



# MOUNTAIN LION FOUNDATION

## *Saving America's Lion*

The mission of the Mountain Lion Foundation is to ensure that America's lion survives and flourishes in the wild.

January 28, 2021

Joshua Wayland, PhD  
Surface Transportation Board  
c/o ICF  
9300 Lee Highway  
Fairfax, VA 22031

Attention: Environmental filing, Docket No. FD 36284

Dear Mr. Wayland, Chairman Oberman and Members of the Surface Transportation Board:

We, the Mountain Lion Foundation, submit these comments on behalf of our Utah members regarding Docket No. FD 36284: Draft Environmental Impact Statement (DEIS) for the Seven County Infrastructure Coalition's proposal to construct and operate the Uinta Basin Railway (UBR). We thank you for the opportunity to comment on this proposal and for extending the comment period to February 12, 2021. We are concerned that the DEIS does not address the negative effects that the construction and operation of the proposed UBR would have on Utah's cougar (*Puma concolor*) population.

Effects to Utah's cougar population are not considered in the DEIS and, in fact, cougars are only referenced once in the entire 580 pages of the DEIS, as part of a list of "Common Wildlife" (Ch. 3.4.2.1 Wildlife). Additionally, cougars are not mentioned at all in the 2,211 pages of the Appendices to the DEIS. It is shocking to us, that effects to Utah's cougars would not be considered for such a big project that will decimate Utah's Uinta Basin ecosystem.

Cougars are a keystone species and play an important role in maintaining ecosystem health, diversity, and integrity. In fact, cougars contribute a disproportionate amount of carrion to the landscape, supporting as many as 39 species of scavenging birds and mammals.<sup>1</sup> Additionally, recent research also found that cougars act as ecosystem engineers, providing habitat to as many as 215 different species of beetles, including the federally endangered American burying beetle (*Nicrophorus americanus*).<sup>2</sup> Furthermore, in addition to helping regulate herbivore numbers through predation, the mere presence of cougars on the landscape can help to reduce over-browsing of plants and shrubs by herbivores, such as deer (*Odocoileus hemionus*), elk (*Cervus canadensis*) and moose (*Alces alces*).<sup>3</sup>

It is, therefore, highly concerning to us that the DEIS mentions cougars only once in the entire document and fails to consider the negative effects cougars and other wildlife species would face from the construction and use of the proposed

<sup>1</sup> Elbroch, L. M., C. O'Malley, M. Peziol, and H. B. Quigley. 2017. **Vertebrate diversity benefiting from carrion provided by pumas and other subordinate, apex felids.** *Biological Conservation* 215: 123-131.

<sup>2</sup> Barry, J. M., L. M. Elbroch, M. E. Aiello-Lammens, R. J. Sarno, L. Seelye, A. Kusler, H. B. Quigley, and M. M. Grigione. 2019. **Pumas as ecosystem engineers: ungulate carcasses support beetle assemblages in the Greater Yellowstone Ecosystem.** *Oecologia* 189: 577-586.

<sup>3</sup> Beschta, R. L. and W. J. Ripple. 2012. **The role of large predators in maintaining riparian plant communities and river moreophology.** *Geomorphology* 157-158: 88-98.

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UBR. What the DEIS *does* mention is the heavy machinery that would be required to build and maintain the UBR, including the use of bulldozers, front end loaders, dump trucks, cranes, as well as “mining and blasting methods”. Bringing such heavy equipment into and out of the Uinta Basin, and mining and blasting the area, will destroy pristine habitat and disrupt wildlife populations that call the Uinta Basin their home.

Utah’s cougar population already faces a myriad of threats, including, but not limited to, heavy hunting pressures, habitat loss and fragmentation, trapping, poaching, retaliation to livestock depredation, cougar-vehicle collisions, and poisoning. Additionally, the Utah State Legislature passed a bill last year, HB 125, which instructs the Utah Division of Wildlife Resources to reduce predator numbers when big game populations decline below a certain threshold. Habitat that is lost as a result of the construction and operating of the UBR will negatively affect cougars and their prey, and cougars will ultimately pay the price when ungulate populations decline as a result. Therefore, we are deeply concerned of the negative effects the construction and operating of the UBR would have on Utah’s prized game species populations, such as elk (*Cervus canadensis*) and mule deer (*Odocoileus hemionus*), as cougars will likely be persecuted as a result.

If approved, this project will destroy habitat and may lead to an increase in human-cougar conflict, as cougars are pushed out of the wilderness and into developed areas looking for new habitat. Additionally, this project could lead to kitten orphaning and death of young cougars, as mothers may be separated from their young, or killed on the UBR during construction and/or upon completion of the UBR, as it is operated.

We urge you to include an assessment of the negative effects that the construction and operating of the proposed UBR could have on Utah’s cougar population in the Final Environmental Impact Statement. Additionally, we ask that you include a requirement of the installation of wildlife underpasses and/or wildlife overpasses with the appropriate fencing to direct wildlife during construction in order to reduce wildlife mortalities and the negative impacts of habitat fragmentation.

We thank you for the opportunity to comment on this proposal. Please make this letter a part of the official record regarding this decision.

Sincerely,



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