

April 13, 2026

Chief of Case Administration
Office of Chief Counsel
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

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

Dear Chief:

In its latest supplemental authority letter, dated April 9, the Center for Biological Diversity talks about the D.C. Circuit's decision in *Center for Biological Diversity v. Zeldin*, No. 24-5101. The Center claims that decision "contradicts" the Coalition's claim that an ESA action area "extends only as far as the action's 'reasonably certain' effects." April 9 Letter at 1 (quoting Coalition Mot. to Reaffirm at 12). The opposite is true.

The Coalition's argument about the scope of an ESA action area rests on the premise that an action area is defined by a project's effects. Coalition Mot. to Reaffirm at 11; Coalition Reply at 17. The D.C. Circuit's decision affirms that premise. 2026 WL 850257, at *17 (linking the definitions of "action area" and "effects of an action"). And since a project's effects must by definition be "reasonably certain to occur," 50 C.F.R. § 402.02, its action area must be likewise limited. The rest of the D.C. Circuit's decision, which addresses the broad scope of ESA consultation in the context of a state's assuming Clean Water Act permitting authority, is irrelevant.

Sincerely,



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ENTERED
Office of Chief Counsel
April 13, 2026
Part of
Public Record

CERTIFICATE OF SERVICE

I certify that on April 13, 2026, I served copies of the foregoing document on all parties of record in this proceeding via email.

/s/ Jay C. Johnson
Jay C. Johnson