



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT
1325 J STREET
SACRAMENTO CA 95814-2922

EI-26850

December 3, 2019

Regulatory Division (SPK-2019-00308)

Surface Transportation Board
Attn: Ms. Victoria Rutson
9300 Lee Highway
Fairfax, VA 22031
Vicki.Rutson@stb.gov

Dear Ms. Rutson:

We are responding to your October 23, 2019 request for comments on the Uinta Basin Transportation Corridor project draft purpose and need letter. The Surface Transportation Board (STB) project identification number is Docket No. FD 36284, Seven County Infrastructure Coalition. The approximately 80-mile railroad is located along the Uinta Basin between Leland Bench and Kyune, spanning the counties of Carbon, Daggett, Duchesne, Emery, San Juan, Sevier, and Uintah in Utah.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools, marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

As indicated in the draft purpose and need letter, the purpose of the proposed rail line is to *"provide common-carrier rail service connecting the Uinta Basin in northeastern Utah to the interstate common-carrier rail network using a route that would allow the Coalition to attract shippers with a cost-effective rail alternative to trucking."* In regards to the project purpose, we recommend the omission of *"using a route that would allow the coalition to attract shippers with a cost effective rail alternative to trucking."* This statement could potentially be used as a screening criterion to meet the purpose and need or other aspects of practicability for National Environmental Policy Act/ Section 404 Clean Water Act analysis, but not something that is particularly necessary to be put into the purpose statement for the project.

The draft purpose and need letter implies the need for this project is to *"provide customers in the Uinta Basin with multi-modal options for the movement of freight to and from the Uinta Basin; promote a safe and efficient system of freight transportation in and out of the Uinta Basin; further the development of a sound rail transportation*

system with effective competition among differing modes of transportation; and foster sound economic conditions in transportation and effective competition and coordination between differing modes of transportation." However, the need must be factual, explicit, and support the assertion made in the purpose statement. We recommend modifying the letter to clearly identify the need for the project in a manner similar to the way the project purpose was stated in the letter.

Once we are in a position to concur with the STB's purpose and need, we will initiate a review of the range of alternatives for the project. The alternatives considered should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation. Selection of alternatives will be based on the information and data submitted to support the screening criteria, including the extent of waters of the United States impacts associated with each alternative.

Please refer to identification number SPK-2019-00308 in any correspondence concerning this project. If you have any questions, please contact Nicole Fresard at 533 West 2600 South, Suite 150, Bountiful, Utah 84010, by email at Nicole.D.Fresard@usace.army.mil, or telephone at (801) 295-8380 ext. 8321. For more information regarding our program, please visit our website at www.spk.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,



Nicole Fresard
Senior Project Manager
Nevada-Utah Regulatory Section

cc: Mr. Joshua Wayland, Surface Transportation Board, Joshua.Wayland@stb.gov