

# Green Eagle Railroad EIS Public Meeting

Tuesday, April 16, 2024, 7:00 PM CST • 58m 36s

## **SPEAKERS**

Stephanie Roberts, Andrea Poole Transcription via Microsoft Teams

### **Stephanie Roberts 0:12**

Good evening. Hello and welcome to the scoping meeting for the proposed freight rail project in Eagle Pass. We will begin the presentation now. Afterward, we will be taking comments from the public. We will be starting with the elected officials, then those who pre-registered for our website, and then those who signed in. If there is any time left, we will take additional comments from the public. Public comments will be limited to 3 minutes per person. I'd like to present Andrea Poole with the Surface Transportation Board, to my right, and Laurent Cartayrade with the independent consultant who is the Project Manager on behalf of them. Let me turn it over to Andrea. Thank you.

### **Andrea Poole 0:1:20.630**

Good evening, everybody. Hello, my name is Andrea Poole and I have seen a lot of faces today. I have been told I was a little too wordy this morning, so I'm sticking to the script, so if you heard it this morning, it's going to be shorter. Ok. Thank you all for coming tonight. We sure appreciate you being here. Tonight, I want to provide you an overview of the Surface Transportation Board, talk about the proposed action, talk about the applicant who is Green Eagle Railroad, talk about the purpose and need for the study that we're going to complete, tell you a little bit about the Surface Transportation Board and their role in decision making in this process, share with you the other federal agencies that were that we're talking to, share with you a little bit the environmental processes that we're undertaking today, go over how to make comments directly to the Surface Transportation Board's website, how to stay engaged, and then I'll turn it over to listen to your comments this evening, okay?

The Surface Transportation Board came out of the ICC, so we're an independent federal Regulatory agency with jurisdiction over certain surface transportation matters, including the construction and operation of new rail lines, and within the Board is the Office of Environmental Analysis, and we're responsible for directing the environmental review process because every federal agency has to consider the environmental impacts of every action they take. In this case, the Surface Transportation Board would be providing permission to construct a risk- a railroad and, and that. And because of that, the Office of Environmental Analysis will be conducting an Environmental Impact Statement and making environmental recommendations to the board, okay?

You guys have seen the maps up front, this one is on a poster board and then we have a little bit of a... bigger picture of a bigger geographical area, so. The Green Eagle Railroad is this yellow line and it ties in up here about mile... Milepost 31 on the UP line, as currently proposed. The green here are inspection facilities for Customs and Border protection to operate and the bridge rail bridge that would cross the Rio Grande into Mexico. From here to here, is about 1.3 miles and then there will be an additional, you know, 18 miles or so on the Mexican border. Just north of that, is another proposed bridge just for commercial traffic with its own bridge into Mexico. These two lines on the Mexican side of the border parallel each other about 18 miles into this whole wall up here. And up to here we have a communication tower, and inspection facilities, HAZMAT, and the other things that you saw on the board. So that's the project as proposed. Now the part of the project that is under the jurisdiction of the Surface Transportation Board and the reason for the EIS is we've got to make a decision on this, but this doesn't operate in and of itself. My team will be looking at all of this, okay? We'll be looking at the environmental implications of the entire project. It's important to note that

this project is not a government sponsored project, the government is not funding any part of this project, but because of the permission that the railroad needs to operate is why we're involved. So, the project component in this case is a project, is a company, is the Green Eagle Railroad and they're a subsidiary of Puerto Verde Holdings and they are the private... they are the private sponsor to the project who have requested authority to operate the line and they came in to us in December of last year and filed a petition with the Board to ask for permission for the railroad. And so that's sort of started our process. So, that's why, you know, why we're here today. So, the purpose and need. Why is Green Eagle Railroad proposing this new rail line? They've come up with a problem statement and a solution and that's what we called it in our environmental document, the purpose and the need for that... this study here. The purpose and need, according to Green Eagle, is to develop and an economically viable solution to meet the need for border infrastructure improvements here in Eagle Pass that increase the safety, facilitate international trade between the United States and Mexico, and they propose that the new rail line can resolve rail congestion, reduce border crossing wait times, and route traffic around the urban center of Eagle Pass. So, the Board will grant authority, they have to... they're required to grant authority for the construction and operation of the new rail lines, such as the one Green Eagle is proposing, so that they can do this process - we're just starting. The board will issue a decision whether to grant permission to build the railroad, grant permission with certain conditions that could be environmental conditions, they could be regulatory conditions, they could be monetary conditions, or deny their request for the project. Alright, we are not doing this in a vacuum all by ourselves, we've already. Oops, wrong button.

This is the Surface Transportation Board. Right here beside us is the US Coast Guard. They need to provide a permit to build a couple of bridges, and so we're working with them as a cooperating agency and including their considerations and concerns for the engineering design suitability, safety... In addition, we're working with IBWC on bridge and treaty issues and the Army Corps of Engineers and they'll be doing engineering reviews. They also have the Rivers and Harbors Act permits. They deal with floodplains, wetlands, and so they have a vested interest in this project and will provide us information on potential impacts related to the resources that they offer us. Alright, my favorite slide. This outlines the process of the work that we're going to do over at the... over in my office of Environmental Analysis. You guys saw the Notice of Intent? We sent that... we sent out postcards to several communities. Maybe you guys saw an ad on your phone, maybe saw newspaper advertisement, or the Federal Register notice that gave you the information about this meeting today. Next... and what we're doing right now is scoping the project. So, in addition to the federal resource agencies like Fish and Wildlife, the Texas State Historic Preservation Office, Army Corps, CBP, we're also interested in what your concerns are. This is your community and we wanna know what you want us to look at in the EIS. What are the environmental concerns you have? Are you worried about noise, air, land use changes, how your city will grow, transportation benefits? Those are the things that we're hopefully getting good information from you guys in the comments area. We will publish a final scope of study for this EIS and then we will prepare a draft EIS that draft EIS will be made publicly available to you. You'll be able to look at it electronically and tell us what we got right and maybe what we didn't get right. We'll get your comments on the draft EIS and then we'll prepare a final EIS. Oh, someone didn't turn off their phone. We will respond to your comments and then we'll publish our final environmental analysis document and the Board will take that into consideration along with the other part of the house... in my, at the Surface Transportation Board, which includes the economists that look at the transportation merits, they're the ones that sort of make those decisions on how much the grain shipper... twice a year should pay the UP to carry their grain across the country and they take in all of those sort of transportation considerations. So, we give those sorts of documents to the Board and the Board will then make a decision that I discussed earlier. I think we are good on that slide, I didn't use like 5 of those paragraphs. OK, this is what we already figured out. Some of what we need to look at. This... these are sources of study that will be in the Environmental

Impact Statement: the transportation, air and noise, bio, cultural resources, cumulative impacts, and transboundary impacts- we've had a couple of interesting meetings on both sides with officials on both sides of the border that sort of work out what those considerations would be in the pros and cons of a potential project. And then the others should be determined through scoping- that's where you guys come in. That's where we get the... your interest and your comments. So, how will I collect them? How to comment! The docket number is pretty important. The Surface Transportation Board has any number of dockets of all the cases that they're working on. Some are dealing with in number of issues, so, use that one so we know where you're talking about. So, you guys have seen a board. You've had people in the back talk to you about providing written comments, you can provide verbal comments. We will transcribe the oral comments that you guys provide to us today and we do have Spanish translation if anybody prefers to speaking in Spanish so that everybody can be heard in a way that's most comfortable for them. April 29th is the last day officially for my comment period and that allows us to keep the process moving forward. We... it will take us about a year to put out the draft environmental analysis because we'll talk to all the agencies, we'll do some field work and so, we need to keep things moving along, the end of the month is the end of our scoping period. Alright?

This is a copy of the Surface Transportation Board comment site and we have put together a fantastic little film for you. And I'm always excited when it works. That's where you put in the docket number, should be there in the top. Project name, of course, Eagle Railroad. You fill out some personal information that allows us to be able to make sure that we're responding to you and keep you updated on the project process. You can type in comments, there. You can also upload comments. You can upload maps... you can upload... anything that's like a JPG. And then, scroll down and hit submit. We also have a project website, Green Eagle Railroad EIS, and this is the best place to go for information on the environmental process. We will update it as we move through our environmental analysis and our process. And so, you'll be able to go to this website and see where we are. We have an interactive map there and we will be posting project materials as they become available. Limited project materials will certainly get the EIS up here for you if you wanna see anybody else's comments about their project, you can get to those on the Surface Transportation Board's comment site where you submit your comments. You can also look and see all the comments or anything that's been published that's all publicly available. So, you'll be able to get there, as well. So, how do you stay engaged? The project website, the board website, join the project email list that will let you get a postcard or an email. I do a blast email that says the draft EIS is ready or you know, updates like that periodically, and an email, or the phone number. There's not somebody answering the phone all the time but leave a message and we'll get back to you, Ok? And now it's your turn. I can't wait to hear what you guys have to say. Thank you so much for your time.

### **Stephanie Roberts 0:16:32.80**

Thank you, Andrea. We're now going to begin our public comment period.

Before we begin, we would like to know... you to know that all comments will be recorded. We request that civility and no profanity be used in the public comments, please. We will only be taking comments, and we will not be responding at this time. We're here really, to listen to your comments and your comments are going to help us identify the items that we need to evaluate as Andrea said in our presentation. Comments are limited to 3 minutes for all speakers. We will be at the two-minute mark showing a yellow flag let you know that some time has elapsed and at 3 minutes a red flag will come up and we request that you finish your thought in order to allow all folks who have signed up to speak, to complete, or to be able to come up and speak. If we do have time at the end, we will certainly open it back up again to have come back up and speak again for those who have not spoken or people they like to come up and do that as well. Again, we do have our comment boxes at the back of the House, here. You are more than welcome to go up and sign up for that or provide your

comments. You also can tape recorded comments. If you feel more comfortable coming up and speaking in Spanish, please let us know at the time that you come up to the podium. Thank you.

**\*Spanish translation of the previous paragraph\***

We would first like to invite our elected officials to come up and make their three-minute comments first. And we'd like to start with state Representative Eddie Morales. And then after that, Commissioner for District Three, Olga Ramos.

**Comment 1 - Eddie Morales 0:18:47.120**

Thank you for this afternoon. Thank you all. My name's Eddie Morales, I'm the state representative for House District 74, which is the largest district in the state of Texas. There's over 770 miles of a shared border with Mexico. I'm going to be saying some of the comments that I've already expressed in writing with respect to this project over a year ago. Mr. Garibay, and those working on this project reached out to our state reps Office asking for the support so that the state and federal agencies would know that this had the support of the local community, and I gladly gave it so understanding. And once I've received some of the preliminary data with respect to the economic impact that this is going to happen. So, thank you for the opportunity to be here today and voice my emphatic support for this project with due consideration to the reasonable constructions expressed by residents and subdivisions that live close to the proposed project. Understand a number of them I visited with them, and they have signed up and willing to come out up here to voice their concerns, mostly about noise and pollution. Having lived all my life right in front of the railroads, the Union Pacific Railroad depot on top of our... family's tortilla factory, I'm very familiar with the effects of a railroad working through the community, working through your neighborhood, working through town, and so. it's something that we have seen all my life, you know. Being the State Representative for over 770 miles of the Texas Mexico border, it's specific to Eagle Pass, I have always been an advocate for projects that will undoubtedly foster growth, prosperity and the opportunity for those living in those communities. My office has worked closely with and has consistently extended our support throughout this process to support the Puerto Verde Global Trade Bridge. This is a project that will quite literally be transformative for both sides of the border. This is a project that will usher in 10s of thousands of high paying jobs, more housing, improved trade relations, and in conjunction with the incoming Ports-to-Plain corridor, prove that the middle Rio Grande region and Texas House District 74 Country is the next frontier for the Texas economy. Not only will it be transformative, but this project is sustainable and environmentally functions from the information that has been provided to me. As a state representative and small business owner, I've tried to be a progressive and a visionary for my community and I know that Mr. Garibay has similar character traits and has the money, more importantly, to back it up, investing over \$17 million already from what I understand and properties in Eagle Pass in and on the Mexico side. This is what our border communities need: a progressive vision and willingness to go above and beyond to put our town and our region on the map. This project will undoubtedly be just that and we must embrace it. Since 1994, trade between Texas and Mexico has tripled and imagine what that will do in 2050, which is only 26 years away. Without any action or willingness to meet that demand, we only lose out on jobs, billions of dollars in opportunity, and suffer the consequences of backlogs. This is our time to seize on this opportunity and provide new opportunities for thousands of our residents. The data shows 320,000 new jobs that will be built... that will be created from this project and a \$32 billion annual GDP impact, and I said billion with a B - that's what this region stands to benefit from. A project like this and what we will reflect on decades down the line as the historic and necessary endeavor, but we need to take into account the communities' concerns also which rightfully, I think some of them are very legitimate. I asked the residence to support this project which will undoubtedly give me a lot of work in Austin and at

the Capitol to secure funding for all of the future infrastructure needs this Community and this region will need with water, sewer, all these infrastructures that we're going to need to work on. We have, we're a town of 75,000 people and we're expecting 320,000 new jobs in the next 15 years - it's a beautiful [inaudible]. And with that, again I give my support and I thank you for your time and your opportunity. Thank you.

**Stephanie Roberts 0:23:21.250**

Thank you. Commissioner Ramos is, had to leave, so she's not able to give a comment at this time. Is there any other elected official that is present and would like to make a three-minute comment? OK, we're going to move to the individuals who pre-registered on either earlier today or through our website before today to speak and the order that they will go is Jose Salazar, and Marquita Diaz, and Rosa Aramando. So first up, is Mr. Salazar.

**Comment 2 - Jose Salazar 0:24:4.500**

So, my name is Jose Salazar. I've lived here in Eagle Pass all my life. And I've seen a lot of things... I remember when there was a chemical spill over by bridge 2 and there were a lot of people that were affected by that. One of them is Miss Dias who testified this morning. I am not against the building of this railroad; what I am opposed to is the location. You will run it through a neighborhood which is our neighborhood, and I don't think that is right. That is the main concern, the location. Other than that, I can tell you that the that trains carry a lot of chemicals. It endangers a lot of residents. There's a neighborhood that is blaming Union Pacific for everybody being sick, for having cancer and all kinds of problems. There was a study in the 90s, so they brought a scientist, came from San Antonio, and he determined that the people that live along the railroad tracks had cancer and... or the reason was because of the chemicals that they're exposed to by living there so many years. Definitely, it's not a good idea to run it through a neighborhood. I was looking at your map and if they really want to, they can do it. They can run it north, a little bit further north and somehow cross it near Thompson Road and connect to the railroad that is out there. I don't see why it has to cross through our neighborhood and block the Rio Highway, but, by now, all of the lands and areas and all that has been bought and we're just getting the end of it. There's a lot of people in my neighborhood that don't know that this is going on. And I just don't think it's fair. But if you guys, or whoever needs to, can take it north and somehow connect by Thompson Road through the [inaudible]. We don't need it through our neighborhood and that's what I want to change.

**Stephanie Roberts 0:27:8.720**

Thank you very much. Ms. Diaz?

**Comment 3 - Enriqueta Diaz 0:27:28.130**

Members of the board, I'm going to start right where I left off this morning and I hope I'm loud enough for everybody to hear me. I was referring this morning to the fact that... in reference to what is like the railroad the explosion that happened a few years ago, that there were over 70 people injured because of HAZMAT material in a railroad car. And I am one of the victims that have to suffer a lot, and still do, because somebody supported the bridge... it being built by close to the railway tracks for people who go back and forth. So, I'm going to continue on due to the limitation of time. Why did this happen? Simply because when it comes to setting infrastructure in the political world, money talks and this is not new - it happens all the way to the White House. You scratch my back, and I will scratch yours. I will ask you, are you here board members or are you here for the reason to hear the concerns of the people in our community, or just to comply with the set policy and regulation? Are you really listening to those who are opposed to it, not only the railway but the bridge? I think it's because the majority of the people in the area who will be affected by the railway, or anyone do not know of the hearing taking place here today. Notices are not being provided to everyone in the

community. Unfortunately, our Maverick County Judge Ramsey Cantú and three county commissioners, Olga Ramos, Roberto Ruiz, Roxana Rios, don't even live in the affected area, nor do they care what consequences people have to suffer as long as Ruben Garibay gets the International Bridge 3 approved and the railway, he gets what he needs. Ramsey English Cantú was the mayor of the city of Eagle Pass, and he was before he became County Judge. He and the commissioners were already in cahoots with Ruben Garibay and agreed to give them International Bridge 3 already registered with the US State Department to be built by Maverick County and they granted it to Mr. Ruben Garibay. Total conspiracy. As a matter of fact, election financial records reflect the thousands of dollars that were donated by Mr. Ruben Garibay and political contributions towards County Judge Ramsey English Cantú's election. He sold out the prestige of Maverick County. Needless to say, the County Judge Ramsey English Cantu and his commissioners court, were ready to work the infrastructure to support Ruben Garibay. The commitment of Ramsey English Cantu and his commissioners was so great that even from the community to raise the petition to stop the 24 million loan from the Texas government Development Board to put sewer and water on properties already bought by Mr. Ruben Garibay in the vicinity of the proposed Puerto Verde before voting to deny the petition and the right of the people to oppose this loan. A federal lawsuit was filed in Del Rio, TX and when the Ramsey Cantu and his group lost the case. They're no longer eligible because they went against the rights of the people under the United States Constitution. Mr. Ruben Garibay is not from Eagle Pass. The commissioner's board is not representing the people of Maverick County. The conspiracy was planned since before Ramsey English Cantu became County Judge. He appears very professional and soft spoken, but he's really a devil in disguise. I predict that Ramsey English Cantu... that he will be either removed by the Commission [inaudible] of conduct, or will get indicted and [inaudible], an investigation on this conspiracy or he will be a one-term judge. But he does not care who he hurts. I can assure you that Ramsey English Cantu has a guaranteed job with Mr. Ruben Garibay no matter what happens. I'm asking this board to please help consideration for the people of Maverick County, we are very poor, we're very low income, but we do not have the money nor the resources to buy attorney. We depend on you people to go to the right decision for us, the people of the United States of Maverick County. Do not let this group suffer the cause all of Eagle Pass and all its citizens, because this is the total conspiracy. They're power hungry and I thank you in advance for your time.

**Stephanie Roberts 0:32:8.660**

Thank you very much. I'd like to call out for Roger Armano and the next two people up after that will be Andrea Padilla and Martha Baxter.

Mr. Armano? Ok. Then next up, Andrea Padilla.

**Comment 4 - Andrea Padilla 0:32:50.540**

I know this Barerra Street, going to be... my childhood home is there. I know exactly the effects that that can cause in the neighborhood. I'm not against this, but like I said, like the person that the man mentioned the neighborhood. That's something that I feel like needs to be considered and, you know, right next to it is where the canal is. That's the flood area. So how are you facing this flood area with the overhead railroad? How is that going to affect the future when it comes to the weather, you know, you can't predict Mother Nature. How is that going to happen? Whenever it rains, it floods there. It's a flood dock, so, my parents' house and my neighbors have been affected by this flood area for years as a child. So, I know that that's something that definitely needs to be discussed/considered how that all is going to play out. Another thing that's for the people that are living there in the street. Is there going to be a buyout? And if there is, what are the living situation? What is the living situation going to be for the residents that are right there deep into the railroad head? You know this is the multibillion-dollar project like Mr. Morales said there has to be money to take into consideration before the people and the residents that live there. They need to be taken care of and I feel like it's only fair, because it's not only that they affect our generation, that affects

our future generations and our kids and that's something that needs to be recognized as important. What else? After everything is said and done, who is going to be... who is going to continue to monitor the impact areas after everything? So, when it comes to them, exactly, factors such as the biological resources, the water resources, air, with climate change, all of that how is that going to affect the City of Eagle Pass, because it's going to affect all of us, not just there. And maybe, again, would be.... [inaudible]. The railroad is going to be on top and it shouldn't, like I said, I thought there's going to be, like an overpass that was going to be done. It shouldn't obviously cause any condition when it comes to people and the residents going into town. But like I said, for those residents that live there in that neighborhood, the rail... the train, you know, what other conditions are going to be in place there so that way it's not literally coming at 100 mph. Who's going to be... who can we make accountable to making sure that they are safe? Who will make sure of that it? And so those are my concerns. Thank you.

**Stephanie Roberts 0:35:57.120**

Thank you very much. And next speaker is Martha Baxter. After that, we'll be Gilbert Sanchez. Junior, followed by Jessie Fuentes and then lastly, Daniel Flores. So, Ms. Baxter please.

**Comment 5 - Martha Baxter 0:36:27.730**

Thank you for allowing this opportunity to voice our concerns. I am a resident of Hopedale Area, Maverick County and I live about 1.5 miles from the proposed Puerto Verde bridges. I would like to comment on the cultural resources part of the Puerto Verde application to the Surface Transportation Board. The proposition states that on page 78 there are no cemeteries located within one mile of the Puerto Verde area, this is not true. In 1895, a large group of Americans blacks immigrated into Mexico. Later that year, they returned to the US and through Eagle Pass. After some of them contracted smallpox in Mexico, they were placed in the isolation camp run by the US Public Health service called Camp Jenner. Camp Jenner was located on both sides of the Elm Creek near where it flows into the Rio Grande. So, 411 people were received at this camp and 60 of them died there. They were buried nearby, and they state that there are even more according to the museum curator that retired. The names of at least 25 of these victims, are known. Of course, there is no one alive today who knows firsthand exactly where the cemetery is located. For the Texas Health and Safety codes, Chapter 711, and Texas Administrative Code, Chapter 22 spell out in great detail that the procedures to handle unknown, abandoned and unverified, cemeteries. Failure to follow these procedures could result in persecution under the Texas Penal Code Section 42.08 abuse of a corpse is a state jail felony, punishable for about two years in prison... disinter, disturb, or damage any part of a human corpse. In addition, evidently the bad publicity for Puerto Verde for desecrating African American graves would be considerable. In order to avoid disturbing these graves, the STB must require Puerto Verde to hire a professional archaeological firm to conduct an intensive survey of their project area to determine the exact location of the graves and any [sound cut out] Native American graves, such as were found along Elm Creek at the Dos Republicas Coal Mine found only two miles to the north. There are also many unmarked graves in cemeteries along the Elm Creek that also must be checked out, but no construction by Puerto Verde should begin until this survey is complete. I also want to let you know that this morning, after the session, Mr. Garibay approached my husband and I and told... he told my husband that he would build a new water plant upriver in the cause of that concern of the hazardous materials falling in case of an accident and we were elated about that because the mayor was a witness to him telling us this. Later on, we came to the second section, Mr. Garibay approached us and he rescinded, so he went back on his work because he said he talked to the consultant or advisor for the Water Board, Mr. Roberto Gonzales, who has failed us in another times, and he said that they would take care of it for two days or we have a spill like Palestine, it doesn't last for two days. This terrible man has no word and went back on it. Thank you.

**Stephanie Roberts 0:39:37.680**

Thank you, Ms. Baxter. Next, we have Gilbert Sanchez Jr.

**Comment 6 - Gilbert Sanchez Jr. 0:40:10.640**

Good afternoon. My name is Gilbert Sanchez Jr. and I thank you all for being here, that gives us a chance or opportunity to comment on this situation. Like other concerned citizens... not that many people were aware. Yeah, we saw the public, you know, notice, until this week. My main concern as a property owner and a... which I live about 650 feet closer to the line where it's going to across and the nearest house to that is about half the distance, so it's about 300 feet to where the inspections is going to go, based on the map. And I'm really concerned more than anything for this meeting that, you know, this board really looks into the environmental impact that this may have, like you stated, for either air quality, water sources, or more individual... pollution or visual pollution, if you may say that. Obviously, all the logistics that involve building this port or this new Port-of-Entry and more than anything and as the we can only comment and not stop this, you know, probably Bill, I know that... I understand that it's a proposal, but just quickly, you know, as far as I'm... with the three-minute limitation as far as time. The process or the... I guess procedures, emergency evacuation, or whatever it may be entitled to have or elaborate in case of a HAZMAT material spill, you know, you know, as a concerned citizen and then most of the citizens of Eagle Pass stated, you know, like earlier stated that I mean yes, we have a rail line that goes through most of the city and then another one being built you know close to an urban area. I mean, there's going to be a construction of this new line or what would be the proper procedure for something like that? To finalize on my comment and I will upload more information online, is that most of this is, as far as the properties needed for the construction of this rail line, have already been bought from two years ago or starting October of 2021 and recently in October of 2023. So, it's just a matter of time. You know it's going to happen, just a matter of time. Thank you.

**Stephanie Roberts 0:42:57.210**

Thank you. Next up, I can call up, Daniel Flores. Daniel Flores? Ok. Is there anyone else who would like to come up and give a 3-minute comment that has not done so already. Come on back up. Please say your name though, so we have it for our record.

**Comment 7 - Jessie Fuentes 0:43:38.390**

Board, how you doing again? It's good to see you. My name is Jessie Fuentes. I'm with the Eagle Pass Border Coalition and I'm also a small business owner and my company's name is Epi's Canoe and Kayaking. I put people on the river and I'm here to talk about following up this morning. My biggest concern was that the proximity of where this projected site is to our city's water system intake pump where all of the citizens of this area receive their water, and the potential of hazardous chemicals, of volatile chemicals being pushed. The basic concern that I stated was that nothing has been built in that area because, it's a flood zone. And there's a study that was conducted in 2009, commissioned by the Texas Water Development Board, the City of Eagle Pass, and Maverick County. And that study tested the hydrodynamics of five tributaries that go through the City and the County into the Rio Grande. And Seco Creek was part of that study and there was five recommendations that that study provided options on and each and every one of those options, the results were don't build there. Create a green space. Do not allow any structures within their area or buy out the property owners. That was the recommendation of that study. That was done by the Half Associates an engineering company out of San Antonio, TX. And my concern is that anything that you build there, it's going to get washed away. And this particular study, provided information based on a 5 year time, 10 year plan, 15, 25, ... 100 year plan and within that range, no matter how you look at it, the water is coming. It is going to come, and it



needs to be channeled and the more you build in a flood zone, the more it's going to take. I'll give you a quick story as I wrap up. When I put people in the water, first thing that I check is the flow rate for someone to go into the Rio Grande 1,100... 2,200 is a good flow rate. The river right now is flowing wide and deep. It's at 650. The projected flow rate for water going through that creek during a flood is 10 times that range, over 6,000 cubic feet per second - that's a lot of water. If you build anything there, it's going to be hazardous. It's going to be a catastrophe and it's going to create problems where people will die. It's severe, it's a problem that we have in our community, and I hope that you consider this sincerely. Thank you for your time.

**Stephanie Roberts 0:47:17.210**

Thank you Mr. Fuentes and I apologize. You were on my list and I accidentally dumped you, so that was my bad. I apologize to you. Would you like to comment?

**Gloria Hernandez 0:47:27.440**

Yes.

**Stephanie Roberts 0:47:26.400**

Would you like to talk to the podium or like you can bring it to you?

**Gloria Hernandez 0:47:31.360**

No, and it's... I'll come.

**Stephanie Roberts 0:47:37.640**

Please state your name because we have it for our records, thank you.

**Comment 8 – Gloria Hernandez 0:47:41.570**

Thank you. I'm Gloria Hernandez. I hadn't signed up and I came to see because I'm very interested and what happens in this community. I have been part of activities and projects like this since... about twenty years ago, we started doing several projects and I didn't come prepared to make a statement because this is for environmental... study and I understand... I was previous government attorney. And I understand how the processes go. I understand that you're a Regulatory agency or administrative agency and your job is to improve as much as you can. I get that and when I see that the people come up here and say it's a done deal, I want you to write or report that I understand that it's not a done deal. I understand the limit of your reporting and I get it that you need to process them because you're here to facilitate what been approved, but you're also one of the... areas that you will be reporting on is the level of opposition of the Community and I anticipate and I am reporting to you that there will be a great level of opposition to this, to the community because we are going to form a group, an allegiance to fight this every way, every step of the way. So, understand what them lawyers are saying, it's a done deal. I've been there, it's not a done deal. The fat lady never sang in a previous project, the county... the county had. And so, I just want to go on the record and say this will have a great number of opposition. Thank you very much.

**Stephanie Roberts 0:50:42.140**

Thank you very much for your comments. Thank you. [inaudible other audience member]

**Stephanie Roberts 0:50:47.110**

Understood.

**Maria Torres 0:50:50.80**

What's that... and we here to speak up.

**Stephanie Roberts 0:50:52.340**

Understood. Thank you.

**Audience Member 0:51:30**

We can't hear what she's saying, ma'am.

**Maria Torres 0:51:9.940**

And we ask for interested party status, by the Department of Interior. Personally we have...

**Audience Member 0:51:28**

We can't hear what she's saying, ma'am.

**Maria Torres 0:51:30**

...Yes, Salazar. We also by fighting the coal mine, we just finish...

**Audience Member 0:51:38**

Ma'am, would you like to come up... project... and have 3 minutes?

**Comment 9 - Maria Torres 0:51:39**

... and my respect to all the citizens, or those who have to be at the end with you. My mother is here [audience member interjects]. My mother is here. We, you already know us, we are the Pacuache Indian First Nation. We think of... we are Kickapoo, we understand the precedent because we just stopped a project and this is a flood zone and reference to Dos Republicas Coal Mine. If you know that owner is very friendly, buddy-buddy with Mr. Garibay. The INTERPOL arrest him as he was discharging all the toxins in Elm Creek and Alamo Creek, I mean, Rio Grande and again, those moneys were \$400 million, not pesos, okay? For a company, for a manufacturer for fertilizers. It happens that, that company was in [inaudible]. All rotten equipment and one of the higher ups [inaudible]. Actually, I think he's in jail already. [Inaudible]. You know, they funnel that money with that [Name not recognizable]. Yeah, I understand that Mr. Garibay and this [Name not recognizable] had a [inaudible] relationship, but the problem here was [inaudible]. When the coal mine opened, we had a big, big flooding of 20 inches. Houses were brittle, okay? EPA already indicates for the next 100 years because the extensive mining all the way from Aguila to here, okay? There's a [inaudible], diseases, and children, we already been impacted here in Eagle Pass and in San Antonio, of course. Then the money comes along, and as they open, there's another flooding. That was the 113,2013. No pollution was reported. No fish was killed either by APPA and TCQ and then this great flood comes over and this huge flood [inaudible] and we need the river. Without the river, you know, Eagle Pass would be dead, without the tributary Elm Creek, you would be dead. We will not cease to, okay, we need the water. We need to protect the water. Water is life. So again, this flooding comes in 20... 2015. The mine is already operating a month, two months? And the water and pounds to contain the toxins and toxins was nine inches, but this was 13 inches water. Boom. The fish collapsed in Elm Creek - collapse, die. This report it. So, then they impact us, we are descendants. We were hunters and gatherers, and we are here with the... we are we, because we intermarriage. Here's one picture of our family. This is my grandmother, Guadalupe Perez, 1893 here in Maverick County. We always bring them to closer so that we have to show. And this is our oldest granddaughter [inaudible] Victoria marrying John Coyle. Okay, this is my great aunt, beautiful Victoria de Palma Perez with the parents. And this is in Elm Creek, our family is in

Guadalupe... [inaudible] Palma Perez aquí están todos [inaudible] look at the faces they're Indians. And grandma always told us, she is here in the room sitting. [Inaudible] and they gather here for everything and now everything is flooded. So, the community, you know, damage the Creek with this coal mine is irreversible. Plus, the last 80 years from mining here. Uh, it's so fragile here and they depend. See this is from Eagle Pass [inaudible] on the water. And so, again, the river runs were destroyed, they said. And again, just to finish, yes, there are Indian burial grounds, I saw everything, I saw the project. No. Is this just [inaudible] archaeological site by you destroying archaeological site you are destroying our history, our Indian Pacuache history. It's huge, documented and we just were awarded the World Heritage for the [inaudible] started here at the river by [inaudible]. And there's history there, more than 30 strong please, you know? And the recommendations, no? And you will notify us about being exposed that, right? The Administrative Judge for the Texas Railroad Commission by court order grant us interest by the status and we just got or Native American church nonprofit, very hard to get it... It's really, very hard to get it right now. Thank you again.

**Stephanie Roberts 0:57:47.810**

Thank you very much for your comment. Okay, is there anyone else would like to come in at this time? Thank you very much for coming tonight. We appreciate your comments and your presence. Have a good evening, thank you.