

UINTAH COUNTY EI - 20521



STATE OF UTAH
Our past is the nation's future

COMMISSIONERS:

Michael J. McKee

Darlene R. Burns

Mark D. Raymond

ASSESSOR - Rolenne Rasmussen

ATTORNEY - JoAnn B. Stringham

CLERK-AUDITOR - Michael W. Wilkins

RECORDER - Randy J. Simmons

TREASURER - Wendi Long

SHERIFF - Jeff Merrill

SURVEYOR - John Slaugh

August 20, 2014

Victoria Rutson, Esq.
Director, Office of Environmental Analysis
Surface Transportation Board
395 E Street, SW Washington,
DC 20423-0001

Re: STB DOCKET NUMBER FD35856
Uintah County Request for Waiver of Six-Month Pre-
filing Notice

Dear Ms. Rutson,

Pursuant to 49 C.F.R. § 1105.10(c)(2), we are writing to request that the Surface Transportation Board (the Board) waive the six-month pre-filing notice requirement of 49 C.F.R. §1105.1 O(a) for Uintah County (hereinafter "Applicant") in STB Docket Number FD35856. Applicant intends to petition the Board for an exemption under 49 U.S.C. §1091 to permit it to construct and operate an approximately 120 miles of new common carrier railroad trackage (the Line). Applicant submits that a waiver of the 6 months advance notice requirement is consistent with the regulations of the Office of Environmental Analysis (OEA) and the Board's policies. Specifically, 49 C.F.R. § 1105.10(c)(2) requires this request for waiver to include currently known information regarding environmental impacts, timing, and reasons for why the six months are not appropriate; each are addressed below. Applicant also desires to inform the Board of its intentions to have future applications and correspondence be amended to have the Seven County Coalition, a duly formed interlocal entity under the laws of the State of Utah, proceed as the applicant of this rail project as soon as the Utah Lieutenant Governor's Office issues a Certificate of Creation to the interlocal entity. This is anticipated to occur within the next 4-6 weeks. Until then, Uintah County will serve as the applicant.

Additionally, 49 CFR §1105.10(c)(2) requires the applicant to also describe as completely as possible the timing of the proposed action. As stated above, the State of Utah, in cooperation with the applicant, has already completed a feasibility study and initial environmental studies. Further, the applicant and the State of Utah are working through the Environmental Impact Statement process and it is anticipated that the Record of Decision will come out late 2016 or early 2017.

Finally, 49 CFR §1105.10(c)(2) requires the applicant to show that "all or part of the six month lead period is not appropriate." As a governmental entity duly formed under the laws of the State of Utah, the applicant has, as stated above, already initiated preliminary studies, participated in a feasibility study, completed initial environmental reviews, and begun the EIS process. These initial actions have already occurred and form the basis for the prefilng notice. Therefore, it is not necessary to wait for any portion of the six month period to continue with the process already in place to move along the application process and environment studies.

It is anticipated that the applicant will also be seeking approval of the appointment of a third-party consultant to assist the Board in preparing the environmental documentation associated with this project. This work would be conducted on behalf of the Board pursuant to 49 C.F.R. § 1105.10(d) and the Board's standard requirements for disclosure by a third party consultant.

Please let me know if you have any questions. We greatly appreciate your assistance.

Sincerely,



Mike McKee, Chairman
Uintah County Commission

Regarding known environmental impacts, the applicant seeks to construct a new rail line to transport goods in and out of the Uinta Basin. The Applicant, in coordination with the State of Utah, is currently in the process of evaluating the potential to construct a new rail line connecting Utah's Uinta Basin to the national common-carrier railroad network. The Uinta Basin lies in the northeast corner of Utah and is located almost entirely in Duchesne and Uintah Counties. The Basin is mostly rural and has an estimated population of just under 60,000, which is mostly in and around the communities of Duchesne, Roosevelt and Vernal. These three communities are connected by the east-west, two-lane U.S. Highway 40 (U.S. 40).

The Uinta Basin—known since pioneer times as the Isolated Empire—contains extensive deposits of economically valuable minerals, including large deposits of soda ash and phosphate. Also found within this region are substantial deposits of crude oil, natural gas, oil shale, oil sands, gilsonite, natural asphalt, limestone, bentonite, heavy clay, aggregate materials, bauxite, and low-sulfur coal. Agriculture is also an important part of the Uinta Basin's economy and includes cattle, alfalfa, corn, potatoes, and other field and orchard crops.

At present, the Uinta Basin is isolated from the national rail network. The existing transportation infrastructure consists of two-lane rural highways connecting the basin to the national highway network, natural gas and crude oil pipelines, and a phosphate ore slurry pipeline. The principal truck route connecting the Uinta Basin to the rest of the country is U.S. 40, a two-lane rural highway that provides access to Salt Lake City to the west and rural northwestern Colorado to the east. In addition, U.S. Highway 191 (U.S. 191), a rural two-lane highway, traverses the Basin from north to south.

The applicant intends to reduce shipping costs for and expand the market reach of commodities transported to and from residents and businesses in the Uinta Basin by constructing a new rail line that connects the economic and potential shipping centers of the Uinta Basin with the national common-carrier railroad network. This railroad connection would provide (1) a less expensive, safer, and more reliable freight transportation alternative to trucks and (2) flexibility of routing, capacity, and ability to transport all commodities produced within the Basin that are not technically or economically feasible by pipeline. This rail line, which is referred to in this Environmental Impact Statement (EIS) as the Uinta Basin Railroad (UBRR), is intended to provide the residents and businesses within the Uinta Basin with the capacity, cost-effectiveness, and market reach that will enable the shipment of the commodities presently or anticipated in the future to be consumed in or produced in the Uinta Basin at a reduced transportation cost compared to truck shipments and with greater market reach and flexibility than pipeline shipments.