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April 29, 2024

Andrea Poole

Office of Environmental Analysis
Surface Transportation Board, c/o VHB
Attention: Environmental Filing
Docket No. FD 36652
1001 G Street NW, Suite 1125
Washington, DC 20001

Re: Docket No. FD 36652

Dear Ms. Poole:

Our office has been retained by Martha Ballesteros to assist her to submit scoping comments regarding the proposed Green Eagle Railroad Project in Eagle Pass, Maverick County, Texas. Ms. Ballesteros is 69 years old and lives on a fixed income. She resides at 2691 Cenizo Hts. Her home is .06 miles from the path of the proposed Green Eagle freight rail line; .07 miles from the proposed Custom Joint Cargo Operations Tower, .2 miles from the path of the commercial motor vehicle corridor proposed by Puerto Verde Holdings, and .03 miles from Seco Creek. She unequivocally expresses her opposition to the proposed Green Eagle Railroad, and the larger Puerto Verde Global Trade Bridge Project proposed by Puerto Verde Holdings.

She also wants the Office of Environmental Analysis to know that she only reads and speaks the Spanish language, and while your website also had information in Spanish, when directed to the link to furnish comments it was only in English. This made it impossible for her to submit her comments to the Surface Transportation Board directly. This disrespects and shows a lack of sensitivity to the community of Eagle Pass which has a significant percentage of monolingual Spanish speakers.

With respect to transportation concerns she obtains ingress and egress to Del Rio Blvd. from her home on Cenizo Hts through Seco Road or Ritchie Road. She obtains access to Seco and Ritchie Road through Commissary Avenue. The traffic flow on Commissary Avenue will be obstructed by the proposed Custom Joint Cargo Operations Tower, while the traffic on Ritchie Road will be obstructed by the proposed Hazmat Emergency Drip Pit. Some of that traffic may perhaps be redirected to Hopedale Road. The commercial motor vehicles coming and going to Mexico through the proposed Puerto Verde Global Trade Bridge will also be directed to Hopedale Road to obtain access to and ingress from Del Rio Blvd. Hopedale Road simply does not have the infrastructure to handle the volume of commercial motor vehicle traffic that Puerto Verde Holdings projects will be using the proposed bridge. The sheer magnitude of the projected traffic flow will make travel in the neighborhood extremely hazardous, and traffic on Del Rio Blvd. will be extremely congested with the projected commercial vehicle traffic that will be seeking access to other highways leading away from Eagle Pass.

Ms. Ballesteros is also concerned with the proposed path of the Green Eagle rail line, which is in close proximity to Seco Creek, and the travel corridor for commercial motor vehicles going to and coming from Mexico through the proposed Puerto Verde Global Trade Bridge which is in close proximity to Elm Creek. While the water flow on Elm Creek is usually low, and Seco Creek is usually dry, that is not the case after major rain events. Both creeks are in the 100-year flood plain. Eagle Pass experienced flooding events in 2013, 2014, and 2015. Over June 14-15, 2013, 16.65 inches of rain fell in Eagle Pass. The flooding was so bad that Highway 277 between Eagle Pass and Quemado was forced to close. Elm Creek and Seco Creek rose out of their banks and flooded much of the surrounding area.

The June 20, 2014, flooding was caused by about 11.86 inches of rain that fell in Brackettville, at the headwaters of Elm Creek. While only an inch-and-a-half of rain fell in Eagle Pass, that day the flow of water from the Brackettville weather event flooded Elm Creek in Eagle Pass such that Highway 277 flooded in the area of Elm Creek.

Ten inches of rain fell in Eagle Pass on October 9, 2015. Both Thompson Road and Highway 277 flooded where they cross Elm Creek. That was also the case in 2013 and 2014, Ms. Ballesteros witnessed the flooding on Seco Creek during those events and feared for her safety and the safety of her home. She also feels that the proposed infrastructure may redirect the flood waters towards her home. She knows that many Maverick County residents had their homes damaged during the foregoing flooding events.

She is concerned that flooding events such as those described above will also overtop Elm Creek and Seco Creek and breach the HAZMAT Emergency Drip Pit proposed to be built between the two creeks causing dangerous chemicals to be discharged into Elm Creek, Seco Creek, and then carried to the Rio Grande River. The contaminated water would flow south on the Rio Grande River to the site of the City of Eagle Pass Water Workers water filtration plant which supplies drinking water to residents of the City of Eagle Pass and surrounding Maverick County colonias. The Rio Grande River is the sole source of water for City and County residents. This would compromise the health of Ms. Ballesteros and other City and County residents. The close proximity of the Green Eagle Freight rail line, and the Puerto Verde Global Trade Bridge commercial motor vehicle trade corridor infrastructure to Seco Creek and Elm Creek, respectively, pose the risk of such water contamination events during construction, and ongoing operations. If there are chemical spills the City of Eagle Pass and Maverick County, simply do not have the medical infrastructure in place to deal with a massive emergency.

Ms. Ballesteros is also concerned about the air quality in her neighborhood as there will be harmful construction emissions, and fugitive dust emissions during the construction phase. This will continue as the proposed Green Eagle Freight rail line and the larger Puerto Verde Global Trade Bridge Project infrastructure would have to be maintained so maintenance emissions would continue to pose health risks. The harmful emissions and associated greenhouse gases would get progressively worse due to Green Eagle Railroad, LLC's objective to have simultaneous two-way rail traffic, and the ongoing efforts to divert more traffic from other parts to the Green Eagle Rail lines due to faster crossing times. The same is true with respect to Puerto Verde Holdings objective to attract commercial motor vehicle traffic from Eagle Pass Port of Entry 2 and other ports to the Puerto Verde Global Trade Bridge. The Green Eagle Railroad also seeks to ship aggregate, currently aggregate shippers in the Mexican State of Coahuila do not have access to rail. The railroad locomotive and the commercial motor vehicles are diesel operated and all this activity would be new to the area inherently harming the air quality in Ms. Ballesteros neighborhood with progressively worse diesel emissions and associated greenhouse gas contamination. As things stand, Maverick County already has one of the highest rates of chronic obstructive pulmonary disease in Texas, and the proposed project will make it worse.

Ms. Ballesteros is concerned with noise and vibration due to the proximity of her home to the Green Eagle rail line, which is .06 miles, and the commercial motor vehicle trade corridor. Given that traffic will be crossing the proposed Railroad Bridge and Roadway Bridge around the clock. The noise from the sheer volume of round-the-clock two-way rail and commercial motor vehicle traffic will be undesirable and annoying. At night the constant noise will interrupt Ms. Ballesteros' normal sleeping pattern. The vibration from the construction and projected volume of heavy traffic may also damage her home and other homes in the neighborhood, as many are built on landfill sites. Ms. Ballesteros has lived in the area for over 35 years and witnessed all the landfill activity that took place.

The interactive map shows that the Rio Grande River according to the United States Fish and Wildlife Service provides critical habitat for fish and wildlife. In that connection, Puerto Verde Holdings proposes to build a Railroad Bridge and Roadway Bridge across the river to allow rail and commercial motor vehicle traffic from the United States to cross into Mexico and vice versa. Care should be taken to avoid a taking of the Rio Grande silvery minnow, an endangered fish found in Maverick County. The State of Texas also considers the Blue Sucker, Proserpine Shiner, and the Rio Grande Darter as threatened. The Rio Grande River also provides habitat to endangered birds such as the Interior Least Tern, Black-Capped Vireo, and the Brown Pelican. It also provides habitat for the endangered Gulf Coast Jaguarundi, and the Ocelot.

During proceedings involving the Dos Republicas Coal Mine in the area of Elm Creek in Maverick County among other sightings, Robert Ibarra witnessed an adult ocelot with two kittens adjacent to Elm Creek in 2013, and Joyce Taylor witnessed a jaguarundi during the spring of 2018. So, these endangered cats are using the thorn scrub habitat found along the riparian corridor afforded by Elm Creek, there is also similar habitat along Seco Creek. Ms. Ballesteros recognizes that Seco Creek is a wildlife corridor having witnessed White Tailed Deer, Javelinas, and Coyotes in the area of Seco Creek behind her house just last week. These corridors should not be degraded or modified to avoid impairing the breeding and sheltering behavior of the endangered cats. In furtherance of this objective the agency should consider buffer zones on both sides of Elm and Seco Creek, and an Incidental Take Statement in the Biological Opinion. These are needed as the endangered cats are nocturnal and are skittish to noise and light in the creeks' wildlife corridor. The proposed construction and its close proximity to the wildlife corridors and the projected volume of traffic will significantly impair the breeding and sheltering behavior and result in injury to both the ocelot and jaguarundi species, i.e., an Endangered Species Act Section 9 taking through the regulatory definition of harm would result.

Ms. Ballesteros is also concerned that the proposed construction activities may result in the destruction of significant cultural resources. It is well known that Native American tribes also engaged in cultural activities along riparian corridors such as those provided by Elm and Seco Creek. In fact, it became common knowledge in the community that Native American remains were unearthed by Dos Republicas Coal Mine in the area of Elm Creek in Maverick County, Texas. After the Native American remains were inadvertently unearthed at site 41MV189, the remains were simply exhumed, studied, and reburied at a cemetery in Del Rio, Texas. Should Native American remains and associated funerary artifacts, or other cultural resources be unearthed during construction of the Green Eagle Rail Freight line or the larger Puerto Verde Global Trade Bridge infrastructure construction ground disturbing activities should immediately cease, steps should be taken to protect the site from further disturbance and vandalism, and appropriate officials, and the U.S. Army Corps of Engineers (USACE) should be notified. The USACE should initiate consultation with the State Historical Preservation Officer, Tribes and other consulting parties to develop a plan for resolving adverse effects. Tribes should be afforded the opportunity to provide DNA, and unearthed Native American remains should be tested for DNA, if a lineal descendant determination is made,

the affected Tribe should be offered the opportunity to claim the remains. These processes would further the Section 106 consultation requirements of the National Historic Preservation Act.

Ms. Ballesteros as a resident of Maverick County also vehemently opposes the Green Eagle Railroad and the larger Puerto Verde Global Trade Bridge Project because all the profits from the venture would line the pockets of private entities and individuals. In fact, residents of the City of Eagle Pass and Maverick County would be harmed because the proposed infrastructure in its stated objective seeks to divert commercial motor vehicle traffic away from Eagle Pass Port of Entry No. 2. Ms. Ballesteros as a Maverick County resident relies on the City of Eagle Pass for drinking water and sewer services, fire protection, and ambulance services. The City of Eagle Pass gets some of its operating expenses from revenue generated through fees charged to commercial motor vehicles that use Eagle Pass Port of Entry No. 2. All this revenue would be lost if Puerto Verde Holdings succeeds in diverting all the commercial motor vehicles to the new proposed Roadway Bridge. This would force City and County residents to shoulder the revenue shortfall.

Ms. Ballesteros also feels more advance notice and publicity should have been provided to City and County residents. Proponents of the project are also talking as if the Project is a done deal, to discourage affected residents from participating, that is not right as this is the beginning of a long process.

Ms. Ballesteros respectfully requests that her comments be considered by the Office of Environmental Analysis in fashioning the Environmental Impact Statement, and by the Surface Transportation Board to ultimately deny the Green Eagle Railroad, LLC's petition for authority to construct and operate the proposed rail line.

Sincerely,



Javier Riojas
Attorney for Martha Ballesteros



Martha Ballesteros
Affected Resident