

#E1-2654
RA

January 6, 2007

Surface Transportation Board
Case Control Unit
Washington, DC 20423
Attention: Rini Ghosh
STB Docket No. FD 34284

received
1/16/07

Dear Ms. Ghosh:

The Weiblen Family requests three points on record of consideration in response to the recent distribution of the Supplemental Draft Environmental Impact Statement (SDEIS) for Southeast Gulf Railroad Company's (SGR) proposal to construct and operate a rail line in Medina County, Texas. The first is the inaccurate interpretation of the proposed Weiblen Modification, second is the cultural significance of the rural operations in existence, and third is the economic impact of the eastern routes.

SDEIS Inaccuracy

In paragraph five of section 2.5 in the SDEIS, the Surface Transportation Board's (Board) Section of Environmental Analysis (SEA) states:

In addition, if SEA were to modify routes to shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners – which is what is being requested here – the environmental review process could become endless, since the number of modifications and alternatives that SEA could be requested to study could be potentially limitless.

This statement minimizes the significance of the Weiblen Modification. Using this logic, none of the eastern routes should be considered as viable alternatives since all of these routes shift the potential environmental impacts away from one group of landowners to another group of adjacent landowners.

Also, the interpretation of the Weiblen Modification as stated in paragraph five of section 2.5 of the SDEIS is inaccurate. The Weiblen Family is not suggesting shifting the burden of the railroad path onto alternate landowners. Instead, the Weiblen Family is suggesting that the railroad path be shifted onto the west side of the Weiblen Family land, which creates the least impact to the Weiblen Family farm. This route stays on the Weiblen Family land while having the least impact on its sprinkler systems. Thus, the Weiblen Family is willing to work with the SGR and create a proposal that is acceptable to both parties if an eastern route is chosen.

The Weiblen Family requests corrections to paragraph five of section 2.5 in the SDEIS to reflect the true intent of the Weiblen Modification. In addition, the Weiblen Family requests the Final Environmental Impact Statement (FEIS) includes a statement that no additional environmental study is required if the Weiblen Modification is chosen, on the

basis that the environmental impact of the Weiblen Modification is no different than any of the other eastern routes. If an environmental impact study is indeed required, the Weiblen Family requests the study be included in the FEIS in order for its consideration as a viable option by the Board.

If neither of the above Weiblen requests is honored, then all eastern routes should be removed from the FEIS.

Cultural Impact

Paragraph eight of section 5.3 in the Cultural Resources states that the remaining portion of section 5.3 takes into account the cultural impact of the change in size and shape of fields and the bifurcation of farms, which in fact it only takes into account some farms and ranches, specifically those with historical buildings on them.

All farms and ranches in the area are built on the rural culture on which Quihi was founded. The detriment of these farms would aid in the deterioration of the rural way of life that attracted settlers to the area. Some of these farms and ranches have been in continuous operation by the same family since the 1940s, and this fact was not taken into account when assessing the cultural impact of the eastern routes.

The Board also needs to take into account that the eastern routes are longer, and therefore has a larger cultural impact since they affect a greater portion of land and landowners.

The Weiblen Family requests that the SEA reassess the cultural impact of the eastern routes taking into account all of the aspects of cultural impact, not only the historical buildings.

Economic Impact

The Weiblen Family wants to again document that the proposed eastern routes destroy some of the economic value of family farms and ranches in the area and will likely put some of them out of business. Since the removal of the original Medina Dam Railroad in 1912, the farmers and ranchers in the area have spent significant resources making improvements to their property in order to compete in the low margin farming and ranching industry. These improvements include: years of clearing, leveling, and fertilizing the land; drilling irrigation wells and establishing a network of piping and valves to distribute water across the land; purchasing and installing sprinkler systems to reduce water usage, protect natural resources, and reduce operating costs; and reinvesting all profits to increase the size of equipment and parcels of land to reduce inefficiencies.

The division of the land by the railroad to benefit the economic value of a large company render these years of improvements by the farmers and ranchers in the path of the eastern routes ineffective. The most significant is the interference with the large sprinkler systems. Without the coverage of these large systems, the farms would not be able to maintain the small margins that they use to keep these systems operable. The solution normally proposed to address this issue is to add additional sprinkler systems on the other side of the railroad. However, this solution would more than double the amount of

maintenance and labor to keep the system operational and require additional piping and valves. Also, the railroad path would have to be at the perfect location relative to the sprinkler system and run straight across the affected land in order to have similar coverage.

The other significant improvement rendered ineffective is the investment in increasing the size of equipment and parcels of land. The railroad would divide the land into smaller parcels making the larger equipment impractical. The landowners would have to revert back to smaller equipment, which reduces operational margin. The smaller land parcels would require additional land lie fallow in order to provide access to the ends for maneuvering equipment which reduces margins. The smaller land parcels require additional time spent turning equipment around, which is nonproductive and again reduces margin. The eastern routes will create some parcels of land impractical for farming or ranching purpose.

Large parcels of farm and ranch land are becoming less common every day, especially those that have the ability for irrigation. The proposed eastern railroad routes will eliminate some of these remaining large parcels and possibly put these farms and ranches out of business due to the additional operating cost of small parcels of land.

Summary

The Weiblen Family hopes that the SEA gives their requests due consideration and incorporates their requested changes into the FEIS. The Weiblen Family also wishes to make known that they made several years of investment into the family farm and is committed to making the necessary additional investments to maintain its future productivity, including legal action if required.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Weiblen". The signature is fluid and cursive, with a large loop at the end.

Deborah Weiblen
BP Sun (Stockley Park)
P.O. Box 4381
Houston, TX 77210