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Serving the Environmental Public Interest Community

December 10, 2021

Surface Transportation Board
395 E Street SW
Washington, DC 20423

Docket Number FD 36524 36525—Comments on Savage Tooele Rail, Tooele County, Utah

Request for Environmental Assessment under the NEPA

Dear STB:

We urge you to prepare an Environmental Assessment on this project that include significant environmental impacts associated with this 12-mile rail line that will connect with an inland satellite port facility. The proposed area of construction is in an area that is out of attainment for federal air quality standards including ozone and PM2.5. The project will serve a large area of warehouse development causing exponential quantities of new mobile sources of air pollution, and perhaps most worrying the rail line will go through "high functioning wetlands" that is on the shores of the Great Salt Lake, an area already in a greatly imperiled condition.

Undoubtedly, when impacts to wetlands are reasonably foreseeable, an agency must analyze those impacts for significance in its environmental assessment. 42 U.S.C.S. § 4332(C). The § 404 guidelines governing the issuance of permits under the Clean Water Act (CWA), 33 U.S.C.S. § 1251 et seq., specifically require the United States Army Corps of Engineers to determine whether the categories of activities will have only minimal cumulative adverse effects on water quality and the aquatic environment. 40 C.F.R. § 230.7(a)(3). The "aquatic environment" is defined by the guidelines as waters of the United States, including wetlands, that serve as habitat for interrelated and interacting communities and populations of plants and animals. 40 C.F.R. § 230.3(c). The guidelines further define "waters of the United States" as all waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, all interstate waters including interstate wetlands, and all other waters which could affect interstate or foreign commerce. 40 C.F.R. § 230.3(s). As the definitions demonstrate, the aquatic environment encompasses more than just wetlands.

Clearly, federal rule requires consideration of the environmental impacts of this project through at least an EA since it impacts wetlands. Thanks for your consideration.

Sincerely,

/s/ Joel Ban

Attorney

Polluting Port Coalition