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**Section 106 Consulting Party Teleconference on
Proposed Voluntary Mitigation
Surface Transportation Board FD 34284
Southwest Gulf Railroad Company
April 20, 2007**

Chair Person: Victoria Rutson, Chief, Section Environmental Analysis, STB

Attendees: Charlene Dwin Vaughn (Advisory Council on Historic Preservation)
Katy Harris (Advisory Council on Historic Preservation)

Jaya Zyman-Ponebshek (URS Corporation - third party consultant to Surface
Transportation Board's Section of Environmental Analysis or "STB/SEA")

Tom Ransdell (Southwest Gulf Railroad or "SGR")
Clay Upchurch (Vulcan Construction Materials, LP)
David Coburn (Steptoe & Johnson, LLP representing SGR)
Jordan Tannenbaum, Esq. (Section 106 Consultant)

Lawrence (Larry) Oaks (Texas Historical Commission)
Terry Colley (Texas Historical Commission)
Bradford Patterson (Texas Historical Commission)

Richard Garay (Tap Pilam Coahuiltecan Nation Member)
Raymond Hernandez (Tap Pilam Coahuiltecan Nation Member)

Bob Fitzgerald, MD (Medina County Environmental Action Association or
"MCEAA")
Mary Walpole (MCEAA Treasurer)
Archie Gerdes (MCEAA)
Lester R. Landrum (MCEAA)
Tom Walpole (MCEAA)
David Barton (The Gardner Law Firm)
Brian Pietruszowski (The Gardner Law Firm)

Ray Schoch (Schweers Historical Foundation)

Alyne Fitzgerald (Quihi and New Fountain Historical Society)
Cynthia Lindsey (Quihi & New Fountain Historical Society)

Andy Weiblen (Weiblen Bros. Farms)
Michael Weiblen (Weiblen Bros. Farms)

Victoria Rutson (STB/SEA)
Diana Wood (STB/SEA)

Cathy Glidden (STB/SEA)
Evelyn Kitay (STB Office of General Counsel)
Danielle Gosselin (STB/SEA)

Other Interested Parties (Not Official Section 106 Consulting Parties):

Ronda McNew (Martin Family - Landowner)
Alvin Saathoff (Saathoff Family - Landowner)
Lynette Stewart (Landowner)
Julianne Fletcher (Preservation Texas)
Thomas Hester (Archeologist)
Courtney Eisenhower (Landowner)

Introduction

The meeting convened at 10:00 CT and 11:00 EST. Following a brief welcome and introductions, Victoria Rutson provided an overview of the agenda which included:

Purpose of Meeting, Brief Chronology and Ground Rules

Synopsis of Proposed Voluntary Historic Mitigation Measures as Outlined in Southwest Gulf Railroad's (SGR's) April 5th Letter

Initial Remarks Focusing on Four Questions Below - Section 106 Consulting Parties:

- 1) What is your overall reaction to SGR's modified proposal?
- 2) Does the modified proposal address the issues that you raised during the meeting held Monday, March 26, 2007?
- 3) If not, why not? Where specifically does the mitigation fall short?
- 4) What would be needed for you to find the Proposed Route acceptable?

Additional Remarks/Open Discussion

Next Steps

Purpose of Meeting, Brief Chronology and Ground Rules - by Victoria Rutson

Victoria Rutson provided background information on the proposed railroad construction and operation proceeding. She noted the purpose of the meeting was to give the Section 106 consulting parties an opportunity to provide comments on SGR's voluntary mitigation plan for the Proposed Route. Ms. Rutson detailed the past events of the project, from SGR's initial 2003 filing for construction authority before the Surface Transportation Board (STB) to the issuance of the Supplemental Draft Environmental Impact Statement (SDEIS) in December 2006. In the SDEIS, she explained, the STB's Section of Environmental Analysis (SEA) had identified both

the MCEAA and Eastern Bypass Routes as the environmentally preferred routes because these routes would avoid the Quihi Rural Historic District (QRHD).

Ms. Ruston also provided an overview of the ground rules, stating that initial comments should be based on the four questions listed in an e-mail sent to the meeting participants before the meeting. She stated that each party would have two minutes to speak in the initial round of comments and would later have the opportunity to expand on their comments during the open discussion. Ms. Ruston also noted that only official Section 106 Consulting Parties would be given the opportunity to speak during the initial round.

Synopsis of SGR's Proposed Voluntary Historic Mitigation Measures as Outlined in their April 5th Letter – presented by Clay Upchurch, Vulcan Construction Materials, LP (VCM)

Clay Upchurch provided an overview of the following key points of SGR's proposed mitigation measures as outlined in SGR's April 5th letter:

1. SGR will fund the preparation by a competent historic resources consultant of an Historic Preservation Plan (HPP) for the QRHD. The purpose of the HPP will be to establish a plan for the current and long-range preservation, maintenance and use of the QRHD.
2. SGR agrees to implement a conservation easement program in consultation with the Medina County Historical Commission and the Texas Historical Commission (THC) on those properties that it or its affiliates own in the QRHD. The purpose of this program would be to control development within the QRHD.
3. Should the Proposed Route be constructed, SGR would take steps (through rate incentives and other means) to incentivize any businesses desiring to locate on its line to do so outside of the QRHD, and instead, in the area near the southern terminus of its line, well outside the QRHD and near the UP line and U.S. 90. If any business locates along a portion of the line that is not protected through an easement, SGR would contribute a fixed sum to either the Medina County Historical Commission or the THC to fund historic preservation within the QRHD. The size of the contribution would be commensurate with the size of the area consumed by the rail-served business that locates in the QRHD under a formula that SGR would discuss with the relevant preservation agencies, but would not be less than \$75,000.
4. SGR will ensure that the Proposed Route avoids the historic stone wall as well as any other structures that are contributing elements to the QRHD.
5. SGR will avoid bisecting the Gerdes farm, designated as a heritage property, by re-routing the Proposed Route along the edge of that property, adjacent to County Road 353 currently marking the edge of the property.
6. SGR will consult with the Tap-Pilam Tribal Council to develop a plan to ensure that any Tap-Pilam human remains and grave associated artifacts encountered during the construction phase of the project are reburied within 30 days and in a

location where their subsequent disturbance is unlikely and in a manner consistent with Tap-Pilam Tribal custom and tradition.

7. To the extent that the STB approves the proposed route, SGR will submit final engineering plans and specifications for that Route to the Medina County Historical Commission and the THC for advance review and comment.
8. SGR will take steps to use natural vegetation and other available means to make the rail line, including stream crossings, as unobtrusive as possible.
9. SGR commits to adhering to the terms of the Programmatic Agreement as a means of addressing any archeological resources that may be located along the Proposed Route.

Mr. Upchurch also noted that SGR would be willing to revisit the proposed mitigation measures discussed at the March 26th meeting.

Initial Remarks Focusing on Four Questions – By Section 106 Consulting Parties

Mr. Jordan Tannenbaum stated that when Congress enacted the National Historic Preservation Act, it intended a balancing between preservation and development. He also stated that he believes that SGR has come up with a formidable array of mitigation incentives to ensure that businesses will locate outside of the QRHD. He said that these incentives are innovative and will ensure preservation. Finally, he stated that everyone should consider the mitigation measures.

Ms. Cynthia Lindsey made the following initial comments:

I would like to comment, in writing, to your letter of April 9, 2007 and the attached letter from Steptoe & Johnson, dated April 5, 2007, regarding the mitigation proposals made by the representatives of Southwest Gulf Railroad (SGR) at the meeting on March 26, 2007. It is my understanding that Vulcan Construction Materials and their subsidiary SGR are continuing to pursue the original proposed route through the Quihi Rural Historic District (QRHD). And, in spite of the conclusions and recommendations made by the Surface Transportation Board (STB) and the Board's Section of Environmental Analysis (SEA) in their Supplemental Draft Environmental Impact Statement (SDEIS) issued in December 8, 2006, Vulcan and the SGR continue to insist that the original Proposed Route should be approved, apparently only because of the additional cost. From my reading it appears the SEA has concluded in its report "that the Eastern Alternatives are environmentally preferable to the Proposed Route or any of the alternatives."¹ Therefore, I cannot understand why these meeting and any negotiations or mitigations are necessary; the original Proposed Route is definitely unacceptable.

The representatives of the SGR make several offers of mitigation in their letter and I have to question several of their offers. They offer to procure the services of consultants to assist in the preservation of the QRHD, but it must be understood that these services would not be

¹ SDEIS, Dec. 8, 2006, Page ES-12.

necessary if there were there was no railroad in the QRHD. The SGR also emphasizes the importance of cost in the construction of one route versus another, but they do not stress the “cost” of the permanent loss or destruction of a historic heritage and culture which cannot be replaced, and the “cost” to hundreds of families whose lives will be adversely impacted by their project. No amount of money or mitigation can recoup that “cost.”

Then SGR offers to establish a conservation easement along the portion of property that it or its affiliates own and encourages the other landowners to do the same, thereby preventing any further commercial development along the rail route. This presents a major quandary, the SGR has applied for a permit from the government to operate a “public railroad” for the “public benefit,” and they have indicated that they will use the power of land condemnation provided to public railroads to acquire land for the “public benefit.” But, then they propose to establish a conservation easement along the route, which, according to their letter would result in “no rail-served business could locate along the SGR line within the QRHD.”² This is NOT a “public railroad” and it definitely will not service the “public benefit.” They should NOT be allowed to acquire private land using eminent domain when there is NO “public benefit.” Vulcan never intended to have a “public railroad,” it is for their own private use and will profit only them. They are therefore making a mockery of our laws and the regulatory process of the STB and the SEA.

They also state that they will avoid the historic stone wall as well as any other elements contributing to the QRHD. Well it is apparent that SGR and Vulcan were oblivious to the majority of the historic sites in Quihi when they produced the original Draft Environmental Impact Statement (DEIS) in November 2004, and that was one of the reasons that the additional SDEIS was necessary. Why should we believe that the SGR and Vulcan have identified all historic sites at this point? Quihi is peppered with historic and multiple pre-historic sites which are still being identified. In my opinion, avoiding specific sites is not enough, they should avoid the entire area, and they need to stay far away from Quihi and from the QRHD.

The SGR also offers to move the Proposed Route and not bisect the Gerdes farm, a heritage property. They state the rail line will now be routed along the nearest fence line; this should really improve the quality of life for a farm family that has held the same property in the same family for over one hundred years. Having a garish train run along the edge instead of through the middle will NOT make the Gerdes family more comfortable, it is still intrusive and degrades the quality of their lives and their farm. SGR then offers to screen the rail line with natural vegetation and make it, the rail line, as unobtrusive as possible. It appears that they have now admitted that the railroad is invasive, obtrusive, and unsightly and requires screening to make it more palatable to the community. There is natural vegetation there now and a railroad will be obtrusive no matter what they used to try to hide it.

Finally, on a personal note, the letter writer states that “... the Proposed Route [is] preferable, including intrusions onto the properties of fewer private landowners and less impact to irrigated fields.”³ Well, they apparently don’t have any problems impacting my irrigated

² Steptoe & Johnson letter, April 5, 2007, Page 3.

³ Steptoe & Johnson letter, April 5, 2007, Page 4.

fields. I have an Edwards Well and an extensive irrigation system and I irrigate my hay fields and pecan orchards. My hay fields are cut and baled sometimes as many as three times per year. The hay fields are the sole support of my farming operation; I use the hay to feed my cattle. I find it hard to understand why someone's irrigated fields are more important than mine, and why the SGR uses the avoidance of one irrigated field as justification for their Proposed Route, but considers it okay to destroy my irrigation system and fields.

In summary, I object strongly to the Proposed Route or any other route that bisects the QRHD because it will have a definite negative impact on the Quihi Rural Historic District. The SEA should NOT designate the Proposed Route as a preferable alternative, and if a rail line is to be constructed anywhere near Quihi it should be as far away from any historic sites as possible. I cannot in good faith endorse or support any of the Eastern Alternatives, as I am personally against any commercial development within, over, or through the Edwards Aquifer Recharge Zone. In addition, I restate my opposition to Vulcan's proposed route which is within, over, and through this very special, historic, and unique rural community of Quihi. The mission statement or motto adopted by the Quihi and New Fountain Historical Association is "We have no future without a past." Please help us preserve our past for the sake of all those who will come after us and need it for their future. Thank you for giving me the opportunity to express my concerns and submit my comments.

Mr. David Barton made the following initial comments:

1. What is your overall reaction to SGR's modified proposal?

The modified proposal fails for the same reasons as the original proposal. Items 1, 2, and 3 of the April 5 modification letter address only future development. Items 6, 7, 8, and 9 are the same unenforceable promises pertaining to final design and engineering that we heard previously. Items 4 and 5 reflect a negligible minimization but still do not resolve the unavoidable, unmitigable aesthetic and environmental impacts from the location of the Proposed Route in the Quihi historic area.

2. Does the modified proposal address the issues that you raised during the meeting held Monday, March 26, 2007?

No.

3. If not, why not? Where specifically does the mitigation fall short?

Mitigation that addresses only the impacts of future development is irrelevant and is not mitigation of the adverse effects identified in the SDEIS.

The focus must be on the impact of this proposal, which is not complete. The shell game with the power line to the quarry is ludicrous. They have been undertaking planning for the connected action all along and it is obvious that the most convenient location for the power line, from their perspective, will be the rail easement. But now they are claiming the right to solely

determine when their plans ripen into proposals. That is not for them to decide. At the very least, the power line is a reasonably foreseeable future action whose adverse effects have not been accounted for. Texas law regarding proprietary service areas of electric co-ops requires the Medina Electric Co-Op (MECO) to be the service provider for the Vulcan quarry. The shading that negotiations between Vulcan/SGR and MECO are somehow "preliminary" is insufficient to overcome the requirement to designate the power line as a reasonably foreseeable future action, particularly given that the quarry has completed the state permitting process.

Further, Vulcan/SGR's fallback position, even if they have to account for the power line, is the same final design and final engineering privilege they have cited previously for the bridges and other components that will have unmitigable impacts. They've already gotten the benefit of deferring final engineering, and they can't now double their benefit by using that as mitigation in lieu of analysis or use it to overcome the benefits of avoidance. That will be a significant legal issue which MCEAA will assert if the Proposed Route is deemed eligible for licensing.

4. What would be needed for you to find the Proposed Route acceptable?

MCEAA will not accept the Proposed Route under any circumstances, due to its unmitigable impacts. This process should be over, and it can be over very easily given the existence of the environmentally preferred Eastern Alternatives. We do not appreciate the attempts of the applicant and anyone else who would enable them to push the impacts of this rail line from the quarry lessors in the east over to the residents of Quihi in the west. The idea that somehow the property interests along the various alternatives are equally situated and that, oh, it's too bad that someone will get gored no matter what is nonsense when there is resistance to otherwise viable eastern alternatives by those with a financial interest in the connected action, i.e. the quarry. It is significant that, as Cynthia Lindsey noted in her letter, the supposedly equivalent burdens supposedly borne by landowners along the eastern routes have not been addressed for the Proposed Route, which only adds to the hypocrisy of casting the property interests here as equal. The quarry lessors have some latecomers to this process who are fronting for them, but the issues facing the eastern irrigators have been resolved and there is no reason to continue consultation on the Proposed Route. We have asked the STB to terminate consultation on the Proposed Route and after hearing everyone's views in the opening statements we urge it to do so, so there can be a reasonable outcome to this process that is more likely to avoid litigation.

Ms. Alyne Fitzgerald stated that there were no solutions presented in SGR's April 5th letter. She believes that SGR did not acknowledge the real effect of the Proposed Route on the cultural landscape of the QRHD. She stated that she does not think that the modified proposal addresses the issues raised during the March 26th meeting. She thinks that the modified proposal only brought up more unanswered questions. She stated that mitigation is not possible because of the effect that moving earth would have on the Quihi landscape. She stated that there are a number of impacts that will adversely affect the landscape including realignment of the roadway, changes in land use for non-historic purposes, new buildings etc. She stated that these changes would leave the QRHD ineligible for the National Register of Historic Places. She stated that nothing can be done to make the Proposed Route acceptable.

Mr. Tom Walpole stated that Vulcan's resistance to build is ludicrous when they have a viable option. He said that he can't believe that cost is the only reason for not considering the eastern routes. He stated that he does not believe that the modified proposal addresses the issues that were raised at the March 26th meeting. He believes that the artist's rendition of the bridge attached to SGR's April 5th letter is a joke. He stated that he would not accept the Proposed Route under any circumstances.

Dr. Bob Fitzgerald stated that he relinquished his two minutes to Mr. Barton.

Mr. Ray Schoch stated that he attended the March 26th meeting, but his name wasn't on the list of attendees in the meeting minutes. He stated that he supports the Proposed Route. He believes that it is the shortest route and that it affects the fewest people. He stated that it is not possible to stop industry for any reason. He emphasized that SGR's mitigation proposal is reasonable. He said that the picture of the bridge looks reasonable. He also indicated that he spoke with engineers who told him that noise and vibration wouldn't be a problem for the four houses located on the Proposed Route. He said that he doesn't have a problem with the Proposed Route as long as the train doesn't come within 200 ft. of any of the houses or disrupt the oak trees. He also stated that any artifacts in the area would have already been found. Mr. Schoch noted that the size of the contribution to fund historic preservation had changed in the modified proposal. He stated that there was a lack of funding which prevented preservation.

Mr. Andy Weiblen made the following initial comments:

The Weiblen Family wants to reiterate that they are against the eastern routes since the divide more than double the number of farms and ranches when compared to the Original Proposed Route.

If there are no other choices but the eastern routes, then the Weiblen Family wants the Weiblen Modification identified as a requirement to avoid the destruction of our farm.

Mr. Richard Garay made his initial comments. See attached.

Mr. Larry Oaks stated that they will look at the minutes from these meetings and work to preserve cultural and historic resources and to allow development to go forward. He said that the purpose is not to find a middle ground but to find a way to avoid or lessen any potential impacts. He stated that they need to find a solution that will do the least amount of damage to the division of properties and to irrigation systems.

Mr. Brad Patterson indicated that avoidance of cultural resources remains viable. He stated that a preservation plan can be a useful tool. However, he also believes that easements may not be successful on land that the railroad does not own. He stated that it might be difficult

to get other property owners to comply. He also noted that the artist's rendition of the bridge is not to scale.

Ms. Katry Harris reminded everyone that the Eastern Bypass Route and the MCEAA Route both pass through an identified cultural historic district. She mentioned that the no build alternative might also have adverse effects on historic properties because of trucks running through the district and road improvements.

Additional Remarks/Open Discussion - by Meeting Participants

Mr. Tom Hester stated that he provided his comments in a letter to Mr. Oaks. He indicated that he had one additional comment regarding the proposed preservation plan. Mr. Hester stated that the Medina County Historical Commission has no ability to implement a preservation plan.

Dr. Fitzgerald stated that he does not believe any modification can take the place of avoidance. He believes that the eastern route is preferable. He indicated that the modified proposal does not address the issues raised at the March 26th meeting. He stated that he had expectations of learning more regarding the crossing of the flood plain, the QRHD etc. He believes that the proposal lacks details. Furthermore, he stated that it would be difficult to mitigate dust, noise and the presence of a train. He said that the area needs to be preserved as a rural landscape. Finally, he stated that nothing would make the Proposed Route acceptable.

Ms. Ronda McNew made the following initial comments:

My name is Ronda McNew, a member of the Martin Family comprised of the Nelson Martin Family, the Jerry Martin Family and the Dean McNew Family. On behalf of my family, I want to thank you for allowing me to speak. To ensure that I do not miss any of the points that my family wants emphasized, I am reading my prepared comments.

My family is in total support of the Southwest Gulf Railroad's modified proposal to the Proposed Route. Texas' Governor, the Honorable Rick Perry, Agricultural Commissioner Todd Staples, and the Texas Farm Bureau also support the Proposed Route. We concur that the Proposed Route will affect fewer landowners and less archaeologically sensitive terrain while affording the most protection to the Quihi Rural Historic District. We applaud the mitigation efforts, as they are a wonderful balance benefiting all parties involved.

There were many, many concerns raised during the March 29, 2007, meeting. It is the feeling of my family, that the modified proposal addressed the possible problematic areas and offered sound viable solutions making the Proposed Route very acceptable.

The Martin Family requests that the Section of Environmental Analysis of the Surface Transportation Board and Texas Historical Commission decide to allow Southwest Gulf Railway to move forward with the construction of the Proposed Route with modified enhancements from

the Vulcan Construction Materials, LP limestone quarry to the Union Pacific Railroad Company rail line near Dunlay. This decision will not be regretted.

Thank you, again, for allowing me to address this group.

Ms. Ronda McNew also made the following additional comments:

My name is Ronda McNew, a member of the Martin Family comprised of the Nelson Martin Family, the Jerry Martin Family, and the Dean McNew family. On behalf of my family, I want to thank you for allowing me to speak. To ensure that I do not miss any of the points that my family wants emphasized, I am reading my prepared comments.

Our family lives on a historical property that is in the path of the proposed eastern routes. This land has been in our family for over 100 years, qualifying it for Texas Department of Agriculture Family Land Heritage Program recognition. We are completing the required documentation for recognition as a historic property in 2008.

We understand and are a part of the multi-faceted tapestry of the community of Quihi. We also own land in the town of Quihi, which has been in our family since 1855. This land was part of an original Texas land grant and received a Texas Department of Agriculture Family Land Heritage award in 1975. We have an ancestral home on the land and appreciate the value of ancestral Quihi homes, especially since we are direct descendants of the Schweers, Breiten, Saathoff, Lindeburg, and Balzen families. However, the land grants in Texas were issued to our ancestors for the purpose of farming and ranching. Henri Castro founded Quihi to serve as a farming community for immigrants from Alsace and nearby German states. An ancestral house is important, but the importance pales in light of ancestral land. Our ancestral land is the true heritage of Texas, the true heritage of our community, and the true heritage of our family.

Before we worked and utilized our land over the past century, Native Americans worked and utilized the land. The arrowheads, tomahawk heads, and various scraping and cutting rocks that can be found on the Balzen/Martin Homestead verify this. In addition, there is evidence of a Native American campground on our land, which is substantiated by the piles of flint rock chips, burnt rocks, near a natural alkaline high sodium soil lick.

In summary, my family sees both sides of the rail line location-problem because we are a part of both sides. However, when having to choose between an ancestral house and ancestral land, we choose the land – the real reason our ancestors came to Quihi. Please consider the bigger picture, the greater good, the better value, and the larger significance of heritage family land when making the decision for location of the rail line and elect not to cross the historic partials of land that are along the proposed eastern routes. The Martin Family requests that the Surface Transportation Board and Texas Historical Commission decide to leave this historic land intact by choosing the Original Proposed Route through Quihi, a decision that will not be regretted.

Thank you, again, for allowing me to address this group.

Nelson and Paulette Martin submitted the following comments after the teleconference:

We listened in part to the conference call on Friday, April 20, 2007 regarding the *STB Finance Docket No. 34284 – Southwest Gulf Railroad Company –Construction and Operation Exemption – Medina County, TX* and would like to clarify statements made by Ronda McNew (sister) regarding the section of our family land, the Martin land which pertains to me, Nelson Martin. When she stated that we have a historical house, we believe the majority participating in the conversation were not sure of the location of this house. This house is on the land we own in Quihi off of FM 2676 west of the Quihi Lutheran church and not on the family land off of County Road 366.

Secondly the farmland that we inherited is not leased/rented. We share crop the land and are active in the day to day maintenance and expenses of the farm. We in turn then receive a percent of the profit or loss after harvest as does the farming operation that assists us with our farmland.

We do have our permanent residence on the family land off of County Road 366. We do not want to imply anything other than what it is. Please pass this on to all who need this information so there is no confusion or misunderstanding.

Thank you for your time and all your work to assure everyone is heard.

Ms. Katty Harris inquired about the location of the Martin family farm and whether or not it is a historic property.

Mrs. Rutson stated that whenever SEA does an environmental review, SEA looks at the ability to mitigate impacts. She stated that it is important to be able to avoid and minimize impacts because routing isn't final until the Board decides to approve the line. She stated that the Board can either deny, approve or approve with mitigation. She also noted that there are alternatives regarding mitigation and that a concrete line is not drawn. She stated that there is still flexibility to move the line itself.

Mr. David Coburn agreed with Ms. Rutson but stated that feasibility should be kept in mind. He stated that it will be difficult to keep property boundaries along the eastern routes and that the Proposed Route is a straight line.

Mr. Oaks stated that the land is flat. He also stated that it is a matter of doing the least damage to properties and the irrigation systems.

Ms. Diana Wood discussed the parameters that SEA considered when examining the alternatives in the Draft EIS such as grade, type of track etc. She also stated that property severance was addressed in the mitigation measures.

Mr. Coburn stated that most of the property not owned by the railroad along the Proposed Route is owned by the Lindsey family. He said that the Lindsey family would have to agree to the proposed easement program.

Ms. Courtney Eisenhower noted that the proposed eastern routes run through a plotted, restricted subdivision.

Mr. Brian Pietruszowski stated that the issue of the restricted subdivision had already been addressed.

Mr. Ray Hernandez stated that he would like more information regarding the archeological findings along the Proposed Route.

Ms. Ruston stated that the information can be found in the Draft EIS.

Next Steps - by Vicki Rutson

Ms. Rutson stated that SEA will type up notes from today's teleconference. She invited all of the meeting participants to send written comments via e-mail to Diana Wood. She also stated that the notes will be available on the Board's website.

Ms. Rutson stated that SEA is now in the position to determine the environmentally preferable route from a Section 106 perspective and in accordance with NEPA and NHPA. She said that SGR is free to work with the 106 consulting parties to make an agreement document; either a programmatic agreement or a memorandum of agreement. She noted that the parties are welcome to review and submit comments in order to develop mitigation.

Ms. Rutson stated that after a determination regarding the environmentally preferable route has been made, SEA will issue a Final EIS and invite the public to comment. She said that SEA will also make a final recommendation to the Board. Finally, Ms. Rutson stated that the Board will issue its final decision.

Ms. Dwin Vaughn asked what the next steps are in order to reach a programmatic agreement.