

August 22, 2007

Victoria Rutson, Chief
Section on Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, D.C. 20423

Re: Finance Docket 34284

Dear Ms. Rutson:

In view of Southwest Gulf Railroad's (SGR) decision to abandon the proposed route through Quihi, Texas in support of the Eastern Bypass route and coupled with the combined decisions of Texas Historical Commission and the Advisory Council on Historic Preservation's (ACHP) decision to not require a determination of the eligibility of the Quihi Rural Historic District from the Keeper, the following comments are made by the council of the Tap Pilam Tribe of the Coahuiltecan Nation. These comments include measures that we urge SEA to incorporate into the required mitigation measures, should a permit for SGR be granted by STB.

Before listing these measures, please permit us to remind the SEA of the importance of the Quihi area to our people. There is irrefutable physical evidence as well as documented history that our ancestors camped in the Quihi area, fished the streams and water holes (including Quihi Lake) and hunted the hills and valleys around Quihi. We raised our families here and buried our dead in the numerous cenotes in the region. This land was our home. Our ancestors believed that they did not own this land, "We borrow it from our children!" Now it faces destruction by a proposed quarry and railroad if measures are not taken to preserve what is left of our heritage. This must be done before these projects are begun. If not, our cultural heritage will be sacrificed for Vulcan/SGR profit.

We, therefore, implore the SEA to require through inspection by trained archaeological personnel of areas that have a high probability of having supported our ancestors inhabitation and culture. These areas include, but are not necessarily limited to, the following geographic locations.

- 1.) The area between the two branches of the Polecat Creek where the railroad loading loop is proposed. Hunters have reported seeing mounds here, suggestive of Indian inhabitation.
- 2.) Four Mile Waterhole----on the northeastern aspect of the Gerdes Ranch. This is an artesian spring where Texas Rangers and later Cavalry soldiers watered their horses while on patrol protecting early settlers. Logically this site was also used for the same purpose by our people before the area was settled.
- 3.) Indianer Koph (Red Indian Head) Hill---this territory is near the southern terminus of the railroad. This is a hill which Henry Castro's early colonists recognized as being inhabited by

Indians, hence its name. It is now noted as Schmidt's Hill on local maps.

4.) Caves and ceynotes in and around the quarry and its railway----These sites were used by our ancestors to bury their dead. Should a route be granted by STB, it should be mandatory that the area be inspected by knowledgeable personnel prior to any excavation or demolition being done.

In closing, we wish to again thank the SEA for the opportunity to participate in this proceeding. The respect and preservation of our Native American culture is appreciated by the Tap Pilam tribal council. We look forward to continuing our participation and making contributions to the Programmatic Agreement. We again urge the SEA Section to make the above comments required mitigation measures so that undue and needless destruction of our culture and heritage can be avoided.

Sincerely,

Roy Hernandez

cc: Texas Historical Commission, Mr. Larry Oaks

Advisory Council of Historic Preservation, Ms. Charlene Gwinn-Vaughn

Medina County Historical Commission, Robert Hancock