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May 3, 2025

Andrea Poole
Surface Transportation Board
c/o VHB
Attention: Docket No. FD 36652
1001 G Street NW. Suite 1125
Washington, DC 20001

RE: Comments Regarding Draft Environmental Impact Statement (EIS) for Docket No. FD 36652, Green Eagle Railroad (GER) and Puerto Verde Bridges

Dear Ms. Poole:

As a resident of Maverick County who lives about 1.5 miles from the two proposed Puerto Verde bridges and about one-half mile from the proposed port of entry area for the highway bridge, I would like to file the following comments regarding the Draft EIS written by the Surface Transportation Board's (STB) Office of Environmental Analysis (OEA).

1. The serious threat to the Eagle Pass Waterworks System (EPWWS) presented by the Puerto Verde bridges has not been mitigated by the EIS.

The sole source of potable water for about 50,000 people in Eagle Pass and Maverick County is the Eagle Pass Waterworks System, which draws its water from the Rio Grande through a water intake at the north end of Eagle Pass. This intake is only about 1.5 miles downriver from the two Puerto Verde bridges.

My primary concern about the Draft EIS is the apparent **lack** of concern shown by OEA about a possible hazardous material spill into the Rio Grande from either the rail or highway bridges, both during construction and while in operation. The Draft EIS (page 3-75) states "if a release of hazardous materials were to occur, it would involve a relatively short duration of exposure and would be contained quickly." This is an assumption at best and wishful thinking at worst. By definition, accidents are unplanned and unpredictable and no one can know ahead of time what their extent may be.

The Draft EIS goes on to say that the Eagle Pass Waterworks System is required to "have updated risk assessments and emergency response plans tailored to specific incidents." In the event of a hazardous release, the EIS states that the EPWWS's response "might include cleaning up the spill and temporarily restricting the use of the water body." GER's only responsibility, according to the EIS, is to make a 911 call. Finishing up, the EIS (page 3-75) states that "OEA is **NOT** recommending mitigation for potential hazardous materials releases in surface waters."

So, according to the EIS, the onus on responding to a hazardous material spill is on the potential victim – the EPWWS- not the potential perpetrator – the GER.

This is akin to telling a homeowner that a dynamite factory will be built next to his house and that the homeowner is responsible for having a plan to deal with any explosions and will also be responsible for the cleanup.

It would be far better to mitigate this supposedly low probability event, which would nevertheless have a devastating impact on the entire population of Eagle Pass and Maverick County if it did occur, in advance and remove any possibility of it happening.

This would be best done by requiring Puerto Verde to construct an emergency water intake on the Rio Grande, upriver of their two bridges and connect it to the EPWWS water plant by pipeline. This will circumvent the main problem associated with a hazardous material spill – the closing of the water plant. Puerto Verde should pay 100% of the cost and the project should be completed before construction of the bridges begins. The fact that Puerto Verde is supposed to receive eminent domain authority in HB74 currently before the Texas Legislature should simplify the land acquisition required for this project.

The health and wellbeing of the citizens of Maverick County must have first priority above all other considerations in this project and I request that the STB make these changes to the Draft EIS.

2. The EIS fails to consider any alternative locations/routes for the GER and Puerto Verde bridges.

Astoundingly, the Draft EIS makes no attempt to evaluate any real alternatives to the proposed location of the GER and the two bridges. The EIS only discusses a Northern and Southern rail alternative for bridges only a few yards apart. This eliminates any research into or discussion of another location which would relieve the main objections of noise, pollution, traffic congestion, disruption of crowded residential areas and contamination of potable water sources.

The most obvious solution to all these problems would be to build the two Puerto Verde Bridges south of Eagle Pass, in a non-residential area near the southern part of Loop 480. The highway would pass through a port of entry immediately after crossing the river and then link up with Loop 480. The GER bridge would be immediately downriver of the highway bridge and the GER would run parallel with Loop 480, on the east side of it, all the way to the north side of Eagle Pass where it would tie into the existing Union Pacific Railroad.

There are those in Mexico who have come to exactly the same conclusion. At the April 29, 2025 Public Meeting conducted by the STB in Eagle Pass, one of the speakers at this event was the Mayor of Nava, Coahuila (the first town south of Piedras Negras on the rail line), Ivan Ochoa Rodriguez. According to the *Eagle Pass Business Journal* (May 3, 2025), Mr. Ochoa stated that

“He believed the proposed Green Eagle Railroad and Puerto Verde Global Trade Bridge Project would best be located south of Eagle Pass along the Rio Grande River across from Nava as it would reduce the mileage for truckers and railroad operators. He vowed to obtain all the necessary Mexican permits to have the project built in his community of Nava. Puerto Verde already has an industrial park in Nava.”

A glance at the map shows that the length of rail necessary to be built in Mexico to accommodate this southern location is much less than that required for the current Puerto Verde proposal. As mentioned above, this location would remove most of the objections by Maverick County residents regarding the project and the dangers to their health and well being.

The STB must make a serious effort to evaluate this southern alternative in relation to the current proposal or run the risk of having its Draft EIS seen as only a rubber stamp for Puerto Verde.

3. The EIS fails to take notice of underground coal mines which underlay the route of the GER.

Puerto Verde has chosen the exact place to build their bridges where the Olmos Formation coal seam (which runs generally from northeast to southwest across Texas) passes under the Rio Grande and continues on into Mexico.

This formation varies markedly in depth from place to place. An Overburden Thickness Map (the distance from the surface to the top of the coal seam) from the Dos Republicas coal mine in 2016 (about 5 miles to the north of the GER) shows coal depth varying from 20 feet to over 200 in a relatively small area.

This coal seam was extensively mined underground in the late 19th and early 20th centuries in the Seco Mines area. Of particular importance to this project is the International Coal Mine.

According to *Bituminous Coal in Texas* by Thomas J. Evans, University of Texas at Austin, 1974, operations at this mine began in 1893 with production of 150 tons of coal per day; in 1907, the International Coal Mine Co. took over and increased production to 1,000 tons per day; production ceased in the early 1920's. Figure 9 (page 26) in this book shows the location of this mine's shaft as just west of Highway 277 and just north of Seco Creek, extremely close to the route of the GER.

With almost 30 years of production, it is almost certain that the old tunnels from this underground mining operation underlay the route of the GER and perhaps even the Puerto Verde Bridges. According to the *Coal Field Directory, 1921*, page 913, the coal seam at the International Mine was 72 inches thick.

Building over old tunnels poses the risk of subsidence or sudden collapse if heavy structures or trains are placed over them.

Even without encountering tunnels, the unknown weight bearing capacity of this weak, semi-bituminous coal would create a substantial uncertainty in planning the bridges and rail line.

The Draft EIS fails to even mention this situation, much less propose any solution.

Before the STB can approve this project, Puerto Verde must be required to conduct an intensive geological survey, including test borings, to determine the underlying geology and load bearing capacity of the soil strata below the bridges and GER.

4. The EIS fails to mandate any actions to be taken to protect the African-American Cemetery in or near the project area.

In 1895, a large group of American Blacks immigrated into Mexico. Later that year, they returned to the U.S. through Eagle Pass after some of them contracted smallpox in Mexico. They were placed in an isolation camp run by the U.S. Public Health Service called Camp Jenner.

Camp Jenner was located along both sides of Elm Creek, near where it flows into the Rio Grande. Some 411 people were received at this camp and 60 of them died there. They were buried nearby. The names of at least 25 of these victims are known and are listed below. Of course there is no one alive today who knows firsthand exactly where this cemetery is located.

The Puerto Verde Application states that the Texas Historical Commission's (THC) "Texas Historic Sites Atlas" was consulted with negative results. Actually the first entry in this document under Cemeteries in Maverick County is "African-American Graves." The THC assigns a Cemetery ID Number of MV-C008 and an Atlas Number of 7323000805. It is not depicted on the Atlas Map as its exact location is unknown. The THC Atlas gives this cemetery the general location of "NW of Eagle Pass on Rio Grande near Elm Creek" and estimates the number of graves as about 125 with a burial date of "about 1894."

Sources: Marine Hospital Service: Annual Report for Fiscal Year 1895, pages 370-373; "Public Health Reports". November-December 1984, pages 579-582; *Fevered Measures* by John McKiernan-Gonzalez, Duke University Press, 2012, pages 93-107.

Names of some of the smallpox victims buried at this cemetery (Source: Marine Hospital Service: Annual Report for Fiscal Year 1896, pages 237-238):

William Ellis	Aida Stillman	Ella Harris
Betty Wilson	Mitchell Lewis	Suberta Wilson
Arthur Wilson	Ed Hood	Aleck Means
Allen Rosebun	Henry Thompson	Mary Sauder
William Merritt	John Watson	Tilly Thompson
Bessie Rosebun	Ridley Bonnet	Clark Stillman
Jenner Moore	Jim Lewis	Alec Bryant
Rufus Thompson	Roxey Harris	
Olly Johnson	Rosa Carpenter	

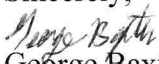
The only mention of this cemetery in the EIS is the “Phase I Archaeological Resources Survey for the Green Eagle Railroad Project” contained in comments EO 3991 (2-14-2025) to Docket FD 36652. On page 19 of the Survey, it states “Around 1894, a group of 125 formerly enslaved African-Americans arrived in Eagle Pass to cross into Mexico. At that time, the area was struck by a smallpox epidemic and at least 26 members of the group succumbed to the illness. These victims were buried in a mass grave near Seco Mines where Elm Creek meets the Rio Grande River. This area is located outside of the APE (Area of Potential Effects) of this project (Find a Grave 2014).”

This “analysis” seems extremely careless and off-handed for such a sensitive subject. The archaeologists appear to have taken entries at the Find a Grave website as their only source of information. Find a Grave allows anyone to post information and there is no sourcing on this entry. Among other things, the date is wrong, the number of victims is wrong and the number of persons in the group is wrong. The entry does show an exact location for the cemetery: on the east bank of Elm Creek, where that creek makes a 90 degree bend before it flows into the Rio Grande. Since all the other information is wrong and there is no source listed, how can this supposed very exact location be trusted?

Camp Jenner was operated by the U.S. Public Health Service. Being medical professionals, would they have carried out the mass burial of victims who died of smallpox on the banks of Elm Creek or the Rio Grande where runoff and floodwater could have carried pathogens downriver to Eagle Pass to infect more people? This seems highly unlikely. It seems much more likely that the burial would have been carried out away from Elm Creek or the river on higher ground, perhaps in the project area.

This question must be settled before the project can proceed. Instead of guessing, the archaeologists should make a good faith effort to find this cemetery and positively remove any doubt as to its location. The final EIS should make this a requirement.

Incidentally, current satellite photography (2025) of this area on Google Maps shows that someone (presumably contractors working for Puerto Verde) have bulldozed both sides of Elm Creek in this area, including exactly where Find a Grave says the cemetery is located.

Sincerely,

George Baxter