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February 20, 2024

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E. Street, S.W.
Washington, DC 20423-0001

ENTERED
Office of Proceedings
February 20, 2024
Part of
Public Record

Re: *Seven County Infrastructure Coalition – Rail Construction & Operation Exemption – In Utah, Carbon, Duchesne, and Uintah Counties, Utah*, STB Docket No. FD 36284

Dear Ms. Brown:

I am attaching for filing in the above-captioned proceeding the attached Request for Notice by Eagle County, Colorado.

Thank you very much for your attention to this matter.

Sincerely,



Christian L. Alexander
Counsel for Eagle County, Colorado

Enclosures
CC: Parties of Record

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36284

**SEVEN COUNTY INFRASTRUCTURE COALITION –
RAIL CONSTRUCTION & OPERATION EXEMPTION –
IN UTAH, CARBON, DUCHESNE, AND UINTAH COUNTIES, UTAH**

REQUEST FOR NOTIFICATION

Communications with respect to this pleading
should be addressed to:

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Counsel for Eagle County, Colorado

Dated: February 20, 2024

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB Docket No. FD 36284

**SEVEN COUNTY INFRASTRUCTURE COALITION –
RAIL CONSTRUCTION & OPERATION EXEMPTION –
IN UTAH, CARBON, DUCHESNE, AND UINTAH COUNTIES, UTAH**

REQUEST FOR NOTIFICATION

Eagle County, Colorado (Eagle County) respectfully requests that it be notified as a party of record of any proposals to construct and operate a new rail line connecting the Uinta Basin area of Utah to the interstate rail network, commonly known as the Uinta Basin Railway, whether under this docket number or another. Eagle County remains concerned with the significant environment impacts of any such proposal on its constituents and jurisdiction.

BACKGROUND

On August 18, 2023, the United States Circuit Court of Appeals for the District of Columbia Circuit (D.C. Circuit) vacated a final decision issued by the Board on December 15, 2021, in Board docket number FD 36284 (Final Decision), as well as the Board’s Environmental Impact Statement for the Uinta Basin Railway pursuant to the National Environmental Policy Act, 42 U.S.C. § 4321 *et seq.*, and the U.S. Fish and Wildlife Service’s consultation with the Board required by the Endangered Species Act, 16 U.S.C. 1536. *See Eagle County v. Surface Transp. Bd.*, 82 F.4th 1152 (D.C. Cir. 2023). The Board’s Final Decision had approved a petition for exemption sought by the Seven County Infrastructure Coalition (Coalition) to construct and operate the Uinta Basin Railway. On December 4, 2023, the D.C. Circuit denied

the Coalition's petition for en banc review of its August 18th decision, and the Court's mandate issued on December 12, 2023. Accordingly, the D.C. Circuit's decision stands and is in effect.

REQUEST FOR NOTIFICATION

Eagle County requests that it be notified of any new or renewed proposals to construct the Uinta Basin Railway or a similar rail line connecting the Uinta Basin to the interstate rail network. Such a proposal, whether under this docket number or another, would be considered of high public concern for Eagle County and other downline communities in the region.

The Coalition's proposal for the Uinta Basin Railway was a significant matter of concern, controversy, and public interest, as demonstrated by the proceedings leading up to the Final Decision, which garnered hundreds of public comments, letters from state and local elected officials, inquiries from members of Congress, and opposition and litigation from Eagle County and conservation groups. The potential impact of a renewed or similar proposal on Eagle County and other downline communities remains the same. Any proposal of a similar nature and scale could pose the same significant environmental issues (and potentially others) as those raised by the Coalition's original proposal and would demand proper and thorough public scrutiny, would require additional environmental review, and would need to be authorized through a new decision by the Board. Eagle County and the public require a sufficient opportunity to participate in any new proceeding that could have profound implications for Eagle County, the Colorado River Basin, the region, the communities where oil will be refined, and the country.

Moreover, the unusual nature of the proceedings during the Board's previous consideration of the Uinta Basin Railway, in which "preliminary" approval of the project was granted without any formal public comment period, necessitates Eagle County take this proactive measure to ensure Eagle County and the public have sufficient time to review any new proposal.

CONCLUSION

Eagle County respectfully requests the Board notify Eagle County as a party of record of any new or renewed proposals to construct the Uinta Basin Railway or a rail line connecting the Uinta Basin to the interstate rail network, whether or not in this proceeding. Alternatively, Eagle County requests that the Board order the Coalition to serve Eagle County as a party of record with any submission to the Board regarding the Uinta Basin Railway.

Respectfully submitted,

/s/ Nathaniel H. Hunt

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Counsel for Eagle County, Colorado

Dated: February 20, 2024

CERTIFICATE OF SERVICE

I certify that I have this day caused to be served a copy of the foregoing Request for Notification, on the following parties of record in this proceeding by electronic mail:

/s/ Christian L. Alexander
Christian L. Alexander

Dated: February 20, 2024

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