

Wayland, Joshua

From: Jeff Comstock <jcomstock@moffatcounty.net>
Sent: Tuesday, August 06, 2019 10:37 AM
To: Wayland, Joshua
Subject: Scoping Comments-Moffat
Attachments: Moffat Scoping Comments- Uinta Basin Rail project 8-2019.pdf

Josh,
See attached Moffat County's Scoping Comments for the STB Uinta Railway EIS.
Please contact me with any questions.
Thank you.

Jeff Comstock, Director
Moffat County Natural Resources Dept.
221 W. Victory Way, Suite 130
Craig, Colorado 81625
Phone: (970) 826-3400



VIA EMAIL

August 5, 2019

Joshua Wayland
Environmental Protection Specialist
Surface Transportation Board
Office of Environmental Analysis
C/O 9300 Lee Highway
Fairfax, VA 22031

Re: Uinta Basin Railway Cooperating Agency Request – Docket No. FD 36284

Mr. Wayland,

Moffat County appreciates the ability to provide scoping comments on the Uinta Basin Railway. This letter also follows up on our one-on-one discussions while you were present during the scoping meeting July 16, 2019 in Craig, Co. As Commissioner Beck testified during the public scoping meeting, Moffat County sees several opportunities a railroad through Craig could offer, we also see several issues that need addressing by either the Seven County Coalition or the Surface Transportation Board (STB). After several formal and informal discussions with the Seven County Coalition over the last year, as well as interactions with yourself and other STB staff, Moffat County offers the following scoping comments:

1. Cooperating Agency Status must be Granted to Moffat County:

Moffat County adamantly disagrees with the STB's statements that they will not be inviting local governments to be a Cooperating Agency. Cooperating Agency status for local governments is a most basic principle that must be adhered to. The STB is bound to NEPA and therefore the Council on Environmental Quality's direction to include local governments as a Cooperating Agency. Aside from obeying the law, STB's process will be more lengthy and less informed than it would be, because the STB is missing out on knowledge and information from local governments during the early stages of this EIS. Rather, the STB is choosing to use the formal public hearing process to get its information from local governments, which will add delay and missed information that could have streamlined the EIS through the Cooperating Agency process. Maybe the greatest benefit from the STB granting Moffat County Cooperating Agency status would be utilizing Moffat's local expertise early during planning process, to solve issues before they become unmanageable. In addition, Moffat County has become aware several landowners along the proposed route are becoming more skeptical and distrusting of the project because their elected representatives are being denied Cooperating Agency status. The perception exists, if the STB cannot be inclusive and open with the elected County Commissioners, there is little chance they would be straight forward with individual landowners. Moffat County once again requests the STB invite the Moffat County Commissioners to be a Cooperating Agency in the Uinta Basin Railway project.

2. Colowyo Connection: Moffat County has previously described a substantive error in assumptions with the proposed Craig Route. The project asserts to tie into the Union Pacific line south of Craig, when actually it is not a Union Pacific rail, but rather it is 100% privately owned rail by Colowyo Mine and their parent corporation, Tri-State. As we brought this issue forward, the response we have been given is that Union Pacific has rights to that rail and Union Pacific could conduct something similar to a sublease to the Uinta Basin Rail. Moffat has confirmed that is not possible and Union Pacific cannot in any way grant permission to utilize Colowyo's rail. The Seven County Coalition must begin discussions with Tri-State and Colowyo and resolve the issue of connecting to the Colowyo rail.
3. Operational Feasibility beyond Craig: As the Surface Transportation Board analyzes the geographic constraints in each alternative, as well railway operations, Moffat County requests this analysis be conducted not only on the route from Myton to Craig, but also from Craig to the main rail lines at the I-70 connection. We request this analysis because local experiences suggest grade issues and Positive Train Control issues between Steamboat and rail along I-70 may be the bottleneck that changes feasibility of the Craig Route.
4. Environmental Impacts: Moffat County has repeatedly requested an initial review of the wildlife Conservation Easements which exist along the Craig Route. We have described stipulations recently placed in the NW Colorado Sage Grouse Conservation Plan and described hurdles that would need to be addressed with existing Conservation Easements a federal nexus. Feasibility of crossing these easements with a rail line must be assessed in order to determine impacts to the project from federally funded easements, sage grouse regulations, and big game regulations.
5. Rail Crossings on County Roads / PUC Involvement: As Moffat County was researching the 10 Moffat County Road crossings proposed by the Uinta Basin Rail project, we were informed the Colorado Public Utilities Commission asserts jurisdiction over all safety aspects of rail crossings intersecting public roads, including State Highways and County Roads. We offer that the STB consider reaching out to the Colorado PUC regarding their assertion.
6. Social License to Operate: The single biggest hurdle to overcome will be social acceptance of a new rail, whichever route is selected. We are living in an age where the public expects to be more informed about projects than ever in history. This is the first new railway of this scale in over 60 years, and a social license to operate and public support is demanded today at a level not experienced 60 years ago. We compliment the proactive attitude of the Seven County Coalition in attempting to coordinate with local stakeholders and landowners in advance of the STB Environmental Impact Statement process. However, significantly more coordination must exist throughout this EIS in order to address concerns of those most directly impacted by the proposed rail, landowners. We request the STB add an additional level of public and landowner involvement into the EIS process, rather than relying only on the formal process with landowners and stakeholders specifically.

Respectfully,



Don Cook, Chairman
Moffat County Commissioner