

Wayland, Joshua

From: Sindy Smith <sindysmith@utah.gov>
Sent: Thursday, May 09, 2019 10:04 AM
To: Wayland, Joshua
Subject: Comments: Seven County Infrastructure Coalition 80-Mile Line of Railroad
Attachments: 68723 Uinta Basin RR.pdf

Joshua,

Please find attached preliminary comments on the proposed Uinta Basin project.

Sindy

--

Sindy Smith
RDCC Coordinator
Resource Development Coordinating Committee
Public Lands Policy Coordinating Office

5110 State Office Building
350 North State Street
Salt Lake City, UT 84114
sindysmith@utah.gov
801-537-9193

This e-mail message is for the sole use of the intended recipient(s) and may contain privileged or confidential information. Unauthorized use, distribution, review or disclosure is prohibited.



State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Office of the Governor

PUBLIC LANDS POLICY COORDINATING OFFICE

KATHLEEN CLARKE
Director

May 9, 2019

Sent via email: Joshua.Wayland@stb.gov

Joshua Wayland
OEA Project Manager for the EIA
Surface Transportation Board
c/o ICF
9300 Lee Highway
Fairfax, VA 22031

Subject: **Seven County Infrastructure Coalition—Construction & Operation
Exemption—in Utah, Carbon, Duchesne, and Uintah Counties, Utah**
Docket No. FD 36284
RDCC Project No. 68723

Dear Mr. Wayland:

The State of Utah, as a Cooperating Agency, appreciates the opportunity to review and comment on the Seven County Infrastructure Coalition's proposal to build an 80-mile line of railroad to transport commodities and products into and out of the Uinta Basin in northeastern Utah. The State supports the project and the Seven County Infrastructure Coalition's efforts to address the transportation constraints in the Uinta Basin.

The State provides, in collaboration with the Utah Department of Agriculture and Food (UDAF), the Utah Division of Air Quality (DAQ), the Utah Division of Forestry, Fire and State Lands (FFSL), the Utah Division of Oil, Gas and Mining (UDOG), the Utah Division of Wildlife Resources (UDWR), and Utah School and Institutional Trust Lands Administration (SITLA), the following preliminary comments for your consideration.

Utah Department of Agriculture and Food

UDAF supports the proposed railroad lines from the Seven County Infrastructure Coalition as long as proper steps are taken to mitigate and avoid adverse impacts to agriculture within the project area. As the Seven County Infrastructure Coalition and the Office of Environmental Analysis (OEA) develop proposals for the railroad extensions it is vital that OEA and the Coalition consider potential impacts on agriculture.

OEA should take into consideration how the proposed project may impact stocking rates and animal unit months (AUMs) in the 21 allotments within the project area. The project crosses through 19 BLM allotments and two Forest Service allotments and has the potential to negatively impact 26,264 active AUMs due to reduced vegetation along the new rail lines, as well as the proposed 1,000-foot vegetation free buffer. Reduced surface vegetation alters the number of acres available for livestock to graze. Consequently, UDAF requests that this project be designed in a way that the new lines do not reduce stocking rates, AUMs, or livestock's season of use. Livestock permittee operations are reliant on public land AUMs, and any reductions could significantly impact their economic sustainability. Furthermore, allotments in the project area have already seen significant reductions, with over 7,000 suspended AUMs between the allotments in the project area. Livestock grazing is an economically vital industry in Duchesne and Uintah Counties. Agriculture constitutes 7.9 percent of employment between the two counties, sustaining over 2,300 jobs. In addition, livestock production is the largest industry within agriculture, producing \$84.1 million in cash receipts for the region in 2017 alone.¹ Duchesne and Uintah Counties need the steady economic benefits that livestock grazing provides. Currently, the two counties have a collective median household income of \$58,962, which is \$9,400 less than the statewide average.² Thus, any AUM reductions from this project should be avoided, and if they prove unavoidable livestock producers should be permitted increased AUMs in other allotments to offset any losses and mitigate any negative economic impacts to local economies.

UDAF also requests that the OEA consider any adverse impacts that this project may have on agricultural infrastructure in the project area, namely water sources, fencing, and transportation/trailing routes. According to the proposed maps, the new rail lines cut 11 allotments almost in half. Steps should be taken to find alternative satisfactory water sources or alter the project to avoid impacts to existing water lines, troughs, or other sources of water. Proper livestock grazing requires adequate water infrastructure to ensure that sensitive

¹ Headwaters Economics. 2019. Economic Profile System: Agriculture. Available online: <https://headwaterseconomics.org/tools/economic-profile-system/#agriculture-report-section>

² Utah Department of Workforce Services. 2019. Income: Median Household Income. Available online: <https://jobs.utah.gov/wi/data/library/wages/income.html>

riparian areas are not adversely impacted.³ In addition, distance from water is an essential factor in livestock grazing distribution⁴ and impacts wildlife as well.⁵ Furthermore, OEA should consider how new rail lines may impact future water development in these 21 allotments if new sources prove necessary. If water lines cannot run under railways, the project should be designed to ensure adequate water sources now and in the future for livestock and wildlife. Additionally, OEA should consider similar issues pertaining to fencing and livestock transportation/trailing routes. If the new rail lines impact existing fencing or trailing routes the project should be designed to avoid or mitigate those impacts. In regard to new fencing, OEA should ensure the proposed rail lines have adequate well-maintained fencing to reduce the risk of collision between trains and livestock. The project design should also include an adequate number of livestock crossing points located in areas where livestock were traditionally, or are currently, moved from one pasture or allotment to the next to reduce any new logistical issues for permittees.

The spread of noxious and invasive weeds is an additional factor that UDAF requests OEA consider in the proposed project. Rail lines have had significant issues with invasive and noxious weeds in their rights of way throughout the western United States.⁶ Invasive and noxious weeds directly impact the health of rangeland forage for livestock and wildlife, subsequently causing a negative impact on the economic and social benefits provided by rangelands.⁷ Consequently, UDAF requests that the project include prescriptions for avoiding the establishment of invasive weeds, as well as responses if invasive or noxious weeds are found in the railroad's right-of-way. UDAF suggests that the project design take into consideration the policies and strategies outlined in *Utah's Strategic Plan for Managing Noxious and Invasive Weeds* when designing avoidance and response strategies for noxious and invasive weeds.

UDAF requests OEA consider in its project design the impacts that the project's construction timeframes may have on agriculture. Between the 21 allotments in the project area, livestock are present almost year-round. There are six grazing allotments that are active during the summer months (May – October) while an additional fifteen allotments are actively used by livestock during the winter months (October – May). Construction dates and timeframes need to take into consideration when livestock will be present in each different

³ Ganskopp, D. 2001. Manipulating Cattle Distribution with Salt and Water in Large Arid-Land Pastures: A GPS/GIS Assessment. *Applied Animal Behaviour Science* 73:251-262.

⁴ Holecheck, J. L. 1988. An Approach for Setting the Stocking Rate. *Rangelands* 10 (1): 10-14.

⁵ Boroski, B. and Mossman, A. S. 1996. Distribution of Mule Deer in Relation to Water Sources in Northern California. *Journal of Wildlife Management* 60 (4): 770-776.

⁶ Hall, V. L. n.d. *Industrial Weed Control of Railroads, Irrigation Districts, and Industrial Plants*. University of California.

⁷ Duncan, C. A., Jachetta, J., Brown, M. L., Carrithers, V., Clark, J. K., DiTomaso, J., Lym, R. G., McDaniel, K., Renz, M., Rice, P. M. 2004. Assessing the Economic, Environmental, and Societal Losses from Invasive Plants on Rangelands and Wildlands. *Weed Technology* 18: 1411-1416.

allotment and schedule construction to avoid negatively impacting permittees' ability to operate as usual. Construction during an active grazing period could potentially increase management costs for permittees and should be avoided. If construction needs to occur while an allotment is actively being grazed, the Coalition or railroad company need to provide resources or personnel to mitigate any increased costs in management for the permittee.

UDAF appreciates looks forward to continually working with all affected parties in this project to ensure that responsible grazing continues alongside other multiple uses on public lands within the state of Utah.

Division of Air Quality

DAQ cannot provide a regulatory determination as to any permitting requirements at this time. In general, EPA sets the standards for emissions from locomotives and locomotive engines. In terms of construction activities there are general requirements associated with fugitive dust controls found in R307-205-5 Utah Air Quality Rules. Please continue to coordinate and communicate with DAQ as more detailed planning and documentation is available and DAQ will endeavor to be timely as possible in providing regulatory guidance to the project.

Division of Forestry, Fire and State Lands

FFSL Sovereign Lands program staff met with the project proponents and informed them that the Craig Route alternative would require permitting through FFSL.

Division of Oil, Gas and Mining

UDOGM does not anticipate any environmental impacts and does not anticipate any permitting or approval will be needed in the proponent's proposed project.

UDOGM has been tasked by the Utah Legislature to foster, encourage, and promote the development, production, and utilization of natural resources (namely oil, gas, coal, and minerals) in the State of Utah in a manner that will prevent waste and protect the environment. As a result of these duties, the UDOGM evaluates the prices of natural resources and factors in transportation costs. The proposed project will have a potential positive affect on transportation costs of oil and gas out of the Uinta Basin as all products are transported by truck.

Division of Wildlife Resources

UDWR provides the following general information for the purpose of identifying wildlife concerns during the scoping period for this project. As the project progresses, UDWR will work with the project proponent to help find ways to avoid, minimize, and mitigate any impacts to wildlife.

Greater sage-grouse

The western terminus of the proposed railroad occurs within the Carbon Sage-grouse Management Area (SGMA). This SGMA provides greater sage-grouse with areas to find mates, breed, rear their young and survive the winter. This SGMA and the habitat within it is considered highly important, because it helps sustain greater sage-grouse populations in keeping with the principles and goals of Utah's Conservation Plan for Greater Sage-grouse (2019).

Big game

The alignments are located within several areas of crucial big game habitat. The crucial habitat areas are used by mule deer, elk, and pronghorn for calving and fawning as well as wintering. Migration corridors between summer and winter ranges also could be impacted by the alignment.

Raptors

Significant portions of the alignments lie in close proximity to nesting sites of various raptor species. Minimizing disturbance to nesting sites is critical to the nesting success and continued use by raptor species.

UDWR appreciates this early opportunity to help the environmental consultants identify the major wildlife issues relating to this proposed railway corridor. As environmental review and analysis proceed, UDWR will anticipate being contacted by various consulting firms so that we can ensure they have the best data to support a more detailed analysis of mitigation options.

School Institutional Trust Lands Administration

SITLA respectfully submits these comments in response to a letter from the Surface Transportation Board ("STB") dated April 10, 2019, notifying SITLA that the STB intends to begin the process of preparing an Environmental Impact Statement for the proposed Uinta

Basin Railway project. STB has requested preliminary information regarding the resources under SITLA's jurisdiction that could be affected by the proposed project and any permits or approvals that may be required by SITLA for the project.

SITLA is an independent state agency that manages lands granted in trust to the State of Utah by the United States for the financial support of enumerated beneficiaries, primarily Utah's K-12 public education system. The State of Utah accepted this grant in its state constitution, and administers the grant through the statutory authority provided in the Utah Trust Lands Management Act, Utah Code Ann. § 53C-1-101 et. seq. Revenue from SITLA lands is deposited in a permanent endowment fund, which in turn distributes an annual dividend to every K-12 public and charter school in Utah.

SITLA manages approximately 3.4 million acres of trust lands, together with an additional million acres of severed mineral estate. SITLA has significant land holdings in Carbon, Duchesne, and Uintah Counties where the proposed project is located. A large portion of our annual revenues are generated from oil & gas leases on trust lands in the Uinta Basin. Although rich in oil & gas resources, the Uinta Basin has long been plagued with difficulties in transporting these resources to market. Improving the transportation situation

out of the Uinta Basin through projects such as the Uinta Basin Railway would result in expanded marketability for these resources and increased revenues to our trust beneficiaries.

SITLA generates revenue for its trust beneficiaries through a variety of methods including oil, gas, and mining leases, surface leases for grazing, forestry, renewable energy, telecommunications, commercial development, industrial uses, and governmental facilities, real estate development, and land sales. As the planning for this project progresses, SITLA will need to carefully evaluate the proposal's impact on both current uses of trust lands and future revenue-generating opportunities. SITLA would like to work collaboratively with the applicant as routes are refined to assure that any SITLA resources are not negatively impacted.

Compliance with applicable laws governing cultural (archaeological) resources is required for all projects conducted on trust lands. Cultural resource compliance should be coordinated with SITLA's archaeological staff.

The applicant will need to enter into an agreement with SITLA in order to construct the route and any appurtenant facilities on trust lands. SITLA encourages the applicant to work with SITLA early in the planning process to assure that potential conflicts are avoided and sufficient time is available for application processing. Temporary right-of-entry permits may also be required for certain site investigation activities.

Surface Transportation Board

Seven County Infrastructure Coalition—Construction & Operation Exemption—in Utah, Carbon, Duchesne, and Uintah Counties, Utah

May 9, 2019

Page 7

SITLA is supportive of efforts to bring rail transportation infrastructure into the Uinta Basin and appreciates the ongoing efforts to get this project moving forward. We understand that considerable resources and funds have been committed by the Community Impact Board to the Seven County Infrastructure Coalition to conduct viability research. SITLA is excited with the progress that has been made on this project, which has been talked about for years, but has never come to fruition.

Projects such as the Uinta Basin Railway will open up expanded market opportunities for the area's natural resources, which directly benefits our trust beneficiaries. SITLA appreciates the opportunity to offer these preliminary comments and looks forward to be involved in the planning process as it moves forward.

Again, thank you for the opportunity to review and offer support for the Seven County Infrastructure Coalition's proposal for the 80-mile line of railroad in the Uinta Basin. The State appreciates the leadership of the Surface Transportation Board and looks forward to participating as a Cooperating Agency in an effort to move this important project forward. Please direct any other written questions regarding this correspondence to the Public Lands Policy Coordinating Office at the address below, or call the phone number listed.

Sincerely,

A handwritten signature in dark ink, appearing to read 'K. Clarke', with a long, sweeping horizontal line extending to the right.

Kathleen Clarke
Director