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Final Environmental Impact Statement for the

Six County Association of Governments Proposed Rail Line between Levan and Salina, Utah

Finance Docket No. 34075

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SURFACE TRANSPORTATION BOARD

WASHINGTON, DC 20423

OFFICE OF ENVIRONMENTAL ANALYSIS

May 29, 2015

RE: STB Finance Docket No. 34075 – Six County Association of Governments Petition for Construction and Operation Exemption Rail Line between Levan and Salina, Utah; **Issuance of Final Environmental Impact Statement**

Dear Reader:

The Six County Association of Governments (SCAOG or the Applicant) filed a Petition for Exemption with the Surface Transportation Board (Board) pursuant to 49 United States Code 10502 for authority to construct and operate 43.2 miles of new single-track rail line in Sanpete, Sevier, and Juab Counties, Utah. This new line would connect the Union Pacific Railroad mainline about 16 miles south of Nephi, near Juab, Utah, to a proposed coal transfer terminal facility about 0.5 mile southwest of Salina, Utah.

The Board's Office of Environmental Analysis (OEA) is pleased to provide you with the enclosed Final Environmental Impact Statement (EIS). This Final EIS was prepared by OEA in cooperation with the U.S. Department of the Interior's Bureau of Land Management (BLM) and the U.S. Army Corps of Engineers (USACE). Under the requirements of the National Environmental Policy Act (NEPA), the Board is the lead agency for preparing this Final EIS, while BLM and USACE are cooperating agencies. The proposed project considered in this Final EIS involves decisions by the Board, BLM, and USACE. The Board is the agency responsible for granting authority for the construction and operation of the proposed rail line. BLM is responsible for administering right-of-way grants across public land. USACE is responsible for granting Clean Water Act Section 404 permits.

This Final EIS reflects OEA's independent analysis and the results of consultation with agencies, elected officials, organizations, and members of the public, as well as careful consideration of all comments received. This Final EIS contains detailed responses to comments received on the Draft EIS and Supplemental Draft EIS and recommendations for environmentally preferable alternatives for the Board to consider if the Board grants final approval of the project.

This Final EIS sets forth OEA's final recommended measures for mitigating potential environmental impacts. OEA recommends that the Board impose the 74 voluntary mitigation measures that the Applicant developed and the 37 additional recommended mitigation measures that OEA developed during the EIS process (see Chapter 2, Final Recommended Conditions/Mitigation, of this Final EIS).

Availability of the Final Environmental Impact Statement

This Final EIS is organized and formatted in a manner that is consistent with NEPA and the Council on Environmental Quality (CEQ) regulations at 40 Code of Federal Regulations (CFR) 1503.4. It is organized to clearly and concisely provide information about the project and the analysis that was conducted in the Draft EIS and Supplemental Draft EIS. This Final EIS is intended to be read in conjunction with the Draft EIS and Supplemental Draft EIS, which provide more-detailed information about the Proposed Action and Alternatives to agency decision-makers and the public.

OEA has distributed this Final EIS to all parties of record, including key governmental agencies and other appropriate entities. The entire document is available on the Board's website at www.stb.dot.gov, under the links "Environmental Matters" and then "Key Cases," and on the project website at www.sixcountyutahrail.com. OEA has also made this Final EIS available for review at:

- Richfield Public Library, 83 E. Center Street
- Salina Public Library, 90 W. Main Street
- Nephi Public Library, 21 East 100 North
- Gunnison Civic Library, 38 W. Center Street

Next Steps

Issuance of this Final EIS completes the Board's environmental review process. The Board will now make a final decision on the project. In making its final decision, the Board will consider the entire record on the transportation merits as well as the entire environmental record, including all public comments; the Draft, Supplemental, and Final EISs; and OEA's final recommended mitigation measures.

OEA anticipates that the U.S. Environmental Protection Agency will publish the notice of availability of this Final EIS in the Federal Register on May 29, 2015.

Thank you for your interest and participation in the environmental review process. If you would like additional information about the environmental review process, please contact OEA's Project Manager for this project, Phillis Johnson-Ball, at (202) 245-0304.

Sincerely,

Victoria Rutson
Director
Office of Environmental Analysis

Summary of Major Conclusions

The Office of Environmental Analysis (OEA) has conducted an extensive review of the potential beneficial and adverse environmental impacts that could result from the proposed project, a new rail line in Juab, Sanpete, and Sevier Counties, Utah. The Six County Association of Governments (SCAOG or the Applicant) is proposing to construct a new 43-mile rail line between Juab and Salina in central Utah. The purpose of this project is to provide rail access to local industries; primarily the Southern Utah Fuel Company (SUFCO) coal mine owned by Bowie Resources and located about 30 miles northeast of Salina, Utah.

The SUFCO mine produces 6 million to 7 million tons of low-sulfur coal annually. About 4 million tons are shipped to power plants in Carbon and Emery Counties east of the mine, about 1 million tons are shipped to the Salt Lake City area, and 1 million to 2 million tons are shipped to the Sharp loading facility near Levan, Utah.

Other than Juab's access to the nearby Union Pacific Railroad (UPRR) line, there is no freight rail service in this part of Utah, and, therefore, local industries in Sanpete and Sevier Counties rely exclusively on trucking for freight transportation, including the transportation of coal from the SUFCO mine.

OEA issued the Draft Environmental Impact Statement (EIS) for this project in June 2007. During the public review and comment period, the U.S. Environmental Protection Agency (EPA) submitted informal comments suggesting that OEA conduct a more detailed analysis of the potential impacts of each alternative route on wetlands and consider an alternative that would either avoid or have fewer impacts on wetlands at the north end of the project.

Following receipt of EPA's letter, OEA worked closely with the U.S. Army Corps of Engineers (USACE) to determine the extent of water resources that would be impacted by each alternative and to identify new alternatives that could avoid or minimize these impacts. OEA released its analysis on May 2, 2014, in a Supplemental Draft EIS. Comments were due on June 23, 2014.

This Final EIS responds to the comments received on both the Draft and Supplemental Draft EISs. In addition, it sets forth the mitigation measures recommended by OEA to minimize environmental impacts associated with this project. Finally, it contains OEA's major conclusions based on the information available to date; consultation with Federal, state, and local agencies; input from a wide variety of organizations and citizens of Utah; and its own independent environmental analysis.

OEA has identified Alternative B3/B2 as its Environmentally Preferable Alternative for the proposed new rail line because it would have the least impacts to water resources (including wetlands) and associated biological resources, as well as fewer impacts to cultural and historic resources.

The major conclusions are set forth below.

1. The proposed rail line would remove up to 750 truck trips per day (one way) from local roads. These trucks currently haul coal produced by the SUFCO mine out of the area. The trucks pass through the cities of Salina, Centerfield, Gunnison, and Levan on their way to a loading facility near Salina, where the coal is removed from the trucks and loaded onto trains. As an example, trucks travel through downtown Salina at a frequency of about one truck every minute. The trucks use local and state highways as well as city streets that are not designed for heavy truck loads. Each truck carries about 43 tons of coal.

2. OEA originally considered 15 build alternatives in the Draft EIS. Thirteen of the alternatives were dismissed from further consideration for a variety of reasons. In addition to the No-Action Alternative (Alternative A), two build alternatives were carried forward for detailed analysis: (1) the Applicant's Proposed Action as of the Draft EIS (Alternative B) and (2) a second alternative (Alternative C).

   The Supplemental Draft EIS examined five build alternatives in addition to the No-Action Alternative (Alternative A). The build alternatives consist of Alternative B (the Proposed Action in the Draft EIS), three modified alternative routes (Alternatives B1, B2, and B3) developed by the Applicant after issuance of the Draft EIS, and Alternative N1 near Mills, Utah, which had been dismissed in the Draft EIS but was re-evaluated in the Supplemental Draft.

   Each of the build alternatives considered in both the Draft, Supplemental Draft, and Final EISs would result in adverse impacts, primarily to wetlands, farmlands, and cultural resources. To minimize and, in some cases, avoid potential environmental impacts to these resources, OEA recommended that the Board impose environmental mitigation measures. These measures include requiring the Applicant to use construction practices that would maintain natural water flow and drainage and use best management practices.

3. OEA assessed noise and vibration impacts that would result from both rail line construction and train operations on the proposed new rail line. Following the Board's regulations for noise analysis, OEA first determined whether the project would result in an increase in noise exposure as measured by a day-night average noise level (L_{dn}) of 3 A-weighted decibels (dBA) or more and an increase to a noise level of 65 dBA L_{dn}.

   OEA's analysis indicated that the width of the 65-dBA L_{dn} wayside train noise contour would be 38 feet, a distance that is within the proposed right-of-way limits for the project—a 100-foot-wide right-of-way would be required for rail operations, and a 200-foot-wide right-of-way would be required for and during construction of the rail line. No sensitive receptors are located within the 65-dBA L_{dn} wayside noise contour for the project. However, because of the relatively low background noise levels in the study area, 16 residences located within 0.25 mile of the crossings would likely hear train warning signals sounded at the public crossings. OEA recommended mitigation to minimize construction-related noise.

4. The Applicant's Proposed Action (Alternative B in the Draft EIS) would fill 12.3 acres of wetlands. Three new alternatives were studied in the Supplemental Draft EIS and Final EIS that would reduce potential project-related wetland impacts. The alternatives studied in detail would fill 3.1 acres if the Applicant's new Proposed Action (Alternative B/B2) were constructed or 2.1 acres if Alternative B3/B2 were constructed. Alternative N1, which would impact 0.5 acre, was studied but dismissed for safety reasons. OEA has recommended 17 mitigation measures to avoid or reduce impacts on water resources and wetlands in this Final EIS.

5. The U.S. Fish and Wildlife Service (USFWS) determined that the Proposed Action and Alternatives would have no effect on threatened or endangered species. USFWS has designated critical habitat for two federally listed species: one bird species, the southwestern willow flycatcher (*Empidonax traillii extimus*), and one plant species, the heliotrope milkvetch (*Astragalus montii*). Project-related construction and operation would not affect these species because the areas designated as critical habitat for each of these species are outside the project right-of-way (area of disturbance). Also, the Bureau of Land Management (BLM) has stated that no threatened, endangered, or sensitive species are present on BLM-administered land in the project right-of-way. Other minor impacts to wildlife habitat are addressed with proposed mitigation.

6. Construction of the proposed rail line would result in the loss of 66 acres of irrigated farmland and between 126 acres (Alternative B/B2) and 165 acres (Alternative B3/B2) of non-irrigated and sub-irrigated cropland.

7. The potential overall project benefits from the reduction of truck traffic include reduced congestion and improved safety on affected roads, reduced traffic delay, reduced noise in communities along local roads, reduced local air pollutant emissions, reduced roadway maintenance costs, and longer pavement life.

8. Construction of the proposed rail line would potentially eliminate 108 jobs in the trucking industry. These jobs could be offset by new jobs in the rail industry. OEA's analysis indicates that any socioeconomic impacts that could occur from job loss in the trucking industry would not be disproportionately borne by minority or low-income populations.

9. Construction of the proposed rail line would adversely affect up to 36 properties within the area of potential effects that are eligible or unevaluated for listing on the National Register of Historic Places. OEA, in coordination with the Utah State Historic Preservation Officer, BLM, USACE, the State of Utah School and Institutional Trust Lands Administration (SITLA), the Utah Department of Natural Resources, State Parks and Recreation, 11 federally recognized tribes, and the Applicant, is preparing a Programmatic Agreement to satisfy the requirements of Section 106 of the National Historic Preservation Act.

Based on its independent environmental analysis and review of all comments received, OEA recommends that the Board grant the Applicant authority to construct and operate Alternative B3/B2, conditioned on the requirement that the Applicant implement the environmental mitigation measures set forth in Chapter 2, Final Recommended Conditions/Mitigation, of this Final EIS. The environmental mitigation measures include all of the Applicant's voluntary mitigation measures as well as mitigation measures recommended by OEA.

Issuance of this Final EIS completes the Board's environmental review process. The Board will now make a final decision on the project. In making its final decision, the Board will consider the entire record on the transportation merits as well as the entire environmental record, including all public comments; the Draft, Supplemental, and Final EISs; and OEA's final recommended mitigation measures.

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List of Abbreviations and Acronyms

§	section
Applicant	Six County Association of Governments
ATV	all-terrain vehicle
BLM	Bureau of Land Management
BMP	best management practice
Board	Surface Transportation Board
Btu	British thermal units
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
Cir.	Circuit
D&RGW	Denver & Rio Grande Western Railroad
dBA	decibels on the A-weighted scale
EIS	Environmental Impact Statement
EPA	U.S. Environmental Protection Agency
et seq.	and subsequent sections
I-15	Interstate 15
I-70	Interstate 70
ICC	Interstate Commerce Commission
ID	identification
LEDPA	Least Environmentally Damaging Practicable Alternative
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOI	Notice of Intent
OEA	Office of Environmental Analysis
PA	Programmatic Agreement
PC&N	public convenience and necessity
Pub. L.	Public Law
RM	recommended mitigation
SCAOG	Six County Association of Governments (the Applicant)
SHPO	State Historic Preservation Officer
SPC	Sevier Power Company
spp.	various species
SR	State Route
Stat.	Statute
SUFCO	Southern Utah Fuel Company
U.S.	United States

U.S. 28	U.S. Highway 28
U.S. 50	U.S. Highway 50
U.S. 89	U.S. Highway 89
UDNR	Utah Department of Natural Resources
UDOT	Utah Department of Transportation
UDWR	Utah Division of Wildlife Resources
UPRR	Union Pacific Railroad
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service
VM	voluntary mitigation
VRM	Visual Resource Management [program]
vs.	versus
WMA	Wildlife Management Area

Glossary of Terms

adverse environmental impact	A negative effect, resulting from the implementation of a proposed action, that serves to degrade or diminish an aspect of human or natural resources.
Applicant	Six County Association of Governments.
attainment area	An area that EPA has classified as complying with the National Ambient Air Quality Standards (NAAQS) specified under the Clean Air Act.
A-weighted sound level (dBA)	The most commonly used measure of noise, expressed in "A-weighted" decibels (dBA), is a single-number measure of sound severity that accounts for the various frequency components in a way that corresponds to human hearing.
ballast	Crushed rock used to distribute weight, keep the ties in place, allow water to drain away, protect track from the effects of frost heaving, facilitate maintenance by keeping track up off the ground, retard the growth of vegetation, and provide firm yet resilient support.
best management practice (BMP)	Technique that various parties (for example, the construction industry) use to provide protection from adverse impacts to the environment. The Board may designate these techniques as mitigation measures.
Board	The Surface Transportation Board.
Clean Air Act (Clean Air Act Amendments)	The primary Federal law that protects the nation's air resources. The Clean Air Act is comprised of the Clean Air Act of 1970 and the subsequent amendments, including the Clean Air Act Amendments of 1990 (42 USC 7401–7671g). This act establishes a comprehensive set of standards, planning processes, and requirements to address air pollution problems and reduce emissions from major sources of pollutants.

Clean Water Act The Federal Water Pollution Control Act Amendment of 1972 (33 USC 1251 et seq.) is the primary Federal law that protects the nation's waters, including lakes, rivers, aquifers, and coastal areas. Specifically, the Clean Water Act provides for the following:

- Requires major industries to meet performance standards to ensure pollution control.
- Charges States and tribes with setting specific water quality standards appropriate for area water and developing pollution-control programs to meet them.
- Protects valuable wetlands and other aquatic habitats through a permitting process that conducts land-development activities and other activities in an environmentally sound manner.

condition A provision that the Board imposes as part of any decision that requires action by one or more of the Applicants.

Council on Environmental Quality (CEQ) Federal agency responsible for developing regulation and guidance for agencies implementing the National Environmental Policy Act.

criteria pollutant Any of six emissions (lead, carbon dioxide, sulfur dioxide, nitrogen dioxide, ozone, and particulate matter) regulated under the Clean Air Act, for which area must meet national air quality standards.

critical habitat The specific site within the geographical area occupied by threatened or endangered species that includes the physical or biological features essential to the conservation of the species. These areas may require special management considerations or protection. These areas may include specific sites outside the geographical areas occupied by the species at the time of the listing that are essential for the conservation of the species.

cumulative effect Impact on the environment which results from the incremental impact of the proposed action when added to other past, present, and reasonably foreseeable future actions, regardless of which agency (Federal or non-Federal) or person undertakes such actions. Cumulative effects result from individually minor but collectively significant actions taking place over a period of time.

dBA Adjusted decibel level. A sound measurement that adjusts to noise by filtering out certain frequencies to make it analogous to the sound perceived by the human ear. It applies what is known as an "A-weighting" scale to acoustical measurements.

emissions Air pollutants that enter the atmosphere.

endangered species	A species of plant or animal that is in danger of extinction throughout all or a significant portion of its range and is protected by state and/or federal laws.
Environmental Impact Statement (EIS)	A document that the CEQ regulations implementing the National Environmental Policy Act requires Federal agencies to prepare for major projects or legislative proposals with the potential to significantly affect the environment. A tool for decision-making, it describes the positive and negative environmental effects of the undertaking and alternative actions and measures to reduce or eliminate potentially significant environmental impacts.
environmental justice	The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income by identifying and addressing the effects of transportation projects on the public, especially high or adverse impacts to minority or low-income populations.
Executive Order (EO) 11988	Executive Order 11988, Floodplain Management, requires Federal agencies to take actions to reduce the risk of flood damage and directs agencies to evaluate the potential effects of actions they may take or allow in floodplains and to consider alternatives to avoid adverse effects.
fill	The term used by the U.S. Army Corps of Engineers (USACE) that refers to the placement of suitable materials (for example, soils, aggregates, concrete structures, etc.) within water resources under USACE's jurisdiction.
floodplain	The lowlands adjoining inland and coastal waters and relatively flat areas and flood-prone offshore islands, including, at a minimum, those areas that have a 1 percent or greater chance of flood in any given year (also known as a 100-year or a Zone A floodplain).
habitat	The place(s) where plant or animals species generally occur(s) including specific vegetation types, geologic features, and hydrologic features. The continued survival of that species depends on the intrinsic resources of the habitat.
hazardous materials	Substances or materials that the Secretary of Transportation has determined are capable of posing an unreasonable risk to human health, safety, and property when transported in commerce, as designated under 49 CFR 172 and 173.

hazardous wastes	Waste materials that, by their nature, are inherently dangerous to handle or dispose of (for example, old explosives, radioactive materials, some chemicals, some biological wastes), as designated under 40 CFR 261. Usually, industrial operations produce these waste materials.
highway/rail at-grade road crossing	The general area of an intersection of a public or private highway and a railroad where the intersecting rail and highway traffic are at the same level.
historic property	Any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places (NRHP). The term "eligible for inclusion in the NRHP" pertains to both properties that the Secretary of the Interior has formally determined to be eligible and to all other properties that meet NRHP listing criteria.
horn noise (train)	Noise that occurs when locomotives sound warning horns in the vicinity of highway/rail at-grade crossings.
jurisdictional wetland	Wetlands that the U.S. Army Corps of Engineers regulates under Section 404 of the Clean Water Act (33 USC 1344).
$\mathbf{L_{dn}}$	The day-night average noise sound level, which is the receptor's cumulative noise exposure from all noise events over a full 24 hours. This is adjusted to account for the perception that noise at night is more bothersome than the same noise during the day.
$\mathbf{L_{eq}}$	The sound level equivalent, which is the energy-averaged sound pressure level over a specified time interval.
$\mathbf{L_{max}}$	The RMS (root mean squared) maximum level of a noise source or environment where peak is the maximum level of the raw noise source.
low-income population	A population composed of persons whose median household income is below the U.S. Department of Health and Human Services poverty guidelines.
mainline	A principal track, other than an auxiliary track, designed by timetable or special instructions, on which train movements are generally authorized and controlled by the train dispatcher.
minority population	A population composed of persons who are Black (non-Hispanic), Hispanic, Asian American, American Indian, or Alaskan Native.
mitigation	An action taken to prevent, reduce, or eliminate adverse environmental effects.

National Ambient Air Quality Standards (NAAQS)	Air pollutant concentration limits established by EPA for the protection of human health, structures, and the natural environment.
National Environmental Policy Act (NEPA)	The National Environmental Policy Act of 1969, as amended (42 USC 4321–4347; PL 91-190) is the basic national charter for the protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy. Its purpose is to provide for the establishment of a Council on Environmental Quality and to instruct Federal agencies on what they must do to comply with the procedures and achieve the goals of NEPA.
National Historic Preservation Act (NHPA)	The National Historic Preservation Act of 1966, as amended (16 USC 470–470 et seq.; PL 89-665), is the basic legislation of the nation's historic preservation program that established the Advisory Council on Historic Preservation and the Section 106 review process. Section 106 of the NHPA requires every Federal agency to "take into account" the effects of its undertakings on historic properties.
National Register of Historic Places (NRHP)	Administered by the National Park Service, the nation's master inventory of known historic properties, including buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the Federal, state, and local levels.
No-Action Alternative	The Proposed Action does not take place under this alternative; also, the present setting for the pre-action conditions.
noise	Any undesired sound or unwanted sound.
noise contour	Line plotted on a map or drawing connecting points of equal sound levels.
noise-sensitive receptor	Location where noise can interrupt ongoing activities and can cause community annoyance, especially in residential areas. The Board's environmental regulations include schools, libraries, hospitals, residences, retirement communities, and nursing homes as examples of noise-sensitive receptors.
non-attainment area	An area that EPA has classified as not complying with the National Ambient Air Quality Standards promulgated under the Clean Air Act.
Office of Environmental Analysis (OEA)	The Office of Environmental Analysis is responsible for directing the environmental-review process in pertinent cases before the Surface Transportation Board, conducting independent analyses of all environmental data, and making environmental recommendations to the Board members.

particulate matter (PM)	Airborne dust or aerosols.
prime farmland	According to the Natural Resources Conservation Service, land having the best combination of physical and chemical characteristics for producing food, feed forage, fiber, and oilseed crops.
rail yard	A system of tracks of defined limits for the purpose of storing and sorting cars.
receptor	See *noise-sensitive receptor*.
right-of-way	The strip of land for which an entity (for example, a railroad) has a property right to build, operate, and maintain a linear structure, such as a road, railroad, or pipeline.
riparian	Relating to, living or located on, or having access to the bank of a natural water course, sometimes also a lake or tidewater.
scoping	The process for determining the scope of environmental issues to address in the EIS and their potential significance.
Section 106	Refers to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended through 1992 (16 USC 470). Section 106 requires a Federal agency head performing a Federal undertaking to take into account the undertaking's effects on historic properties.
sensitive receptor	See *noise-sensitive receptor*.
service	The official notification and delivery of Board decisions and notices (including environmental documents) by the Secretary of the Board to persons involved in a particular proceeding.
siding	A track parallel to a main track that is connected to the main track at each end. A siding is used for passing and/or storing trains.
switch	The portion of the track structure used to direct cars and locomotives from one track to another.
switching	The activity of moving cars from one track to another in a yard or where tracks go into a railroad customer's facility.
threatened species	A species that is likely to become an endangered species within the foreseeable future throughout all or part of its range and is protected by state and/or Federal law.
tipple	A structure used at a mine to load the extracted product (for example, coal or ores) for transport, typically into railroad hopper cars.

turnout	A mechanical installation that enables trains to be guided from one track to another, such as at a railway junction or where a spur or siding branches off.
wayside train noise	Train noise adjacent to the right-of-way that comes from sources other than the horn, such as engine noise, exhaust noise, and noise from steel train wheels rolling on steel rails.
wetlands	According to 40 CFR 230.41, “areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions,” generally including swamps, marshes, bogs, and similar areas.
wye	Y-shaped intersection of rail line.

Chapter 1
Introduction

1.1 Introduction

On July 30, 2001, the Six County Association of Governments[1] (SCAOG or the Applicant) filed a Petition for Exemption with the Surface Transportation Board (Board) pursuant to 49 United States Code (USC) § 10502 for authority to construct and operate 43.2 miles of new single-track rail line in Sanpete, Sevier, and Juab Counties, Utah.[2] This new line would connect the Union Pacific Railroad (UPRR) mainline about 16 miles south of Nephi, near Juab, Utah, to a proposed coal transfer terminal facility about 0.5 mile southwest of Salina, Utah (see Figure 1-1 below).

A portion of the proposed rail line would cross segments of public land administered by the U.S. Department of the Interior, Bureau of Land Management (BLM). Therefore, on February 14, 2005, the Applicant filed a right-of-way application with BLM pursuant to Section 501(a)(6) of the Federal Land Policy and Management Act of October 21, 1976 (43 USC § 1761). BLM will decide on the right-of-way application after the completion of this environmental review process.

In June 2007, the Draft Environmental Impact Statement (Draft EIS) was issued by the Board's Office of Environmental Analysis (OEA)[3] in cooperation with BLM. Under the requirements of the National Environmental Policy Act of 1969 (NEPA), the Board is the lead agency for preparing the Draft EIS, and BLM is a cooperating agency.[4] The Draft EIS and all other NEPA documents in the proceeding were prepared in compliance with NEPA, the Board's regulations for implementing NEPA (49 Code of Federal Regulations [CFR] Part 1105), the guidance provided by the Council on Environmental Quality's (CEQ) regulations implementing the procedural provisions of NEPA (40 CFR 1500), and BLM's policy procedures and guidance documents.

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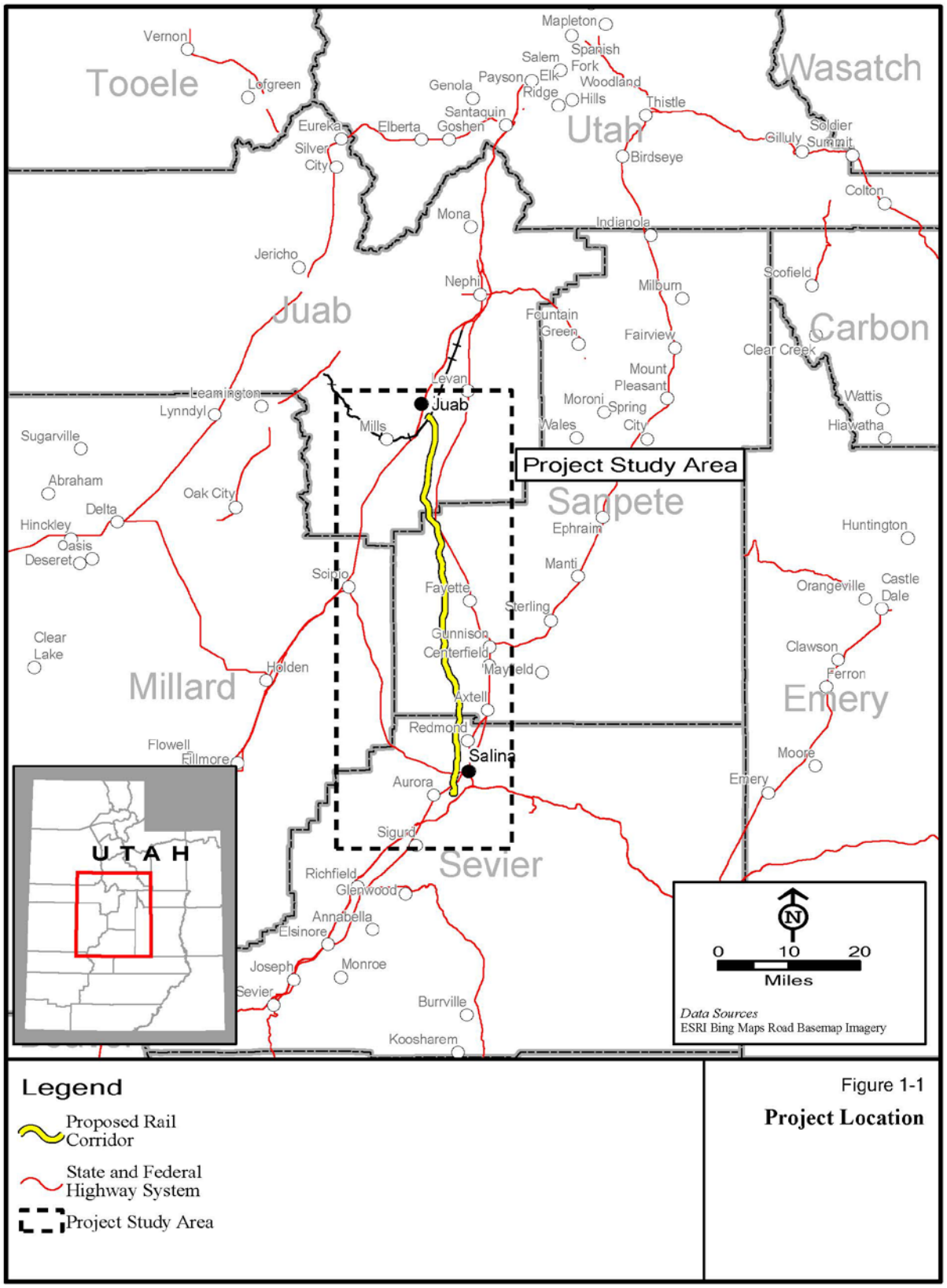
[1] SCAOG is a voluntary association of local governments of Sevier, Juab, Sanpete, Millard, Piute, and Wayne Counties in Utah. Its general purpose is to act as an "umbrella-type" organization to plan and develop programs with respect to various economic activities including, but not limited to, owning, acquiring, constructing, operating, and financing transportation facilities.

[2] In a decision of December 19, 2001, under 49 USC 10502, the Board conditionally exempted SCAOG's construction and operation of a new rail line along the proposed rail corridor between Juab and Salina, Utah, from the prior approval requirement of 49 USC 10901 subject to the Board's consideration of the anticipated environmental impacts of the proposal. In that decision, the Board stated that, on completion of the environmental review process, the Board would issue a further decision making the exemption effective at that time, if appropriate, thereby allowing construction to begin.

[3] OEA was formerly known as the Board's Section of Environmental Analysis (SEA). The name change from SEA to OEA became effective on September 1, 2010, after the Draft EIS in this proceeding was published. OEA is responsible for ensuring that the Board's decision complies with NEPA and related environmental laws.

[4] The U.S. Army Corps of Engineers (USACE) was not a cooperating agency during the preparation of the Draft EIS. However, USACE became a cooperating agency during the preparation of the Supplemental Draft EIS.

Figure 1-1. Project Location



After issuing the Draft EIS, OEA received comments from several agencies raising concerns about the wetland impacts of the alternatives that were being carried forward.[5] The U.S. Environmental Protection Agency (EPA), in an informal comment letter, suggested that a more detailed assessment and characterization of the wetlands for the alternatives carried forward be conducted. In its comments, EPA also recommended that the Board consider an alternative that would either avoid or have fewer impacts on wetlands at the northern terminus of the project. EPA suggested that the Board consider an alternative UPRR connection that is east of Juab. Finally, EPA suggested that the EIS should contain detailed mitigation for wetland loss. The U.S. Department of the Interior's Office of Environmental Policy and Compliance and the Utah Division of Wildlife Resources expressed interest in receiving additional information on the springs and wetlands in the Chicken Creek Reservoir area near Nephi, Utah.[6]

In response to these comments, OEA directed the Applicant to provide additional information on wetlands in the project area, focusing on the large wetland complexes at the northern and southern ends of the project. The Applicant conducted a wetland investigation along the proposed routes, then used the information gathered during these wetland investigations to develop three new modified alternatives. These three alternatives, which are referred to as Alternatives B1, B2, and B3 and are modifications of Alternative B (the Proposed Action in the Draft EIS), are addressed in the Supplemental Draft EIS. Figure 1-2 below shows these alternatives.

Following the issuance of the Draft EIS, OEA worked closely with the U.S. Army Corps of Engineers (USACE) to evaluate alternatives that would further reduce impacts to wetlands in the project area. To ensure that all feasible northern alternative options were assessed, OEA re-evaluated a route (Alternative N1) that had been dismissed in the Draft EIS because of construction and operational concerns; this route was re-evaluated in the Supplemental Draft EIS for its potential to minimize wetland impacts. For convenience, we have continued to designate this route as Alternative N1. OEA also considered two minor variations of this alternative: Alternative N1a and Alternative N1b (see Figure 1-2 below). These additional alternatives and their impacts on wetlands were assessed in the wetland impacts analysis in the Supplemental Draft EIS, which OEA issued on May 2, 2014.[7]

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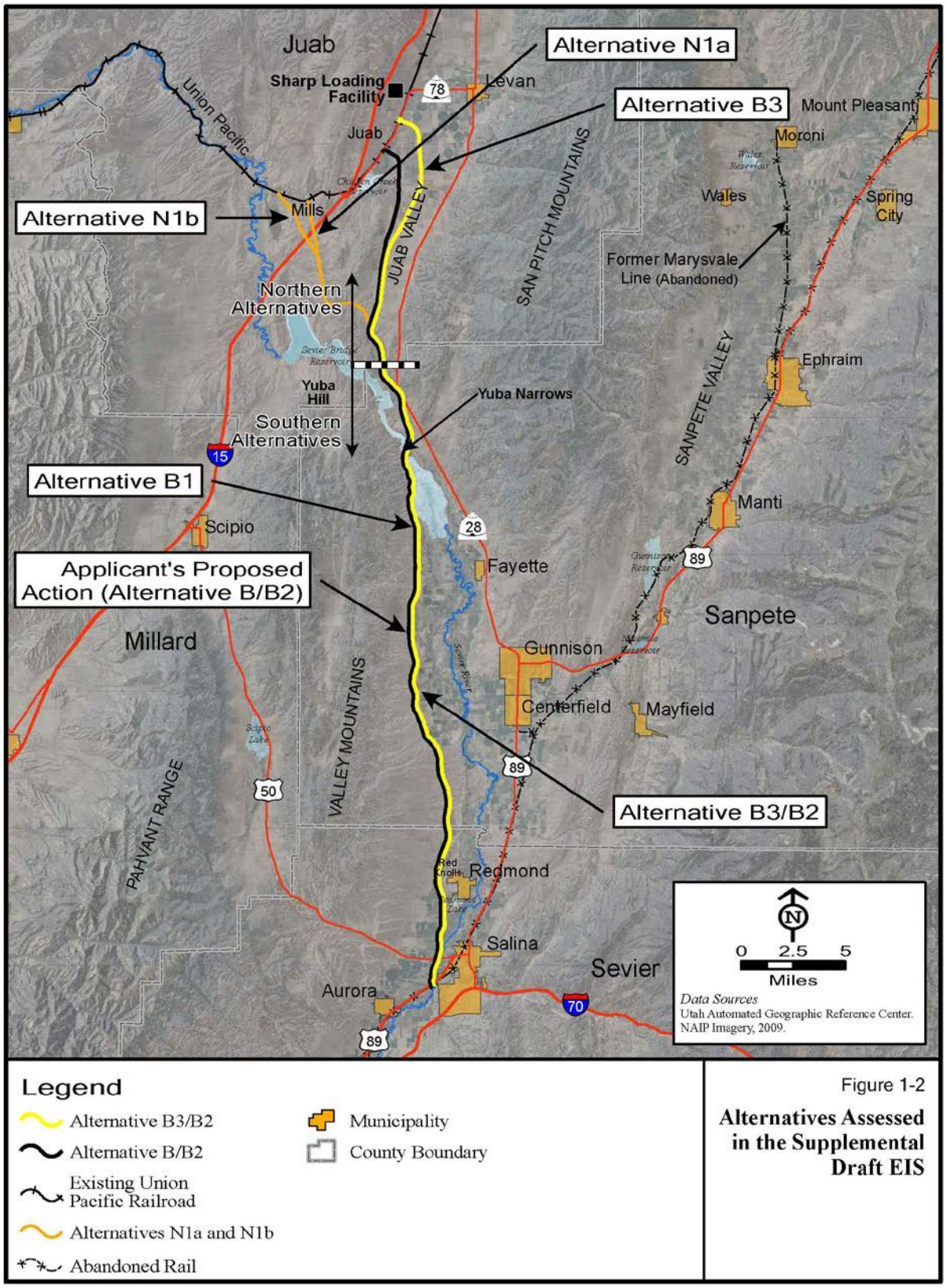
[5] A detailed discussion of the alternatives evaluated during the EIS process can be found in Chapter 2, Proposed Action and Alternatives, of the Draft EIS and the Supplemental Draft EIS as well as Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS. These documents are available on the Board's website at www.stb.dot.gov and on the project website at www.sixcountyutahrail.com.

[6] In response to concerns and comments regarding wetlands in the project area, OEA invited representatives from EPA, USACE, BLM, the U.S. Fish and Wildlife Service, and the Utah Division of Wildlife Resources on a field tour of the alignment for the Proposed Action (at that time, Alternative B) to provide a first-hand view and understanding of the project area. The field tour occurred on October 1–3, 2007.

[7] A detailed assessment and characterization of wetlands generally is performed for the purposes of an Applicant's permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Site-specific mitigation is also developed as part of the Section 404 permit process. Here, the Applicant has not yet applied for a Section 404 permit. When an applicant has not completed the Section 404 permit process prior to the issuance of the Final EIS, OEA recommends that the Board impose a condition on any authorization to construct and operate a rail line that requires the applicant to obtain a Section 404 permit. In the Draft EIS and Supplemental Draft EIS, OEA, as part of its recommended mitigation, required the Applicant to obtain the necessary permits from USACE prior to initiation of any project-related construction activities in wetlands and water bodies. Similar mitigation is included in this Final EIS.

Figure 1-2. Alternatives Assessed in the Supplemental Draft EIS



In addition to providing a more robust analysis of wetlands, the Supplemental Draft EIS also reanalyzed the alternatives-development process and updated historic property issues pursuant to Section 106 of the National Historic Preservation Act (NHPA).

This Final EIS reflects changes made to the Draft EIS and Supplemental Draft EIS in response to agency and public comments and the availability of new and updated information. Copies of the agency and public comments on the Draft EIS and Supplemental Draft EIS are provided in Appendix B, Comment Letters, of this Final EIS. OEA's responses are summarized in Chapter 3, Comment Summaries and Responses. Responses to individual comments are provided in Appendix A, Comments and Responses.

The following sections describe the project context, the purpose of and need for the Proposed Action, the alternatives considered in the Draft EIS and the Supplemental Draft EIS, and the Applicant's current Proposed Action (Alternative B/B2) and Alternative B3/B2, which OEA has identified as the Environmentally Preferred Alternative. The environmental effects of the Proposed Action and Alternatives are summarized and compared. The progress of the historic resources review process under Section 106 of the NHPA since the Draft EIS and Supplemental Draft EIS were issued is also updated.

1.2 Project Context

The proposed rail line would be located in Juab, Sevier, and Sanpete Counties, which run south to north in central Utah and are generally broad, flat or rolling areas divided by the Sevier River. There are several small towns in these counties and along the proposed project route; these towns include Fayette, Gunnison, Centerfield, Axtel, Redmond, Scipio, and Salina. Most of the valley floor supports farms that rely on an irrigation system composed of an extensive canal-and-ditch network. The valley is bounded on either side by a mountain range. This mountainous topography supports placing the rail line within the valley and generally parallel to the Sevier River, where possible.

Industries in the area include coal mining, rock salt mining, gypsum production, and bentonite production.

1.3 Purpose of and Need for the Proposed Action

The purpose of this project is to provide rail access to local industries, primarily the Southern Utah Fuel Company (SUFCO) coal mine owned by Bowie Resources and located about 30 miles northeast of Salina. The SUFCO mine produces 6 million to 7 million tons of low-sulfur coal annually. About 4 million tons are shipped to power plants in Carbon and Emery Counties east of the mine, about 1 million tons are shipped to the Salt Lake City area, and 1 million to 2 million tons are shipped to the Sharp loading facility near Levan, Utah (personal communication with Malcolm Nash, July 16, 2013).

For many years and until 1983, the former Denver & Rio Grande Western (D&RGW) Railroad and its predecessor companies (now part of the UPRR) provided rail service to the central Utah counties of Sanpete, Sevier, and Piute. As a result of a 1983 landslide and subsequent abandonment of the D&RGW rail line, shippers began trucking their goods to markets or to rail/truck transfer points at Juab, Sharp, or Nephi. These transfer points are located on a UPRR rail line that lies on the western edge of Juab County. The right-of-way of

the former D&RGW rail line has been sold to adjoining landowners and primarily converted to farmland. Most bridges and drainage structures have been removed.

Other than Juab's access to the nearby UPRR line, there is no rail service in this part of Utah, and, therefore, local industries in Sanpete and Sevier Counties rely exclusively on trucking for freight transportation. The proposed rail line would allow Bowie Resources and other industries to access rail transportation for coal and bulk commodities to and from the project area, thereby reducing the amount of heavy truck traffic on state highways and city streets that are not designed for heavy truck loads.

In total, nearly 750 truck trips per day (one way) are needed to transport coal from the SUFCO mine (Washington Infrastructure 2001). The trucks pass through the cities of Salina, Centerfield, Gunnison, and Levan on their way to the loading facility. At that rate, trucks travel through downtown Salina at a frequency of about one truck every minute. The trucks use local and state highways, and each truck carries about 43 tons of coal.

The Applicant expects that direct rail access to the UPRR line near Juab would ease traffic congestion, improve transportation safety, extend the life of local roads and other state roads, and contribute to a reduction in local air pollution. The Applicant also anticipates that the addition of a rail line would improve businesses' overall competitiveness, thereby preserving and improving employment and tax revenues.

In addition to coal shipments, SCAOG anticipates future business from local industries that currently ship smaller quantities of petroleum products, lumber products, nonmetallic minerals, wallboard, and plaster by truck.

The Applicant states that it seeks authorization to construct and operate the proposed rail line as common carrier, but it does not plan to own or operate this line for profit. The Applicant expects to work jointly with a private entity to do the actual construction of the proposed line and states that it might assign its responsibility for common-carrier operations to an experienced but not-yet-identified operator.

Under the CEQ regulations implementing NEPA at 40 CFR 1508.9(b), an agency's environmental analysis shall include a brief discussion of the proposed project's purpose and need. The proposed rail line involves an application by SCAOG for a license or approval from the Board to construct a common-carrier rail line as part of the interstate rail network. The proposed rail line is not a project proposed or sponsored by the Federal government. Thus, the project's purpose and need should be informed by both the private applicant's goals and the agency's enabling statute here, 49 USC § 10901.[8] Construction and operation of new rail lines requires prior authorization by the Board under 49 USC § 10901(c), which is a permissive licensing standard. It now directs the Board to grant construction proposals "unless" the Board finds the proposal "inconsistent with the public convenience and necessity (PC&N)." Thus, Congress presumes that rail-construction projects are in the public interest unless shown otherwise.[9]

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[8] See *Alaska Survival v. STB*, 705 F.3d 1073, 1084-85 (9th Cir. 2013).

[9] See *N. Plains Res. Council v. STB*, 668 F.3d 1067, 1091-92 (9th Cir. 2011); *Mid States Coalition for Progress v. STB*, 345 F.3d 520, 552 (8th Cir. 2003); and *Alaska R.R. – Constr. and Operation Exemption – Rail line Between North Pole and Delta Junction, Alaska*, FD 34658, slip op. at 5 (STB served January 5, 2010). Congress first relaxed the Section 10901 standard in the Staggers Rail Act of 1980, Pub. L. No. 96-448,

1.4 Scoping and Public Involvement

OEA has undertaken extensive public outreach activities to provide interested parties, agencies, federally recognized tribes, elected officials, and the general public opportunities to comment on and actively participate in the environmental review process. These activities are described in Chapter 5, Agency Coordination and Public Outreach, of this Final EIS.

1.5 Alternatives Considered

1.5.1 Alternatives Considered in the Draft EIS

The Draft EIS considered three alternatives in detail: (1) the No-Action Alternative (Alternative A); (2) the Applicant's Proposed Action as of the Draft EIS (Alternative B); and (3) a second action alternative (Alternative C; see Figure 1-3 below). Each alternative would run from the UPRR mainline within portions of Juab, Sanpete, and Sevier Counties beginning near Juab, about 16 miles south of Nephi, to the loading facility located about 0.5 mile southwest of Salina. The Draft EIS also identified and discussed other alternatives that were considered and eliminated from detailed analysis.

No-Action Alternative (Alternative A). The No-Action Alternative (Alternative A) provides a basis for comparing the other project alternatives. With the No-Action Alternative, no new rail line or terminal facilities would be constructed. No new train operations through Juab, Sevier, or Sanpete Counties would be conducted, and rail operations on the UPRR line would not change. Coal-haul trucks would continue to use highways in the project area to transport coal from the SUFCO mine to the existing UPRR mainline south of Nephi near Juab. Trucks would also continue to be used to transport bulk commodities to and from the project area.

96 Stat. 1895. Before 1980, Congress directed the Interstate Commerce Commission (ICC), the Board's predecessor agency, to scrutinize rail construction proposals closely to prevent excess rail capacity. ICC was to issue a license only if it found that the PC&N "require" the construction. See former 49 USC § 10901(a) (1978); see, for example, *Chesapeake & Ohio Ry. v. United States*, 283 U.S. 35, 42 (1931). In the Staggers Act, Congress made it easier to obtain agency authorization for a new line by providing that ICC need only find that the PC&N "permit," as opposed to "require," the proposed new line. See former 49 USC § 10901(a) (1995); H.R. Rep. No. 1430, 96th Cong., 2d Sess. 115-16 (1980), reprinted in 1980 *U.S.C.C.A.N.* 4147-48. With the Interstate Commerce Commission Termination Act (ICCTA), Congress completed its policy shift, directing that the Board "shall" issue construction licenses "unless" the agency finds a proposal "inconsistent" with the PC&N. See 49 USC § 10901(c).

Figure 1-3. Alternatives Considered in the Draft EIS

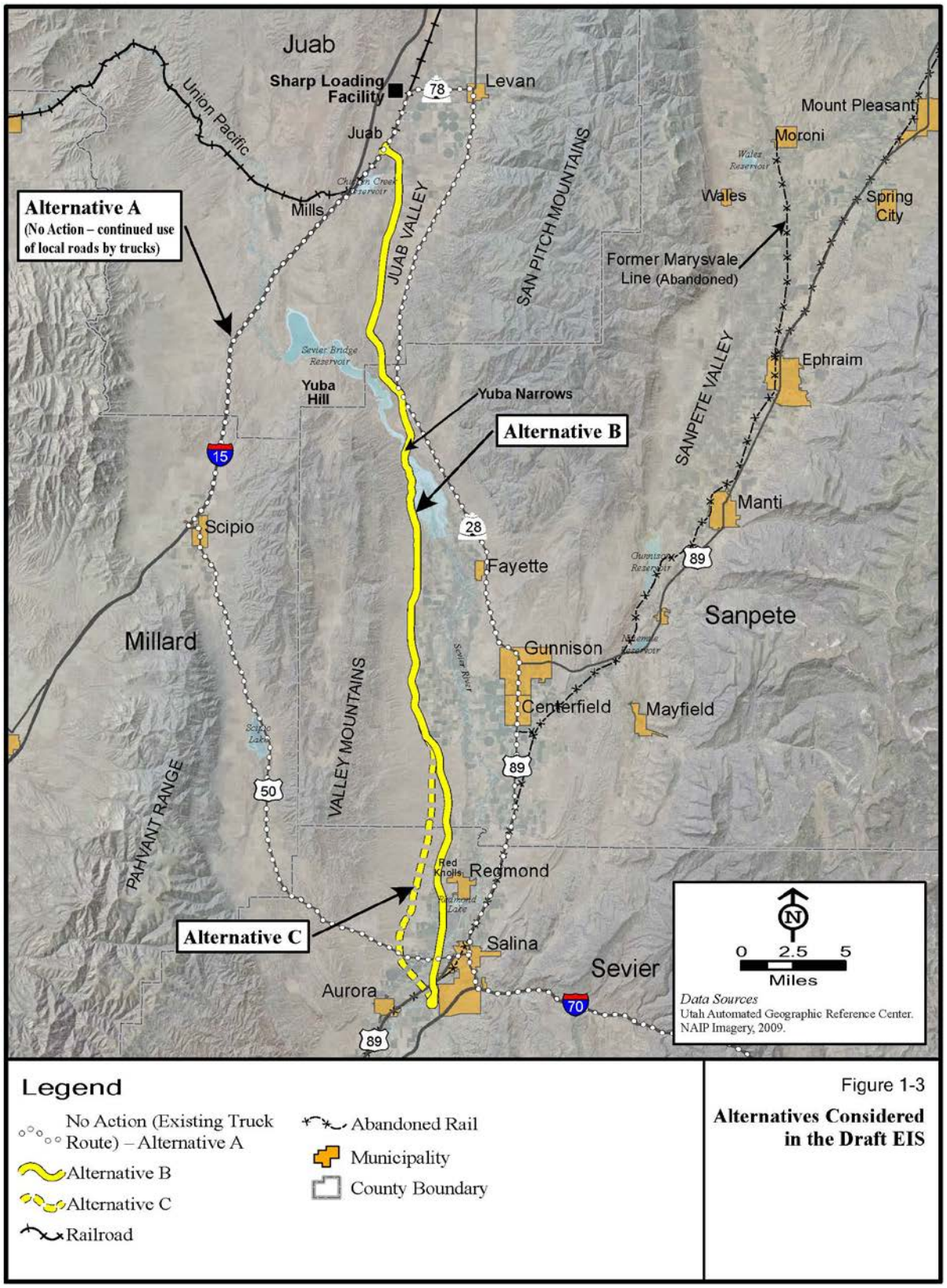


Figure 1-3

Alternatives Considered in the Draft EIS

Alternative B. Alternative B would involve constructing about 43 miles of new rail line. Alternative B is generally north-south and passes east of Chicken Creek Reservoir and through the Juab Plain, a valley between mountains to the east and west. Alternative B crosses the Sevier Bridge Reservoir at Yuba Narrows, south of Yuba Lake Recreation Area. This crossing would be adjacent to the point where a high-voltage transmission line currently crosses the reservoir. Alternative B continues southward along and outside of the western edge of a marshy area south of the reservoir. South of the reservoir, it continues along the western edge of the agricultural areas roughly parallel to but east of the existing high-voltage transmission line. It gradually veers to the south-southeast and then south toward the Sanpete County–Sevier County border and eventually to Salina, where the alternative terminates.

Alternative C. This alternative follows the same alignment as Alternative B from the northern terminus to a point about 4.5 miles north of the Sanpete County–Sevier County border. At this point, Alternative C begins to run south on the west side of the Piute Canal, about 0.5 mile to 1.0 mile west of Alternative B but east of the existing high-voltage transmission line. Alternative C continues south essentially parallel to but west of Alternative B and the Piute Canal across the Sanpete County–Sevier County border. Alternative C then rejoins Alternative B about 0.5 mile south of the point where Alternative B crosses U.S. Highway 50 (U.S. 50) about 3 miles west of Salina. Because Alternative C remains west of the Piute Canal, it also remains at a higher elevation on the foothills than Alternative B toward the southern terminus at Salina.

1.5.2 Alternatives Considered in the Supplemental Draft EIS

The Supplemental Draft EIS evaluated Alternative B (the Proposed Action in the Draft EIS) and three modified alternative routes (Alternatives B1, B2, and B3) developed by the Applicant after the Draft EIS was issued and re-evaluated an alternative dismissed in the Draft EIS (Alternative N1 near the community of Mills, Utah).[10] OEA retained the designation of Alternative N1 from the Draft EIS (see Figure 1-3 above).

As explained in Section 2.1, Alternatives Analysis, of the Supplemental Draft EIS, the north-south route of Alternative B provided the most direct rail connection to the UPRR network from the new coal transfer terminal in Salina and met the project's purpose and need. However, this direct route would result in substantial impacts on wetlands. Thus, after issuance of the Draft EIS and the receipt of EPA's suggestion that OEA examine alternatives to Alternative B on the north to minimize the potential impacts on wetlands, OEA directed the Applicant to design alternatives to Alternative B that would reduce impacts on wetlands and other aquatic resources.

After re-evaluating the area's topography and natural resources and completing a detailed wetland investigation, the Applicant developed Alternatives B1, B2, and B3 by modifying, shifting, and redesigning Alternative B. Because the project area is located in a valley bordered by mountains on the east and west and containing large, contiguous wetlands, the possible locations of the rail line that would meet the project's purpose and need and that would avoid directly affecting natural or cultural resources were limited.

[10] Mills, Utah, is located about 5 miles west of Juab.

Because all of the alternatives considered in both the Draft EIS and the Supplemental Draft EIS converge at a common point near the Juab County–Sanpete County border northeast of Yuba Hill, the project area was divided to allow the creation of two corridor groupings (north and south), and the alternatives are designed and referred to as northern and southern alternatives (see Figure 1-2 above).

1.5.2.1 Northern Alternatives

As stated in Section 1.1, Introduction, of this chapter, EPA suggested that OEA examine alternatives to Alternative B (the Proposed Action in the Draft EIS) on the north that would further avoid the wetlands in the Chicken Creek Reservoir area (personal communication with Larry Svoboda, October 18, 2007). USACE also suggested further evaluation of an alternative (Alternative N1) that was studied but dismissed in the Draft EIS. USACE suggested that the connection near Mills might affect fewer wetlands than would a connection at Juab.

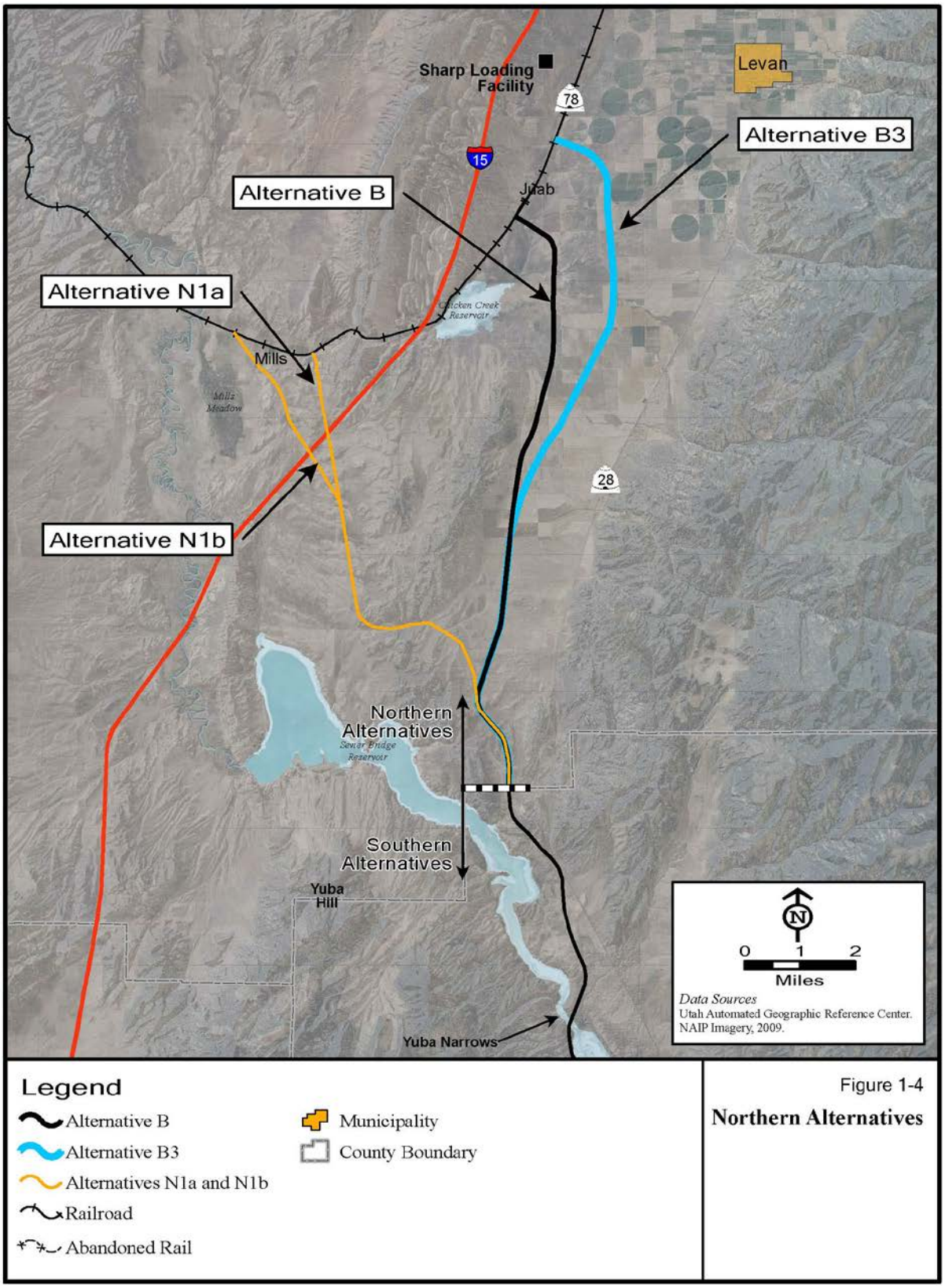
In response, OEA directed the Applicant to conduct a more detailed wetland investigation in the area around the Proposed Action and to reanalyze the various rail alternatives. The Applicant examined four alternatives on the north (Alternatives B, B3, N1a, and N1b). Alternative N1 was further divided into Alternatives N1a and N1b to provide additional design options to Alternative N1. See Figure 1-4 below.

The following sections discuss the wetland impacts and other impacts from constructing and operating the northern alternatives that were studied in the Supplemental Draft EIS.

Alternative B

Alternative B on the north was evaluated in both the Draft and Supplemental Draft EISs. Alternative B on the north continues to be the Applicant's Proposed Action in this Final EIS. Alternative B would involve constructing about 11.1 miles of new rail line. Alternative B is generally north-south and passes east of Chicken Creek Reservoir and through the Juab Plain. Alternative B crosses the Sevier Bridge Reservoir at Yuba Narrows, south of Yuba Lake Recreation Area. Alternative B would permanently disturb about 77 acres of pasture and cropland and would fill 1.2 acres of playa wetlands and 0.3 acre of wet meadow wetlands in the northern portion of the project area.

Figure 1-4. Northern Alternatives



Alternative B3

The Applicant developed Alternative B3 to avoid, to the extent possible, wetland impacts near Chicken Creek Reservoir at the north end of the project area and minimize, to the extent possible, impacts to irrigated cropland. This alternative connects to the UPRR mainline with a wye connection (a Y-shaped intersection) about 1 mile north of the Juab siding, near the Sharp siding. From the UPRR mainline, the alternative runs southeast for about 2 miles, turns south, continues for about 3 miles, turns southwest, and continues for about 8 miles to the Juab County–Sanpete County border, which is northeast of Yuba Hill. Alternative B3 would be about 13 miles long (see Figure 1-4 above). Alternative B3 would permanently disturb about 115 acres of pasture and cropland during construction, about half of which would be permanently converted to rail right-of-way.

During the initial comment period on the Draft EIS, farmers expressed concerns regarding impacts on irrigation, the bisecting of farms, access to fields, the potential reduction in the value of the farms crossed, and the fact that most agricultural irrigation is flood irrigation. Mindful of farmers' concerns regarding impacts to irrigable farmland and access to cropland, the Applicant designed Alternative B3 to minimize or avoid the impacts to farms and to have minimal impact on wetlands. The alternative would require one additional local road crossing at Powell Road. This alternative would fill about 0.5 acre of wet meadow wetlands near the connection with UPRR's mainline.

Alternatives N1a and N1b

In its comments on the Draft EIS, USACE suggested that the Board re-evaluate the alternative with a UPRR connection at Mills that was studied in the Draft EIS (Alternative N1) for its potential to minimize wetland impacts. Mills is located at the north end of the study area but west of Interstate 15 (I-15). In the Supplemental Draft EIS, Alternative N1 was presented as two different options: Alternative N1a and Alternative N1b.

Alternative N1a connects with the UPRR mainline near the intersection of Washboard/Valley Road and Mills Road. Of the four alternatives considered at the northern end of the study area in the Supplemental Draft EIS (Alternatives B, B3, N1a, and N1b), Alternative N1a has the shortest length. However, this alternative would require about 10,000 feet of new siding to meet current rail industry safety standards because there is no existing siding. The new siding would also require new turnouts[11] and control signals to link the siding with the UPRR network.

Alternative N1b connects with the UPRR mainline about 1 mile west of Washboard Road. It is slightly longer than Alternative N1a (about 8.5 miles compared to about 8 miles).

Both alternatives would require extensive excavation (about 300,000 cubic yards) to construct the rail line because a high ridge separates the Mills area from I-15. Moreover, because of design maximum grade constraints (1 percent maximum grade), deep cuts and imported fill would be necessary to construct these alternatives. At the ridge peak, the cut depth would be over 50 feet. Near the southwestern corner of Chicken Creek Reservoir, the UPRR track crosses under I-15 and continues westward toward Lynndyl, Utah. Consequently, new track

[11] A rail turnout is a mechanical installation that enables trains to be guided from one track to another, such as at a railway junction or where a spur or siding branches off.

from Alternative N1a or N1b would have to cross over I-15 via a new grade-separated crossing that would be about 30 feet higher than the I-15 grade.

Field reconnaissance of the Mills area found potential wetlands and other Waters of the U.S. that would be affected by Alternatives N1a and N1b. The required new siding for both alternatives would affect Chicken Creek and an adjacent wetland area (about 0.5 acre) located along the creek where it runs on the south side of the existing UPRR tracks. In addition, the Alternative N1b alignment and the required new siding might affect potential wetland areas in the Mills Meadow wetland complex.

Near the northern terminus, Alternatives N1a and N1b would also affect other unnamed intermittent and ephemeral drainages as well as irrigation ditches that divert water from Chicken Creek Reservoir and Chicken Creek. A connection of these waters to the Mills Meadow wetland complex and the Sevier River could make these waterways jurisdictional, and therefore impacting them would require a permit from USACE. Under these circumstances, the wetland impacts associated with Alternatives N1a and N1b would be similar (about 0.5 acre) to those from Alternative B3.

The Utah Division of Wildlife Resources discovered least chubs (*Iotichthys phlegothontis*) in the Mills Meadow wetland complex in 1996 (UDWR 2007). The least chub is a fish classified as a sensitive species by the State of Utah and is a candidate species for listing under the Endangered Species Act by the U.S. Fish and Wildlife Service. Contrary to previous speculation by the Utah Division, least chubs have not been identified in Chicken Creek Reservoir or the Sevier Bridge Reservoir (UDWR 2013). Therefore, compared to Alternatives B and B3, Alternatives N1a and N1b have a higher potential to affect this sensitive species.

The impacts of a connection at Mills include:

- Slight reduction in I-15 traffic safety caused by a new rail bridge.
- Impact to about 0.5 acre of wetlands adjacent to an existing track.
- Extensive excavation to meet design rail grade limitations.
- Increased project costs for constructing a new siding and a new rail bridge over I-15.
- Increased operating costs for maintaining a bridge over I-15.
- Increased impacts to wildlife resources caused by new construction of rail line in the Mills Valley and the associated new siding. Specifically, there would be potential direct impacts to least chub habitat, a potential to change the hydrologic conditions of the Mills Meadow wetland complex due to the impacts to Mills-area waterways (potential Waters of the U.S.), and a potential to conflict with planned conservation measures for least chubs in the Mills Valley.

Given these construction and operational concerns and the expected environmental impacts, the alternatives at Mills (Alternatives N1a and N1b) were eliminated from further detailed consideration in the Draft EIS. Because of these issues, the Supplemental Draft EIS also eliminated these alternatives as not reasonable and practicable for this project. Mindful of EPA's and USACE's concerns regarding wetland impacts, OEA notes that the alternate northern alignment Alternative B3 would affect about the same amount of wetlands (0.5 acre) as Alternatives N1a and N1b, but Alternative B3 would have fewer impacts on other natural

resources and safety. In a comment on the Supplemental Draft EIS, the U.S. Department of the Interior supported eliminating the Mills alternatives because of their direct impacts on least chubs (Stewart 2014).

On the basis of the analysis conducted for the Supplemental Draft EIS, OEA determined that Alternatives B and B3 represent reasonable northern terminus alternatives and carried these alternatives forward for a detailed environmental analysis. Table 1-1 compares the final northern alternatives. Alternative B, which was the Applicant's Proposed Action on the north in the Draft EIS, Supplemental Draft EIS, and Final EIS would have the simplest physical connection with the UPRR mainline but would have the greater impact on wetlands (1.5 acres). In comparison, Alternative B3 on the north would fill fewer wetland areas (0.5 acre total). Because it is 1.9 miles longer, Alternative B3 would be more expensive to construct than Alternative B. Alternative B3 would convert more acres of non-irrigated farmland to rail right-of-way.

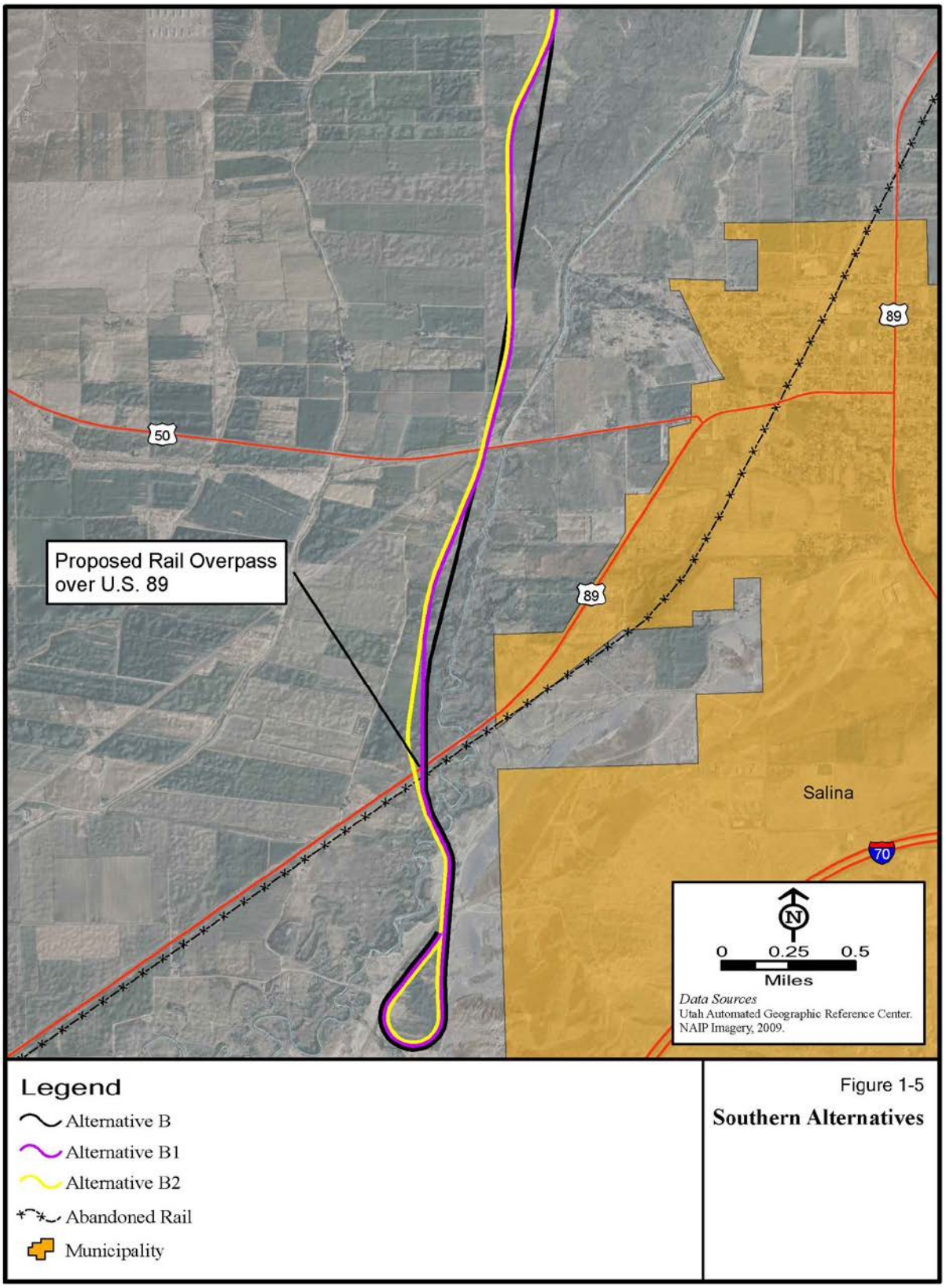
Table 1-1. Comparison of Northern Alternatives

Alternative	Advantages	Disadvantages
B Juab Alternative (11.1 miles)	• Topography allows flat rail grades, thereby minimizing operating costs and air pollutant emissions during operation and reducing construction footprint • Avoids need for new siding and control signals at UPRR mainline • Meets UPRR preference for a connection at an existing siding near Juab and Sharp	• Would fill about 1.5 acres of wet meadow and playa wetlands in the vicinity of Chicken Creek Reservoir • Would convert about 77 acres of non-irrigated farmland to rail right-of-way • Would fill 1.0 acre more wetlands than Alternative B3
B3 Juab/Sharp Alternative (13 miles)	• Topography is similar to that of Alternative B • Avoids need for new siding and control signals at UPRR mainline • Meets UPRR preference for a connection at an existing siding near Juab and Sharp	• Would fill less than 0.5 acre of wet meadow wetlands east of Chicken Creek Reservoir • Would convert about 115 acres of non-irrigated farmland to rail right-of-way • Would cost about $10 million more than Alternative B due to additional length of track

1.5.2.2 Southern Alternatives

For the southern portion of the study area, OEA also directed the Applicant to develop an alternative that reduced impacts on wetlands following issuance of the Draft EIS. Alternative B from the Draft EIS on the south was not carried forward because it would have the greatest impact on wetlands (10.8 acres in the southern portion). The two new southern alternatives (Alternatives B1 and B2), developed by modifying and redesigning Alternative B, were carried forward for review in the Supplemental Draft EIS (see Figure 1-5 below).

Figure 1-5. Southern Alternatives



Alternatives B1 and B2

For Alternatives B1 and B2, the proposed alignment was moved farther to the west, and additional curvature was designed into the alignments to avoid high-value wetlands along the Sevier River. Alternatives B1 and B2 follow a similar route with minor differences to reduce wetland impacts. Alternative B1 would fill about 5.2 acres of wetlands, and Alternative B2 would fill about 1.6 acres of wetlands. Alternative B1 was eventually dismissed because it closely follows the route of Alternative B2 but would have greater wetland impacts. Impacts to pasture and cropland would be about the same (about 50 acres) for the two southern alternatives.

Table 1-2 compares Alternatives B1 and B2, the two southern alternatives evaluated in the Supplemental Draft EIS. Of the two southern alternatives, Alternative B2 would have the lesser impact on wetlands. Alternative B2 would also be the longer of the two southern alternatives and would have similar impacts on private land. Impacts to farmland would be similar for both southern alternatives.

Table 1-2. Comparison of Southern Alternatives

Alternative	Advantages	Disadvantages
B1	• Would reduce wetland impacts by 5.6 acres vs. Alternative B	• Would fill about 5.2 acres of wetlands • Would convert 66 acres of irrigated farmland and 50 acres of non-irrigated farmland to rail right-of-way • Would convert about 226 acres of private land to rail right-of-way • Slight increase in cost vs. Alternative B due to additional track
B2	• Would have the least impact on wetlands of all southern alternatives	• Would fill about 1.6 acres of wetlands • Same as B1, would convert 116 acres of irrigated and non-irrigated farmland to rail right-of-way • Would convert about 226 acres of private land to rail right-of-way • Slight increase in cost vs. Alternative B due to additional track

Alternative B2 was retained for detailed evaluation in the Supplemental Draft EIS. Alternative B2 is the southern alignment for both the Applicant's current Proposed Action and the Environmentally Preferred Alternative, as described in Section 1.6, Alternatives Analyzed in Detail in the Supplemental Draft EIS, and Section 1.7, Environmentally Preferred Alternative, of this chapter. Alternative B2 is not devoid of impacts on wetlands and other natural resources. However, alternatives that would meet the project's purpose and need and avoid or minimally impact wetlands and other natural resources are limited by the area's geography and by engineering design elements for construction of a safe and viable rail line.

1.5.2.3 No-Action Alternative (Alternative A)

CEQ's regulations implementing NEPA at 40 CFR 1502.14(d) require consideration of a No-Action Alternative. The No-Action Alternative provides a basis for comparing the other project alternatives.

With the No-Action Alternative for this project, no new rail line or terminal facilities would be constructed. No new train operations through Juab, Sevier, or Sanpete Counties would be conducted, and rail operations on the UPRR line would not change. Coal-haul trucks would continue to use highways in the project area to transport coal from the SUFCO mine to the

existing UPRR mainline south of Nephi near Juab. Trucks also would continue to be used to carry bulk commodities to and from the project area. The No-Action Alternative would avoid the potential environmental impacts of the action alternatives but would not meet the purpose of and need for the project and would not provide the potential benefits of the rail line versus truck transportation for the coal shipments at issue in this case.

1.6 Alternatives Analyzed in Detail in the Supplemental Draft EIS

1.6.1 Applicant's Proposed Action – Alternative B/B2 (Combination of Alternative B on the North and Alternative B2 on the South)

The Applicant's current Proposed Action (Alternative B/B2, the combination of Alternative B on the north and Alternative B2 on the south; see Figure 1-2 above) would connect to the UPRR mainline at the Juab siding[12] on the north and continue southward past the Yuba Lake Recreation Area to cross the Sevier Bridge Reservoir at Yuba Narrows, where the reservoir narrows. This crossing would be adjacent to a high-voltage transmission line in an area known as the Juab Plain.

After crossing the reservoir at Yuba Narrows, Alternative B/B2 continues southward on the west side of the Sevier River Valley where the foothills intersect with irrigated farmlands. It crosses U.S. 50, U.S. Highway 89 (U.S. 89), and the Sevier River southwest of Salina, where it terminates at a proposed new loading facility north of Interstate 70 (I-70) near Salina's industrial park. The crossing of U.S. 89 would be via a new, grade-separated structure.

The southern portion of the Applicant's proposed route was modified after the Draft EIS was issued to avoid impacts on wetlands adjacent to the Sevier River south of the U.S. 50 crossing west of Salina. The Applicant shifted the original alignment about 300 feet west and, in so doing, was able to reduce the impacts on wetlands from about 10.8 acres to 1.6 acres. This alignment is referred to as Alternative B2.

Alternative B/B2 would fill about 3.1 acres of wetlands, consisting of about 1.6 acres on the southern end and about 1.5 acres on the northern end near the connection with the UPRR mainline. It would also convert 66 acres of irrigated cropland and 126 acres of non-irrigated and sub-irrigated cropland to rail right-of-way. Of this farmland, 37 acres are prime farmland and 11 acres are farmland of statewide importance.

Alternative B/B2 would adversely affect up to 36 historic properties, mostly archaeological sites that are eligible for, or unevaluated for, the National Register of Historic Places (see Table 4.12-1, Historic Properties Located in the Right-of-Way and within a 50-meter Buffer of the Right-of-Way, in Chapter 4, Errata and Other Changes, of this Final EIS). Little, if any, additional survey would be required for this alternative. Impacts to some properties that are situated on the edge of the alternative alignments may be avoided in final design.

[12] The Applicant stated in a letter of March 6, 2008, that the northern terminus was designed to avoid wetlands to the greatest extent possible and to skirt the edges of private farmland.

1.6.2 Alternative B3/B2 (Combination of Alternative B3 on the North and Alternative B2 on the South)

In response to EPA's and USACE's concerns about wetland impacts following issuance of the Draft EIS, OEA considered additional alternatives that would reduce impacts on wetlands and other aquatic resources without substantially diminishing the feasibility of constructing the proposed rail line.

Alternative B3/B2 is a combination of Alternative B3 on the north and Alternative B2 on the south. This alternative's northern terminus would be a connection with both the existing Juab siding and the nearby Sharp siding on the UPRR mainline. This connection would require both the UPRR Sharp and Juab sidings to be extended to maintain safe operations.

The proposed Alternative B3/B2 rail line starts at a new connection on the UPRR mainline between the Juab and Sharp sidings, then proceeds in a south-southeasterly direction. The alignment continues southward past the Yuba Lake Recreation Area to cross the Sevier Bridge Reservoir at Yuba Narrows, where the reservoir narrows. This crossing would be adjacent to a high-voltage transmission line that also crosses the reservoir at Yuba Narrows.

After crossing the reservoir, Alternative B3/B2 continues southward on the west side of the Sevier River Valley. It crosses U.S. 50, U.S. 89, and the Sevier River southwest of Salina, where it terminates at a proposed new loading facility north of I-70 near Salina's industrial park. The crossing of U.S. 89 would be via a new, grade-separated structure. To reduce wetland impacts, the southernmost portion of Alternative B3/B2 follows the proposed Alternative B2 alignment.

Alternative B3/B2 would fill 2.1 acres of wetlands, consisting of about 1.6 acres on the southern end and about 0.5 acre on the northern end near the connection with the UPRR mainline. It would also convert 66 acres of irrigated farmland and 165 acres of non-irrigated and sub-irrigated cropland to rail right-of-way. Of this farmland, 37 acres are prime farmland and 11 acres are farmland of statewide importance.

Alternative B3/B2 would adversely affect up to 32 historic properties, mostly archaeological sites that are eligible for, or unevaluated for, the National Register of Historic Places. Additional properties may be identified in a survey of Alternative B3. About 8 miles require an intensive-level cultural resources survey. Of the 32 known properties, impacts to some that are situated on the edge of the alternative alignments might be avoided in final design.

1.7 Environmentally Preferred Alternative

CEQ's regulations implementing NEPA at 40 CFR 1502.14(e) require an agency to identify its preferred alternative in a Final EIS, if it has not already done so in a Draft EIS. This section sets forth OEA's Environmentally Preferred Alternative. Section 1.5, Alternatives Considered, and Section 1.6, Alternatives Analyzed in Detail in the Supplemental Draft EIS, of this chapter as well as Chapter 2, Proposed Action and Alternatives, and Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS discuss in detail the proposed rail line corridors and alignments that OEA evaluated and selected for detailed environmental review.

To facilitate comparison of the alternatives, OEA divided the alternatives into southern and northern segments. The alternatives considered in this Final EIS include construction and

operation of a rail line along the southern and northern segments and a No-Action Alternative. Details on the selection of OEA's Environmentally Preferred Alternative are provided below. Table 1-3 below summarizes the information that OEA used in its determination.

OEA concludes that Alternative B3/B2 (the combination of Alternative B3 on the north and Alternative B2 on the south) would be environmentally preferable to Alternative B/B2. Table 1-3 below compares the alternatives for each resource area assessed.

Only two action alternatives that would meet the purpose of and need for this project while minimizing potential impacts on wetlands and other natural resources have been identified. Of the two action alternatives analyzed in detail, Alternative B/B2 would cause greater environmental impacts on wetlands and other natural resources. Alternative B3/B2 would be longer with greater impacts on non-irrigated farmland but fewer impacts on wetlands and other natural resources. Based on the current inventory of historic properties, more sites might be impacted by Alternative B/B2. However, because Alternative B3 remains unsurveyed for historic properties, this assessment could change.

The No-Action Alternative (no construction) would avoid all of these environmental impacts, but it would not meet the Applicant's purpose and need, nor would it provide the benefits of new rail service in central Utah to move coal and other bulk commodities by rail instead of by truck.

1.8 Summary of the Environmental Impacts of the Alternatives

The Supplemental Draft EIS analyzed and compared the potential impacts of the Applicant's current Proposed Action (Alternative B/B2) and Alternative B3/B2 on the environment. The summary of OEA's evaluation in Table 1-3 below is the result of expanded and new analyses of impacts conducted for the Supplemental Draft EIS that include, among others, the impacts to wetlands, historic properties, safety, noise, and air quality.

As shown below, most of the impacts of the two alternatives would be the same. The impacts that would differ are indicated in bold in Table 1-3 below and are the focus of the supplemental evaluation, which also relies, where appropriate, on the analysis in the Draft EIS. OEA has identified Alternative B3/B2 as its Environmentally Preferred Alternative for the proposed new rail line because it would have the least impacts to water resources (including wetlands) and associated biological resources as well as fewer impacts to cultural and historic resources.

Table 1-3. Comparison of Impacts from the Alternatives Presented in the Supplemental Draft EIS		
Resource Category	**Applicant's Proposed Action – Juab to Salina (Combination of Alternatives B and B2)**	**Environmentally Preferred Alternative – Juab/Sharp to Salina (Combination of Alternatives B3 and B2)**
Rail Operations and Safety	• Negligible impact to road crossings due to delays • Reduced truck traffic on State Route (SR) 78, SR 28, U.S. 50, and U.S. 89, resulting in improved safety	• Negligible impact to road crossings due to delays • Reduced truck traffic on SR 78, SR 28, U.S. 50, and U.S. 89, resulting in improved safety • **Requires extending Juab siding 2.39 miles to connect to Sharp siding on the UPRR mainline**
Land Use	• **Loss of 66 acres of irrigated farmland and 126 acres of non-irrigated and sub-irrigated cropland** • Compatible with state and BLM land-use plans and policies	• **Loss of 66 acres of irrigated farmland and 165 acres of non-irrigated and sub-irrigated cropland** • Compatible with state and BLM land-use plans and policies
BLM Natural Areas	• No impacts to BLM Natural Areas in the region	• Same as Proposed Action
Biological Resources	• Loss of about 10.9 acres of habitat in Yuba State Park • Loss of 3.9 acres of habitat in Redmond Wildlife Management Area (WMA) • Potential short-term impacts to long-billed curlew habitat in Redmond WMA • Temporary impacts to wildlife during construction	• Same as Proposed Action
Water Resources	• Would affect 16 acres of regulatory floodplain • Would affect 174 acres of groundwater recharge area • **Would fill 3.1 acres of jurisdictional wetlands**	• Would affect 16 acres of regulatory floodplain • Would affect 174 acres of groundwater recharge area • **Would fill 2.1 acres of jurisdictional wetlands**
Topography, Geology, and Soils	• Would not affect geological conditions • Topography modifications would be minor • Would require about 1.4 million yards of material to construct rail embankment • Loss of 37 acres of prime farmland • Loss of 11 acres of farmland of state importance	• Same as Proposed Action
Energy Resources	• Decrease energy use from 2,832 million British thermal units (Btu)/day for truck shipping to 1,301 million Btu/day for truck and rail shipping	• Same as Proposed Action

Table 1-3. Comparison of Impacts from the Alternatives Presented in the Supplemental Draft EIS		
Resource Category	**Applicant's Proposed Action – Juab to Salina (Combination of Alternatives B and B2)**	**Environmentally Preferred Alternative – Juab/Sharp to Salina (Combination of Alternatives B3 and B2)**
Socioeconomics	• Loss of about 108 jobs in trucking industry, which could be offset by new jobs from rail line • Small increase in population of Sanpete and Sevier Counties due to increased economic development • Small increase in sales tax base • Negligible effects on agricultural industry and emergency response times • No impacts would be disproportionately borne by minority or low-income populations	• Same as Proposed Action
Historic Properties	• **Adverse effect on 36 historic properties in the current inventory**	• **Adverse effect on 32, possibly more, historic properties in the current inventory**
Recreation	• Would convert about 0.02% of BLM-administered land to rail right-of-way • Would affect short-term use of lake at Yuba Narrows during bridge construction • Would affect long-term use of about 10.9 acres of Yuba Lake Recreation Area due to withdrawal of land for rail right-of-way • Would have negligible impact on trail use	• Same as Proposed Action
Aesthetics	• Temporary impacts during construction • Moderate long-term impacts due to cut-and-fill slopes, loss of agricultural land, elevated rail structures, and drainage features	• Same as Proposed Action
Noise and Vibration	• Would remove up to about 750 trucks per day (one way) from local streets and highways; this would reduce noise and vibration impacts along truck routes • Increased noise impacts from train horns. One residence would be within the 65-dBA threshold noise contour (the area around the proposed rail line where wayside noise would be 65 dBA or greater on the A-weighted decibel scale) from the horn soundings required at road crossings • No impacts from wayside noise within the 65-dBA contour	• Same as Proposed Action
Air Quality	• Would remove 750 trucks per day (one way) from local streets and highways; this would improve air quality along the truck route	• Same as Proposed Action

Table 1-3. Comparison of Impacts from the Alternatives Presented in the Supplemental Draft EIS		
Resource Category	**Applicant's Proposed Action – Juab to Salina (Combination of Alternatives B and B2)**	**Environmentally Preferred Alternative – Juab/Sharp to Salina (Combination of Alternatives B3 and B2)**
Climate Change and Greenhouse Gases	• Would remove 750 trucks per day (one way) from local streets and highways, thus reducing the particulate air emissions and greenhouse gases produced by these truck trips by similar amounts • Reduction in particulate air emissions and greenhouse gases would be offset slightly by emissions from locomotives • Overall net result suggests that greenhouse gas emissions associated with this shift from truck to rail would be reduced by up to half, thereby producing a regional benefit, but global effects would be neutral	• Same as Proposed Action
Threatened and Endangered Species	• No impacts on species listed as endangered or threatened under the Endangered Species Act or State-listed species	• Same as Proposed Action
Hazardous Materials	• Hazardous materials would be stored at rail operations facilities and would be regulated by the State of Utah • Would not affect any hazardous materials sites	• Same as Proposed Action

1.9 Relationship to the Least Environmentally Damaging Practicable Alternative (LEDPA)

In addition to authority from the Board, SCAOG would need to obtain a Clean Water Act Section 404 permit from USACE before beginning construction of the rail line. This permit is required for the discharge of dredge or fill materials into waters of the United States, including wetlands.[13] Among the various requirements to obtain a Section 404 permit, SCAOG would need to demonstrate to USACE that the alternative it seeks to permit is the Least Environmentally Damaging Practicable Alternative (LEDPA).[14]

Although it is not OEA's role to identify the LEDPA, it was incumbent on OEA to consider, as part of its NEPA analysis, whether one of the construction alternatives among those carried forward for detailed analysis in this Final EIS could be found by USACE to be the LEDPA. OEA understands that it is USACE's responsibility to determine whether the alternative set forth in SCAOG's Section 404 permit application, when submitted, constitutes the LEDPA. OEA believes that USACE could reasonably determine that OEA's Environmentally Preferred Alternative (Alternative B3/B2) in this Final EIS (see Section 1.7, Environmentally Preferred Alternative, of this chapter) could also be the LEDPA because it would have the least impacts to water resources (including wetlands) and associated biological resources as well as fewer impacts to cultural and historic resources.

To permit the LEDPA, SCAOG would need to demonstrate wetland avoidance strategies, demonstrate minimization efforts in final design, and incorporate wetland mitigation measures for the Clean Water Act Section 404 permit application. USACE would determine whether the project-specific avoidance, minimization, and mitigation proposals are sufficient to obtain a Section 404 permit. SCAOG has not yet submitted its Section 404 application to USACE but has indicated that it plans to do so in the near future.

[13] Controlling regulations are found in the Clean Water Act in 33 USC § 1251 *et seq*.

[14] LEDPA determination guidelines are found in 40 CFR 230.10(a).

1.10 Historic Properties

OEA conducted studies (including a pedestrian, or walk-through, survey) and consulted with interested parties in order to invite them to participate as consulting parties and to seek their input regarding potential impacts on historic properties in the project area.[15] OEA made these contacts through a combination of letters, emails, and phone calls.

These interested parties included the Utah State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation,[16] BLM, USACE, the Utah School and Institutional Trust Lands Administration (SITLA), the National Park Service, the Utah Department of Natural Resources, local county governments. The parties also included 11 federally recognized tribes: the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation of Arizona, New Mexico, and Utah; Paiute Indian Tribe of Utah (including the Cedar Band, Indian Peaks Band, Kanosh Band, Koosharem Band, and Shivwits Band); San Juan Southern Paiute Tribe of Arizona; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Due to the potential for adverse effects to significant historic properties, OEA, in cooperation with the Utah SHPO, BLM, USACE, SITLA, the National Park Service, the Utah Department of Natural Resources, and interested tribes, is currently developing a Programmatic Agreement (PA) to address impacts to historic properties. Major components of the PA will include provisions for continued consultation, additional inventory work (as necessary), avoidance, minimization and/or mitigation of adverse effects, and unanticipated discovery of cultural resources or human remains, assuming that the Board authorizes the proposed project.

Consultation toward a signed PA is being carried out pursuant to Section 106 of the NHPA and its implementing regulations described in 36 CFR 800. Of particular relevance is 36 CFR 800.14(b), which describes the use of PAs as program alternatives to the standard Section 106 process described in 36 CFR 800.3 to 800.7.

Development of a PA for this project is called for because the potential effects of the project on historic sites are regional in scope; because the effects on historic sites have not yet been fully determined for Alternative B3; and because non-Federal parties, such as SCAOG, would be delegated major decision-making responsibilities during the final design and construction.

[15] In general, cultural resources relate to how humans interact with the environment through their culture (that is, the human environment) and can include cultural uses of the natural environment, the built environment, and social institutions. The EIS deals specifically with those cultural resources defined as historic properties according to the NHPA. Historic properties include sites, buildings, districts, structures, or objects that are included on or eligible for listing on the National Register of Historic Places.

[16] In a letter dated November 19, 2014, the Advisory Council on Historic Preservation declined an invitation to participate in consultation to develop a Programmatic Agreement.

1.11 Cumulative Impacts

On September 8, 2011, Sevier Power Company (SPC) submitted a Notice of Intent to construct and operate a 270-megawatt, fluidized bed coal-fired power plant near Sigurd, Utah, which is about 10 miles southwest of Salina. This area is an attainment area for all air quality criteria pollutants. This plant would be a new source of air pollutant emissions, so an air quality impact analysis of the proposed plant's impact on Federal air quality standards and air quality–related values was required. SPC prepared an impact analysis, which was then reviewed by the Utah Division of Air Quality. On October 25, 2012, the Division approved the air quality permit for the plant.

SPC is currently working with BLM to obtain a permit for a gas pipeline that will run from the Scipio, Utah, area to the northwest to supply natural gas for the plant. SPC has not yet applied for any construction permits, and construction is not expected for at least 2 years. If constructed, the plant would permanently employ 20 to 30 people from surrounding communities. During construction, several hundred workers would be employed.

This proposed plant could have potential cumulative impacts with the Proposed Action in two environmental resource areas. First, potential air quality impacts could occur during construction from a combination of fugitive-dust emissions caused by grading activities for each project. Second, concurrent construction could cause a shortage of available local construction workers.

The Proposed Action would also employ several hundred workers during construction, most of whom would be engaged in site clearing and grading activities and many of whom would also come from surrounding communities.

The Applicant anticipates that, if authority is granted by the Board to construct and operate the proposed rail line and permits are granted by BLM and USACE, construction would begin within several months. Because the construction of the power plant is several years away, construction of the two facilities is not expected to overlap and therefore would not result in any cumulative impacts.

1.12 Agency Responsibilities

The Board, BLM, and USACE will each make decisions following the completion of the NEPA review of the Proposed Action. References to OEA in this Final EIS reflect input from both of the cooperating agencies (BLM and USACE).

The Board will either (1) approve the transaction as proposed, without conditions; (2) approve the transaction with conditions to offset or reduce potential impacts, including environmental impacts, of the proposed transaction; or (3) disapprove the transaction entirely.[17]

On October 19, 2001, the Board issued a decision finding that the new construction and operation proposed by SCAOG in its Petition for Exemption satisfies the transportation

[17] The Board's authority to impose conditions is not limitless. Any conditions imposed, including environmental mitigation, must be directly related to the transaction before the Board for approval, must be reasonable, and must be supported by the record before the Board. The Board does not have the authority to require mitigation of pre-existing environmental impacts, such as impacts resulting from existing railroad operations or land development.

aspects of 49 USC § 10901.[18] (A copy of the decision is attached as Appendix C, Conditional Approval of the Petition for Exemption, of this Final EIS.) In making this finding, however, the Board explained that the project could not be finally approved until the environmental review process required under NEPA and related laws is completed and the Board has the opportunity to assess fully the potential environmental effects of any environmental mitigation that it might impose on the project. The Board made clear in its decision that it would issue a further decision on the entire proposed project following the completion of the EIS process and that no new construction could begin until a final decision approving the construction is issued and has become effective. Following the conclusion of the environmental review process, the cooperating agencies also will issue decisions under their own governing statutes, based on the EIS and various applications submitted by SCAOG.

BLM will decide whether to approve or deny a right-of-way grant across public land in the project area to construct, operate, maintain, and terminate relevant segments of the proposed rail line. This public land is located in Sevier and Sanpete Counties, Utah, and is under the management jurisdiction of BLM's Richfield Field Office.

USACE will decide whether to issue, issue with conditions, or deny a permit pursuant to Section 404 of the Clean Water Act. Section 404 regulates the discharge of dredged or fill material into Waters of the U.S. including some wetlands. The Section 404 permit review falls under the jurisdiction of USACE's Sacramento District and is administered by its Bountiful (Utah) Field Office. In September 2007, USACE agreed to participate in the development of the EIS as a cooperating agency. Because parts of the proposed rail line would cross wetlands and other Waters of the U.S., a permit would be required from USACE under Section 404 of the Clean Water Act if authorization is granted by the Board to construct and operate the proposed rail line.

With the Draft EIS, Supplemental Draft EIS, and this Final EIS, OEA, BLM, and USACE informed Federal, state, and local agencies, elected officials, federally recognized tribes, affected local communities, and the general public about the expected environmental effects of the Proposed Action and Alternatives.

The Board will issue a further decision that takes into account both the project's transportation merits and it effects on the environment. This decision will be based on the entire project record, which includes the Draft EIS and Supplemental Draft EIS along with all public and agency comments received and presented in this Final EIS. In its further decision, the Board will determine whether to give final approval to the project and, if so, which mitigation measures, if any, to impose.

[18] In enacting the Interstate Commerce Commission Termination Act, Congress intended to facilitate rail line construction. Congress did so by changing the statutory standard from requiring approval, if the agency finds that a project is consistent with the public convenience and necessity, to requiring approval *unless* the agency finds that the project is inconsistent with the public convenience and necessity. The Board noted (December 10, 1998, decision) that, "[u]nder the revised statute, proposed rail constructions are to be given the benefit of the doubt."

The cooperating agencies that could issue individual decisions concerning the Proposed Action intend to use information presented in the EIS for their decision-making purposes under the statutes they administer. The Applicant would not be able to begin construction of the new rail line unless:

- The Board issues a final decision granting authorization to construct and operate the new rail line, and that decision becomes effective;
- BLM issues a final decision granting authorization to construct and operate the new rail line on public land, and that decision becomes effective;
- SCAOG seeks and USACE issues a Section 404 permit; and
- The Section 106 process is completed.

1.13 Organization and Format of This Final EIS

This Final EIS is organized and formatted in a manner that is consistent with NEPA and the CEQ regulations found at 40 CFR 1503.4. It is organized to clearly and concisely provide basic information about the project and the analysis that was conducted in the Draft EIS and the Supplemental Draft EIS. This Final EIS also responds to substantive comments received on those documents. The Final EIS is intended to be read in conjunction with the Draft EIS and Supplemental Draft EIS, which provide more-detailed information on the Proposed Action and Alternatives.

This Final EIS gives a general overview of the project and describes the Proposed Action and Alternatives (Chapter 1, Introduction); describes OEA's final recommended environmental mitigation measures (Chapter 2, Final Recommended Conditions/Mitigation); and presents new project information, recent project findings, or corrections through errata to the information in the Draft EIS and the Supplemental Draft EIS (Chapter 4, Errata and Other Changes).

The main focus of this Final EIS is to respond to public and agency comments received on the Draft EIS and the Supplemental Draft EIS. OEA provides the reader with a summary of the major comments received and responses to those comments in Chapter 3, Comment Summaries and Responses. This Final EIS also includes all comments received on the Draft EIS and the Supplemental Draft EIS (Appendix B, Comment Letters) and provides concise responses to those comments (Appendix A, Comments and Responses).

Chapters and specific topics within each chapter are listed in the table of contents and are sequentially numbered to help the reader navigate through the document. Tables and figures are listed numerically by the chapter in which they appear. Appendices are labeled with capital letters and are included at the end of this Final EIS.

1.14 Final EIS

Issuance of this Final EIS completes the Board's environmental review process. The Board will now make a final decision on the Proposed Action. In making its final decision, the Board will consider the entire record on the transportation merits as well as the entire environmental record, including all public comments; the Draft, Supplemental, and Final EISs; and OEA's final recommended mitigation measures.

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Chapter 2
Final Recommended Conditions/Mitigation

2.1 Introduction

This chapter presents the Applicant's final voluntary mitigation measures and OEA's final recommended mitigation measures.

Based on the information available to date, consultations with appropriate Federal, state, and local agencies, comments from the public, consultation with federally recognized tribes, and extensive environmental analysis, OEA considered mitigation measures to address the expected environmental impacts of construction and operation of the proposed rail line.

Under 49 USC § 10502, the Board granted conditional approval for the Proposed Action. However, in granting this approval, the Board explained that the project could not be finally approved until the environmental review process, required under NEPA and related laws, is completed and the Board has the opportunity to fully assess the potential environmental effects of the project. The Board made clear in its decision that it would issue a further decision on the entire proposed project after the EIS process is completed.

This chapter discusses recommended mitigation measures provided by both OEA and SCAOG. The Applicant has proposed 74 voluntary mitigation measures, and OEA supplemented the Applicant's mitigation measures with an additional 37 mitigation measures. In developing mitigation for this Final EIS, OEA considered a wide variety of interests, including state, local, and regional governments, federally recognized tribes, and community groups. OEA used all of the information it gathered to develop appropriate mitigation recommendations, as discussed below.

2.1.1 Limits of the Board's Conditioning Power

The Board has authority to impose conditions to mitigate potential environmental impacts, but that authority is not limitless. As a government agency, the Board can impose only conditions that are consistent with its statutory authority. Any conditions the Board imposes must relate directly to a specific Proposed Action, must be appropriate to the scope and degree of impacts, and must be supported by the record before the Board. The Board's practice consistently has been to consider mitigation for only those impacts that result directly from a Proposed Action and not to impose mitigation to remedy pre-existing conditions.

2.1.2 Voluntary Mitigation and Negotiated Agreements

OEA encourages applicants to propose voluntary mitigation measures. Because applicants seeking Board authority can gain substantial knowledge about local community issues or other issues involved during project planning, and because they consult with other regulatory agencies and communities during project planning and at the early stages of the regulatory process, applicants can often propose relevant voluntary mitigation that is more far-reaching than mitigation the Board could unilaterally impose.

For this project, the Applicant has engaged in substantial outreach with potentially affected agencies, entities, and communities and has proposed extensive voluntary mitigation for this project, which is set forth and discussed in more detail in Section 2.2, Applicant's Final Voluntary Mitigation Measures, of this chapter.

The Board also encourages applicants to negotiate mutually acceptable agreements with affected communities and other government entities to address potential environmental impacts, if appropriate. Negotiated agreements can be with neighborhoods, communities, or other entities.

If the Applicant enters into any negotiated agreements, the Board would require compliance with the terms of any such agreements as environmental mitigation conditions in any Final Decision approving the Proposed Action. These negotiated agreements would supersede any environmental conditions for that particular community or other entity that the Board would otherwise impose.

2.1.3 Final Environmental Mitigation

After considering all public comments on the Draft EIS and Supplemental Draft EIS, OEA has issued this Final EIS responding to all comments on the Draft EIS and Supplemental Draft EIS (including any suggestions related to mitigation). This Final EIS contains OEA's final recommendations to the Board, including final recommended environmental mitigation. The Board will then make its final decision regarding the Proposed Action in accordance with 49 USC § 10502.

2.1.4 Role of Cooperating Agencies in Developing Proposed Environmental Mitigation Measures

In addition to assisting in OEA's environmental analysis, BLM and USACE as cooperating agencies participated in developing recommended mitigation.

In particular, BLM developed mitigation measures to protect BLM-administered public land and resources in the project area. The associated BLM right-of-way grant UTU-80737 would be issued subject to regulations under 43 CFR 2800 and mitigating stipulations that either are required by policy, law, or regulation or are needed to ensure mitigation of associated surface disturbance activities.

In addition to the mitigation stipulated in this Final EIS, BLM may impose stipulations on its right-of-way grant, stipulations that may include but are not limited to requirements for restoration, revegetation, and curtailment of erosion of the surface of the land, or any other rehabilitation measures determined necessary regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination. BLM may also impose requirements designed to control or prevent damage to scenic, aesthetic, cultural, and environmental values including damage to fish and wildlife habitat, damage to Federal property, and hazards to public health and safety. According to BLM regulations, the Applicant would be required to secure all relevant permits for use of Federal public lands prior to beginning construction activities. BLM intends to use the Draft EIS, Supplemental Draft EIS, and this Final EIS for decision-making purposes.

As a cooperating agency, USACE may issue individual decisions regarding the proposed project and intends to use the Draft EIS, Supplemental Draft EIS, and Final EIS for decision-

making purposes. USACE could require additional mitigation measures in its Section 404 permit for the proposed project.

2.2 Applicant's Final Voluntary Mitigation Measures

The Applicant has submitted voluntary mitigation (VM) measures to OEA for the Board to consider when making its decision about this Proposed Action. OEA has reviewed the voluntary mitigation measures again and recommends that, if the proposed rail line is approved, the Board require the Applicant to comply with these voluntary mitigation measures.

2.2.1 Voluntary Mitigation Measures for Rail Operations and Safety

VM 1. The Applicant shall consult with appropriate Federal, state, and local transportation agencies to determine the final design and other details of the grade-crossing warning devices and the grade separations on public roads. Implementation of all grade-crossing warning devices on public roadways will be subject to the review and approval of reasonable warning devices by the Utah Department of Transportation (UDOT) and by Juab, Sanpete, and Sevier Counties (see Table 2-1).

Table 2-1. Applicant's Proposed Highway/Rail Grade-Crossing Mitigation

Roadway	Type of Crossing Warning Device
U.S. 89/SR 24	Grade-separated crossing (no device required)
U.S. 50 west of Salina	Automatic crossing gates
SR 78 west of Levan	Flashing lights
Other rural paved roads	Signs
Other rural unpaved roads	Signs

VM 2. The Applicant shall consult with private landowners to determine the final details of reasonable warning signs on grade crossings on private roads.

VM 3. The Applicant shall confine all project-related construction traffic to a temporary access road within the right-of-way or established public roads. Where traffic cannot be confined to temporary access roads or established public roads, the Applicant shall make necessary arrangements with landowners to gain access from private roads.

VM 4. The Applicant shall ensure that proposed activities within and along existing roads are consistent with the Manual of Uniform Traffic-Control Devices for installation of signs (regulatory, warning/caution, speed, and so on), delineators, and other roadway appurtenances and in compliance with the terms and conditions of any BLM right-of-way grant and American Association of State Highway and Transportation Officials safety standards.

VM 5. The Applicant shall ensure that temporary access roads are used only during project-related construction. After construction is completed, the Applicant shall

remove and restore any temporary access roads constructed outside the rail line right-of-way unless otherwise agreed to with the landowners.

2.2.2 Voluntary Mitigation Measures for Land Use

2.2.2.1 General Land Use

VM 6. The Applicant shall ensure that land areas that are directly disturbed by the Applicant's project-related construction are restored to their original condition, as may be reasonably practicable, after project-related construction is completed.

VM 7. The Applicant shall erect temporary construction fencing, where appropriate, before project-related construction begins. The Applicant shall inspect temporary construction fencing regularly and promptly repair any damage.

VM 8. The Applicant shall install permanent fencing, where appropriate. The Applicant shall consult with BLM, the Utah Department of Natural Resources (UDNR), other local agencies, and affected landowners to determine appropriate fencing locations and designs. The Applicant shall inspect all fencing regularly and shall promptly repair any damage.

VM 9. The Applicant shall provide access to Federal public land and ensure that access roads to public lands are not permanently blocked or closed.

VM 10. The Applicant shall ensure that recreational routes crossed by the selected alternative are signed for safety.

VM 11. The Applicant shall require constructors to remove all trash and debris generated as a result of the project from public land and dispose of it at an authorized facility in accordance with all applicable Federal, state, and local regulations.

2.2.2.2 Grants and Leases

VM 12. The Applicant shall obtain a lease with the Utah School and Institutional Trust Lands Administration for construction of the rail line to cross land owned by the State of Utah. The Applicant shall comply with any conditions required under this lease, in addition to those imposed by the Board, for activities on state land.

VM 13. The Applicant shall obtain a right-of-way grant from BLM granting an easement for the rail line to cross land administered by BLM before any project-related construction activities begin on BLM-administered land. The subject right-of-way grant would be issued subject to regulations under 43 CFR 2800 and mitigating stipulations that either are required by policy, law, or regulation or are needed to ensure mitigation of associated surface disturbance activities. The Applicant shall follow any conditions required under this easement, in addition to those imposed by the Board, for activities on BLM-administered land. A copy of the Plan of Operations shall be provided to BLM for its review and approval prior to beginning any construction activities.

2.2.2.3 Agriculture

No mitigation measures are proposed for impacts to agricultural resources.

2.2.2.4 Grazing Allotments

VM 14. The Applicant shall put in place temporary fences during construction to allow continued grazing, if practicable.

VM 15. Once construction is completed, the Applicant shall replace all permanent fences removed during construction.

VM 16. Once construction is completed, the Applicant shall retain or replace cattle guards, gates, and drainage crossings used as livestock passageways as needed.

VM 17. The Applicant shall evaluate whether existing gates on existing side roads that are used to access grazing allotments need to be upgraded with properly sized cattle guards to accommodate increased present and future traffic. Where deer fencing is installed, cattle access needs will be considered in the fence design.

VM 18. The Applicant shall maintain livestock access to water sources, vehicle and livestock access to the allotments, safety fencing, and signage for grazing allotment entrances and exits to enable livestock operations on BLM grazing allotments to continue.

VM 19. The Applicant shall make reasonable efforts to identify all utilities and valid prior existing rights-of-way (including rangeland allotment developments) located within and adjacent to the rail line right-of-way or that cross the rail line right-of-way.

VM 20. The Applicant shall, before project-related construction begins, notify the owner of each identified utility and coordinate with the owner to avoid or minimize damage to utilities.

VM 21. The Applicant shall consult with utility owners to design the rail line so that the utilities are protected during project-related construction and subsequent maintenance and operation of the rail line.

VM 22. The Applicant shall promote the safety of construction workers and avoid interruption of electricity transmission and shall ensure that the regulations of the Occupational Safety and Health Administration and the Utah Overhead Line Safety Act are followed.

VM 23. The Applicant shall coordinate with PacifiCorp and Rocky Mountain Power before beginning construction activities to ensure that all appropriate regulations are followed, especially when operating large equipment such as cranes near a transmission line right-of-way.

2.2.3 Voluntary Mitigation Measures for Biological Resources

VM 24. The Applicant shall work with the State of Utah prior to construction if any land needs to be taken at the Yuba Lake Recreation Area and the Redmond Wildlife Management Area (WMA) for construction and operation of the rail line. The Applicant shall negotiate in good faith for the appropriate compensation or exchange acreage to compensate the State for any loss in acreage.

VM 25. The Applicant shall consult and coordinate with BLM and UDNR to ensure that the construction and operation of the selected alternative do not impair the Redmond WMA or reduce UDNR's ability to achieve the habitat goals and objectives stated in the Management Plan for the Redmond WMA (dated December 30, 2008).

VM 26. The Applicant shall work with BLM and UDNR to establish species composition, diversity, structure, and total ground cover appropriate for the desired plant community.

VM 27. The Applicant shall use temporary barricades, fencing, and/or flagging, as needed, to contain project-related impacts to the area within the construction right-of-way. Where possible, staging areas will be located on previously disturbed sites. However, staging areas will not be established in sensitive habitat areas.

VM 28. The Applicant shall install culverts at surface water crossings as needed along the rail line to maintain hydrologic connectivity of surface flows from west of Redmond WMA that are crucial to the maintenance and health of the wetland habitat in the area.

VM 29. The Applicant shall use best management practices (BMPs) that require all contractors to conduct daily inspections of all equipment for any fuel, lube oil, hydraulic, or antifreeze leaks. If leaks are found, the Applicant shall require the contractor to immediately remove the equipment from service and repair or replace it.

VM 30. The Applicant shall revegetate as needed any areas that are stripped of existing vegetation with desirable species (such as perennial species that are native to the region) using certified weed-free seed.

VM 31. The Applicant shall work with the appropriate county and state authorities to implement a noxious-weed-control program during construction and operation of the new rail line. A combination of seeding, mechanical weed control, and chemical weed-control mechanisms will be used. All herbicides will be approved by EPA. The Applicant shall make a reasonable attempt to notify residents of property adjacent to the right-of-way before the herbicides are used.

VM 32. The Applicant shall maintain the right-of-way to reduce the potential for uncontrolled wildfires. This maintenance could include reducing or eliminating vegetation accumulation within the right-of-way or seeding fire-resistant species of drought-tolerant plants that are suitable to the ecosystem.

VM 33. The Applicant shall mitigate potential impacts to raptors and shall implement management practices from the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002).

VM 34. The Applicant shall use BMPs including bank stabilization and erosion-control measures to protect fish habitat.

VM 35. The Applicant shall coordinate with BLM and UDNR to identify sensitive species within the proposed rail corridor and to identify measures to minimize impacts to such species during construction and operation of the rail line. These species shall

include the long-billed curlew, southern leatherside chub, and other state-listed sensitive species. The crossing structure for the Sevier River will be designed to avoid or minimize impacts to the river channel, stream banks, active floodplain, and riparian vegetation. Guidelines from the statewide conservation agreement for the least chub will be implemented.

VM 36. The Applicant shall consult with BLM and UDNR during preliminary design to determine appropriate measures to minimize wildlife losses during migration periods.

VM 37. The Applicant shall consult with BLM and UDNR during the rail line design to provide reasonable enhancement (such as reseeding, restoration, or other appropriate measures) to parts of the deer winter range to replace habitat lost from the construction of the rail line and to attract the animals to the enhanced range and away from the rail line.

2.2.4 Voluntary Mitigation Measures for Water Resources and Wetlands

VM 38. The Applicant shall obtain any Federal permits required by Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act from USACE before initiating project-related construction activities in wetlands and water bodies. The Applicant also agrees to obtain necessary state permits and authorizations. The Applicant shall incorporate stipulations of these permits and authorizations into construction contract specifications.

VM 39. The Applicant shall work directly with USACE to develop appropriate mitigation for direct wetland impacts as stipulated in the Section 404 permit.

VM 40. The Applicant shall, per the requirements of 33 CFR 325, avoid and minimize impacts to wetlands to the extent practicable during the preliminary and final design of the selected alternative. After all steps have been taken to avoid and minimize impacts to wetlands, the Applicant agrees to prepare compensatory mitigation for any remaining wetland impacts that cannot be avoided. Compensatory mitigation would be developed through any one or a combination of the following four methods: restoring a previously existing wetland or other aquatic site, enhancing an existing aquatic site's functions, establishing (that is, creating) a new aquatic site, and/or preserving an existing aquatic site.

VM 41. The Applicant shall, as appropriate, develop design measures to reduce the project's footprint at key locations where wetland impacts could be reduced.

VM 42. The Applicant shall use proper design and construction BMPs, including erosion control, to reduce the amount of sediment and pollutants entering surface waters, groundwater, and Waters of the U.S. The Applicant shall require its construction contractor to follow all mitigation measures required in all permits obtained, including the Section 404 permit from USACE and the Section 401 Water Quality Certificate from the Utah Department of Environmental Quality.

VM 43. The Applicant shall, in conjunction with Executive Order 11988, Floodplain Management, not place any dredge, fill, or bridge structures within the ordinary

high-water mark of the Sevier Bridge Reservoir or Redmond Lake or within the 100-year floodplain of the Sevier River.

2.2.5 Voluntary Mitigation Measures for Topography, Geology, and Soils

VM 44. The Applicant shall secure all relevant permits for use of public land before beginning construction activities on public land.

VM 45. The Applicant shall limit ground disturbance to only the areas necessary for project-related construction activities.

VM 46. The Applicant shall, during project-related earth-moving activities, require the contractor to remove topsoil and segregate it from subsoil. The contractor shall also stockpile topsoil to be applied later during reclamation of disturbed areas along the right-of-way. The contractor shall place the topsoil stockpiles in areas that would minimize erosion and shall use appropriate erosion-control measures around all stockpiles to prevent erosion.

VM 47. The Applicant shall, during construction activity, take reasonable steps to ensure that its contractors use fill material appropriate for the project area.

VM 48. The Applicant shall begin reclamation of disturbed areas as soon as practicable after project-related construction ends along a particular stretch of rail line. The goal of reclamation will be the rapid and permanent re-establishment of native ground cover on disturbed areas. If weather or the season prevents vegetation from being quickly re-established, the Applicant shall use measures such as mulching or erosion-control blankets to prevent erosion until vegetative cover is established. The Applicant shall monitor reclaimed areas for 3 years. For those areas where efforts to establish vegetation cover have been unsuccessful after 1 year, the Applicant shall reseed annually for up to 3 years if needed.

2.2.6 Voluntary Mitigation Measures for Hazardous Materials

VM 49. The Applicant shall develop a spill-prevention plan before initiating any project-related construction activities for handling the release of petroleum products or other hazardous materials during construction activities.

VM 50. The Applicant shall, in the event of a spill, give local officials a list of government agencies and the Applicant's management personnel to be contacted. In the event of a reportable spill, the Applicant shall comply with its spill-prevention plan and applicable Federal, state, and local regulations pertaining to spill containment and appropriate clean-up.

VM 51. The Applicant shall require its construction contractor to implement measures to ensure that workers and the environment are protected if undocumented hazardous materials are encountered. The Applicant shall document all activities associated with hazardous material spill sites and hazardous waste sites and shall notify the appropriate local and state regulatory agencies according to applicable regulations. The measures will ensure the proper handling and disposal of contaminated materials including contaminated soil, groundwater, and stormwater, if such materials are encountered.

2.2.7 Voluntary Mitigation Measures for Air Quality

VM 52. The Applicant shall reduce fugitive-dust emissions created during project-related construction activities and shall implement appropriate fugitive-dust-suppression controls such as spraying water or other approved measures. The Applicant's construction contractor shall also regularly operate water trucks on haul roads to reduce dust.

VM 53. The Applicant shall work with its contractors to make sure that construction equipment is properly maintained and that mufflers and other required pollution-control devices are in working condition in order to limit construction-related air pollutant emissions.

2.2.8 Voluntary Mitigation Measures for Noise

VM 54. The Applicant shall comply with Federal Railroad Administration regulations that establish decibel limits for train operations and locomotive noise standards.

VM 55. The Applicant shall work with its construction contractors to minimize, to the extent practicable, construction-related noise disturbances near any residences.

VM 56. The Applicant shall maintain project-related construction and maintenance vehicles in good working order with properly functioning mufflers to control noise.

VM 57. The Applicant shall install rail-lubrication systems at curves where doing so would reduce the noise experienced by residents.

2.2.9 Voluntary Mitigation Measures for Socioeconomics

VM 58. The Applicant shall, before beginning construction activities related to this project, notify local communities, Counties, and landowners about construction timeframes and disturbances.

VM 59. The Applicant shall ensure that project-related construction vehicles, equipment, and workers will not access work areas through landowners' properties without the permission of the property owners. In the unlikely event of any inadvertent damage, the Applicant shall work with affected landowners to appropriately redress any damage to each landowner's property caused by the Applicant's project-related construction activities.

VM 60. The Applicant shall, at least 1 month before beginning construction activities in the project area, provide project-related construction information regarding the sequence of construction of public grade crossings and the approximate schedule for these activities at each crossing, as well as any additional information as appropriate, to emergency response providers in Levan, Gunnison, Salina, Nephi, Manti, and Sigurd and the Park Manager at Yuba Lake Recreation Area.

VM 61. The Applicant shall, before the start of rail operations, contact the emergency response providers in Levan, Gunnison, Salina, Nephi, Manti, and Sigurd and the Park Manager at Yuba Lake Recreation Area with information on the proposed operations to allow the local communities and Counties to incorporate the information into local response plans.

2.2.10 Voluntary Mitigation Measures for Historic Properties

VM 62. The Applicant shall inform construction supervisors of the importance of protecting archaeological resources, graves, and other historic properties and how to recognize and treat these resources.

VM 63. The Applicant agrees to comply with the requirements of the Programmatic Agreement with the Utah SHPO once it is executed.

2.2.11 Voluntary Mitigation Measures for Recreation

VM 64. The Applicant shall install rail crossing signs at the Painted Rocks Campground crossing and at an at-grade crossing for the Paiute all-terrain vehicle (ATV) trail.

VM 65. The Applicant shall design the Yuba Narrows crossing bridge to maximize, to the extent practicable, the ability of boats, water skiers, and other recreationists to pass under the bridge across the Sevier Bridge Reservoir.

VM 66. The Applicant shall coordinate with the Park Manager at Yuba Lake Recreation Area regarding schedule and access issues for boaters during construction. The Applicant shall install warning devices to notify boaters of project-related bridge construction.

VM 67. The Applicant shall ensure that public access roads to the Sevier Bridge Reservoir will remain open and will be signed for safety. If the rail line causes damage to existing facilities at the Painted Rocks Campground, the Applicant shall be responsible for repairing or replacing damaged facilities including but not limited to the Painted Rocks Well, water pipelines, water storage tank, septic systems, toilets, dump stations, roads, and campsites.

VM 68. The Applicant shall provide an at-grade crossing to maintain the continuity of the Paiute ATV trail. Appropriate signs will be installed for safety purposes. The Applicant shall coordinate the design of the crossing with the landowner. The Applicant shall install stop signs and appropriate railroad warning signs in conjunction with the rail crossing.

VM 69. The Applicant agrees to consult with Utah State Parks on any required improvements to access roads, associated fences, trees, and noise-mitigation structures along the 0.6-mile entrance to Painted Rocks Campground from SR 28.

VM 70. The Applicant shall consult with the Park Manager at Yuba Lake Recreation Area regarding construction activities and shall attempt to schedule project-related construction activities to avoid peak-use periods to the extent practical.

2.2.12 Voluntary Mitigation Measures for Aesthetics

VM 71. The Applicant shall develop all structural elements such as walls, bridges, and tunnels to harmonize with existing structures and other landscape elements in the project area. For instance, visual impacts to slope lengths will be reduced by leaving native boulders in place or by adding additional boulders to the slope. This practice will provide erosion control and add visual interest to the slope.

VM 72. The Applicant shall use cut techniques such as slope rounding, undulating the face, and constant distance in rolling topography as appropriate.

VM 73. The Applicant shall further soften slope cuts and stabilize them by mulching the stripped vegetation and reapplying the mulch to the slope. Any slope cuts on public land administered by BLM will be restored to the original Visual Resource Management (VRM) objective for that location as specified by appropriate BMPs and in the most recent Resource Management Plan.

VM 74. The Applicant shall, after project construction, landscape cut-and-fill areas with appropriate native vegetation where practicable to make the area appear as natural as reasonably possible. Any slope cuts on public land administered by BLM will be restored to the original VRM objective for that location as specified in the most recent Resource Management Plan.

2.3 OEA's Final Recommended Mitigation Measures

OEA has developed recommended mitigation (RM) measures to minimize or avoid potential project-related impacts.

2.3.1 Recommended Mitigation Measures for Rail Operations and Safety

RM 1. The Applicant shall comply with the safety regulations implemented and enforced by the Federal Railroad Administration.

RM 2. According to the National Pipeline Mapping System, two major pipeline companies have facilities in the general area. The Applicant shall conduct the necessary surveys to determine whether project-related construction would cross any existing pipelines and shall comply with any applicable regulations and the regulations implemented and enforced by the U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety.

RM 3. The Applicant shall consult with appropriate Federal, state, and local transportation agencies to determine the final design and other details of project-related grade-crossing warning devices. Implementation of all project-related grade-crossing warning devices on public roads would be subject to the review and approval of UDOT and Juab, Sevier, and Sanpete Counties.

RM 4. The Applicant shall coordinate with UDOT and Juab, Sevier, and Sanpete Counties to minimize delay during grade-crossing construction.

2.3.2 Recommended Mitigation Measures for Land Use

RM 5. The Applicant shall comply with all Federal and state regulations that apply to land use, as practicable, in the project area.

RM 6. The Applicant shall work with local farm agencies and landowners, to the extent practicable, to determine when property is no longer farmable due to the location of the proposed track and to determine appropriate remedies for the landowner.

RM 7. The Applicant shall work with farmers to remedy, to the extent practicable, any damage to crops caused by the Applicant's construction and operation activities related to the project. This includes any impacted irrigation appurtenances.

RM 8. Prior to commencing any project-related construction activities, the Applicant shall provide its construction schedule to affected farmers and ranchers to allow them to determine whether they should continue to farm areas or discontinue farming due to impending construction activities related to the project.

RM 9. The Applicant shall work with ranchers to remedy, to the extent practicable, any damage to pastures or rangelands caused by the Applicant's construction or reconstruction activities related to the project.

RM 10. The Applicant shall negotiate with farmers and ranchers regarding the possibility of train-free periods to facilitate movement of equipment or livestock from one side of the rail line to the other.

2.3.3 Recommended Mitigation Measures for Biological Resources

RM 11. The Applicant shall notify the Board and the U.S. Fish and Wildlife Service if any federally listed threatened or endangered species are discovered during project-related construction activities.

RM 12. The Applicant shall prepare a Reclamation Plan for re-establishing vegetation in areas disturbed by construction related to this project. The Applicant shall coordinate with UDNR in developing the plan to ensure for appropriate seed mixtures, planting rates and times, and post-planting monitoring methods and schedules to ensure that the criteria for success are met, to the extent practicable.

RM 13. The Applicant shall coordinate with the U.S. Department of the Interior and the Utah Division of Wildlife Resources to identify appropriate seasonal restrictions on project-related construction and operations that will ensure protection of all migratory birds during their breeding, nesting, and roosting seasons. Preconstruction surveys for raptors and migratory birds will be conducted if large, woody vegetation or dense shrubs are scheduled to be cleared during the nesting seasons for either raptors or migratory songbirds. The nesting season for raptors in larger, woody vegetation (such as trees near streams or canal crossings) is February 1 through July 31. The nesting season for smaller, migratory songbirds in any woody vegetation (including trees and shrubs) is May 1 through August 30.

2.3.4 Recommended Mitigation Measures for Water Resources and Wetlands

RM 14. During project-related construction and operation, the Applicant shall avoid and minimize impacts to Waters of the U.S., including wetlands, to the extent practicable. If construction is authorized, the Applicant will conduct a wetland delineation in compliance with Section 404 of the Clean Water Act. The Applicant will comply with all reasonable requirements as required by USACE. The total acreage of jurisdictional wetlands identified during this process and the results of the functional assessment will determine the type and amount of mitigation required to offset impacts to Waters of the U.S. in accordance with the requirements of 33 CFR 325 and 332. The Applicant will be required to develop mitigation for impacts to wetlands and other Waters of the U.S., such as ephemeral and perennial drainages.

RM 15. The Applicant shall implement all reasonable BMPs imposed by USACE under Section 404 of the Clean Water Act to minimize project-related impacts to Waters of the U.S., including wetlands. BMPs could include:

- Containing sediment and turbidity at the work site by installing diversion or containment structures.
- Disposing of dredge spoils or unusable excavated material not used as backfill at upland disposal sites in a manner that minimizes impacts on wetlands.
- Revegetating wetlands as soon as possible, preferably in the same growing season, by systematically removing vegetation, storing it in a manner to retain viability, and replacing it after construction to restore the site.
- Stockpiling topsoil and organic surface material, such as root mats, separately from overburden and returning them to the surface of the restored site.
- Dispersing the load of heavy equipment such that the bearing strength of the soil (the maximum load the soil can sustain) would not be exceeded. Suitable methods could include, but are not limited to, working in frozen or dry ground conditions, using mats when working in wetlands or mudflats, and using tracked rather than wheeled vehicles.
- Using techniques such as brush layering, brush mattressing, live siltation (a revegetation technique used to trap sediment), jute matting, and coir logs to stabilize soil and re-establish native vegetation.

RM 16. The Applicant shall design and construct the rail line authorized by the Board in such a way as to maintain natural water flow and drainage patterns to the extent practicable. This shall include installing bridges or placing equalization culverts through the embankment as necessary to prevent the impoundment of water or excessive drainage and maintaining the connectivity of floodplains and wetlands as applicable.

RM 17. During rail construction, the Applicant shall disturb the smallest area practicable around any streams and, as soon as practicable following project-related construction activities, shall revegetate disturbed areas using native vegetation.

RM 18. The Applicant shall minimize the number of temporary stream crossings constructed to provide access for contractors, work crews, and heavy equipment to the extent practicable. Where needed, temporary structures shall be placed to avoid overly constricting active channels and shall be removed as soon as practicable after the crossing is no longer needed.

RM 19. The Applicant shall coordinate with USACE, BLM, and UDNR to ensure that new project-related stream and floodplain crossings are appropriately designed. For crossings within the mapped 100-year floodplain, drainage crossing structures shall be designed to pass a 100-year flood.

RM 20. The Applicant shall evaluate project-related construction water needs in relation to stream flow rates and groundwater recharge rates, as appropriate, and shall minimize effects on surface water and groundwater. Water withdrawals shall be subject to prior written approval by UDNR for withdrawals from fish-bearing waters.

RM 21. When project-related activities, such as culvert and bridge construction, require work in stream beds, the Applicant shall conduct activities, to the extent practicable, during either summer or winter low-flow conditions.

RM 22. The Applicant shall work with BLM to mitigate any potential impacts of project-related construction and operation activities to groundwater wells near the Painted Rocks Campground and any other groundwater wells in the project area.

RM 23. The Applicant shall be responsible for promptly bringing the wells and water system back into compliance if construction or operation of the rail line affects wells and/or water systems.

RM 24. The Applicant shall design the selected alternative according to the applicable standards of the floodplain programs administered by Sanpete and Sevier Counties.

2.3.5 Recommended Mitigation Measures for Topography, Geology, and Soils

RM 25. The Applicant shall secure all relevant permits for use of public land before beginning project-related construction activities on public land.

2.3.6 Recommended Mitigation Measures for Hazardous Materials

RM 26. The Applicant shall maintain the right-of-way in a sanitary condition during all project-related construction, operation, maintenance, and termination activities.

RM 27. The Applicant shall ensure that waste materials related to this project are removed and disposed of promptly at an appropriate waste-disposal site.

RM 28. The Applicant shall ensure that gasoline, diesel fuel, oil, lubricants, and other petroleum products are handled and stored in such a manner as to prevent them from entering into and contaminating soils on public land. If a petroleum spill occurs in the project area as a result of rail construction, operation, maintenance, or termination activities, the Applicant shall be responsible for promptly cleaning up any spills in accordance with Federal and state regulations.

2.3.7 Recommended Mitigation Measures for Air Quality

RM 29. The Applicant shall comply with applicable Federal and state air quality regulations.

2.3.8 Recommended Mitigation Measures for Noise

RM 30. The Applicant shall work with its contractors to minimize, to the extent practicable, construction-related noise disturbances in residential areas. Construction-related and maintenance vehicles must be in good working order with properly installed mufflers to control noise.

2.3.9 Recommended Mitigation Measures for Socioeconomics

RM 31. The Applicant shall work with individual landowners to avoid, where possible, creating small areas of farmland that could no longer be farmed due to project-related rail construction and operation. The Applicant shall work with an appropriate local or state agency and in consultation with the property owner to determine, on a case-by-case basis, whether farmland could remain farmable and whether steps reasonably can be taken to maximize the amount of farmland that will remain farmable.

RM 32. The Applicant shall, before beginning construction activities related to this project, establish a Community Liaison to consult with affected communities, businesses, and agencies; develop cooperative solutions to local concerns; be available for public meetings; and conduct periodic public outreach for 1 year after operations on the new rail line begin.

RM 33. The Applicant shall provide the name and phone number of the Community Liaison to appropriate local officials in communities through which the new rail line passes.

2.3.10 Recommended Mitigation Measures for Historic Properties

RM 34. The Applicant shall comply with the provisions of the Programmatic Agreement once it is executed.

2.3.11 Recommended Mitigation Measures for Recreation

RM 35. The Applicant shall coordinate with the U.S. Forest Service and BLM to ensure that impacts to the Paiute ATV trail are addressed to reduce or avoid impacts to the trail as practicable. The Applicant's voluntary mitigation should further reduce impacts to the trail. OEA has determined that the Applicant's Proposed Action in this Final EIS (Alternative B/B2) and Alternative B3/B2 would have a negligible effect on recreation.

2.3.12 Recommended Mitigation Measures for Federal Public Land

RM 36. The Applicant's mitigation measures for impacts to Federal public land shall comply with the most recent Federal land-use policies, regulations, and procedures. In addition to the mitigation recommended by the Board and the voluntary mitigation proposed by the Applicant in Section 2.2, Applicant's Final Voluntary Mitigation Measures, of this chapter, BLM recommends the following mitigation measures for construction, operation, and termination activities on Federal public land:

- The Applicant shall secure all relevant Federal, state, and local permits before beginning construction activities.
- The Applicant shall stake the centerline and clearly mark the exterior boundary of the right-of-way area before beginning construction activities.
- The Applicant shall ensure that all activities associated with the construction, operation, maintenance, and termination of the proposed project on Federal land under BLM's jurisdiction are confined within the authorized limits of the described right-of-way area, unless otherwise approved in writing by BLM.
- The Applicant shall ensure that surveys for specific species, if required, are conducted before beginning construction activities. These surveys will be conducted following BLM-approved protocols and regulations. Also, if appropriate, mitigation measures from recovery plans, conservation plans, or conservation agreements will be implemented in cooperation with BLM and state and Federal wildlife agencies.
- The Applicant shall be responsible for repairing existing facilities that are damaged during operation, maintenance, or termination of activities on Federal land under the jurisdiction of BLM. These facilities shall be repaired or restored to the same condition as existed before the damage.
- The Applicant shall obtain the prior written approval of BLM if, at any time after the grant to cross Federal public land, the Applicant wishes to reconstruct, remodel, or relocate any part of the right-of-way or change, modify, or add improvements or facilities on Federal land under BLM's jurisdiction.
- The Applicant shall ensure full compliance with the terms, conditions, and stipulations of any BLM right-of-way grant. Failure or refusal of the Applicant's agents, contractors, subcontractors, or employees to comply with the terms, conditions, and stipulations shall be the ultimate responsibility of the Applicant.
- The Applicant shall meet with BLM to arrange a joint inspection of the right-of-way when the grant to cross Federal public land is no longer needed and before discontinuing use of the facilities on Federal land under BLM's jurisdiction. The inspection will be held to agree on an acceptable abandonment (discontinuing use of the facilities under BLM jurisdiction) and rehabilitation plan. BLM must approve the plan in writing before the Applicant begins any abandonment (discontinuing use of the facilities under BLM jurisdiction) and/or rehabilitation activities.

Chapter 3
Comment Summaries and Responses

3.1 Introduction

This chapter provides responses to comments that OEA received on the Draft EIS (40 comment letters) and Supplemental Draft EIS (4 comment letters). This chapter describes how those comments led to changes in the analysis and environmental documentation. Although the comment responses refer to OEA, the cooperating agencies have reviewed the responses presented in this Final EIS, and the comment responses reflect their input.

This chapter provides a summary of comments received by major topic area. Appendix A, Comments and Responses, of this Final EIS provides a catalogue of all comments that OEA received on the Draft EIS and Supplemental Draft EIS as well as concise responses to those comments. In Appendix A, comments are organized by comment letter. Each comment letter was given a unique comment number, such as EI-3112. If that comment letter included more than one comment, a numerical suffix was attached to identify each comment. For example, if comment letter EI-3112 had two comments, the first comment was assigned comment number EI-3112-1, and the second comment was assigned comment number EI-3112-2.

Appendix B, Comment Letters, of this Final EIS includes a copy of all comment letters received on both the Draft and Supplemental Draft EISs. Appendix B is organized by the type of commenter letter—either public or agency. Appendix B also provides the comment letter number and contains a table of contents in order to help locate each individual comment. To find a specific comment and OEA's response, first find the comment in Appendix B, note the comment number and topic area, review the comment response by major topic area found in this chapter, and/or review the response by comment number in Appendix A.

3.2 Methodology

OEA prepared the comment responses in accordance with CEQ guidance at 40 CFR 1501.6, which states that an agency need not issue a lengthy reiteration of its methodology for any portion of an EIS if the only comment addressing methodology alleges only that the EIS methodology is inadequate. But the agencies must respond to comments, however brief, that are specific in their criticism of agency methodology. The CEQ guidance goes on to state that "if a number of comments are identical or very similar, agencies may group the comments and prepare a single answer for the group. Comments may be summarized if they are especially voluminous."

The following list describes the methodology OEA used to capture, track, and respond to comments on the Draft EIS and Supplemental Draft EIS:

- OEA read all comment documents and any attachments to identify and extract individual comments. After comment identification, OEA grouped individual comments by topic and prepared a response.
- When more than one commenter submitted identical comments, OEA grouped them, provided a summary of the comments, and/or provided a series of verbatim comments to illustrate the concern. If OEA summarized two or more comments, this chapter presents a summary comment. Where OEA extracted a comment taken verbatim, this chapter presents it as a comment. OEA's response follows each summary comment, verbatim comment, or group of verbatim comments.
- OEA presented the comments in this chapter by topic area. Comments are presented under the applicable topic area heading and include the comment number and a response.
- If the meaning of a comment was not clear, OEA made a reasonable attempt to interpret the comment and respond based on that interpretation.
- In some cases, the commenter submitted a comment that referenced a specific section of the Draft EIS or Supplemental Draft EIS, but OEA determined that the comment was more applicable to another section where the contents of that section or chapter addressed the comments. For example, some comments received on the mitigation chapter (Chapter 6) of the Draft EIS requested analysis that was included in the Proposed Action and Alternatives chapter (Chapter 2) of the Draft EIS or the environmental consequences chapter (Chapter 4) of the Draft EIS. In these cases, the comments were included by topic area in this chapter.
- If the comment resulted in a change to the contents of the Draft EIS or Supplemental Draft EIS, OEA's response describes the change in the response. OEA also directs the reader to the location of the revised text. In general, revisions to the Draft EIS were captured in the Supplemental Draft EIS and, in the case of mitigation, Chapter 2, Final Recommended Conditions/Mitigation, of this Final EIS. Others revisions are included in Chapter 4, Errata and Other Changes, of this Final EIS.

The methodology described above enabled OEA to efficiently consider, individually and collectively, all comments it received on the Draft EIS and Supplemental Draft EIS and respond to those comments. The reminder of this chapter is organized by major topic area.

3.3 Proposed Action and Purpose and Need

3.3.1 Proposed Action

Comment Summary

Public commenters were generally supportive of the Proposed Action. Comments in support of the Proposed Action noted the safety benefits that would be associated with a reduction in coal truck traffic in the study area. Supportive commenters pointed to the added benefit of a rail line in helping maintain regional business competitiveness by providing transportation options for locally produced goods and products, as well as the overall positive economic impact of preserving jobs and maintaining a large portion of the tax base for the communities served. For more information, see Section 3.4.4, General Support, of this chapter.

Some commenters who would be individually affected by the project expressed opposition to Alternative B, which was the Applicant's[1] Proposed Action in the Draft EIS. Some commenters supported a more westerly alignment, Alternative C, which was evaluated but dismissed in the Draft EIS (EI-3119-9 and EI-3134-1). Some commenters expressed opposition to the project overall, and others requested clarification about the alignment-selection process. For more information about the alignment-selection process for the project, see Section 3.4.5, General Opposition, of this chapter.

Comment

Some commenters were unclear about the project proponent. For example, one commenter directed a comment to the Bureau of Land Management (BLM):

> "If the BLM is planning to put a railroad across the cities of Utah, then they need to put the railroad on BLM land. There is plenty of BLM land to put the railway on from Levin to Salina." (EI-3029)

Response

The Six County Association of Governments (the Applicant) is proposing to construct and operate the proposed rail line. The Surface Transportation Board is the Federal agency that will either (1) approve the transaction as proposed, without conditions; (2) approve the transaction with conditions to offset or reduce potential impacts, including environmental impacts, of the proposed transaction; or (3) disapprove the transaction entirely. BLM will decide whether to approve or deny a right-of-way grant on public lands where the right-of-way is located on public land under BLM's jurisdiction. The proposed rail line would cross land administered by BLM, land administered by the Utah School and Institutional Trust Lands Administration (SITLA), and land owned by private owners. The mountainous topography of the project area supports placing the rail right-of-way within the valley, and options for the right-of-way are limited by the mountains on either side of the valley.

[1] The Applicant, the Six County Association of Governments (SCAOG), is a voluntary association of the local governments of Sevier, Juab, Sanpete, Millard, Piute, and Wayne Counties in Utah.

3.3.2 Purpose and Need

Comment

> "The question is, how much coal reserves are left in the Southern Utah Fuel Company (SUFCO) mine? This is the major reason for constructing the CURP [Central Utah Rail Project] in the first place is to haul the coal produced from SUFCO mine from Salina to Levin, UT." (EI-3111-8)

3.3.2.1 Response

The Supplemental Draft EIS provides updated information regarding coal production. At current production rates, the SUFCO mine, located in the Wasatch Plateau, has about 16 years of production under contract. However, the Utah Geological Survey estimates that between 45 and 50 years of economically recoverable reserves remain in the Wasatch Plateau. Depending on prices, the volume of coal produced by the mine is expected to remain stable for the foreseeable future, which suggests that there would not be any appreciable change in production at the SUFCO mine.

3.3.3 Agency Responsibilities

Comment

Several comments requested that OEA define in the Supplemental Draft EIS and Final EIS specific mitigation measures proposed for unavoidable impacts to Waters of the U.S. and wetlands.

> "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 [Draft] EIS. 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 yard 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[al] Information to the DEIS [Draft EIS] should also discuss what monitoring programs will be in place to evaluate the success of such mitigation." (EI-3204-6)

> "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 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 [a] 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." (EI-20465-3)

Response

The U.S. Army Corps of Engineers (USACE) is ultimately responsible for wetland permitting, including determining any required mitigation. In this EIS, OEA has considered the potential for wetland impacts. The Board will consider impacts to wetlands when making its final decision on the project. During the Clean Water Act Section 404 permitting process, which has not yet taken place, the Applicant would follow the standard mitigation sequence of first avoiding, then minimizing, and finally mitigating for impacts to wetlands that would result from rail line construction. For wetlands filled, in accordance with the Clean Water Act Section 404 permit, the Applicant would have to mitigate to ensure "no net loss" of wetlands. In the Draft EIS and Supplemental Draft EIS, the Board imposed a condition requiring the Applicant to comply with the requirements of USACE as they relate to the proposed project, develop appropriate mitigation, and obtain all required wetland permits.

As of the date of issuance of this Final EIS, the Applicant has not submitted a Clean Water Act Section 404 permit application. The permitting process will address required mitigation. The permitting process also requires public notice, and USACE will consider comments on all versions of the EIS as additional agency and public input when processing the Section 404 permit. Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS includes voluntary mitigation measure VM 39, which would require the Applicant to work with USACE for Section 404 permitting and any required mitigation. OEA has recommended an additional 10 mitigation measures to minimize impacts to water resources. Also see Section 1.12, Agency Responsibilities, of this Final EIS, which describes how the Board can impose only conditions that are within its statutory authority.

Comment

> "[Draft EIS] Page 4-13, last paragraph, second sentence: This indicates that BLM [Bureau of Land Management] would determine whether private farmland would remain farmable. Since SEA [now OEA, Office of Environmental Analysis]/STB [Surface Transportation Board] is the lead agency and BLM has no jurisdiction to determine whether private farmland would remain farmable, the lead agency would make the determination." (EI-3112-20)

Response

OEA coordinates with Federal, local, and state land-management agencies to address issues related to land use. BLM is a cooperating agency for the project, and it has responsibility to manage Federal lands as the landowner of property that would be crossed either Alternative B/B2 or Alternative B3/B2 were constructed. The reference in the Draft EIS is to farmland that can be farmed economically. There is no specific guidance regarding the size at which private land in Utah becomes too small to farm economically. However, according to the Utah Farmland Assessment Act, 5 acres is the size at which farmland can qualify for Utah Farmland Assessment Act assistance. The Applicant and the property owners affected by the

project in consultation with other Utah agencies would determine, on a case-by-case basis, whether remaining farmland would remain farmable.

Recommended mitigation measures RM 6 to RM 10 in Section 2.3.2, Recommended Mitigation Measures for Land Use, in this Final EIS would direct the Applicant to work with local farm agencies and landowners during the final design of the rail line to help avoid, minimize, or mitigate impacts to their operations and property.

3.3.4 NEPA Process

Comment

> "Based on EPA's [U.S. Environmental Protection Agency] review of the Draft EIS, EPA believes the range of alternatives presented in the Draft EIS may not include all reasonable alternatives as required in the CEQ's [Council on Environmental Quality] quality regulations for implementing the procedural provisions of NEPA [National Environmental Policy Act]." (EI-3204-3)

Response

In the Draft EIS and Supplemental Draft EIS, OEA described the range of alternatives considered for this project. Fifteen build alternatives were considered and evaluated in the Draft EIS, and two of the 15 were carried forward for detailed analysis in the Supplemental Draft EIS.

The Supplemental Draft EIS evaluated Alternative B (the Proposed Action in the Draft EIS) and three modified alternative routes (Alternatives B1, B2, and B3) developed by the Applicant after the Draft EIS was issued and re-evaluated an alternative dismissed in the Draft EIS (Alternative N1 near the community of Mills, Utah).[2] OEA retained the designation of Alternative N1 from the Draft EIS (see Figure 1-3, Alternatives Considered in the Draft EIS, in Chapter 1, Introduction, of this Final EIS).

After re-evaluating the area's topography and natural resources and completing a detailed wetland investigation, the Applicant developed Alternatives B1, B2, and B3 by modifying, shifting, and redesigning Alternative B. Because the project area is located in a valley bordered by mountains on the east and west and containing large, contiguous wetlands, the possible locations of the rail line that would meet the project's purpose and need and that would avoid directly affecting natural or cultural resources were limited.

Two of these five alternatives were dismissed (Alternatives N1a and N1b), and three were carried forward because fewer biological and water resources would be impacted on these alignments. See Section 1.5, Alternatives Considered, of this Final EIS. More information is provided in Chapter 2, Proposed Action and Alternatives, of the Supplemental Draft EIS. OEA also re-evaluated alignments that were considered but eliminated in the Draft EIS. Also see Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS.

[2] Mills, Utah, is located about 5 miles west of Juab. OEA evaluated two options for Alternative N1, N1a and N1b.

3.3.5 Scoping, Public Involvement, and Native American Consultation

Comment Summary

Several comments on the Draft EIS requested clarification on the number of tribes contacted and asked OEA to supply additional information once cultural inventories are completed (EI-2113-17, EI-3112-16, and EI-3157).

Response

Consultation with tribes was initiated in 2003 and is ongoing. The following Federally recognized tribes have been included: the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation of Arizona, New Mexico, and Utah; Paiute Indian Tribe of Utah (including the Cedar Band, Indian Peaks Band, Kanosh Band, Koosharem Band, and Shivwits Band); San Juan Southern Paiute Tribe of Arizona; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, and Utah.

Four of these tribes (Hopi Tribe of Arizona; Navajo Nation of Arizona, New Mexico, and Utah; Paiute Indian Tribe; and Kaibab Band of Paiute Indians) have expressed interest in consultation. In addition, the Kanosh Band of the Paiute Indian Tribe of Utah has expressed interest. OEA will continue Section 106 consultation with the tribes and will invite those tribes that have expressed an interest in consultation to be concurring parties in the Programmatic Agreement under development in accordance with 36 Code of Federal Regulations 800.

3.4 Proposed Action and Alternatives

3.4.1 Alternatives Development

Comment

After issuing the Draft EIS, OEA received comments from several agencies raising concerns about the wetland impacts of the alternatives carried forward and whether avoidance alternatives were adequately considered.

> "Based on EPA's [U.S. Environmental Protection Agency] review of the DEIS [Draft EIS], EPA believes the range of alternatives presented in the DEIS may not include all reasonable alternatives as required in the CEQ's [Council on Environmental Quality] quality regulations for implementing the procedural provisions of NEPA [National Environmental Policy Act]. Considerations 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. 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." (EI-3204-3)

> "We understand that STB [Surface Transportation Board] supports a more robust and detailed assessment of the wetlands in this area prior to the Applicant applying to the USCOE [U.S. Army Corps of Engineers] 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 [Draft EIS] by: 1) informing the feasibility of an additional alternative which significantly reduces impacts to wetland resources…." (EI-7117-2)

> "EPA [U.S. Environmental Protection Agency] does not believe the current wetlands impact analysis in the DEIS [Draft EIS] is sufficient to meet the requirements regarding the obligation to select the least environmentally damaging practicable alternative as defined by the Clean Water Act (CWA) Section 404 Guidelines." (EI-3204-4)

Response

In response to comments received on the Draft EIS regarding wetlands, OEA prepared the Supplemental Draft EIS, which evaluated the additional information generated from a wetland investigation report prepared by the Applicant for its to-be-filed Clean Water Act Section 404 permit application. In the Supplemental Draft EIS, OEA re-evaluated corridor alignments and alternatives that were considered but eliminated from consideration in the Draft EIS. See Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS.

OEA directed the Applicant to provide additional information about wetlands in the project area because of the potential to affect large wetland complexes at the northern and southern ends of the project. In response to OEA's request, the Applicant conducted a more robust wetland investigation along the proposed routes. The Applicant used the information gathered during the wetland investigation to develop three new modified alternatives.

Because of the anticipated number of wetland impacts associated with Alternative B as defined in the Draft EIS (12.3 acres total and 10.8 acres in the southern portion), two new alternatives were evaluated in the southern portion of the project area (Alternatives B1 and B2). For Alternatives B1 and B2, the proposed alignment was moved farther to the west, and additional curvature was designed into the alignments to avoid high-value wetlands along the Sevier River. Alternatives B1 and B2 follow a similar route with minor differences to reduce wetland impacts. As a result, Alternative B1 would fill 5.2 acres of wetlands, and Alternative B2 would fill 1.6 acres of wetlands. Alternative B1 was eventually dismissed because it closely follows the route of Alternative B2 but would have greater wetland impacts.

Similarly, the Applicant developed Alternative B3 to avoid, to the extent possible, wetland impacts near Chicken Creek Reservoir at the north end of the project while also minimizing, to the extent possible, impacts to irrigated cropland. Compared to Alternative B (1.2 acres of wetland impacts in the northern portion), Alternative B3 would fill about 0.5 acre of wet meadow wetlands in the northern portion near the new proposed connection with Union Pacific Railroad's mainline.

The U.S. Army Corps of Engineers (USACE) is a cooperating agency for this EIS. USACE provided informal comments on the alternatives screening re-evaluation conducted by OEA during the preparation of the Supplemental Draft EIS. The Draft EIS, Supplemental Draft

EIS, and Final EIS may be used by USACE in evaluations related to selecting the Least Environmentally Damaging Practicable Alternative. The wetland impact analysis in the Supplemental Draft EIS identifies new alternatives, specifically Alternative B3/B2 (2.1 acres of wetland impacts), that in OEA's view would meet the requirements of selecting the Least Environmentally Damaging Practicable Alternative under the Clean Water Act Section 404 Guidelines because it would have the least impacts to water resources (including wetlands) and associated biological resources as well as fewer impacts to cultural and historic resources.

3.4.2 Alternatives Considered in OEA's Environmental Review

3.4.2.1 Alternative A, No-Action Alternative

Besides general opposition to the project (EI-3108-1, EI-3111-1 and -5, and EI-3129-1), no comments raised concerns about the analysis for the No-Action Alternative (Alternative A) conducted for the Draft EIS and Supplemental Draft EIS.

3.4.2.2 Alternative B

Alternative B was the Applicant's Proposed Action in the Draft EIS. As described in Section 3.4.1, Alternatives Development, of this chapter and in Section 1.5, Alternatives Considered, of this Final EIS, OEA directed the Applicant to modify Alternative B to minimize impacts on wetlands following receipt of comments on the Draft EIS. In the Supplemental Draft EIS, OEA evaluated modifications to Alternative B from the Draft EIS and explained that the evaluation had resulted in the development of additional alternatives (Alternative B3 in the northern portion of the alignment and Alternatives B1 and B2 in the southern portion) to seek to minimize potential wetland impacts. Therefore, several comments received on Alternative B as presented in the Draft EIS were addressed by OEA in the Supplemental Draft EIS process. See Section 3.1.4, Impacts to Wetlands and Waters of the U.S., of the Supplemental Draft EIS.

Also see Section 3.4.4, General Support, and Section 3.4.5, General Opposition, of this chapter for examples of the public comments received on the Proposed Action in the Draft EIS.

Comment

> "We [Consolidated Sevier Bridge Reservoir Company] would like to enter our objections to 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." (EI-17902-1 and -2)

Response

Comment noted. The Proposed Action would cross the Consolidated Sevier Bridge Reservoir at Yuba Narrows with a 300-foot clear-span bridge. Compared to the volume of the reservoir, the estimated volume of materials needed to build the bridge would be minor and would not affect the storage capacity of the reservoir.

Comment

> "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." (EI-17902-7)

Response

As part of the alternatives evaluation in the Supplemental Draft EIS, the Applicant conducted an initial screening of potential rail corridors based on the comments received. Three corridors were evaluated where the rail line would stay east of the reservoir (see Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS). These corridors were eliminated, however, because they did not meet the project's purpose and need. Due to the topography of the Valley Mountains and Yuba Hill, impacts on biological resources (particularly wetlands), and other logistically complicating factors, it is not practical to align a rail corridor to stay completely west of the reservoir and tie into the existing Union Pacific Railroad tracks.

3.4.2.3 Alternative B1

No comments were received on Alternative B1 as presented in the Supplemental Draft EIS. Because Alternative B2 was similar to Alternative B1 but would have fewer wetland impacts, Alternative B1 was eliminated from consideration in the Supplemental Draft EIS.

3.4.2.4 Alternative B2

Comment

> "In the southern portion of the alignment, we [U.S. Department of the Interior] support the selection of Alternative B2 as it minimizes impacts to the riparian habitats of the Sevier River." (EI-20464-1)

Response

Thank you for the comment.

Comment

> "In this Supplemental [Draft] EIS the STB [Surface Transportation Board] looked for ways to reduce the environmental impact from this project and identified and analyzed a number of options to minimize the impacts to wetlands. We [EPA] 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." (EI-20465-1)

Response

Thank you for the comment.

3.4.2.5 Alternative B3

Comment

> "In the northern portion, we [U.S. Department of the Interior] support the selection of Alternative B3, as it minimizes wetland impacts adjacent to Chicken Creek reservoir." (EI-20464-1)

Response

Thank you for the comment.

3.4.2.6 Alternative C

Comment

> "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. It's my opinion that the proposed railroad line farthest west [Alternative C] would be most beneficial to all concerned." (EI-3134-1)

Response

Alternative C was suggested because it would reduce the visual impacts to the farms and ranches adjacent to Alternative B. Alternative C would require a large embankment (75 feet high by about 500 feet wide) at the southern end of the project. This large earth-fill embankment would be needed to reduce the existing steep natural grades so that loaded trains can operate on this alignment. It would have a large footprint and would affect farmland and wetlands west of Salina. It would also have more significant visual impacts overall. Therefore, Alternative C is not considered feasible. Also see Section B.2, Screening for the Draft EIS, in Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS. Also see the discussion in Chapter 2, Proposed Action and Alternatives, of the Draft EIS.

3.4.3 Alignments and Alternatives Considered but Eliminated from Detailed Study

3.4.3.1 Alternatives N1a and N1b

Comment Summary

Agency comments on the Draft EIS suggested that OEA consider a broader range of alternatives. During coordination with OEA on the Supplemental Draft EIS, the U.S. Army Corps of Engineers (USACE) suggested that OEA re-evaluate an alternative with a Union Pacific Railroad connection at Mills rather than at Juab.

Response

In response to these comments, OEA re-evaluated in the Supplemental Draft EIS the northern connection with the existing Union Pacific Railroad tracks at Mills. Alternative N1 had been previously evaluated and eliminated from consideration in the Draft EIS because of safety, construction, and operational issues. In the Supplemental Draft EIS, OEA evaluated two

additional options for Alternative N1: Alternatives N1a and N1b. The impacts of these options were compared to rail construction and operation alternatives with northern connections near Juab (Alternatives B and B3).

In the Supplemental Draft EIS, OEA concluded that the wetland impacts associated with Alternatives N1a and N1b would be similar (about 0.5 acre) to those from Alternative B3. Compared to Alternatives B and B3, Alternatives N1a and N1b have a higher potential to affect least chubs (*Iotichthys phlegothontis*) found in the Mills Valley. The least chub is a fish classified as a sensitive species by the State of Utah and is a candidate species for listing under the Endangered Species Act by the U.S. Fish and Wildlife Service. Therefore, in addition to the operational, construction, and safety issues, the Mills connection would have about the same amount of impacts to wetlands but a greater potential to affect a sensitive species. Therefore, the Mills connection (Alternatives N1a and N1b) was eliminated from detailed analysis in the Supplemental Draft EIS.

Comment

> "We [U.S. Department of the Interior] support the elimination of alternative N1a and N1b in Mills Valley, which would have direct impacts to least chub (*Iotichthys 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 [Federal Register] 35398); it is currently a candidate species." (EI-20464-3)

Response

Thank you for the comment.

3.4.4 General Support

Comment Summary

Several comments were received on the Draft EIS and one on the Supplemental Draft EIS expressing support for the Proposed Action. Supportive comments were received from, among others, Sanpete County Commission, Sanpete County Economic Development, Board of Sevier County Commissioners, Richfield Area Chamber of Commerce, Richfield City Council, and the Utah Department of Transportation. Comments in support pointed to the need to re-establish rail service in the area, which was lost in 1983, and to the economic development and improved safety that would result (EI-3042, EI-3044, EI-3053-1 and -2, EI-3054, EI-3055, EI-3056-1, EI-3057-1 and -2, EI-3058, EI-3059-1, EI-3104, EI-3105, EI-3106, EI-3113, EI-3145, and EI-3155).

> "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." (EI-3043)

> "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." (EI-3116-1)

"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 immediately 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." (EI-3103)

"The Board of Sevier County Commissioners has reviewed the DEIS [Draft EIS] 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 applicant's preferred alignment should move forward as the proposed action since it best balances competing interests." (EI-3154)

"The Richfield Area Chamber of Commerce Hereby expresses it support for the proposed Central Utah Rail Project. 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." (EI-3155)

"This project will take up to 750 large, 42-ton capacity LCV [longer-combination vehicles] 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 load out 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 current coal haul route." (EI-20462)

Response

Thank you for the comment.

3.4.5 General Opposition

Comment Summary

Several comments were received on the Draft EIS expressing opposition to the Proposed Action. These comments were primarily from individuals whose land would be directly affected by the project, who live close to the project, or whose farmland would be affected (EI-3108-1 and -3, EI-3129-1, EI-3111, and EI-3133). Representative comments expressing opposition include the following:

"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." (EI-3108-1)

"My farm and ranch land are for cows and horses! My land is NOT FOR SALE! Not to the CURP [Central Utah Rail Project] project or to anyone! And not for any price. This land without the CURP is priceless! My plea is NOT TO TAKE MY LAND!" (EI-3111-5)

"Our choice to move to this exact location was 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 three autistic children in our home that are in the highest risk regarding this rail line." (EI-3129-1)

"I vote for the No Action Alternative, for the construction of the Central Utah Rail Project. I am opposed to the Proposed Action, Applicants Preferred Alternative, Alternative B. Alternative B places the Central Utah rail Project across two parcels of my land and land locks another two parcels of my land/property. My farm and ranch comprises 286 acres consisting of ten parcels of land/property." (EI-3111-1 and EI-3133)

Response

Thank you for your input. With respect to dividing parcels, see Section 3.6.2, Agriculture, of this chapter.

3.5 Rail Operations and Safety

3.5.1 Rail Operations

Comment

"[Draft EIS] Page 2-3, last sentence: This [statement 'Once an operator is identified.'] seems confusing. Throughout the document it refers to shippers (primarily 'SUFCO'); the rail line connecting to 'UPRR' [Union Pacific Railroad] 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." (EI-3112-8)

Response

Although the Applicant seeks authorization to construct and operate the proposed rail line, it does not plan to own or operate the line for profit. The Applicant expects to work jointly with another entity in constructing the line and possibly assigning its responsibilities for common-carrier operations. The day-to-day operator for the proposed rail line has not yet been determined.

Comment

"The trestle could provide an attractive nuisance causing people to enter our [Consolidated Sevier Bridge Reservoir Company] 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." (EI-19902-5)

Response

The Applicant would secure property or easements for the rail line from the Consolidated Sevier Bridge Reservoir Company. The Company and the Applicant would negotiate the terms and conditions (including indemnification and claims defense) in the property purchase or lease agreement.

3.5.2 Hazardous Materials Transportation

Comment

"It would also benefit the public to know the precise steps and general period of time for clean up actions should there be ([Draft EIS] page 4-25, 3rd paragraph) a coal or petroleum spill 'to prevent irreparable harm to the environment.'" (EI-3107-2 and EI-3182-1)

Response

The Applicant would be responsible for cleaning up any spills in accordance with the requirements and any timelines required in Federal, state, and local regulations. To avoid or minimize the potential environmental impacts from hazardous materials and from the proposed rail line, OEA is recommending that the Board impose three voluntary mitigation measures proposed by the Applicant (voluntary mitigation measures VM 49, 50, and 51) and three mitigation measures proposed by OEA (recommended mitigation measures RM 26, 27, and 28 in Section 2.3.6, Recommended Mitigation Measures for Hazardous Materials, of this Final EIS). These measures include requiring development of a spill-prevention plan and notifying appropriate officials and agencies if a spill occurs. Recommended mitigation measure RM 1 in Section 2.3.1, Recommended Mitigation Measures for Rail Operations and Safety, of this Final EIS requires the Applicant to comply with the safety regulations enforced by the Federal Railroad Administration. The safe transportation of hazardous materials is also mandated by regulations and standards developed by the US Department of Transportation's Pipeline and Hazardous Materials Safety Administration.

3.5.3 Land Transportation Network

No comments were received on this topic specifically. See Section 3.5.4, Trucking Operations, below for a related comment on trucking operations.

3.5.4 Trucking Operations

Comment

"[Draft EIS] 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 rerouted. 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." (EI-3112-33)

Response

The No-Action Alternative (Alternative A) assumes that truck hauling would continue. With the No-Action Alternative, no new rail line or terminal facilities would be constructed. No new train operations through Juab, Sanpete, and Sevier Counties would be conducted, and rail operations on the Union Pacific Railroad (UPRR) line would not change. Coal-haul trucks would continue to use roads and highways in portions of Juab, Sanpete, and Sevier Counties to transport coal from the Southern Utah Fuel Company (SUFCO) mine to the existing UPRR mainline near Juab. Chapter 4, Environmental Consequences, of the Draft EIS describes the impacts of the No-Action Alternative on the wide variety of resources in the study area. Section 4.1.2, Impacts on the Regional Transportation System, of the Draft EIS discusses the impacts on traffic delay and traffic safety of the No-Action Alternative, which is to continue coal trucking operations.

Under the Proposed Action, some truck traffic would remain. As described in Section 1.3, Purpose and Need, of the Supplemental Draft EIS, the purpose and benefits of the proposed rail line construction include a cost-effective alternative to truck transportation for some of the primary existing industries in the area. It is likely that other industries with smaller deliveries and shorter hauls to customers in the region, as well as industries not in proximity to the rail line, would continue to truck shipments to customers when truck transportation is more economical than rail transportation. However, trains can move 4 times more ton-miles of freight per gallon of fuel than trucks can.

The overall transportation system would be maintained with at-grade crossings at several of the major roads. Therefore, no significant rerouting is anticipated from the project. See voluntary mitigation measure VM 1 in Section 2.2.1, Voluntary Mitigation Measures for Rail Operations and Safety, of this Final EIS for a description of the type of crossing proposed by the Applicant. Section 4.1.2, Impacts on the Regional Transportation System, of the Draft EIS discusses the impacts to traffic delay and traffic safety from the Proposed Action.

3.5.5 Rail Safety

No comments were received on rail operation safety. Comments focused on the overall safety improvements of reduced truck traffic in cities and towns in the study area with the Proposed Action, which is a key aspect of the purpose of and need for the project.

3.6 Land Use

3.6.1 General Land Use

3.6.2 Agriculture

Comment

> "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." (EI-3108-2 and 3134-2)

Response

Indirect impacts are taken into consideration in Section 4.2.2, Impacts to Agriculture, of the Draft EIS. To determine the indirect farmland impacts, parcels were identified as being farmed either by visual review of National Agriculture Imagery Program aerial photographs from 2004 or by information obtained from the Natural Resources Conservation Service and the Utah Division of Water Resources.

As described further in Section 4.2.2, Impacts to Agriculture, of the Draft EIS, indirect impacts on farmland occur when farmland outside the right-of-way is rendered non-farmable because of impacts such as the creation of only small remnants and disruption of access. There is no specific guidance regarding the size at which a farmland remnant becomes too small to farm economically. However, 5 acres is the size at which farmland can qualify for the Utah Farmland Assessment Act. For the Draft EIS, farmland with less than 5 acres remaining was considered non-farmable and was counted as an indirect impact of the project.

Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS presents several recommended mitigation measures to avoid or reduce impacts on agricultural operations.

Comment

"[Draft EIS] Page 2-6: Clarify the difference, if any, between farmland and agricultural land. The first paragraph, second sentence, states that an alternative [Alternative C] was suggested because it would disturb fewer parcels of farmland within the project area. However, [Draft EIS] page 2-14, Table 2.4-1, Aesthetics, states, 'Alt C would create more disturbance to agricultural land.'" (EI-3112-9)

Response

The meanings overlap as used in the Draft EIS. The reference is to agricultural land that is farmed. The analysis has been re-evaluated for the Supplemental Draft EIS. See Section 3.2, Agriculture, of the Supplemental Draft EIS for the expected impacts of the alternatives now being considered. Alternative C is no longer being considered.

3.6.3 State Land Use

Comment

"The Draft EIS 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 [Utah Division of Wildlife Resources] recommends the use of a detailed map of to better ascertain impacts and develop actions to avoid and/or minimize impacts to Redmond WMA." (EI-3132-8 and EI-3112-3)

Response

See Figure 3-4, Redmond Wildlife Management Area, on page 3-29 of the Supplemental Draft EIS. About 3.9 acres of land in the Redmond WMA would be needed if the Proposed Action is constructed. Voluntary mitigation measure VM 25 has been included in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS, which would require the Applicant to coordinate with the Utah Division of Wildlife Resources regarding the Redmond WMA to ensure that Management Plan objectives are maintained.

3.6.4 Federal Land Use

Comment

> "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 [Code of Federal Regulations] 2800 and mitigating stipulations that are either required by policy, law, or regulation or are needed to insure mitigation of associated surface disturbance activities.'" (EI-3112-36)

Response

Section 2.1.4, Role of Cooperating Agencies in Developing Proposed Environmental Mitigation Measures, of this Final EIS references 43 CFR 2800. Voluntary mitigation measure VM 13 in Section 6.4.2.2, Grants and Leases, of the Draft EIS was modified for this Final EIS to be consistent with the applicable regulation.

3.6.5 Grazing Allotments

Comment

> "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." (EI-3112-6)

Response

The Applicant has agreed to install temporary fences during construction of the proposed rail line to allow continued grazing. The Applicant would also replace fences, gates, and cattle guards after construction and maintain access to grazing allotments, as well as maintain connections to water sources (see voluntary mitigation measures VM 15 to VM 18 in Section 2.2.2.4, Grazing Allotments, of this Final EIS).

3.7 Biological Resources

3.7.1 Plant Communities

Comment

"[Draft EIS] Page 3-17: Page 3-16, Section 3.3.4, third paragraph, last two sentences state, '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." (EI-3112-12)

Response

Section 3.4.3, Impacts to Threatened and Endangered Species, of the Supplemental Draft EIS describes the U.S. Fish and Wildlife Service's conclusions related to listed species, including plant species. Because there is no potential for negative impacts to threatened, endangered, or sensitive plant species, no mitigation requiring plant surveys has been proposed in this case.

Comment

"The DEIS [Draft EIS] 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 improve by access[ing] 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." (EI-3182-3)

"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 storm water run-off containing herbicides entering streams, lakes, reservoirs, and wetlands within the project area." (EI-3107-4)

Response

Under OEA's final recommended mitigation, a weed-management plan would be prepared for the project area that would include prescribing herbicides approved for use near aquatic resources and application procedures to avoid harming biological resources while preventing the spread of noxious and invasive species. Only herbicides approved by the U.S. Environmental Protection Agency (EPA) would be used in vegetation management along the right-of-way. See Section 6.4.3, Biological Resources, in the mitigation chapter of the Draft EIS and voluntary mitigation measure VM 31 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS. VM 31 would require the use of EPA-approved herbicides.

Comment Summary

Several comments were received about the list of invasive and non-native plant species and suggested that an updated list be generated for the Final EIS. Commenters pointed out that these species can out-compete native species, dominate original vegetation communities, invade wildlife habitats, and severely reduce or eliminate species that provide food and cover for wildlife. Commenters recommended 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 (EI-3112-39, EI-3132-2 and -3).

Response

Under OEA's final recommended mitigation, a weed-management plan would be prepared to address all covered invasive and non-native plant species within the rail right-of-way. The Applicant has committed to working with local and state authorities to establish a weed-control program. Voluntary mitigation measure VM 31 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS includes requirements to prepare and follow a noxious-weed-control program during rail construction and operations. Also see Section 3.21, Mitigation, of this chapter for additional comments regarding the topic of maintaining existing plant communities.

3.7.2 Wildlife Resources

Comment

> "It would benefit the public, however, if an explanation was provided as [to] why the STB [Surface Transportation Board], in consultation with the U.S. Fish and Wildlife Service, proposes ([Draft EIS] 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." (EI-3107-1, EI-3112-13, and EI-3182-1)

Response

As stated in the Draft EIS, walking ("pedestrian") surveys were conducted in 2004 and 2005 to determine the presence or absence of suitable habitat for ranges of potential species, rather than specific surveys for specific species, as a first step toward assessing potential impacts. If no suitable habitat was found for a particular species, then more-detailed surveys were not justified and were not conducted.

Comment Summary

Comments were received on the Draft EIS from the U.S. Geological Survey and the U.S. Department of the Interior's Office of Environmental Policy and Compliance related to the need for species-specific impact analyses due to direct impacts on wildlife habitat, habitat fragmentation, and wildlife movement (EI-3107-3, -5, and -7; EI-3132-19; and EI-3182-1, -2, -4, -5, and -6). Two representative comments are provided below.

> "Other generalized statements in the DEIS [Draft EIS] that warrant scientific documentation, scientific analysis, and supporting references include, but are not limited to the following: 'SEA [now OEA, the Office of Environmental Analysis] 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)" (EI-3107-5, EI-3182-2 and -4)

"Other generalized statements in the DEIS [Draft EIS] that warrant scientific documentation, scientific analysis, and supporting references include … '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 [now OEA, the Office of Environmental Analysis] 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)" (EI-3107-7, EI-3182-4 and -5)

Response

During the EIS process, biological resources were assessed, and the potential for the project to affect wildlife species or to otherwise modify wildlife habitat and wildlife movement in the project area was analyzed. Wildlife surveys were conducted in order to determine the presence or absence of suitable habitat for a wide range of potential wildlife species. Section 3.3.3, Biological Resources, of the Draft EIS identifies some of the more common wildlife species in the study area. Section 4.3, Impacts on Biological Resources, of the Draft EIS provides information on plant communities, wildlife habitat, wildlife corridors, wildlife sanctuaries and refuges, and threatened, endangered, and sensitive species. The Draft EIS documents both the impact of rail line construction and the anticipated impacts of rail operation and maintenance activities.

For the three modified alternatives considered in the Supplemental Draft EIS, the Supplemental Draft EIS reassessed the potential impacts on federally listed threatened, endangered, and sensitive wildlife species. See Section 3.4, Federal Lands, of the Supplemental Draft EIS. Section 3.5, State Lands, of the Supplemental Draft EIS also assesses impacts to species of special concern, wildlife management areas, and wildlife movement.

Vegetation clearing and fill placement during rail line construction would result in long-term alteration of habitats, as described in Section 4.3.2, Plant Communities, of the Draft EIS. However, a weed-management plan would be implemented to protect plant communities in adjacent habitats. The EIS acknowledges a minor reduction in the biological function of these habitats due to the addition of a 43-mile-long, 100-foot-wide linear feature (the rail line). However, because of the presence of existing highways and minor roads and because much of the project area has been converted to agricultural, residential, commercial, and industrial land uses, the project area has already been fragmented and has experienced a reduction in wildlife diversity, population densities, and distribution. Therefore, the direct impacts of the proposed rail line construction, operation (one round trip per day on average), and maintenance to wildlife habitat would be minor.

Regarding wildlife corridors, the Draft EIS acknowledges minor impacts on big-game habitat because the rail line would bisect parts of two winter ranges: the San Pitch Mountains and Valley Mountains ranges. Figure 4-4, Impacts to Elk and Mule Deer Seasonal Range, of the Draft EIS shows these winter ranges. The three modified alternatives analyzed in the

Supplemental Draft EIS are on the same alignment as Alternative B as presented in the Draft EIS. Therefore, the impacts to these winter ranges would be the same as those presented in the Draft EIS.

The Utah Division of Wildlife Resources has stated that a significant number of deer (15 per month) are struck and killed along State Route (S.R.) 28 (Sakaguchi 2005), which bisects the San Pitch Mountains' winter mule deer range for about 4 miles. Although deer-train collisions are expected, the reduction of truck traffic on S.R. 28 with the project could result in a net decrease in collisions. The proposed rail line also skirts the eastern edge of the Valley Mountains mule deer winter/spring range for about 6 miles. However, only a small percentage (less than 1 percent) of these two ranges would be on the opposite side of the rail line.

OEA does not believe that big-game collisions would be a major issue in the project area. Because of the flat topography, the embankment heights would be low through the Valley Mountains range. Movements of big game directly north to the Sevier Bridge Reservoir would not be impeded by the proposed rail line. Minimal train traffic is anticipated (one round trip per day), and the Utah Division of Wildlife Resources has stated that the low train traffic anticipated (one round trip per day) would allow natural wildlife movement patterns in the project area. As a result, no fencing would be required (RDCC 2007).

The Draft EIS and Supplemental Draft EIS were reviewed by a variety of wildlife agency experts with the U.S. Fish and Wildlife Service and the Utah Division of Wildlife Resources. Comments were received on specific species and questions about specific locations along the Proposed Action. Many of the concerns and comments on the Draft EIS were addressed in the Supplemental Draft EIS. Others have been addressed by voluntary and recommended mitigation measures. See Section 3.21, Mitigation, of this chapter and Chapter 2, Final Recommended Conditions/Mitigation, of this Final EIS.

Comment

> "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 [Utah Division of Wildlife Resources] 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 ([Draft EIS] page 6-14). Allowing natural movement for wildlife across the right-of-way (ROW) would be of benefit for 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." (EI-3132-5)

Response

Thank you for your comment. The Applicant would be required to work with the Bureau of Land Management and the Utah Division of Wildlife Resources during preliminary design of the proposed rail line to determine mitigation measures to enhance movement and reduce wildlife losses during migration periods. See revised mitigation (now voluntary mitigation measure VM 36) in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources,

of this Final EIS. Some fences would be required in order to address livestock operations and grazing allotments. See VM 17 in Section 2.2.2.4, Grazing Allotments, of this Final EIS, which would require the Applicant to evaluate whether existing gates on existing side roads that are used to access grazing allotments need to be upgraded with properly sized cattle guards to accommodate increased present and future traffic. Also see VM 18 in Section 2.2.2.4, Grazing Allotments, of this Final EIS, which would require the Applicant to maintain safety fencing.

Comment

Two comments were received on deer and elk highway mortality on Interstate 70.

> "The DEIS [Draft EIS] does not contain an analysis of potential increases of haul traffic along I-70 [Interstate 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 [Utah Division of Wildlife Services] 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." (EI-3132-7)

> "Mitigation of potential impacts to the deer and elk populations on I-70 [Interstate 70], from exit 72 to Aurora, from increased haul traffic needs to be addressed. We recommend working with UDOT [Utah Department of Transportation] and UDWR [Utah Division of Wildlife Services] to develop mitigation strategies along I-70 to develop effective means to reduce potentially detrimental impacts." (EI-3132-18)

Response

The proposed project is not expected to increase highway haul traffic on I-70. Section 3.7, Climate Change and Greenhouse Gas Production, of the Supplemental Draft EIS describes how the production rate and customer mix for Southern Utah Fuel Company (SUFCO) coal is not anticipated to change with the Proposed Action (Nash 2013). Also see Section 4.1.1, Methodology, of the Draft EIS, which states that the total volume of coal produced and transported through the study area would not materially change from current conditions with the proposed rail line. The mode of transportation would change from truck to rail from Salina to Juab but would not materially change along I-70. The Proposed Action would shorten the total distance of over-the-road truck hauls by over 50 percent, thus reducing the potential for wildlife collisions in the majority of the study area.

Comment

> "There is no current information available on big game collisions (wildlife strikes) within the proposed project area ([Draft EIS] 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 [Utah Division of Wildlife Resources]. 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." (EI-3132-6)

Response

Section 4.3.3.2, Wildlife Corridors, of the Draft EIS describes the impacts of the proposed project with regard to wildlife strikes. The Draft EIS acknowledges impacts to big-game habitat because the rail line would bisect parts of two winter ranges: the San Pitch Mountains and Valley Mountains ranges. Figure 4-4, Impacts to Elk and Mule Deer Seasonal Range, of the Draft EIS shows these winter ranges. Only a small percentage (less than 1 percent) of these two ranges would be on the opposite side of the rail line.

If the project is constructed, voluntary mitigation measure VM 37 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would require the Applicant to work with the Bureau of Land Management and the Utah Department of Natural Resources to provide reasonable enhancement (such as reseeding, restoration, or other appropriate measures) to parts of the deer winter range to replace the habitat lost from constructing the rail line and to attract the animals to the enhanced range and away from the rail line. OEA does not believe that any additional mitigation is needed.

Comment

"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 [Draft EIS] 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." (EI-3112-5, EI-3132-10 and -16)

"Page 3-32, Section 3.5.4.2, Impacts to Species of Special Concern – The SDEIS [Supplemental Draft EIS] 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 (*Iotichthys phlegethontis*), 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 sitting to avoid these important aquatic sites. We recommend the FEIS [Final EIS] include a commitment to avoid springheads by a minimum protective buffer of 100 meters." (EI-20464-7)

Response

Additional wetlands field work and investigations conducted for the Supplemental Draft EIS did not record or identify any obvious springs or seeps within the 150-to-700-foot-wide wetland investigation survey area. The wetland investigation did identify some isolated wet meadow wetland areas in the northern portion of the study area; however, the hydrological

source of the wet meadows was not apparent. Section 3.1.3.1, Wetland Areas, of the Supplemental Draft EIS includes discussion of wetland boundaries that were revised after a preliminary field review of the Alternative B3 corridor in 2008. The Proposed Action in the Draft EIS (Alternative B) included a maintenance yard near the northern terminus of the alignment. With this maintenance yard, the proposed right-of-way would be about 600 feet wide near the northern terminus. Alignments were refined for the Supplemental Draft EIS including moving the maintenance yard south to minimize potential wetland impacts. In the northern portion of the study area, the alternatives would have about a 100-foot-wide right-of-way; a 200-foot width would be needed during construction. Also see the response to the following comment regarding least chub.

Comment

> "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 [Wildlife Management Area]. 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." (EI-3132-9 and -14)

Response

No springs were found during the wetland surveys conducted for the Supplemental Draft EIS (BioWest 2009). In addition, according to the Utah Division of Wildlife Resources, populations of least chub have not been identified in or around Chicken Creek Reservoir (UDWR 2013). For more information, see Section 2.1.1, Alternatives Considered for this Supplemental Draft EIS, of the Supplemental Draft EIS. As mentioned above in the previous comment response, the preliminary field review did not identify springs within 100 feet of the Alternative B3 (the westernmost alternative developed and evaluated in the Supplemental Draft EIS) centerline that would provide habitat for the least chub. Ground disturbances from the proposed project would be limited to only the area necessary for project-related construction.

The Supplemental Draft EIS evaluates impacts to the Redmond WMA and the sensitive species (leatherside chub and long-billed curlew) that might use the area. As described in Section 3.5.3.2, Impacts to Wildlife Movement and Management, of the Supplemental Draft EIS, the Proposed Action (Alternative B/B2) and Alternative B3/B2 would affect about 3.9 acres of wildlife habitat in the Redmond WMA. These impacts would consist of about

0.2 acre of emergent marsh wetlands and 3.7 acres of agricultural land. None of the alternatives would affect critical wildlife habitat.

Comment

"[Draft EIS] 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 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." (EI-3112-14, EI-3112-26, and EI-3132-11)

"Appendix B, Page B-7, Raptors: The DEIS [Draft EIS] 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." (EI-3112-43, EI-3182-6, and EI-20464-6)

Response

To reduce potential impacts on raptors, the Applicant would mitigate potential impacts to raptors and would implement management practices from the U.S. Fish and Wildlife Service's *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002) (see voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS). These guidelines include conducting preconstruction surveys for raptor nests.

Comment

"[Draft EIS] Page 3-14, Migratory Birds: As stated in the DEIS [Draft EIS], 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 bird 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)." (EI-3112-11)

"[Draft EIS] 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." (EI-3112-23)

"[Supplemental Draft EIS] Page 4-7, Section 4.2.3, Voluntary Mitigation Measures for Biological Resources – Neither the DEIS [Draft EIS] nor the SDEIS [Supplemental Draft EIS] 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 [to the comment letter] [']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 [Final EIS] in Section 4.2.3." (EI-20464-8)

Response

Recommended mitigation measure RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS describes the process for vegetation removal during construction in compliance with appropriate seasonal restrictions to ensure protection of the breeding, nesting, and roosting seasons of all migratory birds. Preconstruction surveys for raptors and migratory birds would be conducted if large woody vegetation, dense shrubs, or other natural habitats are scheduled to be cleared during the nesting seasons for either group of bird species. The Applicant would also implement best management practices to protect raptors and other migratory birds (voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would require implementation of the U.S. Fish and Wildlife Service's *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* [Romin and Muck 2002]) and would coordinate with the U.S. Department of the Interior (RM 13). OEA believes that this mitigation is appropriate and adequate.

3.7.3 Threatened, Endangered, and Sensitive Species

Comment

"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 [global positioning system] 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." (EI-3112-15)

Response

Alternative C is no longer under consideration as a viable alternative. The Draft EIS determined that, because no dens were observed in the area of potential impact, the potential for negative impacts on burrowing owls is low. If the proposed construction is authorized, the Applicant would implement management practices to protect raptors (voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS) and would coordinate with the U.S. Department of the Interior and the Utah Division of Wildlife Resources for other migratory birds (recommended mitigation measure RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS). The Applicant also would conduct preconstruction surveys before clearing the right-of-way prior to ground-disturbing activities (RM 13). OEA believes that this mitigation is appropriate and adequate.

Comment

> "Bonneville cutthroat trout do not occur in Chicken Creek Reservoir, although they are reported from higher up in the Chicken Creek drainage." (EI-3132-13)

Response

Thank you for the comment. No Bonneville Cutthroat Trout exist in the Chicken Creek Reservoir, which is shallow, contains warm water, is not fed by any perennial streams, and dries out most years by irrigators in the Mills Valley. There is another Chicken Creek in Utah that might contain Bonneville cutthroat trout. However, this stream is not located in the project area. The Supplemental Draft EIS provides updated information on sensitive species. See Chapter 4, Errata and Other Changes, of this Final EIS for clarifications regarding Bonneville cutthroat trout.

Comment

> "Long-billed curlews have been observed in the vicinity of Chicken Creek Reservoir. The discussion of negative impacts from the proposed alternative ([Draft EIS] 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." (EI-3132-12)

Response

Section 3.5.3.2, Impacts to Wildlife Movement and Management, of the Supplemental Draft EIS presents additional information on long-billed curlews. Long-billed curlews, a wildlife species of concern on the Utah Sensitive Species List, have been found in the vicinity of the Redmond Wildlife Management Area (WMA) and Chicken Creek Reservoir. The habitat requirements for long-billed curlews include short-stature grasslands with a bare ground component, shade, and an abundant prey base, all of which are found in and immediately adjacent to the Redmond WMA and around Chicken Creek Reservoir.

Recommended mitigation measure RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS describes the process for protecting migratory birds during project-related construction. Construction would be conducted in compliance with appropriate seasonal restrictions to ensure protection of the breeding, nesting, and roosting seasons for all migratory birds. The responses to comments on migratory bird protection in Section 3.7.2, Wildlife Resources, of this chapter and the mitigation for biological resources presented in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS would also apply to long-billed curlews. Therefore, the Supplemental Draft EIS concludes that, with OEA's recommended mitigation, the potential impacts to long-billed curlews from the alternatives now under consideration are low.

3.8 Water Resources

3.8.1 Wetlands and Waters of the U.S.

Comment Summary

As described in Chapter 1, Introduction, of this Final EIS and in Section 3.4.1, Alternatives Development, of this chapter, after issuing the Draft EIS, OEA received comments from several agencies raising concerns about the wetland impacts of the alternatives carried forward. The U.S. Environmental Protection Agency (EPA), in an informal comment letter, suggested that a more detailed assessment and characterization of the wetlands for the alternatives carried forward be conducted (EI-3204-3). In its comments, EPA recommended that the Board consider alternatives that would avoid or have fewer impacts on wetlands at the northern terminus of the project. Other commenters pointed to the significance of wetland impacts for wildlife habitats and other functions (EI-3112-4, EI-3132-1 and -17, and EI-3204-1 and -2).

Response

After comments were received on the Draft EIS and after coordination with EPA and the USACE, on August 24, 2007 OEA directed the Applicant to provide additional information on wetlands in the project area because of the potential to affect large wetland complexes at the northern and southern ends of the project. In response to OEA's request, the Applicant conducted a wetland investigation along the proposed routes. The additional information gained from these wetland investigations resulted in the development of three new modified alternatives and the re-evaluation of alternatives dismissed in the Draft EIS. This re-evaluation was provided to the U.S. Army Corps of Engineers for review.

Wetland impacts were considered in the alternatives re-evaluation process OEA conducted on previously eliminated alternatives and on the new alternatives proposed after the Draft EIS was issued. Wetland considerations used in the alternatives screening are presented in Chapter 2, Proposed Action and Alternatives, of the Supplemental Draft EIS. Section 3.1, Wetlands and Waters of the U.S., of the Supplemental Draft EIS presents the wetland impacts for Alternative B, the Proposed Action (Alternative B/B2), and Alternative B3/B2, the latter of which was preliminarily identified in the Supplemental Draft EIS as the Environmentally Preferred Alternative.

Overall, based on the wetland investigations and alternative modifications, the anticipated wetland impacts of the proposed project have been reduced from 12.3 acres for Alternative B as presented in the Draft EIS to 3.1 acres for the current Proposed Action (Alternative B/B2) and to 2.1 acres for Alternative B3/B2, OEA's Environmentally Preferred Alternative.

Comment

> "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 [hydraulic] conductivity throughout the playa wetland." (EI-20465-2)

Response

Comment noted. The proposed alternatives were designed to reduce the impact on wetlands in the northern part of the project area. Alternative B3 (which would have about 0.5 acre of impacts) was designed to minimize such impacts. Recommended mitigation measure RM 16 in Section 2.3.4, Recommended Mitigation Measures for Water Resources and Wetlands, of this Final EIS addresses maintaining hydrologic connectivity to wetlands and the prevention of a hydraulic barrier.

3.8.2 Floodplains

No comments were received on this topic.

3.8.3 Groundwater, Wells, and Irrigation

Comment

> "I am concerned that it may impact the Redmond Town drinking water by crossing over the town's aquifer." (EI-3134-6)

Response

OEA evaluated several factors that together address the risk of affecting a drinking water aquifer. These factors include the risk of rail accidents, the impact of train vibrations on groundwater wells, the anticipated amount of hazardous materials transported and spill-response procedures, and the location of the rail line with respect to the locations of primary aquifer recharge areas and well-head protection zones. The most critical factor is the location of the rail line with respect to the drinking water source protection zones. Drinking water source protection Zone 1, which is a 100-foot radius around the well, is the most restrictive zone and one in which rail line construction might be limited by well-owner-imposed development restrictions. No drinking water protection Zone 1s would be affected by either of the alternatives. Also, voluntary mitigation measure VM 50 in Section 2.2.6, Voluntary Mitigation Measures for Hazardous Materials, of this Final EIS would require the Applicant to report spills and comply with its spill-prevention and clean-up plan.

Comment

> "I feel that if I take action with my plans to build a pressurized irrigation system it's in my best interest to get it built before the CURP [Central Utah Rail Project] 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. If the CURP is constructed using Alternative B it will bring with it financial damage in my future farming and ranching endeavors." (EI-3111-2)
>
> "I have plans to drill another 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 of this water source is for 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!" (EI-3111-4)

"Field drains and existing wells will also be affected along with our irrigation system." (EI-3134-3)

Response

The Applicant would be required to remedy any damage to crops caused by the construction of the rail line. This includes damage to any existing wells and irrigation appurtenances. See Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS, specifically recommended mitigation measure RM 7.

3.9 Topography, Geology, and Soils

Comment

"The railroad bed will be on unstable ground and will be costly to maintain." (EI-3134-5)

Response

OEA evaluated the topographic and geologic setting, seismic hazards, and overarching soil conditions in the study area including potential impacts from liquefaction and landslides. No significant risks to rail construction and operation were identified. Section 4.5.3, Geologic Impacts, of the Draft EIS presents detailed information on geologic hazards to the proposed rail line. Moreover, soil and subsurface investigations would occur prior to final design of the rail line in order to incorporate appropriate design features or conduct soil-stabilization measures within the right-of-way prior to construction.

3.10 Vibration

Comment

"My farm/ranch land has a water well that was drilled in December 1999. This well is approximately 500 feet away from CURP [Central Utah Rail Project] Alternative B. I am very concerned with what the vibrations caused by the train may cause to this precious life sustaining water source." (EI-3111-3)

"The weight of the train cars alone can vibrate the ground, not to mention the cargo they are carrying." (EI-3129-3)

Response

Section 4.6, Vibration Impacts, of the Draft EIS discusses impacts from vibration to buildings and water wells within the study area. No impacts are anticipated outside of 36 feet from the track centerline. No re-evaluation was conducted due to alignment shifts for the Supplemental Draft EIS. However, if a well would be directly affected by rail line construction, recommended mitigation measure RM 7 would require the Applicant to work with affected landowners to remedy impacts to irrigation facilities (see Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS).

3.11 Hazardous Materials and Waste Sites

Comment

> "We encourage you to review the DERR [Utah Division of Environmental Response and Remediation] Interactive Map, as one source of data, prior to finalizing the Environmental Impact Statement to ensure you are informed of potential contamination. 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 536-4300." (EI-20491-1)

> "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 [Utah Division of Environmental Response and Remediation]." (EI-20491-2)

Response

The referenced interactive map was reviewed prior to publication of the Final EIS. Nothing was found to influence the alternatives selection or change the conclusions related to hazardous materials presented in the Draft EIS.

Voluntary mitigation measures VM 50 and VM 51 in Section 2.2.6, Voluntary Mitigation Measures for Hazardous Materials, of this Final EIS would adequately address hazardous materials and the requirement to document activities involving hazardous materials sites.

3.12 Air Quality

No comments were provided specifically on this topic. Several commenters provided comments in support of the project that cited the air quality benefits of reduced truck traffic.

3.13 Noise

Comment

> "When trains cross roads they have to blow their horns by law, their horns are extremely loud even from a distance." (EI-3129-4)

Response

All trains operated on the North American rail network are subject to Federal safety regulations administered by the Federal Railroad Administration as well as state safety regulations. Federal regulation 49 Code of Federal Regulations (CFR) 222 requires all trains to sound the locomotive horn when approaching and entering public highway/rail at-grade crossings if the train speed is 15 miles per hour or greater and the railroad does not provide train crew or flagpersons on the ground at all times to warn motorists. Highway/rail at-grade crossing warning devices such as bells, flashing lights, and gates do not relieve this requirement to sound the train horn—except in established quiet zones where supplemental safety measures have been instituted. The regulations in 49 CFR 222 and 49 CFR 229 allow communities to establish quiet zones. Refer to Chapter 2, Final Recommended Conditions/

Mitigation, of this Final EIS for the final voluntary mitigation measures and OEA's final recommendations to the Board for noise mitigation.

3.14 Energy Resources

No comments were received on this topic.

3.15 Socioeconomics

No comments were received on this topic other than general support for the project that cited its potential economic benefits.

3.16 Cultural Resources

Comment

"Thank you for your correspondence dated June 29, 2007, with an enclosed Environmental Impact Statement. 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." (EI-3157)

"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." (EI-20550)

Response

The Board will continue consultation with the Hopi Tribe and has invited the Hopi Tribe to be a concurring party in the Section 106 Programmatic Agreement. As a concurring party, the Hopi Tribe will have an opportunity to review and comment on cultural resources reports and treatment plans and to participate in any consultation regarding inadvertent discovery.

Comment

"[Draft EIS] 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." (EI-3112-18)

Response

Reference to the Numic Expansion theory was deleted in the Supplemental Draft EIS and is not discussed in this Final EIS.

Comment

"There was consultation on the visual, cumulative, and indirect effects and we [Utah State Historic Preservation Office] did concur with your determination of No Adverse Effect." (EI-3174)

Response

Thank you for your concurrence.

Comment

"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 requests 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 generation." (EI-20553)

Response

The Board will continue consultation with the Navajo Nation and has invited the Navajo Nation to be a concurring party in the Section 106 Programmatic Agreement. As a concurring party, the Navajo Nation will have an opportunity to review and comment on cultural resources reports and treatment plans and to participate in any consultation regarding inadvertent discovery.

Comment

> "We [Department of the Interior, National Park Service] have confirmed through our GIS [geographic information systems analysis] 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[eters] of the trail's projected alignment on the ground. This intensive survey should be conducted at no greater than a 5 m[eter] survey interval within the project APE [area of potential effects]. 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[eter] 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." (EI-20552)
>
> "I [Old Spanish Trail Association] have spent a lot of time trying to figure out exactly where the Old Spanish Trail and this railroad project would intersect. I am still unclear and haven't been able to find anyone that can show me where this would go. I am not comfortable with this railway going over the trail or disturbing anymore of the trail if it can be located." (EI-20904)

Response

The Board continues consultation with the National Park Service (NPS), National Trails, Intermountain Region and the local Fish Lake chapter of the Old Spanish Trail Association (OSTA) regarding the potential for the project to affect the Old Spanish Trail. Archaeological surveys in the area where the trail is mapped have not revealed evidence of the trail. The Board has included the NPS and OSTA as concurring parties in the development of a Programmatic Agreement to ensure that concerns about the trail are adequately addressed.

3.17 Environmental Justice Communities

No comments were received on this topic.

3.18 Recreation

Comment

> "[Draft EIS] 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." (EI-3112-22)

Response

Access to public land for recreation is addressed in Section 2.2.11, Voluntary Mitigation Measures for Recreation, of this Final EIS.

Comment

> "[Draft EIS] Page 4-90, Section 4.14.4.2, Paiute ATV [all-terrain vehicle] Trail System: This section, and other sections in the document, should identify the length as well as the height and width of the berms." (EI-3112-30)

Response

The comment is referring to the fact that Alternative C would have required a large berm to accommodate rail grades. Alternative C is no longer being considered.

3.19 Aesthetics

Comment

> "[Draft EIS] 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 [Bureau of Land Management] Visual Resource Management Program." (EI-3112-31)
>
> "[Draft EIS] 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." (EI-3112-32)

Response

Section 3.4.2, Impacts to Visual Resources, of the Supplemental Draft EIS provides an updated discussion of the visual resources in the study area and the expected impacts of the Proposed Action. The Proposed Action (Alternative B/B2) and Alternative B3/B2 would be adjacent to Visual Resource Management (VRM) Class III and Class IV categories of Federally managed lands. The VRM uses four categories to classify visual resources.

The management objectives for Class I and Class II categories and federally managed lands are to preserve and retain, respectively, the existing character of the landscape. The management objective for Class III lands is to partially retain the existing character of the landscape. The management objective for Class IV lands allows for activities that require major modification of the existing character of the landscape. Where BLM-administered lands would be affected, most of the alignment of each alternative still under consideration is within or adjacent to Class IV land; the northern and southern ends of the alternatives are adjacent to (but not within) Class III land.

The long-term visual impacts from the construction and operation of any of these alternatives would result from a new rail line, including cut-and-fill slopes, bridges, loss of agricultural land and other vegetation, and drainage structures. However, the railroad tracks would not be under continuous use; there would be only one round trip (two movements which equals one full load and one empty back-haul) per day. For this reason, the viewers are not likely to have a high sensitivity to the tracks. Because the Proposed Action (Alternative B/B2) and Alternative B3/B2 would not affect areas that are sensitive to visual modifications, OEA has concluded that the aesthetic impacts of the project would be low.

No comments were received on the aesthetics analysis in the Supplemental Draft EIS.

Comment

"[Draft EIS] 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." (EI-3112-7)

Response

Alternative C was suggested because it would minimize the visual impacts to the farms and ranches that are adjacent to Alternative B. OEA agrees that the embankment at the southern end of the project would pose a significant visual impact. However, Alternative C is no longer considered feasible. Information is presented in Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS; see Section B.2, Screening for the Draft EIS, of that appendix for an explanation of the rationale for this determination.

3.20 Cumulative Impacts

Comment

One comment (EI-3113) expressed support for another project, the Nevco Energy Company Power plant, identified in Chapter 5, Cumulative Impacts, of the Draft EIS.

Response

Thank you for the comment.

3.21 Mitigation

3.21.1 Mitigation Measures for Biological Resources

3.21.1.1 Vegetation

Comment

> "[Draft EIS] 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." (EI-3112-39)

Response

Recommended mitigation measure RM 12 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS describes the requirement for the Applicant to develop a Reclamation Plan establishing guidelines for revegetating disturbed areas. The mitigation measure would require that the Applicant coordinate with the Utah Department of Natural Resources in developing the Reclamation Plan to ensure appropriate seed mixtures, planting rates and times, and post-planting monitoring methods and schedules to ensure that the criteria for success are met. Voluntary mitigation measure VM 31 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would also require the Applicant to develop a weed-control program during construction and operation of the proposed rail line.

3.21.1.2 Wildlife

Comment

> "Page 3-32, Section 3.5.4.12, Impacts to Species of Special Concern – the SDEIS [Supplemental Draft EIS] states (page 3-31) that bald eagle 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 9:00 AM and terminate at least one hour prior to official sunset." (EI-3112-15 and EI-20464-5)

Response

As described in Section 3.3.4.1, Birds, of the Draft EIS, there are very few mature trees or snags (upright dead trees) near water bodies in the study area that would provide ideal habitat for bald eagles. Therefore, the potential for negative impacts is low. However, mitigation measures were included in the Draft EIS and Supplemental Draft EIS in the event that bald eagles are found near the rail corridor during construction. See voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS regarding raptor-protection measures. VM 33 states that "the Applicant shall mitigate potential impacts to raptors and shall implement management practices from the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002)."

Comment

> "[Draft EIS] Page 4-7, Section 4.2.3, Voluntary Mitigation Measures for Biological Resources – Neither the DEIS [Draft EIS] nor the SDEIS [Supplemental Draft EIS] 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 [to the comment letter] [']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 [Final EIS] in Section 4.2.3." (EI-20464-8)

Response

See recommended mitigation measure RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS regarding migratory bird protection measures. RM 13 would require the Applicant to protect migratory birds during their breeding, nesting, and roosting seasons. Preconstruction surveys for raptors and migratory birds would be conducted if large, woody vegetation, dense shrubs, or other habitats are scheduled to be cleared during the nesting seasons of raptors or migratory birds.

Comment

> "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." (EI-3112-3)

Response

Mitigation was added to the Supplemental Draft EIS (voluntary mitigation measure VM 25 in Section 4.2.3, Voluntary Mitigation Measures for Biological Resources) and this Final EIS (VM 25 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources) to require the Applicant to coordinate with the Utah Division of Wildlife Resources regarding the Redmond Wildlife Management Area to ensure that Management Plan objectives are maintained.

Comment

"[Draft EIS] Page 6-6, Preliminary Environmental Mitigation Measures, Biological Resources, second sentence of item #10: This sentence states: 'USFWS [U.S. Fish and Wildlife Service] 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 [Endangered Species Act] by the USFWS, provided February 22, 2007, and documented in Appendix B, applies only to Federally-listed threatened and endangered species." (EI-3112-35)

Response

The text has been changed in the Supplemental Draft EIS by deleting the language regarding impact conclusions and USFWS's determinations not under its jurisdiction.

3.21.2 Voluntary Mitigation for Land Use, Grants, and Leases

Comment

"[Draft EIS] 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 [Code of Federal Regulations] 2800 and mitigating stipulations that are either required by policy, law, or regulation or are needed to insure mitigation of associated surface disturbance activities.'" (EI-3112-36)

Response

Section 2.1.4, Role of Cooperating Agencies in Developing Proposed Environmental Mitigation Measures, of this Final EIS references 43 CFR 2800. Voluntary mitigation measure VM 13 in Section 6.4.2.2, Grants and Leases, of the Draft EIS was modified in this Final EIS to be consistent with the applicable regulation.

Comment

"[Draft EIS] 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 [Bureau of Land Management] for their review and approval, prior to beginning any construction activities.'" (EI-3112-37)

Response

Voluntary mitigation measure VM 13 in Section 6.4.2.2, Grants and Leases, of the Draft EIS was modified for this Final EIS to include the requirement to submit a Plan of Operation prior to construction of the proposed rail line.

3.21.3 Voluntary Mitigation Measures for Water Resources and Wetlands

Comment

> "[Draft EIS] 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." (EI-3112-42)

Response

The Applicant has not yet applied for a Clean Water Act Section 404 permit. However, the Applicant would be required to obtain a Section 404 permit prior to construction and operation of the proposed rail line if required by the U.S. Army Corps of Engineers (USACE). USACE is a cooperating agency on the project, and the Applicant has been working closely with USACE regarding the wetland investigations, preliminary jurisdictional determination, alternatives selection, and other requirements for a Section 404 permit. Generally, detailed assessment and characterization of wetlands are performed for purpose of an Applicant's permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Site-specific mitigation is also developed as part of the Section 404 permit process.

When an Applicant has not completed the Section 404 permit process prior to the issuance of the Draft EIS, Supplemental Draft EIS, or Final EIS, OEA recommends that the Board impose a condition on any authorization to construct and operate a rail line that requires the Applicant to obtain a Section 404 permit if required by USACE. In the Draft EIS, OEA, as part of its recommended mitigation, included a condition requiring the Applicant to obtain the necessary permits from USACE prior to initiation of any project-related construction activities in wetlands and water bodies. Similar mitigation is included in this Final EIS. For detailed requirements, see voluntary mitigation measures VM 38 to VM 42 in Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS.

Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS describes the Applicant's requirements to obtain and to follow any stipulations in the Section 404 permit. For more information, see Section 3.3.3, Agency Responsibilities, and Section 3.4.1, Alternatives Development, of this chapter.

Comment

> "[Draft EIS] 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 [hydraulic] barrier." (EI-3112-38)

Response

Recommended mitigation measure RM 16 addresses connectivity and prevention of a hydraulic barrier to wetlands. RM 16 states that "[t]he Applicant shall design and construct the rail line authorized by the Board in such a way as to maintain natural water flow and drainage patterns to the extent practicable. This shall include installing bridges or placing equalization culverts through the embankment as necessary to prevent the impoundment of water or excessive drainage and maintaining the connectivity of floodplains and wetlands as applicable." See Section 2.3.4, Recommended Mitigation Measures for Water Resources and Wetlands, of this Final EIS.

Comment

> "Our [U.S. Environmental Protection Agency] 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 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." (EI-20465-3)

Response

The U.S. Army Corps of Engineers (USACE) is ultimately responsible for wetland permitting, including any required mitigation. As of the date of issuance of this Final EIS, the Applicant has not submitted a Clean Water Act Section 404 permit application. Site-specific mitigation would be developed as part of the Section 404 permit process. When an Applicant has not completed the Section 404 permit process prior to the issuance of the Draft EIS, Supplemental Draft EIS, or Final EIS, OEA recommends that the Board impose a condition on any authorization to construct and operate a rail line that requires the Applicant to obtain a Section 404 permit prior to the construction and operation of the proposed rail line. The permitting process also requires public notice, and USACE would consider agency and public input at that time. See Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS; voluntary mitigation measures VM 38 and VM 39 would require

the Applicant to work with USACE for Section 404 permitting and for any required mitigation, respectively.

Comment

Several commenters provided potential mitigation options for the project.

> "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 [Surface Transportation Board] may want to consider eradication of Tamarisk as part of the potential wetland restoration mitigation for some of the project impacts." (EI-20465-4)

> "Such [wetland] 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 yard 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 [Draft EIS] should also discuss what monitoring programs will be in place to evaluate the success of such mitigation." (EI-3204-6)

Response

Thank you for the comments. OEA has provided these suggestions to the Applicant and the U.S. Army Corps of Engineers.

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Chapter 4
Errata and Other Changes

4.1 Introduction

This chapter contains revisions (additions, deletions, and corrections) to the contents of the Draft EIS and Supplemental Draft EIS. OEA identified these revisions through its ongoing environmental review and through agency and public comments.

The Supplemental Draft EIS modifies several chapters and sections of the Draft EIS in response to comments on the Draft EIS. Therefore, the following Draft EIS chapters did not require errata in this Final EIS: Chapter 1, Description of the Proposed Action and Purpose and Need, and Chapter 2, Proposed Action and Alternatives.

Similarly, OEA received the majority of agency and public comments on the Draft EIS on resource areas, which were revised for the Supplemental Draft EIS. Therefore, only a few revisions were required for Chapter 3, Affected Environment, of the Draft EIS and for Chapter 4, Environmental Consequences, of the Draft EIS and the Supplemental Draft EIS. These revisions are indicated in Section 4.2 through Section 4.4 of this chapter with underlining (example) used to indicate inserted text and strikeout (~~example~~) used to indicate deleted text.

There were many revisions to Chapter 6, Mitigation, of the Draft EIS and Chapter 4, Mitigation, of the Supplemental Draft EIS. However, these chapters are not revised because they have been superseded by Chapter 2, Final Recommended Conditions/Mitigation, of this Final EIS.

4.2 Proposed Action and Alternatives

Chapter 2, Proposed Action and Alternatives, of the Supplemental Draft EIS provides revised analysis and supersedes Chapter 2, Proposed Action and Alternatives, of the Draft EIS.

4.3 Affected Environment

Draft EIS, Page 3-20, Sixth Paragraph

Correspondence from USFWS stated that Bonneville cutthroat trout are found in Chicken Creek (Maddux 2003). Chicken Creek Reservoir lies in the study area, but no Bonneville cutthroat trout are known to inhabit the reservoir (RDCC 2007). Chicken Creek Reservoir is shallow, contains warm water, is not fed by any perennial streams, and dries out most years by irrigators in the Mills Valley. There is another Chicken Creek in Utah that might contain Bonneville cutthroat trout. However, this stream is not located in the project area.

4.4 Environmental Consequences

Draft EIS, Page 4-3, Fourth Paragraph

Valid existing rights include, but are not limited to, rights to use public land for roads, pipelines, buried and overhead power lines, telephone lines, canals, irrigation ditches, state- and county-maintained roads, and other facilities that are held by BLM, other government entities, or private individuals or companies.

Draft EIS, Pages 4-31 and 4-32, Table 4.3-2

Common Name	Scientific Name	State Status	Federal Status	Potential for Negative Impacts from the Proposed Alternatives
Bald eagle	*Haliaeetus leucocephalus*	SPC	~~T~~	Potential for negative impacts is low for both Alternative B and Alternative C. Bald eagles ~~are winter migrants in~~ roost near the project corridor. ~~There is little if any suitable nesting habitat present.~~ The Applicant will implement management practices for raptor protection.
Bonneville cutthroat trout	*Oncorhynchus clarkii utah*	CS	—	No potential for negative impacts for either Alternative B or Alternative C. Bonneville cutthroat trout do not occur ~~occurs~~ in Chicken Creek Reservoir. ~~No impacts to this reservoir are anticipated from the proposed project.~~

Supplemental Draft EIS, Page 3-32, Second Paragraph

UDWR has stated that seeps and springs in Juab Valley that are located in the vicinity of the northern portion of the Proposed Action might provide habitat for special-status species such as the Columbia spotted frog (*Rana luteiventris*), least chub (*Iotichthys phlegethontis*), spring snails (*Pyrgulopsis* spp.), or other unusual mollusks or macroinvertebrates. However, contrary to previous speculation by UDWR, populations of least chubs have not been identified in Chicken Creek Reservoir or the surrounding area or in the Sevier Bridge Reservoir (UDWR 2013).

Supplemental Draft EIS, Page 3-32, Seventh Paragraph

Alternative B3/B2 would have the same impact on state sensitive species in the Redmond WMA. However, because Alternative B3/B2 would be east of Chicken Creek Reservoir, impacts on sensitive species that use the area would be avoided. The potential for impacts to these special-status species from the alternatives is low because no impacts to springs or seeps are anticipated with this ~~project~~ alternative.

Cultural Resources - Draft EIS, Section 4.12.2, Resolving Adverse Effects, Pages 4-80 to 4-85; Supplemental Draft EIS, Section 3.6.2.1, Historic Properties, Page 3-34

(*This text replaces the previous sections in their entirety.*)

Archaeological site impacts were re-evaluated after publication of the Supplemental Draft EIS. The area of potential effects (APE) was defined as an area 50 feet on each side of the proposed rail line right-of-way. Studies determined that up to 36 sites identified within the APE are properties that are eligible for or unevaluated for listing on the National Register of Historic Places and might be adversely affected by the construction of Alternative B/B2.

Table 4.12-1 presents the historic properties identified. Of the 36 eligible archaeological sites that might be adversely affected, 24 are prehistoric sites, 2 are multi-component sites, 2 are farmsteads or ranch sites, 2 are historic railroads, 3 are canals, and 1 is a historic hay derrick.

In addition, the Old Spanish National Historic Trail is mapped by the National Park Service in the project area (NPS 2014) and might be impacted. However, archaeological surveys in the area where the trail is mapped have not revealed evidence of the trail. Consultation with interested parties is ongoing.

Alternative B3/B2 would affect 4 fewer lithic scatter sites than would Alternative B/B2. However, additional properties might be identified in a survey of Alternative B3. Approximately 8 miles require an intensive cultural resources survey. Of the 36 known or potential historic properties, impacts to some that are situated near the edge of the alternatives' rights-of-way might be avoided by the final design of the rail line.

Table 4.12-1. Historic Properties Located in the Right-of-Way and within a 50-meter Buffer of the Right-of-Way

Site No.	Site Type	Landowner	Impacts[a]
42Sv2502 Addendum	Denver & Rio Grande Western Railroad	Private	D
42Sv2738	Farmstead	Private/state	D
42Sv2747	Farmstead	Private	A
42Sv2739	Lithic scatter	Private	D
n/a	Old Spanish Trail	Not applicable	Unknown
42Sv2742	Hay derrick	Private	D
42Sv2342 Addendum	Rocky Ford Canal	Private	D
42Sv2343 Addendum	Vermillion Canal	Private	D
42Sp570	Lithic scatter	Private	D
42Sp571	Lithic scatter	Private	D
42Sp573	Lithic scatter	Private	D
42Sp572 (42Sv2344 Addendum)	Piute Canal	State/BLM/private	D
42Sp584	Lithic scatter	State	D
42Sp588	Lithic scatter	State	D
42Sp592	Lithic scatter	State/private	D

Table 4.12-1. Historic Properties Located in the Right-of-Way and within a 50-meter Buffer of the Right-of-Way			
Site No.	Site Type	Landowner	Impacts[a]
42Sp18 Addendum	Prehistoric temporary camp	State/private	D
42Sp19 Addendum	Prehistoric temporary camp	State/private	D
42Sp585	Prehistoric temporary camp	State	D
42Sp586	Prehistoric temporary camp	State	A
42Sp587	Prehistoric temporary camp	State	D
42Sp589	Prehistoric temporary camp	State	D
42Sp590	Prehistoric temporary camp	State	D
42Sp591	Prehistoric temporary camp	State	D
42Sp593	Lithic scatter	Private	D
42Sp596	Lithic scatter	State	D
42Sp595	Prehistoric camp/historic trash	State	D
42Sp594	Prehistoric habitation site	State	D
42Sp213 Addendum	Prehistoric temporary camp	State/private	D
42Sp598	Lithic scatter	BLM	D
42Sp597	Lithic scatter/Historic trash	BLM	D
42Sp1596	Ranch/farmstead	Private	A
42Jb1396	Lithic scatter	Private	A
42Jb1397	Lithic scatter	Private	D*
42Jb1399	Lithic scatter	Private	D*
42Jb1400	Lithic scatter	Private	D*
42Jb1041	Union Pacific Railroad	Private	D

[a] Impact designations:
D = Direct impact
D* = Impact avoided if Alternative B3 is selected
A = Impact might be avoided by the final construction design because the site boundary is near the edge of or just outside the right-of-way

4.5 Mitigation

See Chapter 2, Final Recommended Conditions/Mitigation, of this Final EIS for OEA's final recommended mitigation measures.

Chapter 5
Agency Coordination and Public Outreach

This chapter describes the public and agency coordination efforts for the scoping period, the Draft EIS, and the Supplemental Draft EIS.

The Draft EIS process was initiated on September 30, 2003, when a Notice of Intent was published in the Federal Register formally announcing that the Board was preparing an EIS for the proposed project. The notice included a brief description of the proposed project.

5.1 Agency Coordination

5.1.1 Scoping

Prior to the beginning of the public scoping period for this EIS, the Board began inviting agencies with interests in the corridor to participate in the environmental review process. Their comments helped the Board determine what level of study was required for the proposed rail line. The agencies were asked to help identify environmental concerns and issues in the project area. An agency scoping meeting was held on May 21, 2003, to solicit additional agency comments regarding the project.

Letters notifying the agencies and stakeholders of the scoping meeting held on May 21, 2003, were mailed on April 1, 2003, to about 44 agencies and stakeholders representing various interests. These letters invited the agencies and stakeholders to attend the agency scoping meeting and provide comments on the project. Project representatives made follow-up phone calls to the invitees on April 24, 2003, through April 25, 2003, and again on May 15, 2003, to ensure that the agencies had received notice of the meetings. Copies of these letters and the initial project mailing list are included in Appendix B, Agency Coordination, of the Agency and Public Scoping Summary Report, which is included as Appendix A of the Draft EIS. There were 29 attendees at this meeting representing 19 agencies.

These agencies were invited to submit further comments during the public scoping period. A letter with project information, a request for agency comments, and an invitation to the public scoping meetings was mailed to agencies on October 14, 2003.

A total of 37 agency comments were received before and during the public scoping period. Many of the comments identified several potential issues. The comments received are summarized in Section A.6, Agency and Native American Comments, of the Agency and Public Scoping Summary Report, which is included as Appendix A of the Draft EIS. Copies of the original agency comments are included in Appendix D, Copies of Comments, of the Agency and Public Scoping Summary Report, which is Appendix A of the Draft EIS.

5.1.2 Draft EIS

In 2006–2007, OEA provided copies of Administrative Draft EIS documents to the cooperating agencies for their review and comment. A Notice of Availability of the Draft EIS was published June 29, 2007. OEA distributed the Draft EIS to all parties of record, including key governmental agencies and other appropriate entities. The entities are listed in Chapter 11, Distribution, of the Draft EIS. Comments were required to be received no later than August 22, 2007.

5.1.3 Supplemental Draft EIS

Shortly before the end of the public comment period on the Draft EIS, and based on agency comments received, OEA determined that additional information on alternatives and wetlands was warranted to ensure that those reviewing the document had all the information they would need to comment effectively on the environmental analysis.

A notice was issued on August 21, 2007, effectively extending the Draft EIS comment period. OEA then initiated discussion with the Applicant and cooperating agencies regarding what supplemental information was needed. Meetings were held with the Applicant, USACE, BLM, USFWS, and EPA on October 1, 2014, and a field visit was conducted on October 2, 2008.

After receiving additional information from the Applicant on alternatives and wetlands, OEA prepared and then distributed the Supplemental Draft EIS to all parties of record, including key governmental agencies and other appropriate entities. The parties are listed in Chapter 5, Distribution, of the Supplemental Draft EIS. OEA also made the Supplemental Draft EIS available for review at the Richfield Public Library (83 E. Center Street), the Salina Public Library (90 W. Main Street), the Nephi Public Library (21 East 100 North), and the Gunnison Civic Library (38 W. Center Street). The entire document is also available on the Board's website at www.stb.dot.gov and on the project website at www.sixcountyutahrail.com.

EPA published a notice in the Federal Register on May 9, 2014, announcing the availability of the Supplemental Draft EIS. Comments on the Supplemental Draft EIS were required to be received no later than June 23, 2014.

The Board received four agency comment letters on the Supplemental Draft EIS. Comments on the Draft EIS and Supplemental Draft EIS are available in Appendix B, Comment Letters, of this Final EIS.

5.2 Public Involvement

5.2.1 Scoping

This section summarizes the Board's public scoping process including preparation, notification, open-house activities, and public comments received during the scoping activities for the proposed project.

5.2.1.1 Public Scoping Meeting Notification

To initiate the EIS process, the Board released a Notice of Intent (NOI) in the Federal Register on September 30, 2003, announcing the start of the scoping process. The NOI

included the dates and times of the public meetings (see Appendix A, Notice of Intent, of the Agency and Public Scoping Summary Report, which is included as Appendix A of the Draft EIS). Additional methods used to notify the public of the scoping meetings in the project area are listed below.

1. OEA placed paid legal advertisements in the following newspapers:
   - *The Salt Lake Tribune* and *Deseret Morning News* (statewide circulation) on October 16, 2003
   - *Sanpete Messenger* (Manti) on October 16, 2003
   - *The Pyramid* (Mount Pleasant) on October 16, 2003
   - *The Richfield Reaper* (Richfield) on October 15, 2003
   - *Salina Sun* and *Gunnison Valley News* (Gunnison) on October 15, 2003
   - *The Times-News* (Nephi) on October 15, 2003
2. A media release was prepared by the Board and sent out to the media on October 20, 2003.
3. About 70 newsletters were distributed to individuals on the project mailing list on October 14, 2003.
4. Several media outlets ran stories about the project before and after the public meetings. The dates and publications of those articles are listed below.
   - October 8, 2003, *The Richfield Reaper* (Richfield)
   - October 8, 2003, *Salina Sun* and *Gunnison Valley News* (Gunnison)
   - October 8, 2003, *The Times-News* (Nephi)
   - October 29, 2003, *Salina Sun* and *Gunnison Valley News* (Gunnison)
   - October 29, 2003, *The Richfield Reaper* (Richfield)
   - November 5, 2003, *The Richfield Reaper* (Richfield)

The above materials are provided in Appendix E, Public Scoping Materials, of the Agency and Public Scoping Summary Report, which is included as Appendix A of the Draft EIS.

5.2.1.2 Public Scoping Open Houses

In October 2003, the Board held two open-house-format public scoping meetings. Below are the dates and locations of the public scoping open houses:

Wednesday, October 22, 2003
North Sevier High School
Salina, Utah

Thursday, October 23, 2003
Gunnison City Hall
Gunnison, Utah

A total of 107 signatures were provided on the attendance sheets for the two meetings. Thirty-six individual comments were received. Those comments are included in Appendix D, Copies of Comments, of the Agency and Public Scoping Summary Report, which is included as Appendix A of the Draft EIS.

The first open house was held on Wednesday, October 22, 2003, at the North Sevier High School in Salina from 6:00 PM to 8:00 PM. A total of 74 people signed the register and 19 submitted comments.

The second open house was held on Thursday, October 23, 2003, at the Gunnison City Hall in Gunnison from 6:00 PM to 8:00 PM. A total of 33 individuals signed the register and 7 submitted comments.

Following the meetings, an additional 50 comments were received from individuals who had interests in the project, for a total of 76 individual public comments.

5.2.2 Draft EIS

In response to the Draft EIS, OEA received about 40 written comment letters from individuals, organizations, tribes, and local, state, and Federal agencies. After carefully reviewing all comments received as well as updated information about the project proposal provided by the Applicant, OEA decided to prepare the Supplemental Draft EIS to further address some of the environmental resource areas (that is, alternatives and wetlands) discussed in the Draft EIS.

5.2.3 Supplemental Draft EIS

EPA published a notice in the Federal Register on May 9, 2014, announcing the availability of the Supplemental Draft EIS. Comments on the Supplemental Draft EIS were required to be received no later than June 23, 2014.

The Board received no non-agency comments and four agency comments on the Supplemental Draft EIS. Comments on the Draft EIS and Supplemental Draft EIS are available in Appendix B, Comment Letters, of this Final EIS.

There was no public meeting for the Supplemental Draft EIS.

5.2.4 Final EIS

Issuance of this Final EIS completes the Board's environmental review process. The Board will now make a Final Decision on the Proposed Action. In making its final decision, the Board will consider the entire record on the transportation merits as well as the entire environmental record, including all public comments; the Draft, Supplemental, and Final EISs; and OEA's final recommended mitigation measures.

OEA has distributed the Final EIS to all parties of record, including key governmental agencies and other appropriate entities. OEA will also make the Final EIS available for review at the Richfield Public Library (83 E. Center Street), the Salina Public Library (90 W. Main Street), the Nephi Public Library (21 East 100 North), and the Gunnison Civic Library (38 W. Center Street). The entire document is also available on the Board's website at www.stb.dot.gov, under the links "Environmental Matters" and then "Key Cases," and on the project website at www.sixcountyutahrail.com.

OEA anticipates that EPA will publish the notice of availability of the Final EIS in the Federal Register on May 29, 2015.

Chapter 6
Preparers

6.1 Surface Transportation Board

Surface Transportation Board, Office of Environmental Analysis	
Victoria Rutson	Director, Office of Environmental Analysis
Phillis Johnson-Ball	Deputy Director/Program Manager, Office of Environmental Analysis
Jeffrey Irwin	Environmental Protection Specialist/Cultural Resources, Office of Environmental Analysis
Cooperating Agencies	
Michael Utley	Bureau of Land Management
Michael Pectol John Urbanic Tim Witman	U.S. Army Corps of Engineers

6.2 Contractor

HDR Engineering, Inc., was responsible for supporting OEA in preparing the EIS. The following individuals were key members of the project team.

Name	Background	Project Role
Terry Warner, PE	• ME, Civil Engineering • BS, Civil and Environmental Engineering • 16 years of experience in a wide range of engineering disciplines, including design, environmental permitting, and NEPA document production for transportation and water resources projects.	Project Manager
John Morton, PE	• MS, Engineering Management • BS, Civil/Environmental Engineering • 36 years of experience in the design, permitting, and approval of civil engineering structures; NEPA and other environmental compliance; mitigation design; public involvement, interagency coordination, and management of interdisciplinary teams on large, complex projects.	Quality Control
Barry Butterfield	• MS, Water Resources/Civil Engineering • BS, Civil Engineering • 37 years as project engineer and project manager for a wide variety of water resources, transportation, energy, and waste management projects; NEPA studies; contract negotiations; client liaison; and technical production.	Alternatives, Document Production

Name	Background	Project Role
Matthew Edwards	• PhD, Anthropology • MHP, Archaeology • BS, Anthropology • MA, Anthropology • 16 years of experience as a practicing archaeologist including 9 years in cultural resources management and consulting and another 7 years in academia.	Cultural Resources
Rosemary Fasselin	• GIS Certificate • BA, English • 5 years of experience with GIS in the public and private sectors including developing maps, charts, graphics, and related cartographic products; compilation tasks such as reviewing source materials and providing input for plotting map projections; and digital cartographic design and production using specialty software and GIS.	GIS
Michael Perkins	• MS, Environmental Science • BA, Biology • 13 years of experience in environmental consulting, including field biology, wetland delineations, NEPA studies, environmental permitting, wetlands mitigation planning and implementation, and environmental compliance oversight.	Wetlands and Waters of the U.S.
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Appendix A
Comments and Responses

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
EI-3029	Alternatives Development	If the BLM [Bureau of Land Management] is planning to put a railroad across the cities of Utah, then they need to put the railroad on BLM land. There is plenty of BLM land to put the railway on from Levan to Salina.	The Six County Association of Governments (the Applicant) is proposing to construct and operate the proposed rail line. The Surface Transportation Board is the federal agency that will either (1) approve the transaction as proposed, without conditions; (2) approve the transaction with conditions to offset or reduce potential impacts, including environmental impacts, of the proposed transaction; or (3) disapprove the transaction entirely. BLM will decide whether to approve or deny a right-of-way grant on public lands where the right-of-way is located on public land under BLM's jurisdiction. The proposed rail line would cross land administered by BLM, land administered by the Utah School and Institutional Trust Lands Administration (SITLA), and land owned by private owners. The mountainous topography of the project area supports placing the rail right-of-way within the valley, and options for the right-of-way are limited by the mountains on either side of the valley.
EI-3037	General	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.	Thank you for your comment.
EI-3042	General, Support	I support this project and encourage the STB [Surface Transportation Board] to approve the final EIS. Having rail service in Sevier County would significantly improve the economy and reduce truck traffic.	Thank you for your comment.
EI-3043	General, Support	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.	Thank you for your comment.
EI-3044	General, Support	As a citizen in Sevier County I urge the STB [Surface Transportation Board] 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.	Thank you for your comment.

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
EI-3053-1	General, Support	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.	Thank you for your comment.
EI-3053-2	General, Support	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.	Thank you for your comment.
EI-3054	General, Support	I think that the rail spur from Levan to the Salina industrial area will be 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 [Los Angeles] and Denver. 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 West Coast. The Salina area now has a large industrial park that can accommodate 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.	Thank you for your comment.
EI-3055	General, Support	From a positive economic standpoint, I would like to encourage approval of the rail line in Sevier County.	Thank you for your comment.
EI-3056-1	General, Support	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.	Thank you for your comment.
EI-3056-2	Alternatives Development	The Applicant's preferred route is a great location for the rail.	Thank you for your comment.

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
EI-3057-1	General, Support	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. This will help improve the safety of our citizens and strengthen our local and state economy.	Thank you for your comment.
EI-3057-2	General, Support	It [Central Utah Rail] will also allow for greater business opportunities for the businesses in this area of the state. We can see very few negative environmental impacts from having the rail on the proposed or preferred alignment.	Thank you for your comment.
EI-3058	General, Support	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 impacts 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.	Thank you for your comment.
EI-3059-1	General, Support	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.	Thank you for your comment.
EI-3059-2	Alternatives Development	After looking at the proposed routes the applicant's preferred alignment would be the best choice with the least impacts.	Thank you for your comment.
EI-3060	Alternatives Development	I have studied the alignments carefully and find the preferred alternative to be the best by far. The project will provide significant opportunities for economic growth in the region.	Thank you for your comment.
EI-3103	General, Support	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 immediately by the current coal industry. I am in the fuel distribution	Thank you for your comment.

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
		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.	
EI-3104	General, Support	I support the rail project for Sevier County. We need this in our area.	Thank you for your comment.
EI-3105	General, Support	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 thee 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 your comment.
EI-3106	General, Support	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.	Thank you for your comment.
EI-3107-1	Wildlife	It would benefit the public, however, if an explanation was provided as [to] why the STB [Surface Transportation Board], 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.	As stated in the Draft EIS, walking (“pedestrian”) surveys were conducted in 2004 and 2005 to determine the presence or absence of suitable habitat for ranges of potential species, rather than specific surveys for specific species, as a first step toward assessing potential impacts. If no suitable habitat was found for a particular species, then more-detailed surveys were not justified and were not conducted.
EI-3107-2	Hazardous Materials Transport	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.”	The Applicant would be responsible for cleaning up any spills in accordance with the requirements and any timelines required in federal, state, and local regulations. To avoid or minimize the potential environmental impacts from hazardous materials and from the proposed rail line, OEA is recommending that the Board impose three voluntary mitigation measures proposed by the Applicant (VM 49, 50, 51) and three mitigation measures proposed by OEA (recommended mitigation measures RM 26, 27, and 28 in Section 2.3.6, Recommended Mitigation Measures for Hazardous Materials, of this Final EIS). These measures include requiring development of a spill-prevention plan and notifying appropriate officials and agencies if a spill occurs. The safe transportation of hazardous materials is also

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
			mandated by regulations and standards developed by the US Department of Transportation's Pipeline and Hazardous Materials Safety Administration.
EI-3107-3	Wildlife	Scientific analysis of species specific impacts from the proposed construction and operation of the rail line appears to be warranted.	See the response to comment EI-3107-5. In addition, per comments received from both the Bureau of Land Management and the Utah Division of Wildlife Resources, additional information on threatened and endangered species on Federal lands (see Section 3.4.3, Impacts to Threatened and Endangered Species, of the Supplemental Draft EIS) and Utah state sensitive species (see Section 3.5.4.2, Impacts to Species of Concern, of the Supplemental Draft EIS) was presented.
EI-3107-4	Vegetation	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 storm water run-off containing herbicides entering streams, lakes, reservoirs, and wetlands within the project area.	Under OEA's final recommended mitigation, a weed-management plan would be prepared for the project area that would include prescribing herbicides approved for use near aquatic resources and application procedures to avoid harming biological resources while preventing the spread of noxious and invasive species. Only herbicides approved by the U.S. Environmental Protection Agency (EPA) would be used in vegetation management along the right-of-way. See Section 6.4.3, Biological Resources, in the mitigation chapter of the Draft EIS and voluntary mitigation measure VM 31 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS. VM 31 would require the use of EPA-approved herbicides.
EI-3107-5	Wildlife	Other generalized statements in the DEIS [Draft EIS] that warrant scientific documentation, scientific analysis, and supporting references include, but are not limited to the following: "SEA [now OEA, the Office of Environmental Analysis] 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)	During the EIS process, biological resources were assessed, and the potential for the action alternatives to affect wildlife species or to otherwise modify wildlife habitat and wildlife movement in the project area was analyzed. Wildlife surveys were conducted in order to determine the presence or absence of suitable habitat for a wide range of potential wildlife species. Section 3.3.3, Biological Resources, of the Draft EIS identifies some of the more common wildlife species in the study area. Section 4.3, Impacts on Biological Resources, of the Draft EIS provides information on plant communities, wildlife habitat, wildlife corridors, wildlife sanctuaries and refuges, and threatened, endangered, and sensitive species. The Draft EIS documents both the impact of rail line construction and the anticipated impacts of rail operation and maintenance activities. For the three modified alternatives considered in the Supplemental Draft EIS, the Supplemental Draft EIS reassessed the potential impacts on federally listed threatened, endangered, and sensitive wildlife species. See Section 3.4, Federal Lands, of the Supplemental

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
			Draft EIS. Section 3.5, State Lands, of the Supplemental Draft EIS also assesses impacts to species of special concern, wildlife management areas, and wildlife movement. Vegetation clearing and fill placement during rail line construction would result in long-term alteration of habitats, as described in Section 4.3.2, Plant Communities, of the Draft EIS. However, a weed-management plan would be implemented to protect plant communities in adjacent habitats. The EIS acknowledges a minor reduction in the biological function of these habitats due to the addition of a 43-mile-long, 100-foot-wide linear feature (the rail line). However, because of the presence of existing highways and minor roads and because much of the project area has been converted to agricultural, residential, commercial, and industrial land uses, the project area has already been fragmented and has experienced a reduction in wildlife diversity, population densities, and distribution. Therefore, the direct impacts of the proposed rail line construction, operation (one round trip per day on average), and maintenance to wildlife habitat would be minor. Regarding wildlife corridors, the Draft EIS acknowledges minor impacts on big-game habitat because the rail line would bisect parts of two winter ranges: the San Pitch Mountains and Valley Mountains ranges. Figure 4-4, Impacts to Elk and Mule Deer Seasonal Range, of the Draft EIS shows these winter ranges. The three modified alternatives analyzed in the Supplemental Draft EIS are on the same alignment as Alternative B as presented in the Draft EIS. Therefore, the impacts to these winter ranges would be the same as those presented in the Draft EIS. The Utah Division of Wildlife Resources has stated that a significant number of deer (15 per month) are struck and killed along State Route (S.R.) 28 (Sakaguchi 2005), which bisects the San Pitch Mountains' winter mule deer range for about 4 miles. Although deer-train collisions are expected, the reduction of truck traffic on S.R. 28 with the project could result in a net decrease in collisions. The proposed rail line also skirts the eastern edge of the Valley Mountains mule deer winter/spring range for about 6 miles. However, only a small percent-age (less than 1 percent) of these two ranges would be on the opposite side of the rail line. OEA does not believe that big-game collisions would be a major issue in the project area. Because of the flat topography, the embankment heights would be low through the Valley Mountains range.

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			Movements of big game directly north to the Sevier Bridge Reservoir would not be impeded by the proposed rail line. Minimal train traffic is anticipated (one round trip per day), and the Utah Division of Wildlife Resources has stated that the low train traffic anticipated (one round trip per day) would allow natural wildlife movement patterns in the project area. As a result, no fencing would be required (RDCC 2007). The Draft EIS and Supplemental Draft EIS were reviewed by a variety of wildlife agency experts with the U.S. Fish and Wildlife Service and the Utah Division of Wildlife Resources. Comments were received on specific species and questions about specific locations along the Proposed Action. Many of the concerns and comments on the Draft EIS were addressed in the Supplemental Draft EIS. Others have been addressed by voluntary and recommended mitigation measures. See Section 3.21, Mitigation, and Chapter 2, Final Recommended Conditions/Mitigation, of this Final EIS.
EI-3107-6	Wildlife	Other generalized statements in the DEIS [Draft EIS] that warrant scientific documentation, scientific analysis, and supporting references include, but are not limited to the following: "Construction activities would temporarily displace several species of wildlife during construction, but they would likely return after construction." (page 4-27)	See the response to comment EI-3107-5.
EI-3107-7	Wildlife	Other generalized statements in the DEIS [Draft EIS] that warrant scientific documentation, scientific analysis, and supporting references include … "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 [now OEA, the Office of Environmental Analysis] 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)	See the response to comment EI-3107-5.
EI-3108-1	General, Opposition	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	Thank you for your comment.

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		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.	
EI-3108-2	Land Use; Agriculture	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.	Indirect impacts are taken into consideration in Section 4.2.2, Impacts to Agriculture, of the Draft EIS. To determine the indirect farmland impacts, parcels were identified as being farmed either by visual review of National Agriculture Imagery Program aerial photographs from 2004 or by information obtained from the Natural Resources Conservation Service and the Utah Division of Water Resources. As described further in Section 4.2.2, Impacts to Agriculture, of the Draft EIS, indirect impacts on farmland occur when farmland outside the right-of-way is rendered non-farmable because of impacts such as the creation of only small remnants and disruption of access. There is no specific guidance regarding the size at which a farmland remnant becomes too small to farm economically. However, 5 acres is the size at which farmland can qualify for the Utah Farmland Assessment Act. For the Draft EIS, farmland with less than 5 acres remaining was considered non-farmable and was counted as an indirect impact of the project. Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS presents several recommended mitigation measures to avoid or reduce impacts on agricultural operations.
EI-3108-3	General, Opposition	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.	Thank you for your comment.
EI-3111-1/ EI-3133 (duplicate)	Alternatives Development	I vote for the No Action Alternative, for the construction of the Central Utah Rail Project. I am apposed to the Proposed Action, Applicants Preferred Alternative, Alternative B. Alternative B places the Central Utah rail Project across two parcels of my land and land locks another two parcels of my land/property. My farm and ranch comprises 286 acres consisting of ten parcels of land/property.	Thank you for your comment. The Supplemental Draft EIS recommends mitigation measures for access and indirect farmland impacts. See the response to comment EI-3108-2.
EI-3111-2	Land Use; Agriculture	I feel that if I take action with my plans to build a pressurized irrigation system it's in my best interest to get it built before the CURP [Central Utah Rail Project]	The Applicant would be required to remedy any damage to crops caused by the construction of the rail line. This includes damage to any existing wells and irrigation appurtenances. See Section 2.3.2,

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		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. If the CURP is constructed using Alternative B it will bring with it financial damage in my future farming and ranching endeavors.	Recommended Mitigation Measures for Land Use, of this Final EIS, specifically recommended mitigation measure RM 7.
EI-3111-3	Vibration Impacts	My farm/ranch land has a water well that was drilled in December 1999. This well is approximately 500 feet away from CURP [Central Utah Rail Project] Alternative B. I am very concerned with what the vibrations caused by the train may cause to this precious life sustaining water source.	Section 4.6, Vibration Impacts, of the Draft EIS discusses impacts from vibration to buildings and water wells within the study area. No impacts are anticipated outside of 36 feet from the track centerline. No re-evaluation was conducted due to alignment shifts for the Supplemental Draft EIS. However, if a well would be directly affected by rail line construction, recommended mitigation measure RM 7 would require the Applicant to work with affected landowners to remedy impacts to irrigation facilities (see Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS).
EI-3111-4	Land Use; Agriculture	I have plans to drill another 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 of this water source is for 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!	The Applicant would be required to remedy any damage to crops caused by the construction of the rail line. This includes damage to any existing wells and irrigation appurtenances. See Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS, specifically recommended mitigation measure RM 7.
EI-3111-5	General, Opposition	My farm and ranch land are for cows and horses! My land is NOT FOR SALE! Not to the CURP [Central Utah Rail Project] project or to anyone! And not for any price. This land without the CURP is priceless! My plea is NOT TO TAKE MY LAND!	Thank you for your comment.
EI-3111-6	Aesthetics	Also the reason I am opposed to Alternative B is because of the visual impacts and negative aesthetics the CURP [Central Utah Rail Project] will bring to my land.	The Supplemental Draft EIS presents additional analysis regarding the potential visual impacts.

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EI-3111-7	General, Opposition	The construction of the CURP [Central Utah Rail Project] using Alternative B will greatly depreciate the value of my land!	Thank you for your comment.
EI-3111-8	Purpose and Need	The question is, how much coal reserves are left in the Southern Utah Fuel Company (SUFCO) mine? This is the major reason for constructing the CURP [Central Utah Rail Project] in the first place is to haul the coal produced from SUFCO mine from Salina to Levan, UT.	The Supplemental Draft EIS provides updated information regarding coal production. At current production rates, the SUFCO mine, located in the Wasatch Plateau, has about 16 years of production under contract. However, the Utah Geological Survey estimates that between 45 and 50 years of economically recoverable reserves remain in the Wasatch Plateau. Depending on prices, the volume of coal produced by the mine is expected to remain stable for the foreseeable future, which suggests that there would not be any appreciable change in production at the SUFCO mine.
EI-3111-9	Alternatives Development	Alternative C WOULD NOT affect my land or my future plans. Alternative C would be to my advantage.	Thank you for your comment.
EI-3112-1	Presentation	We suggest that an index be provided in the Final EIS to assist with review and preparation of any necessary permits.	Thank you for your comment. An index was included in the Draft EIS (Chapter 13) and the Supplemental Draft EIS (Chapter 8) and is included in this Final EIS (Chapter 8).
EI-3112-2	Alternatives Development	Of the two action alternatives presented in the DEIS [Draft EIS], the DOI [U.S. Department of the Interior] supports the preferred alternative (B) as it would have the least adverse impacts to fish and wildlife resources.	Thank you for your comment.
EI-3112-3	State Land Use; Wildlife	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.	Mitigation has been added to the Supplemental Draft EIS (Section 4.2, Applicant's Voluntary Mitigation Measures, VM 25) to require the Applicant to coordinate with the Utah Division of Wildlife Resources regarding the Redmond Wildlife Management Area (WMA) to ensure that Management Plan objectives are maintained. Also see the response to comment EI-3132-8.
EI-3112-4	Wetlands and Waters of the U.S.	The project as proposed would have significant impacts to wetlands, estimated in the DEIS [Draft EIS] 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	OEA directed the Applicant to provide additional information on wetlands in the project area because of the potential to affect large wetland complexes at the northern and southern ends of the project. In response to OEA's request, the Applicant conducted a wetland investigation along the proposed routes. The additional information gained from these wetland investigations resulted in the development of three new modified alternatives and the re-evaluation of alternatives dismissed in the Draft EIS. This re-evaluation was provided to the U.S. Army Corps of Engineers for review.

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		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.	Wetland impacts were considered in the alternatives re-evaluation process OEA conducted on previously eliminated alternatives and on the new alternatives proposed after the Draft EIS was issued. Wetland considerations used in the alternatives screening are presented in Chapter 2, Proposed Action and Alternatives, of the Supplemental Draft EIS. Section 3.1, Wetlands and Waters of the U.S., of the Supplemental Draft EIS presents the wetland impacts for Alternative B, the Proposed Action (Alternative B/B2), and Alternative B3/B2, the latter of which was preliminarily identified in the Supplemental Draft EIS as the Environmentally Preferred Alternative. Overall, based on the wetland investigations and alternative modifications, the anticipated wetland impacts of the proposed project have been reduced from 12.3 acres for Alternative B as presented in the Draft EIS to 3.1 acres for the current Proposed Action (Alternative B/B2) and to 2.1 acres for Alternative B3/B2, OEA's Environmentally Preferred Alternative.
EI-3112-5	Wetlands and Waters of the U.S.; Wildlife; Water Quality	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 [Draft EIS] 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.	Additional wetlands field work and investigations conducted for the Draft EIS did not record or identify any obvious springs or seeps within the 150-to-700-foot-wide wetland investigation survey area. The wetland investigation did identify some isolated wet meadow wetland areas in the northern portion of the study area; however, the hydrological source of the wet meadows was not apparent. Section 3.1.3.1, Wetland Areas, of the Supplemental Draft EIS includes discussion of wetland boundaries that were revised after a preliminary field review of the Alternative B3 corridor in 2008. The Proposed Action in the Draft EIS (Alternative B) included a maintenance yard near the northern terminus of the alignment. With this maintenance yard, the proposed right-of-way would be about 600 feet wide near the northern terminus. Alignments were refined for the Supplemental Draft EIS including moving the maintenance yard south to minimize potential wetland impacts. In the northern portion of the study area, the alternatives would have about a 100-foot-wide right-of-way; a 200-foot width would be needed during construction. Also see the responses to comments EI-3132-9 and -14 regarding least chub.
EI-3112-6	Federal Lands; Grazing	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	The Applicant has agreed to install temporary fences during construction of the proposed rail line to allow continued grazing. The Applicant would also replace fences, gates, and cattle guards after construction and maintain access to grazing allotments, as well as

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	Allotments	have to be constructed by the applicant to supply water to livestock.	maintain connections to water sources (see voluntary mitigation measures VM 15 to VM 18 in Section 2.2.2.4, Grazing Allotments, of this Final EIS).
EI-3112-7	Aesthetics	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.	Alternative C was suggested because it would minimize the visual impacts to the farms and ranches that are adjacent to Alternative B. OEA agrees that the embankment at the southern end of the project would pose a significant visual impact. However, Alternative C is no longer considered feasible. Information is presented in Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS; see Section B.2, Screening for the Draft EIS, of that appendix for an explanation of the rationale for this determination.
EI-3112-8	Rail Operations	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.	Although the Applicant seeks authorization to construct and operate the proposed rail line, it does not plan to own or operate the line for profit. The Applicant expects to work jointly with another entity in constructing the line and possibly assigning its responsibilities for common-carrier operations. The day-to-day operator for the proposed rail line has not yet been determined.
EI-3112-9	Land Use	Page 2-6: Clarify the difference, if any, between farmland and agricultural land. The first paragraph, second sentence, states that an alternative [Alternative C] 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."	The meanings overlap as used in the Draft EIS. The reference is to agricultural land that is farmed. The analysis has been re-evaluated for the Supplemental Draft EIS. See Section 3.2, Agriculture, of the Supplemental Draft EIS for the expected impacts of the alternatives now being considered. Alternative C is no longer being considered.
EI-3112-10	Land Use	Page 2-6, Table 2.2-2: Alt C shows BLM [Bureau of Land Management] 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.	The land-use information has been re-evaluated for the Supplemental Draft EIS; see Section 3.4, Federal Lands, of the Supplemental Draft EIS. Alternative C is no longer being considered.
EI-3112-11	Wildlife	Page 3-14, Migratory Birds: As stated in the DEIS [Draft EIS], 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	Recommended mitigation measure RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS describes the process for vegetation removal during construction in compliance with appropriate seasonal restrictions to ensure protection of the breeding, nesting, and roosting seasons of all

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		bird 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).	migratory birds. Preconstruction surveys for raptors and migratory birds would be conducted if large woody vegetation, dense shrubs, or other natural habitats are scheduled to be cleared during the nesting seasons for either group of bird species. The Applicant would also implement best management practices to protect raptors and other migratory birds (voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would require implementation of the U.S. Fish and Wildlife Service's *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* [Romin and Muck 2002]) and would coordinate with the U.S. Department of the Interior (RM 13). OEA believes that this mitigation is appropriate and adequate.
EI-3112-12	Wildlife	Page 3-17: Page 3-16, Section 3.3.4, third paragraph, last two sentences state, "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.	Section 3.4.3, Impacts to Threatened and Endangered Species, of the Supplemental Draft EIS describes the U.S. Fish and Wildlife Service's conclusions related to listed species, including plant species. Because there is no potential for negative impacts to threatened, endangered, or sensitive plant species, no mitigation requiring plant surveys has been proposed in this case.
EI-3112-13	Wildlife	Page 3-17, Threatened, Endangered, and Sensitive Species: The DEIS [Draft EIS] 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	As stated in the Draft EIS, walking ("pedestrian") surveys were conducted in 2004 and 2005 to determine the presence or absence of suitable habitat for ranges of potential species, rather than specific surveys for specific species, as a first step toward assessing potential impacts. If no suitable habitat was found for a particular species, then more-detailed surveys were not justified and were not conducted. Section 3.4.3, Impacts to Threatened and Endangered Species, was included in the Supplemental Draft EIS to further discuss the impacts on threatened and endangered species. Also see the response to comment EI-3112-5 regarding springs. The Draft EIS referenced the potential to encounter seeps and springs in the northern portion of the study area. However, no seeps or springs were observed in during wetland investigations and other field surveys.

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		or macroinvertebrates.	
EI-3112-14	Wildlife	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 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.	To reduce potential impacts on raptors, the Applicant would mitigate potential impacts to raptors and would implement management practices from the U.S. Fish and Wildlife Service's *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002) (see voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS). These guidelines include conducting preconstruction surveys for raptor nests.
EI-3112-15	Mitigation, Wildlife	Page 3-19, Bald Eagle and Burrowing Owl: Bald eagle 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 9:00 AM 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 [global positioning system] 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.	See the response to comment EI-3112-14 regarding bald eagles. Alternative C is no longer under consideration as a viable alternative. The Draft EIS determined that, because no dens were observed in the area of potential impact, the potential for negative impacts on burrowing owls is low. If the proposed construction is authorized, the Applicant would implement management practices to protect raptors (voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS) and would coordinate with the U.S. Department of the Interior and the Utah Division of Wildlife Resources for other migratory birds (recommended mitigation measure RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS). The Applicant also would conduct preconstruction surveys before clearing the right-of-way prior to ground-disturbing activities (RM 13). OEA believes that this mitigation is appropriate and adequate.
EI-3112-16	Native American Consultation	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.	Consultation with tribes was initiated in 2003 and is ongoing. The following federally recognized tribes have been included: the Confederated Tribes of the Goshute Reservation, Nevada and Utah; Hopi Tribe of Arizona; Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona; Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada; Navajo Nation of Arizona, New Mexico, and Utah; Paiute Indian Tribe of Utah (including the Cedar Band, Indian Peaks Band, Kanosh Band, Koosharem Band, and Shivwits Band); San Juan Southern Paiute Tribe of Arizona; Skull Valley Band of Goshute Indians of Utah; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Ute Indian Tribe of the Uintah and Ouray Reservation, Utah; and the Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, and Utah.

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			Four of these tribes (Hopi Tribe of Arizona; Navajo Nation of Arizona, New Mexico, and Utah; Paiute Indian Tribe; and Kaibab Band of Paiute Indians) have expressed interest in consultation. In addition, the Kanosh Band of the Paiute Indian Tribe of Utah has expressed interest. OEA will continue Section 106 consultation with the tribes and will invite those tribes that have expressed an interest in consultation to be concurring parties in the Programmatic Agreement under development in accordance with 36 Code of Federal Regulations 800.
EI-3112-17	Native American Consultation	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.	See the response to comment EI-3112-16.
EI-3112-18	Cultural Resources	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.	Reference to the Numic Expansion theory was deleted in the Supplemental Draft EIS and is not discussed in this Final EIS.
EI-3112-19	Rail Operations	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.”	Thank you for your comment. The modification to the Draft EIS text is noted in Chapter 4, Errata and Other Changes, of this Final EIS.
EI-3112-20	Land Use	Page 4-13, last paragraph, second sentence: This indicates that BLM [Bureau of Land Management] would determine whether private farmland would remain farmable. Since SEA [now OEA, Office of Environmental Analysis]/STB [Surface Transportation Board] is the lead agency and BLM has no jurisdiction to determine whether private farmland would remain farmable, the lead agency would make the determination.	OEA coordinates with Federal, local, and state land-management agencies to address issues related to land use. BLM is a cooperating agency for the project, and it has responsibility to manage federal lands as the landowner of property that would be crossed either Alternative B/B2 or Alternative B3/B2 were constructed. The reference in the Draft EIS is to farmland that can be farmed economically. There is no specific guidance regarding the size at which private land in Utah becomes too small to farm economically. However, according to the Utah Farmland Assessment Act, 5 acres is the size at which farmland can qualify for Utah Farmland Assessment Act assistance. The Applicant and the property owners affected by the project in consultation with other Utah agencies would determine, on a case-by-case basis, whether remaining farmland would remain farmable. Recommended mitigation measures RM 6 to RM 10 in Section 2.3.2,

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			Recommended Mitigation Measures for Land Use, of this Final EIS would direct the Applicant to work with local farm agencies and landowners during the final design of the rail line to help avoid, minimize, or mitigate impacts to their operations and property.
EI-3112-21	Land Use	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 [Bureau of Land Management] acres should be made consistent.	Values have changed due to the introduction of new alternatives. Alternative C is no longer being considered.
EI-3112-22	Land Use	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.	Access to public land for recreation is addressed in Section 2.2.11, Voluntary Mitigation Measures for Recreation, of this Final EIS.
EI-3112-23	Wildlife	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.	Recommended mitigation measures RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS describes the process for vegetation removal during construction in compliance with appropriate seasonal restrictions to ensure protection of the breeding, nesting, and roosting seasons of all migratory birds. Preconstruction surveys for raptors and migratory birds would be conducted if large woody vegetation, dense shrubs, or other natural habitats are scheduled to be cleared during the nesting seasons for either group of bird species. The Applicant would also implement management practices to protect raptors and other migratory birds (voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would require implementation of the U.S. Fish and Wildlife Service's *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* [Romin and Muck 2002]) and would coordinate with the U.S. Department of the Interior (RM 13). OEA believes that this mitigation is appropriate and adequate.
EI-3112-24	Wildlife	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	See the response to comment EI-3112-23.

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Comment Number	Comment Category	Comment	Response
		April-July).	
EI-3112-25	Wildlife	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 [U.S. Fish and Wildlife Service] does not make the determinations, nor do they consult on non-Federally-listed sensitive species.	Section 3.4.3, Impacts to Threatened and Endangered Species, of the Supplemental Draft EIS presents updated information regarding threatened and endangered species on Federal lands.
EI-3112-26	Wildlife	Page 4-31, Table 4.3-2: Bald eagles are no longer listed as threatened under the ESA [Endangered Species Act]. However, because bald eagles continue to be protected under BGEPA [Bald and Golden Eagle Protection Act] and MBTA [Migratory Bird Treaty Act], it should be noted that there has been documented bald eagle winter roosting in the project vicinity.	See the response to comment EI-3112-14.
EI-3112-27	Wildlife	Page 4-32, Table 4.3.-2: The genus for the least chub is *Iotichthyes*.	The spelling was corrected in Section 3.4.3, Impacts to Threatened and Endangered Species, of the Supplemental Draft EIS.
EI-3112-28	Wetlands and Waters of the U.S.	Page 4-44, Impacts to Wetlands and Waters of the U.S., Construction Impacts: The DEIS [Draft EIS], 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.	See the response to comment EI-3112-4. The wetland impacts analysis was updated for the Supplemental Draft EIS.
EI-3112-29	Wetlands and Waters of the U.S.	Page 4-45, Impacts to Wetlands and Waters of the U.S., Construction Impacts: The DEIS [Draft EIS] states that Alternative B will impact about 3 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.	See the response to comment EI-3112-4. Alternative C is no longer being considered.
EI-3112-30	Recreation	Page 4-90, Section 4.14.4.2, Paiute ATV [all-terrain vehicle] Trail System: This section, and other sections in the document, should identify the length as well as the height and width of the berms.	The comment is referring to the fact that Alternative C would have required a large berm to accommodate rail grades. Alternative C is no longer being considered.

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
EI-3112-31	Aesthetics	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.	Section 3.4.2, Impacts to Visual Resources, of the Supplemental Draft EIS provides an updated discussion of the visual resources in the study area and the expected impacts of the Proposed Action. The Proposed Action (Alternative B/B2) and Alternative B3/B2 would be adjacent to Visual Resource Management (VRM) Class III and Class IV categories of Federally managed lands. The VRM uses four categories to classify visual resources. The management objectives for Class I and Class II categories and federally managed lands are to preserve and retain, respectively, the existing character of the landscape. The management objective for Class III lands is to partially retain the existing character of the landscape. The management objective for Class IV lands allows for activities that require major modification of the existing character of the landscape. Where BLM-administered lands would be affected, most of the alignment of each alternative still under consideration is within or adjacent to Class IV land; the northern and southern ends of the alternatives are adjacent to (but not within) Class III land. The long-term visual impacts from the construction and operation of any of these alternatives would result from a new rail line, including cut-and-fill slopes, bridges, loss of agricultural land and other vegetation, and drainage structures. However, the railroad tracks would not be under continuous use; there would be only one round trip (two movements which equals one full load and one empty back-haul) per day. For this reason, the viewers are not likely to have a high sensitivity to the tracks. Because the Proposed Action (Alternative B/B2) and Alternative B3/B2 would not affect areas that are sensitive to visual modifications, OEA has concluded that the aesthetic impacts of the project would be low. No comments were received on the aesthetics analysis in the Supplemental Draft EIS.
EI-3112-32	Aesthetics	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.	See the response to comment EI-3112-31. Section 3.4.2.3, Long-Term Impacts, of the Supplemental Draft EIS discusses the impacts to viewers along the rail line.

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
EI-3112-33	Trucking Operations	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 rerouted. 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.	The No-Action Alternative (Alternative A) assumes that truck hauling would continue. With the No-Action Alternative, no new rail line or terminal facilities would be constructed. No new train operations through Juab, Sanpete, and Sevier Counties would be conducted, and rail operations on the Union Pacific Railroad (UPRR) line would not change. Coal-haul trucks would continue to use roads and highways in portions of Juab, Sanpete, and Sevier Counties to transport coal from the SUFCO mine to the existing UPRR mainline near Juab. Chapter 4, Environmental Consequences, of the Draft EIS describes the impacts of the No-Action Alternative on the wide variety of resources in the study area. Section 4.1.2, Impacts on the Regional Transportation System, of the Draft EIS discusses the impacts on traffic delay and traffic safety of the No-Action Alternative, which is to continue coal trucking operations. Under the Proposed Action, some truck traffic would remain. As described in Section 1.3, Purpose and Need, of the Supplemental Draft EIS, the purpose and benefits of the proposed rail line construction include a cost-effective alternative to truck transportation for some of the primary existing industries in the area. It is likely that other industries with smaller deliveries and shorter hauls to customers in the region, as well as industries not in proximity to the rail line, would continue to truck shipments to customers when truck transportation is more economical than rail transportation. However, trains can move 4 times more ton-miles of freight per gallon of fuel than trucks can. The overall transportation system would be maintained with at-grade crossings at several of the major roads. Therefore, no significant rerouting is anticipated from the project. See voluntary mitigation measure VM 1 in Section 2.2.1, Voluntary Mitigation Measures for Rail Operations and Safety, of this Final EIS for a description of the type of crossing proposed by the Applicant. Section 4.1.2, Impacts on the Regional Transportation System, of the Draft EIS discusses the impacts to traffic delay and traffic safety from the Proposed Action.
EI-3112-34	Aesthetics	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.	Visual impacts (aesthetics) and cultural resources are addressed in the Supplemental Draft EIS. See Section 3.4.2, Impacts to Visual Resources, and Section 3.6, Historic Properties and Paleontological Resources, of the Supplemental Draft EIS.
EI-3112-35	Mitigation,	Page 6-6, Preliminary Environmental Mitigation Measures, Biological Resources, second sentence of	The text has been changed in the Supplemental Draft EIS by deleting the language regarding impact conclusions and USFWS's

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	Wildlife	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 [Endangered Species Act] by the USFWS [U.S. Fish and Wildlife Service], provided February 22, 2007, and documented in Appendix B, applies only to Federally-listed threatened and endangered species.	determinations not under its jurisdiction.
EI-3112-36	Federal Land Use; Mitigation, Federal Lands	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 [Code of Federal Regulations] 2800 and mitigating stipulations that are either required by policy, law, or regulation or are needed to insure mitigation of associated surface disturbance activities."	Section 2.1.4, Role of Cooperating Agencies in Developing Proposed Environmental Mitigation Measures, of this Final EIS references 43 CFR 2800. Voluntary mitigation measure VM 13 in Section 6.4.2.2, Grants and Leases, of the Draft EIS was modified in this Final EIS to be consistent with the applicable regulation.
EI-3112-37	Mitigation, Federal Lands	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."	Voluntary mitigation measure VM 13 in Section 6.4.2.2, Grants and Leases, of the Draft EIS was modified for this Final EIS to include the requirement to submit a Plan of Operation prior to construction of the proposed rail line.
EI-3112-38	Mitigation, Wetlands and Waters of the U.S.	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 [hydraulic] barrier.	Recommended mitigation measure RM 16 addresses connectivity and prevention of a hydraulic barrier to wetlands. RM 16 states that "[t]he Applicant shall design and construct the rail line authorized by the Board in such a way as to maintain natural water flow and drainage patterns to the extent practicable. This shall include installing bridges or placing equalization culverts through the embankment as necessary to prevent the impoundment of water or excessive drainage and maintaining the connectivity of floodplains and wetlands as applicable." See Section 2.3.4, Recommended Mitigation Measures for Water Resources and Wetlands, of this Final EIS.
EI-3112-39	Mitigation, Plant Communities	Page 6-13, Applicant's Voluntary Mitigation Measures, Biological Resources: Item #29 should identify the method to be used for monitoring the revegetation sites	Recommended mitigation measure RM 12 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS describes the requirement for the Applicant to develop a

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		and also the criteria to determine whether the revegetation has been successful.	Reclamation Plan establishing guidelines for revegetating disturbed areas. The mitigation measure would require that the Applicant coordinate with the Utah Department of Natural Resources in developing the Reclamation Plan to ensure appropriate seed mixtures, planting rates and times, and post-planting monitoring methods and schedules to ensure that the criteria for success are met. Voluntary mitigation measure VM 31 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would also require the Applicant to develop a weed-control program during construction and operation of the proposed rail line.
EI-3112-40	Mitigation, Plant Communities	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.	See the response to comment EI-3112-39.
EI-3112-41	Mitigation, Wildlife	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 [U.S. Fish and Wildlife Service] document but a management plan with numerous agency signatories.	Thank you for your comment. Correct references are included in the Supplemental Draft EIS and this Final EIS. Voluntary mitigation measure VM 35 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS was modified to include the correct conservation agreement reference.
EI-3112-42	Mitigation, Wetlands and Waters of the U.S.	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.	The Applicant has not yet applied for a Clean Water Act Section 404 permit. However, the Applicant would be required to obtain a Section 404 permit prior to construction and operation of the proposed rail line if required by the U.S. Army Corps of Engineers (USACE). USACE is a cooperating agency on the project, and the Applicant has been working closely with USACE regarding the wetland investigations, the preliminary jurisdictional determination, alternatives selection, and

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Comment Number	Comment Category	Comment	Response
			other requirements for a Section 404 permit. Generally, detailed assessment and characterization of wetlands are performed for purpose of an Applicant's permit pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Site-specific mitigation is also developed as part of the Section 404 permit process. When an Applicant has not completed the Section 404 permit process prior to the issuance of the Draft EIS, Supplemental Draft EIS, or Final EIS, OEA recommends that the Board impose a condition on any authorization to construct and operate a rail line that requires the Applicant to obtain a Section 404 permit if required by USACE. In the Draft EIS, OEA, as part of its recommended mitigation, included a condition requiring the Applicant to obtain the necessary permits from USACE prior to initiation of any project-related construction activities in wetlands and water bodies. Similar mitigation is included in this Final EIS. For detailed requirements, see voluntary mitigation measures VM 38 to VM 42 in Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS. Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS describes the Applicant's requirements to obtain and to follow any stipulations in the Section 404 permit. For more information, see Section 3.4.1, Alternatives Development, and Section 1.12, Agency Responsibilities, of this Final EIS.
EI-3112-43	Mitigation, Wildlife	Appendix B, Page B-7, Raptors: The DEIS [Draft EIS] 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.	To reduce potential impacts on raptors, the Applicant would mitigate potential impacts to raptors and would implement management practices from the U.S. Fish and Wildlife Service's *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002) (see voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS). These guidelines include conducting preconstruction surveys for raptor nests.
EI-3112-44	Presentation	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.	Thank you for your comment.

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EI-3113	Cumulative Impacts	The proposed power plant would be a great boost for Salina's economy and industrial park.	Thank you for your comment.
EI-3116-1	General, Support	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.	Thank you for your comment.
EI-3116-2	Alternatives Development	After reviewing the plans, it is my feeling that the proposed alignment is also the least impactful route through Sanpete County.	Thank you for your comment.
EI-3129-1	General, Opposition	Our choice to move to this exact location was 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 three autistic children in our home that are in the highest risk regarding this rail line.	Thank you for your input.
EI-3129-2	Alternatives Development	The bottom line is you have two other options to build in addition to Alternative B. One which you eliminated entirely from our paperwork, Alternative B1. And the other Alternative C which you don't want to use.	OEA has considered three new alternatives, which are described in Chapter 2, Proposed Action and Alternatives, of the Supplemental Draft EIS.
EI-3129-3	Vibration	The weight of the train cars alone can vibrate the ground, not to mention the cargo they are carrying.	Section 4.6, Vibration Impacts, of the Draft EIS discusses impacts from vibration to buildings and water wells within the study area. No impacts are anticipated outside of 36 feet from the track centerline. No re-evaluation was conducted due to alignment shifts for the Supplemental Draft EIS. However, if a well is directly affected by rail line construction, recommended mitigation measure RM 7 would require the Applicant to work with affected landowners to remedy impacts to irrigation facilities (see Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS).
EI-3129-4	Noise	When trains cross roads they have to blow their horns by law, their horns are extremely loud even from a distance.	All trains operated on the North American rail network are subject to Federal safety regulations administered by the Federal Railroad Administration as well as state safety regulations. Federal regulation 49 Code of Federal Regulations (CFR) 222 requires all trains to sound the locomotive horn when approaching and entering public highway/

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			rail at-grade crossings if the train speed is 15 miles per hour or greater and the railroad does not provide train crew or flagpersons on the ground at all times to warn motorists. Highway/rail at-grade crossing warning devices such as bells, flashing lights, and gates do not relieve this requirement to sound the train horn–except in established quiet zones where supplemental safety measures have been instituted. The regulations in 49 CFR 222 and 49 CFR 229 allow communities to establish quiet zones. Refer to Chapter 2, Final Recommended Conditions/Mitigation, of this Final EIS for the final voluntary mitigation measures and OEA's final recommendations to the Board for noise mitigation.
EI-3132-1	Wetlands and Waters of the U.S.; Alternatives Development	The DEIS [Draft EIS] 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 describe any areas for potential wetland mitigation.	Wetland impacts were re-evaluated in the Supplemental Draft EIS. See the response to comment EI-3112-4. The U.S. Army Corp of Engineers (USACE) is ultimately responsible for wetland permitting, including determining any required mitigation. The Board will consider impacts to wetlands when making its final decision on the project. During the Clean Water Act Section 404 permitting process, the Applicant would show that the standard mitigation sequence of first avoiding, then minimizing, and finally mitigating for impacts to wetlands that would result from rail line construction. For wetlands filled, in accordance with the Clean Water Act Section 404 permit, the Applicant would have to mitigate to ensure "no net loss" of wetlands. USACE is ultimately responsible for requiring wetland mitigation. Site-specific mitigation would be developed as part of the Section 404 permit process. When an Applicant has not completed the Section 404 permit process prior to the issuance of the Draft EIS, Supplemental Draft EIS, or Final EIS, OEA recommends that the Board impose a condition on any authorization to construct and operate a rail line that requires the Applicant to obtain a Section 404 permit if required by USACE. The permitting process also requires public notice, and USACE would consider agency and public input at that time. See Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS; VM 38 would require the Applicant to work with USACE for Section 404 permitting, and VM 39 would require the Applicant to work with USACE for any required mitigation.

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EI-3132-2	Plant Communities	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 [Draft EIS] fail to 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 [Central Utah Rail Project]. 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.	See the response to comment EI-3112-39.
EI-3132-3	Plant Communities	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 [Utah Division of Wildlife Resources] 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.	See the response to comment EI-3112-39.

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Comment Number	Comment Category	Comment	Response
EI-3132-4	Wildlife	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 [Utah Division of Wildlife Resources] recommends the development of success criteria and follow-up measures to ensure successful revegetation as a part of the revegetation plan.	See the response to comment EI-3112-40.
EI-3132-5	Wildlife	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 [Utah Division of Wildlife Resources] 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 be of benefit for 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.	Thank you for your comment. The Applicant would be required to work with BLM and the Utah Division of Wildlife Resources during preliminary design of the proposed rail line to determine mitigation measures to enhance movement and reduce wildlife losses during migration periods. See revised mitigation (now voluntary mitigation measure VM 36) in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS. Some fences would be required in order to address livestock operations and grazing allotments. See VM 17 in Section 2.2.2.4, Grazing Allotments, of this Final EIS, which would require the Applicant to evaluate whether existing gates on existing side roads that are used to access grazing allotments need to be upgraded with properly sized cattle guards to accommodate increased present and future traffic. Also see voluntary mitigation measure VM 18 in Section 2.2.2.4, Grazing Allotments, of this Final EIS, which would require the Applicant to maintain safety fencing.
EI-3132-6	Wildlife	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 [Utah Division of Wildlife Resources]. 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.	Section 4.3.3.2, Wildlife Corridors, of the Draft EIS describes the impacts of the proposed project with regard to wildlife strikes. The Draft EIS acknowledges impacts to big-game habitat because the rail line would bisect parts of two winter ranges: the San Pitch Mountains and Valley Mountain ranges. Figure 4-4, Impacts to Elk and Mule Deer Seasonal Range, of the Draft EIS shows these winter ranges. Only a small percentage (less than 1 percent) of these two ranges would be on the opposite side of the rail line. If the project is approved, voluntary mitigation measure VM 37 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would require the Applicant to work with BLM and the Utah Department of Natural Resources to provide

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			reasonable enhancement (such as reseeding, restoration, or other appropriate measures) to parts of the deer winter range to replace the habitat lost from constructing the rail line and to attract the animals to the enhanced range and away from the rail line. OEA does not believe that any additional mitigation is needed.
EI-3132-7	Wildlife	The DEIS [Draft EIS] does not contain an analysis of potential increases of haul traffic along I-70 [Interstate 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 [Utah Division of Wildlife Resources] 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.	The proposed project is not expected to increase highway haul traffic on I-70. Section 3.7, Climate Change and Greenhouse Gas Production, of the Supplemental Draft EIS describes how the production rate and customer mix for SUFCO coal is not anticipated to change with the Proposed Action (Nash 2013). Also see Section 4.1.1, Methodology, of the Draft EIS, which states that the total volume of coal produced and transported through the study area would not materially change from current conditions with the proposed rail line. The mode of transportation would change from truck to rail from Salina to Juab but would not materially change along I-70. The Proposed Action would shorten the total distance of over-the-road truck hauls by over 50 percent, thus reducing the potential for wildlife collisions in the majority of the study area.
EI-3132-8	State Land Use; Wildlife	The DEIS [Draft EIS] 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 [Utah Division of Wildlife Resources] recommends the use of a detailed map of to better ascertain impacts and develop actions to avoid and/or minimize impacts to Redmond WMA.	See Figure 3-4, Redmond Wildlife Management Area, on page 3-29 of the Supplemental Draft EIS. About 3.9 acres of land in the Redmond WMA would be needed if the Proposed Action is constructed. Voluntary mitigation measure VM 24 has been included in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS requiring the Applicant to coordinate with the Utah Division of Wildlife Resources regarding the Redmond WMA to ensure that Management Plan objectives are maintained.
EI-3132-9	Wildlife	The DEIS [Draft EIS] 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	The Supplemental Draft EIS evaluates impacts to the Redmond WMA and the sensitive species (leatherside chub and long-billed curlew) that might use the area. As described in Section 3.5.3.2, Impacts to Wildlife Movement and Management, of the Supplemental Draft EIS,

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		unverified reports that leatherside chub, a State Species of Concern, have been found in the Redmond WMA [Wildlife Management Area]. UDWR [Utah Division of Wildlife Resources] 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.	the Proposed Action (Alternative B/B2) and Alternative B3/B2 would affect about 3.9 acres of wildlife habitat in the Redmond WMA. These impacts would consist of about 0.2 acre of emergent marsh wetlands and 3.7 acres of agricultural land. None of the alternatives would affect critical wildlife habitat. In addition, as described in Section 3.5.4.2, Impacts to Species of Special Concern, of the Supplemental Draft EIS, the potential impacts from the alternatives on the southern leatherside chub are low to none. Southern leatherside chubs are present in the Sevier River and its tributaries. The alternatives cross the Sevier River at Yuba Narrows (at the Sevier Bridge Reservoir) and again southwest of Salina. These crossings would span the river, and no bridge structures or fill material would be placed in the Sevier River. Voluntary mitigation measure VM 35 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS contains a commitment to coordinate with the Utah Division of Wildlife Resources prior to construction of the rail line to help identify sensitive species in the rail corridor and to identify measures to minimize impacts during construction.
EI-3132-10	Wildlife	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.	Regarding aquatic species, see the response to comment EI-3112-5. No springs were found during the wetland surveys conducted for the Supplemental Draft EIS. Therefore, no habitat for rare and sensitive species such as spotted frogs, least chubs, or unusual mollusks or macroinvertebrates would be affected by the project. In addition, least chubs have not been observed in Chicken Creek, the Sevier River, or the Sevier Bridge Reservoir (UDWR 2013). Section 3.5.3.2, Impacts to Wildlife Movement and Management, of the Supplemental Draft EIS presents additional information on long-billed curlews. Long-billed curlews, a wildlife species of concern on the Utah Sensitive Species List, have been found in the vicinity of the WMA and Chicken Creek Reservoir. The Proposed Action (Alternative B/B2) and Alternative B3/B2 would affect about 3.9 acres of wildlife habitat in the Redmond WMA. These impacts would consist of about 0.2 acre of emergent marsh and 3.7 acres of agricultural land. The habitat requirements for long-billed curlews include short-stature grasslands with a bare ground component, shade, and an abundant prey base, all of which are found in and immediately adjacent to the Redmond WMA and around Chicken Creek Reservoir.

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			In addition, voluntary mitigation measure VM 35 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would require additional surveys that would determine the presence of any sensitive species in Chicken Creek Reservoir so that appropriate design measures or mitigation can be implemented that would minimize impacts. Therefore, the Supplemental Draft EIS concludes that the potential impacts to long-billed curlews from the alternatives are low.
EI-3132-11	Wildlife	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.	See the response to comment EI-3112-14.
EI-3132-12	Wildlife	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.	See the response to comment EI-3132-10. Recommended mitigation measure RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS describes the process for protecting migratory birds during project-related construction. Construction would be conducted in compliance with appropriate seasonal restrictions to ensure protection of the breeding, nesting, and roosting seasons for all migratory birds. The responses to comments on migratory bird protection in Section 3.7.2, Wildlife Resources, of this Final EIS and the mitigation for biological resources presented in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS would also apply to long-billed curlews. Therefore, the Supplemental Draft EIS concludes that, with OEA's recommended mitigation, the potential impacts to long-billed curlews from the alternatives now under consideration are low.
EI-3132-13	Wildlife	Bonneville cutthroat trout do not occur in Chicken Creek Reservoir, although they are reported from higher up in the Chicken Creek drainage.	Thank you for the comment. The Supplemental Draft EIS provides updated information on sensitive species. Chicken Creek Reservoir is shallow, contains warm water, is not fed by any perennial streams, and dries out most years by irrigators in the Mills Valley. There is another Chicken Creek in Utah that might contain Bonneville cutthroat trout. However, this stream is not located in the project area. See Chapter 4, Errata and Other Changes, of this Final EIS for corrections regarding Bonneville cutthroat trout.
EI-3132-14	Wildlife	Least chub were discovered in spring heads in northern	No springs were found during the wetland surveys conducted for the

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		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 [Wildlife Management Area]. 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.	Supplemental Draft EIS (BioWest 2009). In addition, according to the Utah Division of Wildlife Resources, populations of least chubs have not been identified in or around Chicken Creek Reservoir (UDWR 2013). For more information, see Section 2.1.1, Alternatives Considered for this Supplemental Draft EIS, of the Supplemental Draft EIS. As mentioned in the response to comment EI-3132-14 the preliminary field review did not identify springs within 100 feet of the Alternative B3 (the westernmost alternative developed and evaluated in the Supplemental Draft EIS) centerline that would provide habitat for least chubs. Ground disturbances from the proposed project would be limited to only the area necessary for project-related construction.
EI-3132-15	Wildlife	Several of the species names are misspelled in Tables 3.3-4 and 4.3-2.	Thank you for your comment. The correct species names are used in the discussion in the Supplemental Draft EIS of the alternatives evaluated.
EI-3132-16	Wetlands and Waters of the U.S.; Wildlife	The DEIS [Draft EIS] 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 [Utah Division of Wildlife Resources] recommends the addition of measures to address	A survey for Waters of the U.S., including wetlands and springs, was conducted for the Supplemental Draft EIS. No springs were observed near the northern terminus, and impacts to isolated wetlands have been reduced with refinements to the Proposed Action (Alternative B) and a new northern alternative (Alternative B3/B2), which is the Environmentally Preferred Alternative. See the responses to comments EI-3112-4 and -5.

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		efforts to avoid, minimize, or mitigate for the impacts to more than 160 acres of wetland habitat.	
EI-3132-17	Wetlands and Waters of the U.S.	Section 6.3.3, page 6-6, Preliminary Mitigation Measure #10. UDWR [Utah Division of Wildlife Resources] 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 by the Preferred Alternative on 160+ acres of wetland habitats are not a negligible effect. The failure to acknowledge 19 designated state and/or county noxious weeds in the invasive and non-native plant species discussion in the DEIS [Draft EIS] 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."	See the responses to comments EI-3112-4 (regarding wetlands), EI-3112-5 (regarding springs and aquatic species), and EI-3112-39 and -40 (regarding plant communities and noxious weeds).
EI-3132-18	Wildlife	Mitigation of potential impacts to the deer and elk populations on I-70 [Interstate 70], from exit 72 to Aurora, from increased haul traffic needs to be addressed. We recommend working with UDOT [Utah Department of Transportation] and UDWR [Utah Division of Wildlife Resources] to develop mitigation strategies along I-70 to develop effective means to reduce potentially detrimental impacts.	The proposed project is not expected to increase highway haul traffic on I-70. Section 3.7, Climate Change and Greenhouse Gas Production, of the Supplemental Draft EIS describes how the production rate and customer mix for SUFCO coal is not anticipated to change with the Proposed Action (Nash 2013). Also see Section 4.1.1, Methodology, of the Draft EIS, which states that the total volume of coal produced and transported through the study area would not materially change from current conditions with the proposed rail line. The mode of transportation would change from truck to rail from Salina to Juab but would not materially change along I-70. The Proposed Action would shorten the total distance of over-the-road truck hauls by over 50 percent, thus reducing the potential for wildlife collisions in the majority of the study area.
EI-3132-19	Wildlife	Though UDWR [Utah Division of Wildlife Resources] 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	The Supplemental Draft EIS included analysis and impacts conclusions in addition to those in the Draft EIS. Additional analyses focused on wetlands and other wildlife habitats. See the response to comment EI-3107-5 regarding analysis of biological resources. The overall conclusion is that the direct impacts of the proposed rail line construction, operation (one round trip per

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		specific mitigation measures be developed to address many of the wildlife issues that have been raised in this comment letter.	day on average), and maintenance to wildlife habitat would be minor. However, mitigation was added to the Supplemental Draft EIS requiring the Applicant to coordinate its design and construction efforts with the Utah Division of Wildlife Resources to further minimize and mitigate impacts to regional wildlife and wildlife habitat.
EI-3134-1	Alternatives Development	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. It's my opinion that the proposed railroad line farthest west [Alternative C] would be most beneficial to all concerned.	Alternative C was suggested because it would reduce the visual impacts to the farms and ranches adjacent to Alternative B. Alternative C would require a large embankment (75 feet high by about 500 feet wide) at the southern end of the project. This large earth-fill embankment would be needed to reduce the existing steep natural grades so that loaded trains can operate on this alignment. It would have a large footprint and would affect farmland and wetlands west of Salina. It would also have more significant visual impacts overall. Therefore, Alternative C is not considered feasible. Also see Section B.2, Screening for the Draft EIS, in Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS. Also see the discussion in Chapter 2, Proposed Action and Alternatives, of the Draft EIS.
EI-3134-2	Land Use; Agriculture	Farmers will be landlocked between the railroad, Redmond Lake, and Sevier River.	Thank you for your comment. Indirect impacts were addressed in Section 4.2.2, Impacts to Agriculture, of the Draft EIS. See the response to comment EI-3108-2 regarding indirect impacts and the process to determine whether remnant parcels would remain viable to farm. For instance, where a farm is bisected or cut off by the rail line, recommended mitigation measure RM 10 would require the Applicant to work with farmers with respect to moving equipment and livestock from one side of the tracks to the other. See Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS.
EI-3134-3	Land Use; Agriculture	Field drains and existing wells will also be affected along with our irrigation system.	The Applicant would be required to remedy any damage to crops caused by the construction of the rail line. This includes damage to any existing wells and irrigation appurtenances. See Section 2.3.2, Recommended Mitigation Measures for Land Use, of this Final EIS, specifically recommended mitigation measure RM 7.
EI-3134-4	Wildlife	Wildlife habitat will also be disturbed.	Thank you for your comment.
EI-3134-5	Topography, Geology, and Soils	The railroad bed will be on unstable ground and will be costly to maintain.	OEA evaluated the topographic and geologic setting, seismic hazards, and overarching soil conditions in the study area including potential impacts from liquefaction and landslides. No significant risks to rail

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			construction and operation were identified. Section 4.5.3, Geologic Impacts, of the Draft EIS presents information on geologic hazards to the proposed rail line. Moreover, soil and subsurface investigations would occur prior to final design of the rail line in order to incorporate appropriate design features or conduct soil-stabilization measures within the right-of-way prior to construction.
EI-3134-6	Water Resources; Groundwater, Wells, and Irrigation	I am concerned that it may impact the Redmond Town drinking water by crossing over the town's aquifer.	OEA evaluated several factors that together address the risk of affecting a drinking water aquifer. These factors include the risk of rail accidents, the impact of train vibrations on groundwater wells, the anticipated amount of hazardous materials transported and spill-response procedures, and the location of the rail line with respect to the locations of primary aquifer recharge areas and well-head protection zones. The most critical factor is the location of the rail line with respect to the drinking water source protection zones. Drinking water source protection Zone 1, which is a 100-foot radius around the well, is the most restrictive zone and one in which rail line construction might be limited by well-owner-imposed development restrictions. No drinking water protection Zone 1s would be affected by either of the alternatives. Also, voluntary mitigation measure VM 50 in Section 2.2.6, Voluntary Mitigation Measures for Hazardous Materials, of this Final EIS would require the Applicant to report spills and comply with its spill-prevention and clean-up plan.
EI-3145	General, Support	We support the rail project from our area. It would be key in help[ing] to control and keep our facility competitive with other companies with rail service.	Thank you for your comment.
EI-3154	General, Support	The Board of Sevier County Commissioners has reviewed the DEIS [Draft EIS] 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 applicant's preferred alignment should move forward as the proposed action since it best balances competing interests.	Thank you for your comment.
EI-3155	General,	The Richfield Area Chamber of Commerce Hereby	Thank you for your comment.

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	Support	expresses it support for the proposed Central Utah Rail Project. 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.	
EI-3157	Cultural Resources	Thank you for your correspondence dated June 29, 2007, with an enclosed Environmental Impact Statement. In our June 26, 2006, letter we [Hopi Tribe] 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.	The Board will continue consultation with the Hopi Tribe and has invited the Hopi Tribe to be a concurring party in the Section 106 Programmatic Agreement. As a concurring party, the Hopi Tribe will have an opportunity to review and comment on cultural resources reports and treatment plans and to participate in any consultation regarding inadvertent discovery.
EI-3174	Cultural Resources	There was consultation on the visual, cumulative, and indirect effects and we [Utah State Historic Preservation Office] did concur with your determination of No Adverse Effect.	Thank you for your concurrence.
EI-3182-1	Wildlife	It would benefit the public 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.”	As stated in the Draft EIS, walking (“pedestrian”) surveys were conducted in 2004 and 2005 to determine the presence or absence of suitable habitat for ranges of potential species, rather than specific surveys for specific species, as a first step toward assessing potential impacts. If no suitable habitat was found for a particular species, then more-detailed surveys were not justified and were not conducted. The Applicant would be responsible for cleaning up any spills in accordance with federal, state, and local regulations. To avoid or minimize the potential environmental impacts from hazardous materials and from the proposed rail line, OEA is recommending that

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			the Board impose three voluntary mitigation measures proposed by the Applicant and three mitigation measures proposed by OEA (recommended mitigation measures RM 26, 27, and 28 in Section 2.3.6, Recommended Mitigation Measures for Hazardous Materials, of this Final EIS). These measures include requiring development of a spill-prevention plan and notifying appropriate officials and agencies if a spill occurs.
EI-3182-2	Wildlife	There are several general statements in the DEIS [Draft EIS] 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.	See the response to comment EI-3107-5.
EI-3182-3	Wildlife	The DEIS [Draft EIS] 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 improve by access 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.	A weed-management plan would be prepared for the project area that would include prescribing herbicides approved for use near aquatic resources and application procedures to avoid harming biological resources while preventing the spread of noxious and invasive species. Only herbicides approved by the U.S. Environmental Protection Agency (EPA) would be used in vegetation management along the right-of-way. See Section 6.4.3, Biological Resources, in the mitigation chapter of the Draft EIS and voluntary mitigation measure VM 31 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS. VM 31 would require the use of EPA-approved herbicides.
EI-3182-4	Wildlife	Other generalized statements in the DEIS [Draft EIS] that warrant scientific documentation, scientific analysis, and supporting references include, but are not limited to the following: "SEA [now OEA, the Office of Environmental Analysis] 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)	See the response to comment EI-3107-5.
EI-3182-5	Wildlife	Other generalized statements in the DEIS [Draft EIS] that warrant scientific documentation, scientific analysis, and supporting references include, but are not limited to the following: "Construction activities would temporarily displace several species of wildlife during	Construction impacts would be temporary and limited in both scope and areal extent. Further, the proposed level of operations would result in only one round trip per day through the study area. It is not likely that this level of operation would permanently disrupt wildlife movement, especially given the large amount of habitat that would

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		construction, but they would likely return after construction." (page 4-27)	remain in the region. Also see the response to comment EI-3107-5.
EI-3182-6	Wildlife	Other generalized statements in the DEIS [Draft EIS] that warrant scientific documentation, scientific analysis, and supporting references include, but are not limited to the following: "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, OEA 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)	See the responses to comments EI-3182-5 and EI-3107-5.
EI-3204-1	Wetlands and Waters of the U.S.	EPA [U.S. Environmental Protection Agency] 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. EPA also understands that the acreage of wetlands lost could be less than the current 106-acres estimate. EPA believes that a better assessment of wetlands occurrence as well as a better characterized of the wetlands subsequently identified is needed.	Additional wetlands impact assessment was conducted for the Supplemental Draft EIS. See Section 3.1, Wetlands and Waters of the U.S., of the Supplemental Draft EIS. Also see the response to comment EI-3112-4.
EI-3204-2	Wetlands and Waters of the U.S.	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 aquatic resources and these functions compared for all the alternatives in the supplemental information to the DEIS [Draft EIS]. This discussion should explain the relative importance of these wetlands and associated affects of acreage losses in the context of the remaining resources and populations that may utilize and depend on those	The Applicant completed wetland investigation studies for wetlands within the area that would be affected by the project. A description of these studies and their findings is presented in Section 3.1.3, Existing Conditions, of the Supplemental Draft EIS.

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		resources.	
EI-3204-3	Alternatives Development	Based on EPA's [U.S. Environmental Protection Agency] review of the DEIS [Draft EIS], EPA believes the range of alternatives presented in the DEIS may not include all reasonable alternatives as required in the CEQ's [Council on Environmental Quality] quality regulations for implementing the procedural provisions of NEPA [National Environmental Policy Act]. Considerations 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. 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.	In response to comments received on the Draft EIS regarding wetlands, OEA prepared the Supplemental Draft EIS, which evaluated the additional information generated from a wetland investigation report prepared by the Applicant for its to-be-filed Clean Water Act Section 404 permit application. In the Supplemental Draft EIS, OEA re-evaluated corridor alignments and alternatives that were considered but eliminated from consideration in the Draft EIS. See Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS. OEA directed the Applicant to provide additional information about wetlands in the project area because of the potential to affect large wetland complexes at the northern and southern ends of the project. In response to OEA's request, the Applicant conducted a more robust wetland investigation along the proposed routes. The Applicant used the information gathered during the wetland investigation to develop three new modified alternatives. The Supplemental Draft EIS evaluated Alternative B (the Proposed Action in the Draft EIS) and three modified alternative routes (Alternatives B1, B2, and B3) developed by the Applicant after the Draft EIS was issued and re-evaluated an alternative dismissed in the Draft EIS (Alternative N1 near the community of Mills, Utah). Because of the anticipated number of wetland impacts associated with Alternative B as defined in the Draft EIS (12.3 acres total and 10.8 acres in the southern portion), two new alternatives were evaluated in the southern portion of the project area (Alternatives B1 and B2). For Alternatives B1 and B2, the proposed alignment was moved farther to the west, and additional curvature was designed into the alignments to avoid high-value wetlands along the Sevier River. Alternatives B1 and B2 follow a similar route with minor differences to reduce wetland impacts. As a result, Alternative B1 would fill 5.2 acres of wetlands, and Alternative B2 would fill 1.6 acres of wetlands. Alternative B1 was eventually dismissed because it closely follows the route of Alternative B2 but would have greater wetland impacts. Similarly, the Applicant developed Alternative B3 to avoid, to the extent possible, wetland impacts near Chicken Creek Reservoir at the north end of the project while also minimizing, to the extent possible, impacts to irrigated cropland. Compared to Alternative B (1.2 acres of wetland impacts in the northern portion), Alternative B3 would fill

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			about 0.5 acre of wet meadow wetlands in the northern portion near the new proposed connection with Union Pacific Railroad's mainline. Alternative N1 had been previously evaluated and eliminated from consideration in the Draft EIS because of safety, construction, and operational issues. In the Supplemental Draft EIS, OEA evaluated two additional options for Alternative N1: Alternatives N1a and N1b. The impacts of these options were compared to rail construction and operation alternatives with northern connections near Juab (Alternatives B and B3). In the Supplemental Draft EIS, OEA concluded that the wetland impacts associated with Alternatives N1a and N1b would be similar (about 0.5 acre) to those from Alternative B3. Compared to Alternatives B and B3, Alternatives N1a and N1b have a higher potential to affect least chubs (*Iotichthys phlegothontis*) found in the Mills Valley. Therefore, in addition to the operational, construction, and safety issues, the Mills connection would have about the same amount of impacts to wetlands but a greater potential to affect a sensitive species. Therefore, the Mills connection (Alternatives N1a and N1b) was eliminated from detailed analysis in the Supplemental Draft EIS. The U.S. Army Corps of Engineers (USACE) is a cooperating agency for this EIS. USACE provided informal comments on the alternatives screening re-evaluation conducted by OEA during the preparation of the Supplemental Draft EIS. The Draft EIS, Supplemental Draft EIS, and Final EIS may be used by USACE in evaluations related to selecting the Least Environmentally Damaging Practicable Alternative. The wetland impact analysis in the Supplemental Draft EIS identifies new alternatives, specifically Alternative B3/B2 (2.1 acres of wetland impacts), that in OEA's view would meet the requirements of selecting the Least Environmentally Damaging Practicable Alternative under the Clean Water Act Section 404 Guidelines because it would have the least impacts to water resources (including wetlands) and associated biological resources as well as fewer impacts to cultural and historic resources.
EI-3204-4	Alternatives Development	EPA [U.S. Environmental Protection Agency] does not believe the current wetlands impact analysis in the DEIS [Draft EIS] is sufficient to meet the requirements regarding the obligation to select the least environmentally damaging practicable alternative as defined by the Clean Water Act (CWA) Section 404	In response to comments received on the Draft EIS regarding wetlands, OEA prepared the Supplemental Draft EIS, which evaluated the additional information generated from a wetland investigation report prepared by the Applicant for its to-be-filed Clean Water Act Section 404 permit application. In the Supplemental Draft EIS, OEA re-evaluated corridor alignments and alternatives that were

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
		Guidelines.	considered but eliminated from consideration in the Draft EIS. See Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS. OEA directed the Applicant to provide additional information about wetlands in the project area because of the potential to affect large wetland complexes at the northern and southern ends of the project. In response to OEA's request, the Applicant conducted a more robust wetland investigation along the proposed routes. The Applicant used the information gathered during the wetland investigation to develop three new modified alternatives. The Supplemental Draft EIS evaluated Alternative B (the Proposed Action in the Draft EIS) and three modified alternative routes (Alternatives B1, B2, and B3) developed by the Applicant after the Draft EIS was issued and re-evaluated an alternative dismissed in the Draft EIS (Alternative N1 near the community of Mills, Utah). Because of the anticipated number of wetland impacts associated with Alternative B as defined in the Draft EIS (12.3 acres total and 10.8 acres in the southern portion), two new alternatives were evaluated in the southern portion of the project area (Alternatives B1 and B2). For Alternatives B1 and B2, the proposed alignment was moved farther to the west, and additional curvature was designed into the alignments to avoid high-value wetlands along the Sevier River. Alternatives B1 and B2 follow a similar route with minor differences to reduce wetland impacts. As a result, Alternative B1 would fill 5.2 acres of wetlands, and Alternative B2 would fill 1.6 acres of wetlands. Alternative B1 was eventually dismissed because it closely follows the route of Alternative B2 but would have greater wetland impacts. Similarly, the Applicant developed Alternative B3 to avoid, to the extent possible, wetland impacts near Chicken Creek Reservoir at the north end of the project while also minimizing, to the extent possible, impacts to irrigated cropland. Compared to Alternative B (1.2 acres of wetland impacts in the northern portion), Alternative B3 would fill about 0.5 acre of wet meadow wetlands in the northern portion near the new proposed connection with Union Pacific Railroad's mainline. Alternative N1 had been previously evaluated and eliminated from consideration in the Draft EIS because of safety, construction, and operational issues. In the Supplemental Draft EIS, OEA evaluated two additional options for Alternative N1: Alternatives N1a and N1b. The impacts of these options were compared to rail construction and

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
			operation alternatives with northern connections near Juab (Alternatives B and B3). In the Supplemental Draft EIS, OEA concluded that the wetland impacts associated with Alternatives N1a and N1b would be similar (about 0.5 acre) to those from Alternative B3. Compared to Alternatives B and B3, Alternatives N1a and N1b have a higher potential to affect least chubs (*Iotichthys phlegothontis*) found in the Mills Valley. Therefore, in addition to the operational, construction, and safety issues, the Mills connection would have about the same amount of impacts to wetlands but a greater potential to affect a sensitive species. Therefore, the Mills connection (Alternatives N1a and N1b) was eliminated from detailed analysis in the Supplemental Draft EIS. The U.S. Army Corps of Engineers (USACE) is a cooperating agency for this EIS. USACE provided informal comments on the alternatives screening re-evaluation conducted by OEA during the preparation of the Supplemental Draft EIS. The Draft EIS, Supplemental Draft EIS, and Final EIS may be used by USACE in evaluations related to selecting the Least Environmentally Damaging Practicable Alternative. The wetland impact analysis in the Supplemental Draft EIS identifies new alternatives, specifically Alternative B3/B2 (2.1 acres of wetland impacts), that in OEA's view would meet the requirements of selecting the Least Environmentally Damaging Practicable Alternative under the Clean Water Act Section 404 Guidelines because it would have the least impacts to water resources (including wetlands) and associated biological resources as well as fewer impacts to cultural and historic resources.
EI-3204-5	Mitigation, Wetlands and Waters of the U.S.	The STB's (OEA) identification and discussion of mitigation of impacts to waters of the U.S. (and wetlands specifically) should be further developed in the supplemental information to the DEIS [Draft EIS], particularly in light of the potential scale of wetland 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 [Corps of Engineers] CWA [Clean Water Act] Section 404 and Utah's CWA Section 401 programs. However, EPA [U.S. Environmental Protection Agency] believes a more robust analysis of these impacts is needed to comply with NEPA [National Environmental Policy Act] through	The Applicant is working with the U.S. Army Corps of Engineers (USACE) to develop a complete Section 404 permit application. OEA has also worked closely with USACE to ensure that this Final EIS meets USACE's expectations and guidelines. USACE was not a cooperating agency for the Draft EIS published in June 2007 but has since agreed to be a cooperating agency. See the response to comment EI-3112-4 regarding additional wetlands analysis conducted for the Supplemental Draft EIS. Also see the response to comment EI-3204-4 regarding compliance with Clean Water Act 404(1)(b) Guidelines. Also see the responses to comments EI-3132-1 and EI-20465-3, the latter of which was received on the Supplemental Draft EIS, regarding OEA's authority to prescribe mitigation. USACE is ultimately

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
		disclosure of project-specific mitigation. Specifically, the CEQ [Council on Environmental Quality] Guidance for NEPA compliance. Additionally, NEPA requires discussion of mitigation measure in the range of alternatives assess and with respect to environmental consequences. Guidelines generally require information on types of mitigation, mitigation plans, standards for measuring mitigation success, and a contingency plan incase of mitigation failure. This information should be in the Supplemental Information to the DEIS in order to make the required CWA 404(1)(b) Guidelines determination that all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem have been taken. As noted above, a CWA Section 404 permit cannot be issued until a permit application can demonstrate compliance with 404(b)(1) Guidelines.	responsible for requiring and approving mitigation. However, OEA includes voluntary mitigation measure VM 38, which would require the Applicant to secure a Section 404 permit, which would require mitigation, prior to construction of the rail line.
EI-3204-6	Agency Responsibili-ties; Mitigation, Wetlands and Waters of the U.S.	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 [Draft EIS]. 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 yard 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[al] Information to the DEIS should also discuss what monitoring programs will be in place to evaluate the success of such mitigation.	The U.S. Army Corps of Engineers (USACE) is ultimately responsible for wetland permitting, including determining any required mitigation. The Board will consider impacts to wetlands when making its final decision on the project. During the Clean Water Act Section 404 permitting process, the Applicant would follow the standard mitigation sequence of first avoiding, then minimizing, and finally mitigating for impacts to wetlands that would result from rail line construction. For wetlands filled, in accordance with the Clean Water Act Section 404 permit, the Applicant would have to mitigate to ensure “no net loss” of wetlands. In the Draft EIS and Supplemental Draft EIS, the Board imposed a condition requiring the Applicant to comply with the requirements of USACE, develop appropriate mitigation, and obtain all required permits. As of the publication of this Final EIS, the Applicant has not submitted a Clean Water Act Section 404 permit application. The permitting process would address required mitigation. The permitting process also requires public notice, and USACE would consider comments on all versions of the EIS as additional agency and public input when processing the Section 404 permit. Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS includes voluntary mitigation measure VM 39, which would require the Applicant to work with USACE for Section 404 permitting and any required mitigation. Also see Section 1.12, Agency

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
			Responsibilities, of this Final EIS, which describes how the Board can impose only conditions that are within its statutory authority.
EI-7117-1	Wetlands and Waters of the U.S.; Alternatives Development	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 the 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 an USACE [U.S. Army Corps of Engineers], development and implementation of methods to: 1) more definitively determinate the number of wetlands acres arid 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.	See the responses to comment EI-3112-4 regarding wetlands and comment EI-3204-3 regarding alternatives analysis. After the Draft EIS was published, OEA directed the Applicant to provide additional information on wetlands in the project area because of the potential to affect large wetland complexes at the northern and southern ends of the project. In response to OEA's request, the Applicant conducted a wetland investigation along the proposed routes. Since the publication of the Draft EIS, OEA has considered additional alternatives. See Chapter 2, Proposed Action and Alternatives, of the Supplemental Draft EIS. OEA also re-evaluated alignments considered but eliminated in the Draft EIS. See Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS.
EI-7117-2	Wetlands and Waters of the U.S.; Alternatives Development	We understand that STB [Surface Transportation Board] supports a more robust and detailed assessment of the wetlands in this area prior to the Applicant applying to the USCOE [U.S. Army Corps of Engineers] 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 [Draft EIS] 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	See the responses to comments EI-3204-4 and -5.

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Comment Number	Comment Category	Comment	Response
		mitigation success, and contingency plan in case of mitigation failure.	
EI-7178-1	Wetlands and Waters of the U.S.; Alternatives Development	In accordance with the 40 CFR [Code of Federal Regulations] Part 230 Section 404(b)(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 studies 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.	See the response to comment EI-3204-3. Chapter 2, Proposed Action and Alternatives, and Appendix B, Corridor and Alternative Identification, of the Supplemental Draft EIS have been written to clarify the alternatives-selection process. The Supplemental Draft EIS preliminarily identifies an Environmentally Preferred Alternative that is based on consideration of all impacts to the biological, physical, and human resources of the project area. Section 2.2.3, Least Environmentally Damaging Alternative, of the Supplemental Draft EIS describes how the U.S. Army Corps of Engineers (USACE) will address its regulatory requirements. Also see the response to comment EI-3204-4. Since the Draft EIS was published, OEA and USACE have been working together as cooperating agencies. USACE provided informal comments on the alternatives-screening re-evaluation conducted by OEA during the preparation of the Supplemental Draft EIS. The Draft EIS, Supplemental Draft EIS, and Final EIS may be used by USACE in evaluations related to selecting the Least Environmentally Damaging Practicable Alternative. The wetland impact analysis in the Supplemental Draft EIS identifies new alternatives, specifically Alternative B3/B2 (2.1 acres of wetland impacts), that would meet the requirements of selecting the Least Environmentally Damaging Practicable Alternative under the Clean Water Act Section 404 Guidelines because it would have the least impacts to water resources (including wetlands) and associated biological resources as well as fewer impacts to cultural and historic resources.
EI-7178-2	Wetlands and Waters of the U.S.	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 the impact or non-impact to potential wetlands, the [U.S. Army] Corps [of Engineers] requests a formal wetlands 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 potential to impact over [#]	See the response to comment EI-3112-4. Wetland investigations were completed by the Applicant. For more information, see Section 3.1, Wetlands and Waters of the U.S., of the Supplemental Draft EIS.

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
		acres of wetlands.	
EI-17902-1	Alternatives Development	We [Consolidated Sevier Bridge Reservoir Company] would like to enter our objections to 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.	Comment noted. The Proposed Action would cross the Consolidated Sevier Bridge Reservoir at Yuba Narrows with a 300-foot clear-span bridge. Compared to the volume of the reservoir, the estimated volume of materials needed to build the bridge would be minor and would not affect the storage capacity of the reservoir.
EI-17902-2	Water Resources	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.	See the response to comment EI-17902-1.
EI-17902-3	Water Resources	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.	See the response comment to EI-17902-2. The crossing bridge would not be a trestle but rather a steel or concrete bridge with a large clear span. Although no hydraulic model has been conducted, if the water is slow moving, as indicated by the commenter, the rail crossing should not affect the overall flow conditions of the reservoir.
EI-17902-4	Water Resources	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 will be responsible for any damages or injuries incurred as a result of the water going above the 80 foot contour line.	See the responses to comments EI-17902-1 and -3.
EI-17902-5	Rail Operations	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	The Applicant would secure property or easements for the rail line from the Consolidated Sevier Bridge Reservoir Company. The Company and the Applicant would negotiate the terms and conditions (including indemnification and claims defense) in the property

Table A-1. Comments and Responses on the Draft EIS			
Comment Number	Comment Category	Comment	Response
		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.	purchase or lease agreement.
EI-17902-6	Water Resources	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.	See the response to comment EI-3112-39 regarding a Reclamation Plan for disturbed areas. Also see Section 2.2.5, Voluntary Mitigation Measures for Topography, Geology, and Soils, of this Final EIS, which includes the Applicant's commitments to reclaim disturbed areas as soon as practical.
EI-17902-7	Alternatives Development	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.	As part of the alternatives evaluation in the Supplemental Draft EIS, the Applicant conducted an initial screening of potential rail corridors based on the comments received. Three corridors were evaluated where the rail line would stay east of the reservoir (see Appendix B, Corridor and Alternatives Identification, of the Supplemental Draft EIS). These corridors were eliminated, however, because they did not meet the project's purpose and need. Due to the topography of the Valley Mountains and Yuba Hill, impacts on biological resources (particularly wetlands), and other logistically complicating factors, it is not practical to align a rail corridor to stay completely west of the reservoir and tie into the existing Union Pacific Railroad tracks.

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EI-20462	General, Support	This project will take up to 750 large, 42-ton capacity LCV [longer-combination vehicles] 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 load out 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 current coal haul route.	Thank you for the comment.
EI-20464-1	Alternatives Develop-ment	In the southern portion of the alignment, we [U.S. Department of the Interior] 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.	Thank you for the comment.
EI-20464-2	Wetlands and Waters of the U.S.; Wildlife	We [U.S. Department of the Interior] 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 [Final EIS] include a commitment to avoid springheads by a minimum protective buffer of 100 meters.	The Alternative B3 alignment was surveyed for aquatic resources by the Applicant in 2008. Section 3.1, Wetlands and Waters of the U.S., and Appendix C, Figure C-10, Wetland Impacts, of the Supplemental Draft EIS present the findings and impact analysis conclusions. Additional wetlands field work and investigations conducted for the Supplemental Draft EIS did not record or identify any obvious springs or seeps within the 150-to-700-foot-wide wetland investigation survey area.
EI-20464-3	Alternatives Develop-ment	We [U.S. Department of the Interior] support the elimination of alternative N1a and N1b in Mills Valley, which would have direct impacts to least chub (*Iotichthys 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 [Federal Register] 35398); it is currently a candidate species.	Thank you for the comment.
EI-20464-4	Various	Many of our comments on the original DEIS [Draft EIS] 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 [Final EIS] integrate our recommendation and/or provide	See the responses to comments EI-3112-1 through EI-3112-44.

Table A-2. Comments and Responses on the Supplemental Draft EIS			
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		specific responses relative to our comments. Our comments 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.	
EI-20464-5	Mitigation, Wildlife	Page 3-32, Section 3.5.4.12, Impacts to Species of Special Concern – the SDEIS [Supplemental Draft EIS] states (page 3-31) that bald eagle 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 9:00 AM and terminate at least one hour prior to official sunset.	As described in Section 3.3.4.1, Birds, of the Draft EIS, there are very few mature trees or snags (upright dead trees) near water bodies in the study area that would provide ideal habitat for bald eagles. Therefore, the potential for negative impacts is low. However, mitigation measures were included in the Draft EIS and Supplemental Draft EIS in the event that bald eagles are found near the rail corridor during construction. See voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS regarding raptor-protection measures. VM 33 states that "the Applicant shall mitigate potential impacts to raptors and shall implement management practices from the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* (Romin and Muck 2002)."
EI-20464-6	Mitigation, Wildlife	Page 3-32, Section 3.4.5.2, Impacts to Species of Special Concern – The SDEIS [Supplemental Draft EIS] states (page 3-31) that burrowing owl nests were found on BLM [Bureau of Land Management] 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 next locations, and 2) the FEIS [Final EIS] commit to implementing protective seasonal and spatial buffers for all raptor nests, per the Utah Field Office Guidelines for Raptor Protection from Human Land Use Disturbances (Romin and Muck 2002).	Voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS is included to require the Applicant to work with BLM and the Utah Department of Natural Resources to identify sensitive species and to identify measures to minimize impacts of construction. VM 33 would require implementing the referenced raptor-protection measures.
EI-20464-7	Wetlands and Waters of the U.S.; Wildlife	Page 3-32, Section 3.5.4.2, Impacts to Species of Special Concern – The SDEIS [Supplemental Draft EIS] 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 (*Iotichthys*	See the response to comment EI-3112-5.

Table A-2. Comments and Responses on the Supplemental Draft EIS			
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		phlegethontis), 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 sitting to avoid these important aquatic sites. We recommend the FEIS [Final EIS] include a commitment to avoid springheads by a minimum protective buffer of 100 meters.	
EI-20464-8	Wildlife	Page 4-7, Section 4.2.3, Voluntary Mitigation Measures for Biological Resources – Neither the DEIS [Draft EIS] nor the SDEIS [Supplemental Draft EIS] 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 [to the comment letter] 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 [Final EIS] in Section 4.2.3.	Recommended mitigation measure RM 13 in Section 2.3.3, Recommended Mitigation Measures for Biological Resources, of this Final EIS describes the process for vegetation removal during construction in compliance with appropriate seasonal restrictions to ensure protection of the breeding, nesting, and roosting seasons of all migratory birds. Preconstruction surveys for raptors and migratory birds would be conducted if large woody vegetation, dense shrubs, or other natural habitats are scheduled to be cleared during the nesting seasons for either group of bird species. The Applicant would also implement management practices to protect raptors and other migratory birds (voluntary mitigation measure VM 33 in Section 2.2.3, Voluntary Mitigation Measures for Biological Resources, of this Final EIS would require implementation of the U.S. Fish and Wildlife Service's *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* [Romin and Muck 2002]) and would coordinate with the U.S. Department of the Interior (RM 13). OEA believes that this mitigation is appropriate and adequate.
EI-20465-1	Alternatives Develop-ment	In this Supplemental EIS the STB [Surface Transportation Board] looked for ways to reduce the environmental impact from this project and identified and analyzed a number of options to minimize the impacts 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.	Thank you for the comment.
EI-20465-2	Wetlands and Waters of the U.S.	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	Comment noted. The proposed alternatives were designed to reduce the impact on wetlands in the northern part of the project area. Alternative B3 (which would have about 0.5 acre of impacts) was designed to minimize such impacts. Recommended mitigation measure RM 16 in Section 2.3.4, Recommended Mitigation Measures for Water

Table A-2. Comments and Responses on the Supplemental Draft EIS			
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		Alternative B or B3 is proposed for permitting in the northern project area, we recommend the project be designed to maintain hydrologic [hydraulic] conductivity throughout the playa wetland.	Resources and Wetlands, of this Final EIS addresses hydraulic connectivity and prevention of a hydraulic barrier.
EI-20465-3	Agency Responsibili-ties; Mitigation, Wetlands and Waters of the U.S.	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 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.	The U.S. Army Corps of Engineers (USACE) is ultimately responsible for wetland permitting, including determining any required mitigation. In this EIS, OEA has considered the potential for wetland impacts. The Board will consider impacts to wetlands when making its final decision on the project. During the Clean Water Act Section 404 permitting process, which has not yet taken place, the Applicant would follow the standard mitigation sequence of first avoiding, then minimizing, and finally mitigating for impacts to wetlands that would result from rail line construction. For wetlands filled, in accordance with the Clean Water Act Section 404 permit, the Applicant would have to mitigate to ensure "no net loss" of wetlands. In the Draft EIS and Supplemental Draft EIS, the Board imposed a condition requiring the Applicant to comply with the requirements of USACE as they relate to the proposed project, develop appropriate mitigation, and obtain all required wetland permits. As of the date of issuance of this Final EIS, the Applicant has not submitted a Clean Water Act Section 404 permit application. The permitting process would address required mitigation. The permitting process also requires public notice, and USACE would consider comments on all versions of the EIS as additional agency and public input when processing the Section 404 permit. Section 2.2.4, Voluntary Mitigation Measures for Water Resources and Wetlands, of this Final EIS includes voluntary mitigation measure VM 39, which would require the Applicant to work with USACE for Section 404 permitting and any required mitigation. OEA has recommended an additional 10 mitigation measures to minimize impacts to water resources. Also see Section 1.12, Agency Responsibilities, of this Final EIS, which describes how the Board can impose only conditions that are within its statutory authority.
EI-20465-4	Mitigation, Wetlands and Waters of the U.S.	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 [Surface Transportation Board] may want to	Thank you for the comments. OEA has provided these suggestions to the Applicant and the U.S. Army Corps of Engineers.

Table A-2. Comments and Responses on the Supplemental Draft EIS			
Comment Number	Comment Category	Comment	Response
		consider eradication of Tamarisk as part of the potential wetland restoration mitigation for some of the project impacts.	
EI-20491-1	Hazardous Materials Sites	We encourage you to review the DERR [Utah Division of Environmental Response and Remediation] Interactive Map, as one source of data, prior to finalizing the Environmental Impact Statement to ensure you are informed of potential contamination. 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 536-4300.	The referenced interactive map was reviewed prior to publication of this Final EIS. Nothing was found to influence the alternatives selection or change the conclusions related to hazardous materials presented in the Draft EIS.
EI-20491-2	Hazardous Materials Sites	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 [Utah Division of Environmental Response and Remediation].	Voluntary mitigation measures VM 50 and VM 51 in Section 2.2.6, Voluntary Mitigation Measures for Hazardous Materials, of this Final EIS would adequately address hazardous materials and the requirement to document activities involving hazardous materials sites.

Table A-3. Comments on Cultural Resources and the Programmatic Agreement			
Comment Number	Comment Category	Comment	Response
EI-20550	Cultural Resources	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. 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.	The Board will continue consultation with the Hopi Tribe and has invited the Hopi Tribe to be a concurring party in the Section 106 Programmatic Agreement. As a concurring party, the Hopi Tribe will have an opportunity to review and comment on cultural resources reports and treatment plans and to participate in any consultation regarding inadvertent discovery.
EI-20552	Cultural Resources	We [Department of the Interior, National Park Service] have confirmed through our GIS [geographic information systems analysis] 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.	The Board continues consultation with the National Park Service (NPS), National Trails, Intermountain Region regarding the potential for the project to affect the Old Spanish Trail. Archaeological surveys in the area where the trail is mapped have not revealed evidence of the trail. The Board has included NPS as a concurring party in the development of a Programmatic Agreement to ensure that concerns about the trail are adequately addressed.

Table A-3. Comments on Cultural Resources and the Programmatic Agreement			
Comment Number	Comment Category	Comment	Response
		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[eters] of the trail's projected alignment on the ground. This intensive survey should be conducted at no greater than a 5 m[eter] survey interval within the project APE [area of potential effects]. 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[eter] 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.	
EI-20553	Cultural Resources	The Historic Preservation Department [of the Navajo Nation]-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 requests that we be notified	The Board will continue consultation with the Navajo Nation and has invited the Navajo Nation to be a concurring party in the Section 106 Programmatic Agreement. As a concurring party, the Navajo Nation will have an opportunity to review and comment on cultural resources reports and treatment plans and to participate in any consultation regarding inadvertent discovery.

Table A-3. Comments on Cultural Resources and the Programmatic Agreement			
Comment Number	Comment Category	Comment	Response
		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 generation.	
EI-20904	Cultural Resources	I [Old Spanish Trail Association] have spent a lot of time trying to figure out exactly where the Old Spanish Trail and this railroad project would intersect. I am still unclear and haven't been able to find anyone that can show me where this would go. I am not comfortable with this railway going over the trail or disturbing anymore of the trail if it can be located.	The Board continues consultation with the local Fish Lake chapter of the Old Spanish Trail Association (OSTA) regarding the potential for the project to affect the Old Spanish Trail. Archaeological surveys in the area where the trail is mapped have not revealed evidence of the trail. The Board has includes OSTA as a concurring party in the development of a Programmatic Agreement to ensure that concerns about the trail are adequately addressed.

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
Public Comments				
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
Agency Comments				
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 to 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
[redacted]

Surface Transportation Board
Incoming Correspondence Record

#EI-3057

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

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 emmisions. 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 econonmy. We can see very few negative environmental impacts from having the rail on the proposed or preferred alignement.
Thank you for your consideration.

Surface Transportation Board
Incoming Correspondence Record

#EI-3042

Correspondence Information

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

Submitter's Comments

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

Surface Transportation Board
Incoming Correspondence Record

#EI-3058

Correspondence Information

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

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		
Name of Sender:	Keith Church	Date Received:	08/15/2007
Group:	Snow College	Date of Letter:	08/15/2007

Submitter's Comments

From a positive economic standpoint I would like to enccurage approval of the rail line in Sevier County.

E1
3129
pp

August 18, 2007

Larry and Barbara Gilbert
[redacted]
Redmond, UT 84652
[redacted]

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.

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.

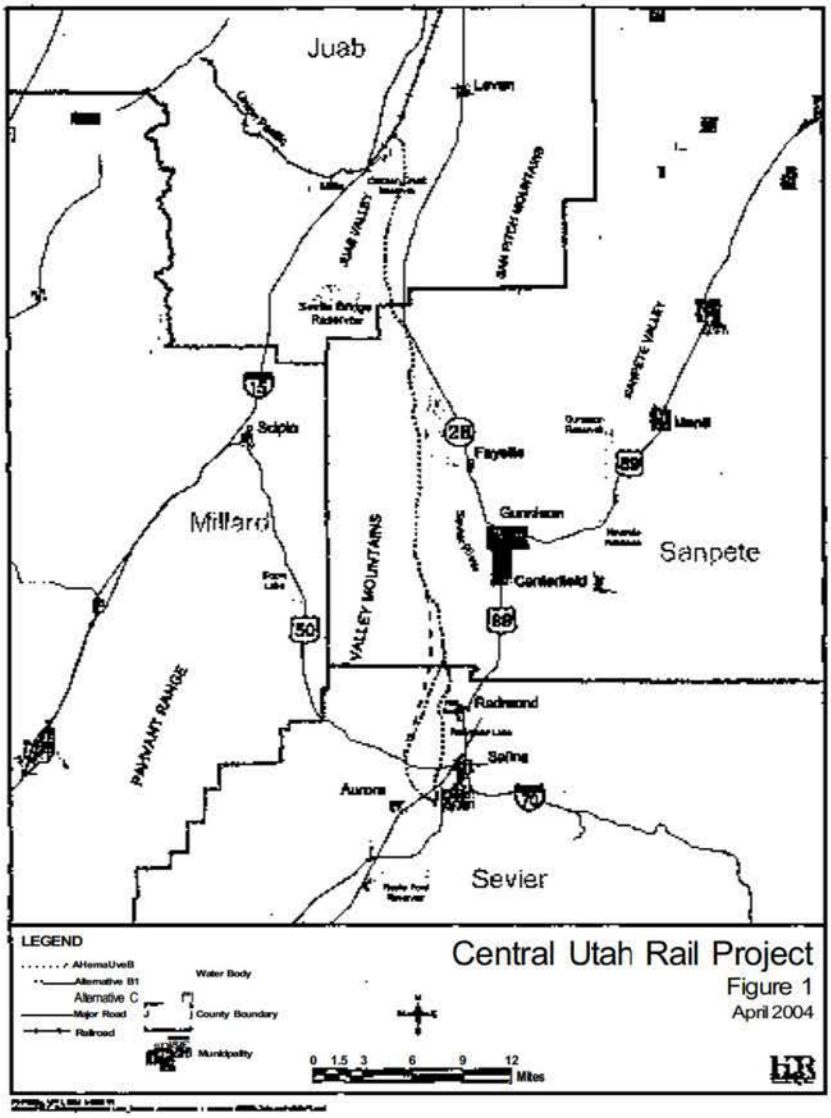
Your choice to go through with constructing Alternative B rail line in essence will cause our family life altering changes.

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


Juab
Levan
SAN PITCH MOUNTAINS
JUAB VALLEY
Sevier Bridge Reservoir
15
Scipio
28
Fayette
Manti
89
Gunnison
Millard
VALLEY MOUNTAINS
Sanpete
Centerfield
50
PAHVANT RANGE
Redmond
Salina
Aurora
70
Sevier
LEGEND
Alternative B1
Alternative C
Major Road
Railroad
Water Body
County Boundary
Municipality
0 1.5 3 6 9 12
Miles
Central Utah Rail Project
Figure 1
April 2004

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 W9uld 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		
Name of Sender:	Glenn Greenhalgh	Date Received:	08/15/2007
Group:		Date of Letter:	08/15/2007

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?	● Yes ○ No
Group's Address:	200 South State St		
		Phone Number:	[redacted]
Group's City:	Sigurd	Email Address:	
Group's State:	Utah	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)

E1
3134
pp

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

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

Ed Jensen

Surface Transportation Board
Incoming Correspondence Record

#EI-3044

Correspondence Information

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

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 ecconomically and with less impact on the enviorment if a railway could be established into this area.

Surface Transportation Board
Incoming Correspondence Record

#EI-3059

Correspondence Information

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

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.

PQB
E1 3111

17 August 2007

Clyde Eugene Kramme
[redacted]
Redmond, Utah 84652

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

61 3108

AUG 14 2007

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
[redacted]
Redmond, Utah
84652

Surface Transportation Board
Incoming Correspondence Record

#EI-3103

Correspondence Information

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

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 utilitzing rail in that way and realizing a great savings.

Surface Transportation Board
Incoming Correspondence Record

#EI-3113

Correspondence Information

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

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**		
Name of Sender:	Rick C. Robinson	Date Received:	08/16/2007
Group:		Date of Letter:	08/16/2007

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**		
Name of Sender:	Shauna Sargent	Date Received:	08/15/2007
Group:	Sanpete County Travel	Date of Letter:	08/15/2007

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**		
Name of Sender:	Brad Staples	Date Received:	08/15/2007
Group:		Date of Letter:	08/15/2007

Submitter's Comments

I thinkthat 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 Transportion 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**		
Name of Sender:	Kevin Christensen	Date Received:	08/15/2007
Group:	Sanpete County Economic Dev.	Date of Letter:	08/15/2007

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,

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**		
Name of Sender:	Russ Cowley	Date Received:	08/16/2007
Group:	Six County Associaition of Governents	Date of Letter:	08/16/2007

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

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pg 5

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

August 7, 2007

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 the 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 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

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION W

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 jaw 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)(l) 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 jurisdictionai 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 lo determine the least environmentally damaging practicable alternative particularly when there is a potential to impact over fQQ 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 80202-119?

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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

AUG 28 2007

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

Megan Greathouse
Secretary
Consolidated Sevier Bridge Reservoir Company

RICH-FIELD
AREA CHAMBER.

E1
315

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 it 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

Lorraine Gregerson
Executive Director

right stuff

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 HARJA
Acting Public Lands Policy Coordinator

RESOURCE DEVELOPMENT COORDINATING COMMITTEE
Public Lands Section

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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.

5110 State Office Building, PO Box 141107, Salt Lake City, Utah 84114-1107 • telephone 801-537-9801 • facsimile 801-537-9226 • 801-538-9727

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 1-70 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 1-70, 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 1-70 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.

2

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.

3

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 1-70, 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 1-70 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

4

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 sysem, 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

THE HOPI TRIBE

Benjamin H. Nuvamca
CHAIRMAN

Todd Honyaoma Sr.
VICB-CHAHtMAH

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 out input and your efforts to address our concerns.

In our Jury 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.

Phillis 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,

Margaret for
Leigh Kuwanwisiwma, 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**		
Name of Sender:	Kimball Poulson	Date Received:	08/07/2007
Group:		Date of Letter:	08/07/2007

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 11:08 AM To
"Matthew Seddon" <mseddon@utah.gov>

IKiIPIft-tC ' I A*- p/4-CTS

cc
kharris@achp.gov, Phillis.Johnson-Ball@stb.dot.gov

FD 34075

bcc

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^cjts^ 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

TAKE PRIDE IN AMERICA

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.

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.

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

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.

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.

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.

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

654-5603 FA
274-7959 cell

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

E1
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RB

OCT 18 20

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.

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.

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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 our 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.

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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 f Ecosystems Protection and Remediation

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

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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http://www.epa gov/regionOS

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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 18,200? 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 determinate the number of wetland acres arid 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,

tarry 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

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

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PEP/NRM

E1 3182 pg

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 the 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

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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@usqs.gov.

Sincerely,

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

Surface Transportation Board
Incoming Correspondence Record

#EI-3106

Correspondence Information

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

Submitter's Comments

I feel that the proposed rail system connecting Sevier County and Juab County will be a benefit to booth counties. With no significant environmental impact.It will create jobs for booth 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

E I
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

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
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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

3

EI 20462 p.

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

TAKE PRIDE IN AMERICA

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 (*Iotichthys 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

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 (*Iotichthys phlegethontis*), 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 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.

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

TAKE PRIDE IN AMERICA

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.

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.

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

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.

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.

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.

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.

THE HOPI TRIBE

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,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

xc: 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.

2

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

Michael L. Elliott
Cultural Resources Specialist

THE
NAVAJO
NATION

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

BEN SHELLY
PRESIDENT

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 ahs concluded that the project will not have adverse affects 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 Anaasazi 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 14-437
cc: Surface Transportation Board

Surface Transportation Board
Incoming Correspondence Record

#EI-20904

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

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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APPENDIX C

Conditional Approval for the Petition for Exemption

32136 SERVICE DATE - OCTOBER 19, 2001
EB

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34075

SIX COUNTY ASSOCIATION OF GOVERNMENTS – CONSTRUCTION AND OPERATION EXEMPTION – RAIL LINE BETWEEN LEVAN AND SALINA, UT

Decided: October 18, 2001

By petition filed on July 30, 2001, the Six County Association of Governments (Six County) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 in order to construct and operate a 43-mile line of railroad between Salina, UT, and a connection with a line of the Union Pacific Railroad Company (UP) in the vicinity of Levan, UT. As Six County requests, we will conditionally grant the requested exemption, and will issue a final decision after completion of the environmental review process, making the exemption authority effective at that time, if appropriate.

BACKGROUND

Six County is a voluntary association of local governments of Sevier, Juab, Sanpete, Millard, Piute, and Wayne Counties in Utah. Its general purpose is to act as an 'umbrella-type' organization to plan and develop programs with respect to various economic activities including, but not limited to, owning, acquiring, constructing, operating, and financing transportation facilities. In this proceeding, Six County seeks authority to construct and operate a 43-mile rail line that would run between Salina, in an isolated area of the state, and the nearest active rail line, a UP line near Levan.

Salina is located in northern Sevier County, and Levan is located in southern Juab County. The planned rail line would run through a portion of Sevier County, through the entire length of the western edge of Sanpete County, and through a portion of Juab County. Other than Levan's access to the nearby UP line, no rail service exists in this part of Utah.[1] Businesses in the counties of Sanpete and Sevier must now rely exclusively on trucking for freight transportation.

Sevier County has a population of about 18,400. It has over 50,000 acres of cropland and

[1] This area was served by the Denver and Rio Grande Western Railroad until service was discontinued in the mid-1980's.

is home to various industries, including livestock raising, coal and rock salt mining, gypsum manufacturing, bentonite and clay mills, turkey processing, and tourism. Salina has a population of about 2,300 and contains many businesses, including the Southern Utah Fuel Company (SUFCO).[2] According to Six County, SUFCO is especially important to the local economy since it employs a large workforce at its coal mines about 30 miles east of Salina. These mines produce 5.8 million tons of coal annually.[3] Juab County has a population of about 7,000, and its primary industries are agriculture, manufacturing, mining, and recreation. Sanpete County, with 20,000 residents, is an educational center and also has, as major industries, turkey, sheep, beef, and dairy production.

Six County claims that Sevier County needs a rail connection to the UP line near Levan. Due to the lack of rail service, SUFCO currently transports its mined coal by truck about 83 miles from Salina to UP's rail terminal near Levan along various roads and highways. These trucks each carry about 43 tons of coal and travel through downtown Salina at the rate of about one truck per minute. Six County says that this traffic causes severe congestion in Salina and significant wear-and-tear on area roads.[4] It expects that rail access to the UP line near Levan would ease this congestion, extend the life of Salina's roads, and reduce air pollution. Six County also anticipates that the addition of a rail line would attract business and industry to the area, thereby increasing employment.

Six County indicates that, although it seeks authorization to construct and operate the proposed line and, therefore, would become a common carrier, it does not plan to own or operate this line for profit. Six County expects to work jointly with another entity in constructing the line and possibly assign its responsibility for common carrier operations to an experienced but not yet identified operator. Six County indicates that it intends to make appropriate filings with the Board for these events in the future.[5]

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[2] Other businesses in Salina include Producers Livestock Auction, Burns Saddlery, Barney Trucking, Robinson Transport, and Redmond Salt Mines.

[3] According to Six County, these mines are considered to be among the most efficient underground coal mines west of the Mississippi River.

[4] According to Six County, the Utah Department of Transportation recently acknowledged the need for road improvements costing $30-40 million due to coal traffic on State Route 28, which roughly parallels the proposed project area, and State Route 10, which is east of the area and not directly affected by this proposed project.

[5] If final authority to construct and operate the line is granted, Six County would acquire a common carrier obligation to provide service on the line. That obligation could not be assigned or otherwise transferred without our approval. Furthermore, any operator other than Six County would need Board authority under 49 U.S.C. 10901 or an exemption under 49 U.S.C. 10502 in

DISCUSSION AND CONCLUSIONS

The construction and operation of railroad lines require prior Board approval under 49 U.S.C. 10901. However, under 49 U.S.C. 10502, we are directed to exempt a transaction or service from regulation when we find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope or (b) regulation is not necessary to protect shippers from the abuse of market power.

Based on the information provided, we conclude that detailed scrutiny of the proposed construction and operation under 49 U.S.C. 10901 is not necessary to carry out the rail transportation policy. Granting the requested exemption will provide an alternative rail service option to shippers in an isolated area of Utah and increase competition [49 U.S.C. 10101(1) and (4)]. Exempting the proposed construction and operation will reduce the need for Federal regulation, ensure the development of a sound transportation system with effective competition among carriers, foster sound economic conditions, and reduce regulatory barriers to entry [49 U.S.C. 10101(2), (4), (5), and (7)]. Nothing in the record indicates that the proposal would adversely affect other aspects of the rail transportation policy.

Regulation of the proposed construction and operation is not necessary to protect shippers from the abuse of market power. Rather, the proposed transaction would provide the area with another transportation option and enhanced competition. Given our findings regarding the probable effect of the transaction on market power, we need not determine whether the transaction is limited in scope. Because we find that detailed scrutiny of the proposed construction and operation under 49 U.S.C. 10901 is not necessary to carry out the rail transportation policy or to protect shippers from the abuse of market power, we will conditionally grant the requested exemption to construct and operate the proposed rail line, subject to completion of the environmental review process.[6]

Six County has consulted with our Section of Environmental Analysis (SEA) regarding the environmental review process. It has requested and received from SEA a waiver of the 6-month prefiling notice normally required by 49 CFR 1105.10(a) for a proposed line construction project. SEA will issue an Environmental Assessment (EA) or a full Environmental Impact Statement (EIS) in this case. SEA will issue its environmental documentation in draft form to permit public review and comment and will consider all comments in making its final recommendations to the Board. We will then issue a further decision addressing the environmental issues and making the exemption effective at that time, if appropriate, thereby

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order to operate the proposed line.

[6] See Ellis County Rural Rail Transportation District–Construction and Operation Exemption–Ellis County, TX, STB Finance Docket No. 33731 (STB served Feb. 15, 2000).

allowing construction to begin. See Missouri Mining, Inc. v. ICC, 33 F.3d 980 (8th Cir. 1994); Illinois Commerce Com'n v. ICC, 848 F.2d 1246, 1259 (D.C. Cir. 1988), cert. denied, 488 U.S. 1004 (1989).

As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Under 49 U.S.C. 10502, we conditionally exempt Six County's construction and operation of the above-described line from the prior approval requirement of 49 U.S.C. 10901, subject to our consideration of the anticipated environmental impacts of the proposal.

2. On completion of the environmental review process, we will issue a further decision making the exemption effective at that time, if appropriate, thereby allowing construction to begin.

3. Notice will be published in the Federal Register on October 26, 2001.

4. Petitions to reopen must be filed by November 15, 2001.

5. This decision is effective November 25, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams
Secretary