 10.
- The proposed action is within Segment 2304 Rio Grande Below Amistad Reservoir, and the Texas Commission on Environmental Quality (TCEQ) has listed Segment 2304 as impaired for bacteria on the Texas 303(d) list. Additionally, the segment has concerns for ambient toxicity in water and ammonia in water. NEPA documentation should review potential impacts on Rio Grande water quality from the construction and long-term operation of the facilities and comply with Texas Surface Water Quality Standards.
- Proposed facilities are adjacent to or cross Rio Grande tributaries, including Seco Creek and Elm Creek. As contributing tributaries to Segment 2304, the tributaries should be included in the environmental documentation for water quality, wetlands, and permitting.
- The proponent will need to coordinate with the U.S. Fish and Wildlife Service (USFWS) for Endangered Species Act compliance; for example, this stretch of the Rio Grande has proposed Critical Habitat designation for the endangered Texas Hornshell.
- Texas Historical Commission (THC) should be consulted for cultural resources in this area and archeological survey.
- NEPA documentation should incorporate Council on Environmental Quality's (CEQ) January 2023 guidance on consideration of greenhouse gas emissions and climate change from the construction and operation of the facilities. Additionally, CEQ has guidance on Environmental Justice under NEPA which should be considered for potential impacts on nearby communities of Seco Mines and Fabrica.
- NEPA documents and engineering design for bridge supports should consider potential impacts from seismic activity in the area and nearby reinjection sites from oil and gas.

Please continue to keep USIBWC on the distribution list for this project. Contact Ms. Elizabeth Verdecchia, Natural Resources Specialist, Environmental Management Division, at (915) 832-4701 for any questions or comments.

Sincerely,

A handwritten signature in blue ink that reads "Gilbert G. Anaya". The signature is fluid and cursive, with the first name being the most prominent.

Gilbert G. Anaya, Ph.D.
Division Chief
Environmental Management Division



From: Bruechert, Tom (FHWA)
Sent: Wednesday, January 3, 2024 10:33 AM
To: Poole, Andrea <andrea.poole@stb.gov>
Cc: Leary, Michael (FHWA); Bales, Genevieve (FHWA)
; Lastrape, Krystal (FHWA)
Subject: RE: Puerto Verde Global Trade Bridge Project (Docket No. FD 36652) - Surface Transportation Board Request for Comment

Hi Andrea-

Thanks for your voicemail message. Happy New Year!

Based on internal discussion at FHWA, we are in agreement that our role is **none**; as this is *privately* funded project on private property.

No federal-aid funds are shown nor FHWA actions noted. It also includes a RR project that is not eligible for FA (highway) funding.

As currently proposed the private road seeks to connect to a TxDOT Farm to Market road.

Our current response to OEA, that was seeking an electronic response apparently, from FHWA on our "role" = The FHWA role would be N/A.

We do not plan on responding electronically on the STB Records page. Please use this e-mail for your purposes.

From multiple previous meetings, it appears that the private project sponsor (GER/PVH) is seeking a federal partner for NEPA.

We suggested that GER/PVH set up a meeting with all potential federal partners, but received this letter instead.

Hope this helps and please let us know if you'd like to discuss any further-

Tom Bruechert
Environmental Program Manager
FHWA – Texas Division

From: [LEW, DENNIS \(CTR\)](#)
To: [Poole, Andrea](#)
Cc: [David Johnson](#); [DOIRON, LYNN](#); [BROWN, MICHELLE L](#)
Subject: [External] RE: BPAM NEPA Mailbox / Puerto Verde Global Trade Bridge Project (Docket No. FD 36652) - Surface Transportation Board Request for Comment
Date: Monday, January 22, 2024 10:09:49 AM
Attachments: [image.png](#)
[image.png](#)
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[image.png](#)
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[image.png](#)
[image.png](#)

You don't often get email from dennis.lew@cbp.dhs.gov. [Learn why this is important](#)

Andrea,

The Field Operations Facilities Program Management Office (FOF PMO) has traditionally provided feedback for Presidential Permit applications. At the moment, however, they are severely short staffed, and I have been asked to provide assistance. A recent reorganization has landed all the CBP environmental planning staff, including what was formerly FOF Environmental, under the umbrella organization of the Energy and Environmental PMO (EE PMO) within the Enterprise Services (ES) organization of the Office of Facilities and Assets Management (OFAM). Part of the reason for the new organizational structure was to be able to have the flexibility to be provide additional support where needed across the traditional organizational “stovepipes.”

I had formerly been supporting FOF Environmental and have reviewed Presidential Permit applications as part of that support.

Let me know if you have any additional questions.

Thanks,

Dennis

Dennis J. Lew, REM (CTR)
Environmental Specialist | Environmental Section
Office of Facilities and Asset Management
U.S. Customs and Border Protection



Every Day is Earth Day

Please consider the environment before printing this email.

IMPORTANT NOTICE: This information is the property of the Department of Homeland Security and may contain sensitive data that is confidential or proprietary. If you have received this email in error, please notify the originator immediately. Your assistance is appreciated.

-----Original Message-----

From: Dephouse, Eric J CIV USARMY CESWF (USA)

Sent: Friday, February 9, 2024 3:34 PM

To: Poole, Andrea <andrea.poole@stb.gov>

Subject: SWF-2024-00079 Green Eagle Railroad, Line of Railroad-Docket No. FD 36652: Request for Additional Information

Importance: High

Andrea:

I received your message. As you're aware, I've been assigned USACE Project Number SWF-2024-00079 Green Eagle Railroad, Line of Railroad-Docket No. FD 36652, which appears incomplete. In order for us to continue our review of this project, please address the following:

1. Based on my initial review of the project, the project appears to need a Nationwide Permit 14 for Linear Transportation Projects for the Section 10 crossing of the Rio Grande River (404 impacts might also occur within the river and at other areas of the road and railway and associated infrastructure). Given the nature of the apparent impacts, it does not appear that USACE needs to be a cooperating agency but can be a participating agency in your review. Please have an NWP 14 application prepared by a consultant with experience working with our regulatory office. The NWP 14 application form is attached, along with a consultant list and other guidance for submittals to our office.

2. Please submit a "Delineation of Wetlands, Other Special Aquatic Sites, and Other Waters" (with no references to jurisdiction) with an additional "delineation concurrence exhibit" showing the features we are not regulating removed from the exhibit. Then, a new impact exhibit should be submitted using the delineation concurrence exhibit. The final

USACE letter language will include "This concurrence does not impart any determination relative to the jurisdictional status of any water features on the site."

A qualified specialist (biologist, ecologist or other specialist qualified in delineations) who is familiar with the Great Plains Region Regional Supplement to the 1987 Corps of Engineers Wetlands Delineation Manual, the USACE Regulatory Program (33 CFR Parts 320-331), and Pre-2015 Regulatory Regime/Post-Sackett Guidance should complete the delineation and delineation concurrence request, or preliminary jurisdictional determination/approved jurisdictional determination. Please include site assessment photos and a key showing the directions in which the photos were taken. The delineation should be performed by a professional with experience performing delineations in the Fort Worth District. I have attached a presentation from EPA/USACE for the Pre-2015 Regulatory Regime/Post Sackett guidance, which starts on page 35 of the pdf.

If you want a "preliminary jurisdictional determination" or "approved jurisdictional determination", please let me know so I can provide alternative guidance.

3. Please provide delineation concurrence impact exhibits for wetlands and other waters, based on the delineation, showing permanent and/or temporary impacts (in acres for wetlands/other open waters, and acres and LF for streams). The delineation concurrence impact exhibit should show the impact details overlaid on the most recent aerial imagery possible. (This guidance would be different if you wanted a "preliminary jurisdictional determination" or "approved jurisdictional determination").

4. Please perform a threatened & endangered species assessment consisting of 1) running a USFWS IPAC report for the project site (please ensure date report is generated is on the report) and 2) discussion documenting whether any species listed as endangered or threatened under the Endangered Species Act, proposed or candidate species, as listed on the IPAC report, might be affected by, or found in the vicinity of, the USACE permit area for the proposed project. If STB is lead for T&E, and some kind of consultation is required with the USFWS, we will need to see the FWS concurrence documentation prior to issuing our NWP verification letter.

5. Please contact Arlo McKee ([REDACTED]) to determine what, if any, additional Section 106 (National Historic Preservation Act) requirements apply to this project. I need verification from Arlo that Sec 106 issues have been addressed before finalizing the permit verification document. Please have your archeologist coordinate directly with Arlo in order to assist him in completing the 106 review.

6. FYI - we will wait to render our decision (issue permit verification letter) until such time as the presidential permit is issued (state dept) - we treat this permit issuance timing similar to that of a 408 approval by our District Engineer at a USACE federal project.

Based on the responses to the items above, additional completeness items may be required to continue our review of the submittal. Please email me responses that are small (30 MB or less) with attachments in pdf format. Large responses (greater than 30 MB) can be with multiple emails & the attachments split up, or if necessary, I can provide a link to the Department of Defense FTP site we use (no physical hardcopy is needed). If you have any further questions or concerns, please feel free to contact me at [REDACTED] or [REDACTED]

Respectfully,
Eric Dephouse

Eric Dephouse
Project Manager
US Army Corps of Engineers
Fort Worth District CESWF-RDE
819 Taylor Street, Room 3A37
Fort Worth, Texas 76102-0300

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Kelly Keel, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 19, 2024

Andrea Poole
OEA's Project Manager
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Via: **E-mail**

**Re: TCEQ NEPA Request #2024-051. CONSTRUCTION AND OPERATION OF LINE GREEN
EAGLE RAILROAD, DOCKET NO. FD 36652. Maverick County.**

Dear Ms. Poole,

The Texas Commission on Environmental Quality (TCEQ) has reviewed the above-referenced project and offers the following comments:

The proposed action is located in Maverick County, which is currently designated attainment/unclassifiable for the National Ambient Air Quality Standards for all six criteria air pollutants. Federal Clean Air Act, §176(c) general conformity requirements do not apply for this action.

We recommend the environmental assessment address actions that will be taken to prevent surface and groundwater contamination.

The management of industrial and hazardous waste at the site including waste treatment, processing, storage and/or disposal is subject to state and federal regulations. Construction and Demolition waste must be sent for recycling or disposal at a facility authorized by the TCEQ. Special waste authorization may be required for the disposal of asbestos containing material.

Thank you for the opportunity to review this project. If you have any questions, please contact the agency NEPA coordinator at (512) 239-5538 or NEPA@tceq.texas.gov

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Vise".

Ryan Vise,
Division Director
External Relations



TEXAS GENERAL LAND OFFICE
COMMISSIONER DAWN BUCKINGHAM, M.D.

December 14, 2023

Andrea Poole
Surface Transportation Board, OEA
Docket No. FD36652
395 E Street SW
Washington, DC 20423



Re: Docket No. FD36652, Green Eagle Railroad - Construction and Operation Exemption –
Line of Railroad in Maverick County, Texas; Preliminary Consultation

Dear Ms. Poole:

On behalf of Commissioner Buckingham, I would like to thank you for your letter concerning the above- referenced project.

Given the information provided, it does not appear that the General Land Office will have any environmental issues or land use constraints at this time. Due to the nature of the project though our office would need to review the project materials before approving any easements.

The State owns the bed of the Rio Grande from the left gradient boundary bank to the International boundary line within the bed of the Rio Grande and this crossing would require an easement.

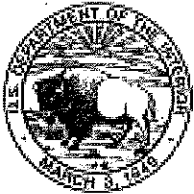
When a final route for this proposed project has been determined, please contact me and we can assess the route to determine if the project will cross any additional streambeds or Permanent School Fund (PSF) land that would require an easement from our agency.

In the interim, if you would like to speak to me further on this project, I can be reached by email at [REDACTED] or by phone at [REDACTED]

Again, thank you for your inquiry.

Sincerely,

Jeff Burroughs
Manager, Right-of-Way Department
Leasing Operations



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Southern Plains Regional Office

P.O. Box 368

Anadarko, OK 73005

IN REPLY REFER TO:
NATURAL RESOURCES (405) 247-6673

DEC - 8 2023

Surface Transportation board
Office of Environmental Analysis
Andrea Poole
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

Dear Ms. Poole:

Thank you for the opportunity to comment on the proposal for Green Eagle Railroad to construct and operate a line of railroad in Maverick County, Texas (DOCKET No. FD 36652). A review of maps of the Bureau of Indian Affairs (BIA), Southern Plains Region, indicates that there are no tribal or Individual Indian trust lands in the vicinity of the proposed improvement area. The Southern Plains Region has no concerns that the proposed project will impact Indian trust lands within the Southern Plains Region's jurisdiction.

If any additional information is required, please contact David Anderson, Regional Environmental Scientist, at [REDACTED]

Sincerely,

ACTING Regional Director

cc: Regional Archeologist
Regional Director's Files



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T. Dan Friedkin
Chairman-Emeritus
Houston

David Yoskowitz, Ph.D.
Executive Director

January 8, 2024

Andrea Poole
Surface Transportation Board
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

RE: Proposed Green Eagle Railroad, Construction and Operation Exemption-
Line of Railroad, Maverick County, Texas
Docket No. FD 36652

Dear Ms. Poole:

This letter is in response to your request for information and scoping comments for the proposed project referenced above. Puerta Verde Holdings (PVH) has submitted a Presidential Permit Application for the proposed project. The Surface Transportation Board's (STB) Office of Environmental Analysis (OEA) will prepare appropriate environmental documentation to evaluate the potential environmental impacts of the proposed project.

Project Description

Green Eagle Railroad, LLC (GER), owned by Puerta Verde Holdings, proposes to construct and operate a new double-tracked rail line in Maverick County, Texas. The proposed project corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the rail line and roadway, and a control tower that would service both the roadway and rail line. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel.

The proposed inspection and operation facilities for the new rail line and new roadway would include radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, a truck queue area, primary booths, and hazardous material emergency drip pits.

Texas Parks and Wildlife Department (TPWD)-Ecological and Environmental Planning Program staff have reviewed the information provided and offers the following comments and recommendations.

Construction Recommendations and Beneficial Management Practices (BMP)

General Construction Recommendation

Recommendation: TPWD recommends the judicious use and placement of sediment control fence to exclude wildlife from discrete construction areas,

when applicable. In many cases, sediment control fence placement for the purposes of controlling erosion and protecting water quality can be modified minimally to also provide the benefit of excluding wildlife access to construction areas. The exclusion fence should be buried at least six inches and be at least 24 inches high. The exclusion fence should be maintained for the life of the project and only removed after the construction is completed and disturbed areas have been revegetated with site-specific native species. Construction personnel should be encouraged to examine the inside of exclusion areas daily to determine if any wildlife species have been trapped inside the areas of impact and provide safe egress opportunities prior to initiation of construction activities.

Recommendation: If trenching or other excavation is involved in construction, TPWD recommends that contractors keep trenching/excavation and backfilling crews close together to minimize the amount of trenches/excavation areas left open at any given time during construction. TPWD recommends that any open trenches or excavation areas created during construction be covered overnight and/or inspected every morning to ensure no wildlife species have been trapped. Trenches left open for more than two daylight hours should be inspected for the presence of trapped wildlife prior to backfilling. If trenches/excavation areas cannot be backfilled the day of initial excavation, then escape ramps should be installed at least every 300 feet. Escape ramps can be short lateral trenches or wooden planks sloping to the surface at an angle less than 45-degrees (1:1).

Recommendation: For soil stabilization and revegetation of disturbed areas, TPWD recommends erosion and seed and mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh found in many erosion control blankets or mats pose an entanglement hazard to wildlife, TPWD recommends the use of no-till drilling, hydromulching, and hydroseeding due to a reduced risk to wildlife. If erosion control blankets or mats containing netting must be used, the netting should be loosely woven, natural fiber material where the mesh design allows the threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting and hydromulch containing microplastics should be avoided.

Recommendation: For encounters with rare species that will not readily leave the work area, TPWD recommends an authorized individual translocate the animal. Translocations of reptiles should be the minimum distance possible from the work area. Ideally, individuals to be relocated should be transported to the closest suitable habitat outside of the active construction area; preferably within 100 to 200 yards and not greater than one mile from the capture site. State listed species may only be handled by persons with appropriate

authorization from the TPWD Wildlife Permits Office. For more information regarding Wildlife Permits, please contact the Wildlife Permits Office at (512) 389-4647.

Recommendation: To aid in the scientific knowledge of a species' status and current range, TPWD encourages reporting encounters of protected and rare species to the TXNDD following the data submittal instructions found at the *TPWD Texas Natural Diversity Database: Submit Data* webpage. An additional method for reporting observations of species is through the iNaturalist community app where plant and animal observations are uploaded from a smartphone. The observer then selects to add the observation to specific TPWD Texas Nature Tracker Projects appropriate for the taxa observed, including Herps of Texas, Birds of Texas, Texas Eagle Nests, Texas Whooper Watch, Mammals of Texas, Rare Plants of Texas, Bees & Wasps of Texas, Terrestrial Mollusks of Texas, Texas Freshwater Mussels, Fishes of Texas, and All Texas Nature.

Presumably, lighting could be a significant component of the project for the purpose of safety and security. As a result of light pollution, "sky glow" can have negative impacts on wildlife and ecosystems by disrupting natural day and night cycles inherent in managing behaviors such as migration, reproduction, nourishment, sleep, and protection from predators.

Recommendation: As protection measures for wildlife, TPWD recommends utilizing the minimum amount of permanent night-time lighting fixtures needed for safety and security. TPWD recommends minimizing the project's contribution toward skyglow by focusing light downward, with full cutoff luminaries to avoid light emitting above the horizontal, and to use dark-sky friendly lighting that is on only when needed, down-shielded, as bright as needed, and minimizes blue light emissions. Appropriate lighting technologies, BMP, and other dark sky resources can be found at the International Dark-Sky Association and McDonald Observatory websites.

Impacts to Vegetation/Wildlife Habitat

Review of aerial photography and TPWD's Ecological Mapping System of Texas (EMST) indicates that portions of the proposed rail line would traverse riparian vegetation (e.g., Floodplain Evergreen Shrubland) associated with Seco Creek. Most of the proposed project is within areas defined as Urban, low or high intensity.

Recommendation: To the greatest extent practical, TPWD recommends aligning the proposed rail and road corridor and inspection facilities in

previously disturbed areas. TPWD recommends avoiding woodlands and shrublands when possible, reducing the amount of vegetation proposed for clearing, and minimizing clearing native vegetation, particularly mature, mast producing native trees and shrubs, and riparian or forested wetland areas (e.g., along Seco Creek parallel to the project corridor). After the proposed facility has been constructed, TPWD recommends restoring vegetation on the site and to focus on native plant species and communities that provide wildlife cover, food (e.g., fruit, mast, pollen), and breeding habitat. Colonization by invasive species, particularly invasive grasses and weeds, should be actively prevented. Vegetation management should include removing invasive species early on while allowing existing native plants to revegetate disturbed areas. TPWD recommends referring to the Lady Bird Johnson Wildflower Center Native Plant Database for regionally adapted native species that would be appropriate for landscaping and revegetation.

Landscaping for Monarch Butterflies and Pollinators

Significant declines in the population of migrating monarch butterflies (*Danaus plexippus*) have led to widespread concern about this species and the long-term persistence of the North American monarch migration. As part of an international conservation effort, TPWD has developed the *Texas Monarch and Native Pollinator Conservation Plan*. One of the broad categories of action in the plan is to augment larval feeding and adult nectaring opportunities.

Recommendation: TPWD recommends incorporating pollinator conservation and management into a revegetation and maintenance plan for the proposed project. TPWD recommends revegetation efforts include planting or seeding native milkweed (*Asclepias* spp.) and nectar plants as funding and seed availability allow. Information about monarch biology, migration, and butterfly gardening can be found on the Monarch Watch website. Information related to pollinator conservation in Texas, including planting recommendations, are available in the TPWD publication *Management Recommendations for Native Insect Pollinators in Texas* (available online).

Federal Regulations

Clean Water Act

Section 404 of the Clean Water Act (CWA) establishes a federal program to regulate the discharge of dredged and fill material into waters of the U.S., including wetlands. The U.S. Army Corps of Engineers (USACE) and the Environmental

Protection Agency (EPA) are responsible for making jurisdictional determinations and regulating wetlands and other waters under Section 404 of the CWA.

TPWD identified several aquatic resources in the project study area. These include:

- Rio Grande
- Seco Creek

as well as potential wetlands, and other features such as drainages, which may be natural or manmade.

Specific details were not provided regarding the construction of bridge pilings in the Rio Grande or the placement of other fill material that may be associated with the project. Such activities may be subject to the CWA.

Recommendation: TPWD recommends avoiding or minimizing fill impacts to wetlands or other waters of the U.S. TPWD recommends consulting with the regulatory branch of the USACE pursuant to the CWA, including jurisdictional determinations, delineations, and mitigation. The USACE-Fort Worth District Regulatory Division should be contacted for more information on impacts to wetlands, permitting, and mitigation requirements.

Recommendation: All waterways and associated floodplains, riparian corridors, and wetlands, regardless of their jurisdictional status, provide valuable wildlife habitat and protect waterways from sediment loads in runoff water and should be preserved to the maximum extent possible. Natural buffers contiguous to any wetland or aquatic system should remain undisturbed to preserve wildlife cover, food sources, and travel corridors. Bridge support structures should be located as far from waterbodies as possible to preserve riparian vegetation.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) prohibits taking, attempting to take, capturing, killing, selling, purchasing, possessing, transporting, and importing of migratory birds, their eggs, parts, or nests, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The U.S. Fish and Wildlife Service (USFWS) Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

Biologically, the area of Texas in which the project is located is a highly productive area that provides a range of habitats including large tracts of undeveloped land, grasslands, pastures, brush, riparian corridors, freshwater habitats, and managed

lands. The diversity of habitats in the general area is suitable to support a diversity of wildlife species. In particular, the range of habitats provides areas of cover, feeding, nesting and loafing for many species of birds including grassland birds, Neo-tropical migrants, and raptors. The project area is also in the middle of the Central Migratory Flyway through which millions of birds pass during spring and fall migration.

Data from the eBird online application have documented more than 150 bird species, including state listed and species of greatest conservation need (SGCN), at eBird hotspots near the general project area.

Recommendation: TPWD recommends scheduling vegetation clearing to occur outside of the general bird nesting season (March 15 through September 15) to avoid adverse impacts to birds. If disturbance within the project area must be scheduled to occur during the nesting season, TPWD recommends any vegetation to be impacted (trees, shrubs, and grasses) or bare ground where occupied nests may be located should be surveyed for active nests by a qualified biologist prior to clearing. Nest surveys should be conducted no more than five days prior to scheduled clearing in order to maximize the detection of active nests, including recently constructed nests. If active nests are observed during surveys, TPWD recommends a 100-foot radius buffer of vegetation remain around nests until eggs have hatched and the young have fledged; however, the size of the buffer zone is dependent on various factors and can be coordinated with the local or regional USFWS office.

Raptor nesting occurs late winter through early spring; TPWD recommends construction activities be excluded from a minimum zone of approximately 325 feet surrounding any raptor nest during the period of February 1 through July 15.

Endangered Species Act

Federally listed animal species and their habitat are protected from take on any property by the Endangered Species Act (ESA). Take of a federally listed species can be allowed if it is incidental to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Federally listed plants are not protected from take except on lands under federal jurisdiction or for which a federal nexus (i.e., permits or funding) exists. Any take of a federally listed species or its habitat without the required take permit (or allowance) from the USFWS is a violation of the ESA.

Suitable habitat for ocelots (*Leopardus pardalis*) consist of dense brush and thornscrub. Dense brush along natural drainage features (e.g., rivers, arroyos, creeks, ephemeral streams) and in managed lands functions as corridors providing cover for individuals to move across the landscape. Clearing vegetation or illuminating woodland patches or corridors may affect the suitability of the area to function as suitable habitat for ocelots. Although the most recently documented individuals/populations of ocelots are located the Lower Rio Grande Valley, their absence from the project study area cannot be presumed.

Recommendation: TPWD recommends, to the greatest extent practicable, routing the rail line and locating support structures, access roads, equipment storage and staging areas, etc. in areas that would avoid the clearing or fragmenting of dense patches of thornscrub or dense woody corridors in order to preserve ocelot habitat and habitat connectivity corridors.

Additionally, the recommendations in the *General Construction Recommendations* section above regarding lighting should be implemented. In particular, only the minimum amount of lighting fixtures should be installed, and lighting should be directed away from areas that may be used by wildlife as travel corridors.

State Regulations

Aquatic Resources

Texas Parks and Wildlife Code (PWC) Section 1.011 provides TPWD authority to regulate and conserve aquatic animal life in public waters. Title 31, Chapter 57, Subchapter B, Section 57.157 of the Texas Administrative Code (TAC) regulates relocation of native fish, shellfish, freshwater mussels and clams, and plants in state waters, and Section 12.301 of the PWC identifies liability for wildlife taken in violation of the PWC or a regulation adopted under the PWC.

Recommendation: During project planning and construction, TPWD recommends implementing measures to avoid impacts to aquatic organisms, including all native freshwater mussel species, regardless of state-listing status.

Under PWC section 12.015, 12.019, 66.015 and TAC 52.101-52.105, 52.202, and section 57.251-57.259, TPWD regulates the introduction and stocking of fish, shellfish, and aquatic plants into public waters of the state. The Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters allows for movement (i.e., introduction, stocking, transplant, relocation) of aquatic species in waters of the

state. Movement of aquatic species, even within the same river or creek, has potential natural resources risks (e.g., exotics, timing for survival success).

Recommendation: If dewatering creeks or ditches in the project area is anticipated in order to complete the project, TPWD recommends coordinating those activities with regional TPWD Kills and Spills Team (KAST) biologist, Alex Nuñez (alex.nunez@tpwd.texas.gov), for the appropriate authorization. Additional information regarding the KAST program is available online at the TPWD website.

The documents, *Permit to Introduce Fish, Shellfish or Aquatic Plants into Public Waters (PWD-1019)* and *Guidelines for Aquatic Resource Relocation Plans* are available online at the TPWD website.

Parks and Wildlife Code – Chapter 64, Birds

PWC, section 64.002, regarding the protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. PWC section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl. PWC chapter 64 does not allow for incidental take.

Although not documented in the Texas Natural Diversity Database (TXNDD), many bird species which are not listed as threatened or endangered are protected by chapter 64 of the PWC and are known to be year-round or seasonal residents or seasonal migrants through the proposed project area.

Recommendation: Please review the *Federal Regulations: Migratory Bird Treaty Act* section above for recommendations as they are applicable for compliance with Chapter 64 of the Parks and Wildlife Code.

Parks and Wildlife Code, Section 68.015

PWC regulates state listed threatened and endangered animal species. The capture, trap, take, or killing of state listed threatened and endangered animal species is unlawful unless expressly authorized under a permit issued by the USFWS or TPWD. A copy of *TPWD Guidelines for Protection of State-Listed Species*, which includes a list of penalties for take of species, can be found on the TPWD Wildlife Habitat Assessment Program website. State listed species may only be handled by persons with appropriate authorization from the TPWD Wildlife Permits Office. For more information regarding Wildlife Permits, please contact the Wildlife Permits Office at (512) 389-4647.

The potential occurrence of state listed species in the project area is primarily dependent upon the availability of suitable habitat. Direct impacts to high quality or suitable habitat therefore are directly proportional to the magnitude and potential to directly impact state listed species. State listed reptiles that are typically slow moving or unable to move due to cool temperatures are especially susceptible to being directly impacted (i.e., crushing by heavy equipment) during site preparation activities. Small wildlife such as lizards, turtles, and snakes are susceptible to falling into open pits, excavations, trenches, etc. left open and/or uncovered in a project area.

Please be aware that determining the actual presence of a species in a given area depends on many variables including daily and seasonal activity cycles, environmental activity cues, preferred habitat, transiency and population density (both wildlife and human). The absence of a species can be demonstrated only with great difficulty and then only with repeated negative observations, taking into account all the variable factors contributing to the lack of detectable presence.

Recommendation: TPWD recommends reviewing the most current TPWD annotated county lists of rare species for Maverick County. The annotated county lists are available online at the TPWD Wildlife Diversity website. Environmental documents prepared for the project should include an inventory of existing natural resources within the project area. Specific evaluations should be designed to predict project impacts upon these natural resources including potential impacts to state listed species.

Recommendation: Regarding potential wildlife entrapment in trenches and installing an exclusion fence in discrete locations within the larger project area, please see recommendations under the *General Construction Recommendations* above.

Exclusion fences are particularly effective in preventing reptile species from entering a construction area.

Recommendation: For encounters with rare species that will not readily leave the work area, please see recommendations pertaining to translocating individuals under the *General Construction Recommendations* above.

To avoid or minimize potential negative impacts to state listed species with potential to occur in the area, TPWD recommends the following:

Amphibians

There is potential for the South Texas siren (large form; *Siren* sp. 1) to occur in the project area. The south Texas siren occurs in wet areas including ditches, canals, arroyos, resacas, or shallow depressions. They are capable of aestivating during prolonged dry periods.

Recommendation: Contractors should be made aware of the potential to encounter South Texas sirens in the project area and should be instructed to implement BMP to avoid negatively impacting them if present in the project area. Near water bodies, TPWD recommends limiting impacts to adjacent vegetation, installing erosion control BMP, and locating staging areas and fuels or other hazardous chemicals away from water bodies to avoid potential spills or leaks into adjacent aquatic areas.

Fish

Occurrences of the state listed headwater catfish (*Ictalurus lupus*), proserpine shiner (*Cyprinella proserpina*), Rio Grande shiner (*Notropis jemezianus*), speckled chub (*Macrhybopsis aestivalis*), and Tamaulipan shiner (*Notropis braytoni*) have been documented in the TXNDD in the general project study area.

These fish species generally occupy clear rivers and streams with slow to moderate current over riffles and runs but may occur in sandy, muddy, or hard bottom streams.

Recommendation: For work that occurs within the Rio Grande, turbidity curtains should be properly installed and maintained to minimize water quality impacts (i.e., turbidity, sedimentation) in the river that could negatively impact fish and other aquatic resources.

If dewatering is anticipated to be necessary to construct any structures in the Rio Grande, please be aware that take of wildlife as a result of activities such as dewatering are prohibited per chapter 12 of the PWC (§12.301-Liability for Value of Fish, Shellfish, Reptile, Amphibian, Bird or Animal).

Prior to construction activities that may impact aquatic resources, an Aquatic Relocation Plan should be developed. Please contact the local Kills and Spills Team (KAST) biologist, Alex Nuñez (alex.nunez@tpwd.texas.gov), to begin coordination on the development of the Aquatic Relocation Plan for this project if work in the Rio Grande that would involve dewatering is anticipated.

Mammals

Black bear (*Ursus americanus*)

Historically, black bears occurred in the mountainous Trans-Pecos region of west Texas. However, over the past 15 years, black bear populations have increased and expanded into the western portions of the Edwards Plateau and South Texas Plains where they occur in more open grassland areas. Black bears are typically shy and elusive. They use travel corridors to move between feeding areas and bedding areas. Research grade observations of the black bear within and near the project study area have been documented in the iNaturalist application. Occurrences of black bear in the Eagle Pass area have increased in recent years.

Recommendation: To avoid attracting black bears to work areas, garbage containers, particularly if they contain food waste, should have lids that can be secured. If a black bear is observed within the project area, TPWD requests that the observation be reported to TPWD. For more information, please see the black bear fact sheet available on the TPWD website.

Mollusks

Mexican fawnsfoot (*Truncilla cognata*) and Salina mucket (*Potamilus metneckyayi*)

There is potential for the Mexican fawnsfoot (*Truncilla cognata*) and Salina mucket (*Potamilus metneckyayi*) to occur within the study area. The Mexican fawnsfoot has been documented in the Rio Grande less than one-half mile south of the proposed project corridor. The Salina mucket has been observed in the Rio Grande upstream of the project area. These species occur in flowing, shallow waters with mud, gravel, and sand substrates.

Recommendation: TPWD recommends implementing water quality BMP to ensure construction activities do not contribute to sedimentation or erosion impacts on waterways. TPWD also recommends preserving riparian corridors, revegetating disturbed areas, and locating equipment, fuel and material staging areas away from aquatic areas in order to minimize potential water quality impacts.

Reptiles

Texas horned lizard (*Phrynosoma cornutum*)

The Texas horned lizard can be found in open, arid, and semi-arid regions with sparse vegetation, including grass, cactus, scattered brush or scrubby trees. If present in the general project area, the Texas horned lizard could be impacted by ground disturbing activities. A useful indication that the Texas horned lizard may occupy an area is the presence of Harvester ant (*Pogonomyrmex* sp.) nests as they are the primary food source of horned lizards. Research grade observations of the Texas horned lizard within and near the project study area have been documented in the iNaturalist TPWD-sponsored Herps of Texas project.

Texas horned lizards may hibernate on-site in loose soils a few inches below ground during the cooler months from September/October to March/April. Construction in these areas could harm hibernating lizards. Horned lizards are active above ground when temperatures exceed 75 degrees Fahrenheit. If horned lizards (nesting, gravid females, newborn young, lethargic from cool temperatures or hibernation) cannot move away from noise and approaching construction equipment, they could be negatively affected by construction activities.

Recommendation: TPWD recommends that a pre-construction survey be conducted to determine if horned lizards are present within the project area. As stated above, a useful indicator of potential occupancy is the presence of Harvester ant colonies. Surveys should be conducted during warmer months of the year when horned lizards are active.

TPWD recommends avoiding disturbance of the Texas horned lizard and colonies of the Harvester ant during clearing and construction. TPWD recommends a permitted biological monitor be present during construction to attempt to capture and relocate Texas horned lizards if found. If the presence of a biological monitor is not feasible, state listed species observed during construction should be allowed to safely leave the site on their own.

Texas tortoise

The Texas tortoise occur primarily in thornscrub and open woodlands and brush. It feeds primarily on fruits of prickly pear and succulent plants. Texas tortoises have low fecundity; individuals take over 10 years to reach maturity and females do not reproduce every year. Nesting occurs in spring and summer. The Texas tortoise (*Gopherus berlandieri*) has a home range of approximately five to ten acres.

Research grade observations of the Texas tortoise within and near the project study area have been documented in the iNaturalist TPWD-sponsored Herps of Texas project. Suitable habitat for the Texas tortoise appears to occur within portions of the project study area. Tortoises are often found near or at the base of prickly pear cactus and may seek shade by crawling under parked vehicles.

Recommendation: TPWD recommends reviewing the Texas tortoise BMP document available online at TPWD's Wildlife Habitat Assessment Program homepage. Contractors and other staff should be made aware that in south Texas, the Texas tortoise is generally inactive from December through January and is therefore likely to be undetectable in a project area during this time. TPWD recommends a biological monitor be on site during any vegetation clearing to inspect sites subject to disturbance that may provide cover for tortoises (e.g., bases of prickly pear cactus) or provide sites for tortoise pallets (shallow excavations typically at the base of vegetation that are opportunistically occupied by tortoises). As indicated above, tortoises may seek cover (shade) underneath parked vehicles; therefore, TPWD recommends that before driving vehicles that have been parked within the project area, contractors should check underneath the vehicles to ensure no tortoises are present.

If a tortoise is located at the project site, it should be relocated only if it is found in an area in which imminent danger is present. Individuals that must be relocated should be transported to the closest suitable habitat outside of the proposed disturbance area but preferably within its five to ten acre range. After tortoises are removed from the immediate project area, TPWD recommends constructing an exclusion fence as described above under *General Construction Recommendations*.

Reduced speed limits should also be established and enforced in areas in which state listed reptiles could occur.

When inactive, tortoises may occupy the shallow depressions or pallets that are scratched out at the base of vegetative cover; tortoises may also be found sheltering in burrows.

Recommendation: If possible, TPWD recommends completing major ground disturbing activities before late fall or winter when reptiles become inactive and could be utilizing burrows in areas subject to disturbance. If ground disturbing construction activities must occur after October (e.g., to avoid migratory bird nesting season) in areas of suitable tortoise habitat, TPWD recommends surveying those areas for tortoises or indications of tortoise presence, e.g., the

presence of burrows or pallets under prickly pear. If tortoises or indications of tortoise presence is observed, TPWD-Ecological and Environmental Planning Program staff should be contacted.

Species of Greatest Conservation Need

In addition to state and federally protected species, TPWD tracks species considered to be SGCN that, due to limited distributions and/or declining populations, face threat of extirpation or extinction but currently lack the legal protection given to threatened or endangered species. Special landscape features, natural communities, and SGCN are rare resources for which TPWD actively promotes conservation, and TPWD considers it important to evaluate and, if necessary, minimize impacts to such resources to reduce the likelihood of endangerment and preclude the need to list SGCN as threatened or endangered in the future. These species and communities are tracked in the TXNDD. The most current and accurate TXNDD data can be requested from the TXNDD website.

Please note that the absence of TXNDD information in an area does not imply that a species is absent from that area. Given the small proportion of public versus private land in Texas, the TXNDD does not include a representative inventory of rare resources in the state. Although it is based on the best data available to TPWD regarding rare species, the data from the TXNDD do not provide a definitive statement as to the presence, absence, or condition of special species, natural communities, or other significant features within your project area. These data are not inclusive and **cannot be used as presence/absence data**. This information cannot be substituted for on-the-ground surveys.

Recommendation: Please review the current TPWD county list for Maverick County as rare and protected species could be present, depending on habitat availability. If during construction, the project area is found to contain SGCN or protected species, natural plant communities, or special features, TPWD recommends that precautions be taken to avoid impacts to them.

Suitable habitat for the following SGCN species may occur in the project area. The following BMP are provided to assist in project planning to avoid/minimize potential impacts.

SGCN Mammals

Cave myotis bat (*Myotis velifer*) and Tricolored bat (*Perimyotis subflavus*)

The cave myotis bat is the largest *Myotis* bat in Texas. It is a year-round resident in Texas with a distribution across the western two-thirds of the state. This species usually roosts in caves; however, they may also roost in old buildings, carports, attics, under bridges, in rock fissures, and cliff or barn swallow nests.

The tricolored bat is proposed endangered wherever found. It is a small insectivorous bat that is distinguished by its unique tricolored fur and often appears yellowish to nearly orange. During the winter, tricolored bats are often found in caves and abandoned mines, although in the southern United States, where caves are sparse, tricolored bats are often found hibernating in road-associated culverts where they exhibit shorter torpor bouts and forage during warm nights. During the spring, summer, and fall, tricolored bats are found in forested habitats where they roost in trees, primarily among leaves of live or recently dead deciduous hardwood trees, but may also be found in Spanish moss, pine trees, and occasionally human structures. Tricolored bats face extinction due primarily to the range wide impacts of white-nose syndrome, a deadly disease affecting cave-dwelling bats across the continent.

Recommendation: If any suitable roosting structures occur in the study area that would be negatively impacted by the project, TPWD recommends they be surveyed for the presence of bats prior to disturbance. To prevent the introduction or spread of white-nose syndrome, cave surveys should adhere to the USFWS decontamination protocols. Additional information regarding white-nose syndrome are available on the TPWD-Wildlife Habitat Assessment Program website.

SGCN Reptiles

Mexican hog-nosed snake (*Heterodon kennerlyi*), Texas indigo snake (*Drymarchon melanurus erebennus*)

In South Texas, the Mexican hog-nosed snake occurs in thorn woodlands or grasslands near arroyos or other water bodies where they prey on small rodents.

The Texas indigo snake is the largest nonvenomous snake in North America and is typically associated with aquatic habitats including creeks, streams, ponds, and drainages. The riparian corridors along the Rio Grande and Seco Creek could provide suitable habitat for this species. Due to its high metabolism, the Texas indigo snake has a large home range in which it searches for prey and may be encountered away from aquatic habitats, its preferred habitat. Research grade observations of the Texas indigo snake near the project study area have been documented in the iNaturalist TPWD-sponsored Herps of Texas project.

Recommendation: Because all snakes are generally perceived as a threat and killed when encountered during vegetation clearing or site preparation, TPWD recommends project plans include comments to inform contractors of the potential for SGCN snakes to occur in the project area. The SGCN snakes described here are non-venomous; contractors should be advised to avoid impacts to these species and other snakes as long as the safety of the workers is not compromised. For the safety of workers and preservation of a natural resource, attempting to catch, relocate and/or kill non-venomous or venomous snakes is discouraged by TPWD. If encountered, snakes should be permitted to safely leave project areas on their own. TPWD encourages construction sites to have a “no kill” policy in regard to wildlife encounters.

Rio Grande river cooter (*Pseudemys gorzugi*)

The Rio Grande river cooter is a turtle species that inhabits rivers and their more permanent spring-fed tributaries. They may occupy slow moving bodies of water with a variety of substrates that may or may not contain aquatic vegetation. They consume a variety of plant and prey items and bask alongside other basking turtles.

Recommendation: TPWD recommends implementing the following BMP to avoid and/or minimize potential impacts to the Rio Grande river cooter that could occur as a result of the construction of the proposed project:

- Avoid impact to the shore, emergent rocks, logs, and vegetation mats as Rio Grande river cooters like to use these areas for basking.
- There is still much research needed on the precise nesting habits of this species; therefore, protection of the riparian areas along the Rio Grande should be emphasized as it is assumed that river cooter females bury their eggs in the soil near the water. TPWD recommends avoiding disturbance of these types of areas to avoid disturbing nesting turtles or their nests.
- TPWD recommends avoiding construction during the breeding and nesting season of this species (spring and summer).

Reticulate collared lizard (*Crotaphytus reticulatus*)

Occurrences of the reticulate collared lizard have been documented in the TXNDD within the general project area. Reticulate collared lizards are large lizards known to bask on elevated dirt mounds such as those along the edges of unimproved roads throughout south Texas. They generally occur in areas void of vegetation (i.e., bare rock, gravel) and in typical shrubland/chaparral habitat. Also, both reticulate collard lizards and Texas horned lizards are especially active during the spring

(April-May) mating season and are more likely to be negatively impacted by construction activities during this period.

Recommendation: When approached, reticulate collared lizards will typically flee to the base of a shrub and remain motionless. Contractors should be made aware of the potential to encounter reticulate collared lizards in the project area. If encountered, contractors should allow the lizards to escape; contractors should also be instructed to avoid negatively impacting any lizards encountered.

Tamaulipan spot-tailed earless lizard (*Holbrookia subcaudalis*)

The spot-tailed earless lizard (STEL) (*Holbrookia lacerata*) occurs in central and southern Texas. It has been determined that these are distinct and separate populations; therefore, the STEL had been split into two subspecies, the plateau STEL and the Tamaulipan STEL (*Holbrookia subcaudalis*). Habitat for this species includes moderately open prairie-brushlands, particularly flat areas free of vegetation or other obstructions. They also occur in old and new fields, graded roadways, disturbed areas and in areas of active agriculture including row crops. The proposed project is located in an area in which the distribution ranges for the two subspecies overlap. Occurrences of the Tamaulipan STEL have been documented in the TXNDD within the general project area.

Recommendation: TPWD recommends implementing the following BMP to avoid and/or minimize potential impacts to the Tamaulipan STEL. TPWD notes that implementing the following BMP could also help minimize impacts to a variety of native wildlife species that may inhabit the project area.

- A major threat to the Tamaulipan STEL is road traffic, as this species has exhibited behavior indicating that they prefer roads and tend to cross roads often, potentially for thermoregulation. TPWD recommends reducing the amount of roads, both temporary and permanent, planned to be constructed for the proposed project. TPWD also recommends reducing speed limits in the project area to at least 15 mph (or slower) to help prevent vehicle-induced mortality of this species.
- This species prefers a mixture of bare ground and sparse vegetation, including disturbed areas. TPWD recommends avoiding impacts to suitable habitat for this species. Areas disturbed by project-related construction activities within suitable habitat for the Tamaulipan STEL should be revegetated with site-specific native, patchy vegetation rather than sod-forming grasses.
- This species utilizes burrows for shelter. TPWD recommends identifying

Ms. Andrea Poole
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January 8, 2024

locations of burrows on the project site and avoiding impacts to burrows if feasible.

- TPWD recommends providing contractor training for the identification, behavior, and habitat requirements of the Tamaulipan STEL. It is important for construction personnel to be able to identify this species and to be on the lookout for them during construction and to avoid impacting them if encountered on-site.

I appreciate the opportunity to review and comment on this project. Please contact me at REDACTED if we may be of further assistance.

Sincerely,

Russell Hooten

Russell Hooten
Ecological and Environmental Planning Program
Wildlife Division

/rh 51827



January 5, 2024

Office of Environmental Analysis
Andrea Poole
Surface Transportation Board
Docket No. FD 36652
395 E. Street SW
Washington, DC 20423

RE: Response to Docket No. FD 36652, Green Eagle Railroad—Construction and Operation Exemption—Line of Railroad in Maverick County, Texas; Preliminary Consultation

Dear Danielle Gosselin:

The City of Eagle Pass (hereinafter referred to as “City”) currently operates two international bridges, and a rail line already exists, all of which are underutilized and undercrowded. At the moment, our community is suffering an immigration crisis where in a moment’s notice, our international bridges can easily be closed for lack of Customs and Border Protection (CBP) staff to manage the bridge because they are busy dealing with the border crisis. Only one of the two bridges is open twenty-four hours a day, seven days a week. The current inspection station for commercial traffic hours of operation is limited to Monday-Friday 8:00am-11:00pm, Saturday & Sunday 8:00am-3:00pm, it is difficult to believe CBP will open an inspection station for a new bridge that is ran nonstop, given their staff shortage caused by the immigration crisis. The same operational challenges exist with the Mexican Customs with their limited staff and hours.

ABSENCE OF “EXISTING CONGESTION AT THE CURRENT BORDER CROSSING”

The current commercial capacity at the Port of Eagle Pass (Camino Real International Bridge) is under fifty percent (50%), the Port of Eagle Pass has an estimated capacity of supporting 2,500 commercial trucks under its existing infrastructure. To date, 850-900 trucks are processed per day. In a proactive measure to ensure the growth of our international bridge, the City of Eagle Pass has made considerable investments to improve and expand the Port of Eagle Pass.

The Camino Real International Bridge Access Expansion and Realignment Project will improve the efficiency of commercial trucks by separating commercial truck and passenger vehicles as commercial trucks exit the Port and enter the United States. The project will also double the crossing lanes on the Bridge from the current six lanes to twelve, ensuring an expedited crossing. The realignment project has been approved, funded with the effort of Congressman Gonzalez, and is currently being finalized.

The International Bridge Toll System Upgrade project is the installation of a state-of-the-art toll system that will bring free flow toll tags for all commercial crossings, further accelerating their crossing.

GREEN EAGLE RAILROAD AND PUENTE VERDE INTERNATIONAL BRIDGE WOULD HAVE A PROFOUND NEGATIVE INFLUENCE ON POPULATION, GROWTH, HIGH-DENSITY URBANIZATION, INDUSTRIAL EXPANSION, RESOURCE EXPLOITATION, AND NEW AND EXPANDING TECHNOLOGICAL ADVANCES AND WOULD NEGATIVELY IMPACT THE IMPORTANCE OF RESTORING AND MAINTAINING ENVIRONMENTAL QUALITY.

The proposed development of a railroad and commercial transportation corridor via an international bridge near the Rio Grande poses several challenges and opportunities for the local community and environment. The project would require careful assessment and planning to ensure that the water and sewer systems, the utility infrastructure, and the stormwater management systems can support the increased demand and activity without compromising the quality of the of the Rio Grande River, the only water source for our community, and the current infrastructures.

There are concerns over the projected development's potential effect on the environment because it includes more power generating facilities. The concerns include which types of energy sources will be used, potential emissions and adherence to environmental regulations to minimize any adverse effect on the air and water quality near residential areas and waterways. An assessment on the power supply would be required to prevent overloads and ensure a stable power supply.

The proposed rail line is located in the back yard of neighborhoods and noise and air pollution are a concern for the citizens of those neighborhoods.

The proposed rail transportation project in Maverick County poses several challenges and risks for the safety and security of the residents and the wildlife in the area. The City of Eagle Pass, which is growing at a rate of 7% or 2,000 citizens per year, needs to consider the potential impacts of the construction and operation of the rail lines and the bridge facility, especially regarding the transportation of hazardous materials and the response of law enforcement in case of a major incident. The location of the rail line and international bridge is outside of the city limits and Maverick County Sheriff's Department would be the law enforcement agency responsible for that area. The Maverick County Sheriff's Department is already stretched to its base and may not have the resources or the vision to handle the increased demands of the project. Moreover, the project will disrupt the natural habitat of the wildlife in the area, forcing them to co-exist with the human population and creating problems for the Eagle Pass Police Department, which also handles the Animal Control Unit. The project should be thoroughly studied and evaluated before any plans for construction are initiated, as the security and safety of the residents and the wildlife are the priority.

GREEN EAGLE RAILROAD AND PUERTO VERDE INTERNATIONAL BRIDGE FAILS TO ASSURE A SAFE, HEALTHFUL, PRODUCTIVE, ESTHETICALLY, AND CULTURALLY PLEASING SURROUNDINGS FOR ALL AMERICANS.

The Green Eagle Railroad and Puerto Verde International Bridge project is a major transportation corridor that connects the United States and Mexico. The project poses several security and environmental challenges that need to be addressed before it can be implemented. Given the international nature of the corridor, security measures such as surveillance and monitoring systems would be crucial to ensure the safety of both the development and the surrounding residential areas. The planned fencing, video surveillance and security patrols along the rail line may also have potential effects on nearby ecosystems, such as wildlife habitats, water quality, and vegetation. Moreover, the project would involve the construction of sturdy, well-maintained, and adequately secured fencing along the rail line to prevent unauthorized access, especially near residential areas. However, fencing near residential areas should also be aesthetically pleasing and in harmony with the surrounding environment. Fencing should not negatively impact property values or community aesthetics. Furthermore, the project would require ongoing maintenance of the fencing to address wear and tear, prevent breaches, and respond promptly to any security or safety issues. These issues raise questions about the feasibility, cost-effectiveness, and sustainability of the project.

The Green Eagle Railroad and Puerto Verde International Bridge project also raises serious concerns about the safety and well-being of the citizens residing in the target area of construction. Maverick County Law Enforcement is not in sync with the citizens ratio to population and therefore the County may not be ready for such a project. County Law Enforcement may not be prepared to provide its citizens the required safety measurements. Emergency response routes and plans should be required before commencing construction including emergency, fire and hazard response.

Moreover, the area in question will be built in the Hopedale Subdivision which is known as one of the most beautiful rural areas in our community with farmland and high-priced homes. Esthetically the industrial construction, and future commercial international bridge that leads out to the entrance of this subdivision would destroy the appeal and value of the homes in this area. The potential impacts on the local community, such as disruptions to daily life and damage to residential properties, would be a significant concern, as these projects could affect the quality of life and well-being of the residents.

THE GREEN EAGLE RAIL LINE AND PUERTO VERDE INTERNATIONAL BRIDGE WILL IMPOSE DETRIMENTAL EFFECTS ON REGIONAL AND LOCAL TRANSPORTATION SYSTEMS AND PATTERNS

The proposed Green Eagle Rail Line is to cross Del Rio Blvd, a five-lane high traffic road. This road is the only road that serves as an entrance and exit from the North of our city to Highway 277. The construction of railroad lines, bridges, and roadways could increase traffic congestion and alter traffic flows in the area. This road that the proposed rail line would be passing over, is a

roadway owned by the Texas Department of Transportation who would have to conduct a series of studies, and designate alternative traffic routes before construction.

If the Puerto Verde Bridge is open to commercial vehicles, this will cause a massive increase of commercial traffic on Veterans Boulevard, a highly trafficked boulevard with residential areas nearby, affecting the normal commuting of the residents.

The projected increase in transportation activity could also strain the existing road infrastructure, imposing upgrades, or maintenance. The impact on existing transportation routes could affect the accessibility and mobility of both residential and commercial areas, raising concerns about the design, capacity, and maintenance costs of these roads and bridges. Additionally, safety measures, such as traffic controls, signalization, and signage, would need to be in place to minimize the risk of accidents.

The potential disruptions to local transportation systems would need to be assessed and addressed, especially in the event of a flood. The vulnerability of critical infrastructure, such as roads, bridges, and utilities, to flooding is a major concern, as these elements are essential for community functionality and safety. The placement of structures on the Rio Grande River makes them susceptible to extreme weather or flood events, which could compromise their functionality and safety.

THE GREEN EAGLE RAIL LINE AND PUERTO VERDE INTERNATIONAL BRIDGE WILL IMPEDE ON PRIME AGRICULTURAL LAND

The proposed International Bridge is to be located on current prime agricultural land. Development of this magnitude along a FEMA floodplain will require a thorough stormwater management plan to ensure it can handle heavy rainfall and prevent flooding, safeguarding both the development and surrounding residential areas. The development may alter natural water flow patterns and increase the risk of flooding, requiring comprehensive floodplain management strategies to safeguard both the development and nearby residential areas.

THE GREEN EAGLE RAIL LINE AND PUERTO VERDE INTERNATIONAL BRIDGE WILL CAUSE A SIGNIFICANT INCREASE IN NOISE LEVEL DECIBELS

One of the potential environmental impacts of the proposed development project is noise pollution. The initial construction phase, the proposed rail line, and commercial roadway will generate significant noise, impacting the quality of life for residents in the vicinity. The estimated decibels of a train horn are approximately 110 dBs, the residents in this area are used to a calm, and quiet neighborhood and did not purchase their properties with the knowledge of a rail line to be developed in their backyards. The City of Eagle Pass has already closed two rail intersections of the current rail line to mitigate the noise complaints of residents in the area, the proposed rail line would provoke new noise complaints and the County may not have the resources to address them. Additionally, noise generated by construction and operational activities near waterways could have detrimental effects on aquatic ecosystems, such as disturbing fish migration or breeding patterns.

THE GREEN EAGLE RAIL LINE AND PUERTO VERDE INTERNATIONAL BRIDGE WILL HAVE A DETRIMENTAL EFFECT ON PUBLIC HEALTH REGARDING WATER POLLUTION, AIR POLLUTION, FLOODING AND PUBLIC SAFETY.

Another potential environmental impact of the proposed development project is water pollution. Proximity to waterways leading to the Rio Grande River raises concerns about potential water pollution from construction activities, operations processes, or accidental chemical spills affecting the river ecosystem. Adequate measures would need to be in place to protect water quality, such as using best management practices, spill prevention and response plans, and erosion and sediment control plans. Impact on stormwater runoff needs careful consideration as well. If not properly managed, stormwater can pick up pollutants from roads and construction sites and transport them into local water bodies, affecting water quality and aquatic ecosystems. Potential disturbances of riverbed sediments are key concerns, as they may release contaminants or alter the habitat of aquatic organisms. Inspection stations and operation facilities may introduce additional risk due to improper containment and management of radiation portal monitors, which could pose a threat to human and environmental health.

Currently, hazardous waste sites do not exist anywhere near the proposed project site. In case of a hazardous spill, the City of Eagle Pass Fire Department, servicing both City and County, would be the responsible entity to respond along with the Emergency Operations Centers. Due to the current migrant crisis in our community, the City of Eagle Pass Fire Department is presently overburdened.

The potential disruptions to local transportation systems would need to be assessed and addressed, especially in the event of a flood. The vulnerability of critical infrastructure, such as roads, bridges, and utilities, to flooding is a major concern, as these elements are essential for community functionality and safety. The placement of structures on the Rio Grande River makes them susceptible to extreme weather or flood events, which could compromise their functionality and safety.

The proposed development project may have significant effects on the communities to be traversed by the line, including impacts on essential public services, public roads, and adjoining properties. The project may result in a potential influx of new residents or workers associated with the development, which may strain local community services such as schools, healthcare facilities, and emergency services. The project may raise possible concerns about traffic flow, particularly near schools. Transportation plans should be in place to minimize disruptions during peak school hours, and safety measures, such as crosswalks and traffic signals, should be considered. Additionally, the project may have a potential impact on school bus routes and bus stops. Large freight vehicles could necessitate adjustments to ensure the safety of students traveling to and from school. Furthermore, specialized healthcare facilities, equipped to handle potential accidents or spills in water bodies, may need to be considered to ensure the safety of both the environment and the community. Access to healthcare services for residents may be affected by the development, given that our community is already a medically underserved community. The project would also require consideration of public facilities such as parking, access roads, and service infrastructure.

The possible introduction of hazardous materials through rail transportation would need proper emergency response planning, adequate access to the proposed rail and roadway for quick response to potential incidents, and coordination with local public safety agencies to prevent disruptions and contamination. Adequate emergency response infrastructure, including fire stations and medical facilities, should be in place to address potential accidents or emergencies associated with the rail and roadway activities. Finally, an approved emergency evacuation plan, a flood warning system, clear communication strategies, and a development design to ensure resident safety in case of an incident involving construction, flooding, or hazardous materials should be established.

ENVIRONMENTAL JUSTICE

Based on information available, the proposed project will have significant detrimental financial effects for the City of Eagle Pass. The City relies heavily on revenues generated through tolls on the City's two international bridges. As a border community, these resources are used to offset the higher public safety costs necessary to meet the demands of cross border traffic. The proposed project is projected to result in short- term revenue losses of \$4.5 million to \$6 million annually or approximately 17% of the City's operating budget.

The City will be required to make drastic cuts to city services and to eliminate, at a minimum, 75 full-time positions, including at a minimum 30 police officer and firefighter/EMT positions. The City of Eagle Pass provides fire and EMS services to all Maverick County, including the Kickapoo Traditional Tribe of Texas, and emergency medical service call response times will be significantly impacted. Low-income residents living in distant colonies and tribal residents will be most affected by delayed response times to emergency calls.

Sincerely,

Luis Vélez

Chairman of the Planning and Zoning Commission
City of Eagle Pass

Scoping Letter to Agencies (Sample)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

BIA, Southern Plains Region
David Anderson
Regional Environmental Scientist

March 29, 2024

By email

Re: RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas.

Notice of Intent to Prepare an Environmental Impact Statement

Dear Mr. Anderson:

Green Eagle Railroad, LLC, a subsidiary of Puerto Verde Holdings (PVH), filed a petition with the Surface Transportation Board (Board) for authority to construct and operate approximately 1.3 miles of new common carrier rail line (the Line) in Maverick County, Texas. The Line would be part of a larger project proposed by PVH, the Puerto Verde Global Trade Bridge (PVGTB Project), consisting of a new trade corridor for freight rail and commercial motor vehicles between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. Only the Line is under the jurisdiction of the Board.

The Board's Office of Environmental Analysis (OEA) determined that the construction and operation of the Line has the potential to result in significant environmental impacts. Therefore, pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4370m-11), OEA issued a Notice of Intent to Prepare an Environmental Impact Statement (EIS) in the *Federal Register* on March 29, 2024. This begins the Scoping Public Comment period for the project. The Board will take comments through April 29, 2024.

OEA invites your agency to provide scoping comments on the scope of the EIS, identification of potential alternatives, and information and analyses relevant to the EIS.

As part of the scoping public comment period, OEA will host three public meetings to receive comments. Each meeting will consist of a one-hour open house and a one-hour comment period.

In-Person Public Scoping Meetings

Date	Time	Meeting Address
Tuesday, April 16, 2024	11:30 AM-1:30 PM	International Center for Trade (West Room) 3295 Bob Rogers Drive, Eagle Pass, Texas
Tuesday, April 16, 2024	6:00 PM-8:00 PM	International Center for Trade (West Room) 3295 Bob Rogers Drive, Eagle Pass, Texas

Online Public Scoping Meeting

Date	Time	Meeting Address
Tuesday, April 23, 2024	6:00 PM – 8:00 PM	Refer to www.greeneaglerreis.com for access information

Comments may also be submitted:

- Electronically through the Board’s website, www.stb.gov, by clicking on the “E_FILING” link; or
- By mail to Andrea Poole, Surface Transportation Board, c/o VHB, Att.: Environmental Filing, Docket No. FD 36652, 1001 G Street N, Suite 1125, Washington, DC 20001.

All comments must be sent no later than April 29, 2024. **Please refer to Docket No. FD 36652 in all correspondence.**

We look forward to hearing from your agency. For more information, visit the Board-sponsored project website at www.greeneaglerreis.com. If you have any questions or would like to arrange a call, please feel free to contact Andrea Poole of my staff at [REDACTED] (cell) or by email at [REDACTED].

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

Scoping Email to Agencies (Sample)

From: [Poole, Andrea](#)
To: [Blakemore, Douglas A CIV USCG D8 \(USA\)](#); [Sugarman, Shelly H CIV USCG \(USA\)](#)
Cc: [Stephanie Roberts](#); [Laurent Cartayrade](#)
Subject: [External] RE: Puerto Verde Global Trade Bridge Project (Docket No. FD 36652) - Surface Transportation Board Request for Comment
Date: Tuesday, April 9, 2024 1:04:13 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

Doug and Shelly,

Hello, and sorry I missed you on the phone.

STB has determined that the Green Eagle Railroad and international bridge project will be reviewed as an EIS. The Attached NOI details the public meetings and I hope you will be able to attend the virtual meeting. Let me know if there is anything in particular you would like OEA to address at the scoping meetings.

I'm using Adobe Acrobat.

Here's the [52087 NOI.pdf](#) for you to review.

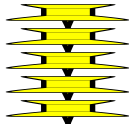
Once we have completed scoping, OEA will develop a final scope of study for the EIS and post it in the federal register. I will provide that for your review sometime in May. I would like to ensure it meets your needs for the scope of the EIS.

Feel free to give me a call back at your convenience.

Best regards,

Andrea

Agency Responses to Scoping Letters



From: Blakemore, Douglas A CIV USCG D8 (USA)

Sent: Tuesday, April 16, 2024 4:46 PM

To: Poole, Andrea

Cc: Blakemore, Douglas A CIV USCG D8 (USA)

Subject: RE: Puerto Verde Global Trade Bridge Project (Docket No. FD 36652) - Surface Transportation Board Request for Comment

Andrea, the EIS should address all environmental items listed in our BPAG (and below) in order for the Coast Guard to adopt the bridge related portions of the EIS when prepared.

1. National Environmental Policy Act -
2. Environmental Effects Abroad -
3. Clean Water Act - Section 401
4. Wetlands - Executive Order 11990 - Protection of Wetlands
5. Coastal Zone Management Act -
6. Floodplains - Executive Order 11988,
7. Wild and Scenic Rivers –
8. Coastal Barrier Resources Act -
9. Land and Water Conservation Fund Act –
10. National Marine Sanctuaries Act -
11. Marine Protected Areas - Executive Order 13158
12. Endangered Species Act - Section 7 of the Endangered Species Act of 1973 (ESA) (16
13. Fish and Wildlife Coordination Act –

14. Magnuson-Stevens Fishery Conservation and Management Act
15. Marine Mammal Protection Act
16. Migratory Bird Treaty Act
17. Bald and Golden Eagle Protection Act
18. Invasive Species - Executive Order 13112
19. Section 106 - Section 106 of the National Historic Preservation Act of 1966
20. Clean Air Act
21. Actions to Address Environmental Justice in Minority or Low-Income Populations - Executive Order 12898
22. Hazardous Materials, Substances or Wastes

Please let me know if you need further information on this project scoping or if you would like to discuss.

Doug Blakemore
Eighth Coast Guard District
Bridge Administration Branch
500 Poydras Street
New Orleans, LA 70130



April 29, 2024

VIA Electronic Mail

Andrea Poole
Surface Transportation Board
1001 G Street N, Suite 1125
Washington, D.C. 20001

Re: Proposed Green Eagle Railroad Construction and Operation Exemption in Eagle Pass
Dear Andrea Poole,

The Region 6 office of the U.S. Environmental Protection Agency (EPA) has reviewed the request for comments on the Draft Environmental Impact Statement (EIS) for the Green Eagle Railroad, LLC, a subsidiary of Puerto Verde Holdings (PVH), filed a petition with the Surface Transportation Board (Board) for authority to construct and operate approximately 1.3 miles of new common carrier rail line (Line) in Maverick County, Texas. The Line would be part of a larger project proposed by PVH, the Puerto Verde Global Trade Bridge (Project), consisting of a new trade corridor for freight rail and commercial motor vehicles between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. Only the Line is under the jurisdiction of the Board. The Draft EIS assesses the potential environmental effects of the Project in accordance with the requirements of the National Environmental Policy Act (NEPA). The staff concludes that approval of the proposed Project, with appropriate mitigating measures, that would not constitute a major federal action significantly affecting the quality of the human environment.

To assist in the EIS process for this Project, EPA has identified significant areas for your attention. We offer the following comments for your consideration:

Air Quality Comments

EPA recommends that the environmental document provide a detailed discussion of ambient air conditions (baseline or existing conditions), National Ambient Air Quality Standards (NAAQS) and non-NAAQS pollutants, criteria pollutant nonattainment areas, and potential air quality impacts of the proposed Project. Such an evaluation is necessary to understand the potential impacts from temporary, long-term, or cumulative degradation of air quality.

EPA recommends the environmental document describe and estimate air emissions from potential construction, maintenance, and operation activities, as well as proposed mitigation measures to minimize those emissions. EPA recommends an evaluation of the following measures to reduce emissions of criteria air pollutants and hazardous air pollutants (air toxics):

EPA recommends the environmental document provide a detailed discussion of ambient air conditions, NAAQS, and criteria pollutant nonattainment areas in the vicinity of the Project for existing conditions.

EPA recommends the environmental document estimate emissions of criteria and hazardous air pollutants (air toxics) from the proposed Project and discuss the timeframe for release of these emissions over the lifespan of the Project and describe and estimate emissions from potential construction activities, as well as proposed mitigation measures to minimize these emissions. The environmental document should also consider any expected air quality/visibility impacts to Class I Federal Areas identified in 40 CFR Part 81, Subpart D for quantify emissions.

EPA recommends the environmental document specify all emission sources by pollutant from mobile sources (on and off-road), stationary sources (including portable and temporary emission units), fugitive emission sources, area sources, and ground disturbance. This source specific information should be used to identify appropriate mitigation measures and areas in need of the greatest attention.

EPA recommends the environmental document include a draft Construction Emissions Mitigation Plan and ultimately adopt this plan in the Record of Decision. We recommend all applicable local, state (e.g., coordination of land-clearing activities with the state air quality agency to determine air quality conditions such as atmospheric inversions prior to performing open burning activities), or Federal requirements (e.g., certification of non-road engines as in compliance with the EPA Tier 4 regulations found at 40 CFR Parts 89 and 1039) be included in the Construction Emissions Mitigation Plan in order to reduce impacts associated with emissions of particulate matter and other toxics from any potential construction-related activities.

Water Quality

EPA recommends to please identify the specific segments of the Rio Grande River near the Project area that are impaired (if any) as well as the segment where this Project will take place. Additionally, if the waters haven't been monitored in this segment, it should be clarified that designated uses for this segment have not been assessed and it is unknown whether this segment is fully supported or impaired.

EPA recommends Construction, operation, and maintenance of the proposed Project will cause increased sedimentation and turbidity in localized areas. Increased turbidity and sedimentation can adversely affect threatened and endangered species in the area. Please identify if there are any endangered species in the area, and if so, EPA recommends further specifying what best

management practice will be in place to reduce the risk of increased sedimentation and turbidity in the waterbody during construction and operation of this Project.

EPA suggests it is presumed that they will store oil, fuel, and other fluids necessary for construction and operation of these two bridges along the Rio Grande. EPA would like additional clarification regarding the protocols for if a spill/leak occurs and the mitigation actions that will take place during clean up.

EPA recommends to bridge construction activities requiring the placement of permanent fill, clearing of trees and vegetation, and soil disturbance. One of the proposed actions to minimize the effect of construction and clearing is to revegetate disturbed areas. EPA recommends including a monitored plan to revegetate the area to help local species thrive, as well as limit erosion along the shoreline.

Solid Waste

EPA recommends that the potential (in)direct and cumulative impacts of solid and hazardous waste from the proposed action and operation/maintenance of the new railroad line and associated facilities.

EPA recommends including estimates of solid and hazardous waste amounts and types produced from the proposed action's construction and operation including the expected storage, disposal, and management plans for solid and hazardous waste.

EPA recommends including a response plan for an accidental release of hazardous material and include how State and Federal hazardous waste management regulations, including transboundary regulations, would be applied in the construction and operation of the proposed facilities.

National Pollutant Discharge Elimination System (NPDES) Comments

EPA recommends that the construction activity operators be required to obtain Clean Water Act (CWA) Section 402 and 40 CFR § 122.26(b)(15)(i) NPDES permit coverage to discharge stormwater from the construction activities and construction support activities because it appears that this Project will include construction activities in areas upland from a waterbody in close proximity to a waterbody.

For 40 CFR § 122.26(b)(15)(i) NPDES regulations (applicable to State NPDES programs, see § 123.25) which authorize the discharge of stormwater from construction activities, all entities associated with a construction Project who: 1) meet the NPDES Permitting Authority's Construction General Permit (CGP) definition of "operator," 2) cause an earth disturbance of 1 acre or greater, or less than one acre if part of a larger common plan of development or sale that ultimately disturbs 1 acre or greater, and 3) discharge stormwater from their construction activities (including any on- and off-site construction support activities), are required to obtain NPDES permit coverage via the CGP (if all permit eligibility requirements are met) or other

NPDES permit from the NPDES Permitting Authority prior to beginning construction activities and/or construction support activities.

EPA's 2022 CGP definition of construction activities refer to "earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction-related activities (e.g., grubbing; stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are: sediment; nutrients; heavy metals; pesticides and herbicides; oil and grease; bacteria and viruses; trash, debris, and solids; treatment polymers; and any other toxic chemicals." Therefore, clearing, grading and excavation of land for any of the Project's proposed facilities on areas upland from a waterbody and not considered a jurisdictional wetland area that results in earth disturbance and/or construction support activities (e.g., equipment staging yards, materials storage areas, excavated material disposal areas, laydown areas, etc.), are considered construction-related activities that require NPDES permit coverage.

EPA suggests that because the overall earth disturbance of this Project is greater than 1 acre, the larger common plan of development or sale is triggered at each location, therefore stormwater discharges from all construction activities and on-site or off-site construction support activities (i.e., borrow pits, staging areas, material storage areas, temporary work areas, etc.) are required to obtain NPDES permit coverage via the CGP or other NPDES permit (except any portion of the Project's construction activities that is covered by a CWA 404 permit) regardless if the smaller Project's earth disturbance is less than 1 acre at each location. In Texas, the Texas Commission on Environmental Quality (TCEQ) is the NPDES permitting authority.

EPA appreciates the opportunity to review the environmental issues for the proposed action and are available to discuss EPA's comments. Please send our office an electronic copy of environmental documents when they are electronically filed with the Office of Federal Activities using the following link: <https://www.epa.gov/sites/default/files/2021-01/documents/e-nepa-guide-on-registration-and-preparing-an-eis-for-electronic-submission.pdf>. If you have any questions, please contact Tanisha Hinton, Project review lead at [REDACTED].

Sincerely,

Robert Houston
Branch Manager
Environmental Justice, Community Engagement and
Environmental Review Division

ATTACHMENT 2

Tribal Consultation

Government-to-Government Consultation Letter (Sample)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 11, 2023

Juan Garza
Chairman
Kickapoo Traditional Tribe of Texas
2212 Rosita Valley Road
Eagle Pass, TX 78852

By email

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Government-to-
Government Consultation**

Chairman Garza:

The purpose of this letter is to determine your tribe's interest in formal government-to-government consultations with the Surface Transportation Board (Board) regarding the above-referenced project.

Green Eagle Railroad, LLC (GER) is planning to seek authority from the Board to construct and operate a new railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Mexico and the United States. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act, 42 U.S.C. 4321-4370m-11, (NEPA). Pursuant to NEPA, related environmental laws, and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental documentation that evaluates the potential environmental impacts of the proposed project.

OEA is interested in knowing your tribe's interest in consulting with OEA regarding the broader range of impacts assessed under NEPA including those to tribal lands and resources. To assist you in your response, OEA has attached a comment card regarding any future involvement your tribe may want in the overall NEPA process (see Attachment 1: Consultation Questionnaire). I respectfully request that you complete the card and return it to Andrea Poole of my staff at your earliest convenience. Please note that OEA is also writing to the tribe's cultural resources contact pursuant to Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108.

Project Description

GER, owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked rail line in Maverick County, Texas. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a newly constructed bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferromex Rio Escondido rail line (See Attachment 2: Figure 1 Project Overview map).

The proposed rail line would be part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the rail line and roadway, and a control tower that would service both the roadway and rail line (See Attachment 2: Figure 2 Project Overview). This project is intended to alleviate the existing congestion at the current border crossing at Piedras Negras and Eagle Pass and to facilitate international trade between Mexico and the United States. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line.

The planned trains would consist of approximately 150 cars with 2 locomotives on the front end and one on the rear end for an approximate train length of 9,300 feet. Freight would be handled in box cars, refrigerated box cars, gondola cars, intermodal double stack cars, tank cars and hopper cars for grains and other dry material. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel. Inspection processing would be offered 24 hours per day, seven days a week.

As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway, including radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, truck queue area, primary booths, and hazardous materials emergency drip pits. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased; ownership of the facilities would be transferred to the General Services Administration; or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each.

Contact Information

If you have any questions or would like to discuss the project in more detail please do not hesitate to contact Andrea at [REDACTED] (cell) or by email at [REDACTED]. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Danielle Gosselin', written in a cursive style.

Danielle Gosselin

Director

Office of Environmental Analysis

Enclosure:

Attachment 1: Consultation Questionnaire

Attachment 2: Maps

**ATTACHMENT 1: CONSULTATION
QUESTIONNAIRE**

Kickapoo Traditional Tribe of Texas

RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation Exemption –
Line of Railroad in Maverick County, Texas; Preliminary Consultation

*Please check all the appropriate response(s) that apply from the list below and use the back of
this form or additional sheets if you wish to make comments:*

- ☐ We have no interests associated with the proposed project and further consultation with
our Tribe is not required.
- ☐ We want to continue to receive project information by mail and participate in the public
involvement process.
- ☐ We have an interest in proposed project and want to participate in government-to-
government consultation.

Name of the Kickapoo Traditional Tribe of Texas designated contact for the proposed project:

Please print

Phone: _____
e-mail: _____

Signed: _____ Date: _____

Please mail to: Andrea Poole
Surface Transportation Board, OEA
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

Or Email to: [REDACTED]

Attachment 2 - Figure 1: Project Overview

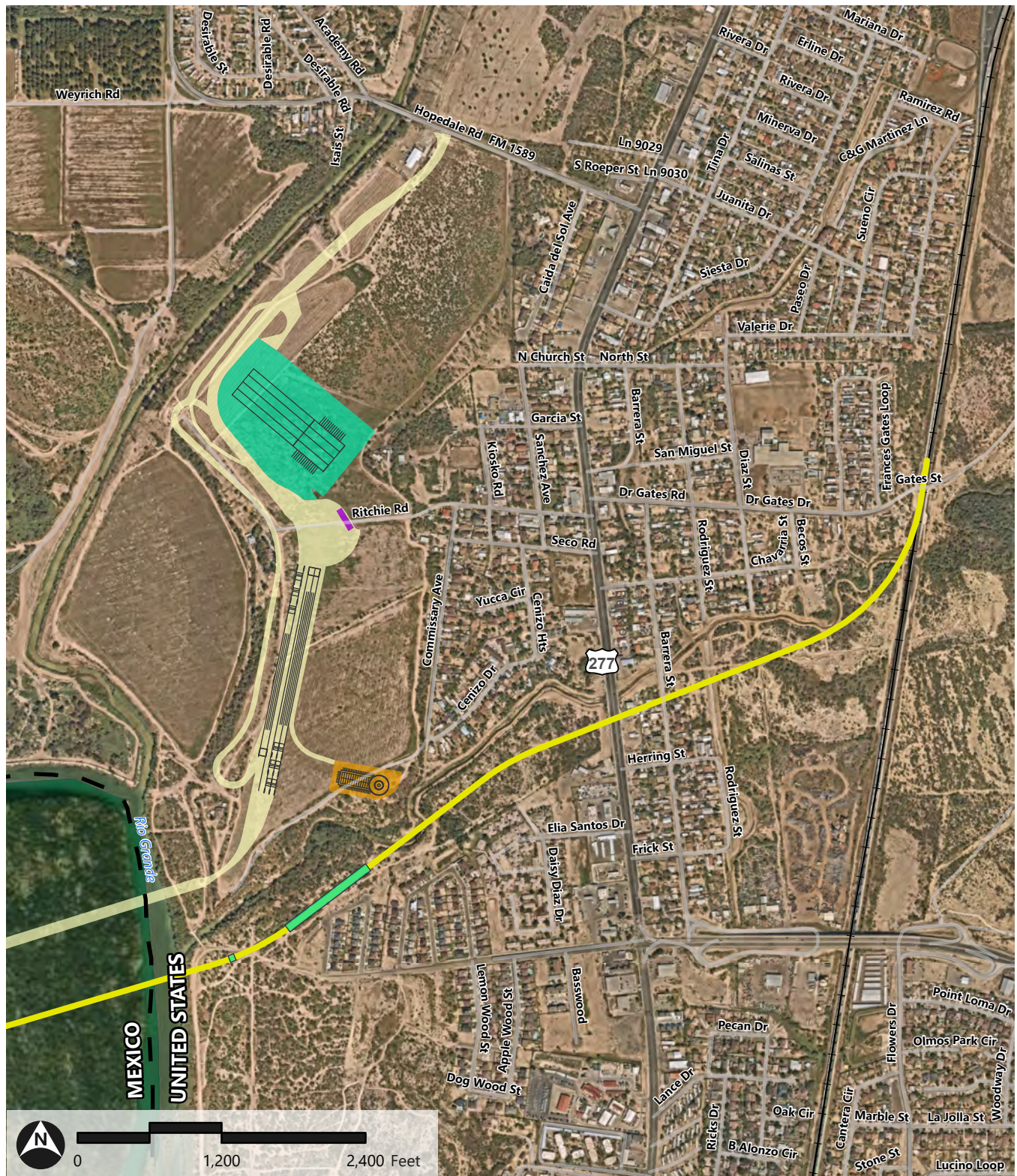


Path: \\whb.com\temp\VD\SPelletier\39646.00\Project\Puerto Verde.aprx (SPelletier, 11/13/2023)

- Border Crossing Location
- Puerto Verde Holdings (PVH) Proposed International Commercial Transportation Corridor

Source: ArcGIS Online, NearMap

Attachment 2 - Figure 2: Project Overview - Maverick County, Texas



- Proposed Rail Line
- Proposed Roadway
- Proposed Inspection Facility
- Proposed Inspection Facility
- Proposed Operations Tower
- Hazardous Materials Drip Pit
- US/Mexico Country Boundary
- Existing Union Pacific Railroad

Source: ArcGIS Online, NearMap

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Scoping Letter to Tribes (Sample)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

Durell Cooper, Chairman
Apache Tribe of Oklahoma
511 East Colorado

March 29, 2024

Anadarko, OK 73005

By email

Re: RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas.

Notice of Intent to Prepare an Environmental Impact Statement

Dear Chairman Cooper:

Green Eagle Railroad, LLC, a subsidiary of Puerto Verde Holdings (PVH), filed a petition with the Surface Transportation Board (Board) for authority to construct and operate approximately 1.3 miles of new common carrier rail line (the Line) in Maverick County, Texas. The Line would be part of a larger project proposed by PVH, the Puerto Verde Global Trade Bridge (PVGTB Project), consisting of a new trade corridor for freight rail and commercial motor vehicles between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. Only the Line is under the jurisdiction of the Board.

The Board's Office of Environmental Analysis (OEA) determined that the construction and operation of the Line has the potential to result in significant environmental impacts. Therefore, pursuant to the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321-4370m-11), OEA issued a Notice of Intent to Prepare an Environmental Impact Statement (EIS) in the Federal Register on March 29, 2024. This begins the Scoping Public Comment period for the project. The Board will take comments through April 29, 2024

As part of the scoping process, OEA is inviting you to provide comments on the scope of the EIS, identification of potential alternatives, and information and analyses relevant to the EIS. We also invite you to share the information in this letter with other persons as you find appropriate. Note that we are copying your Tribal Historic Preservation Officer or head of cultural resources on this scoping letter.

As part of the scoping public comment period, OEA will host three public meetings to receive comments. Each meeting will consist of a one-hour open house and a one-hour comment period.

In-Person Public Scoping Meetings

Date	Time	Meeting Address
Tuesday, April 16, 2024	11:30 AM-1:30 PM	International Center for Trade (West Room)

		3295 Bob Rogers Drive Eagle Pass, Texas
Tuesday, April 16, 2024	6:00 PM-8:00 PM	International Center for Trade (West Room) 3295 Bob Rogers Drive Eagle Pass, Texas

Online Public Scoping Meeting

Date	Time	Meeting Address
Tuesday, April 23, 2024	6:00 PM – 8:00 PM	Refer to www.greeneaglerreis.com for access information

Comments may also be submitted:

- Electronically through the Board’s website, www.stb.gov, by clicking on the “E_FILING” link; or
- By mail to Andrea Poole, Surface Transportation Board, c/o VHB, Att.: Environmental Filing, Docket No. FD 36652, 1001 G Street N, Suite 1125, Washington, DC 20001.

All comments must be sent no later than April 29, 2024. **Please refer to Docket No. FD 36652 in all correspondence.**

OEA will be contacting your Tribal Historic Preservation Officer or head of cultural resources at a later time to continue the Section 106 Consultation process initiated by our letter from December 2023. For more information, visit the Board-sponsored project website at www.greeneaglerreis.com. If you have any questions or would like to arrange a call, please feel free to contact Andrea Poole of my staff at [REDACTED] (cell) or by email at [REDACTED].

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

C: Sterling Chalepah, THPO

ATTACHMENT 3

Section 106 Consultation

December 11, 2023, Letter to SHPO and Response



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 11, 2023

Mark Wolfe
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, TX 78701

By email

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Preliminary
Consultation**

Mark Wolf:

Green Eagle Railroad, LLC (GER) is planning to seek authority from the Surface Transportation Board (Board) to construct and operate a new railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Mexico and the United States. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act, 42 U.S.C. 4321-4370m-11, (NEPA). Pursuant to NEPA, related environmental laws, and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental documentation that evaluates the potential environmental impacts of the proposed project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. As part of the process, the Board must evaluate the potential impacts of the proposed project on historic properties, in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108 (NHPA), the Section 106 implementing regulations at 36 C.F.R. Part 800, and the Board's environmental regulations at 49 C.F.R. Part 1105. As part of the NEPA and Section 106 processes, OEA is requesting your initial comments regarding the potential for the proposed project to affect historical, architectural, archaeological, or other historic properties that may be in the project area.

Project Background

GER, owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked rail line in

Maverick County, Texas. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a newly constructed bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferromex Rio Escondido rail line (See Attachment 1: Figure 1 Project Overview map).

The proposed rail line would be part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the rail line and roadway, and a control tower that would service both the roadway and rail line (See Attachment 1: Figure 2 Project Overview). This project is intended to alleviate the existing congestion at the current border crossing at Piedras Negras and Eagle Pass and to facilitate international trade between Mexico and the United States. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line.

The planned trains would consist of approximately 150 cars with 2 locomotives on the front end and one on the rear end for an approximate train length of 9,300 feet. Freight would be handled in box cars, refrigerated box cars, gondola cars, intermodal double stack cars, tank cars and hopper cars for grains and other dry material. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel. Inspection processing would be offered 24 hours per day, seven days a week.

As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway, including radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, truck queue area, primary booths, and hazardous materials emergency drip pits. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased; ownership of the facilities would be transferred to the General Services Administration; or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each.

Initiation of Section 106 Consultation

OEA would like to initiate consultation with your office for the project as currently proposed. OEA will define the Area of Potential Effects (APE) for historic properties in accordance with 36 C.F.R. Part 800 and 49 C.F.R. Part 1105.8. The proposed APE once defined, will include the entirety of the project where ground disturbance is expected to occur, a buffer to account for refinements to the alignment or construction methods, access roads, staging, and potential visual and auditory effects that may occur beyond the limits of disturbance. The APE will be further refined as additional information about the proposed project and its potential to affect cultural resources becomes available.

Request for Comments

OEA requests that you provide information regarding the potential effects of the proposed project. Please submit your response within 30 days so that we may begin the process of identifying historic properties and start to evaluate the potential impacts of the proposed project. To submit a response, select “File an Environmental Comment” on the Board’s website at www.stb.gov (below the “Need Assistance?” button). Please make sure to refer to Docket No. FD 36652 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

You may also send written comments to Andrea Poole, OEA’s Project Manager for this environmental case, by mail to:

Andrea Poole
Surface Transportation Board, OEA
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

We look forward to hearing from your agency. If you have any questions or would like to arrange a call or meeting, please feel free to contact Andrea Poole or my staff at [REDACTED] (cell) or by email at [REDACTED].

Sincerely,



Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure:

Attachment 1: Maps

Attachment 2: Initial Agency and Tribal Distribution List

David Johnson

From: Poole, Andrea
Sent: Tuesday, January 16, 2024 1:41 PM
To: Tabachnick, Alan; David Johnson
Subject: [External] FW: Cultural Resources for Green Eagle Railroad: Initial consultation

FYSA. This will be posted to DCMS.

Many thanks, Andrea

Andrea

From: noreply@thc.state.tx.us <noreply@thc.state.tx.us>
Sent: Tuesday, January 16, 2024 1:34 PM
To: Poole, Andrea; reviews@thc.state.tx.us **Subject:** Green Eagle Railroad

You don't often get email from noreply@thc.state.tx.us. [Learn why this is important](#)



TEXAS HISTORICAL COMMISSION
real places telling real stories

Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas
THC Tracking #202404181
Date: 01/16/2024
Green Eagle Railroad
Eagle Pass
Eagle Pass, TX

Description: Construction and operation of a new railroad line.

Dear Andrea Poole:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas.

The review staff, led by Justin Kockritz, Amy Borgens and Mary Galindo, has completed its review and has made the following determinations based on the information submitted for review:

Archeology Comments

- An archeological survey is required. You may obtain lists of archeologists in Texas through the Council of Texas Archeologists and the Register of Professional Archaeologists. Please note that other qualified archeologists not included on these lists may be used. If this work will occur on land owned or controlled by a state agency or political subdivision of the state, a Texas Antiquities Permit must be obtained from this office prior to initiation of fieldwork. All fieldwork should meet the Archeological Survey Standards for Texas. A report of investigations is required and should be produced in conformance with the Secretary of the Interior's Guidelines for Archaeology and Historic Preservation and submitted to this office for review. Reports for a Texas Antiquities Permit should also meet the Council of Texas Archeologists Guidelines for Cultural Resources Management Reports and the Texas Administrative Code. In addition, any buildings 45 years old or older that are located on or adjacent to the tract should be documented with photographs and included in the report. To facilitate review and make project information available through the Texas Archeological Sites Atlas, we appreciate the submittal of survey area shapefiles via the Shapefile tab on eTRAC concurrently with submission of the draft report. Please note that while appreciated for Federal projects this is required for projects conducted under a Texas Antiquities Permit. For questions on how to submit these, please visit our video training series at:

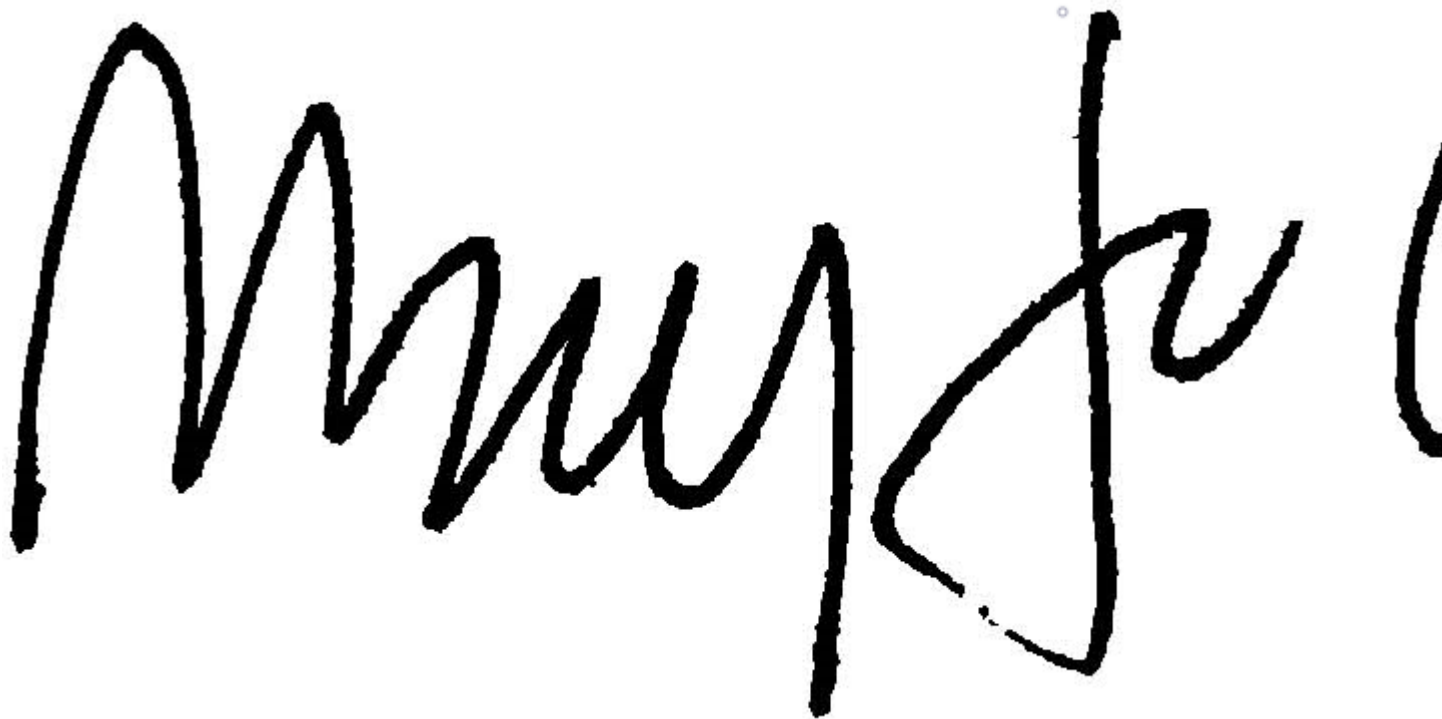
<https://www.youtube.com/playlist?list=PLONbbv2pt4cog5t6mCqZVaEAX3d0MkgQC>

We have the following comments: Thank you for the early notification of this proposed project. The THC History Programs Division staff, led by Justin Kockritz, notes that we have no historic resources survey information for aboveground resources in this area of Maverick County and we are aware of no previously identified aboveground historic resources in the project area. For linear transportation projects, we have often recommended an Area of Potential Effect (APE) that includes all parcels wholly or partially within a 150-foot buffer of the project footprint, though the specifics of the project and the location may dictate otherwise. The THC Archeology Division staff, led by Mary Jo Galindo, notes that there are several previously recorded archeological sites within the proposed APE. We look forward to further consultation, including the identification of any historic properties within the APE when available.

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 review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: REDACTED.

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Brad Patterson'.

for Bradford Patterson, Chief Deputy State Historic Preservation Officer
Deputy Executive Director, Texas Historical Commission

Please do not respond to this email.

Letter to THPOs (Sample) and Response



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

December 11, 2023

Hector Gonzalez
Tribal Historic Preservation Officer
Kickapoo Traditional Tribe of Texas
P.O. Box 2505
Eagle Pass, TX 78852

By email

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Preliminary
Consultation**

Dear Hector Gonzalez:

Green Eagle Railroad, LLC (GER) is planning to seek authority from the Surface Transportation Board (Board) to construct and operate a new railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Mexico and the United States. As part of its licensing process, the Board will conduct an environmental review under the National Environmental Policy Act, 42 U.S.C. 4321-4370m-11, (NEPA). Pursuant to NEPA, related environmental laws, and the Board's environmental rules at 49 C.F.R. Part 1105, the Board's Office of Environmental Analysis (OEA) will prepare appropriate environmental documentation that evaluates the potential environmental impacts of the proposed project.

OEA is beginning the process of gathering information on the project area and project-related issues and concerns. As part of the environmental review process, OEA is requesting your initial comments regarding the potential for the proposed project to affect tribal cultural resources that may be in the project area. Information collected will assist us in preparing the appropriate NEPA document for the proposed project.

Project Description

GER, owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked rail line in Maverick County, Texas. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a newly constructed bridge over the Rio Grande River into Mexico

for 18 miles to a connection with the Ferromex Rio Escondido rail line (See Attachment 1: Figure 1 Project Overview map).

The proposed rail line would be part of an international commercial transportation corridor between Piedras Negras, Coahuila, Mexico and Eagle Pass, Texas, United States. The corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the rail line and roadway, and a control tower that would service both the roadway and rail line (See Attachment 1: Figure 2 Project Overview). This project is intended to alleviate the existing congestion at the current border crossing at Piedras Negras and Eagle Pass and to facilitate international trade between Mexico and the United States. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line.

The planned trains would consist of approximately 150 cars with 2 locomotives on the front end and one on the rear end for an approximate train length of 9,300 feet. Freight would be handled in box cars, refrigerated box cars, gondola cars, intermodal double stack cars, tank cars and hopper cars for grains and other dry material. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel. Inspection processing would be offered 24 hours per day, seven days a week.

As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway, including radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, truck queue area, primary booths, and hazardous materials emergency drip pits. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased; ownership of the facilities would be transferred to the General Services Administration; or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 118. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each.

Initiation of Section 106 Consultation

OEA would like to initiate consultation with your office for the project as currently proposed. OEA will define the Area of Potential Effects (APE) for historic properties in accordance with 36 C.F.R. Part 800 and 49 C.F.R. § 1105.8. The proposed APE once defined, will include the entirety of the project where ground disturbance is expected to occur, a buffer to account for refinements to the alignment or construction methods, access roads, staging, and potential visual and auditory effects that may occur beyond the limits of disturbance. The APE will be further refined as additional information about the proposed project and its potential to affect cultural resources becomes available.

Request for Comments

OEA requests that you provide information regarding the potential effects of the proposed project. Please submit your response within 30 days so that we may begin the process

of identifying historic properties and start to evaluate the potential impacts of the proposed project. To submit a response, select “File an Environmental Comment” on the Board’s website at www.stb.gov (below the “Need Assistance?” button). Please make sure to refer to Docket No. FD 36652 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats. In addition, OEA has sent separate letters to the tribes listed in Attachment 2: Initial Agency and Tribal Distribution List.

You may also send written comments to Andrea Poole, OEA’s Project Manager for this environmental review case, by mail to:

Andrea Poole
Surface Transportation Board, OEA
Docket No. FD 36652
395 E Street SW
Washington, DC 20423

We look forward to hearing from you. If you have any questions or would like to arrange a call or a meeting, please feel free to contact Andrea Poole or my staff at [REDACTED] (cell) or by email at [REDACTED].

Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure:
Attachment 1: Maps
Attachment 2: Initial Agency and Tribal Distribution List

**TRADITIONAL
COUNCIL**

CHAIRMAN
Juan Garza Jr., Kisisika

SECRETARY
Freddie Hernandez Sr., Kisakodita

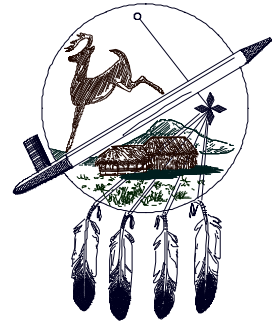
TREASURER
David Treviño, Wapikaoda

MEMBERS
Kendall Scott, Metaa
Daniel Gonzalez Sr., Pietanakaaka

KICKAPOO

**TRADITIONAL
TRIBE OF TEXAS**

2212 Rosita Valley Rd.
Eagle Pass, Texas 78852



TRIBAL COUNCIL

December 11, 2023

Ms. Andrea Poole
Project Manager
Surface Transportation Board, OEA
395 E Street SW
Washington, DC 20423

Re: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation Exemption – Line of Railroad in Maverick County, Texas; Preliminary Consultation

Dear Ms. Poole:

Our office is in receipt of a letter dated December 11, 2023, by which the Surface Transportation Board, Office of Environmental Analysis, requests that the Kickapoo Traditional Tribe of Texas provide information to your office regarding the potential effects that the above-referenced proposed project may pose to our Tribe.

In response to said request, we wish to advise you that the Kickapoo Traditional Tribe of Texas does not own land located in close proximity to the proposed project area, nor would this endeavor affect any of the Tribe's cultural, historical, or sacred sites that we are aware of. Nevertheless, the Tribe appreciates the opportunity it was granted to comment on this matter.

Should you have further questions or concerns with respect to this matter, please do not hesitate to contact this office at [REDACTED].

Respectfully,

A handwritten signature in black ink, appearing to read 'Jason C. Nelson'.

Jason C. Nelson
General Counsel

April 4, 2024, Letter to SHPO



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

April 4, 2024

Edward Lengel
State Historic Preservation Officer
Texas State Historic Preservation Office
1511 Colorado Street
Austin, TX 78701

By email

**RE: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Initiation of Section 106 Process for the Puerto Verde Global
Trade Bridge, Maverick County, Texas**

Edward Lengel:

Green Eagle Railroad, LLC (GER) is planning to seek authority from the Surface Transportation Board (Board) to construct and operate a new railroad line in Maverick County, Texas, as part of an international commercial transportation corridor between Mexico and the United States. As part of the process, the Board must evaluate the potential impacts of the proposed project on historic properties, in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), the Section 106 implementing regulations (36 C.F.R. Part 800), and the Board's environmental regulations (49 C.F.R. Part 1105). The Board's Office of Environmental Analysis (OEA) is requesting your initial comments regarding the potential for the proposed rail line to affect historical, architectural, archaeological, or other historic properties that may be in the project area.

Project Description

GER, owned by Puerto Verde Holdings (PVH), is planning to seek authority from the Board to construct and operate approximately 1.3 miles of new double-tracked rail line in Maverick County, Texas. The rail line would extend from the Union Pacific Railroad's mainline at Gates Street south across a newly constructed bridge over the Rio Grande River into Mexico for 18 miles to a connection with the Ferronex Rio Escondido rail line.

The proposed rail line would be part of an international commercial transportation corridor between Piedra Negras, Coahuila, Mexico, and Eagle Pass, Texas, United States. The corridor would include the rail line, a 1.3-mile roadway for commercial trucks, inspection facilities for the

rail line and roadway, and a control tower that would service both the roadway and rail line. This project is intended to alleviate the existing congestion at the current border crossing at Piedras Negras and Eagle Pass and to facilitate international trade between Mexico and the United States. A variety of commodities including, but not limited to, beer, vehicles, corn, chemical compounds, and plastics, would move to and from Mexico over the proposed rail line.

The planned trains would consist of approximately 150 cars with 2 locomotives on the front end and one on the rear for an approximate train length of 9,300 feet. Freight would be handled in box cars, refrigerated box cars, gondola cars, intermodal double stack cars, tank cars, and hopper cars for grains and other dry material. The roadway would include a perimeter fence and the rail corridor would be fully fenced, video monitored, and patrolled by security personnel. Inspection processing would be offered 24 hours per day, seven days a week.

As part of the proposed project, inspection and operations facilities would be constructed for the new rail line and new roadway, including radiation portal monitors, truck scales, non-intrusive inspection facilities, secondary inspection facilities, truck queue area, primary booths, and hazardous materials emergency drip pits. These inspection facilities would be constructed according to U.S. Customs and Border Protection (CBP) requirements. Once constructed, CBP would operate the inspection services and the facilities would either be leased; ownership of the facilities would be transferred to the General Services Administration; or the inspection facilities would be operated as a privately owned Central Examination Station as outlined in 19 C.F.R. Part 188. The rail line and roadway bridges across the Rio Grande River would have one in-water bridge support each.

Initiation of Section 106 Consultation

OEA would like to initiate consultation with your office for the project as currently proposed by GER. OEA has defined the Area of Potential Effects (APE) for historic properties in accordance with 36 C.F.R. Part 800 and 49 C.F.R. § 1105.8. The proposed APE will include the entirety of the proposed rail line where ground disturbance is expected to occur, and a 150-foot buffer to account for potential staging, and visual, auditory, and other atmospheric effects that may occur beyond the limits of immediate ground disturbance (Attachment 1).

Existing information on previously identified historic properties has been checked to determine if any are located within the APE of this undertaking. This review of existing information revealed that no properties listed in or nominated for listing in the NRHP, and no National Historic Landmarks are located within the proposed project's APE.

Field surveys for both historic properties and archaeological sites will be conducted, and the Criteria of Eligibility will be applied in consultation with the SHPO and other consulting parties, to determine if any of these sites are eligible for inclusion in the NRHP.

Request for Comments

OEA requests that you provide information regarding your interest in participating as a Consulting Party under Section 106 and the potential effects of the proposed project. Please

submit your response within 30 days so that we may begin the process of identifying historic properties and start to evaluate the potential impacts of the proposed project.

Also, on behalf of the Board, in keeping with a government-to-government relationship and in compliance with 36CFR800, the following tribal governments are invited to participate in the Section 106 process for this project: Alabama-Coushatta Tribe of Texas, Apache Tribe of Oklahoma, Caddo Nation, Comanche Nation, Jicarilla Apache Nation, Kickapoo Tribe of Oklahoma, Kickapoo Traditional Tribe of Texas, Mescalero Apache Tribe, Tonkawa Tribe of Oklahoma, Wichita and Affiliated Tribes, and Ysleta del Sur Pueblo.

All filings and other submissions can be submitted electronically through the Board's website at <https://stb.gov>. To submit a comment on this proceeding, select "File an Environmental Comment" (below the "Need Assistance?" button) on the Board's home page. Please make sure to refer to Docket No. FD 36652 in all correspondence, including e-filings, addressed to the Board. Brief comments can be typed in the comment field provided, and lengthier comments can be attached as Word, Adobe Acrobat, or other file formats.

You may also send written comments to Andrea Poole, OEA's Project Manager for the environmental review by mail to:

Andrea Poole
Surface Transportation Board, OEA
Docket No. FD 36616
395 E Street SW
Washington, DC 20423

While paper filings are once again being accepted in accordance with the Board's regulations, stakeholders are strongly encouraged to continue to submit filings via the Board's e-filing system and to consent to e-service of decisions.

We look forward to your participation in the environmental review process. If you have any questions or would like to arrange a call or meeting, please feel free to contact Andrea Poole of my staff at [REDACTED] or by email at [REDACTED].

Sincerely,

A handwritten signature in dark ink, appearing to read "Danielle Gosselin", written in a cursive style.

Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure:
Attachment 1: Proposed Area of Potential Effects Map



PVGTB

Esri Community Maps Contributors, Texas Parks & Wildlife, CONANP, Esri, TomTom, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US

0 1 Kilometers

0 1 Miles



Figure 1. Proposed Area of Potential Effects Map.

Consulting Party Invitation Letter (Sample)



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

January 3, 2025

Gilbert Anaya
Chief of Environmental Management Division
International Boundary and Water Commission
4191 North Mesa St.
El Paso, TX 79902-1423

By email

**Re: Docket No. FD 36652, Green Eagle Railroad – Construction and Operation
Exemption – Line of Railroad in Maverick County, Texas; Section 106
Consulting Party Invitation**

Dear Gilbert Anaya:

The purpose of this letter is to invite you to participate as a consulting party in the Section 106 process for the above-referenced project. As you know on December 14, 2023, Green Eagle Railroad, LLC (GER), a non-carrier subsidiary of Puerto Verde Holdings (PVH), filed a petition for exemption with the Surface Transportation Board (Board) pursuant to 49 United States Code (U.S.C.) §10502 in Docket No. FD 36652. The petition requested Board authority to construct and operate approximately 1.3 miles of new common carrier rail line in Eagle Pass and Maverick County, Texas. The proposed rail line would be part of an international commercial transportation corridor proposed by PVH, the Puerto Verde Global Trade Bridge project (PVGTB Project), consisting of a new border crossing for freight rail and commercial motor vehicles between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas (See Attachment 1: Map).

In addition to the proposed rail line, the PVGTB Project in the United States includes a new commercial motor vehicle (CMV) road; a control tower; and inspection facilities (collectively, associated CMV Facility). Only the proposed rail line requires licensing authority from the Board. The U.S. Coast Guard, the International Boundary Water Commission, and the U.S. Army Corps of Engineers have permitting roles in the PVGTB Project and are participating, as appropriate, in the Board's environmental review process.

As part of the approval process, the Board's Office of Environmental Analysis (OEA) is preparing an Environmental Impact Statement (EIS), in accordance with the National

Environmental Policy Act (42 U.S.C. §§ 4321-4370m-11), that will assess the potential environmental impacts of two build alternatives (Northern and Southern Rail Alternatives) and the associated CMV Facility (See Attachment 1: Map). The EIS is also assessing the potential impacts on historic properties in accordance with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108) and the Section 106 implementing regulations (36 C.F.R. Part 800).

As part of the preparation of the Draft EIS, OEA conducted a Phase 1 Historic Resources Survey and a Phase 1 Archaeological Resources Survey. OEA is submitting the results of those surveys to the Texas Historical Commission and will make those survey reports available to consulting parties upon request. The final redacted reports will also be posted on the Board's website (www.stb.gov).

Please complete the attached Consultation Questionnaire to provide feedback on your interest in participating in the Section 106 process by January 17, 2025. Additional information on this project and the Board's environmental and historic review process is available on the Board-sponsored project website at www.greeneaglerreis.com. If you have any questions or would like to discuss the proposal in more detail, please contact Alan Tabachnick at [REDACTED] (email address: [REDACTED]). We look forward to your participation in the Board's environmental and historic review process.

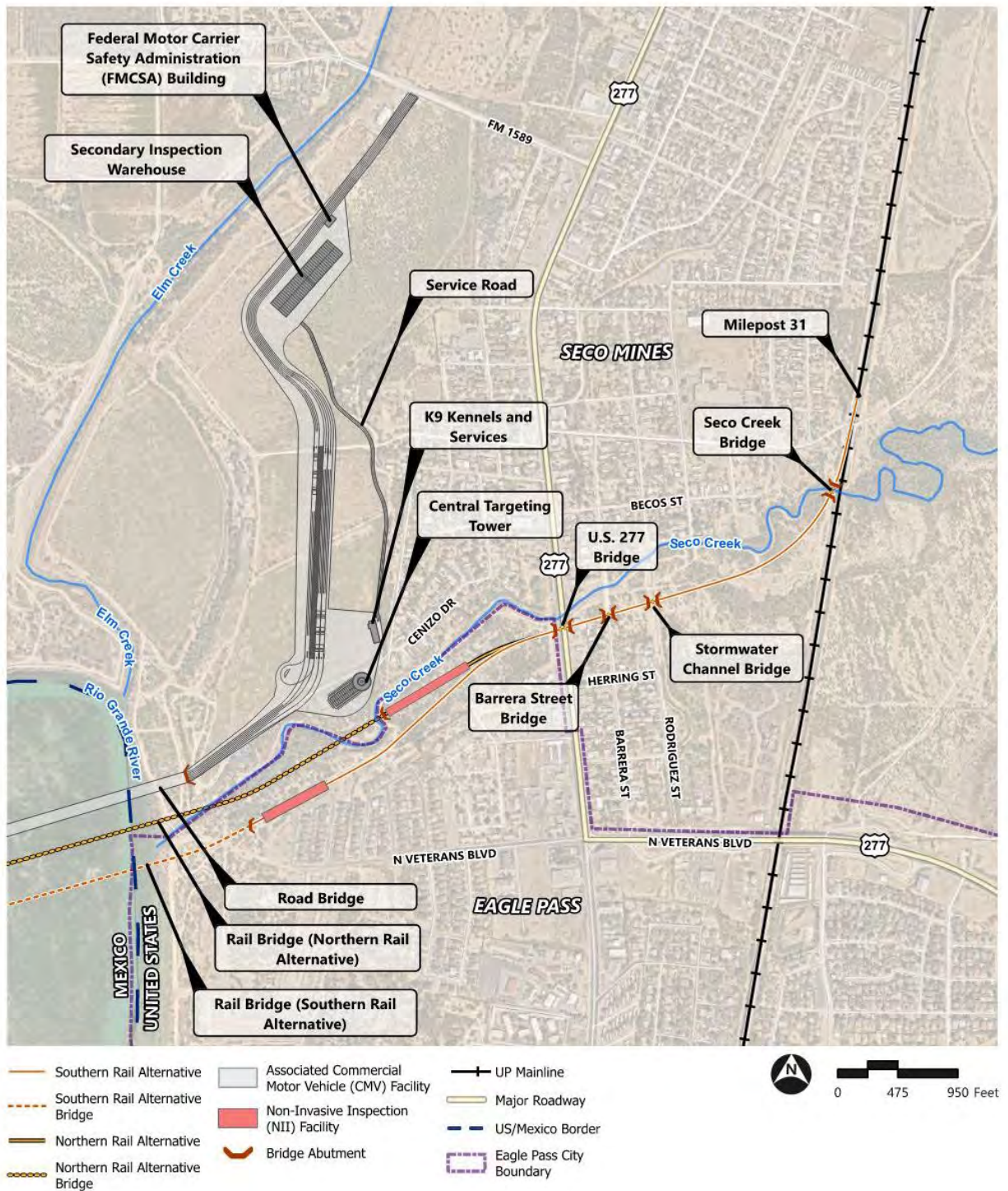
Sincerely,

A handwritten signature in black ink, appearing to read "Danielle Gosselin".

Danielle Gosselin
Director
Office of Environmental Analysis

Enclosure:
Attachment 1: Map
Attachment 2: Questionnaire

Attachment 1: Map



Source: ArcGIS Online, NearMap

Attachment 2: Questionnaire

International Boundary and Water Commission

Docket No. FD 36652, Green Eagle Railroad – Construction and Operation Exemption – Line of Railroad in Maverick County, Texas

Please check all the appropriate response(s) that apply from the list below and use the back of this form or additional sheets if you wish to make further comments:

_____ We have no interest in the proposed line and associated CMV Facility and further consultation with our agency/Tribe is not necessary.

_____ We want to continue to receive project information by mail and participate in the public involvement process for the EIS.

_____ We have an interest in the proposed line and associated CMV Facility and want to participate as a Consulting Party in the Section 106 process.

International Boundary and Water Commission designated contact for the proposed line and associated CMV Facility:

Name: _____ Email: _____
Signed: _____ Phone: _____
Date: _____

Please email to:
Alan Tabachnick
[REDACTED]

Or mail to:
Alan Tabachnick, Surface Transportation Board, c/o VHB
Attention: Environmental Filing, Docket No. FD 36652
1001 G St. NW Suite 1125,
Washington, DC 20001

Response To Consulting Party Invitation Letter

From: [maria torres](#)
To: [REDACTED](#); [Green Eagle RR EIS](#)
Subject: Fwd: Response to our Acceptance Acknowledgment Section 106 Consultation Party Invitation proposed Green Eagle Railroad Docket No. 36652
Date: Wednesday, January 15, 2025 1:18:49 AM

----- Forwarded message -----

From: Maria Torres <[REDACTED](#)>

Date: Wed, Jan 15, 2025 at 12:14 AM

Subject: Re: Response to our Acceptance Acknowledgment Section 106 Consultation Party Invitation proposed Green Eagle Railroad Docket No. 36652

To: <[REDACTED](#)>

Attachment 2: Questionnaire
Pacuache Indian First Nation of Texas

Docket No. FD 36652, Green Eagle Railroad – Construction and Operation Exemption – Line of Railroad in Maverick County, Texas

Please check all the appropriate response(s) that apply from the list below and use the back of this form or additional sheets if you wish to make further comments:

☐ We have no interest in the proposed line and associated CMV Facility and further consultation with our agency/Tribe is not necessary.

☒ We want to continue to receive project information by mail and participate in the public involvement process for the EIS.

☒ We have an interest in the proposed line and associated CMV Facility and want to participate as a Consulting Party in the Section 106 process.

Pacuache Indian First Nation of Texas designated contact for the proposed line and associated CMV Facility:

Name: Pacuache Indian First Nation of Texas
Chen Maria Torrealopez Email: lvieconhuitect@gmail.com
Signed: Maria Torrealopez Phone: (210) 483-3879
Date: 1-14-2025

Please email to:
Alan Tabachnick
Alan.Tabachnick@stb.gov

Or mail to:
Alan Tabachnick, Surface Transportation Board, c/o VHB
Attention: Environmental Filing, Docket No. FD 36652
1001 G St. NW Suite 1125,
Washington, DC 20001

4

THC Concurrence

Laurent Cartayrade

Subject: FW: [External] Green Eagle Railroad

From: noreply@thc.state.tx.us <noreply@thc.state.tx.us>

Sent: Friday, January 31, 2025 3:06 PM

To: Andrew Pappas; reviews@thc.state.tx.us **Subject:** [External]
Green Eagle Railroad



Re: Project Review under Section 106 of the National Historic Preservation Act and/or the Antiquities Code of Texas

THC Tracking #202504905

Date: 01/31/2025

Green Eagle Railroad (Permit 31809)
800 Ritchie Road
Eagle Pass, TX 78852

Description: Green Eagle Railroad, LLC (GER) proposes to construct a new rail line, carrier facilities, and two bridges spanning the Rio Grande. Project is being permitted by the Surface Transportation Board.

Dear Andrew Papas:

Thank you for your submittal regarding the above-referenced project. This response represents the comments of the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission (THC), pursuant to review under Section 106 of the National Historic Preservation Act and the Antiquities Code of Texas.

The review staff, led by Justin Kockritz and Mary Galindo, has completed its review and has made the following determinations based on the information submitted for review:

Above-Ground Resources

- THC/SHPO concurs with information provided.
- No historic properties are present or affected by the project as proposed. However, if historic properties are discovered or unanticipated effects on historic properties are found, work should cease in the immediate area; work can continue where no historic properties are present. Please contact the THC's History Programs Division at 512-463-5853 to consult on further actions that may be necessary to protect historic properties.

- Property/properties are not eligible for listing in the National Register of Historic Places.

Archeology Comments

- This draft report is acceptable. To facilitate review and make project information and final reports available through the Texas Archeological Sites Atlas, we appreciate submission of tagged pdf copies of the final report including one restricted version with all site location information (if applicable), and one public version with all site location information redacted; an online abstract form submitted via the abstract tab on eTRAC; and survey area shapefiles submitted via the shapefile tab on eTRAC. For questions on how to submit these please visit our video training series at: <https://www.youtube.com/playlist?list=PLONbbv2pt4cog5t6mCqZVaEAX3d0MkgQC>
Please note that these steps are required for projects conducted under a Texas Antiquities Permit.

We have the following comments: The THC History Programs Division, led by Justin Kockritz, concurs with the findings of the Phase I Historic Resources Survey that all of the surveyed properties within the project's Area of Potential Effect are not eligible for listing in the National Register of Historic Places and therefore that there are no historic properties affected by the project as proposed. Regarding archeology, please specify in the final report whether site revisit forms were filed at TARL. The THC concurs that the portions of sites 41MV107, 41MV108, 41MV203, and 41MV277 that are within the APE are not eligible for listing on the NRHP or for designation as an SAL. The THC also concurs that further consultation is necessary when project design plans are finalized, and the specific areas of deeper impacts are known, the Surface Transportation Board's Office of Environmental Analysis will develop a plan to investigate deeply buried archaeological deposits through mechanically assisted excavation in coordination with the THC.

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 review process, and for your efforts to preserve the irreplaceable heritage of Texas. If the project changes, or if new historic properties are found, please contact the review staff. If you have any questions concerning our review or if we can be of further assistance, please email the following reviewers: [REDACTED].

This response has been sent through the electronic THC review and compliance system (eTRAC). Submitting your project via eTRAC eliminates mailing delays and allows you to check the status of the review, receive an electronic response, and generate reports on your submissions. For more information, visit <http://thc.texas.gov/etrac-system>.

Sincerely,



for Joseph Bell, State Historic Preservation Officer
Executive Director, Texas Historical Commission

Please do not respond to this email.

ATTACHMENT 4
Draft EIS Notification to Agencies and Tribes

Green Eagle RR EIS

From: Green Eagle RR EIS
Sent: Friday, March 14, 2025 12:09 PM
To: Green Eagle RR EIS
Subject: Green Eagle Railroad: Availability of the Draft Environmental Impact Statement
Attachments: Green Eagle DEIS_Flyer_English.pdf; Green Eagle DEIS_Flyer_Español.pdf

Dear Interested Party,

The Surface Transportation Board's (Board) Office of Environmental Analysis (OEA) is pleased to announce that the Draft Environmental Impact Statement (Draft EIS) for Green Eagle Railroad's proposed construction and operation of a 1.3-mile rail line in Eagle Pass and Maverick County, Texas, is available for review and comment. The proposed line is part of the larger Puerto Verde Global Trade Bridge project that also includes a new commercial motor vehicle (CMV) crossing between Piedras Negras, Coahuila, Mexico, and Eagle Pass, Texas. The Draft EIS analyzes the potential environmental impacts of both the proposed rail line, which requires a license from the Board, and the CMV crossing because they would be built as a single port of entry for freight rail and CMV traffic between Mexico and the United States.

The Draft EIS is available for [viewing or downloading](#) on the Board-sponsored project website at www.greeneaglerreis.com and on the Board's website at www.stb.gov under Docket No. FD 36652.

Information on how to submit comments on the Draft EIS and the three public meetings that OEA will be holding is provided on the Board-sponsored project website and in the attached flyer. All comments must be submitted on or before May 5, 2025.

Sincerely,



Danielle Gosselin

Director
Office of Environmental Analysis
Surface Transportation Board