



EO - 3664

Preserving America's Heritage

**Advisory Council on Historic Preservation
Electronic Section 106 Documentation Submittal System (e106) Form
MS Word format**

Send to: *e106@achp.gov*

I. Basic information

- 1. Name of federal agency** (If multiple agencies, state them all and indicate whether one is the lead agency):

Surface Transportation Board (Board) is the lead agency.

U.S. Department of the Interior, Bureau of Indian Affairs; Department of the Army, U.S. Army Corps of Engineers; U.S. Department of the Interior, Bureau of Land Management (BLM); and U.S. Department of Agriculture, Forest Service (U.S. Forest Service) are cooperating agencies. U.S. Environmental Protection Agency is a Section 106 consulting party but not a cooperating agency.

- 2. Name of undertaking/project** (Include project/permit/application number if applicable):

Surface Transportation Board Docket No. FD 36284, Seven County Infrastructure Coalition—Construction & Operation Exemption

- 3. Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

Carbon, Duchesne, Uintah, and Utah Counties, Utah

Land ownership includes private, state, tribal (Ute Indian Tribe of the Uintah and Ouray Reservation), and federal (BLM and U.S. Forest Service).

- 3. Name and title of federal agency official and contact person for this undertaking**, including email address and phone number:

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Surface Transportation Board
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5. Purpose of notification. Indicate whether this documentation is to:

- 1) invite the ACHP to participate in a Section 106 consultation, and
- 2) propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

Please note: the Board has not yet reached the assessment of effects phase of the Section 106 compliance process.

II. Information on the Undertaking*

6. Describe the undertaking and nature of federal involvement (if multiple federal agencies are involved, specify involvement of each):

The Seven County Infrastructure Coalition (Coalition) requested Board authority to construct and operate an approximately 85-mile rail line between two terminus points in the Uinta Basin near Myton, Utah, and Leland Bench, Utah, and the interstate rail network. The Coalition is proposing to construct a route that would extend generally southwest from terminus points in the Uinta Basin to a connection with an existing rail line owned by Union Pacific Railroad Company (UP) near Kyune, Utah (the Whitmore Park Alternative). That route would generally parallel U.S. Route 191 through Indian Canyon and would be located within Utah, Carbon, Duchesne, and Uintah Counties in Utah. In addition to the Whitmore Park Alternative, the EIS will also consider two additional alternatives that OEA believes would be reasonable and feasible to construct and operate that would meet the purpose and need of the proposed project. Those alternatives are the Indian Canyon Alternative and the Wells Draw Alternative, both of which would have the same terminus points as the Whitmore Park Alternative but would follow different alignments.

7. Describe the Area of Potential Effects:

The Board is currently developing an APE.

8. Describe steps taken to identify historic properties:

The Coalition's consultant performed a cultural resources survey in the Project area. The Board is currently reviewing the information provided by the Coalition.

9. Describe the historic property (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

At future dates, reports provided by the Coalition's consultant will be provided on the Board's website for this project (<http://uintabasinrailwayeis.com/>) and on the Board's electronic document repository. The Board will provide specific links to the report locations when the reports are available.

10. Describe the undertaking's effects on historic properties:

The Board has not yet reached the assessment of effects phase of the Section 106 compliance process.

11. Explain how this undertaking would adversely affect historic properties (include information on

any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

The Board has not yet reached the assessment of effects phase of the Section 106 compliance process.

12. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai’ian organizations, or the public, including any correspondence from the SHPO and/or THPO.

During scoping, commenters expressed concern regarding potential adverse impacts on historic sites and buildings, historic rock art, and petroglyphs. Scoping comments related to cultural and historic resources and tribal concerns are included in Appendix 1.

** see Instructions for Completing the ACHP e106 Form*

III. Optional Information

13. Please indicate the status of any consultation that has occurred to date. Are there any consulting parties involved other than the SHPO/THPO? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

Please see Attachment 3 for a list of consulting parties and status of consultation.

14. Does your agency have a website or website link where the interested public can find out about this project and/or provide comments? Please provide relevant links:

<http://uintabasinrailwayeis.com/>

15. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency project tracking system? If so, please provide the link or reference number:

Not applicable.

The following are attached to this form (check all that apply):

☐ Section 106 consultation correspondence

☒ Maps, photographs, drawings, and/or plans

☐ Additional historic property information

☒ Summary of consulting parties and consultation status



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Appendix 1. Scoping Comments Provided to Date

Commenter Affiliation	Date Received	Comment Text
Ute Indian Tribe of the Uintah and Ouray Reservation	July 15th, 2019	So in my understanding, this is futile to be trying to run a railroad, a railway, without everyone's clear understanding from my concerns as a tribal member. We already have a huge impact dealing with unanswered water issues. We already have questions with the state of Utah. Many of these people are concerned about fire -- well, we have water that comes from tribal lands. We don't even get the benefits from that, who is going to pay us back our fair share, if our tribal fires go out there and we have to deal with the issues that you are talking about? There's a concern that's going on dealing with lands, not just tribal lands, but lands that the United States gave to individual families, our ancestors and that was called allotted lands. Are these lands going to be affected? And how is it going to affect it, and how are we going to benefit from that? The tribal people have a lot to lose here, especially when you carry hazardous materials that you labeled on this PowerPoint as "other" -- you will be carrying "other" whatever. You didn't even clarify that. So if it has a huge spill, what kind of hazardous material are you bringing across this? You need to state that clearly.
Ute Indian Tribe of the Uintah and Ouray Reservation	July 15th, 2019	I'm a member of the Ute tribe and also I'm a lot-ee, a landowner. And also, I'm -- I have been on a tribal council several times, former chair of the Ute Tribe, from years 2007 to 2013...so I know the tribe owns almost 2 million acres of land and some of this -- there's a possibility that maybe here in the tribal lands are -- our reservation is checkerboard. It's a possibility it can cross tribal lands. So the tribe needs to be involved. .. But I'm remembering my experience on the tribal council, and I know it's needed, but we need to find a way of how we can utilize as a railroad system, going -- transporting things from here across the railroad. So make sure that if that is done, that we are involved and that the tribe is involved.

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		So I would like to hear from our tribal leaders and council, their position is on this... The tribe has to be protected for the children, and if it is environmental, that has to be looked at because of the artifacts and so on. And definitely, we have to have more involvement in that. I think the tribal council should be contacted because based on our government-to-government relationship, the tribal council should have some involvement or some say. I think it would be beneficial to the tribe, but it has to be done where it's done right.
Public	July 18th, 2019	Rock art and cultural protection 9 mile especially if particulate matter increases in the Canyon.
Public	July 20th, 2019	It should avoid all stream crossings to the extent possible, avoid effects to wildlife, air quality, rare and endangered species, and cultural resources
Public	July 23rd, 2019	After attending the hearing on the Uinta Basin Railroad, I want to address History and Culture issues. The old cabins, cellars and buildings are scenery for all to enjoy some of the past.
Henderson Ranches LLC	August 1st, 2019	5. It looks like that some place on all 3 routes will be crossing the Ute Tribes land. That there is a route that would go south of the farm lands. Craig being the best.
Public	August 2nd, 2019	I am very concerned about the Indian Canyon route. The unique landscape of the canyon makes a rail right of way quite a sacrifice, considering it will go right through my families hay field and right through the cabin and barn my grandpa built with his own two hands. We are so emotionally attached to this place, it is not just a piece of land to us. It is our heritage, one that we hoped to pass down to our kids and their kids. This will also take 7.28 acres of grazing land from our forest permit. That is if they only take a 20 foot piece for three miles. That is enough to feed one cow for a season.
Uinta Valley Shoshone Tribe of the Uinta & Ouray Reservation, Utah	August 2nd, 2019	ANTHROPOLOGICAL CONSIDERATIONS The current lack of specific Tribal/ Federal management control furthers another major concern that involves the preservation of, and protection for the culturally historic value of the Fremont Indian Culture engrained in our tribal lands. The ancient Tribe of Fremont Indians inhabited the lands of the Uinta Valley Reservation from 650 AD. to 1350 AD 2. And, I fear that more evidence of this ancient culture will be destroyed if the spoilers

		throughout the State are allowed to actually develop the railway system through "Indian Country" in the Uinta Basin so they can more easily export the Uinta Shoshone Tribe's gas and oil assets off the reservation. We reject the current proposal for one last reason: That it is being proposed without regard for Indian and non-Indian land ownership and the United States' archaeological and antiquities laws, that presumably protects our ancient tribal artifacts and village sites of the Fremont Indians with whom the Shoshone tribes of Utahs' merged around 1200 AD., and ultimately became known as the Uinta Valley Shoshone Indians who are descended from these ancient people. Evidence of this ancient Indian culture is on the brink of complete destruction, in the name of "management" , as it is being systematically destroyed by the reckless and haphazard road building and uncontrolled oil and gas well drilling that the State, Counties, Ute Tribe, UDC and other have initiated and engaged in since 1954.
TransWest Express LLC	August 2nd, 2019	Cultural TransWest recognizes the challenges in siting major linear projects in the Uintah Basin and within the exterior boundaries of the Uintah and Ouray Indian Reservation. In particular, compliance with the National Historic Preservation Act (NHPA), and STB's and BLM's obligation to conduct government-to-government consultation with federally recognized Indian tribes, can be complicated. TransWest stands ready to work with the STB, BLM and the Coalition in siting of the proposed Railway and resolving any potential conflicts between the proposed action alternatives and TransWest's approved ROW grant for the TWE Project. With regard to the Section 106 process under the NHPA, TransWest requests status as an invited consulting party; TransWest has a demonstrated legal, economic, or historic preservation interest in the federal undertaking or affected properties. [see 36 CFR § 800.2(c)(5)]
Uinta Valley Shoshone Tribe of the Uinta & Ouray Reservation, Utah	August 2nd, 2019	As Tribal Chairwoman, I am responding in opposition to the proposed Uinta Basin Railway Project in Utah as it has currently been proposed on behalf of the Uinta Valley Shoshone Tribe of Utahs' who are the historic and allodial landowners of the Uinta River Valley Basin Reservation (a.k.a., Uinta & Ouray Reservation) over which this proposed railway will travel if it is approved. Since 1954, our lands and resources have been mismanaged by the so-called "Ute Indian Tribe", the State of Utah, the Counties, and Ute Distribution Corporation under the pretense

		and pretext of an Act referred to as the UPTA, (Ute Partition and Termination Act of 1954) causing great harm and damage to said lands and resources, including, unbalancing the eco-system, natural water flow, and the air quality in the Uinta Valley Basin by illegally installing a coal powered Electric Power Plant on our lands 1, and over-drilling in the oil and gas industry due to this uncontrolled and failed management. This issue is currently in the Appeals Court waiting for hearing on said "management" to pass it back to the proper and legal hands, in the best interests of the Uinta Shoshone Tribe and the United States Government who is Trustee. The aforesaid is one objection to the project. Until these issues are settled in the Courts, there should not be "a business as usual" approach to any project proposal, especially this one.
Nine Mile Canyon Coalition	August 3rd, 2019	Concerns for the Wells Draw Route Alternative 9. Potential impacts to cultural resources are a major concern. The West Tavaputs in general and Argyle Canyon and Wells Draw specifically are known to have a variety of prehistoric and historic remains. Surface disturbance activities in Nine Mile Canyon proper have demonstrated that many times there are no surface manifestations of buried cultural materials. A discovery and mitigation plan needs to be developed and implemented to recognize and protect/mitigate the cultural resources.
Nine Mile Canyon Coalition	August 3rd, 2019	Concerns for the Wells Draw Route Alternative 9. Potential impacts to cultural resources are a major concern. The West Tavaputs in general and Argyle Canyon and Wells Draw specifically are known to have a variety of prehistoric and historic remains. Surface disturbance activities in Nine Mile Canyon proper have demonstrated that many times there are no surface manifestations of buried cultural materials. A discovery and mitigation plan needs to be developed and implemented to recognize and protect/mitigate the cultural resources.
Public	August 5th, 2019	6. Cultural and Historical Resources: Many of the structures on the property have been there for decades. Especially the small cabin that was used to homestead the property could be considered an historic resource. American Indian rock art in the area, especially further down in the 9-mile canyon area indicates that this land was frequented and hunted by American Indian ancestors. The railroad should not destroy the cultural heritage of many thousands of years. A full archeological study of the proposed corridors should be completed prior to any work being done.

Public	August 8th, 2019	First let me state that I am in absolute opposition to the construction of a rail road in Argyle Canyon. Indian Canyon, Argyle Canyon, Avitaquin + Emma Park are all areas that contain many cabins and homes on 10 acre parcels. Larger parcels have been homesteaded here by families for nearly 100 years and hold a unique place in the history of this area.
Public	August 23rd, 2019	In addition, this project may violate the rights of indigenous peoples and disregard their claims on the land.
BLM Colorado State Office	August 26th, 2019	Cultural Resources Construction of the proposed railroad will likely have an adverse effect on cultural resources, especially on buried prehistoric sites in the area south and southwest of Maybell, Colorado. This area is a stabilized sand dune field known to have a high density of buried sites. When several gas pipelines were constructed in a north-south utility corridor extending through this area, a large number of buried prehistoric sites were discovered. Under Section 106 of the National Historic Preservation Act, such sites were determined to be eligible to the National Register of Historic Places for their potential to yield information important to prehistory. The adverse effect of pipeline construction on the sites was mitigated through salvage excavation by the proponent companies. The likelihood that the proposed railroad will encounter many buried eligible prehistoric sites, particularly in the vicinity of Maybell, is a factor that should be considered when deciding between alternatives. The gas transportation companies had little ability to avoid the dune field and had to fund salvage excavations intended to mitigate the adverse effect of pipeline construction on eligible sites. As with the pipeline projects, any buried sites encountered during railway construction would need to be mitigated through salvage excavation. Such excavations are costly and the federal government would need to ensure that the multi-county association promoting the Craig Alignment Alternative would have the financial resources necessary to mitigate impacts to eligible sites via salvage excavation.
Public	August 29th, 2019	I do not support the proposed project as presented for the following reasons. 5- Historical petroglyphs are located in the proposed route and can be damaged.
Public	N/A	As a business owner that works in the oilfield I think the best rout for the railroad is as far away from tribal land as possible.

		The tribe requires access permits business licenses and utero fees for anyone working on their land not to mention tribal preference for native owned companies. Save everyone a headache and keep it off of tribal land. Remember their a sovereign nation with their own laws and rules that we have to follow when we conduct business on their land. Im not sure if its true but I heard that the state of Utah pays the tribe 5 million dollars a year to have highway 40 cross the reservation. How much will they charge the railroad
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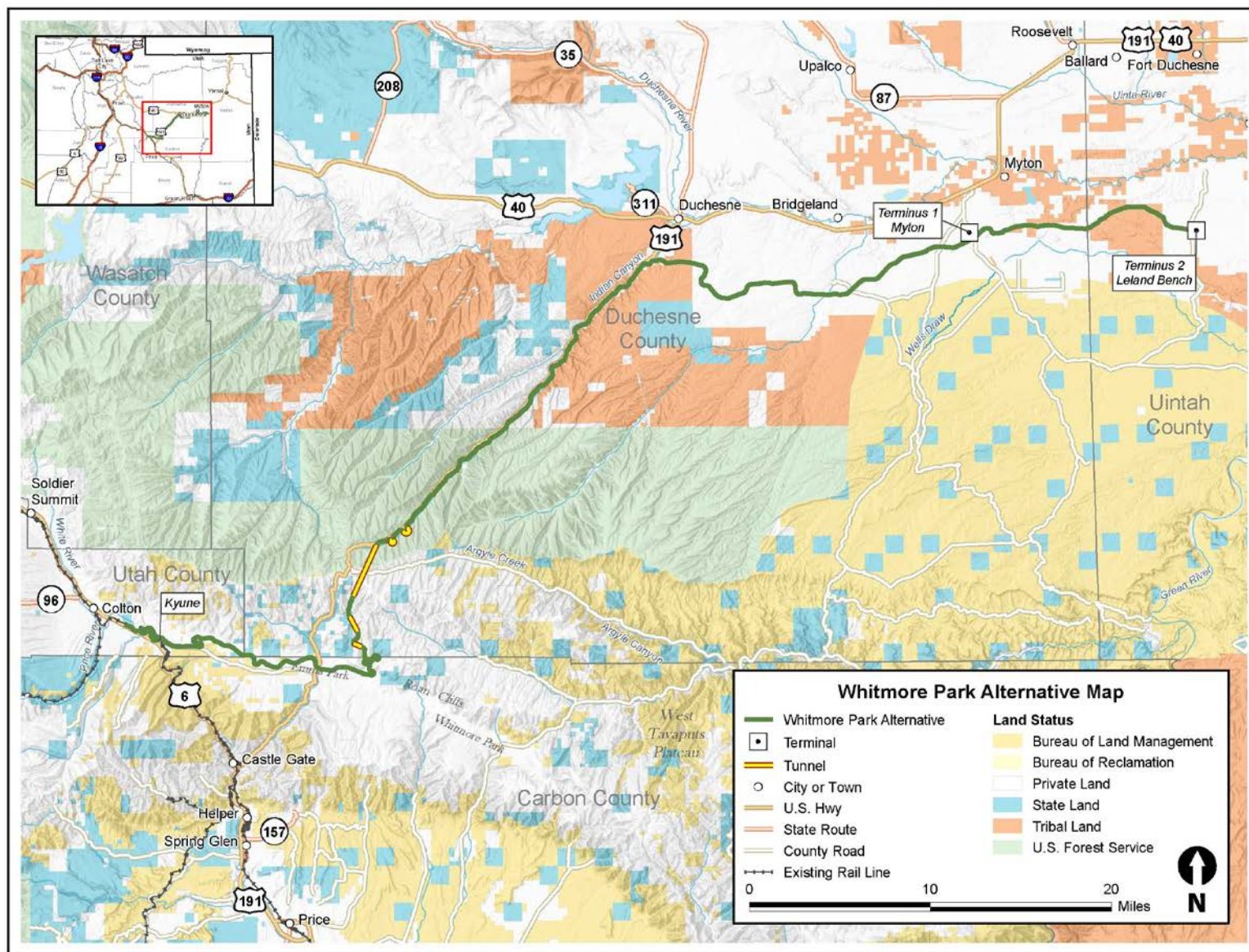
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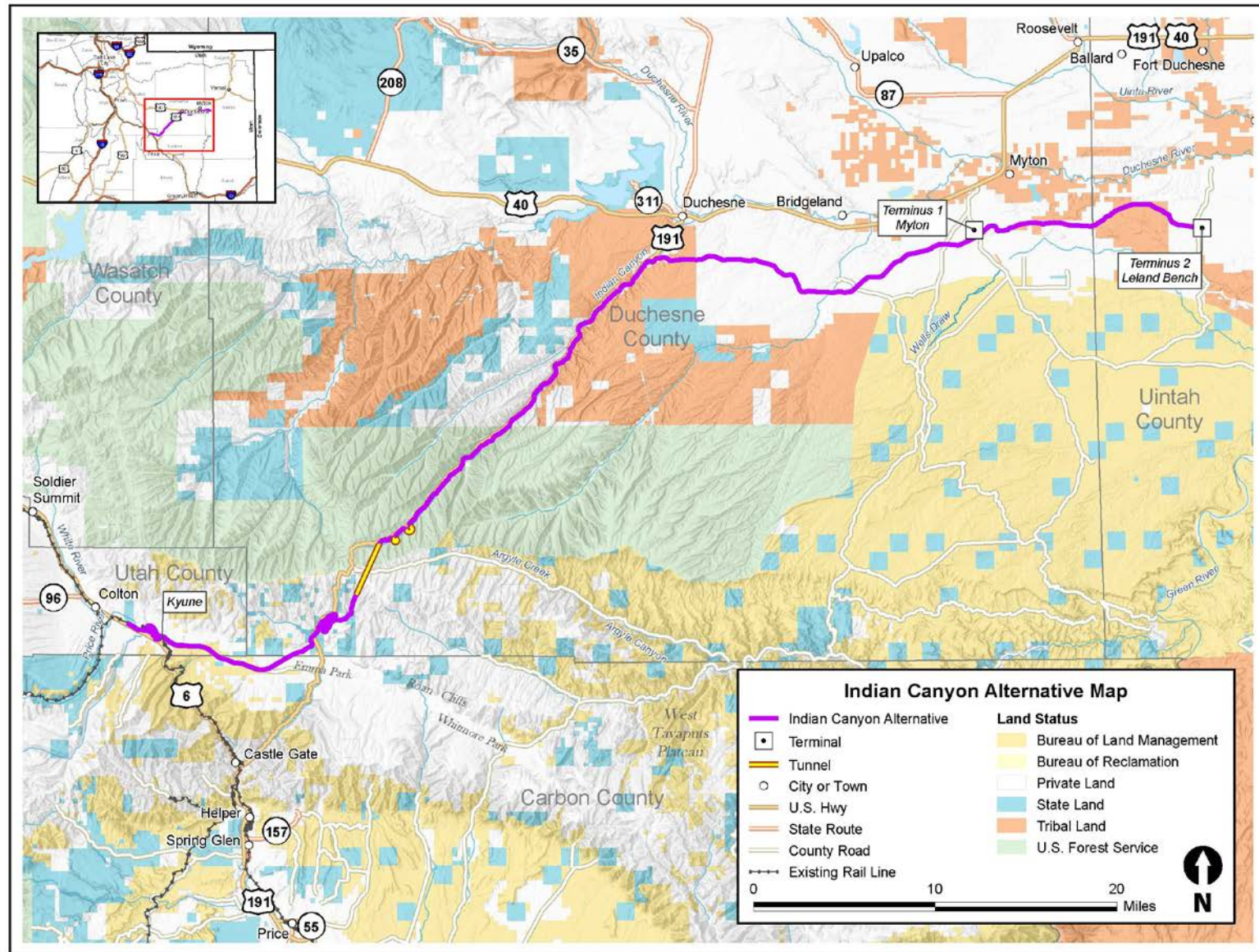
Appendix 2. Uinta Basin Railway EIS Project Alternatives Maps

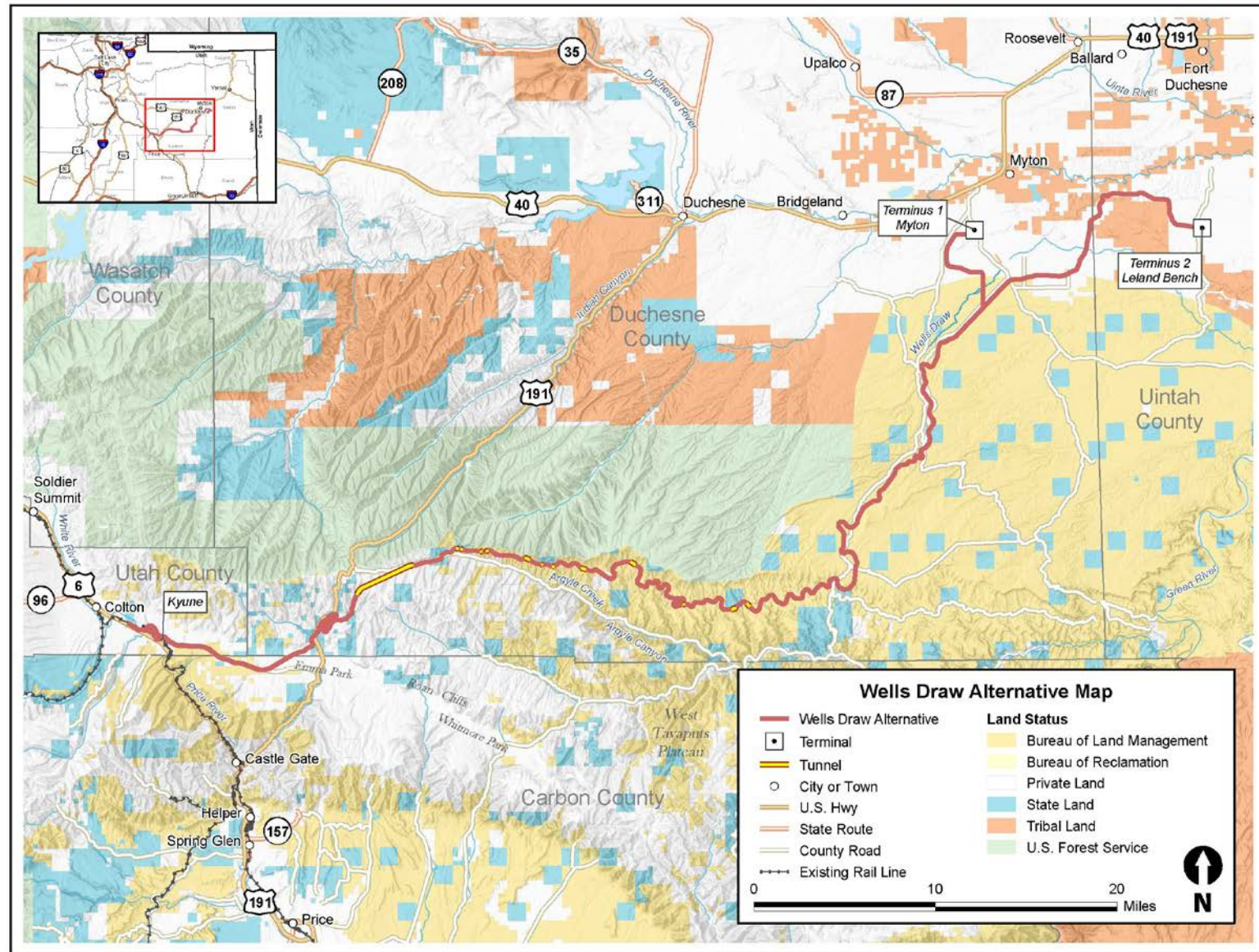
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Appendix 3. Summary of consulting parties and consultation status

Agency/Tribe/Party/Entity	Consulting Party Status	Consultation to Date
Advisory Council on Historic Preservation	Response Pending	Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Apache Tribe of Oklahoma	Requested Information	Invited to consult in June 2019. Requested a copy of the Consulting Party invitation in December 2019. Invited to Consulting Party call in January 2020.
BLM Price Field Office	Accepted Invitation	Invited to consult in June 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
BLM Vernal Field Office	Accepted Invitation	Invited to consult in June 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Bureau of Indian Affairs, Uintah and Ouray Agency	Accepted Invitation	Invited to consult in June 2019.

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		Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Bureau of Indian Affairs, Western Region	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in November 2019. Invited to Consulting Party call in January 2020.
Carbon County	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in October 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Colorado Office of Archaeology and Historic Preservation	Declined Invitation	Invited to consult in April 2019. Provided written comments and accepted Consulting Party status in June 2019. No further interest in Consulting Party status after the removal of Colorado routes.
Colorado Plateau Archaeological Alliance	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in November 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.

Colorado Preservation, Inc.	Declined Invitation	Invited to consult in June 2019. Invited to Consulting Party call in January 2020. No further interest in Consulting Party status after the removal of Colorado routes.
Confederated Tribes of the Goshute Reservation, Nevada and Utah	Requested Information	Invited to consult in June 2019. Requested a copy of the Consulting Party invitation in November 2019. Invited to Consulting Party call in January 2020.
Duchesne County	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in June 2019. Invited to Consulting Party call in January 2020.
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming	Requested Information	Invited to consult in June 2019. Requested a copy of the Consulting Party invitation in October 2019. Invited to Consulting Party call in January 2020.
Federal Highway Administration	Declined Invitation	Invited to consult in June 2019. Declined Consulting Party status in October 2019.
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Requested Information	Invited to consult in June 2019. Requested a copy of the

		Consulting Party invitation in October 2019. Invited to Consulting Party call in January 2020.
FRA Office of Program Delivery	Requested Information	Invited to consult in June 2019. Requested a copy of the Consulting Party invitation in October 2019. Invited to Consulting Party call in January 2020.
Moffat County	Declined Invitation	Invited to consult in June 2019. No further interest in Consulting Party status after the removal of Colorado routes.
National Park Service, Cultural Resources, Intermountain Region	Declined Invitation	Invited to consult in June 2019. No further interest in Consulting Party status after the removal of Colorado routes.
National Trust for Historic Preservation	Declined Invitation	Invited to consult in June 2019. Declined Consulting Party status in October 2019.
Navajo Nation, Arizona, New Mexico, and Utah	Declined Invitation	Invited to consult in June 2019. Declined Consulting Party status in December 2019.
Nine Mile Canyon Coalition	Accepted Invitation	Invited to consult in June 2019. Invited to Consulting Party call in January 2020. Accepted Consulting Party

		status in January 2020. Participated in Consulting Party call in January 2020.
Paiute Indian Tribe of Utah	Declined Invitation	Invited to consult in June 2019. Declined Consulting Party status in December 2019.
Preservation Utah	Requested Information	Invited to consult in June 2019. Requested a copy of the Consulting Party invitation in October 2019. Invited to Consulting Party call in January 2020.
Public Lands Policy Coordinating Office	Accepted Invitation	Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Rio Blanco County	Declined Invitation	Invited to consult in June 2019. Invited to Consulting Party call in January 2020. No further interest in Consulting Party status after the removal of Colorado routes.
Seven County Infrastructure Coalition	Accepted Invitation	Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho	Declined Invitation	Invited to consult in June 2019. Declined Consulting Party status in July 2019.
Skull Valley Band of the	Response Pending	Invited to consult in June

Goshute Indians		2019.
Southern Utah Wilderness Alliance	Response Pending	Invited to consult in June 2019. Invited to Consulting Party call in January 2020.
State Institutional Trust Lands Administration	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in July 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
The Hopi Tribe of Arizona	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in July 2019. Invited to Consulting Party call in January 2020.
The Northwestern Band of the Shoshone Nation, Utah	Requested Information	Invited to consult in June 2019. Requested a copy of the Consulting Party invitation in December 2019. Invited to Consulting Party call in January 2020.
U.S. Army Corps of Engineers, Sacramento District	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in August 2019. Invited to Consulting Party call in January 2020.
U.S. Environmental Protection Agency	Accepted Invitation	Invited to Consulting Party call in January 2020.

U.S. Forest Service, Ashley National Forest, Duchesne/Roosevelt Ranger District	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in June 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Uintah County	Accepted Invitation	Invited to consult in June 2019. Accepted Consulting Party status in July 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Utah County	Response Pending	Invited to consult in June 2019. Invited to Consulting Party call in January 2020.
Utah Division of State History	Accepted Invitation	Invited to consult in April 2019. OEA sent project updates in June 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.
Ute Indian Tribe of the Uintah and Ouray Reservation	Accepted Invitation	Invited to consult in June 2019. Invited to Consulting Party call in January 2020. Participated in Consulting Party call in January 2020.

White Mesa/Ute Mountain Ute Tribe, Utah and Colorado	Requested Information	Invited to consult in June 2019. Requested a copy of the Consulting Party invitation in December 2019.
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