

Appendix B
Comment Letters

B.1 Comment Matrices

Table B-1. Comments on the Draft EIS				
Last Name	First Name	Representing	Comment Number	Page Number
<i>Public Comments</i>				
Ahlquist	Terry		EI-3029	B-4
Anderson	Doug	Redmond Minerals, Inc.	EI-3057	B-4
Betar	G. Joseph		EI-3042	B-5
Christensen	Kent		EI-3058	B-5
Church	Keith	Snow College	EI-3055	B-5
Gilbert	Larry and Barbara		EI-3129	B-6
Greenhalgh	Glenn		EI-3060	B-10
Hix	Ronald	Georgia-Pacific Gypsum	EI-3145	B-10
Jensen	Ed		EI-3134	B-11
Jones	Timothy		EI-3044	B-12
King	Jodi		EI-3059	B-12
Kramme	Clyde		EI-3111	B-13
Peterson	David		EI-3108	B-18
Peterson	Kinley		EI-3103	B-20
Reynolds	Jim	City of Salina	EI-3113	B-20
Robinson	Rick		EI-3104	B-20
Sargent	Shauna	Sanpete County Travel	EI-3053	B-21
Staples	Brad		EI-3054	B-21
<i>Agency Comments</i>				
Christensen	Kevin	Sanpete County Economic Development	EI-3056	B-22
Cowley	Ivan	Board of Sevier County Commissioners	EI-3154	B-23
Cowley	Russ	Six County Association of Governments	EI-3105	B-24
Devine	James	U.S. Geological Survey	EI-3107	B-25
Gipson	Jason	U.S. Army Corps of Engineers, Sacramento District	EI-7178	B-27
Greathouse	Megan	Consolidated Sevier Bridge Reservoir Company	EI-17902	B-29
Gregerson	Lorraine	Richfield Area Chamber of Commerce	EI-3155	B-31
Harja	John	Resource Development Coordinating Committee	EI-3132	B-32
Heffernan	Beverley	Bureau of Reclamation, Provo Area Office	EI-3037	B-36
Jarrett	Claudia	Sanpete County Commission	EI-3116	B-36
Kuwanwisiwma	Leigh	Hopi Tribe	EI-3157	B-37
Mason	Gary	Board of Sevier County Commissioners	EI-3154	B-23

Table B-1. Comments on the Draft EIS				
Last Name	First Name	Representing	Comment Number	Page Number
Okerlund	Ralph	Board of Sevier County Commissioners	EI-3154	B-23
Poulson	Kimball	Richfield City Council	EI-3043	B-39
Seddon	Matthew	Utah State Historic Preservation Office	EI-3174	B-40
Stewart	Robert	U.S. Department of the Interior	EI-3112	B-43
Svoboda	Larry	U.S. Environmental Protection Agency, Region 8	EI-3204	B-50
Svoboda	Larry	U.S. Environmental Protection Agency, Region 8	EI-7177	B-54
Taylor	Willie	U.S. Department of the Interior	EI-3182	B-56
Woodland	Bryan	Juab County	EI-3106	B-58

Table B-2. Comments on the Supplemental Draft EIS				
Last Name	First Name	Representing	Comment Number	Page Number
Agency Comments				
Anderson	Leigh	Utah Division of Environmental Response and Remediation	EI-20491	B-59
Bohan	Suzanne	U.S. Environmental Protection Agency, Region 8	EI-20465	B-60
Kuhn	Daniel	Utah Department of Transportation	EI-20462	B-63
Stewart	Robert	U.S. Department of the Interior	EI-20464	B-64

Table B-3. Comments on Cultural Resources and the Programmatic Agreement				
Last Name	First Name	Representing	Comment Number	Page Number
Agency Comments				
Kuwanwisiwma	Leigh	Hopi Tribe	EI-20550	B-77
Elliott	Michael	U.S. Department of the Interior, National Park Service	EI-20552	B-78
Joe, Jr.	Tony	Navajo Nation	EI-20553	B-80
Moulton	Stephanie	Old Spanish Trail Association, Fish Lake Chapter	EI-20904	B-81

B.2 Comments on the Draft EIS

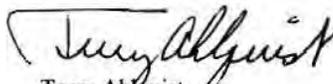
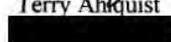
B.2.1 Public Comments

EI 3029

To Whom it may Concern:

If the BLM is planning to put a railroad across the cities of Utah, then they need to put the railroad on BLM Land. For you to force that railroad onto Private land is an evil the transcends belief. There is plenty of BLM land to put the railway on from LeVan to Salina, Yet evil minds justify their plans to put it on private land because they claim it would cost too much to put on their own land. It apparently does not matter that our private land rights are being violated.

It has been said that Satan will rage in the hearts of men in the last days, and if this railway is put on Private land, it will be proof that the men who make this decision are truly disciples of Satan.


Terry Ahlquist


Surface Transportation Board Incoming Correspondence Record

#EI-3057

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/15/2007
Name of Sender:	Doug Anderson	Date of Letter:	08/15/2007
Group:	Redmond Minerals, Inc.		

Submitter's Comments

We hope the Central Utah Rail moves forward as quickly as possible. This will be a huge asset to this part of the state and will help reduce the number of large trucks on our roads creating greater safety and reduced emissions. It will also allow for greater business opportunities for the businesses in this area of the state. This will help improve the safety of our citizens and strengthen our local and state economy. We can see very few negative environmental impacts from having the rail on the proposed or preferred alignment.
Thank you for your consideration.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3042

Correspondence Information			
Docket #:	FD 34075 0	Date Received:	08/07/2007
Name of Sender:	G JOSEPH BETAR	Date of Letter:	08/07/2007
Group:			

Submitter's Comments
 I support this project and encourage the STB to approve the final EIS. Having rail service in Sevier County would significantly improve the economy and reduce truck traffic.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3058

Correspondence Information			
Docket #:	FD 34075 0	Date Received:	08/15/2007
Name of Sender:	Kent Christensen	Date of Letter:	08/15/2007
Group:			

Submitter's Comments
 From what I have heard, read and studied, I feel the proposed central Utah railroad project is worthwhile and, I think, has a good future. It appears that there will be long term positive environmental impact due to improving air quality and reduction of wear and tear on road infrastructure. The environmental issues should only get better as more and more commerce is transported via the railroad.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3055

Correspondence Information			
Docket #:	FD 34075 0	Date Received:	08/15/2007
Name of Sender:	Kaith Church	Date of Letter:	08/15/2007
Group:	Snow College		

Submitter's Comments
 From a positive economic standpoint I would like to encourage approval of the rail line in Sevier County.

August 18, 2007

Larry and Barbara Gilbert

Redmond, UT 84652

Surface Transportation Board
Case Control Unit
395 E Street SW
Washington, DC 20423

STB Finance Docket No. 34075

Attention: Phillis Johnson-Ball,

We are responding to a letter we received dated June 29, 2007 regarding the Surface Transportation Board and their request for comments concerning the Central Utah Rail Project.

As you know we have commented before several times because of issues affecting our family in relation to this rail road being constructed.

- Our choice to move to this exact location was not for a job, or to join other family members, it was for one reason and one reason alone, to provide a safe environment for our children. Building a rail line 125 feet west of our property line robs our entire family of safety.

We have 3 autistic children in our home that are in the highest risk regarding this rail line. You were only aware of our twins in prior correspondence, our youngest daughter had not yet been born at the last Rail meeting. She also has autism spectrum. This rail issue has become a deep threat especially to the lives of our special needs children and we have no choice but to take this very seriously.

In reviewing your Environmental Analysis book we noticed that you have mentioned only 3 options. Alternative A, Alternative B, and Alternative C. Our question to you is what happened to Alternative B1? (That would be the rail line between B and C in case you forgot). We are enclosing a copy of a map you sent us on May 14, 2004 to let you know we haven't forgotten it.

In reading through your book it basically states reasons why you can't build Alternative C with all the "Studied Material" and reasons it won't work. It also states all the "Pros" for Alternative B and why it is the best choice.

E1
3129
AGS

The bottom line is you have two other options to build in addition to Alternative B. One which you eliminated entirely from your paperwork, Alternative B1. And the other Alternative C which you don't want to use. Anyone can manipulate words on paper to make something Black look White and vice-versa. In fact people are paid to do just that, so they can get what they want. We call that manipulating the system. It's done all the time.

There have been claims that this rail line will be made in such a way that it won't have an impact on the environment. How can any rail line not have an impact on the environment? It has been stated that this railroad, and the train cars on it won't vibrate the ground, or make any noise. We have recently visited a rail line and it had just the opposite effect on us. The weight of the train cars alone can vibrate the ground, not to mention the cargo they are carrying. When trains cross roads they have to blow their horns by law, their horns are extremely loud even from a distance.

Shaking our house off its foundation is highly probable, not to mention our septic tank and private well. That pretty much makes our house unlivable by our definition. Your saying this won't happen does not comfort us in any sense of the word.

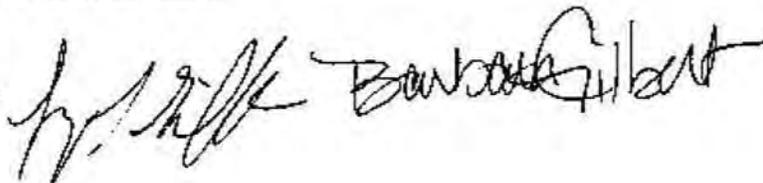
Your choice to go through with constructing Alternative B rail line in essence will cause our family life altering changes.

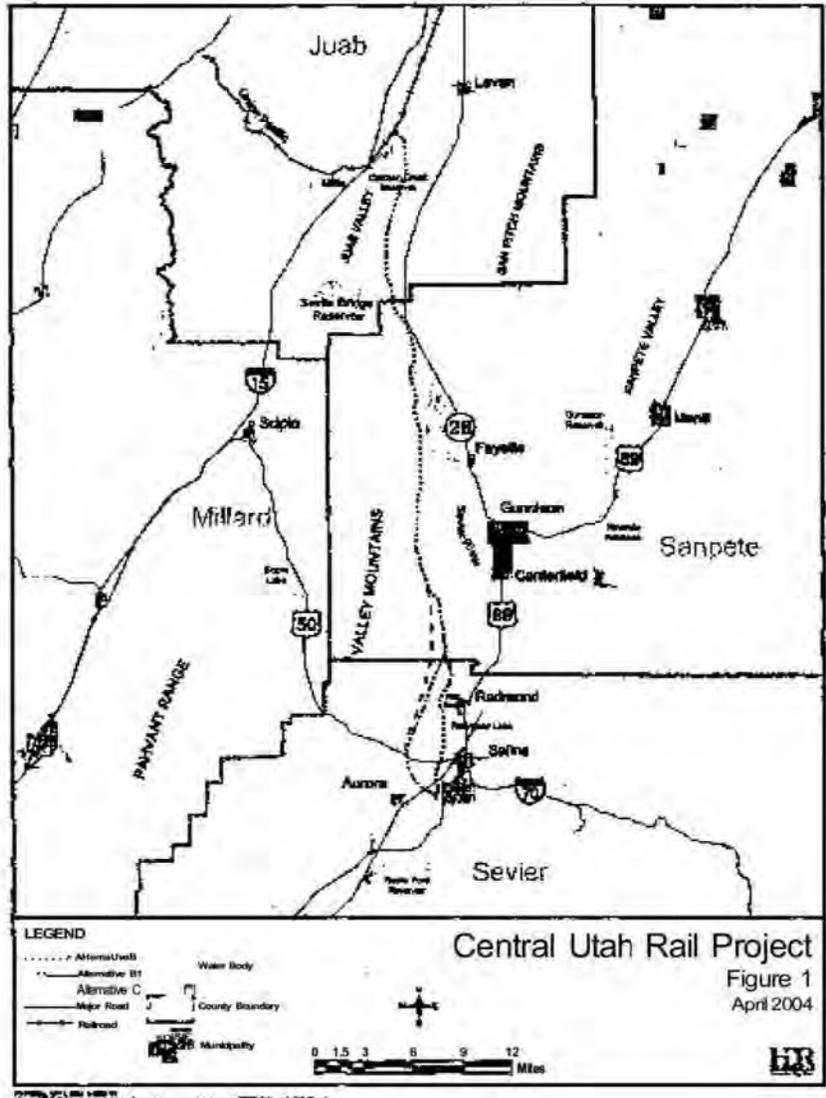
Children with autism have a very difficult time dealing with changes in their environment. Such as moving, changing teachers, doctors, etc., This is very traumatic in their lives according to specialists at Primary Children's Hospital as well as at Uni. at the University of Utah Hospital. Who is going to have to deal with our children's emotional needs when this arises? Autistic children are very sensitive to noise and become very agitated when noise levels increase.

In reading through your book and also newspaper articles, etc., there is a picture painted that makes this rail issue look a bed of roses and that the entire community wants it. The truth is there are only a very few who want it because they have a vested interest in it.

We are still opposed to the construction of Alternative B because it robs us of our Rights and Freedoms as American Citizens. You have known about our family circumstances from the very beginning of this Central Utah Rail Project, and you have not made any changes to alter anything to protect our children.

Larry & Barbara Gilbert

Handwritten signatures of Larry and Barbara Gilbert in black ink.



line. After passing Redmond, the alignment would move eastward towards the center of the valley. The line would cross State Highway 50 on the west side of Salina City and continues southward crossing State Highway 118 (Old Highway 89) and the Sevier River. The alignment would move along the western side of some hills near the Salina industrial park and would terminate just before reaching Interstate 70 in an area known as Lost Creek, near Salina, Utah.

* Alternative E1

Alternative B1 would also involve construction of approximately 43 miles of new rail line. Alternative B1 would follow the same alignment as Alternative B to a point north of the Redmond salt mines, where it would be located to the south-southwest of Alternative B. Alternative B1 would roughly run parallel to the Paiute Canal on the east side of the canal until a point just north of Route 50 where it would gradually curve eastward, crossing Route 50 and terminating at the proposed loading facility near the Salina industrial park.

Alternative C

Alternative C, the alternative suggested by landowners during the public scoping process, which may or may not be deemed a reasonable and feasible alternative would follow the same alignment as Alternatives B and B1 until a point about 4.5 miles north of the county line between Sanpete and Sevier Counties. Alternative C would diverge from the other alignments and run south on the west side of the Piute Canal about 0.5 to 1.0 mile west of Alternative B1. It would remain east of the existing high-voltage transmission line. Alternative C would then continue south, essentially parallel to and west of Alternative B1 and the Piute Canal, and would cross the Sanpete/Sevier County border. It would reconverge with Alternative B1 about 0.5 mile north of where Alternate B crosses Route 50, about 3 miles west of Salina.

An option proposed with Alternative C would be to locate the coal-loading facility on the north side of Route 50 near its intersection with State Route 256.

PARTICIPATION

Public Participation

As discussed above, SEA served a Notice of Intent in the Federal Register on September 30, 2003, announcing the start of the scoping process and the dates and times of public meetings. Additional methods used to notify the public of the scoping meetings included the following:

SEA placed paid legal advertisements in the following newspapers:

- The Salt Lake Tribune and Deseret News (statewide circulation) on October 16, 2003
- Sanpete Messenger (Manti) on October 16, 2003
- The Pyramid (Mt. Pleasant) on October 16, 2003
- The Richfield Reaper (Richfield) on October 16, 2003
- Salina Sun and Gunnison Valley News (Gunnison) on October 15, 2003

Surface Transportation Board 
Incoming Correspondence Record

#EI-3060

Correspondence Information			
Docket #:	FD 34075 0	Date Received:	08/15/2007
Name of Sender:	Glenn Greenhalgh	Date of Letter:	08/15/2007
Group:			

Submitter's Comments
I have studied the alignments carefully and find the preferred alternative to be the best by far. The project will provide significant opportunities for econom growth in the region.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3145

E-Filing Correspondence Information		Status: Complete
* Required Fields		Recorded by Kenneth Blodgett on 09/04/2007
*Docket #:	FD 34075 0	
*Name of Sender:	Ronald Hix	Affiliation: Local Interest
Group:	Geoggia Pacific Gypsum	Letter Type: Other
Attention Of:	Phillis Johnson-Ball	Description 'Other': e-filing
*Date Received:	09/04/2007	NEPA Type: Draft EIS Comment
Date of Letter:	09/04/2007	In Public Docket? <input checked="" type="radio"/> Yes <input type="radio"/> No
Group's Address:	200 South State St	
Group's City:	Sigurd	Phone Number: [REDACTED]
Group's State:	Utah	Email Address: [REDACTED]
		Group's Zip Code: 84657-

Submitter's Comments
We support the rail project for our area. It would be key in help to control cost and keep our facility competitive with other companys with rail service.

STB's Comments

Image Attachment(s)

Ed Jensen
[REDACTED]
Redmond, UT 84652
[REDACTED]

E1
3134
[Signature]

August 21, 2007

Surface Transportation Board
Case Control Unit
395 E Street SW,
Washington, D.C. 20423

To whom it may concern:

My main concern is the location of the proposed rail line in northern Sevier County. The shortest route doesn't make sense to me when you consider the wetlands, farm lands that will be taken out of production. Farmers will be landlocked between the railroad, Redmond Lake, and Sevier River. Field drains and existing wells will also be affected along with our irrigation system. Wildlife habitat will also be disturbed. The railroad bed will be on unstable ground and will be costly to maintain. I am concerned that it may impact the Redmond Town drinking water by crossing over the town's aquifer.

It's my opinion that the proposed railroad line farthest west would be most beneficial to all concerned.

Sincerely,

Ed Jensen



Surface Transportation Board 
Incoming Correspondence Record

#EI-3044

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/07/2007
Name of Sender:	Timothy M. Jones	Date of Letter:	08/07/2007
Group:			

Submitter's Comments

As a citizen in Sevier County I urge the STB to approve the final EIS and issue a record of decision approving this application. Central Utah has many resources that could be marketed more economically and with less impact on the environment if a railway could be established into this area.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3059

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/15/2007
Name of Sender:	Jodi King	Date of Letter:	08/15/2007
Group:			

Submitter's Comments

This rail project will be very beneficial to economic growth in this area, and will also have a positive impact on surrounding areas. Rail is a service that communities need in order to have quality businesses locate in the area. After looking at the proposed routes the applicant's preferred alignment would be the best choice with the least impacts.

17 August 2007

Clyde Eugene Kramme

[REDACTED]
Redmond, Utah 84652

AKB
E1 3111

Surface Transportation Board
Case Control Unit
STB Finance Docket No. 34075
STB Identification No. 37679
395 E Street, SW
Washington, D.C. 20423-0001

Attention: Phillis Johnson-Ball

Surface Transportation Board
Section for Environmental Analysis
Department of Interior Bureau of Land Management

RE: Central Utah Rail Project

Dear Board Members,

I am writing this letter to convey (voice) my concerns with the Central Utah Rail Project proposed by the Six Counties Association of Governments representing Juab, Millard, Sevier, Sanpete, Piute and Wayne Counties in Central Utah. Also known as the Construction and Operation Exemption Rail Line between Levan and Salina, Utah.

I "VOTE" for the "NO-ACTION ALTERNATIVE", alternative A, for the construction of the Central Utah Rail Project.

I am "OPPOSED" of the Proposed Action – Applicants Preferred Alternative, alternative B.

The reasons I am opposed of the Proposed Action – Applicants Preferred Alternative, alternative B. Alternative B places the Central Utah Rail Project (CURP) across two parcels of my land/property and land locks another two parcels of my land/property.

My farm and ranch land/property comprises 286 acres consisting of ten parcels of land/property. The geographic location of these ten parcels of property is as follows:

United States of America

State of Utah
Sevier County

Township 20 South, Range 1 West, Salt Lake Base and Meridian

Section 26: Serial Number 4-3-2 (41.80 acres).
Serial Number 4-3-5 (20.00 acres).
Serial Number 4-3-6 (19.25 acres).
Serial Number 4-3-7 (80.00 acres).

Section 35: Serial Number 4-8-21 (38.57 acres).
Serial Number 4-8-22 (03.00 acres).
Serial Number 4-8-23 (12.08 acres).
Serial Number 4-8-24 (30.00 acres).

Section 36: Serial Number 4-9-33 (32.35 acres).
Serial Number 4-9-34 (09.18 acres).

The CURP, Alternative B, places the rail through the Northwest portion of Parcel 4-3-2 and through the Western portion of Parcel 4-3-7. Alternative B land locks Parcel 4-3-5 and Parcel 4-3-6; without emplacing a private crossing for the landowners convenience.

My farm/ranch land is flood irrigated by means of water supplied by the Piute Reservoir and Irrigation Company. I have 66.25 shares of this water stock. Access to this water is from the Piute (State) Canal. Alternative B would greatly impede access to the State Canal.

Note: From the West edge of Parcel 4-3-5 and Parcel 4-3-6 the State Canal is only 0.25 mile to the west.

Utah Criminal and Traffic Code Title 56, Paragraph 56-1-13 pertains to railroads fencing right of way and gates. According to this code every railroad company shall erect and maintain a fence on each side of its rights of way where the same passes through lands owned and improved by private owners. Whenever such railroad company shall provide gates for private crossings for the convenience of the owners of the land through which such railroad passes, the owner of such lands shall keep such gate closed at all times when not in actual use.

I have made applicant with the United States Department of Agriculture Natural Resources Conservation Service to improve my farmland and change from flood irrigating to a pressurized, sprinkler, system of irrigation.

To make this improvement to my land requires the construction of building a pond to hold water and to emplace an underground water pipe line system from the pond to the

fields to be irrigated. Such a pond would be constructed adjacent to the Piute (State) Canal, the east side, and the water line/pipe system would be placed underground, 4 feet from the surface of the ground. This system of irrigating generates pressure by gravity. Once the pipeline is to the fields to be irrigated, a riser must be installed approximately every 60 feet apart along the field's edge to be irrigated.

The financial cost to construct this pressurized irrigation system is much less without having the obstacle of the CURP to cause extensive impediment.

I feel that if I take action with my plans to build this pressurized irrigation system it's in my best interest to get it built before the CURP is constructed. I also feel this places me under a time frame and in a race with time to get my pressurized irrigation system constructed before the CURP is constructed. But, if I would build this system now and shortly thereafter the CURP is constructed using alternative B, much more financial cost is foreseen. However, if I would wait to see the CURP be constructed using alternative B, I could engineer my pipeline system under the CURP. Either way I choose I loose. If the CURP is constructed using alternative B, it will bring with it financial damage in my future farming and ranching endeavors!

My farm/ranch land has a water well that was drilled in December 1999. The water right number to this well is: Water Right Number 63-257, Application Number a23385. The quantity of water that can be pumped from this underground water source is 0.015 cubic feet per second of 10.86 acre-feet per year. The purpose/usage of this water source is for 302 head of cattle or equivalent livestock units, two family dwelling units and irrigating 0.5 acre. The point of diversion of this well: Section 35, Serial Number 4-8-21 from the northwest corner 300 feet south and 70 feet east, six inch diameter 120 feet deep.

The water well described in the above paragraph is approximately 500 feet from CURP Alternative B. I am very concerned with what the vibrations caused by the train may cause to this precious life sustaining water source.

I have plans to drill another water well on Section 26, Parcel 4-3-6 and from this well supply water to Parcel 4-3-5, Parcel 4-3-7 and Parcel 4-3-2. The purpose for this water source is to provide a future home for Adopted Wild Mustangs. These 160 acres will provide a prime home for these horses. The Wild Mustangs represent part of America's Heritage and are an American Icon!

My farm and ranch land are for cows and horses! My land is "NOT FOR SALE"! Not to the Central Utah Rail Project or to anyone! And not for any price! This land without the Central Utah Rail Project is priceless! My plea is "NOT TO TAKE MY LAND"!

I am the legal owner of this farm and ranch land, I have paid for this land and I have the Warranty Deeds to this private land. The only way I will allow the CURP to take possession of this land is by Eminent Domain!

Also, the reason I am opposed to Alternative B is because of the visual impacts and negative aesthetics the CURP will bring to my land.

The construction of the CURP using Alternative B will greatly depreciate the value of my land!

The way of the future is nuclear energy and uranium powered power plants not fossil fuel coal powered power plants. Within the next ten years Utah may have a nuclear energy source built. Global Warming, How valuable is our O-Zone?

The question is, how much coal reserves are left in the Southern Utah Fuel Company (SUFCO) coal mine? This is the major reason for constructing the CURP in the first place is to haul the coal produced from SUFCO mine from Salina to Lavan, Utah.

Alternative C "WOULD NOT", effect my land or my future plans. Alternative C would be to my advantage.

Closing Statement/Remarks:

I have served this Great Nation, The United States of America!
I have served the Great State of Utah!
I love Her! Our Nation and Our State!

I have served 4 years in the United States Marine Corps!
I have served 3 years in the United States Army!
I have served 2 years in the Army Reserves!
I have served 14 years in the Utah Army National Guard!

In support of the war on terror I have been deployed twice.
Operation Nobel Eagle II, in support of *Home Land Defense*!
Operation Iraqi Freedom III, in support of *Democracy for the Iraqi People*!

The Pledge of Allegiance!
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands: one Nation under God, indivisible, With Liberty and Justice for all!

My prayer is that we uphold the Principles of Our Constitution and the Ideals of Our Forefathers who fought and died to give us Our Blessings we each enjoy today!

This Land was made for you and I. I am the legal owner and tenant of my land at this time in history. I pledge to fulfill my duties and obligations as a citizen of the United States. For this cause, I am writing this letter.

Four Great Freedoms Cherished by All Americans!
Freedom of Speech!
Freedom of Religion!
Freedom from Want!
Freedom from Fear!

This Farm and Ranch Land of 286 acres might not look like much to the people who come out to survey an engineered route for the CURP and label it Alternative B (Proposed Action – Applicant’s Preferred Alternative).

But let it be known to the rest of the World; that these 286 acres in Sevier County, State of Utah is My America! These 286 acres are as RED, WHITE and BLUE to me, as is any other part of America! These 286 acres are My Home, My Sweet Home! These few acres offer freedom and a place of peace to my heart and soul. The CURP alternative B would destroy my freedom and peace!

For what it’s worth; a possible solution is to use Alternative C. But instead of crossing US 50 and building the massive berm, have the southern terminus at a location north of US 50 and approximately 3 miles west of the four way stop in Salina, Utah. Also, a shorter length shuttle type rail system might be constructed from the Salina Industrial Park to the southern terminus, if the southern terminus was built at a location other than the industrial park.

Since the proposal to construct the Central Utah Rail Project on 30 July 2001 six years have past. During the past six years there has been much stress added to my life because of the Central Utah Rail Project.

My plea is “NOT” to grant approval action for the construction and operation exemption rail line between Levan and Salina, Utah.

Serenity Prayer

God, give us grace to accept with **Serenity** the things that cannot be changed, **Courage** to change the things that should be changed, and **Wisdom** to distinguish the one from the other.

May our Eternal Father in Heaven give us guidance and direction is my prayer in the Name of Jesus Christ Amen.

Sincerely,
Clyde Eugene Kramme

81 3108



Date: July 22, 2007
To: Surface Transportation Board
From: David R. Peterson
Subject: Proposed Railroad Alignment from Levan to Salina

My personal vote would be for the **“no build”** alternative, because if I voted for the proposed railroad alignment as is currently being proposed, it would run through my front yard, and since there are better alternatives, I say take the more costly route to the West or don't do the project at all.

There is literally thousands of acres of agriculture land taken out of production every year in this country for shopping malls, subdivisions, parking lots, railroads, highways, etc. and one of our greatest challenges in the near future is going to be feeding ourselves.

The current alignment of this proposed railroad between Levan and Salina Utah will take out of production hundreds of acres of irrigated agriculture land, not just the 43.06 acres as indicated by the report, because the report only takes into consideration the 100' right of way, it doesn't consider the problem the farmer now has to change his method of irrigation to work around the railroad, if it is to costly that portion of ground may very well be left idle, taking it out of production, thus taking out of production hundreds of acres of irrigated agriculture land for this project.

The proposed berm with alternative C (75' high and 550' wide) could be eliminated if the operators of the proposed railroad were to keep additional engines available to help push the loaded cars up the grade, like they are doing on the rail that runs up Spanish Fork canyon, and it has worked very well for a long time now.

There is on the drawing boards a proposed Nuclear Power Plant in the Kanab Utah area, which is close to existing uranium deposits. With the Fossil fuel in the form of coal generating plants reducing our ozone and causing acid rain in Canada,

Nuclear power is in our future. I think it would be a poor decision to build a railroad primarily to transport coal, when coal is in fact on its last leg as a fuel source.

I just want to say that I think our Six County Association of Governments is quick to propose a railroad for economic development through my front yard, but they would all be singing a different song if it went through their front yard. And Malcom Nash has not been as honest and straight forward as he should be, he being the Manager so to speak for this project.

Finally I want to go on record as saying that if the proposed current alignment of the railroad from Levan to Salina Utah, goes through my front yard, I will force them to evoke eminent domain which will cause added cost and precious time to the project.

Signed: David R. Peterson

David R. Peterson

Redmond, Utah
84652

Surface Transportation Board 
Incoming Correspondence Record

#EI-3103

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/16/2007
Name of Sender:	Kinley Peterson	Date of Letter:	08/16/2007
Group:	Small Business		

Submitter's Comments

The proposed rail project will not only be a good thing for Sevier and surrounding areas, but it is necessary for the growth and future of any current and future industry coming into the area. It will be utilized immediatly by the current coal industry. I am in the fuel distribution business and we will be able to get our fuel into the area for less freight than the conventional methods. In Cedar City they are already utilizing rail in that way and realizing a great savings.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3113

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/20/2007
Name of Sender:	Jim Reynolds - Mayor	Date of Letter:	08/20/2007
Group:			

Submitter's Comments

The proposed power plant would be a great boost for Salina's economy and Industrial Park.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3104

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/16/2007
Name of Sender:	Rick C. Robinson	Date of Letter:	08/16/2007
Group:			

Submitter's Comments

I support the rail project for Sevier County. We need this in our area. Please proceed with your support. If you have questions please contact me. Thanks Rick

Surface Transportation Board 
Incoming Correspondence Record

#EI-3053

Correspondence Information			
Docket #:	FD 34075 0	Date Received:	08/15/2007
Name of Sender:	Shauna Sargent	Date of Letter:	08/15/2007
Group:	Sanpete County Travel		

Submitter's Comments

After careful study of the Environmental Impact studies for the Central Utah Rail Project, I would like to give my support for the proposed Alternative B. As a resident of Sanpete County I feel that this alternative would be the best route with the least impact to the environment.

Also, because of the lack of access to rail and major highway at the present time, it is difficult to find businesses who want to locate here. Having the rail would definitely help with the economic growth of our county.

I am in full support of the rail route Alternative B and am hoping that very soon we will see work begin to bring the rail to Sanpete County.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3054

Correspondence Information			
Docket #:	FD 34075 0	Date Received:	08/15/2007
Name of Sender:	Brad Staples	Date of Letter:	08/15/2007
Group:			

Submitter's Comments

I think that the Rail Spur from Levan to the Salina Industrial area will one of the best things that could happen to this area and be an asset to the Railroad as well. In looking at a map of the state of Utah one of the main Transportation areas we have is interstate 70 and interstate 15 and the Salina area is halfway between LA. and Denver Col. At this location it will then be figured as a distribution hub for the State as well as for many companies either sending products to the east coast or the the west coast.

The Salina area now has a large Industrial Park that can accomodate most any type of business and in doing so will only bring more business to this area just on the fact it should be the best location for distribution of many products for all companies.

Not to mention that the Rail can handle transportation of Coal that is now being trucked to the Levan site daily.

This is the best thing that could happen for our Valley as well as the state of utah

B.2.2 Agency Comments

Surface Transportation Board Incoming Correspondence Record

#EI-3056

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/15/2007
Name of Sender:	Kevin Christensen	Date of Letter:	08/15/2007
Group:	Sanpete County Economic Dev.		

Submitter's Comments

I am writing to support the rail project in the Juab, Sanpete, and Sevier Counties of Utah. There is a great need for rail in the Central Utah Area. Rail will assist with job creation and wage growth in the area and encourage companies requiring rail to locate to the area.

The applicant's preferred route is a great location for the rail.



Sevier County,

8/1
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COMMISSIONERS:
Gary B. Mason
Ralph Okerlund
Ivan Cowley

Administration Building
250 North Main
Richfield, Utah 84701
(435) 893-0400
FAX (435) 896-8888

Steven C. Wall - Clerk/Auditor
Gail DeMille - Assessor
Cheryl Buchanan - Treasurer
Jayrene B. Nielsen - Recorder

August 17, 2007

Phillis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: STB Docket No. FD 34075

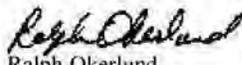
Dear Mrs. Johnson-Ball:

The Board of Sevier County Commissioners has reviewed the Draft Environmental Impact Statement released by your office. This letter is to express our support for the project and our desire to have the Surface Transportation Board take final action.

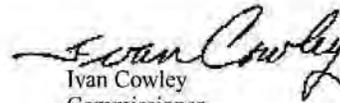
We believe that the study document has more than adequately reviewed all possible impacts. We further believe that the study has outlined appropriate actions to mitigate those impacts on property owners and the community as a whole. The applicants preferred alignment should move forward as the proposed action since it best balances competing interests.

Please know that we are appreciative of the efforts by your office to complete this study and move the application forward.

Sincerely,


Ralph Okerlund
Commission Chair


Gary B. Mason
Commissioner


Ivan Cowley
Commissioner

Visit Sevier County - The Hub of Scenic Southern Utah

Surface Transportation Board 
Incoming Correspondence Record

#EI-3105

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/16/2007
Name of Sender:	Russ Cowley	Date of Letter:	08/16/2007
Group:	Six County Association of Governments		

Submitter's Comments

I would like to express my support and need for the Central Utah Railroad. This project has been in the works for over six years. From the EIS I do not feel that there are any significant environmental concerns. The project provides a much needed alternative transportation for coal, salt, oil, and other products. It will also foster economic growth. Thank you for the opportunity to comment.



United States Department of the Interior

U. S. GEOLOGICAL SURVEY
Reston, VA 20192

In Reply Refer To:
Mail Stop 423
ER 07/555

August 7, 2007

E1
#3107
RGS

MEMORANDUM

To: State Director
Bureau of Land Management, Salt Lake City, Utah

From: James F. Devine /Signed/
Senior Advisor for Science Applications

Subject: Review of Draft Environmental Impact Statement for the Six-County Association of Governments' Proposed 43-Mile Rail Line in Sanpete, Sevier, and Juab Counties, Utah

As requested by the U.S. Department of the Interior, Office of Environmental Policy and Compliance, in their correspondence of July 11, 2007, the U.S. Geological Survey (USGS) has reviewed the subject draft environmental impact statement (DEIS) and offers the following comment.

SPECIFIC COMMENT

Section 4.3, Impacts on Biological Resources Impacts, pages 4-23 through 4-36

The Surface Transportation Board (STB) is commended for including a methodology (page 4-23) for determining the potential impacts on plant communities, wildlife resources, threatened and endangered species, and sensitive species in the study area resulting from the proposed project alternatives. It would benefit the public, however, if an explanation was provided as to why the STB, in consultation with the U.S. Fish and Wildlife Service, proposes (page 4-23) to include only "pedestrian observational surveys" and not conduct any specific survey protocols to determine the potential impacts to species in the study area. It would also benefit the public to know the precise steps and general period of time for clean up actions should there be (page 4-25, 3rd paragraph) a coal or petroleum spill "to prevent irreparable harm to the environment."

Additionally, there are several general statements in the DEIS that may warrant scientific documentation. For instance, scientific analysis of species specific impacts from the proposed construction and operation of the rail line appears to be warranted. The DEIS also states that (pages 4-25 and 4-27) "herbicides could affect the surrounding plant communities [and wildlife habitat] if they are improperly applied." The DEIS seems to imply that if herbicides are applied properly, there would be "no" impacts on biological resources. The final EIS could be improved by assessing the potential impacts of herbicide use on plant communities and wildlife habitat, as

well as potential impacts on wildlife and aquatic species resulting from stormwater run-off containing herbicides entering streams, lakes, reservoirs, and wetlands within the project area.

Other generalized statements in the DEIS that warrant scientific documentation, scientific analysis, and supporting references includes, but are not limited, to the following:

- "SEA expects that the impacts from constructing and operating a rail line with anticipated traffic of one round trip ... per day would not contribute significantly to habitat fragmentation and the alteration of wildlife behavior in the project area." (page 4-26)
- "Construction activities would temporarily displace several species of wildlife during construction, but they would likely return after construction." (page 4-27)
- "Construction of Alternative B would result in a relatively small amount of habitat loss within wildlife corridors for migratory birds and big-game mammals. However, because of the timing of the construction of the rail line and the temporary nature of construction, SEA does not anticipate that these construction activities would be a substantial barrier to wildlife movement. Construction of Alternative B would not compromise the biological function of these wildlife corridors." (page 4-28)

Thank you for the opportunity to review and comment on this DEIS. If you have any questions concerning our comments, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 648-5028 or at lwoosley@usgs.gov.

Copy to: Office of Environmental Policy and Compliance



REPLY TO
ATTENTION W

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1326 J STREET
SACRAMENTO CA 95814-2922

E 1
11-78

April 4, 2008

Regulatory Division (SPK-2004-50025)

Ms. Philiis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
Case Control Unit
395 E. Street, SW
Washington, D.C. 20423

Re: Finance Docket No. 34075, Six County Association of Governments - Construction and Operation Exemption - Rail Line between Levan and Salina, Utah

Dear Ms. Johnson-Ball:

We are responding to your request for comments on the above referenced letter dated March 6, 2008, prepared by Sandra L. Brown from the law firm Troutman Sanders on behalf of the Six County Associations of Governments. We have reviewed the letter and are providing the following comments:

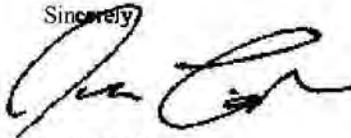
1. In accordance with the 40 CFR Part 230 Section 404 fb)(1) guidelines, no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes. With this in mind, we believe that the applicant has not sufficiently identified and studied alternative alignments) in comparison to the applicant's preferred alignment. It appears that a preferred alignment was selected and carried forward in the EIS with little effort devoted to providing any alternatives and their supporting analysis. It is difficult for the Corps to adequately determine if the applicant's project is the least environmentally damaging practicable alternative, because no other alternative was studied in detail, specifically in the Chicken Creek Reservoir area. As identified in your letter, agricultural, safety, and economic considerations are important issues and should be evaluated in the EIS along with all other aspects of the affected environment as they relate to the alternatives.
2. The letter states that the applicant does not necessarily concede that the Chicken Creek Reservoir area has jurisdictional wetlands. Therefore, in order to accurately assess

-2-

the impact or non-impact to potential wetlands, the Corps requests a formal wetland delineation of waters of the U.S. be performed and submitted to our office for verification. We feel this delineation is essential to provide sufficient information to determine the least environmentally damaging practicable alternative particularly when there is a potential to impact over 100 acres of wetlands.

If you have any questions or concerns regarding our comments, please contact Terry Johnson at the Utah Regulatory Office, 533 West 2600 South, Suite 150, Bountiful, Utah 84010, email terry.l.johnson@itsace.army.mil* or telephone 801-295-8380, ext. 15.

Sincerely,



Jason A. Gipson
Chief, Nevada-Utah Regulatory Branch

Copy furnished;

Douglas Minter, U.S. Environmental Protection Agency - Region 8, 1595 Wynkoop Street,
Denver, CO 80202-1197

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17902

**CONSOLIDATED SEVIER BRIDGE RESERVOIR
COMPANY**

800 W. 100 N.
Delta, Utah 84624
(435) 864-2494
Fax: (435) 864-2264

Ken Fowles, President
Ladd Holman, Vice President
Megan Greathouse, Secretary



August 22, 2007

Surface Transportation Board
Case Control Unit
395 E Street, SW
Washington, DC 20423
Attn: Phillis Johnson-Ball
STB Docket No. FD 34075

We would like to enter our objections to the building of the Central Utah Rail Project's proposed railroad over any part of Consolidated Sevier Bridge Reservoir (CSBR), also known as Yuba Lake. This reservoir is used by our companies as a storage reservoir for irrigation water. Detailed below are our objections to the railroad crossing CSBR.

We object based on the following reasons:

1. The railroad crossing could directly or indirectly affect the reservoir's storage capacity. Any losses caused by loss of storage capacity would be the railroad's responsibility, as well as the responsibility of the builders of the railroad.
2. The trestle could cause flow problems within the reservoir. The water in the reservoir is much slower moving than the water in the river and the trestle could catch weeds, ice and other debris causing a backup of water. The same factors could also cause problems with silting at the trestle location. We will hold the railroad company and builders of the railroad responsible for any damage that occurs as a result of flooding, of water backup, or lessening of storage capacity caused directly or indirectly by the rail line crossing Consolidated Sevier Bridge Reservoir.
3. The owners of the reservoir only have a right to store water to the 80' contour of the reservoir. The trestle or bridge may cause water to rise above the 80' contour in portions of the reservoir. Any damages suffered as a result of the water going above the 80 foot contour line, due to the railroad crossing the reservoir will also be at the risk of the builder of the railroad; thus, the railroad

Surface Transportation Board
From CSBR Co.

- 2 -

will be responsible for any damages or injuries incurred as a result of the water going above the 80 foot contour line.

4. The trestle could provide an attractive nuisance causing people to enter our reservoir at a point beyond our control. We will hold the railroad company and builders of the railroad responsible for any injuries or damages that occur in our reservoir as a result, direct or indirect, of the trestle being built across the reservoir. The railroad company and builders of the railroad should be required to indemnify and defend Consolidated Sevier Bridge Reservoir Company against such damages.
5. Increased silt related to the crossing may reduce storage capacity in the reservoir. The damages related to loss of capacity will be the railroad's responsibility, as well as that of the builders of the railroad. The railroad would also need to dredge the reservoir to remove silt and obstruction near that bridge or trestle.

It would not be necessary to cross the reservoir, but rather just the river. We suggest that the railroad go around the reservoir on either the east or west side.

If you have any further questions, please contact me at the number above.

Sincerely,



Megan Greathouse
Secretary
Consolidated Sevier Bridge Reservoir Company



RICH-FIELD AREA CHAMBER.

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[Signature]

August 17, 2007

Phillis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

RE: STB Docket No. FD 34075

Dear Mrs. Johnson-Ball:

The Richfield Area Chamber of Commerce hereby expresses its support for the proposed Central Utah Rail Project.

Like many others, we have followed this project knowing of its potential impact to our business community. We believe our area has suffered economically due to the lack of rail service since 1983.

Several of the businesses in this area have expressed a desire to have rail service in order to expand their business operations. Naturally when a company expands, they are hiring more people and keeping our local economy strong.

We believe that the proposal should move forward without further delay or more study.

Sincerely,

Lorraine Gregerson
Executive Director



250 North Main Suite B42 • Richfield, Utah 84701 • www.richfieldareachamber.com



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Office of the Governor

PUBLIC LANDS POLICY COORDINATION

JOHN HARRIS
Acting Public Lands Policy Coordinator

RESOURCE DEVELOPMENT COORDINATING COMMITTEE
Public Lands Section

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RPH

August 21, 2007

Phillis Johnson-Ball
Surface Transportation Board
Case Control Unit
395 E Street, SW
Washington, DC 20423

SUBJECT: Construction and Operation Exemption - Rail Line Between Levan and Salina
Project No. 07-8136

Dear Ms. Johnson-Ball:

The Resource Development Coordinating Committee (RDCC) has reviewed the Draft Environmental Impact Statement (DEIS) for the Central Utah Rail Project (CURP). The Utah Division of Wildlife Resources (UDWR) comments:

Vegetation-Wildlife Habitat:

The DEIS indicates that over 160 acres of wetland habitat will be directly impacted by the project (Table 4.3-1, and Section 4.4.7, page 4-44). The DEIS does not discuss how wetland impacts will be avoided, minimized or mitigated for, nor does it describe any areas for potential wetland mitigation.

Sections 3.3.2.9 (page 3-12), 4.3.2.2 (page 4-27) and Table 3.3-1 discuss and mention six common species of invasive and non-native plant species that out-compete native species and dominate original vegetation communities. Invasive and noxious weed species, if not controlled, invade wildlife habitats and can severely reduce or eliminate species that provide food and cover for wildlife. These sections and the table of the DEIS do not recognize or acknowledge that an additional 19+ invasive and non-native plants are designated as State and County noxious weeds within the three counties affected by the CURP. We recommend that the rail line's weed management program also include and address invasive and non-native plants that have been designated as State or County noxious weeds.

The maintenance procedures for vegetation control along the rail line right-of-way (ROW) includes seeding, mechanical and chemical methods for control (Section 4.3.2.2, page 4-25; Section 4.3.3.1, page 4-27; Mitigation Measure No. 30, Section 6.4.3, page 6-13). However, they do not address the need for frequent maintenance and monitoring, as needed during the year, for noxious weeds. Noxious weeds occur not only within the ROW of the rail line, but also on cut and fill areas that were necessary for constructing the rail line. Along existing railroad alignments, areas that are disturbed by/for railroad purposes are often left untreated and have led to the establishment of noxious weeds adjacent to rangelands and wildlife habitat. These areas include, but are not limited to, cut and fill slopes created for the railroad bed, and slopes which are frequently disturbed in order to clean and maintain the tracks. UDWR recommends the rail line be responsible for treating weeds that have become established as a result of disturbances created by construction or for the maintenance of the rail line.

Mitigation measure No. 29, Section 6.4.3, (page 6-13) indicates revegetation of disturbed areas with seed of existing species. This section does not describe the success criteria and follow-up measures if initial revegetation efforts are not successful. UDWR recommends the development of success criteria and follow-up measures to ensure successful revegetation as a part of the revegetation plan.

Wildlife Resources:

Wildlife Corridors

The following recommendations are based on the proposed train traffic described in the Executive Summary. As the proposed train traffic will average less than two loaded trains per day traveling at 49 miles per hour, UDWR does not believe that it is necessary to design fences that will force big game to underpass structures, nor necessitate the need for escape ramps, as described by Mitigation measure #35 (page 6-14). Allowing natural movement for wildlife across the right-of-way (ROW) would benefit wildlife. If the ROW needs to be fenced or if train traffic increases, we recommend a four-strand wire fence, with the top strand being no higher than 42 inches to avoid trapping big game hind legs. Wire spacing would be 16", 24", 32", and 42" from the ground. The bottom wire should be smooth to circumvent big game entanglement while the other three wires can be barbed.

There is no current information available on big game collisions (wildlife strikes) within the proposed project area (Section 3.3.3.4, page 3-15). We recommend wildlife strikes along the rail line be recorded, by mile post or other reference marker, and reported annually to the Central and Southern Regional Offices of UDWR. This information will help document any net decrease or increase in vehicle-wildlife collisions resulting from coal transportation once the rail line is in operation.

The DEIS does not contain an analysis of potential increases of haul traffic along I-70 through Salina Canyon, which is a probable result of an increased capacity to haul coal once a rail line is established through Aurora. Increased truck traffic in Salina Canyon could greatly increase highway mortality of mule deer and elk. This reach of I-70, between mine exit 72 and Aurora, currently has the highest instance of big game mortality in Southern Utah (see Utah Department of Transportation [UDOT] publication, "Wildlife Connectivity Across Utah's Highways", June 7, 2006). There has been considerable collaborative effort between UDOT and the UDWR to address this problem. Mitigation of potential impacts to the deer and elk herds on I-70 might be accomplished via cooperation and/or contributions to this ongoing effort.

Wildlife Sanctuaries, Refuges and State Parks

The DEIS states that proper Best Management Practices (BMPs) and mitigation measures would be implemented according to Section 6.3.3 (page 6-6) if the Redmond Wildlife Management Area (WMA) is impacted. However, the maps in the DEIS lack detail and direct impacts to the Redmond WMA could not be measured. Also, there is no mention of efforts to avoid or minimize the direct impacts to the Redmond WMA with Alternatives B and C. UDWR recommends the use of a detailed map of to better ascertain impacts and develop actions to avoid and/or minimize impacts to Redmond WMA.

The DEIS mentions that aquatic surveys have not been conducted to determine what aquatic biological resources are at risk if the wetland habitats are impacted by the rail line. There are recent unverified reports that leatherside chub, a State Species of Concern, have been found in the Redmond WMA. UDWR recommends that aquatic surveys, following accepted protocols, be conducted to determine what species, habitat, functions and aquatic resources will be impacted by the rail line at the Redmond WMA.

Threatened, Endangered, and Sensitive Species:

UDWR has the following recommendation and comments for this section:

- Table 4.3-2 fails to adequately analyze the potential for sensitive species (curlew, least chub, leatherside chub, spotted frog, and spring snails) and their habitat to exist north of Chicken Creek Reservoir.
- Bald eagle winter in Juab Valley, as well as in other locations along the project corridor. The analysis in Table 4.3-2 does not indicate the season of construction of the rail line, and whether construction activities will be a potential disturbance to wintering eagles.
- Long-billed curlews have been observed in the vicinity of Chicken Creek Reservoir. The discussion of negative impacts from the proposed alternative (Table 4.3-2) only mentions the presence of this species at the south end of the proposed rail line. Surveys, following approved protocol for long-billed curlew, should be conducted to determine whether the rail line, or construction of the rail line will impact this species or habitat used by this species.
- Bonneville cutthroat trout do not occur in Chicken Creek Reservoir, although they are reported from higher up in the Chicken Creek drainage.
- Least chub were discovered in spring heads in northern Juab Valley in 1995. They were subsequently discovered along the Sevier River in the Mills Valley marsh complex in 1996 (downstream of Chicken Creek Reservoir). There is the possibility that they could be present in the spring complex north of Chicken Creek Reservoir. No surveys have been done on the springs and seeps north of Chicken Creek Reservoir to determine whether the fish are present or absent in these waters. The alignment of the rail line at the north terminus of the project corridor crosses Juab Valley and could directly impact some of the springs that have not been surveyed. We recommend that the springs, seeps and other wetland habitats north of Chicken Creek Reservoir be surveyed to determine the absence/presence of least chub. Aquatic surveys should also be conducted on the springs and other wetland habitats at the Redmond WMA. If least chub are found, then appropriate mitigation should be done in accordance with the agencies involved with the Conservation Agreement and Strategy for Least Chub (1997). If other sensitive species are found, then appropriate avoidance, minimization, or mitigation should be included.
- Several of the species names are misspelled in Tables 3.3-4 and 4.3-2.

Water Resources:

The DEIS acknowledges the presence of springs and shallow ground water that support the wet meadows north of Chicken Creek Reservoir (Section 3.4.5.1, page 3-26). However, the DEIS does not recognize nor acknowledge that springs are a unique and irreplaceable wetland habitat. Further, the hydrology supporting the springs and seeps north of the reservoir could be severely impacted and altered by the rail line crossing the wetlands, resulting in irreversible changes to the spring and seep habitats. UDWR recommends the addition of measures to address efforts to avoid, minimize, or mitigate for the impacts to more than 160 acres of wetland habitat.

Mitigation:

Section 6.3.3, page 6-6, Preliminary Mitigation Measure #10.

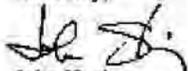
UDWR recommends removal of the statement: "...the proposed project will have negligible effects on plant communities and the spread of noxious weeds as well as wildlife resources and threatened, endangered, and sensitive species." Direct impacts of the Preferred Alternative on 160+ acres of wetland habitats are not a negligible effect. Not acknowledging 19 designated State and/or County noxious weeds in the invasive and non-native plant species discussion in the DEIS is a serious omission and failure to treat them in the rail alignment would not be a "negligible effect." Considering that aquatic surveys were not conducted in the springs and other wetland habitats (Section 3.3.4, page 3-17), we cannot agree with the statement that the "proposed project will have negligible effects on... sensitive (aquatic) species."

Mitigation of potential impacts to the deer and elk populations on I-70, from exit 72 to Aurora, from increased haul traffic needs to be addressed. We recommend working with UDOT and UDWR to develop mitigation strategies along I-70 to develop effective means to reduce potentially detrimental impacts.

UDWR supports and encourages voluntary mitigation. However, we note that many of the voluntary mitigation actions in this project are too vague and general, and are based on incomplete analysis of direct and indirect impacts to biological resources. We recommend specific mitigation measures be developed to address many of the wildlife issues that have been raised in this comment letter.

The Committee appreciates the opportunity to review this proposal. Please direct any other written questions regarding this correspondence to the Resource Development Coordinating Committee, Public Lands Section, at the above address or call the Director, Jonathan G. Lemming, at (801) 537-9023, or Carolyn Wright at (801) 537-9230.

Sincerely,



John Harja
Acting Coordinator
Public Lands Policy Coordination Office

Surface Transportation Board 
Incoming Correspondence Record

#EI-3037

Correspondence Information			
Docket #:	FD 34075 0		
Name of Sender:	Beverley C. Heffernan	Date Received:	08/01/2007
Group:	Bureau of Reclamation, Provo Area Office	Date of Letter:	08/01/2007

Submitter's Comments
The Bureau of Reclamation, Provo Area Office, has no comments regarding the Draft Environmental Impact Statement for construction and operation of a rail line between Levan and Salina, Utah.

Surface Transportation Board 
Incoming Correspondence Record

#EI-3116

Correspondence Information			
Docket #:	FD 34075 0		
Name of Sender:	Claudia Jarrett	Date Received:	08/21/2007
Group:	Sanpete County	Date of Letter:	08/21/2007

Submitter's Comments
As a Sanpete County Commissioner, the direct benefits to our County include:

An opportunity for business and industry to locate in the county with a viable means of exporting their product. Currently Sanpete County is not on a freeway, has no rail system, and only local small airports.

Alleviate the increased coal trucks impact on our rural two-lane highways in the County—both in maintenance and safety.

After reviewing the plans, it is my feeling that the proposed alignment is also the least impactful route through Sanpete County.

Thank you for considering my comments.

Commission Chair for Sanpete County
Claudia Jarrett



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PDD

Benjamin H. Nuvamca
CHAIRMAN

Todd Honyaoma Sr.
VIC-CHAIRMAN

September 4, 2007

Phillis Johnson-Ball
Surface Transportation Board, Case Control Unit
395 E Street, SW
Washington, DC 20423

STB Docket NO FD 34075

Dear Ms. Johnson Ball,

Thank you for your correspondence dated June 29, 2007, with an enclosed Environmental Impact Statement, regarding Six County Association of Governments, Construction and Operation - 43-mile Central Utah Rail Project between Juab and Salina, Utah. Because the Hopi Tribe claims cultural affiliation to the Fremont and Ancestral Pueblo prehistoric cultural group in this project area, known to Hopi people as Hisatsinom, or People of Long Ago, and the Hopi Cultural Preservation office supports the identification and avoidance of prehistoric archaeological sites and Traditional Cultural properties, we appreciate the Surface Transportation Board's continuing solicitation of our input and your efforts to address our concerns.

In our July 1, 2001, April 13, 2003, and June 27, 2006, letters on this proposal, the Hopi Cultural Preservation Office requested consultation on proposed impacts to archaeological sites and cultural resources that are our ancestral sites and Traditional Cultural Properties.

In our June 26, 2006, letter we reviewed the cultural resources inventory report that identifies 16 prehistoric sites recommended as eligible for listing on the National Register and described as lithic scatters, 10 prehistoric sites recommended as eligible and described as temporary camps, and 1 prehistoric site recommended as eligible and described as a habitation site. In addition there are 8 prehistoric sites described as lithic scatters that are recommended as ineligible for listing on the National Register. We stated that we have determined that this project is likely to adversely affect cultural resources significant to the Hopi Tribe, and requested additional consultation, including to be provided with a copy of the draft cultural resources treatment plan for review and comment.

Phyllis Johnson-Ball
August 4, 2007
Page 2

We have now reviewed the draft Environmental Impact Statement. We understand Alternative A (No Action) would have no effect on cultural resources, Alternative B (Proposed Action) will potentially adversely effect 29 prehistoric sites, and Alternative C will potentially adversely effect 12 prehistoric sites.

Therefore, from a cultural resources preservation perspective, we support Alternative A (No Action) in this draft Environmental Impact Statement. If this project must be implemented, Alternative C impacts fewer cultural resources significant to the Hopi Tribe than the Proposed Action. Because the Hopi Cultural Preservation Office has been consulting on this proposal since 2001, and we are a Native American tribe, not the public, we hope the Surface Transportation Board will accept our comments on the draft Environmental Impact Statement.

In any case, we reiterate that we have determined that this project is likely to adversely affect cultural resources significant to the Hopi Tribe, and request additional consultation, including to be provided with a copy of the draft cultural resources treatment plan for review and comment.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you for your consideration.

Respectfully,


Leigh Kuwanwisivma, Director
Hopi Cultural Preservation Office

Xc: HDR Engineering, 3995 South, 700 East, Suite 100, SLC, UT 84107-2594
Utah State Historic Preservation Office

Surface Transportation Board 
Incoming Correspondence Record

#EI-3043

Correspondence Information			
Docket #:	FD 34075 0	Date Received:	08/07/2007
Name of Sender:	Kimball Poulson	Date of Letter:	08/07/2007
Group:			

Submitter's Comments

I am on the Richfield City Council and just wanted to let your organization know that we are very interested for the Railroad project which Malcolm Nash from Sevier County to be approved. I support the Rail system and would hope that the Federal government would assist our area in approving the construction of a Railroad access. This would help us be a more viable economic concern especially when attempting to get manufacturing into our communities. We need this to compete in the marketplace and hope you will help in the approval of this project. Thanks in advance for your assistance.

Kimball Poulson
Richfield City Council member

STB SHPO CONCURRENCE EI-3174 CG
DETERMINATION OF NO ADVERSE EFFECTS FOR
INDIRECT, CUMULATIVE OR

Catherine Glidden/STB
09/17/2007 11:09 AM To "Matthew Seddon" <mseddon@utah.gov> IKIPIft-tC 1A-p/4-CTS
cc kharris@achp.gov, Phillis.Johnson-Ball@stb.dot.gov
bcc FD 34075

Subject
Re: Fw: Final Determinations on National Register Eligibility

Matthew:

Thanks, I think this should suffice. Katry, are you okay with
Watt's comments?

-Cathy

"Matthew Seddon" <mseddon@utah.gov>
09/17/2007 10:56 AM
To <Catherine.Glidden@stb.dot.gov>
cc <kharris@achp.gov>, <Phillis.Johnson-Ball@stb.dot.gov>
Subject
Re: Fw: Final Determinations on National Register Eligibility

I'm confused. Do you still need something from me. Cathy, your statement
does accurately reflect my understanding. There was consultation on the
visual, cumulative, and indirect effects and we did concur with your
determination of No Adversje Effect fpr said effe^cjs^ r'i could probably
re-dredge up the email, 'but will this suffice? 3

Matt

>> <Catherine.Glidden@stb.dot.gov> 9/17/2007 8:14 AM >>
- Please delete last email.

Hi Mathew:

Would you mind sending a short email to Katry Harris with a cc to me and
Phillis indicating that we have agreed that there would be no adverse
visual, cumulative or indirect impacts that would occur from the proposed
railroad construction project between Levan to Salina, Utah (STB Finance
Docket No. 34075)? I know we agreed to this in the correspondence below,
but Karty would like a more formal and concise statement.

Thanks,
Cathy

----- Forwarded by Catherine Glidden/STB on 09/17/2007 10:04 AM -----

"Katry Harris" <kharris@achp.gov>
09/14/2007 12:21 PM

To
<Catherine.Glidden@stb.dot.gov>
cc

Subject
RE: Final Determinations on National Register Eligibility

Cathy - did you ever send these materials? I haven't seen them yet.

Katry Harris, ACHP
202.606.8520

From: Catherine.Glidden@stb.dot.gov [mailto:Catherine.Glidden@stb.dot.gov]

Sent: August 01, 2007 2:28 PM
To: Katry Harris
Cc: M Seddon; Phillis.Johnson-Ball@stb.dot.gov; Craig_Harmon@blm.gov
Subject: Fw: Final Determinations on National Register Eligibility

Hi Katry:

It was good to finally meet you in Flagstaff. What a great spot to be this time of year!

Per your request, I am forwarding the correspondence between the Utah SHPO and SEA regarding the potential indirect and cumulative impacts from the proposed railroad construction project between Levan to Salina, Utah (STB Finance Docket No. 34075). As you will note from the correspondence, the SHPO and SEA are in agreement that the proposed project will not result in any such impacts. This information has been documented in the draft DEIS which you may already have received.

If you have any questions, please feel free to call me. Phillis Johnson-Ball, the project manager for this proceeding, is currently out of the office, but I will do what I can to answer any questions you may have.

All the best,
Cathy

Catherine Glidden
Environmental Protection Specialist
Surface Transportation Board
Section of Environmental Analysis
Washington, DC 20423-0001
Phone: (202) 245-0293
Fax: (202) 245-0454

Cathy,

To answer your question, our office can concur that there is no adverse indirect, visual, or cumulative impacts based on your analysis and the subsequent emails.

Sincerely,

Matt

Matthew T. Seddon, Ph.D., RPA
Deputy State Historic Preservation Officer
Utah State Historic Preservation Office
300 Rio Grande St.
Salt Lake City, UT 84101
801-533-3555
FAX: 801-533-3503
mseddon@utah.gov
<http://history.Utah.gov/>

>> <Catherine.Glidden@stb.dot.gov> 2/4/2007 9:52 AM >>
Hi Matthew:

Okay, so the final consensus is that we have no adverse indirect, visual or cumulative impacts at all? Is this correct? If so, could you provide us with a short written reassessment on this point? Thanks!

Craig, thanks for your input on this!!

-Cathy



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 56, Room 1003
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007



August 17, 2007

9043.1
ER 07/555

Phillis Johnson-Ball
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Dear Ms. Johnson-Ball:

The U.S. Department of the Interior (DOI) has reviewed the Draft Environmental Impact Statement (DEIS) for the Six-County Association of Governments' Proposed 43-Mile Rail Line in Sanpete, Sevier, and Juab Counties, Utah, STB Finance Docket No. 34075 [AKA: Central Utah Rail Project].

Project Description

The project proposes to construct, operate, and maintain a 43-mile rail line between Levan and Salina, Utah, for the purpose of transporting coal and to alleviate truck traffic currently used for transport.

Alternatives

The document analyzes three alternatives:

Alternative A - The No Action Alternative.

Alternative B - The Proposed Action- Includes 21 acres of Federal (BLM administered) Land

Alternative C - Alternative Route - Includes 51 acres of Federal (BLM Administered) Land

We are providing the following comments for your consideration in evaluating this project.

Ms. Phillis Johnson-Ball

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General Comments

The DOI Bureau of Land Management (BLM) has been involved as a cooperating agency for preparation of the EIS. The U.S. Fish and Wildlife Service (USFWS) has been actively involved in the analysis of this project beginning with participation in the initial consultation phase. These Interior Bureaus have attended numerous meetings and provided correspondence on project issues during the NEPA process.

We suggest that an index be provided in the Final EIS to assist with review and preparation of any necessary permits.

Of the two action alternatives presented in the DEIS, the DOI supports the preferred alternative (B) as it would have the least adverse impacts to fish and wildlife resources. We note, however, the potential for impacts to the Redmond Wildlife Management Area and recommend coordination with the Utah Division of Wildlife Resources to avoid and minimize those impacts to the extent possible, and to mitigate any unavoidable impacts.

The project as proposed would have significant impacts to wetlands, estimated in the DEIS to be approximately 160 acres of direct impact. Wetlands in this area have tremendous importance to wildlife, both resident and migratory, and these habitats would be impacted by this project both directly (i.e., 160 acres of fill) and indirectly (e.g., construction disturbance, noise from passing trains, fragmentation of habitat, hydrologic disruption, and water quality impacts from erosion and contaminants). We recommend a more thorough discussion of indirect impacts, avoidance and minimization measures that will be taken, and an evaluation of potential mitigation options in the area.

Juab Valley, in the northern portion of the alignment, contains numerous seeps and springs that may provide habitat for rare and sensitive species such as the spotted frog, least chub, or unusual mollusks or macroinvertebrates. We were unable to find any significant discussion in the DEIS regarding springs and recommend an expanded evaluation of this important biological resource. We recommend: 1) an inventory of springs in the project corridor; 2) a survey of the aquatic biota for any springs determined to be within the zone of direct or indirect impacts, with particular focus on detecting rare or unique species; 3) protection of any springs at risk of degradation of water quality; and 4) compensation for unavoidable impacts to fish and wildlife resources.

The railroad would traverse grazing lands and should be fenced on both sides of the track on federal lands. Where livestock would be separated from water sources, new wells, pipelines and troughs or underpasses would have to be constructed by the applicant to supply water to livestock.

Specific Comments:

Executive Summary, Page ES – 5, Alternative C: This section states, "this alternative was suggested because it minimizes the visual impacts". The statement should explain how the 75 foot high and 550 feet wide long berm created by this alternative would minimize visual impacts.

Ms. Phillis Johnson-Ball

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Page 2-3, last sentence: This sentence states "Once an operator is identified." This seems confusing. Throughout the document it refers to shippers (primarily "SUFCO"); the rail line connecting to "UPRR" mainline; and under the Operating Plan of the Glossary it states, "A document that is provided as part of the proposed application detailing planned railroad by applicant operations following the proposed action." The document should explain who the operator of the rail line would or is likely to be.

Page 2-6: Clarify the difference, if any, between Farmland and Agricultural land. The first paragraph, second sentence states that an alternative was suggested because it would disturb fewer parcels of farmland within the project area. However, page 2-14, Table 2.4-1 Aesthetics states "Alt C would create more disturbance to agricultural land."

Page 2-6, Table 2.2-2: Alt C shows BLM Acres as 30, however, page 4-14 Table 4.2-1 Alt. C shows Subtotal acres as 42.85. Also, page 4-18 text states 30 acres. The acreages should be made consistent.

Page 3-14, Migratory Birds: As stated in the DEIS, the wetlands associated with Chicken Creek Reservoir, the Sevier River, Sevier River Reservoir, and the Redmond Wildlife Management Area provide important habitat for a variety of migratory birds species including shorebirds. Table 3.3-3 is limited to very common species, and we note that several species of concern (as identified in the 2005 Utah Comprehensive Wildlife Conservation Strategy [Wildlife Action Plan]) have been documented in the project area, such as the American avocet, black-necked stilt, and grasshopper sparrow. These species use habitat found in the study area not only as a "migratory stopover", as stated in the DEIS, but also for nesting. We recommend an expanded evaluation of potential impacts to nesting birds in addition to mitigation measures (e.g. avoidance of vegetation removal during nesting season within potential habitat for Utah Wildlife Action Plan avian species of concern).

Page 3-17: Page 3-16, Section 3.3.4, third paragraph, last two sentences states "As part of mitigation for impacts from this project, surveys for specific species would be conducted prior to construction, if required by the affected land management agency. These surveys would be conducted according to agency approved protocols." This language should be included on page 3-17 as it pertains to threatened, endangered and sensitive (TES) plant species.

Page 3-17, Threatened, Endangered, and Sensitive Species: The DEIS states that surveys were conducted for "other Federally listed and state-listed endangered, threatened, or sensitive species (namely raptors, amphibians, small mammals, migratory birds, and mollusks) to determine if any suitable habitat or individuals existed in the study area". It is unclear from this description the extent of the surveys or the method used (other than describing them as "pedestrian [walking] surveys"). We believe it would be difficult to survey mollusks or amphibians via a pedestrian survey. We recommend noting whether springs were encountered in the right-of-way and, if so, whether they were given a "pedestrian survey" or whether they were surveyed more closely for the presence of least chub, spotted frog, unusual mollusks or macroinvertebrates.

Page 3-18, Table 3.3-4: Bald eagles are no longer listed as threatened under the Endangered Species Act (ESA). They are, however, still protected under the Bald and Golden Eagle

Ms. Phillis Johnson-Ball

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Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Therefore, we recommend that project plans continue to incorporate best management practices for avoiding disturbance or take of bald eagles.

Page 3-19, Bald Eagle and Burrowing Owl: Bald eagles winter roosts have been documented in the study area, along the Sevier River and at Sevier Bridge Reservoir. If roosts are found to occur within ½ mile of construction activities, we recommend that, between the months of November and March, construction activities initiate after 9:00AM and terminate at least one hour prior to official sunset.

On August 9, 2007, during a field inspection of a proposed oil and gas well site and associated access, active burrowing owl habitat (sensitive species) was observed and recorded with GPS data on public land between the Alternative B and Alternative C routes and actually on a segment of the Alternative C route. An active area was also observed on the adjacent State land. Additional baseline information and analysis concerning this species is required.

Pages 3-62 through 3-70, Section 3.12.3 and 3.12.4: Throughout these sections are references to the 5 federally recognized tribes consulted with, the 6 tribes, the 12 tribes, etc. The Final EIS should identify how many and which tribes were actually contacted.

Page 3-62, section 3.12.3: The first paragraph says that 5 tribes were contacted and that they requested additional information once the cultural inventories are complete. The Final EIS should explain whether additional information has been provided to all of the tribes who requested it.

Page 3-65, Section 3.12.4.4: The Numic Expansion theory discussed here has been largely discredited. This discussion should be removed from the EIS.

Page 4-3, Valid Existing Rights To Use Public Land, third sentence: The sentence states that "Valid existing rights include rights to use public . . ." To more accurately define "Valid existing rights", insert "but are not limited to" after the word "include."

Page 4-13, last paragraph, second sentence: This indicates that BLM would determine whether private farmland would remain farmable. Since SEA/STB is the lead agency and BLM has no jurisdiction to determine whether private farmland would remain farmable, the lead agency would make the determination.

Page 4-14, Table 4.2-1: The subtotal of acres for Alternative C is shown as 42.85, however this is not consistent with Table 2.2-2 on page 2-6 or the text on page 4-18 which shows BLM Acres for Alternative C as 30. The number of BLM acres should be made consistent.

Page 4-20, Section 4.2.5.4 : This section indicates that mitigation measures for access to public land and recreation routes are discussed in Section 6.3.2.2, however that section addresses only grazing allotments. An accurate reference and discussion are needed.

Ms. Phillis Johnson-Ball

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Page 4-27, Wildlife in the Area, Construction Impacts: Construction could have an impact on birds nesting under either Alternatives B or C, depending on the season of construction. We recommend that vegetation removal be conducted outside of bird nesting season (approximately April – July) to the extent possible, to avoid the take of migratory birds.

Page 4-27, Wildlife in the Area, Operation and Maintenance Impacts: To avoid take of ground-nesting birds, we recommend that mowing occur outside of the breeding season of ground-nesters (approximately April – July).

Page 4-30, Threatened, Endangered, and Sensitive Species: Change the first sentence to, “USFWS has concurred that the proposed project would have no effect on threatened or endangered species.” The USFWS does not make the determinations, nor do they consult on non-Federally-listed sensitive species.

Page 4-31, Table 4.3-2: Bald eagles are no longer listed as threatened under the ESA. However, because bald eagles continue to be protected under BGEPA and MBTA, it should be noted that there has been documented bald eagle winter roosting in the project vicinity.

Page 4-32, Table 4.3 -2: The genus for the least chub is *Iotichthyes*.

Page 4-44, Impacts to Wetlands and Waters of the U.S., Construction Impacts: The DEIS, either in this section or in Appendix E, should describe how these wetland impact acreages were determined (e.g., what data were used), in absence of a delineation or National Wetland Inventory data.

Page 4-45, Impacts to Wetlands and Waters of the U.S., Construction Impacts: The DEIS states that Alternative B will impact about three acres of lowland riparian habitat near Chicken Creek Reservoir, Sevier Bridge Reservoir, Redmond Lake, and the Sevier River floodplain, but that Alternative C would not impact any lowland riparian habitat. This seems inconsistent, given that Alternative C has the same alignment as Alternative B, with the exception of the southern portion near Redmond Lake.

Page 4-90, Section 4.14.4.2, Paiute ATV Trail System: This section, and other sections in the document should identify the length as well as the height and width of the berms.

Page 4-91, Section 4.15.1, Methodology: Remove the statement “... Effects on visual resources are often difficult to characterize due to the subjective nature of scenic value and differing perception of visual quality.” This statement is itself subjective and does not add to the analysis since this section also notes that impacts were determined by using the BLM Visual Resource Management Program.

Page 4-94, Section 4.15.3, User Groups: Rewrite the last paragraph of this section. The rail line would be under operation 365 days a year which should be described as continual use. The statement that “Users would not have a high sensitivity to the rail itself.” should be changed to discuss impacts on viewers who live along the rail line since tracks will be used every day.

Ms. Phillis Johnson-Ball

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Page 5-1, Cumulative Impacts: The rail line would reduce use of truck hauling activity and anticipates safety and less damage to roads. The Final EIS should explain whether trucks would stop hauling altogether or if they would be re-routed. If truck haul would continue, identify continued hauling of coal by trucks as a reasonably foreseeable action and discuss the effect(s) of continued truck operation if any.

Page 5-8, Section 5.2.6, Aesthetics: This discussion addresses cultural impacts rather than aesthetics. A corrected heading and a discussion of aesthetics is needed.

Page 6-6, Preliminary Environmental Mitigation Measures, Biological Resources, second sentence of item #10: This sentence states: "USFWS has determined that the Proposed Action and Alternatives would have negligible effects on plant communities and the spread of noxious weeds as well as wildlife resources and threatened, endangered, and sensitive species." The USFWS has not made any such statements regarding plant communities, noxious weeds, or sensitive species. The concurrence under ESA by the USFWS, provided February 22, 2007 and documented in Appendix B, applies only to Federally-listed threatened and endangered species.

Page 6-8, Federal Public Lands: The following measure should be added to this section, "The subject right-of-way grant would be issued subject to regulations under 43 CFR 2800 and mitigating stipulations that are either required by policy, law, or regulation or are needed to insure mitigation of associated surface disturbance activities."

Page 6-9, Applicant's Voluntary Mitigation Measures: Add the following measure, "A copy of the Plan of Operations shall be provided to the BLM for their review and approval, prior to beginning any construction activities."

Page 6-13, Applicant's Voluntary Mitigation Measures, Biological Resources: Item #27 specifies that culverts will be installed at surface water crossings; however, the extensive impacts to emergent marsh and wet meadow indicate that significant measures, including culvert installation, should be taken to ensure hydrology is maintained in these areas and that the rail line does not create a hydrologic barrier.

Page 6-13, Applicant's Voluntary Mitigation Measures, Biological Resources: Item #29 should identify the method to be used for monitoring the revegetation sites and also the criteria to determine whether the revegetation has been successful.

Page 6-13, Applicant's Voluntary Mitigation Measures, Biological Resources: Item #30 implies that weed control will be ongoing throughout both construction and operation of the facility. We recommend this section provide more specifics about this program, such as what weeds will be controlled (e.g., State and County-listed noxious weeds only), how often monitoring will occur, what monitoring methods will be used, and the spatial extent of control measures (e.g. within the right-of-way, other areas of disturbance such as hill cuts). We recommend that weed control occur within the right-of-way and incorporate all surface disturbed areas outside of the right-of-way as well, as such areas are extremely prone to weed proliferation.

Ms. Phillis Johnson-Ball

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Page 6-14, Applicant's Voluntary Mitigation Measures, Biological Resources, Item #35: Item 35 refers to the "USFWS conservation agreement" for least chub and leatherside chub; however, this should actually be termed a "state-wide conservation agreement" as it is not a USFWS document but a management plan with numerous agency signatories.

Page 6-14, Applicant's Voluntary Mitigation Measures, Water Resources and Wetlands, Item #37: Item # 37 indicates that mitigation in U.S. Army Corps of Engineers Section 404 permits would be followed. This section also should indicate whether the 404 permits have been acquired and also should include the mitigating measures stipulated in the permits.

Appendix B, Page B-7, Raptors: The DEIS states that, "raptor surveys were conducted along the corridor, although not to the full extent of the advised mile-wide buffer." We commend the project's commitment to following the recommendations in the Utah Field Office's Raptor Guidelines (page 6-13, item #32); however, not knowing the extent to which nest surveys were conducted raises concern that nests within the recommended buffer distances (1/4 to 1 mile depending on raptor species) could be subject to construction-related disturbance. We recommend that the extent of the studies be included in the Final EIS.

Appendix D, pages D-1 and D-3: The header at the top of these pages identifies "Existing Rights-of-way" as Appendix B. This should be changed to Appendix D.

References

Romin, L.A. and J.A. Muck. 2002. Utah field office guidelines for raptor protection from human and land use disturbances. U.S. Fish and Wildlife Service, Utah Field Office, Salt Lake City, Utah.

Utah Division of Wildlife Resources. 2005. Utah Comprehensive Wildlife Conservation Strategy. http://www.wildlife.utah.gov/cwcs/utah_cwcs_strategy.pdf.

We appreciate the opportunity to provide comments on this project. If you have any questions or need further information, please contact me at the address provided above.

Sincerely,

/signed/ 8/17/07

Robert F. Stewart
Regional Environmental Officer



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

OCT 18 2007

Ref: 8EPR-N

Ms. Phillis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
Case Control Unit
395 E Street, SW
Washington, D.C. 20423

RE: Wetlands Issues to be Addressed in
Supplemental Information for the
Central Utah Rail Project DEIS
Surface Transportation Board Docket
Number FD34075

Dear Ms. Johnson-Ball:

Thank you for inviting Douglas Minter and Dick Clark of the Environmental Protection Agency's (EPA) Region 8 National Environmental Policy Act (NEPA) Program to participate in the recent field tour of the Surface Transportation Board's (STB) proposed alignment for new rail construction along the Sevier River Valley in Central Utah. The resultant discussions enabled EPA to gain a better understanding of the basis for the STB's Preferred Alternative identified in its Draft Environmental Impact Statement (DEIS). During these discussions, EPA committed to providing comments to the STB regarding the major wetlands issues associated with this project.

EPA believes these issues should be addressed as the STB prepares its Supplemental Information on this DEIS. EPA supports the STB's decision to work with the United States Army Corps of Engineers (COE) as a cooperating agency to ensure that the results from an adequate wetlands assessment can be incorporated into this Supplemental Information. EPA will provide comments on the entire DEIS, including a formal rating, pursuant to Section 309 of the Clean Air Act (CAA), 42 U.S.C. Section 7609, once the STB publishes the Supplemental Information to this DEIS for public comment.

Wetlands Occurrence and Characterization

Based on the field tour, EPA understands that no more than 106 acres of wetlands could be lost due to rail construction associated with the Preferred Alternative, a correction to the 163 acres noted in the DEIS. EPA observed that the majority of these potential impacts would be in and around the Chicken Creek Reservoir area at the rail corridor's proposed northern terminus near Juab, with smaller acreages potentially impacted in or near the Yuba Narrows, the Redmond Wildlife Management Area, and the rail corridor's proposed southern terminus near Salina.

654-5603 FA

274-2959 call

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Based on these observations, and input provided by the COE during the visit, EPA also understands that the acreage of wetlands lost could be less than the current 106-acre estimate. To more definitively determine the actual scale and nature of potential wetlands loss, EPA believes that a better assessment of wetlands occurrence as well as a better characterization of the wetlands subsequently identified is needed. This would enable the impacts associated with the DEIS Alternatives to be adequately and accurately analyzed, and additional measures associated with these Alternatives to be developed to avoid, minimize, and/or mitigate these impacts.

Wetlands characterization should include identification of specific functions (e.g., waterfowl flyway habitat, flood control, nutrient removal, particulate retention, groundwater recharge, and hydrologic support for plants and wildlife) provided by the aquatic resources and these functions compared for the Alternatives in the Supplemental Information to the DEIS. This discussion should explain the relative importance of these wetlands and the associated effects of acreage losses in the context of the remaining resource and populations that may utilize and depend on those resources. ✓

Development of Alternatives

Based on EPA's review of the DEIS, EPA believes the range of alternatives presented in the DEIS may not include all reasonable alternatives as required in the Council of Environmental Quality's (CEQ) regulations for implementing the procedural provisions of NEPA (40 CFR 1502.14). As discussed during the field visit, EPA believes the STB should fully explore and evaluate in its Supplemental Information to the DEIS, an additional alternative which significantly reduces potential impacts to the wetlands in the Sevier River Valley. Specifically, consideration should be given to an alignment that avoids, to the extent practicable, the wetlands and associated springs in and near the Chicken Creek Reservoir at the proposed rail corridor's northern terminus. In reviewing the maps provided by the STB's consultant, EPA believes such an alignment can be proposed without adversely impacting agricultural lands and other important resources. Better characterization of the wetlands in this area (as noted above) should help inform the development of such an Alternative. ✓

Furthermore, Clean Water Act (CWA) Section 404 regulates the discharge of dredged or fill material into "waters of the United States," including certain wetlands. Under CWA Section 404, permits for such discharges are generally issued by the COE, in accordance with EPA's CWA Section 404(b)(1) Guidelines. The Guidelines require that no other practicable alternatives to the proposed discharge exist that would have less adverse impact on the aquatic ecosystem, as long as the alternative does not have other significant adverse environmental consequences. 40 CFR § 230.10(a). A CWA 404 permit cannot be issued until a permit applicant demonstrates compliance with the 404(b)(1) Guidelines. Because the rail construction from this project will result in the discharge of dredged and fill material into "waters of the United States", a CWA 404 permit from the COE to discharge this material will be required. EPA does not believe the current wetlands impact analysis in the DEIS is sufficient to meet the requirements regarding the obligation to select the least environmentally damaging practicable alternative as defined by the Guidelines.

Mitigation

The STB's identification and discussion of mitigation of impacts to waters of the US (and wetlands specifically) should be further developed in the Supplemental Information to the DEIS, particularly in light of the potential scale of wetlands loss. Page 6-14 of the DEIS makes general reference to mitigation measures, including best management practices, that will be required in all permits obtained including from the COE's CWA Section 404 and Utah's CWA Section 401 programs. However, EPA believes a more robust analysis of these impacts is needed to comply with NEPA through disclosure of project-specific mitigation. Specifically, the CEQ Guidance for NEPA compliance (40 Most Asked Questions Concerning CEQ's NEPA – 40 CFR 1500-1508) states that NEPA requires that "reasonable alternative mitigation measures and monitoring programs" should be addressed in the draft and final environmental impact statement. Additionally, NEPA requires discussion of mitigation measures in the range of alternatives assessed and with respect to environmental consequences. (40 CFR 1502.14(f) and 1502.16(h)). The CWA Section 404(b)(1) Guidelines generally require information on types of mitigation, mitigation plans, monitoring plans, standards for measuring mitigation success, and a contingency plan in case of mitigation failure. This information should be in the Supplemental Information to the DEIS in order to make the required CWA 404(b)(1) Guidelines determination that all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem have been taken (40 CFR 230.12(a)(3)(iii)). As noted above, a CWA Section 404 permit cannot be issued until a permit applicant can demonstrate compliance with the 404(b)(1) Guidelines.

In addition, Executive Order 11990 – Protection of Wetlands (May 24, 1977) states in pertinent part as follows: "Section 1. (a) Each agency shall provide leadership and shall take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities for (1) acquiring, managing, and disposing of Federal lands and facilities; and (2) providing Federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. (b) This Order does not apply to the issuance by Federal agencies of permits, licenses, or allocations to private parties for activities involving wetlands on non-Federal property."

We believe that once better identification and characterization of the wetlands are completed, more specific mitigation measures can be proposed in the Supplemental Information to the DEIS. Such measures could include: 1) acquisition of land near Chicken Creek Reservoir where springs are located to reduce impacts from livestock and enhance/restore currently marginal wetlands; 2) reducing the footprint on wetlands acreage in and around the proposed rail yards associated with the northern and southern terminuses; 3) enhancement of wetlands through acquisition of land adjacent to the Redmond Wildlife Management Area; and 4) improvement of water quality (e.g., restoration of impaired stream segments) within the Sevier River watershed. In implementing these and/or other measures, the Supplement Information to the DEIS should also discuss what monitoring programs will be in place to evaluate the success of such mitigation.

EPA understands that the public comment period for this DEIS, announced by the STB on June 29, 2007, in the Federal Register (FR), was extended through a subsequent FR notice published on August 24, 2007. Specifically, the STB announced that it will be issuing Supplemental Information on alternatives and wetlands to assist the public in its review of the proposed project. The STB also stated that it will publish another FR notice announcing a date for when comments on this information and the DEIS are due. After the close of this extended public comment period, the STB will prepare a Final Environmental Impact Statement that considers all comments received on both the DEIS and Supplemental Information. Upon our review of this information, EPA will provide written comments to the STB including our rating pursuant to CAA Section 309.

Thank you for the opportunity to provide input into the development of the Supplemental Information to the DEIS. We look forward to continuing to work with the STB to address these wetlands issues, and to providing comments on the entire DEIS. If you have any questions, please contact Douglas Minter of my staff at (303) 312-6079.

Sincerely,



Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

cc: Michael Jewell, USCOE, Sacramento
James McMillan, USCOE, Bountiful





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

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Ref: 8EPR-N

Ms. Phillis Johnson-Ball
Section of Environmental Analysis
Surface Transportation Board
Case Control Unit
395 E Street, SW
Washington, D.C. 20423

RE: Supplemental Wetlands Information for the
Central Utah Rail Project DEIS
Surface Transportation Board Docket
Number FD34075

Dear Ms. Johnson-Ball:

Thank you for providing us with an electronic copy of the March 6, 2008 letter from the Six County Association of Governments* ("Applicant") legal counsel on the feasibility of a conceptual route modification at the northern terminus of the proposed rail line in the Chicken Creek Reservoir area. We understand this letter was in response to the concern stated in our October 18, 2007 letter that the range of alternatives presented in the Draft Environmental Impact Statement (DEIS) for the Central Utah Rail Project may not include all reasonable alternatives as required by National Environmental Policy Act (NEPA) regulations in 40 CFR Section 1502.14.

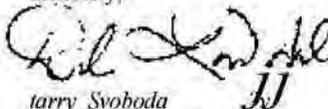
The letter from the Applicant's legal counsel acknowledges that the route modification it analyzed as a potential additional alternative would reduce the impact on wetlands in the northern terminus area in/around Chicken Creek Reservoir. However, this letter also concludes that this route modification could not be implemented without adversely impacting agricultural lands in this area. While we recognize that this particular route modification could result in the loss of agricultural lands, we believe it would be premature to conclude that no reasonable alternatives exist without conducting a detailed assessment of the wetlands resources in this area as stated in our earlier letter. This would include, in cooperation with the Army Corps of Engineers (USCOE), development and implementation of methods to: 1) more definitively determine the number of wetland acres and their location in this area; 2) characterize the specific functions provided by these aquatic resources; and 3) determine the relative importance and value of these wetlands and associated effects of acreage losses.

We understand that the Surface Transportation Board (STB) supports a more robust and detailed assessment of the wetland resources in this area prior to the Applicant applying to the USCOE for a Clean Water Act Section 404 permit. We continue to maintain that conducting

such an assessment now would effectively meet the USCOE's informational needs for the subsequent Section 404 permitting process and facilitate development of the Supplemental Information needed for this DEIS by: 1) informing the feasibility of an additional alternative which significantly reduces impacts to wetland resources; 2) allowing for more accurate analysis of these impacts for all the alternatives; and 3) facilitating development of additional mitigation measures, monitoring plans, standards for measuring mitigation success, and a contingency plan in case of mitigation failure.

Thank you again for the opportunity to provide input into the development of the Supplemental Information to this DEIS. We look forward to continuing to work with the STB to address these wetlands issues, and to providing comments on the entire DEIS. If you have any questions, please contact me at (303) 312-6004 or Deborah Lebow-Aal of my staff at (303) 312-6223.

Sincerely,



Terry Svoboda
Terry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

cc: Michael Jewell, USCOE, Sacramento
Terry Johnson, USCOE, Bountiful
Douglas Sakaguchi, Utah DWR
Betsey Herrmann, USF&WS





United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



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PEP/NRM

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pp2

ER 07/555

Ms. Phillis Johnson-Ball
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Dear Ms. Johnson-Ball:

The Department of the Interior provides additional comments concerning the Draft Environmental Impact Statement (DEIS) for the Six-County Association of Governments' Proposed 43-Mile Rail Line in Sanpete, Sevier, and Juab Counties, Utah, STB Finance Docket No. 34075 [AKA: Central Utah Rail Project].

The following comments from the U.S. Geological Survey were inadvertently omitted from our comment letter of August 17, 2007. Please consider them to the extent practicable in preparing the final environmental impact statement.

SPECIFIC COMMENT

Section 4.3, Impacts on Biological Resources, pages 4-23 through 4-36

The Surface Transportation Board (STB) is commended for including a methodology (page 4-23) for determining the potential impacts on plant communities, wildlife resources, threatened and endangered species, and sensitive species in the study area resulting from the proposed project alternatives. It would benefit the public, however, if an explanation was provided as to why the STB, in consultation with the U.S. Fish and Wildlife Service, proposes (page 4-23) to include only "pedestrian observational surveys" and not conduct any specific survey protocols to determine the potential impacts to species in the study area. It would also benefit the public to know the precise steps and general period of time for clean up actions should there be (page 4-25, 3rd paragraph) a coal or petroleum spill "to prevent irreparable harm to the environment."

Additionally, there are several general statements in the DEIS that may warrant scientific documentation. For instance, scientific analysis of species-specific impacts from the proposed construction and operation of the rail line appears to be warranted. The DEIS also states that (pages 4-25 and 4-27) "herbicides could affect the surrounding plant communities [and wildlife habitat] if they are improperly applied." The DEIS seems to imply that if herbicides are applied properly, there would be "no" impacts on biological resources. The final EIS could be improved by accessing the potential

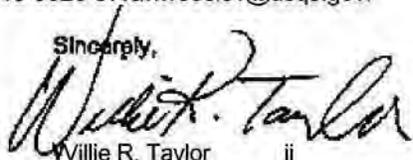
impacts of herbicide use on plant communities and wildlife habitat, as well as potential impacts on wildlife and aquatic species resulting from stormwater run-off containing herbicides entering streams, lakes, reservoirs, and wetlands within the project area.

Other generalized statements in the DEIS that warrant scientific documentation, scientific analysis, and supporting references include, but are not limited, to the following:

- "SEA expects that the impacts from constructing and operating a rail line with anticipated traffic of one round trip ... per day would not contribute significantly to habitat fragmentation and the alteration of wildlife behavior in the project area." (page 4-26)
- "Construction activities would temporarily displace several species of wildlife during construction, but they would likely return after construction." (page 4-27)
- "Construction of Alternative B would result in a relatively small amount of habitat loss within wildlife corridors for migratory birds and big-game mammals. However, because of the timing of the construction of the rail line and the temporary nature of construction, SEA does not anticipate that these construction activities would be a substantial barrier to wildlife movement. Construction of Alternative B would not compromise the biological function of these wildlife corridors." (page 4-28)

Thank you for the opportunity to review and comment on this DEIS. If you have any questions concerning our comments, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 648-5028 OK at lwooslev@usgs.gov.

Sincerely,



Willie R. Taylor
Director, Office of Environmental Policy
and Compliance

Surface Transportation Board 
Incoming Correspondence Record

#EI-3106

Correspondence Information

Docket #:	FD 34075 0	Date Received:	08/17/2007
Name of Sender:	Byron Woodland	Date of Letter:	08/17/2007
Group:	Juab County		

Submitter's Comments

I feel that the proposed rail system connecting Sevier County and Juab County will be a benefit to both counties. With no significant environmental impact. It will create jobs for both counties and remove some of the truck traffic currently going through Levan City.

s

B.3 Comments on the Supplemental Draft EIS

B.3.1 Agency Comments



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF ENVIRONMENTAL
RESPONSE AND REMEDIATION

Brent H. Everett
Director

FJ
20491

ERRC-116-14

July 7, 2014

Phillis Johnson-Ball
Surface Transportation Board
Case Control Unit
395 E Street SW
Washington, D.C. 20423

RE: Draft Environmental Impact Statement Rail Line Between Levan and Salina, Utah

Dear Ms. Johnson-Ball:

The Utah Department of Environmental Quality (UDEQ) Division of Environmental Response and Remediation (DERR) has received your request for input regarding the above referenced project.

We encourage you to review the DERR Interactive Map, as one source of data, prior to finalizing the Environmental Impact Statement to ensure you are informed of potential contamination. The Interactive Map is located at: <http://enviro.deq.utah.gov>. You are also encouraged to speak to the Division of Solid and Hazardous Waste at (801) 536-0200 and the Division of Water Quality at (801) 536-4300.

It is possible that future construction activities associated with this project will encounter hazardous substances. These materials must be managed and disposed of properly. If impacted materials are encountered during construction, please notify the DERR.

If you have any questions regarding this letter, please feel free to contact me at (801) 536-4127.

Sincerely,

Leigh Anderson, Environmental Scientist
Division of Environmental Response and Remediation

KLA/ab

cc: Bruce Costa, Ph.D., Director, Central Utah Public Health Department
John Chartier, District Engineer, Utah Department of Environmental Quality

195 North 1950 West • Salt Lake City, UT
Mailing Address: P.O. Box 144840 • Salt Lake City, UT 84114-4840
Telephone (801) 336-4100 • Fax (801) 359-8853 • T.D.D. (801) 536-4414
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JUN 23 2014

Ref: 8EPR-N

Ms. Phillis Johnson-Ball
Environmental Filing FD 34075
Surface Transportation Board
395 E Street SW
Washington, DC 20423

Re: Supplemental Draft Environmental Impact Statement
(EIS) for the Six County Association of Governments'
(SCAOG) proposed 43.2-mile rail line between Levan
and Salina, Utah; CEQ # 20140142

Dear Ms Johnson-Ball:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Supplemental Draft EIS for the SCAOG's proposed 43.2-mile rail line between Levan and Salina, Utah, prepared by the Surface Transportation Board (STB). Our comments are provided for your consideration pursuant to our responsibilities and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA). Section 309 of the Clean Air Act directs the EPA to review and comment in writing on the environmental impacts of any major federal agency action. As provided in more detail at the end of the letter, our review has resulted in a rating of EC-2 (Environmental Concerns - Insufficient Information).

Project Background

In June 2007, a Draft EIS was issued by the Surface Transportation Board Office of Environmental Analysis (OEA) in cooperation with BLM. After issuance of the Draft EIS, the OEA received comments from several agencies raising concerns about the project's impacts on wetlands. Subsequently, the Applicant conducted an investigation and used the information gathered to develop three new modified alternatives. These new alternatives vary the rail routes in the north area and southern area of the project.

The Applicant's Proposed Action would involve constructing and operating approximately 45 miles of new rail line to serve shippers in central Utah. The rail line would transport bulk commodities and would primarily serve the coal-mining operations of Bowie Resources. Currently, coal from the Bowie Resource's Southern Utah Fuel Company (SUFCO) mine is trucked about 80 miles to the Sharp loading facility near Levan, where it is transferred to rail.

The Applicant's Proposed Action is Alternative B/B2 (the combination of Alternative B in the north and Alternative B2 in the south). The OEA preliminarily concludes that Alternative B3/B2 (the combination of

Alternative B3 in the north and Alternative B2 in the south) would be environmentally preferable to Alternative B/B2 because it impacts the least amount of wetlands and other natural resources. Alternative B3/B2 reduces the amount of wetlands impacted by one acre compared to alternative B/B2.

Comments and Recommendations

In this Supplemental EIS, the STB looked for ways to reduce the environmental impact from this project and identified and analyzed a number of options to minimize the impact to wetlands. We support the B2 rail alignment in the southern area of the project. The B2 alternative avoids almost three quarters (9.2 of the 12.3 acres) of wetlands that would be impacted under the original Alternative B.

The environmental difference between the Alternative B and B3 in the northern area of the project is the impact to a 1.3 acre playa wetland. Playa wetlands provide unique habitats for specialized plants and ecosystems and are considered difficult to replace resources. Whether Alternative B or B3 is proposed for permitting in the northern project area, we recommend the project be designed to maintain hydrologic conductivity throughout the playa wetland.

Our main concern with the Supplemental Draft EIS is that wetland mitigation measures are not provided. The Supplemental Draft EIS Section 4.2 provides numerous voluntary mitigation measures that include best management practices (BMPs). This list includes many BMPs that can help minimize surface water impacts, especially during construction. This section also describes obtaining the Federal Clean Water Act Section 404 permit as a mitigation measure. The permit is a control required by law and stating that the project will require a Section 404 permit does not by itself identify specific mitigation for project impacts. Specific proposed mitigation is important to understanding project's overall environmental impact. By including specific mitigation in the EIS, the lead and permitting agencies can benefit from ideas generated through knowledgeable public and agency reviewers. We recommend the Final Supplemental EIS (as well as the Section 404 permit application) provide more detail on proposed mitigation measures for the loss of wetlands, including the loss of the playa wetland if the Applicant's preferred alternative is selected.

We note that there are approximately five acres of wetlands along the Sevier River that are mostly Tamarisk. Tamarisk, or Salt Cedar, is an invasive plant that absorbs large amounts of water and creates large deposits of salts thereby killing more desirable wetland plants. The STB may want to consider eradication of Tamarisk as part of the potential wetland restoration mitigation for some of the project impacts.

Rating

Consistent with Section 309 of the CAA, it is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures the EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action, the EPA is rating this Draft EIS as Environmental Concerns-Insufficient Information, (EC-2). The "EC" rating indicates that the EPA review has identified environmental impacts that need to be avoided in order to fully protect the environment. The "2" rating indicates that the EPA has identified a need for additional information, data, analyses or discussion in the Final EIS in order for the EPA to

fully assess environmental impacts from the proposed project. A full description of the EPA's rating system can be found at: <http://www.epa.gov/compliance/nepa/comments/ratings.html>.

We look forward to reviewing more information on the proposed wetland mitigation in the final document. If you have any questions or would like to discuss our concerns in more detail, please contact me at (303) 312-6704. You may also contact Lisa Lloyd, NEPA lead reviewer, at (303) 312-6537 or by email at lloyd.lisa@epa.gov.

Sincerely,



Suzanne J. Bohan, Director
NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

cc: USACE Bountiful Office

EI 20402 fi

Other Submissions

In order to process your filing, please fill out the following information. If you do not know the docket number, please leave it blank and we will fill it out for you.

Please fill out the following information to help us complete your filing:

Docket #:	FD	-34075	--
Subject: *	Six County AOG Supplemental EIS		
First Name: *	Daniel		
Middle Name:	Brian		
Last Name: *	Kuhn		
Address: *	Utah D.O.T. Headquarters		
City: *	Salt Lake City		
State: *	Utah		
Zip Code: *	84114-3600		
Email Address: *	dkuhn@utah.gov		
Group/Affiliation:	State Rail Planner		
Message:	This project will take up to 750 large, 42-ton capacity LCV coal hauling trucks off U.S. Highway 89 from Salina to Gunnison, Utah, Utah State Route (S.R.) 28 from Gunnison to Levan, and Utah S.R. 78 from Levan to the truck-to-rail loadout on the Union Pacific Railroad. This would be a major benefit in terms of highway infrastructure longevity as well as improving the quality of life, air quality and safety in the communities along the current coal haul route.		



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007



June 20, 2014

9043.1
ER 14/300

Ms. Victoria Rutson, Director
Office of Environmental Analysis
Surface Transportation Board
309 E Street SW
Washington, DC 20423

Dear Ms. Rutson:

The Department of the Interior (Department) has reviewed the Supplemental Draft Environmental Impact Statement (DEIS) for the Six County Association of Governments Proposed Rail Line between Levan and Salina, Utah, and provides the following comments for your consideration.

General Comments

We appreciate the addition of southern alternatives B1 and B2 and northern alternative B3 which provide options for achieving the project purpose while incurring fewer impacts to fish and wildlife resources. In the southern portion of the alignment, we support the selection of Alternative B2 as it minimizes impacts to the riparian habitats of the Sevier River. In the northern portion, we support the selection of Alternative B3, as it minimizes wetland impacts adjacent to Chicken Creek reservoir. We note the presence of a mapped spring complex in close proximity to Alternative B3; we recommend that the applicant provide field-level analysis of the location of the springs relative to the alignment and identify measures to avoid impacts to these important aquatic resources. We recommend the FEIS include a commitment to avoid springheads by a minimum protective buffer of 100 meters.

We support the elimination of alternatives N1a and N1b in Mills Valley, which would have direct impacts to least chub (*Lotichthys phlegethontis*) habitat. The U.S. Fish and Wildlife Service (USFWS) found least chub warranted for listing under the Endangered Species Act on June 22, 2010 (75 FR 35398); it is currently a candidate species.

Many of our comments on the original DEIS are still applicable but were not incorporated in this Supplemental DEIS; therefore we are submitting them to you again by reference (letter dated August 17, 2007; attached) for your consideration and urge that your FEIS integrate our recommendations and/or provide specific responses relative to our comments. Our comments

Ms. Victoria Rutson

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included but were not limited to: the biological inventory methodology; impacts to migratory birds and take under the Migratory Bird Treaty Act; raptor surveys; and invasive species control.

Specific Comments

Page 3-32, Section 3.5.4.2, Impacts to Species of Special Concern – The SDEIS states (page 3-31) that bald eagle winter roost sites (important communal resting areas) are located in the study area, but does not describe impacts to the roost sites that could occur from construction, nor identify measures to mitigate those impacts. If roost sites exist within 0.5 miles of construction activities, we recommend that, between November 1 and March 31, construction activities initiate after 9:00AM and terminate at least one hour prior to official sunset.

Page 3-32, Section 3.5.4.2, Impacts to Species of Special Concern – The SDEIS states (page 3-31) that burrowing owl nests were found on BLM land northwest of Redmond, but it does not describe impacts to the nests from construction and operations nor does it identify measures to mitigate those impacts. We recommend: 1) surveys for this species be conducted in suitable habitat throughout the project corridor to identify all nest locations, and 2) the FEIS commit to implementing protective seasonal and spatial buffers for all raptor nests, per the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002).

Page 3-32, Section 3.5.4.2, Impacts to Species of Special Concern – The SDEIS states that seeps and springs are located in the vicinity of the northern portion of the proposed action; however field level surveys do not appear to have been conducted. The springs may provide habitat for Columbia spotted frog (*Rana luteiventris*), least chub (*Lotichthys phlegethonis*), spring snails (*Pyrgulopsis* spp.), or other unusual mollusks or macroinvertebrates. We recommend the project proponent conduct field level surveys for seeps and springs and their biota to enable precise corridor siting to avoid these important aquatic sites. We recommend the FEIS include a commitment to avoid springheads by a minimum protective buffer of 100 meters.

Page 4-7, Section 4.2.3, Voluntary Mitigation Measures for Biological Resources – Neither the DEIS nor the SDEIS describes how the project proponent will avoid take of migratory birds protected under the Migratory Bird Treaty Act. We recommend the project proponent implement the measures identified in Attachment 2, “Migratory Bird Conservation Actions for Projects to Reduce the Risk of Take during the Nesting Season,” and that this commitment be identified in the FEIS in Section 4.2.3.

Ms. Victoria Rutson

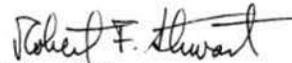
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We appreciate the opportunity to provide these comments. If you need further assistance, please contact Betsy Herrmann, Ecologist, at (801) 975-3330 extension 139.

References

Romin, L.A., and J.A. Muck. 2002. U.S. Fish and Wildlife Service. Utah field office guidelines for raptor protection from human and land use disturbances.

Sincerely,



Robert F. Stewart
Regional Environmental Officer

cc: Phyllis Johnson-Ball



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 56, Room 1003
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007



August 17, 2007

9043.1
ER 07/555

Phillis Johnson-Ball
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

Dear Ms. Johnson-Ball:

The U.S. Department of the Interior (DOI) has reviewed the Draft Environmental Impact Statement (DEIS) for the Six-County Association of Governments' Proposed 43-Mile Rail Line in Sanpete, Sevier, and Juab Counties, Utah, STB Finance Docket No. 34075 [AKA: Central Utah Rail Project].

Project Description

The project proposes to construct, operate, and maintain a 43-mile rail line between Levan and Salina, Utah, for the purpose of transporting coal and to alleviate truck traffic currently used for transport.

Alternatives

The document analyzes three alternatives:

Alternative A - The No Action Alternative.

Alternative B - The Proposed Action- Includes 21 acres of Federal (BLM administered) Land

Alternative C - Alternative Route - Includes 51 acres of Federal (BLM Administered) Land

We are providing the following comments for your consideration in evaluating this project.

Ms. Phillis Johnson-Ball

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General Comments

The DOI Bureau of Land Management (BLM) has been involved as a cooperating agency for preparation of the EIS. The U.S. Fish and Wildlife Service (USFWS) has been actively involved in the analysis of this project beginning with participation in the initial consultation phase. These Interior Bureaus have attended numerous meetings and provided correspondence on project issues during the NEPA process.

We suggest that an index be provided in the Final EIS to assist with review and preparation of any necessary permits.

Of the two action alternatives presented in the DEIS, the DOI supports the preferred alternative (B) as it would have the least adverse impacts to fish and wildlife resources. We note, however, the potential for impacts to the Redmond Wildlife Management Area and recommend coordination with the Utah Division of Wildlife Resources to avoid and minimize those impacts to the extent possible, and to mitigate any unavoidable impacts.

The project as proposed would have significant impacts to wetlands, estimated in the DEIS to be approximately 160 acres of direct impact. Wetlands in this area have tremendous importance to wildlife, both resident and migratory, and these habitats would be impacted by this project both directly (i.e., 160 acres of fill) and indirectly (e.g., construction disturbance, noise from passing trains, fragmentation of habitat, hydrologic disruption, and water quality impacts from erosion and contaminants). We recommend a more thorough discussion of indirect impacts, avoidance and minimization measures that will be taken, and an evaluation of potential mitigation options in the area.

Juab Valley, in the northern portion of the alignment, contains numerous seeps and springs that may provide habitat for rare and sensitive species such as the spotted frog, least chub, or unusual mollusks or macroinvertebrates. We were unable to find any significant discussion in the DEIS regarding springs and recommend an expanded evaluation of this important biological resource. We recommend: 1) an inventory of springs in the project corridor; 2) a survey of the aquatic biota for any springs determined to be within the zone of direct or indirect impacts, with particular focus on detecting rare or unique species; 3) protection of any springs at risk of degradation of water quality; and 4) compensation for unavoidable impacts to fish and wildlife resources.

The railroad would traverse grazing lands and should be fenced on both sides of the track on federal lands. Where livestock would be separated from water sources, new wells, pipelines and troughs or underpasses would have to be constructed by the applicant to supply water to livestock.

Specific Comments:

Executive Summary, Page ES – 5, Alternative C: This section states, "this alternative was suggested because it minimizes the visual impacts". The statement should explain how the 75 foot high and 550 feet wide long berm created by this alternative would minimize visual impacts.

Ms. Phillis Johnson-Ball

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Page 2-3, last sentence: This sentence states "Once an operator is identified." This seems confusing. Throughout the document it refers to shippers (primarily "SUFCO"); the rail line connecting to "UPRR" mainline; and under the Operating Plan of the Glossary it states, "A document that is provided as part of the proposed application detailing planned railroad by applicant operations following the proposed action." The document should explain who the operator of the rail line would or is likely to be.

Page 2-6: Clarify the difference, if any, between Farmland and Agricultural land. The first paragraph, second sentence states that an alternative was suggested because it would disturb fewer parcels of farmland within the project area. However, page 2-14, Table 2.4-1 Aesthetics states "Alt C would create more disturbance to agricultural land."

Page 2-6, Table 2.2-2: Alt C shows BLM Acres as 30, however, page 4-14 Table 4.2-1 Alt. C shows Subtotal acres as 42.85. Also, page 4-18 text states 30 acres. The acreages should be made consistent.

Page 3-14, Migratory Birds: As stated in the DEIS, the wetlands associated with Chicken Creek Reservoir, the Sevier River, Sevier River Reservoir, and the Redmond Wildlife Management Area provide important habitat for a variety of migratory birds species including shorebirds. Table 3.3-3 is limited to very common species, and we note that several species of concern (as identified in the 2005 Utah Comprehensive Wildlife Conservation Strategy [Wildlife Action Plan]) have been documented in the project area, such as the American avocet, black-necked stilt, and grasshopper sparrow. These species use habitat found in the study area not only as a "migratory stopover", as stated in the DEIS, but also for nesting. We recommend an expanded evaluation of potential impacts to nesting birds in addition to mitigation measures (e.g. avoidance of vegetation removal during nesting season within potential habitat for Utah Wildlife Action Plan avian species of concern).

Page 3-17: Page 3-16, Section 3.3.4, third paragraph, last two sentences states "As part of mitigation for impacts from this project, surveys for specific species would be conducted prior to construction, if required by the affected land management agency. These surveys would be conducted according to agency approved protocols." This language should be included on page 3-17 as it pertains to threatened, endangered and sensitive (TES) plant species.

Page 3-17, Threatened, Endangered, and Sensitive Species: The DEIS states that surveys were conducted for "other Federally listed and state-listed endangered, threatened, or sensitive species (namely raptors, amphibians, small mammals, migratory birds, and mollusks) to determine if any suitable habitat or individuals existed in the study area". It is unclear from this description the extent of the surveys or the method used (other than describing them as "pedestrian [walking] surveys"). We believe it would be difficult to survey mollusks or amphibians via a pedestrian survey. We recommend noting whether springs were encountered in the right-of-way and, if so, whether they were given a "pedestrian survey" or whether they were surveyed more closely for the presence of least chub, spotted frog, unusual mollusks or macroinvertebrates.

Page 3-18, Table 3.3-4: Bald eagles are no longer listed as threatened under the Endangered Species Act (ESA). They are, however, still protected under the Bald and Golden Eagle

Ms. Phillis Johnson-Ball

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Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Therefore, we recommend that project plans continue to incorporate best management practices for avoiding disturbance or take of bald eagles.

Page 3-19, Bald Eagle and Burrowing Owl: Bald eagles winter roosts have been documented in the study area, along the Sevier River and at Sevier Bridge Reservoir. If roosts are found to occur within ½ mile of construction activities, we recommend that, between the months of November and March, construction activities initiate after 9:00AM and terminate at least one hour prior to official sunset.

On August 9, 2007, during a field inspection of a proposed oil and gas well site and associated access, active burrowing owl habitat (sensitive species) was observed and recorded with GPS data on public land between the Alternative B and Alternative C routes and actually on a segment of the Alternative C route. An active area was also observed on the adjacent State land. Additional baseline information and analysis concerning this species is required.

Pages 3-62 through 3-70, Section 3.12.3 and 3.12.4: Throughout these sections are references to the 5 federally recognized tribes consulted with, the 6 tribes, the 12 tribes, etc. The Final EIS should identify how many and which tribes were actually contacted.

Page 3-62, section 3.12.3: The first paragraph says that 5 tribes were contacted and that they requested additional information once the cultural inventories are complete. The Final EIS should explain whether additional information has been provided to all of the tribes who requested it.

Page 3-65, Section 3.12.4.4: The Numic Expansion theory discussed here has been largely discredited. This discussion should be removed from the EIS.

Page 4-3, Valid Existing Rights To Use Public Land, third sentence: The sentence states that "Valid existing rights include rights to use public . . ." To more accurately define "Valid existing rights", insert "but are not limited to" after the word "include."

Page 4-13, last paragraph, second sentence: This indicates that BLM would determine whether private farmland would remain farmable. Since SEA/STB is the lead agency and BLM has no jurisdiction to determine whether private farmland would remain farmable, the lead agency would make the determination.

Page 4-14, Table 4.2-1: The subtotal of acres for Alternative C is shown as 42.85, however this is not consistent with Table 2.2-2 on page 2-6 or the text on page 4-18 which shows BLM Acres for Alternative C as 30. The number of BLM acres should be made consistent.

Page 4-20, Section 4.2.5.4 : This section indicates that mitigation measures for access to public land and recreation routes are discussed in Section 6.3.2.2, however that section addresses only grazing allotments. An accurate reference and discussion are needed.

Ms. Phillis Johnson-Ball

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Page 4-27, Wildlife in the Area, Construction Impacts: Construction could have an impact on birds nesting under either Alternatives B or C, depending on the season of construction. We recommend that vegetation removal be conducted outside of bird nesting season (approximately April – July) to the extent possible, to avoid the take of migratory birds.

Page 4-27, Wildlife in the Area, Operation and Maintenance Impacts: To avoid take of ground-nesting birds, we recommend that mowing occur outside of the breeding season of ground-nesters (approximately April – July).

Page 4-30, Threatened, Endangered, and Sensitive Species: Change the first sentence to, “USFWS has concurred that the proposed project would have no effect on threatened or endangered species.” The USFWS does not make the determinations, nor do they consult on non-Federally-listed sensitive species.

Page 4-31, Table 4.3-2: Bald eagles are no longer listed as threatened under the ESA. However, because bald eagles continue to be protected under BGEPA and MBTA, it should be noted that there has been documented bald eagle winter roosting in the project vicinity.

Page 4-32, Table 4.3 -2: The genus for the least chub is *Iotichthyes*.

Page 4-44, Impacts to Wetlands and Waters of the U.S., Construction Impacts: The DEIS, either in this section or in Appendix E, should describe how these wetland impact acreages were determined (e.g., what data were used), in absence of a delineation or National Wetland Inventory data.

Page 4-45, Impacts to Wetlands and Waters of the U.S., Construction Impacts: The DEIS states that Alternative B will impact about three acres of lowland riparian habitat near Chicken Creek Reservoir, Sevier Bridge Reservoir, Redmond Lake, and the Sevier River floodplain, but that Alternative C would not impact any lowland riparian habitat. This seems inconsistent, given that Alternative C has the same alignment as Alternative B, with the exception of the southern portion near Redmond Lake.

Page 4-90, Section 4.14.4.2, Paiute ATV Trail System: This section, and other sections in the document should identify the length as well as the height and width of the berms.

Page 4-91, Section 4.15.1, Methodology: Remove the statement “... Effects on visual resources are often difficult to characterize due to the subjective nature of scenic value and differing perception of visual quality.” This statement is itself subjective and does not add to the analysis since this section also notes that impacts were determined by using the BLM Visual Resource Management Program.

Page 4-94, Section 4.15.3, User Groups: Rewrite the last paragraph of this section. The rail line would be under operation 365 days a year which should be described as continual use. The statement that “Users would not have a high sensitivity to the rail itself.” should be changed to discuss impacts on viewers who live along the rail line since tracks will be used every day.

Ms. Phillis Johnson-Ball

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Page 5-1, Cumulative Impacts: The rail line would reduce use of truck hauling activity and anticipates safety and less damage to roads. The Final EIS should explain whether trucks would stop hauling altogether or if they would be re-routed. If truck haul would continue, identify continued hauling of coal by trucks as a reasonably foreseeable action and discuss the effect(s) of continued truck operation if any.

Page 5-8, Section 5.2.6, Aesthetics: This discussion addresses cultural impacts rather than aesthetics. A corrected heading and a discussion of aesthetics is needed.

Page 6-6, Preliminary Environmental Mitigation Measures, Biological Resources, second sentence of item #10: This sentence states: "USFWS has determined that the Proposed Action and Alternatives would have negligible effects on plant communities and the spread of noxious weeds as well as wildlife resources and threatened, endangered, and sensitive species." The USFWS has not made any such statements regarding plant communities, noxious weeds, or sensitive species. The concurrence under ESA by the USFWS, provided February 22, 2007 and documented in Appendix B, applies only to Federally-listed threatened and endangered species.

Page 6-8, Federal Public Lands: The following measure should be added to this section, "The subject right-of-way grant would be issued subject to regulations under 43 CFR 2800 and mitigating stipulations that are either required by policy, law, or regulation or are needed to insure mitigation of associated surface disturbance activities."

Page 6-9, Applicant's Voluntary Mitigation Measures: Add the following measure, "A copy of the Plan of Operations shall be provided to the BLM for their review and approval, prior to beginning any construction activities."

Page 6-13, Applicant's Voluntary Mitigation Measures, Biological Resources: Item #27 specifies that culverts will be installed at surface water crossings; however, the extensive impacts to emergent marsh and wet meadow indicate that significant measures, including culvert installation, should be taken to ensure hydrology is maintained in these areas and that the rail line does not create a hydrologic barrier.

Page 6-13, Applicant's Voluntary Mitigation Measures, Biological Resources: Item #29 should identify the method to be used for monitoring the revegetation sites and also the criteria to determine whether the revegetation has been successful.

Page 6-13, Applicant's Voluntary Mitigation Measures, Biological Resources: Item #30 implies that weed control will be ongoing throughout both construction and operation of the facility. We recommend this section provide more specifics about this program, such as what weeds will be controlled (e.g., State and County-listed noxious weeds only), how often monitoring will occur, what monitoring methods will be used, and the spatial extent of control measures (e.g. within the right-of-way, other areas of disturbance such as hill cuts). We recommend that weed control occur within the right-of-way and incorporate all surface disturbed areas outside of the right-of-way as well, as such areas are extremely prone to weed proliferation.

Ms. Phillis Johnson-Ball

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Page 6-14, Applicant's Voluntary Mitigation Measures, Biological Resources, Item #35: Item 35 refers to the "USFWS conservation agreement" for least chub and leatherside chub; however, this should actually be termed a "state-wide conservation agreement" as it is not a USFWS document but a management plan with numerous agency signatories.

Page 6-14, Applicant's Voluntary Mitigation Measures, Water Resources and Wetlands, Item #37: Item # 37 indicates that mitigation in U.S. Army Corps of Engineers Section 404 permits would be followed. This section also should indicate whether the 404 permits have been acquired and also should include the mitigating measures stipulated in the permits.

Appendix B, Page B-7, Raptors: The DEIS states that, "raptor surveys were conducted along the corridor, although not to the full extent of the advised mile-wide buffer." We commend the project's commitment to following the recommendations in the Utah Field Office's Raptor Guidelines (page 6-13, item #32); however, not knowing the extent to which nest surveys were conducted raises concern that nests within the recommended buffer distances (1/4 to 1 mile depending on raptor species) could be subject to construction-related disturbance. We recommend that the extent of the studies be included in the Final EIS.

Appendix D, pages D-1 and D-3: The header at the top of these pages identifies "Existing Rights-of-way" as Appendix B. This should be changed to Appendix D.

References

Romin, L.A. and J.A. Muck. 2002. Utah field office guidelines for raptor protection from human and land use disturbances. U.S. Fish and Wildlife Service, Utah Field Office, Salt Lake City, Utah.

Utah Division of Wildlife Resources. 2005. Utah Comprehensive Wildlife Conservation Strategy. http://www.wildlife.utah.gov/cwcs/utah_cwcs_strategy.pdf.

We appreciate the opportunity to provide comments on this project. If you have any questions or need further information, please contact me at the address provided above.

Sincerely,

/signed/ 8/17/07

Robert F. Stewart
Regional Environmental Officer

Attachment 2

Migratory Bird Conservation Actions for Projects to Reduce the Risk of Take during the Nesting Season*

U.S. Fish and Wildlife Service (USFWS) Region 6, Migratory Bird Management

May, 2014

Goal: Avoid take of migratory birds and/or minimize the loss, destruction, or degradation of migratory bird habitat while completing the proposed project or action. Under the Migratory Bird Treaty Act (MBTA) take is defined as “pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture or collect” a migratory bird (50 CFR § 10.12). **

1. Determine if the proposed project or action will involve below- and/or above-ground construction or habitat-altering activities, because recommended practices and timing of surveys could differ accordingly.
2. If the proposed project or action includes a reasonable likelihood that take of migratory birds will occur, then complete the project or those actions expected to take migratory birds outside of their nesting season to the greatest extent possible. Examples of actions that may take migratory birds include, clearing or cutting of vegetation, burning vegetation, driving or parking equipment on vegetation that may harbor nesting birds, etc. The primary nesting season for migratory birds varies greatly among species and geographic locations, but generally extends from early April to mid-July. However, the maximum time period for the migratory bird nesting season can extend from early January through late August. Due to this variability, project proponents should consult with the USFWS for specific nesting seasons of birds in your project or action area. As early as possible please consult the USFWS in the planning stages of your project for other input on conservation measures to avoid and minimize the take of migratory birds.
3. Complete all project activities that could result in migratory bird take outside the maximum migratory bird nesting season (early January through late August) to the greatest extent possible. If this is not possible, then avoid any habitat alteration, removal, or destruction during the primary nesting season for migratory birds (early April to mid-July).
4. If a proposed project or action includes the potential for take of migratory birds and/or the loss or degradation of migratory bird habitat, and work cannot occur outside the migratory bird nesting season (either the maximum or primary nesting season), project proponents should provide USFWS with an explanation for why work has to occur during the migratory bird nesting season. Further, in these cases, project proponents also should demonstrate that all efforts to complete work outside the migratory bird nesting season were attempted, and that the reasons work needs to be completed during the nesting season were beyond the proponent's control.

5. Where project work must occur during the migratory bird nesting season, project proponents should survey those portions of the project area during the nesting season (but prior to the project or action occurring) to determine if migratory birds are present and nesting in those areas. These bird surveys should occur at least 7-10 days prior to when project work is scheduled to occur in the area. In addition to conducting surveys during the nesting season, entities may also benefit from conducting surveys during the previous nesting season. Such surveys will serve to inform the likely presence of nesting migratory birds in the proposed project or work area. While individual migratory birds will not necessarily return to nest at the exact site as in previous years, a survey in the nesting season the year before the project or action allows the company to become familiar with bird species and numbers present in the project area well before the nesting season in the year of proposed action. Migratory bird surveys also should be completed during the best timeframe for detecting the presence of nesting migratory birds, using accepted bird survey protocols. USFWS Offices can be contacted for recommendations on appropriate survey guidance. Project proponents should also be aware that results of migratory bird surveys are subject to spatial and temporal variability.
6. If no migratory birds are found nesting in proposed project or action areas immediately prior to the time when construction and associated activities are to occur, then proceed with your project activity as planned.
7. If migratory birds are present and nesting in the proposed project or action area, contact your nearest USFWS Ecological Services Field Office and/or USFWS Regional Migratory Bird Management Office for guidance on appropriate next steps to avoid and minimize impacts to (and take of) migratory birds associated with the proposed project or action. Although bald and golden eagles are protected under MBTA they are also covered under BGEPA. Please consult USFWS if there are eagles or eagle nests in or near your proposed project area ***.

* Note: these recommended conservation measures assume that there are no Endangered or Threatened migratory bird species present in the project/action area, or any other Endangered or Threatened animal or plant species, or any designated critical habitat for Endangered or Threatened species present in this area. If Endangered or Threatened species or designated critical habitat are present, or they could potentially be present, and the project/action may affect these species or designated critical habitat for them, then consult with your nearest USFWS Ecological Services Office before proceeding with any project/action.

** The Migratory Bird Treaty Act (MBTA) prohibits the taking, killing, possession, and transportation, (among other actions) of migratory birds, their eggs, parts, and nests, except when specifically permitted by regulations. While the MBTA has no provision for allowing unauthorized take, the USFWS realizes that some birds may be killed during construction or through other project activities, even if all known reasonable and effective measures to protect birds are used. The USFWS Office of Law Enforcement carries out its mission to protect migratory birds through investigations and enforcement, as well as by fostering relationships

with individuals, companies, and industries that have taken effective steps to avoid take of migratory birds and by encouraging others to implement measures to avoid take of migratory birds. It is not possible to absolve individuals, companies, or agencies from liability even if they implement bird mortality avoidance, or other similar protective measures. However, the Office of Law Enforcement focuses its resources on investigating and undertaking enforcement actions against individuals and companies that take migratory birds without identifying and implementing all reasonable, prudent, and effective measures to avoid that take. Companies are encouraged to work closely with USFWS biologists to identify available protective measures when developing project plans and/or avian protection plans, and to implement those measures prior to/during construction or similar activities.

*** Also note that Bald and Golden Eagles receive additional protection under the Bald and Golden Eagle Protection Act (BGEPA). BGEPA prohibits the take, possession, sale, purchase, barter, offer to sell, purchase, or barter, transport, export or import, of any Bald or Golden Eagle, alive or dead, including any part, nest, or egg, unless allowed by permit. BGEPA also defines take to include "pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest, or disturb," 16 U.S.C. 668c, and includes criminal and civil penalties for violating the statute. Further, activities that would disturb Bald or Golden Eagles are prohibited under BGEPA. "Disturb" means to agitate or bother a Bald or Golden Eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an Eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior. If a proposed project or action would occur in areas where nesting, feeding, or roosting eagles occur, then project proponents may need to take additional conservation measures to achieve compliance with BGEPA. New regulations (50 CFR § 22.26 and § 22.27) allow the take of bald and golden eagles and their nests, respectively, to protect interests in a particular locality provided that the USFWS finds that such take is compatible with the goal of maintaining stable or increasing eagle breeding populations. However, consultation with the USFWS Migratory Bird, Ecological Services, and Law Enforcement programs will be required before a permit may be issued.



Herman G. Honanie
CHAIRMAN

Alfred Lomahquahu Jr.
VICE-CHAIRMAN

September 22, 2014

Victoria Ruston, Director
Attention Jeff Irwin
Surface Transportation Board
Office of Environmental Analysis
Washington, DC 20423

Dear Director Ruston,

Thank you for your correspondence dated September 5, 2014, regarding a proposed railroad construction project in central Utah. The Hopi Tribe claims cultural affiliation to earlier identifiable cultural groups in Utah. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites, and we consider the prehistoric archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the Surface transportation Board's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office previously consulted on this proposal. In our most recent letter dated June 18, 2012, regarding Finance Docket No. 34075, a Supplemental Draft Environmental Impact Statement for the Six County Association of Governments 43-mile rail line between Levan and Salina, we stated we are interested in consulting on any proposal in Utah that has the potential to adversely affect prehistoric cultural resources, and we previously reviewed the cultural resources survey report and Draft Environmental Impact Statement.

We understand 26 National Register eligible prehistoric sites will be adversely affected by the project including 16 sites described as lithic scatters, 9 as temporary camps, and one as a possible habitation site. Regarding the proposed Programmatic Agreement, we defer to the State Historic Preservation Office and other interested parties. However, we request continuing consultation including being provided with copies of the draft treatment plan and draft treatment reports for review and comment.

If you have any questions or need additional information, please contact Terry Morgart at 928-734-3619 or tmorgart@hopi.nsn.us. Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Leigh J. Kuwanwisiwma". The signature is fluid and cursive, written over a faint, circular stamp or watermark.

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

cc: Utah State Historic Preservation Office



United States Department of the Interior

NATIONAL PARK SERVICE
National Trails – Intermountain Region
P.O. Box 728
Santa Fe, New Mexico 87504-0728



IN REPLY REFER TO: SACOG–UT NTIR comments

October 2, 2014

Mr. Jeff Irwin
Environmental Projection Specialist
Surface Transportation Board
Washington, DC 20423

Dear Mr. Irwin:

Thank you for your letter of September 5, 2014 regarding the SACOG project in Utah. We have reviewed the document and maps that you sent. We have confirmed through our GIS that the project area as currently configured will cross the congressionally designated alignment of the Old Spanish National Historic Trail (NHT), which we co-administer with the Bureau of Land Management. The exact location of the Old Spanish NHT has not been confirmed on the ground in this area. This part of the project appears to lie on private land that either is or has been cultivated. It is not entirely clear to me if the area where the trail is crossed has been surveyed archaeologically or not. If the project could be moved north a quarter-mile or so, it would avoid the trail entirely.

Assuming that it has not been surveyed and the project cannot be moved, we recommend that an intensive archaeological survey be conducted within 100 m of the trail's projected alignment on the ground. This intensive survey should be conducted at no greater than a 5 m survey interval within the project APE. We also recommend analysis of existing satellite and aerial photography to determine if the trail might be visible in color imagery, or an alternate spectrum. In addition, we recommend that at least two zigzag metal detector transect sweeps be conducted at 10 m interval from the trail's projected alignment on the ground within your APE. If nothing is observed or located during these investigations, then we would consider the project to have no direct adverse effect to trail resources.

However, as you mentioned, the project could still have indirect visual impacts to the trail setting in this area, though. While we have not identified any high potential sites or segments in the immediate area, these potential visual impacts to the designated alignment should be evaluated as plans for the project progress. The severity of these impacts would depend on the design elements of the railroad and any associated support structures. If the project will create adverse visual impacts to the trail setting, then compensatory mitigation of one or more forms may be appropriate as part of the Section 106 consultation process.

Thank you for considering our comments. I am leaving my current position soon, so if you have any questions, please contact Michael Taylor of our office at 505-988-6742, or michael_taylor@nps.gov.

Sincerely,



Michael L. Elliott
Cultural Resources Specialist



THE
NAVAJO
NATION

BEN SHELLY
PRESIDENT

Historic Preservation Department, POB 4950, Window Rock, AZ 86515 • PH: 928.871-7198 • FAX: 928.871.7886



REX LEE JIM
VICE-PRESIDENT

September 30, 2014

Victoria Rutson, Director
Surface Transportation Board
395 East Street SW
Washington D.C., 20423

Subject: **RAILROAD CONSTRUCTION PROJECT IN CENTRAL UTAH**

Dear: Ms. Rutson,

The Historic Preservation Department-Traditional Culture Program, hereafter (HPD-TCP) is in receipt of the letter notification for a proposed railroad construction project in central Utah.

After reviewing the information documents provided, HPD-TCP has concluded that the project will not have adverse effects to Navajo Traditional Cultural Properties, and would like to recommend that the project identified stay within close proximity to the highway it is adjacent to. HPD-TCP on behalf of the Navajo Nation has no concerns at this time.

If the proposed project inadvertently discovers habitation sites, plant gathering areas, human remains and objects of cultural patrimony the HPD-TCP request that we be notified respectively in accordance with the Native American Graves protection and Repatriation Act (NAGPRA). *(The Navajo Nation claims cultural affiliation to all Anasazi people (periods from Archaic to Pueblo IV) of the southwest. The Navajo Nation makes this claim through Navajo oral history and ceremonial history, which has been documented as early as 1880 and taught from generation to generations).*

The HPD-TCP appreciates the Surface Transportation Board's consultation efforts regarding this document. Should you have any additional concerns and/or questions do not hesitate to contact me electronically at tony@navajohistoricpreservation.org or telephone at 928-871-7750.

Sincerely,

Tony H. Joe, Jr., Supervisory Anthropologist (Section 106 Consultation)
Traditional Culture Program
Historic Preservation Department

TCP
cc: 14-037
Surface Transportation Board

Surface Transportation Board 
Incoming Correspondence Record

#EI-20904

Correspondence Information			
Docket #:	FD 34075 0	Date Received:	09/25/2014
Name of Sender:	Stephanie Moulton	Date of Letter:	09/25/2014
Group:	Old Spanish Trail Assoc-Fish Lake Chapter		

Submitter's Comments
Local chapter of Old Spanish Trail expresses uncertainty about project location with respect to trail and concern about potential impact to trail

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