

April 4, 2025
Adam Assenza
Surface Transportation Board
395 E. Street SW
Washington, DC 202423

RE: Docket FD 36815 Texas Materials Proposed Rail line Burnet & Lampasas Counties

Dear Adam:

We feel an Environmental Impact Statement (EIS) must be prepared for the new proposed rail line through Lampasas County because the rail line is a major Federal action significantly affecting the quality of our human environment. An EIS is a more rigorous environmental review required when a party is seeking authority to construct a new line of railroad as stated by the National Environmental Policy Act (NEPA) 42 U.S.C.(2)(c) which calls for a detailed written statement “for a major Federal action significantly affecting the quality of the human environment”. Not just an Environmental Assessment (EA) but an Environmental Impact Assessment.

NEPA was signed into law in 1970 requiring Federal agencies to assess the environmental effects of proposed major Federal actions prior to making decisions. Section 101 of NEPA sets forth national policy “to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations of Americans.”

Per 42 U.S.C. 4331(a), Section 102 of NEPA it establishes procedural requirements for “major” Federal actions significantly affecting the quality of the human environment by “preparing a detailed statement on”

- 1) The environmental impact of the proposed action
- 2) Any adverse effects that cannot be avoided
- 3) Alternatives to the proposed action
- 4) The relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity
- 5) Any irreversible and irretrievable commitments of resources involved

The environmental impact of the proposed 29-mile quarry line from Burnet to Lampasas would damage local ecosystems crucial to surrounding wildlife, plants and birds. Furthermore, it would disrupt local roads and infrastructure that limits or negates access to and from affected lands – creating safety hazards and decreasing the overall value of the land. Specifically affected would be deer populations, ecosystems in and around Sulphur Creek, and beehive populations. The pesticides sprayed along the rail line would kill bee hives and these ecosystems and pollute the Creek.

A train derailment or a fire caused by a train could cause irreparable damage to the landscape, to the creek, to historical sites, to livestock and wildlife. Fences will have to be constructed to keep livestock off the rail lines. There are large oak trees along this route that are over 150 years old. The noise of the train so close to homes and structures will interrupt the peaceful countryside.

Some of the adverse effects that cannot be avoided would be the loss of income to ranchers who lose a portion of their grazing land, loss of access to parts of landowner's property, loss of income to landowners, the City and the County who rely on the hunting industry that supports hotels, motels, restaurants, grocery and convenience stores income and jobs. Railroad crossings at Highway 183 and Highway 190 would cause significant safety response time for law enforcement, fire trucks, emergency vehicles and disruption of school bus traffic. This could endanger the lives of our communities' citizens. The disruption of local roads and infrastructure makes our properties harder to access. Our properties can be accessed by vagrants simply walking down the rail line.

Furthermore, the loss of historical and archeological sites that span hundreds of years of time by Native Americans as they transversed throughout the state of Texas, the Spanish Friar settlements of the 1700's marked by ancient rock fence boundaries, cisterns, and burial sites. In fact, we found an arrowhead and various other artifacts today while having an environmental study done!

An alternative solution to the proposed action would be to have the rail line run alongside Highway 281, which is a 20-mile-long direct shot from Burnet to Lampasas. The 4-lane highway is already in place with wide easements on each side and plenty of existing space for the rail line. This would not take private land or disrupt rivers, streams, wildlife, plants, livestock or hay fields.

The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity that would destroy habitats for the endangered Guadalupe Bass, turtle breeding embankments, bee hives, endangered or rare plant species as well as the loss of productive land for cattle grazing and for hay production and these cannot be replenished or restored. Historical artifacts will be lost forever. The Monarch butterfly depends on the milkweed found throughout this acreage. Lastly, the loss of our family legacy that came to pass as we battled drought, financial recessions and depressions, in order to "pass on" to our future generations this beautiful land will never be recovered.

Irreversible commitments:

The destruction and contamination of Sulphur Creek will permanently destroy the habitat of the creek and the surrounding landscape. Clearing this land and crossing the creek can never be reversed – the land can never be restored to its original state.

Irretrievable commitments:

If this railway is put in place the land can never be recovered, restored and used for any other purpose. The land under and near the line will never recover. Sulphur Creek will never recover. This will result in permanent loss of the cultural value and heritage of our land with the permanent loss of historical artifacts. We have unique species of wildflowers and plants that do not grow anywhere else in the world.

In closing, this land is a high-quality environment that is home to unique plants, endangered fish and birds and has enough water and valuable forage and native grasses to feed livestock. The specific route where they want to build the track will destroy a valuable, irreplaceable piece of Texas land that has drawn people to settle here for literally thousands of years, which our artifacts prove. Then the Spanish settlers found it valuable enough to build a mission/settlement. And now it has irreplaceable value to us as ranchers and for recreation, hunting, fishing and wildlife.

As a property owner directly affected and impacted by this proposed quarry rail line, we urge the Surface Transportation Board and all relevant regulatory bodies to make a decision that prioritizes the well-being of our community over private corporate interests, a private foreign company who seeks to take private lands for profit.

We ask that you deny Texas Materials “request for waiver of six-month prefilings notice requirement” and any other filings pertaining to the 27-mile-long proposed rail line.

If you do not deny this request, we ask that you conduct a full EIS to determine the effects of this line on our land, our communities, and our lives.

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