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Cynthia Brown
Chief, Section of Administration
Surface Transportation Board
Office of Proceedings
395 E. Street, SW
Washington, D.C. 20423

**Re: Finance Docket 36524 and related FD 36525 - Savage Tooele Railroad Company –
Acquisition and Operation Exemption in Tooele County, Utah**

Dear Ms. Brown:

This letter is being sent with much concern regarding Finance Docket 36524, Savage Tooele Railroad Company (STR) – Acquisition and Operation Exemption in Tooele County, Utah. I represent the Erda Incorporation sponsors, the Erda Community Association, and the adversely affected land-owners in the immediate area where the abandoned railroad line is located. I am submitting to the U.S. Surface Transportation Board (“STB”) the following objections and comments regarding Savage Tooele Railroad Company Notices of Exemption filed with the Surface Transformation Board on December 20, 2021. The Notices of Exemption include:

- STR initially filed for various approvals from the Board on September 2, 2021 in Docket Nos. FD 36524 and FD 36525. On September 30, 2021, the Board placed these proceedings in abeyance and requested supplemental clarifying information for the Applicant by October 20, 2021. The Applicant filed its response on October 19, 2021
- STR then filed a corrected notice on November 12, 2021.

With the support of the STB via your exemption, STR intends to construct this railroad system to support the Romney Group’s proposed industrial park, known as the Lakeview Business Park. This railroad bed has not been used for at least 60 or 70 years. STR intends to enter into agreements with separate land owners to obtain property and construct an additional approximately 5 miles of interchange and switching trackage outside and to-be developed Lakeview Business Park at the south end of the Warner Spur near Grantsville, Utah. There is an old existing bed that would require

rehabilitation. Additionally, the proposed rail line passes through a subdivision, and working agricultural fields, much of which has been developed long after the railroad was abandoned and the track removed. Approximately half of this particular piece of the line will pass through wetlands used by migratory birds. There is no existing rail bed in this area, and the swamp/wetlands will require significant development to accommodate a rail line, including substantial ground disturbance to the protected wetlands area.

Of additional significance is that the rail line will pass over three well-traveled roads to include Sheep Lane (will become the Mid-Valley Highway), Erda Way, and State Road 138. The newly incorporated City of Erda will have to pay for intersection improvements and the fulfilling requirements to establish a quiet zone. The liability falls on the City for accidents at crossings. These significant risks and costs are not contemplated in the City of Erda's feasibility study, and could irreparably harm the city and its citizens.

Although the application states that the project would not impact any Clean Air Act non-attainment areas ("NAA"), the project does appear to be wholly within a current PM 2.5 NAA. Based on STB's categorical exclusion thresholds, any project with more than 3 trains per day in an NAA would require at least an EA.

The project also passes through a significant wetlands complex on the south shore of the Great Salt Lake ("GSL"). The wetlands associated with the GSL account for nearly 80% of the wetland acreage in Utah. The GSL is designated as a Hemispheric Site of Importance by the Western Hemisphere Shorebird Reserve Network, a designation that is shared by only seven such sites in the lower 48 states. The U.S. Fish and Wildlife Service describes the GSL ecosystem as a critically important and irreplaceable resource due to its location, size, and ecological features. In particular, the open waters, shorelines, and adjacent mix of wetlands and uplands provide a critical migratory bird staging area in an otherwise arid region. The maintenance of the GSL ecosystem, and its component areas and functions, is essential to the continued productivity and biodiversity of migratory birds and other wildlife species dependent upon the GSL ecosystem. Many wetlands along the GSL have already been extensively altered or lost due to development pressures. The wetlands associated with the GSL are perhaps the most ecologically important wetlands in the region. A map provided by the Utah Geospatial Resource Center indicates that the northern part of the rail line could be within the GSL floodplain.

STR states that their operations will involve no diversion of traffic to motor carriages. Moreover, they indicate that the transaction will not result in an increase in rail traffic of eight or more trains a day on any segment of line. Since the Lakeview Business Park is conceptual at this point, with only one structure being constructed, we do not understand how STR can determine what the demand for rail service will be. Additionally, the STR indicates that their operation will not affect a Class I or NAA under the Clean Air Act, that ozone depleting materials are not contemplated. The environmental impact on the existing wetlands is not addressed in their Notice of Exemption.

It appears that contrary to the assertions of STR, an environmental review must be prepared pursuant to the National Environmental Policy Act ("NEPA"). At a minimum an environmental assessment must be prepared, although we believe that given the scope and

context of the impacts, that an Environmental Impact Statement is required. Impacts include ecological, aesthetic, historic, cultural, economic, social, or health impacts, whether adverse or beneficial. 40 CFR 1508.1(g)(1). It is important to note that human beings are part of the environment (indeed, that is why Congress used the phrase “human environment” in NEPA), so when an EIS is prepared and economic or social and natural or physical environmental effects are interrelated, the EIS should discuss all of these effects. 40 CFR 1502.16(b).

In addition to the environmental impacts of the proposed action and alternatives, the environmental consequences section will discuss:

- Any potential unavoidable adverse environmental effects;
- The relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity;
- Any potential irreversible or irretrievable commitments of resources;
- Possible conflicts with land use plans, policies, and controls for the area;
- Energy and natural or depletable resource requirements and conservation potential of alternatives and mitigation measures;
- Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures;
- Mitigation of adverse environmental impacts; and
- Applicable economic and technical considerations, including the economic benefits of the proposed action.

The EIS should also contain a summary of alternatives, information, and analysis submitted by commenters during the scoping process. 40 CFR 1502.17(a).

An environmental assessment is at least required given that the operational changes would exceed the thresholds set forth at 49 C.F.R. § 1105.7(e)(5). In particular, the proposal would lead to and increase rail traffic 100% since no rail line currently exists, and has not for 60 or 70 years. This includes impacts to:

- Existing wetlands and marshes that are home to many species of migratory birds: and
- Impact to existing properties that have been developed surrounding the rail bed that has not been used as indicated above. The relatively short rail line will cross over three existing roadways. This will create a significant concern in regard to traffic issues and potential accidents that become the responsibility of Erda City.

In conclusion, we appreciate the opportunity to register our objections and provide our comments. We urge the STB to provide additional time for interested parties to submit comments and urge close and careful scrutiny of the STR project. We also urge the STB to object to the Notices of Exemption.

Sincerely,

/s/

Janet M. Conway