



SURFACE TRANSPORTATION BOARD
Washington, DC 20423

Office of Environmental Analysis

June 19, 2019

Mr. Don Hartley
State Historic Preservation Officer
Utah Division of State History
300 South Rio Grande Street
Salt Lake City, UT 84101
Attention: Chris Merrett

RE: Ongoing Section 106 Consultation

Docket No. FD 36284, Seven County Infrastructure Coalition—Construction & Operation Exemption—in Utah, Carbon, Duchesne, and Uintah Counties, Utah

Dear Mr. Hartley:

The purpose of this letter is to summarize the consultation conducted to date pursuant to Section 106 of the National Historic Preservation Act (NHPA) regarding the proposed Uinta Basin Railway project and to seek your guidance on additional consulting parties pursuant to 36 Code of Federal Regulations (CFR) Section 800.3 (f).

Consultation to Date

The Seven County Infrastructure Coalition (Coalition) plans to file a request with the Surface Transportation Board (Board) for authority to construct and operate an approximately 80-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 has also identified two proposed alternative routes to their preferred route that the Coalition believes would be commercially and technically feasible to construct. The Board's Office of Environmental Analysis (OEA) has determined that the preparation of an Environmental Impact Statement (EIS) is appropriate pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S. Code §§ 4321 *et seq.*) and related laws and regulations, including historic preservation reviews under Section 106 of the NHPA.

On April 10, 2019, OEA formally initiated Section 106 consultation with the Utah State Historic Preservation Officer (SHPO) and the Colorado SHPO. From July 15 to 19, 2019, the OEA will be holding public scoping meetings related to NEPA analysis. The public scoping meetings will assist OEA in identifying other agencies with an interest or expertise in the project and defining the range of alternatives and potential impacts on the human and natural environment to be considered in the EIS. Once that range of alternatives is established, OEA will develop a proposed Area of Potential Effects (APE) and intends to invite your comments on the proposed APE as soon as it is developed.

As the Coalition and OEA has discussed with your staff, the Coalition is currently undertaking historic property reconnaissance surveys along the Coalition's preferred route and the proposed alternative routes. The results of those surveys may be useful for comparing potential effects to historic properties across alternatives. OEA anticipates that additional reconnaissance survey may be appropriate, particularly if OEA develops additional alternatives during the scoping process. OEA additionally anticipates that completion of the Section 106 process will include a phased approach guided by an agreement document to be developed in consultation with your office and other Section 106 consulting parties.

In the near term, OEA requests your assistance with developing a list of additional Section 106 consulting parties, including tribes, pursuant to 36 CFR 800.3 (f).

Additional Consulting Parties

Pursuant to 36 CFR 800.2 (c) (3), OEA intends to invite the following representatives of local governments to provide information regarding historic properties in the project area and to consult.

- Utah's Public Lands Policy Coordinating Office (Carmen Bailey, Deputy Director)
- Uintah County (Brad Horrocks, Commissioner)
- Utah County (William Lee, Commission Chair)
- Duchesne County (Greg Todd, Commissioner)
- Carbon County (Casey Hopes, Commissioner)
- Moffat County (Ray Beck, Commissioner)
- Rio Blanco County (Jeff Rector, Commissioner)

Pursuant to 36 CFR 800.2 (c) (2), OEA intends to invite the following tribes to provide information regarding properties of cultural or religious importance in the project area and to consult (need to confirm correct contact for Section 106 consultation):

- Ute Indian Tribe of the Uintah and Ouray Reservation, Utah (Betsy Chapoose, Native American Graves Protection and Repatriation Act Representative)
- Apache Tribe of Oklahoma (Crystal Lightfoot, Tribal Historic Preservation Officer [THPO])
- Eastern Shoshone Tribe of the Wind River Reservation, Wyoming (Lynette Bell, THPO)
- Confederated Tribes of the Goshute Reservation, Nevada and Utah (Rupert Steele, Native American Graves Protection and Repatriation Act Representative)
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (Mr. Michael Blackwolf, THPO)
- Hopi Tribe of Arizona (Stewart Koyiyumptewa, Director of Hopi Cultural Preservation)
- Navajo Nation, Arizona, New Mexico, and Utah (Richard M. Begay, THPO and Department Manager)
- Northwestern Band of the Shoshone Nation, Utah (Patty Timbimboo-Madsen, Cultural Resource Specialist)
- Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes) (Doreen Martineau, Cultural Resource Director)

- Shoshone-Bannock Tribes of the Fort Hall Reservation, Idaho (Ms. Louise Dixey, THPO)
- Skull Valley Band of Goshute Indians (Mr. Leon D. Bear, THPO)
- White Mesa/Ute Mountain Ute Tribe, Utah and Colorado (Mr. Terry Knight, THPO)

Pursuant to 36 CFR 800.2 (c) (5), OEA has identified the following parties that may have an interest in the undertaking to provide information regarding historic properties in the project area and to consult.

- Utah State Institutional Trust Lands Administration (Dave Ure, Director)
- Nine Mile Canyon Coalition (Margie Nash, Board Chair)
- Colorado Plateau Archaeological Alliance (Jerry D. Spangler, Director)
- Southern Utah Wilderness Alliance (Tom Kenworthy, Chair)
- Utah State Historical Society (Don Hartley, Director)
- Preservation Utah (Kirk Huffaker, Executive Director)
- Colorado Preservation, Inc. (Jennifer Orrigo Charles, Executive Director)
- National Trust for Historic Preservation
 - o Betsy Merritt (Deputy General Counsel)
 - o Amy Cole (Regional Attorney/Sr. Program Officer)

We welcome your comments or suggestions regarding consulting parties.

Additional information is available on the Board-sponsored project website at www.UintaBasinRailwayEIS.com. As always, if you would like to discuss in more detail, please contact Joshua Wayland, PhD, OEA's Project Manager for the EIS at (202) 245-0330 or by email at Joshua.Wayland@stb.gov.

We look forward to continuing consultation with you and your office on this project.

Sincerely,



Victoria Rutson
Director
Office of Environmental Analysis